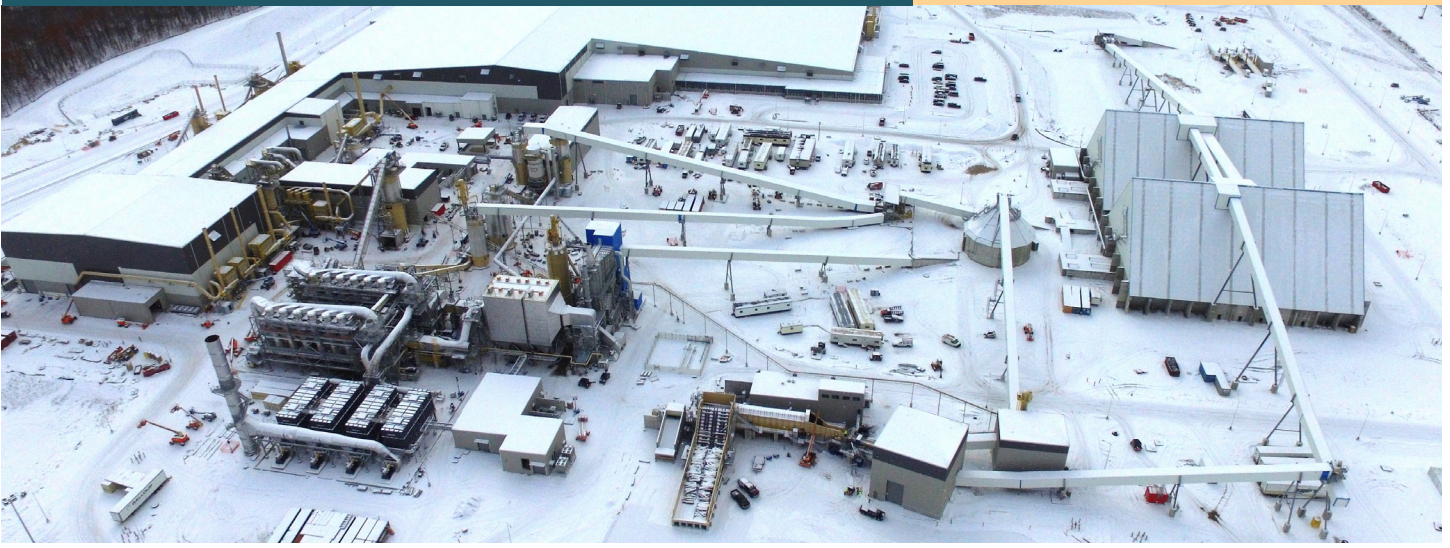


ZONING ORDINANCE



GRAYLING CHARTER TOWNSHIP

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Grayling Charter Township ZONING ORDINANCE

Grayling Township
Crawford County
Michigan

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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 Plot Plans & Site Plan Review
6 Special Land Uses	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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Preamble

This Ordinance is enacted to repeal Ordinance #2010-02 and to adopt a new Zoning Ordinance, which incorporates regulations governing the unincorporated portions of Grayling Charter Township, Crawford County, Michigan. This Ordinance is further enacted to promote the public health, safety and general welfare; to encourage and regulate the use of land and location of buildings and structures for residences, trade, industry or other purposes; to regulate dimensions and uses of lots and other spaces; to provide for the powers and duties of a Zoning Board of Appeals and a Planning Commission; to provide for the administration, enforcement, penalties for violation and amendment to this Ordinance.

No intent or written portion of this ordinance is meant to limit, but to ensure, individual property rights guaranteed under the Constitution of the United States, or the State of Michigan, and no portion of this Ordinance is intended to indicate the legal “taking” of property.

It is the intent of Grayling Charter Township that this Zoning Ordinance remain a “living and changing document,” which will continue to reflect the current needs and trends of the residents within its coverage. Toward that end, it is the policy of Grayling Charter Township to maintain an ongoing project of revision, with full revisions every three-to-five years.

Be it ordained by the Grayling Charter Township Board of Trustees, County of Crawford, State of Michigan, as follows:

Section 1.0 Title

This Ordinance shall be known and may be cited as the “The Grayling Charter Township Zoning Ordinance,” and may be referred to herein as “this Ordinance”.

Section 1.1 Purpose

- A. The purpose of this Ordinance is to promote the public health, safety, and general welfare.
- B. To encourage the use of lands in accordance with their character and adaptability and to limit the improper use of land.

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- C. To conserve natural resources and energy.
- D. To meet the needs of the state’s residents for food, fiber, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land.
- E. To insure that uses of the land shall be situated in appropriate locations and relationships.
- F. To avoid the overcrowding of population.
- G. To provide adequate light and air.
- H. To lessen congestion on the public roads and streets.
- I. To reduce hazards to life and property.
- J. To facilitate adequate provisions for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation, and other public requirements.
- K. To conserve the expenditure of funds for public improvements and services to conform to the most advantageous uses of land, resources and properties.
- L. The Ordinance shall be made with reasonable consideration, among other things to the character of each district; its peculiar suitability for particular uses; the conservation of property values and natural resources; and the general and appropriate trend and character of land, building, and population development.
- M. To implement the recommendations of the Grayling Township Master Plan.

Section 1.2 Authority

This Ordinance is ordained and enacted into law pursuant to the provisions of and in accordance with [2006 PA 110, as amended \(Michigan Zoning Enabling Act\)](#).

Section 1.3 Repeal of Prior Ordinance

The Grayling Township Zoning Ordinance (Ordinance #2010-02) previously adopted by the Grayling Township Board and all amendments thereto, are hereby repealed. The repeal of the above ordinance and its amendments does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired, or liability, penalty, forfeiture, or punishment incurred prior to the time enforced, prosecuted, or inflicted.

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Article 2

Definitions

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2.0 Rules Applying to Text

For the purposes of this Ordinance, certain terms are defined to clarify the intent of the provisions of this Ordinance. The following rules shall apply, except, when clearly indicated otherwise.

- A. The particular shall control the general, unless otherwise specified.
- B. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- C. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- D. Words used in the present tense shall include the future, and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- E. The word “building” includes any part thereof, including attached appurtenances, except attached utility devices, air conditioning units, television and radio antennas, wind turbines or towers, and solar devices shall not be included in the definition of “building.”
- F. The word “person” includes not only an individual, but a firm, corporation, association, an incorporated association, partnership, limited liability company or any other legal entity.
- G. The words “used” or “occupied,” as applied to any land or building, shall be construed to include the words “intended”, “arranged”, “designed to be used”, or occupied”.
- H. Any word or term not defined herein shall be used with a meaning of common or standard utilization.

- I. The term “adjoining lots and parcels” is intended to include lots and parcels separated by highways, roads, streets or rivers.
- J. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either . . . or," the conjunction shall be interpreted as follows.
 - 1. "And" indicates that all the connected items, conditions, provisions or events shall apply.
 - 2. "Or" indicates that the connected items, conditions, 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.
- K. “Township” shall refer specifically to Grayling Charter Township.

Section 2.1 Definitions

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

A

ABUTTING: Having property or district line in common.

ACCESS: A way of approaching or entering a property. For purposes of this Ordinance, all lots of record shall have access to a public street or highway or to a private street meeting public standards.

ACCESSORY BUILDING OR STRUCTURE: A subordinate structure devoted to an accessory use and located on the same premises with a main structure. An accessory structure attached to a main structure shall be considered part of the main structure for the purpose of determining yard setbacks. Fences and walls are not considered accessory structures.

ACCESSORY DWELLING UNIT: A dwelling unit that is secondary to the primary dwelling unit located on the property. Also known as guest houses, garage apartments, mother-in-law suites, granny flats, etc.

ACCESSORY USE: A use subordinate to the principal use on a lot and used for purposes customarily incidental to those of the principal use.

ADJACENT PROPERTY: All lands which adjoin 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 governmental or non-governmental establishment that provides foster care to adults. It includes facilities and foster care homes for adults

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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.

A. An adult foster care facility does not include the following:

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 **1973 PA 116**, MCL 722.111 to 722.128, if the number of residents who become 18 years of age while residing in the institution, camp, or home does not exceed the following:
 - a. Two, if the total number of residents is 10 or fewer.
 - b. Three, if the total number of residents is not less than 11 and not more than 14.
 - c. Four, if the total number of residents is not less than 15 and not more than 20.
 - d. Five, if the total number of residents is 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 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**, 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

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

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1. **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.
2. **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.
3. **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.
4. **ADULT FOSTER CARE CONGREGATE FACILITY:** An adult foster care large group home with the approved capacity to receive more than twenty (20) adults to be provided with foster care.
5. **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 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.
6. **ADULT COMMERCIAL DAY CARE FACILITY – LARGE GROUP:** A facility receiving more than twelve (12) 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.
7. **ADULT COMMERCIAL DAY CARE FACILITY – SMALL GROUP:** A facility in which care or supervision is provided for at least seven (7) but not more than twelve (12) or adults for care of periods of less than twenty-four (24) hours in a day. Care for persons related by blood, marriage, or adoption to a member of the family occupying the dwelling is excluded from this definition.

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.

AGRICULTURE: See [FARM](#).

AGRICULTURAL TOURISM BUSINESS: Farms which engage in agriculturally-related tourism operations including but not limited to:

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- A. Bakeries selling goods grown primarily on-site
- B. Educational tours, classes, lectures, and seminars
- C. Family-oriented animated barns (haunted houses)
- D. Gift shops for agriculturally-related products, crafts
- E. Historical agricultural exhibits
- F. Organized meeting space (weddings, birthdays, corporate picnics)
- G. Petting farms, animal display, and pony rides
- H. Picnic areas (including rest rooms)
- I. Playgrounds, wagon/sleigh rides, 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)

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

ALTERATION: Any change, addition or modification to a structure or type of occupancy or use of structure or land, or any change in the structural members of a building, such as walls or partitions, columns, beams or girders.

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

APARTMENT: A room or suite of rooms, including bath and culinary accommodations, intended or designed for use as a residence by a single family.

APPURTENANCE: An ornamental, structural or mechanical element that is attached to and subordinate to a building or structure, but not including fences.

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: Connected to a main building in a substantial manner by walls and/or a roof.

AUTOMOBILE REPAIR: Any major activity involving the general repair, rebuilding, or reconditioning of motor vehicles or engines; collision repair, such as body, frame, or fender straightening and repair; overall painting and vehicle rust-proofing; refinishing or steam cleaning.

AVERAGE: For the purpose of this Ordinance, the term, "average" shall be an arithmetic mean.

B

BALCONY: A platform having at least one (1) side open that may be covered by either a roof or another balcony, shall have no direct access to the ground, is cantilevered and not supported by

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columns on ground level.

BASEMENT: That portion of the building, which is partly underground and which has more than fifty percent (50%) of its floor to ceiling area below grade.

BED AND BREAKFAST FACILITY or TOURIST HOME: Any family-occupied dwelling used or designed in such a manner that certain rooms in excess of those used by the family are rented to the transient public for compensation. For the purpose of this Ordinance, a bed and breakfast or tourist facility is a residential use allowable through special use permit.

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:

- 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 section 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 60 degrees Fahrenheit which contains 50 percent by volume of ethyl alcohol having a specific gravity of 0.7939 at 60 degrees Fahrenheit referred to water at 60 degrees Fahrenheit as unity, or the alcoholic equivalent thereof.

BOARDING HOUSE: See [ROOMING HOUSE-BOARDING HOUSE](#).

BUFFERYARD: A strip of land of definite width and location reserved for the planting of shrubs, flowers and/or trees to serve as an obscuring screen between zoning districts in carrying out the requirements of this Ordinance.

BUILDABLE AREA: The space remaining after the minimum setbacks, wetland determinations and open space requirements of this Ordinance have been complied with.

BUILDING: A structure, either temporary or permanent, having a roof supported by columns or walls and intended to be used for sheltering people, animals, property or business activity.

BUILDING HEIGHT OF: The elevation measured from the average finished lot grade at the front of the building elevation to the highest point of the roof, excluding chimneys, steeples or similar appurtenances.

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

BUILDING OFFICIAL: The administrator of the building, housing, plumbing, electrical or other codes that have been adopted or may be adopted in the future by the Township or County.

BUILDING(S), MAIN OR PRINCIPAL: Any building(s) on a lot or site, which contain one or more principal or main uses.

BUILDING SITE: A lot or a two-dimensional condominium unit of land (i.e. envelope, footprint) with or without limited common element designed for construction of a principal structure or a series of principal structures plus accessory buildings. All building sites shall have access to public or private roads.

C

CABIN: A detached building which is used for seasonal occupancy as a dwelling or sleeping quarters for transients or tourists for a fee.

CABIN COURT: Two (2) or more cabins used for seasonal occupancy as dwellings or sleeping quarters for transients or tourists for a fee.

CAMPGROUND: Any parcel or tract of land, under the control of any person wherein sites are offered for the use of the public or members of an organization, either free of charge or for a fee for the establishment of temporary living quarters for recreational units.

CARE FACILITY, CONVALESCENT OR NURSING HOME: A facility with sleeping accommodations where persons are housed twenty four (24) hours a day and furnished with meals, nursing and medical care.

CERTIFICATE OF ZONING COMPLIANCE (ZONING PERMIT): A standard form issued by the Zoning Administrator upon application and declaration by the owner or his duly authorized agent regarding proposed construction and use of land and buildings and structures thereon granting approval for the construction or use applied for.

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 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.
- 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 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 4 but less than 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: See [RELIGIOUS INSTITUTION](#).

CLINIC: A building or group of buildings where human or animal patients are admitted for medical examination and treatment by more than one (1) professional, such as a physician, dentist or the like, and patients are not lodged overnight.

CLUB: An organization catering exclusively to members and their guests on premises and buildings for recreational, artistic, political or social purposes, which are not conducted primarily for financial gain and which do not provide merchandise, vending or commercial activities, except as required incidentally for the membership and purpose of such club.

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CLUSTER DEVELOPMENT: A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

COLLEGE: A place of higher learning providing facilities for teaching and research of a general, technical, or religious nature, either public or private, and which is operated on a nonprofit basis.

COMMERCIAL USE: The use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise, or personal services, and the maintenance or operation of offices.

COMMON ELEMENTS: Portions of a condominium project other than the condominium units.

CONDOMINIUM UNIT: That portion of a condominium project designed and intended for separate ownership consistent with the provisions of the master deed, regardless of whether it is intended for residential, office, industrial, recreational or other type of use.

COUNTY: Crawford County, Michigan.

D

DECK: A structure used for outdoor living purposes that may or may not be attached to a building and which protrudes above ground level.

DENSITY: The number of dwelling units on, or to be developed upon, a net acre of land.

DISTRICTS: A geographic portion of the Township within which certain regulations and requirements or various combinations thereof apply uniformly under the provisions of this Ordinance. "Districts" as used herein is synonymous with the word "Zones" or "Zoning Districts".

DRIVE-THROUGH: An establishment so developed that some portion of its retail or service character is dependent upon providing a driveway approach and staging area specifically designed for motor vehicles so as to serve patrons while in their motor vehicles, rather than within a building or structure, for carry out and consumption or use after the vehicle is removed from the premises.

DRIVEWAY: A means of access for vehicles from a street, approved alley, across a lot or parcel to a parking or loading area, garage, dwelling or other structure or area on the same lot.

DWELLING: A building, or portion thereof, which is designed or used primarily for residential purposes.

DWELLING, MANUFACTURED: A factory-built, single-family structure that is transportable in one (1) or more sections, is built on a permanent chassis, is designed to be used as a dwelling with or without a permanent foundation, is designed to be used as a dwelling when connected

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to the required utilities, and includes the plumbing, heating, and electrical systems in the structure, but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site and which does not have wheels or axles permanently attached to its body or frame. A manufactured home is constructed according to the **National Mobile Home Construction and Safety Standards Act of 1974**, as amended. The manufactured home shall meet the minimum floor area requirements of this Zoning Ordinance and installed in accordance with all of the other requirements of this Ordinance specified for dwellings when located outside of a licensed Manufactured Housing Development. May also be referred to as “Mobile Home”.

DWELLING, MULTIPLE-FAMILY: A dwelling or group of dwellings on one (1) lot or parcel containing separate living units for three (3) or more families in one (1) structure, but not including automobile courts, motels or hotels.

DWELLING, MULTI-USE: A dwelling which shares residential and commercial uses within one divided building. Multi-use dwellings are limited to residential within a commercial (C-1) as in a home above or attached to a small business or a multi-family apartment above a business.

DWELLINGS, SINGLE- OR ONE-FAMILY: A detached building designed for or occupied primarily by one (1) family.

A. **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 wall with any other dwelling is a detached single family dwelling.

B. **DWELLING, SINGLE-FAMILY ATTACHED:** A dwelling designed for occupancy by one (1) family in a row of at least (3) three 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 or more vertical common fire-resistant walls (also known as a townhouse or rowhouse).

DWELLING, TWO-FAMILY OR DUPLEX: A detached building designed exclusively for occupancy by two (2) families living independently of each other.

DWELLING UNIT: A building or portion thereof, designed for permanent residential occupancy by one (1) family. In the case of buildings that are occupied in part, the portion occupied shall be considered a dwelling unit, provided it is in conformance with the criteria for dwellings. In no case shall a travel trailer, truck, bus, motor home, tent or other such portable structures be considered a dwelling unit.

E

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

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ESSENTIAL SERVICES: The erection, construction, alteration or maintenance by public utilities, municipal departments or other governmental agencies of underground or overhead gas, electrical communication, steam or water transmission or distribution systems, or collection, supply or disposal systems; including poles, wires, main drains, sewer pipes, cables, towers, fire alarm boxes, poles or other call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith reasonably necessary for furnishing adequate service by such utilities or agencies, or for the public health or safety or general welfare; but not including offices and buildings or yards used for bulk storage, fabrication or manufacturing of materials used by such utilities or municipal departments or other governmental agencies. Telecommunication towers or facilities, alternative tower structures, and wireless communication antennas are not included within this definition.

EXCAVATING: The removal of soil below the average grade of the surrounding land and/or road grade, excepting household gardening and ground care.

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

F

FAMILY: An individual, or two (2) or more persons occupying the premises and living as a single non-profit housekeeping unit. The usual domestic servants residing in the premises shall be considered as a part of the family. A single housekeeping unit shall be one person or two or more individuals living together sharing household responsibilities and activities which may include, sharing expenses, chores, eating evening meals together and participating in recreational activities and having close social, economic and psychological commitments to each other.

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

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.

FENCING: The enclosure of an area by a structure of lumber, masonry, wire or other material designed and marketed for constructing such an enclosure.

FLOOD AREA: That area subject to inundation by a river and/or stream and its tributaries

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based on a reasonable flood expectancy as determined by flood history.

FLOOR AREA, GROSS: The area of all floors computed by measuring the dimensions of the outside walls of a building. Porches, patios, terraces, breezeways, carports, verandas, garages, unfinished attics, attic floor areas with less than five (5) vertical feet from floor to finished ceiling, and basements except walkout basements, are excluded.

FLOOR AREA, GROUND: For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the square footage of floor space on the ground floor, measured from exterior wall to exterior wall, but exclusive of areas of basements, unfinished attics, attached garages, space for off-street parking, breezeways, enclosed or open porches or decks, elevators, stair bulkheads and accessory structures.

FLOOR AREA, USEABLE: For the purpose of computing parking requirements, square footage of area used for or intended to be used for the display or sale of merchandise or services, or for use to serve patrons, clients, or customers. Floor area which is used for or intended to be used principally for the storage or processing of merchandise, for hallways or for utilities shall be excluded from the computation of Useable Floor Area. Measurement of Useable Floor Area shall be the sum of the horizontal area of all floors of the building measured from the interior faces of the exterior walls.

G

GAS AND OIL PROCESSING FACILITIES: Any facility and/or structure used for, or in connection with, the production, processing or transmitting of natural gas, oil, or allied products or substances, and the injection of same into the ground for storage or disposal, not under the exclusive jurisdiction or control of the Geological Survey Division, **Michigan Department of Environmental Quality** or **Public Service Commission**; not including industrial facilities such as cracking plants, large oil storage facilities and heavy industrial operations and facilities.

GASOLINE SERVICE STATION: A structure or structures and space combined, used solely for servicing motor vehicles with the usual operating commodities such as gasoline, fuel oil, grease, water, batteries, tires and other minor accessories, or services such as washing, waxing and lubricating and in connection with which there is no repair or refinishing of motor vehicles, except that the repair of tires, lights, changing of batteries or engine repairs and adjustments when conducted within an enclosed building shall not be excluded.

GRADE LEVEL: An average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

GUEST HOUSE: An accessory building on the same lot as a main dwelling to be used as temporary lodging for the property owner’s guests and not for commercial purposes, rental or profit. For the purpose of this Ordinance, a guest house is a residential use.

GUEST ROOM: A bedroom in a bed and breakfast facility, intended for sleeping, separable from other rooms by a door, in excess of bedrooms used by the owner/operator, and available for

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rental to the transient public.

H

HAZARDOUS SUBSTANCES: Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental to the health of any person handling or otherwise coming into contact with such materials or substances.

HEAVY INDUSTRY: Manufacturing, fabricating activities or other large scale specialized industrial operations having external effects which will be felt to some degree by surrounding uses.

HOME OCCUPATION: An occupation or profession carried on as a subordinate use by a member of a family residing on the premises and which is clearly incidental and secondary to the use of the parcel of land for residential purposes. A Home Occupation may include the limited inside storage, sales and processing of inventory and/or the seeing of customers or clients.

HOME OFFICE: An accessory use of a portion of a dwelling for the purposes of conducting business of a professional nature by the resident of the dwelling. A Home Office does not include the manufacturing, processing or storage of inventory or the seeing of customers or clients.

HOTEL: A commercial building or part of a commercial building with a common entrance in which the dwelling units or rooming units are accessed from the interior of the building and are used primarily for transient occupancy of thirty (30) days or less, and in which one or more of the following services may be offered: maid service, furnishing of linen, telephone, secretarial or desk service, and bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms or meeting rooms. Boarding houses, bed and breakfast establishments, and apartments are excluded. Hotels that provide transient occupancy for longer than thirty (30) days may be approved as a Special Use.

I

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, gravel drives and parking lots.

IMPROVEMENTS: Buildings, structures, parking areas, landscaping, and similar features which add value to a property and actions associated with a project which are considered necessary by the Township to protect natural resources or the health, safety and welfare of the residents of the Township, and future users or inhabitants of the proposed project or project area.

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J

JUNK: All rubbish, refuse, and debris including, but not limited to, the following: nonputrescible solid waste, ashes, glass, cans, bottles, discarded or abandoned machinery, household appliances, unusable toys, tires, building materials, furniture, industrial wastes, and discarded, inoperative, dismantled or partially dismantled motorized vehicles or parts thereof,. This shall not preclude home or farm composting for on-site use.

JUNK YARD: A place, structure, parcel or use of land where junk, waste, discard, salvage, or similar materials such as old iron, metal, wood, lumber, glass, paper, rags, cloth, leather, rubber, bagging, cordage, barrels, containers, etc., are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto wrecking yards, inoperative machines, used lumber yards, housing wrecking, and structural steel materials and equipment and including establishments for the sale, purchase, or storage or salvaged machinery and the processing of used, discarded, or salvaged materials, for any thirty (30) consecutive days.

K

KENNEL, COMMERCIAL: Any lot or premises on which five (5) or more dogs, cats or other household animals more than six (6) months in age are either temporarily or permanently boarded outside the primary residential structure. Kennel shall include any lot or premises where household pets are bred and sold commercially.

L

LAKES: Any large standing body of water primarily used for recreational and residential use. Shellenbarger Lake, Wakeley Lake, Kneff Lake, Simpson Lake, Barker Lake, Staley Lake, Lake Margrethe, Frog Lakes, Kyle Lake, Duck Lake, Hartwick Lake, Karen Lake, Glory Lake, Bright Lake and Dollar Lake are the lakes in Grayling Township.

LIMITED COMMON ELEMENTS: A portion of the common elements reserved in the condominium master deed for the exclusive use of less than all of the co-owners.

LIVING SPACE: That area within a structure intended, designed, erected or used for human occupancy.

LOADING SPACE: An off-street space on the same lot with a building or group of buildings, for temporary parking for a commercial vehicle while loading or unloading merchandise or materials. Off-street loading space is not to be included as off-street parking space in computation of required off-street parking.

LOT: A parcel of land exclusive of any adjoining street or road right-of-way, which is or may be, occupied by one (1) principal building or group of buildings or use(s) and accessories buildings or uses, including the open spaces required by this Ordinance, but not necessarily conforming to the platted lot lines. The word “lot” shall include parcel and a unit of land within a site condominium which gives the owner exclusive rights to a building envelope of which a building

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is placed and limited rights to the yard area surrounding the building.

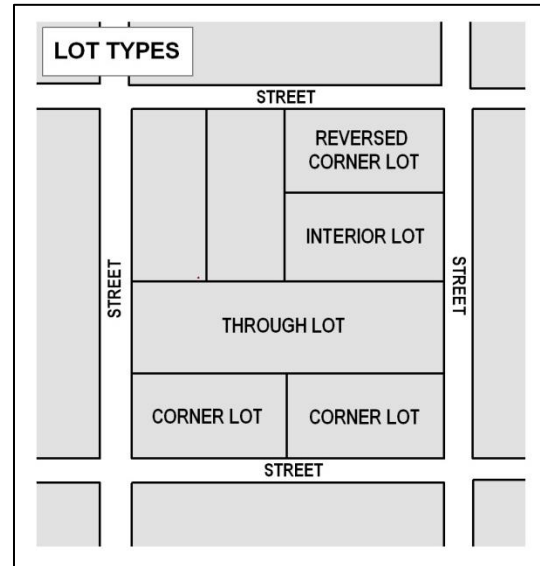
LOT, CORNER: A lot which occupies the interior angle at the intersection of two (2) street lines which make an angle of less than one hundred forty five (145) degrees.

LOT, INTERIOR: A lot other than a corner lot, with only one (1) lot line fronting a street.

LOT, THROUGH: A lot other than a corner lot, having frontage on more than one (1) street. If front lot line is questionable, determination shall be made by ZBA.

LOT AREA: The total horizontal area within the lot lines of the lot, excluding public or private street right of ways and/or easements dedicated for vehicle access.

LOT COVERAGE: The amount of a lot stated in terms of percentage that is covered by all roofed buildings and other structures located thereon. This shall be deemed to include all buildings, porches and decks, arbors, breezeways, patio-roofs and the like, whether open box type and/or lathe roofs or fully roofed, but shall not include fences, walls or hedges used as fences, or swimming pools.



LOT DEPTH: The distance between the front and rear lot lines measured in the main direction of the side lot lines.

LOT LINE: For the purpose of this Ordinance, a lot line is the boundary line between two (2) lots or the line between the properties of two (2) different owners and also the line between the lot and boundary of a street or road right of way.

- A. **LOT LINE, FRONT:** In the case of an interior lot, it is the line separating the lot from the street right-of-way. In the case of a corner lot, the front lot line shall be the boundary line of the lot immediately adjacent to the street right-of-way on that side of the lot that has the narrowest street frontage. In the case of a waterfront lot, the line adjacent to the water shall be the front lot line.
- B. **LOT LINE, REAR:** A lot line which is opposite and most distant from the front lot line and, in the case of an irregularly shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.
- C. **LOT LINE, SIDE:** Any boundary line not a front lot line or a rear lot line.

LOT WIDTH: The distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

LOT OF RECORD: A lot which is part of a subdivision, the map of which has been recorded in

the office of the County Register of Deeds, or a lot described by metes and bounds, the deed to which has been recorded in the office of the County Register of Deeds at the time this Ordinance is passed.

LOT, ZONING: A single tract of land which at the time of filing for a Zoning Permit is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, and is under single ownership and control. A Zoning Lot may or may not coincide with a lot of record as filed with the County Register of Deeds and may include one or more lots of record.

M

MAIN BUILDING: See **BUILDING(S), MAIN.**

MAIN USE: See **PRINCIPAL OR MAIN USE.**

MANUFACTURED HOME: See **DWELLING, MANUFACTURED.**

MANUFACTURED HOME SITE: A plot of ground within a manufactured housing development designed for the accommodation of one (1) manufactured home.

MANUFACTURED HOUSING DEVELOPMENT: A parcel of land that has been planned and improved for the placement of two (2) or more mobile homes for residential dwelling use. Such developments shall be licensed by the **Michigan Department of Health and Human Services.** May also be referred to as a mobile home park.

MANUFACTURED HOUSING SUBDIVISION: A platted subdivision with privately owned lots for individual permanently located mobile or manufactured homes.

MASTER DEED: The condominium document recording the condominium project as approved by the Township to which is 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.**

MEDICAL MARIJUANA DEFINITIONS:

- A. **MEDICAL MARIJUANA:** Marijuana as defined by the **Michigan Medical Marijuana Act** (MCL 333.26421 et seq.) grown, used or transferred for “medical use” as defined by the Act.
- B. **ENCLOSED, LOCKED FACILITY:** That term as defined in Section 3 of **Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act)**, being MCL 333.26423.
- C. **MARIJUANA:** A controlled substance as defined in section 7106 of the **Public Health Code, PA 368 of 1978**, MCL 333.7106.
- D. **MEDICAL MARIJUANA PRIMARY CAREGIVER:** That term defined in Section 3 of **Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act)**, being MCL 333.26423 who is at least 21 years old and who has been registered by **State Department of**

Licensing and Regulatory Affairs or any successor agency to assist with a Qualifying Patients’ use of medical marijuana.

- E. **MEDICAL MARIJUANA PRIMARY CAREGIVER FACILITY:** A building in which the activities of a Primary Caregiver are conducted.
- F. **QUALIFYING PATIENT:** That term defined in Section 3 of **Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act)**, being MCL 333.26423 who has been diagnosed by a physician as having a debilitating medical condition as provided by the Michigan Medical Marijuana Act and who has obtained a duly issued registry identification card from the State Department of Licensing and Regulatory Affairs or any successor agency.

MINI-STORAGE: Mini-storage buildings are groups of buildings that contain varying sizes of individual compartmentalized and controlled access stalls or lockers for a dead storage of customer’s goods or wares.

MIXED OCCUPANCE: See **DWELLING, MULTI-USE.**

MOBILE HOME: See **DWELLING, MANUFACTURED.**

MOBILE HOME PARK: See **MANUFACTURED HOUSING DEVELOPMENT.**

MOTEL: A building or part of a building in which the dwelling units or rooming units are accessed from the exterior of the building and are used primarily for transient occupancy of thirty (30) days or less, and in which one or more of the following services may be offered: maid service, furnishing of linen, telephone, secretarial, or desk service, and bellboy service. A motel may include a restaurant or cocktail lounge and public banquet halls or meeting rooms. The term "motel" shall include motor courts, automobile courts, auto cabins, motor lodges and similar facilities within this definition, but it shall not include tourist cabins, tourist homes, rooming houses, boarding houses, multiple dwellings or hotels. Motels that provide transient occupancy for longer than thirty (30) days may be approved as a Special Use.

MUNICIPAL CIVIL INFRACTION: An act or omission that is prohibited by the Grayling Charter Township Zoning Ordinance or the Grayling Township Municipal Civil Infractions Ordinance, but which is not a crime under this Ordinance or any other County ordinance, and for which civil sanctions, including fines, damages, expenses and costs, may be ordered, as authorized by Chapter 87 of **1961 PA 236**, as amended. A municipal civil infraction is not a lesser offense of a violation of the Grayling Township Zoning Ordinance that is a criminal offense.

N

NONCONFORMING STRUCTURE OR BUILDING: A structure or building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, that does not conform to the applicable setbacks, area, height, size and similar dimensional provisions of the Ordinance.

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NONCONFORMING SIGN: A sign lawfully existing on the effective date of this Zoning Ordinance, which does not comply with one or more of the regulations set forth in this Zoning Ordinance.

NONCONFORMING USE: Any use, whether a building or other structure or a tract of land, which does not conform to the applicable use regulations for the district, either at the effective date of this Ordinance or as a result of a subsequent amendment thereto.

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 across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to. (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) vibration, (i) shockwaves, (j) heat, (k) electronic or atomic radiation, (l) objectionable effluent, (m) noise of congregation of people, particularly at night, (n) passenger traffic, (o) invasion of non-abutting street frontage by traffic, (p) a burned out structure, (q) a condemned structure.

O

OCCUPANCY: Being present in any manner or form, including the meaning of intent, design, or arrangement for the use or inhabitation of.

OFF-STREET PARKING: A facility providing vehicular parking spaces, along with adequate drives and aisles. Adequate maneuvering space shall also be included to allow unrestricted access and egress for an appropriate number of vehicles.

OFFICE: A place where a business, executive, administrative or professional activity is carried on (wherein goods, wares or merchandise are not commercially treated, manufactured, fabricated, displayed, warehoused, exchanged or sold); Provided, however, this definition shall not preclude the interior display of or sale made from samples of merchandise normally associated with certain business services such as but not limited to manufacturer's representatives.

OPEN SPACE: Land not used for any of the following: parking and loading spaces, road right-of-ways, building coverage, sewage disposal areas, water well houses, and related uses. Includes bufferyards.

ORDINANCE: The Grayling Charter Township Zoning Ordinance.

ORDINARY HIGH WATER LINE: Is defined as in Part 301 of the [Natural Resources and Environmental Protection Act, 1994 PA 451](#), to mean the line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the soil and the vegetation.

OUTDOOR STORAGE: A land area occupied and used for open storage of products, building

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materials, sand, gravel, stone, lumber, equipment and other supplies.

OWNER: A person holding any legal, equitable, option or contract interest in land.

P

PARK: Properties and facilities owned or operated by any governmental or private agency, which are open to the general public for recreational purposes.

PARKING SPACE: A defined area exclusive of drives, aisles, or entrances, giving access thereto, and fully accessible for the storage or parking of permitted vehicles.

PERFORMANCE GUARANTEE: A cash deposit, certified check, irrevocable bank letter of credit or a performance or surety bond approved by Grayling Township.

PERMIT, BUILDING: Authorization granted by the building official to erect, alter, enlarge, or relocate a structure.

PERSONS: “Persons” includes not only an individual, but a firm, corporation, association, an incorporated association, partnership, limited liability company or any other legal entity.

PETS, DOMESTIC: Mammals, rodents, birds, and reptiles that are partially or totally dependent on humans; live inside a residence in close proximity with humans; form bonds with humans; and interact with human companion.

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, poisonous, and can be potentially dangerous if they escape. exotic animals could include, but are not limited to, nonhuman primates; venomous cold-blooded reptiles; poisonous animals; constrictor snakes; wild or exotic cats including bobcats, cheetahs, lions, panthers and tigers; non-domesticated carnivores like bears and wolves; sharks; ostriches or emu; poisonous/venomous spiders and insects; elephants; camels; wild animals like skunks, raccoons, and badgers; gamecocks and other fighting birds or fowl, and any animal that is predominately wolf or coyote.

PLANNED UNIT DEVELOPMENT (PUD): 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 Grayling Charter Township Planning Commission.

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.

POLLUTING MATERIALS: Materials which are capable of adversely affecting soil, air or water resources by altering odor, taste, color, or physical or chemical composition to a degree that

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public health or biological communities are threatened. Examples of Polluting Materials include fertilizers and pesticides.

PORCH, ENCLOSED: A covered entrance to a building or structure 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.

PORCH, OPEN: A covered entrance to a building or structure which is unenclosed 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.

PRACTICAL DIFFICULTY: A situation whereby a property owner cannot establish a “minimum practical” legal use of a legal lot or parcel, meeting all of the dimensional standards of the zoning district within which the lot is located. Situations occurring due to the owner’s desire to establish a use greater than the “minimum practical” standard to enhance economic gain greater than associated with the minimum practical standard or created by an owner subsequent to the adoption of the Ordinance is not a Practical Difficulty. The Zoning Board of Appeals is responsible for determining “Practical Difficulty”.

PRINCIPAL BUILDING: See **BUILDING(S), MAIN OR PRINCIPAL**

PRINCIPAL OR MAIN USE: The primary or predominant use of the premises.

PRIVATE DRIVEWAY: A privately owned and maintained property, which is used for vehicular access serving less than three (3) principal buildings, lots or parcels.

PRIVATE ROAD: A way or means of approach, which provides direct access to three (3) or more principal buildings, lots or parcels, and which is constructed and maintained by the proprietors and is not dedicated for general public use.

PUBLIC UTILITY: Any person, firm, corporation, municipal department, or board fully authorized to furnish electricity, gas, steam, sewage disposal, telephone, cable television, transportation or water to the public.

R

RECREATIONAL EQUIPMENT: Watercraft, boat trailers, snowmobiles and snowmobile trailers, horse trailers, dune buggies, tents and other similar equipment.

RECREATIONAL VEHICLE (RV): A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities, or a unit designed to be attached to a vehicle and used for such purposes, including self-propelled motor homes, pickup campers, fifth wheel trailers, travel trailers, and tent trailers; PROVIDED, however, that any such vehicle or unit which is forty (40) feet or more in overall length shall be considered a manufactured home and shall be subject to all regulations of this Ordinance applicable to a manufactured home.

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RECREATIONAL VEHICLE (RV) PARK: Any site, lot, field or tract upon which one (1) or more occupied RV is harbored, either free of charge or for revenue purposes, including any building, structure, tent, vehicle or enclosure used for, or intended for use as part of the equipment of such recreational vehicle park; which site, lot, field or tract shall be licensed and regulated by the Michigan Department of Public Health. May also be referred to as a campground.

RELIGIOUS INSTITUTION: A building wherein people regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such principal purpose.

RESIDENTIAL HUMAN CARE FACILITY: A facility (not within a private residence) providing:

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

RESORT: A parcel of land which may contain cabins and/or rooms with or without kitchen facilities, used primarily for vacation and/or recreational activity, and which may or may not contain a small commercial facility such as sporting goods and/or a restaurant.

RETAIL BUSINESS: A commercial enterprise, which sells commodities or goods in small quantities to the ultimate consumer.

RIGHT-OF-WAY: A street, alley or other roadway or easement permanently established for passage of persons or vehicles.

ROOMING HOUSE-BOARDING HOUSE: A building other than a hotel or motel where, for compensation and by pre-arrangement for definite periods, meals or lodging and meals are provided for three (3) persons or more.

RUN-OFF: Water from rain or melting snow that flows over the surface of the ground and eventually draws into nearby water bodies.

S

SALVAGE YARD: A location where new or used materials, including waste, surplus, discarded or salvaged parts thereof are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, also including house wrecking and structural steel materials and equipment.

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SEASONAL USE 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 distance by which any building or structure must be separated from the lot lines, roadways, or from other buildings or uses. For the purposes of administration of this Ordinance, building setbacks shall be measured from the building eave.

SEXUALLY ORIENTED BUSINESS: Any use of land, whether vacant or combined with structures or vehicles thereon by which said property is devoted to displaying for sale, rent, or lease; or exhibiting for entertainment; a significant portion of items which include matter including “Sexual Paraphernalia,” or actions depicting, describing or presenting “Specified Sexual Activities,” or “Specified Anatomical Areas.”

- A. **ADULT MOTION PICTURE THEATER:** Shall include any enclosed building or structure with a capacity of fifty (50) or more persons used for presenting material which has a significant portion of any motion picture or other display depicting or relating to “Specified Sexual Activities,” or “Specified Anatomical Areas,” for observation by patrons therein.
- B. **ADULT MINI-MOTION PICTURE THEATER:** Shall include any enclosed building or structure with a capacity of less than fifty (50) persons used for presenting material which has a significant portion of any motion picture or other display depicting or relating to “Specified Sexual Activities,” or “Specified Anatomical Areas,” for observation by patrons therein.
- C. **ADULT MOTION PICTURE ARCADE OR ADULT ARCADE:** Shall include any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where a significant portion of images so displayed depict, describe, or relate to “Specified Sexual Activities,” or “Specified Anatomical Areas.”
- D. **ADULT BOOK STORE OR ADULT VIDEO STORE:** Shall include any use or combined use which has a display containing books, magazines, periodicals, slides, pictures, cassettes, computer disks, or other printed or recorded material which has a significant portion of its content, or exhibit matter including “Sexual Paraphernalia,” or actions depicting, describing or relating to “Specified Sexual Activities,” or “Specified Anatomical Areas,” or an establishment with a substantial segment or section devoted to the sale or display of such material.

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

- E. **ADULT CABARET:** Shall include any nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, including but not limited

to “go-go” dancers, exotic dancers, strippers, or similar entertainers, where a significant portion of such performances show, depict, or describe “Specified Sexual Activities,” or “Specified Anatomical Areas.”

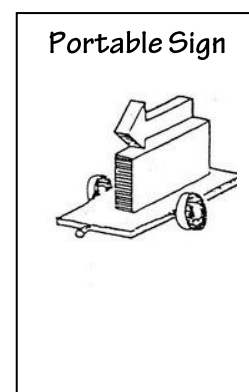
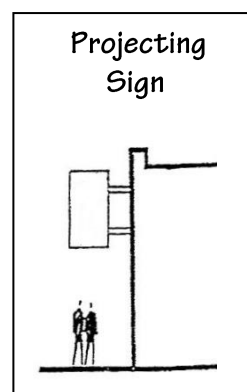
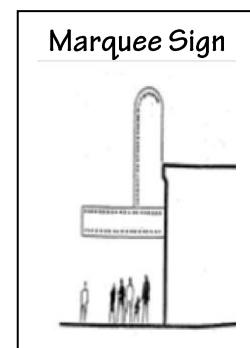
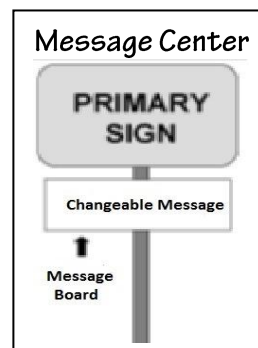
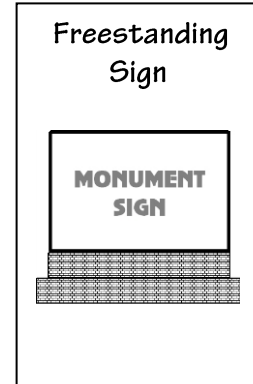
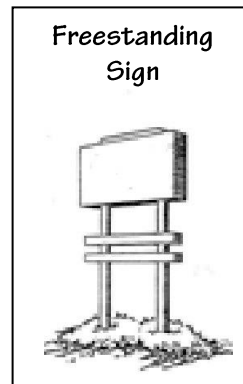
- F. **ADULT MOTEL/HOTEL:** Shall include a motel or hotel wherein matter including “Sexual Paraphernalia,” actions or other displays are presented which contains a significant portion depicting, describing, or relating to “Specified Sexual Activities,” or “Specified Anatomical Areas.”
- G. **ADULT MESSAGE PARLOR:** Shall include any place where for any form of consideration or gratuity, massage, alcohol rub, administration of oils or lotions, electric or magnetic treatment or any other treatment or manipulation of the human body which occurs as part of, or in connection with “Specified Sexual Activities;” or where any person providing such treatment, manipulation or service related thereto exposes “Specified Anatomical Areas.”
- H. **SIGNIFICANT PORTION:** Shall mean and include:
 - 1. Any one (1) or more portions of the display having continuous duration in excess of five (5) minutes; and/or,
 - 2. The aggregate portions of the display having a duration equal to ten (10) percent or more of the display as measured by either number of publicly displayed items and/or ten (10) percent of available public floor space.
- I. **DISPLAY:** Shall mean the presentation of any “Sexual Paraphernalia,” single motion or still picture, dance or exhibition, live act, or collection of visual materials such as books, films, slides, periodicals, pictures, computer generated images, video cassettes, computer disks or any other printed or recorded matter which is open to view or available to the general adult population whether free or otherwise.
- J. **SEXUAL PARAPHERNALIA:** Shall include any item, instrument, or device for sale, rent or lease, which has as its principle use the sexual stimulation of human genitals, breasts, or buttocks for “Specified Sexual Activity.”
- K. **SPECIFIED SEXUAL ACTIVITY:** Shall mean:
 - 1. Human genitals in a state of sexual stimulation or arousal,
 - 2. Acts of human masturbation, sexual intercourse, sodomy, fellatio, cunnilingus, or intrusion, however slight, of any part of a person’s body, or of any foreign object, into the genital or anal openings of another’s body.
 - 3. Fondling or erotic touching of human genitals, pubic regions, buttocks, or female breasts.
- L. **SPECIFIED ANATOMICAL AREAS:** Shall mean:

1. Less than completely and opaquely covered human male and female genitals, pubic regions, buttocks and female breasts below a point immediately above the top of the areola.
 2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- M. **ADULT**: Shall mean anyone who has attained the age of eighteen (18) years of age, or older.
- N. **CHURCH**: Shall mean any building used for regular public worship services and is exempt from taxation under the General Property Tax Act of the State of Michigan.
- O. **SCHOOL**: Shall mean any building regularly used for educating children under the age of eighteen (18) and is exempt from taxation under the General Property Tax Act of the State of Michigan.
- P. **DAY CARE CENTER**: Shall mean any business whose primary concern is watching, protecting and educating children prior to an age where they may enroll in a community school.
- Q. **PUBLIC PARK**: Shall mean any park owned and maintained by Grayling Charter Township or any park owned and maintained by The County of Crawford within Grayling Charter Township.
- R. **PROTECTED ZONES**: Shall include (R-1) Single Family Residential, (R-2) General Residential, (R-3) General Residential Association, (NRD) Natural River District, (RF) Recreational Forest, (PUD) Planned Unit Development.
- S. **AGGREGATE PORTIONS**: Shall include the combined total of items of “Sexual Paraphernalia” and/or items promoting “Specified Sexual Activities” and/or “Specified Anatomical Areas” on display for sale, rent or lease, or promoting the sale, rent or lease of such items, when compared to salable items which are not defined by this Ordinance amendment as sexual in nature.

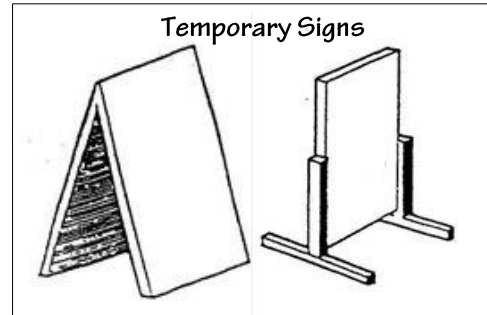
SIGN: Any structure or wall or other object used for the display of any message.

- A. **ABANDONED SIGN**: A sign to which any of the following applies:
1. The sign has remained blank over a period of one (1) year.
 2. The sign’s message becomes illegible in whole or substantial part.
 3. A sign which has fallen into disrepair.
- B. **ACCESSORY SIGN**: A sign which is subordinate to the primary sign and customarily incidental to, and on the same lot as, the principal sign. Accessory signs provide ancillary information to support the primary use of the premises.
- C. **AWNING OR CANOPY SIGN**: A sign painted on, printed on, or attached flat against the surface of an awning or canopy.

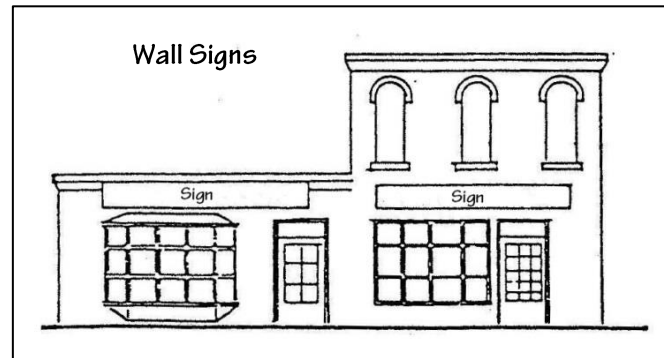
- D. **CLUSTER SIGN:** An on-premises sign which identifies a complex of establishments on one parcel and contains multiple signs on one structure including one for each establishment and one for the complex as a whole.
- E. **FREESTANDING SIGN:** A sign which is attached to or part of a completely self-supporting structure. The supporting structure shall be placed in or below the ground surface and not attached to any building or any other structure whether portable or stationary. Freestanding signs include monument-style signs.
- F. **MARQUEE SIGN:** Any sign attached to or supported by a marquee structure.
- 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, DIGITAL:** 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 ADVERTISING SIGN (BILLBOARD):** 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.
- J. **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.
- K. **PORTABLE SIGN:** 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.
- L. **ROOF SIGN:** Any sign wholly erected to, constructed/or maintained on the roof structure of any building.



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:** Any sign that shall be affixed parallel to the wall or printed or painted on the wall of any building; provided, however, said wall sign shall not project above the top of the wall or beyond the end of the building. For the purpose of this Ordinance, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign.



SIGN AREA:

- A. The sign face area shall be computed by including the entire area within a single, continuous perimeter of not more than eight (8) straight lines or a circle or an ellipse enclosing the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the back drop or structure against which it is placed, but not including any supporting framework or bracing that is clearly incidental to the display itself.
- 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 time by a person from one vantage point, without otherwise limiting the generality of the foregoing.
- D. 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.
- E. The sign face area of a double-faced sign constructed in the form of a "V" shall be calculated by using the area of only one side of such sign (the larger side if there is a size difference) so long as the interior angle of the "v" does not exceed thirty (30) degrees and at no point does

the distance between the backs of such sides exceed five (5) feet.

SIGN HEIGHT: The vertical distance measured from the ground immediately beneath the sign to the highest point of the sign or its projecting structure.

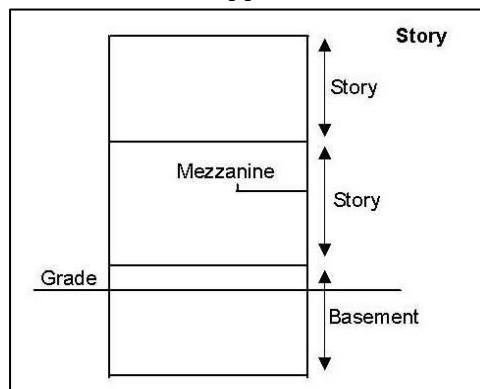
SIGN SURFACE: That part of the sign upon, against, or through which the message is displayed or illustrated.

SITE CONDOMINIUM (CONDOMINIUM SUBDIVISION): A method of subdivision where the sale and ownership of sites is regulated by the **Condominium Act (P.A. 59 of 1978, as amended MCLA 559.101)** as opposed to the **Land Division Act (1967 PA 288, as amended, MCL 560.101)**. Condominium subdivision shall be equivalent to the term "subdivision" as used in this Zoning Ordinance.

SITE PLAN: A scale drawing which shows the location and dimensions of improvements upon a parcel of land, including but not limited to location and size of buildings, driveways, parking areas, landscaping, sidewalks, signs, sewage systems and drainage facilities, and environmental features.

SPECIAL USE: Approval by the Planning Commission of a use of land in a zoning district that is not antagonistic to other land uses in the district, providing such use is listed in this Ordinance as a special use for the zoning district in question and the use meets all applicable Ordinance standards and requirements.

STORY: That portion of a building included between the surface of any floor and surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it, and exclusive of any mezzanine, balcony or basement.



STORY, HALF: That portion of a building between the eaves and ridge lines of a pitched roof, which may be used for living space.

STREET: A public or private thoroughfare, which affords the principal means of access to abutting property.

STREET LINE: A dividing line between the lot and the right of way of the contiguous street.

STRUCTURE: Anything constructed, erected or to be moved to or from any premises which is permanently or temporarily located above, on, or below the ground, including signs, billboards, fences and the like.

T

TINY HOME: A home which does not meet the minimum square footage for a dwelling unit.

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TOURIST HOME: See **BED & BREAKFAST FACILITY OR TOURIST HOME.**

TOWER: See **WIRELESS COMMUNICATIONS.**

TOWNHOUSES: See **DWELLING, SINGLE-FAMILY ATTACHED.**

TOWNSHIP BOARD: Grayling Charter Township Board of Trustees.

U

USE: The purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

USE, PERMITTED: A use by right, which is specifically authorized in a particular zoning district.

USE, SPECIAL: See **SPECIAL USE.**

V

VARIANCE: A modification of the literal provisions of the Zoning Ordinance, which is authorized by the Zoning Board of Appeals when strict enforcement of the Ordinance would cause practical difficulty.

VARIANCE, NON-USE (DIMENSIONAL): A dimensional variation of Ordinance standards such as yard requirements, building height, lot coverage, living space dimensions and similar requirements. Non-Use Variances are granted based on the showing of a practical difficulty.

VEHICLE SALES: An authorized and/or licensed dealership for the sale of new and/or used vehicles, trucks or trailers inoperable condition with completely enclosed office and sales facilities on the premises. All related activities incidental to the sale of new and/or used vehicles such as minor repairing, servicing, and restoring, shall be performed within completely enclosed facilities. Also called “Outdoor Sales.”

W

WIND ENERGY DEFINITIONS:

- A. **AMBIENT:** Ambient is defined as 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. **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.
- F. **SMALL ON-SITE WIND ENERGY SYSTEMS**: A wind energy conversion system consisting of a wind turbine (horizontal or vertical axis), a tower, and associated control or conversion electronics which has a rated capacity of not more than one hundred (100) kW and which is intended to primarily replace or reduce on-site consumption of utility power.
- G. **SOUND PRESSURE**: Average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.
- H. **SOUND PRESSURE LEVEL**: The sound pressure mapped to a logarithmic scale and reported in decibels (dB).
- I. **WIND ENERGY FACILITY**: A power generating facility consisting of one or more wind turbines under common ownership or operation control, and includes substations, MET towers, cables/wires, and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customers.
- J. **WIND TURBINE GENERATOR**: A wind energy conversion system which converts wind energy into power. May include 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.
- K. **WIND TURBINE (HORIZONTAL AXIS)**: A wind energy system in which the rotor(s) rotate around a horizontal shaft.
- L. **WIND TURBINE (VERTICAL AXIS)**: A wind energy system in which the rotor rotates around a vertical shaft.
- M. **WIND TURBINE GENERATOR TOTAL HEIGHT**:
 - 1. **HORIZONTAL AXIS WIND TURBINE ROTORS**: The distance between the ground and the highest point of the wind turbine generator, plus the length by which the rotor wind vanes or blades mounted on a horizontal axis wind turbine rotor exceeds the height of the wind turbine generator.

- 2. **VERTICAL AXIS WIND TURBINE:** The distance between the ground and the highest point of the wind turbine generator.

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. **ANTENNA ARRAY:** An Antenna Array is one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omnidirectional antenna (rod), directional antenna (panel) and parabolic antenna (disc). The Antenna Array does not include the Support Structure.
- C. **ATTACHED WIRELESS COMMUNICATIONS FACILITIES:** Wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.
- D. **ATTACHMENT STRUCTURE:** Attachment Structures include but are not limited to utility poles, signs, water towers, rooftops, towers with any accompanying pole or device which attaches the Antenna Array to the existing building or structure and associated connection cables, and an Equipment Facility which may be located either inside or outside of the Attachment Structure.
- E. **COLLOCATION:** The location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the objective of reducing the overall number of structures required to support wireless communication antennas within the community.
- F. **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.
- G. **SETBACK:** Setback shall mean the required distance from the property line of the parcel on which the Wireless Communication Facility is located or residential district to the base of the Support Structure.
- H. **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.

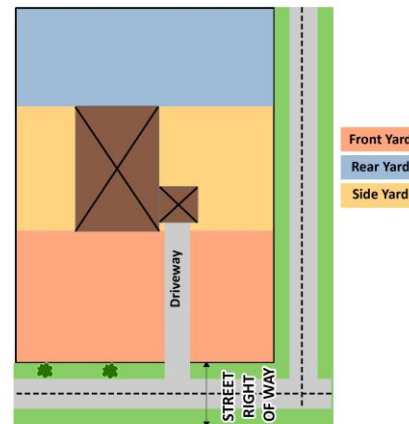
- I. **WIRELESS COMMUNICATIONS EQUIPMENT**: The set of equipment and network components used in the provision of wireless communications services, including, but not limited to antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.
- J. **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).
- K. **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.

Y

YARD: An open space on the same lot with a building unoccupied and unobstructed from the ground upward, except as otherwise provided herein. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the building or structure.

YARD, FRONT: A yard extending across the front of the lot between the side lot lines and measured between the front line of the lot and the nearest point of the building.

YARD, REAR: A yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed balconies or unenclosed porches. On the corner lots, the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots, the Rear Yard shall in all cases be at the opposite end of the lot from the front yard.



YARD, SIDE: A yard between the side lot line and the nearest side line of the building and extending from the rear line of the building to the front line of the building.

Z

ZONING ADMINISTRATOR: The administrator of this Ordinance, appointed by the Township Board.

ZONING BOARD OF APPEALS: The Grayling Charter Township Zoning Board of Appeals, whose duties and powers are detailed in [Article 8](#).

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Article 3

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Section 3.0 Application of Regulations

- A. General provisions apply to all districts except as otherwise noted.
- B. Each project approved, in every zone, shall be considered a stand-alone project and shall have no consideration as to future variances needed for subsequent projects on the same parcel. Variances are granted to the property by specific project, and each project variance shall remain in effect through perpetuity.
- C. No building or structure 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.
- D. Zoning affects every structure and use and extends vertically. Unless provided elsewhere in this Ordinance, or a variance is granted by the Zoning Board of Appeals, no building shall hereafter be erected or altered to exceed the height limitations, or occupy a greater percentage of lot area, or intrude upon the required front yard, rear yard, side yards, or accommodate a greater number of dwelling units, or provide less space per dwelling unit than is specified for the district in which such building is located.
- E. No lot area, yard, parking areas or other required space shall be divided, altered, reduced or diminished to create an area or dimension less than the minimum required under this Ordinance, except where such reduction has been brought about by the expansion or acquisition of public rights-of-way for a street, road or highway. If a required area is already less than the minimum required under this Ordinance, said area or dimension shall not be further divided or reduced.

- F. In case any building or part thereof is used, erected, altered or occupied contrary to law or to the provisions of this Ordinance, such building shall be declared a nuisance and may be required to be vacated, torn down, or abated by any legal means and shall not be used or occupied until it has been brought into conformance.
- G. If construction on a building is lawfully begun prior to adoption of this Ordinance, nothing in this Ordinance shall be deemed to require any change in the planned or designed use of any such building provided that actual construction is being diligently carried on, and further provided that such building shall be entirely completed for its planned or designed use within one (1) year from the effective date of this Ordinance, or affecting amendment.
- H. The maintenance of yards, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision areas, parking and loading spaces, and all other requirements, including the proper maintenance and repair of screening arrangements, 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 property or use is located.

Section 3.1 Unclassified Uses

- A. The Township Planning Commission shall have power on written request of a property owner in any zoning district to classify a use not listed with a comparable permitted use in the district and grant a Special Land Use permit for such use, giving due consideration to the intent of this Ordinance. Petition for such classification and Special Land Use permit shall be made through the office of the Township Zoning Administrator using the procedures and standards for a Special Land Use permit stated in [Article 6](#). In granting of permit for any such classified use, the Planning Commission may attach such conditions and safeguards as may be deemed necessary for the protection of the public welfare, and for the proper use of development of the general neighborhood, and adjacent properties. If deemed incompatible, then such use may only be provided by due amendment to the Ordinance.
- B. For any use not specifically named as a permitted principal or special use in this Ordinance, a need for that use shall be demonstrated and proven prior to the issuance of a Special Land Use permit by the Grayling Charter Township Planning Commission.

Section 3.2 Zoning Lots & Lot/Building Relationship

Hereafter, every building erected, altered or moved shall be located on a zoning lot, as defined herein, and except where otherwise provided in this Ordinance, there shall be no more than one (1) principal building and its permitted accessory structures located on each zoning lot in any residential district.

Section 3.3 Required Water Supply & Sanitary Facilities

Every building hereafter erected, altered or moved upon any premises and used in whole or in part as dwellings (year-round or seasonal), recreational, business, commercial or industrial purposes, including churches, schools and other buildings in which persons customarily congregate, shall be provided with a safe and sanitary water supply system and with means for collecting and disposing of all domestic, commercial, and industrial wastewater, and other wastes that may adversely affect health conditions, subject to the written approval of and

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following the requirements of the District Health Department.

Section 3.4 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 of the Americans with Disabilities Act. Such modification shall not require a zoning permit but shall require a building permit. A variance may be required for modification as stated herein. The need for such a variance shall be determined by the Zoning Administrator.

Section 3.5 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 3.6 Access

A. Access Required.

Every principal structure hereafter erected or moved after the effective date of this Ordinance shall be located on a lot adjacent to a public street, easement which provides access to a public street, or with access to an approved private road, and all structures shall be located on lots as to provide safe and convenient access for servicing fire protection, and required off-street parking.

B. Access through Yards.

Access drives may be placed in the required front or side yards so as to provide access to the rear yard and/or accessory or attached structures. Further, at grade, driveway and walkway materials such as pavement, concrete, crushed stone, gravel and similar materials shall not be considered structures and shall be allowed in any required yard.

Section 3.7 Essential Services

Essential services, as defined herein, shall be permitted as authorized and regulated by law, public policy and specific zoning regulations in any district, it being the intention otherwise to exempt such erection, construction, alteration and maintenance from the application of this Ordinance. However, electric, telephone and other electronic communications distribution networks are encouraged to be underground whenever possible. Telecommunication towers, alternative tower structures and antennas shall be regulated and permitted pursuant to this Ordinance and shall not be regulated or permitted as essential services, public utilities or private utilities.

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Section 3.8 Prior Building Permits

Any building permit issued prior to the effective date of this Ordinance shall be valid even though not conforming to the provisions of this Ordinance; provided the construction is commenced within ninety (90) days after the date of permit issuance and carried on diligently without interruption for a continuous period in excess of ninety (90) days.

Section 3.9 Grades

No premises shall be filled or graded so as to discharge surface runoff on abutting premises in such a manner that will cause inconvenience or damage to adjacent properties. When property is developed adjacent to existing properties previously developed, existing grades shall have priority. Any earth alteration shall not affect adjoining property.

Section 3.10 Temporary Buildings

A. Temporary Buildings & Construction Debris.

Temporary buildings may be utilized during construction for the storage of construction materials, for construction offices, or for temporary dwelling purposes during a construction period as permitted herein. Temporary buildings for use incidental to construction work, and all debris, shall be removed within thirty (30) days after the completion or abandonment of the work. No structures shall be used for temporary dwelling purposes that do not comply with the requirements of this Ordinance. The size of temporary dwelling units shall be the only exception to this rule.

B. Standard & Substandard Temporary Dwellings.

For the express purpose of promoting the health, safety and general welfare of the inhabitants of the Township, and of reducing hazards to health, life and property, no basement-dwelling, cellar-dwelling, garage-house, tent, camper, travel trailer, recreational vehicle, or mobile home not installed according the requirements of this Ordinance, or other substandard structure shall hereafter be erected or moved upon any premises and used for dwelling purposes except as provided for in [Section 3.13](#) and under the following applicable conditions:

1. The location shall conform to the provisions governing yard requirements of standard dwellings in the district where located.
2. The use shall be for the sole purpose of providing temporary dwelling facilities for the owner of the premises during the period in which a dwelling conforming to the provisions of this Ordinance is in process of erection and completion, but not to exceed nine (9) months. The Zoning Administrator may extend the nine (9) month time limit upon request. The temporary dwelling shall be removed upon completion of construction of a dwelling complying with the requirements of this Ordinance.
3. Installation of septic system and water well shall be constructed and maintained in accordance with the standards of materials and installation recommended by the District Health Department, and shall precede occupancy of the temporary dwelling.

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The district Health Department shall determine the best location for a water well and/or septic system, regardless of ordinance regulations.

- 4. Application for the erection and use of a temporary dwelling shall be made at the time of permit application for the permanent dwelling. No such permit shall be transferable to any other person.
- 5. No annexes or additions shall be added to temporary dwellings.

C. Dwelling as Sales Office.

The Zoning Administrator may authorize a certification for a dwelling house to be temporarily used as a sales and management office for the sale of homes within a subdivision for a period of one (1) year, provided all of the following requirements are complied with:

- 1. The house to be used as such office is built upon a lot approved as part of the approved subdivision or development and is of substantially similar design as those houses to be sold within the subdivision or development.
- 2. No retail sales or business other than that accessory to the management and sales of the land in the subdivision owned by the applicant shall be permitted.
- 3. Said dwelling house shall meet all other zoning restrictions of the zone in which it is located.

Section 3.11 Permitted Yard Encroachments

The yard requirements of all districts are subject to the following permitted encroachments:

- A. Terraces, patios and similar structures at ground level, may project into a setback as required herein, provided that such structure is unroofed and without walls or other continuous enclosures. Attached, above ground decks shall be considered an integral part of the building and shall be subject to all yard requirements thereof.
- B. Chimneys, flues, cornices, gutters, overhangs, bay windows, attached or inserted air conditioning or heating units, electrical and utility mechanisms and similar features may project into any required setback a maximum of twenty-four (24) inches.

Section 3.12 Accessory Buildings (Structures)

Accessory buildings in the Single Family Residential (R-1), General Residential (R-2), General Residential Association (R-3), and Recreational-Forest (R-F) districts shall be subject to the following regulations:

A. General Standards for All Accessory Structures.

- 1. **Relationship to Main Structure.** No detached accessory building(s) shall be located closer than fifteen (15) feet to any main structure.

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2. **Front Yard.** Accessory buildings shall not be erected in the front yard, except in the Recreational Forest (R-F) District, where an accessory building may be in the front yard if it meets the minimum required front yard setback.
3. Prefabricated metal parking structures or metal/fabric structures are considered accessory structures and must conform to ordinance and building regulations.
4. **Accessory Building as a Dwelling.** No detached accessory building shall be used for dwelling purposes unless otherwise permitted in this Ordinance.

B. Portable Accessory Structures 200 ft² or less.

1. **Permit.** No zoning permit is required.
2. **Setback.** Portable accessory buildings of two hundred (200) square feet or less may be placed within three (3) feet of any lot line, regardless of setback requirements, and are not considered in calculating required yard usage or ground floor area.
3. **Number.** One (1) portable accessory building may be placed on any lot of one and one-quarter (1 ¼) acres or less. Lots of more than one and one-quarter (1 ¼) acres may have two (2) portable accessory structures.
4. **Doors.** The doors of all portable accessory buildings must open onto the owner’s property.
5. **Location.** Portable accessory buildings shall not be closer than fifteen (15) feet from any other structure.
6. **Height.** Portable accessory buildings may not exceed eight-feet (8) in height.

C. Permanent Accessory Buildings and Portable Accessory Buildings over 200 ft².

1. **Permit.** A zoning permit is required.
2. **Attached to Main Building.** Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all yard regulations applicable to principal buildings.
3. **Side & Rear Yard Setbacks.** A permanent accessory building or portable accessory building over two hundred (200) square feet shall not be located closer than ten (10) feet from a side or rear lot line, except corner lots where minimum side yard setback along the street shall be thirty (30) feet.
4. **Number.** In no instances shall more than two (2) permanent accessory buildings or portable accessory building over 200 square feet be located on one (1) acre or less. A lot size greater than one (1) acre is allowed three (3) permanent accessory buildings or portable accessory building over two hundred (200) square feet.

5. **Size.** Detached, permanent accessory building(s) or portable accessory buildings over two hundred (200) square feet shall not occupy more than twenty five percent (25%) of a rear yard, provided that in no instance shall the ground floor area of the permanent accessory building(s) or portable accessory building over two hundred (200) square feet, in combination, exceed the ground floor area of the dwelling unit, except in the R-F District, where the ground floor area of each permanent accessory building or portable accessory building over two hundred (200) square feet shall not exceed two hundred percent (200%) of the ground floor area of the dwelling unit ([See 3.12F](#)).
6. **Location.** The location shall not be closer than fifteen (15) feet from any other structure.
7. **Height.** No permanent accessory building or portable accessory building over two hundred (200) square feet may exceed twenty-five (25) feet in height, except in the R-F District, where permanent accessory buildings may not be more than thirty-five (35) feet in height.

D. Guesthouses (Accessory Dwelling Units).

Guesthouses/Accessory Dwelling Units are regulated by [Section 7.29](#). For the purposes of this ordinance, guesthouses/accessory dwelling units are considered a residential use and must conform to current residential construction standards.

E. Pumphouses.

Pumphouses may be permitted in any district if no more than nine (9) square feet in area and not more than three (3) feet in height.

F. Accessory Buildings for Non-Commercial Equestrian-Related Activities.

1. Accessory buildings for the purpose of indoor horseback riding (arenas) may be constructed in the R-F zone only, with Planning Commission approval. Arenas may be multi-purpose incorporating normal equestrian related uses, such as tackroom, stall spaces, feed storage, and similar uses. The Planning Commission may grant deviations for setbacks, size, and yard requirements, as needed.
2. Shelters for the purpose of protecting horses in pasturage and forage areas may be constructed without regard to the requirements of [3.12.C.4](#) and [3.12.C.5](#) so long as the shelters have no foundations and are less than four-sided. Shelters must be large enough to protect all the horses in the pasture from inclement weather. Shelters large enough for more than four horses shall be included in the Planning Commission request.

G. Accessory Buildings on Vacant Parcels.

1. **R-3 District.** One customary accessory building shall be allowed, including a one-stall garage, or a gazebo, picnic shelter, storage shed, etc. without a permanent dwelling, but must have a ground floor area equal to or less than three hundred eighty-four (384) square feet.

2. **All Other Districts (other than R-3).** Portable accessory buildings or permanent accessory buildings under two hundred (200) square feet shall be allowed on vacant parcels.

H. Nontraditional Storage Facilities.

1. Truck bodies, school bus bodies, mobile homes, travel trailers or other items built and intended for other uses shall not be used as permanent accessory buildings.
2. **Shipping Containers.** Shipping containers may be allowed in the R-F District only and shall be used as accessory buildings for storage purposes only. Shipping containers shall be not be utilized for any dwelling purposes. Shipping containers shall be either painted to blend in with the natural landscape or covered in a siding material that would typically be utilized for a main building.

Section 3.13 Travel Trailers & Recreational Vehicles

A. Storage on Lot Containing Dwelling Unit.

In all districts, travel trailers and recreational vehicles may be stored on a lot or parcel of land containing a dwelling unit provided:

1. The travel trailer or recreational vehicle shall carry current state license plates.
2. One travel trailer or recreational vehicle may be stored in the rear or side yard of a lot containing a permanent dwelling no nearer than five (5) feet from the side or rear lot lines. On lots with a two-family dwelling, one recreational vehicle per dwelling unit may be stored.
3. The travel trailer or recreational vehicle is not connected to water and sewer services.
4. The unit is not used for dwelling purposes exceeding ninety (90) days in a calendar year.
5. The open storage of a travel trailer or recreational vehicle shall not occur on vacant or unimproved property, except as provided in (B).

B. Storage on Vacant Lot.

1. In the R-F District only, one travel trailer or recreational vehicle may be located on an unimproved lot or otherwise vacant property, subject to the following conditions:
 - a. Placement on the property and use of the unit shall not exceed ninety (90) days in a calendar year, with due regard to yard requirements for the district.
 - b. Sanitation facilities must meet the requirements of, and be approved by the District Health Department.
 - c. The travel trailer or recreational vehicle shall carry current state license plates.
 - d. A permit must be obtained from the Zoning Administrator.
2. In the R-3 District, all non-permitted recreational vehicles, including snowmobiles, off-road motorcycles, bicycles, boats, trailers (including utility trailers), etc. must be kept within a garage or storage building.

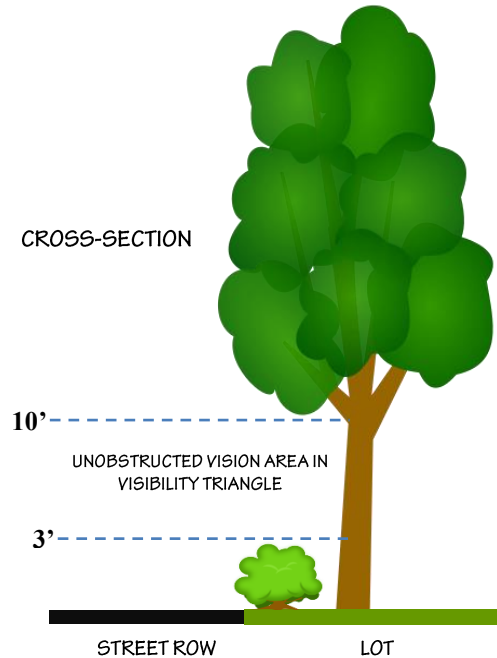
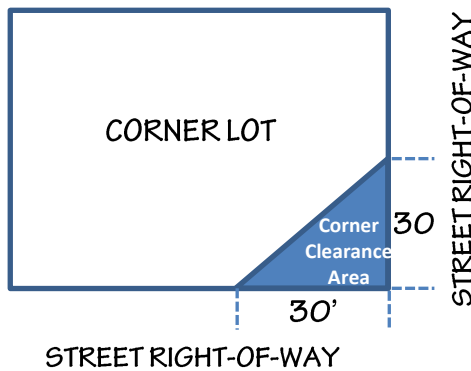
Section 3.14 Manufactured Homes

- A. Manufactured homes sited on individual lots or parcels shall meet the standards for minimum lot size, yard set-backs, minimum floor area and minimum dwelling unit width for the district in which they are located and shall meet the following additional standards:
 - 1. Manufactured homes shall be attached to an approved permanent foundation or basement and shall be anchored using a system that meets the Michigan Manufactured Housing Commission requirements.
 - 2. Manufactured homes shall be installed according to manufacturer's setup requirements, and the construction of the unit shall comply with the **National Manufactured Housing Construction and Safety Standards Act of 1974, as amended** (HUD Code).
 - 3. The wheels, axles and towing assembly shall be removed from a manufactured home before the unit is attached to the foundation. Additionally, no manufactured home shall have any exposed undercarriage or chassis.
 - 4. No person shall occupy any manufactured home as a dwelling within the Township until a certificate of compliance has been issued by the Building Official, which shall indicate satisfactory compliance with all requirements of the HUD Code.
 - 5. Any additions to a manufactured home shall be constructed to the standards of the current building code in Grayling Township.
 - 6. A manufactured home shall not be used as an accessory building.
- B. Where two (2) or more manufactured homes are sited on the same parcel, the development shall be considered a manufactured housing development, and shall be licensed by the State of Michigan and shall be subject to the applicable state regulations for such developments. Manufactured homes shall not be designated as guest houses.

Section 3.15 Intersection Visibility

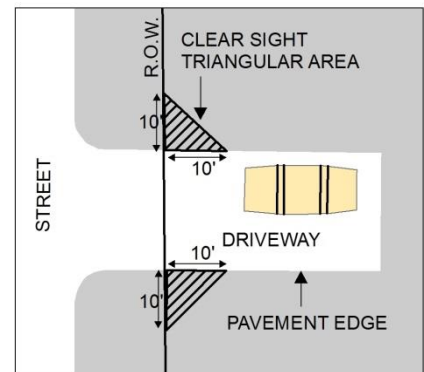
A. Corner Clearance.

On any corner lot in any district requiring front and side yards, no fence, wall, screen, hedge, sign or other structure or planting shall obstruct vision between the heights of three (3) feet and ten (10) feet within the triangular area formed by the intersecting street right-of-way lines and a straight line intersecting them at points which are on said right-of-way lines and thirty (30) feet distant from their point of intersection. Such heights of clear vision areas shall be measured from the elevation of the street centerlines at the point of intersection.



B. Driveway Clearance.

No fence, wall, screen, hedge, sign or other structure or planting shall obstruct vision from a driveway between the heights of three (3) feet and ten (10) feet, in the triangle formed when measured from the point where the driveway intersects the street right-of-way ten (10) feet along the driveway edge and along the street right-of-way.



C. Entranceway Structures.

In all districts, entrance-way structures, including but not limited to, walls, columns and gates marking entrances to single family subdivisions, multiple-family housing projects, commercial developments, industrial developments, mixed-use developments, or similar uses may be permitted and may be located in a setback, except as provided in [subsections 3.15 \(A and B\)](#) above, provided that such entranceway structures shall be approved during the required Planning Commission review.

Section 3.16 Liquid Propane, Solar, OWB

To provide for maximum efficiency and safety in the generation and distribution of energy, the following rules shall apply:

A. Propane Tanks.

Liquid propane storage tanks shall be located in the side or rear yard not less than ten (10) feet from the property line.

B. Solar Energy.

Solar equipment designed to provide on-site power may be located in any side or rear yard in any zone and must conform to setbacks equaling the height of the structure plus ten (10) feet.

C. Outdoor Wood Burning Furnaces.

Outdoor Wood Burning Furnaces (OWB) are regulated solely in Grayling Charter Township Ordinance #2010-03.

Section 3.17 Hazardous Waste

A. Permanent storage and/or disposal of toxic or nuclear waste is strictly prohibited.

B. 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 Michigan Building Code and/or other 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.

1. 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.
2. 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.
3. 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.
4. 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 3.18 Pets and Other Animals

- A. Domestic household pets, including dogs, cats, birds, and fish, but not including poisonous or dangerous reptiles, wild, dangerous or exotic animals/pets, may be kept as an accessory residential use on any premises without a permit.
 - 1. **R-3 District.** Pets leaving their owner’s property must be restrained to the point where they are not free to roam on other private property. No animals of any kind shall be raised, kept, or permitted upon the property or any part thereof, other than common household pets such as dogs, cats, birds or fish. Common farm animals and animals not commonly kept as pets shall not be considered pets and, as such, are not allowed in the R-3 District. They include, but are not limited to, horses, cows, pigs, chickens, ducks, geese, sheep, goats, rabbits, etc.
- B. Artificial fish ponds shall be contained to prevent fish from entering natural water bodies in the event of flooding.
- C. Keeping and Boarding of Horses and Ponies, when not part of a commercial farming operation, shall adhere to the standards in [Section 7.6](#).
- D. The keeping of exotic Animals shall adhere to the standards in [Section 7.7](#).

Section 3.19 Nonconforming Buildings, Uses & Lots

A. Intent.

It is recognized that there exists within the districts established by this Ordinance and/or by subsequent amendments, lots, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended, which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments. It is the intent of this Ordinance to permit these legal nonconforming lots, structures, or uses to continue until they are removed but not to encourage their survival.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

B. Change in Tenancy or Ownership.

There may be a change of tenancy, ownership or management of any existing nonconforming

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uses or nonconforming structure which does not alter the nonconforming status.

C. Nonconforming Lots.

A nonconforming lot is a lot that the boundaries of which are recorded in a plat, deed or land contract executed and delivered prior to the effective date of this Ordinance, and the width, depth, and/or area of which does not meet the minimum dimensional requirements of the District in which it is located.

1. Any allowed use, structure and customary accessory buildings and uses may be erected on any single lot of record even though such lot fails to meet the requirements for area or width, or both; PROVIDED, the yard dimensions and other Ordinance requirements shall conform to the regulations for the District in which the lot is located, or the Zoning Board of Appeals has granted a variance.
2. Where two (2) or more adjoining nonconforming lots are existing under single ownership, such lots shall be used only in combinations which most closely satisfy the minimum lot size standards prescribed for the District in which said lots are located. For definition purposes, "most closely" shall apply in situations where, for example, two (2) lots combined do not meet the minimum, but a third lot would exceed the minimum by a greater amount than two (2) lots would fall short; hence, only two (2) lots need to be combined in this case.

D. Nonconforming Structures.

Nonconforming structures may be continued so long as they remain otherwise lawful, subject to the following provisions:

1. **Alterations of Nonconforming Structures.** Alterations to a nonconforming structure are permitted, however no nonconforming structure may be enlarged or altered in a way which increases its nonconformity.
2. **Damage or Destruction of a Nonconforming Structure.** Should such structure be destroyed by any means to an extent of more than seventy percent (70%) of its volume or floor area, exclusive of the foundation, or basement, it shall be reconstructed only in conformity with the provisions of this Ordinance.
3. **Re-Location of a Nonconforming Structure.** Should such structure be moved for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
4. **Maintenance of a Nonconforming Structure.**
 - a. Nothing in this Ordinance shall prevent such necessary repairs, reinforcement and incidental alterations of a nonconforming structure existing on the effective date of this Ordinance as may be necessary to secure a reasonable advantageous use thereof during its natural life nor shall any provision of this Ordinance prevent compliance with the provisions of any Building Code in effect in Grayling Charter Township relative to the maintenance of structures.

- b. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Building Official or to comply with barrier-free requirements of the Americans with Disabilities Act. Nothing in this Ordinance shall prevent any alteration, improvement or repair as required by the Health Department as necessary to protect the public health, safety, and welfare.

E. Nonconforming Uses.

Nonconforming uses of land may be continued, so long as they remain otherwise lawful, subject to the following provisions:

1. Enlargement or Expansion of Nonconforming Use.

- a. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance without Planning Commission approval.
- b. Any nonconforming use may be carried on throughout any parts of a building which were manifestly arranged or designed for such use, but no such use shall be extended to occupy any land outside such building without Planning Commission approval.

2. Change to Another Nonconforming Use. Any nonconforming use of a structure, land or structure and land, may be changed to another nonconforming use provided that the other use is equally or more appropriate to the district than the existing nonconforming use as determined by the Planning Commission.

3. Change to a Permitted Use. Any nonconforming use which is superseded by a permitted use, shall thereafter conform to the use regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.

4. Destruction of a Nonconforming Use. In the event any nonconforming use of a building or use of land shall be damaged or destroyed by fire, wind or an Act of God or the public enemy, it may be rebuilt or restored to its original use and configuration. If the nonconforming use is being conducted within a structure that is also nonconforming, then reconstruction of the nonconforming structure shall conform to [Section 3.19 \(D\)\(2\)](#) above.

5. Abandonment of a Nonconforming Use. When intent to abandon a nonconforming use is demonstrated, the land shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures and/or land occupied by seasonal uses shall be exempt from this provision. 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.
6. **Special Land Use Not Nonconforming.** A Special Land Use is not a nonconforming use. Any use for which a Special Use permit is required, as provided in this Ordinance, shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district.

Section 3.20 Open Space Preservation

Regardless of zoning district, land zoned for residential development may be developed at the option of the landowner, with the same number of dwelling units on a portion of the land as would be allowed for the buildable portion of the entire parcel. Not more than fifty percent (50%) of the buildable land could be developed. Unbuildable areas, such as wetlands, areas within the 100-year floodplain, or slopes greater than twenty-five (25%) may not count toward the fifty percent (50%) open space minimum. Land may be developed for residential use under the open space preservation option following the provisions of [Article 6: Special Land Uses](#) and [Article 5: Plot Plans and Site Plan Review](#) and if all of the following apply:

- A. The land is zoned at a density equivalent to two (2) or fewer dwelling units per acre, or, if the land is served by a public sewer system, three (3) or fewer dwelling units per acre.
- B. A percentage of the buildable land area, but not less than fifty percent (50%), will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land.
- C. The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the option provided by this section would also depend upon such an extension.
- D. The option provided by this section has not previously been exercised with respect to that land.

Section 3.21 Garage Sales

Garage Sales are allowed without a zoning permit, provided such sales are not conducted on the same lot for more than six (6) days (whether consecutive or not) during any ninety (90) day period. And provided further that such sales are conducted only on a lot upon which a principal use is located.

Section 3.22 Fences & Walls

A. Construction & Maintenance – All Districts.

1. Fences and walls shall conform to this Ordinance, however no zoning permit shall be required.
2. No single strand wire fences, barbed wire fences, or electrified fences shall be allowed, except for electrical fences which are permitted in the R-F District. The Planning Commission may approve barbed wire and electrified fences in other districts on a case by case basis.
3. All fences, walls and similar structures shall be maintained in good condition. Chipped paint, missing fence pieces, leaning or fallen portions of a fence or other forms of deterioration shall immediately be replaced or repaired.
4. In the installation of any fence or wall, the property owner is responsible for the location of the property line, and, if necessary, should obtain a land survey to determine accurate property lines. Grayling Township shall not be held responsible for any property line or fence/wall disputes between adjacent property owners.
5. All fences and walls shall be constructed of proper and commercially accepted fencing and wall materials. Unacceptable materials include, but are not limited to, snow fencing, chicken wire, pallets, scrap lumber, scrap metal and other materials not specifically designed for lot enclosure.
6. Fence posts shall be placed on the inside of the property line of the owner erecting the fence. The portions of all fences facing a street right-of-way or facing property other than the property of the fence owner shall be finished and also 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.
7. Fences, walls, or hedges installed, constructed, or planted in accordance with the provisions of this Ordinance shall not obstruct clear vision areas as regulated in [Section 3.15](#).

B. Height & Location.

Yard	Regulations
<p>1. Front Yard</p>	<ul style="list-style-type: none"> a. Fences or walls shall not exceed four (4) feet in height within the front yard. b. Fences or walls may be set on the front property line except for §B.1.c below. c. If a public sidewalk exists, fences or walls shall be set back one (1) foot from the public sidewalk. d. Fence gates shall not be designed to open over public property.
<p>2. Rear Yard & Side Yard</p>	<ul style="list-style-type: none"> a. Residential Lots. Fences or walls shall not exceed six (6) feet in height except subsection (1) below. Fences or walls up to 8’ high may be allowed in all districts on a case by case basis after determination by the Zoning Administrator. <ul style="list-style-type: none"> (1) Fences or walls shall not exceed eight (8) feet in height in the R-F District. b. Non-Residential Lots. Fences shall not exceed ten (10) feet in height. c. Fences or walls over 4’ high shall be placed no closer to the front of the lot than the front setback line. d. Fences or walls shall be placed 2’ inside the side or rear lot line unless an adjoining fence agreement signed by both property owners is on-file with the Township.
<p>3. Waterfront Lots</p>	<ul style="list-style-type: none"> a. Waterfront (Front) Yard. Where a lot borders a lake, river or stream, fences or walls shall be set back from the ordinary high water line by twenty five (25) feet at a minimum, except where private property is adjacent to a public access site a fence may be erected to the water’s edge with Planning Commission approval. Further, a fence or wall placed in any part of the lot lying between the principal building and the ordinary high water line (or the water’s edge in the case of property adjacent to a public access site) shall not exceed four (4) feet in height and shall not unreasonably restrict the waterfront view of neighboring residents. b. Street Side (Rear) Yard. Fences or walls shall not exceed four (4) feet in height within the street side (rear) yard. c. Side Yards. Fences or walls shall not exceed six (6) feet in height. Side yard fences greater than four (4) feet in height shall not extend to the front of the lot closer than the house or front setback, determined by the Zoning Administrator.

C. Commercial & Industrial Fences & Walls Required for Screening Purposes.

For those uses listed below, there shall be provided and maintained on those sides abutting or adjacent to a residential use of property or a residential district an obscuring fence or wall or a combination thereof as required below (except otherwise regulated by this Ordinance):

Side & Rear Yard Screening Requirements	
Side And Rear Yard Screening Requirements For Uses Abutting A Residential Use Or District	
All off street parking areas	4' high fence or wall
Commercial District or Commercial Use	6' high fence or wall
Industrial District or Industrial Use	8' high wall or fence (Height shall provide open storage areas, loading/unloading areas, or service areas the most complete obscuring possible.)
Outdoor storage areas (commercial or industrial)	6' high fence or wall; 8' high fence or wall if in an industrial zone or if use is industrial
Utility buildings, stations, and substations	6' high fence or wall

1. **Screening Materials:** A solid wall or fence, chain link or other wire fence utilizing metal, plastic or wood slats shall be considered an obscuring wall for the purpose of this Ordinance. The Planning Commission may, in its review of site plans for specific uses, allow or require the provision of a greenbelt planting consisting of trees and shrubs alone or in addition to a fence or wall to serve as a screen where such screens are required under this Ordinance or where conditions are such that a more effective and harmonious development with abutting or neighboring land uses would result. Greenbelt plantings shall be regulated under [Section 3.23](#). The construction of a fence or wall in combination with a berm to achieve the required height standards for screening purposes may also be approved. The height of the berm in addition to the fence atop of the berm shall not exceed the total allowable fence height as permitted by district.
2. **Construction for Screening Purposes:**
 - a. All walls herein required shall be constructed of materials approved by the Zoning Administrator to be durable, weather resistant, rustproof and shall be maintained by the commercial or industrial property owner or tenant at all times equal in condition to the completed structure at the time of initial installation. Wood or wood products, when utilized, shall be treated (wolmanized or equal) and maintained at all times.
 - b. Required walls shall be constructed of sound absorbing materials when, in the opinion of the Planning Commission or the Zoning Administrator, the use could result in noise of such frequency and/or magnitude as to pose a potential nuisance to abutting residents.

C. Commercial & Industrial Fences & Walls Required for Screening Purposes.

For those uses listed below, there shall be provided and maintained on those sides abutting or adjacent to a residential use of property or a residential district an obscuring fence or wall or a combination thereof as required below (except otherwise regulated by this Ordinance):

Side & Rear Yard Screening Requirements	
Side And Rear Yard Screening Requirements For Uses Abutting A Residential Use Or District	
All off street parking areas	4' high fence or wall
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Outdoor storage areas (commercial or industrial)	6' high fence or wall; 8' high fence or wall if in an industrial zone or if use is industrial
Utility buildings, stations, and substations	6' high fence or wall

1. **Screening Materials:** A solid wall or fence, chain link or other wire fence utilizing metal, plastic or wood slats shall be considered an obscuring wall for the purpose of this Ordinance. The Planning Commission may, in its review of site plans for specific uses, allow or require the provision of a greenbelt planting consisting of trees and shrubs alone or in addition to a fence or wall to serve as a screen where such screens are required under this Ordinance or where conditions are such that a more effective and harmonious development with abutting or neighboring land uses would result. Greenbelt plantings shall be regulated under [Section 3.23](#). The construction of a fence or wall in combination with a berm to achieve the required height standards for screening purposes may also be approved. The height of the berm in addition to the fence atop of the berm shall not exceed the total allowable fence height as permitted by district.
2. **Construction for Screening Purposes:**
 - a. All walls herein required shall be constructed of materials approved by the Zoning Administrator to be durable, weather resistant, rustproof and shall be maintained by the commercial or industrial property owner or tenant at all times equal in condition to the completed structure at the time of initial installation. Wood or wood products, when utilized, shall be treated (wolmanized or equal) and maintained at all times.
 - b. Required walls shall be constructed of sound absorbing materials when, in the opinion of the Planning Commission or the Zoning Administrator, the use could result in noise of such frequency and/or magnitude as to pose a potential nuisance to abutting residents.

- c. The requirement for an obscuring wall between off street parking areas or outdoor storage areas and abutting residential districts or uses shall not be required when such areas are located more than two hundred (200) feet distant from such abutting residential use or district.
- d. The Planning Commission or its administrative agent may waive or modify the foregoing requirements where cause can be shown that no good purpose would be served with conformance to [subsection C](#).

Section 3.23 Landscaping and Buffering

The purpose of this section is to protect and enhance property values, economic welfare and community attractiveness, provide beneficial climatic impacts by cleaning the air and providing shade, protect health, safety and welfare by reducing air and water borne pollutants, flooding and noise; to mitigate adverse effects of siting different uses near one another through buffering; to facilitate preservation of existing valuable trees and other vegetative cover; to provide wildlife habitat and environmental standards within developed areas; to protect privacy.

A. Required Landscaping.

- 1. Open space landscaping shall be required in the C-1, C-2, and I Districts in addition to for non-residential uses in the Mixed Use Overlay District in accordance with the following standards:
 - a. A minimum of fifty (50) percent of the front setback area shall be landscaped open space.
 - b. All areas not covered by buildings, parking or other structures shall be treated with landscape materials including trees, shrubs and groundcovers consistent with these provisions.
- 2. Bufferyards shall be required between conflicting land uses in order to mitigate problems associated with traffic, noise, vibration, odor, glare, dust, smoke, pollution, or water vapor. Using landscaping, fences, and berms, or a combination of some or all the techniques may achieve buffering. Bufferyards are not required between similar uses within in the C-1, C-2 or I Districts or the Mixed Use Overlay District.
- 3. Bufferyards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. Bufferyards shall not be located on any portion of an existing or dedicated public or private street or right-of-way.
- 4. [Tables I](#) and [II](#) shall be used to determine Bufferyard dimensions and plant materials specifications. Table I is used to determine the type of bufferyard (A, B, C, D, or NA) which will be required between districts or users. Once the type of bufferyard is obtained, Table II outlines the plant material specifications and width of the required bufferyards. Each property line should be analyzed independently to determine the appropriate Bufferyard required.

5. The Bufferyard tables below are to be considered minimum standards. Increased landscaping requirements may be imposed by the Planning Commission if it is determined any of the following conditions exist:
 - a. The type of required Bufferyard will not sufficiently mitigate noise, glare, fumes, smoke, dust or unsightly views within the site.
 - b. The scale of the project in regard to mass and height indicates the need for a Bufferyard developed specifically for the project.

6. Land Use Categories.

Type I - Single-family residential, parks, recreational areas and facilities

Type II - Multi-family dwellings, churches, schools, public offices

Type III - Personal service establishments, professional offices

Type IV - Parking lots, convenience stores, restaurants, hotels/motels

Type V - Gas stations, car washes, outside storage, wholesale and warehousing, industrial uses

For the sole purpose of the application of this section, in instances where a specific land use is not identified in a category, the Planning Commission may assign the land use to a category that is determined to be similar in use and/or impact.

Table I Bufferyard Type					
Proposed Use Category	Adjacent Existing Land Use Category				
	I	II	III	IV	V
I	NA	NA	NA	NA	NA
II	A	NA	NA	NA	NA
III	B	A	NA	NA	NA
IV	C	B	A	NA	NA
V	D	C	B	A	NA

Table II Bufferyard Plant Material Specifications				
Bufferyard Category	Bufferyard Width	Number of Plants per 100 Linear feet of Bufferyard		
		Evergreen Trees	Deciduous Trees	Shrubs
A	10'	5	4	7
B	15'	7	5	9
C	15'	8	6	11
D	20'	10	8	13

7. Screening of Unsightly Areas:

- a. Unsightly areas, including but not limited to outside trash receptacles, loading docks, outside storage areas, utility boxes and open areas where machinery or vehicles are stored or repaired, shall be screened from public sidewalks, streets and other areas from which the property is visible. Such screening shall not be located as to interfere with required maintenance activities of utility boxes.
- b. Whenever plants are used as a screen, they should provide an effective opaque screen within three (3) years of the time they are planted.
- c. The materials and colors of the screen should blend with the site and the surroundings.
- d. Enclosures shall be placed around dumpsters and other trash receptacles. Dumpsters shall be entirely screened from view. The enclosures should prevent trash from being scattered by wind or animals. The dumpster shall be placed on a concrete pad, enclosed by an opaque screen at least six (6) feet in height, with opaque gates. The enclosure shall be sturdy and built with quality wood or masonry materials. The trash enclosures shall be sited so the service vehicle has convenient access to the enclosure and has room to maneuver without backing onto a public right-of-way.

B. Landscape Materials.

- 1. All landscape materials planted pursuant to the provisions of this section shall be healthy and compatible with the local climate, site soil characteristics, drainage, and available water supply.
- 2. Deciduous trees shall be not less than one and one-half (1 ½) inches in diameter for residential uses and two and one-half (2 ½) inches in diameter for all other uses.

3. Coniferous trees should be at least six (6) feet in height.
4. Shrubs shall be of a size generally known in the nursery industry as requiring at least a five-gallon container.

C. Performance Standards.

1. Irrigation.

- a. Whenever the landscaped area is two thousand (2,000) square feet or more, the site shall have a permanent irrigation system capable of meeting the typical watering requirements of all the plant materials on site.
 - b. Whenever there is less than two thousand (2,000) square feet of landscaped area there should be at least one (1) reliable water source available during the growing season. The hose bib or other water source shall be within fifty (50) feet from a border of the plants.
 - c. All irrigation systems shall be maintained in good working condition.
 - d. Irrigation requirements may be adjusted in part or in whole by the Planning Commission for landscape areas having established healthy plant material, or where irrigation is deemed unnecessary for plant health and survival.
2. Trees shall be planted on the project sites to allow for their desired mature growth.
 3. Access to or view of fire hydrants shall not be obstructed from any side.
 4. All plants required by this Section shall be maintained in a live and healthy state. Dead or unsalvageable unhealthy plants shall be replaced with the size and type of plants required on the site development plan and by this Section.
 5. Berms, whenever utilized, shall be designed and landscaped to minimize erosion. Berms adjacent to public rights-of-way shall have a slope no greater than 3:1, unless designed as part of a retaining wall.
 6. Replacement of plants may be delayed whenever the Zoning Administrator determines that extenuating circumstances beyond the owner's control prevent the immediate replacement of the dead or unhealthy plants within a time established by the Zoning Administrator. In any event, the dead or unsalvageable plants shall be replaced within nine (9) months of the time the plants are clearly dead.
 7. The application of landscape standards within this Ordinance may be adjusted in part or in whole by the Planning Commission to allow credit for established healthy plant material to be retained on or adjacent to the site if such an adjustment is consistent with the intent of this Ordinance.
 8. Plantings shall be designed not to conflict with power lines or impede fire safety services.

D. Modification of Landscaping.

1. It is recognized that alternative design concepts exist which, if adopted, could exceed the results envisioned using these development standards. It is intended that the requirements of this chapter be flexible and permit latitude in site design and the use of plant materials when it can be shown that variation from the requirements will provide a development substantially better than that achievable using the minimum standards of this section.
2. The Planning Commission may approve variations from strict compliance with this section when an applicant can demonstrate that any of the following apply to a specific development site:
 - a. When topography, shape, size or other natural features make full compliance impractical or impossible.
 - b. When space limitations or prevailing development patterns in the surrounding neighborhood justify alternative compliance.
 - c. When safety considerations warrant alternative compliance.
 - d. When there is not an alternative in the practical siting of a building, location of site access, or the location of underground utilities to service the site.
 - e. When the alternative compliance plan is equal to or superior in its ability to fulfill the intent of this section.

Section 3.24 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.

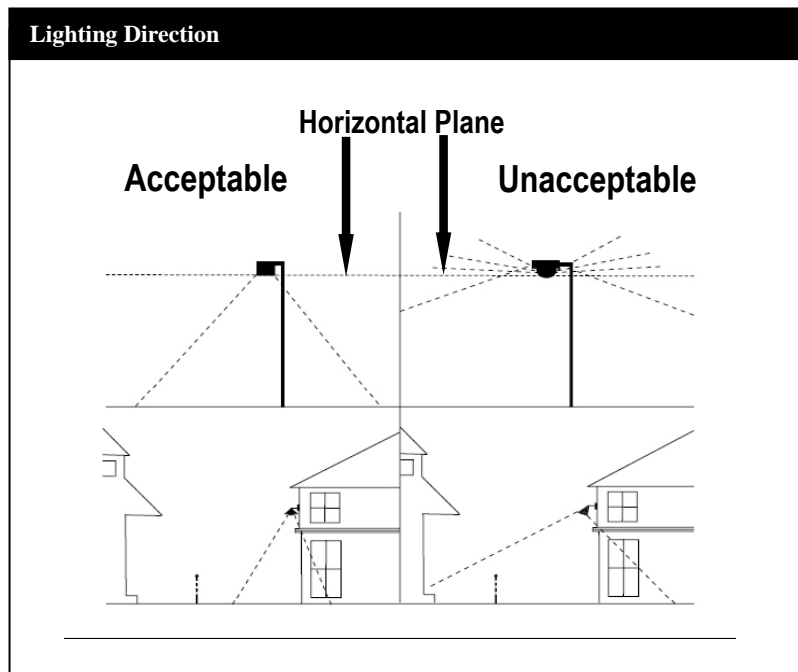
B. General Standards.

1. **Exempted Areas and Types.** The following types of outdoor lighting shall not be covered by this Ordinance:
 - a. Residential decorative lighting such as porch or entry lights, ground level lawn and driveway lights, and 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 Administration**, or other applicable federal or state agencies.
 - f. Lighting for school recreational facilities.
2. **Regulated Lighting.** The following types of lighting shall be regulated by this Ordinance:
- a. Private parking lot lighting and site lighting for commercial, industrial and institutional developments.
 - b. Multiple-family development parking lot lighting and site lighting.
 - c. Privately-owned street lighting.
 - d. Building facade lighting.
 - e. Security lighting, spotlights, and floodlights.
 - f. Other forms of outdoor lighting which, in the judgment of the Zoning Administrator, are similar in character, luminosity and/or glare to the foregoing.
 - g. Standards related to the lighting of signs are contained in **Section 3.27**.
3. **Standards.** Lighting shall be designed and constructed as per the following requirements:
- a. **Design.** All exterior lighting shall be designed in a consistent and coordinated manner for the entire site. All lighting structures within a property or planned development shall be of uniform design and materials and shall be harmonious to the scale of the property and its surroundings. Parking lot and street lights shall also be of uniform height.
 - b. **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.
 - c. **Lighting Directed Downward/Shielded.** Except for diffused globe-style walkway lights and the lighting addressed in **subsection d 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.

- d. **Upward Directional Lighting.** All lighting used for the external illumination of buildings and flags with lights directed in an upward direction so as to feature said buildings and flags, shall be placed and shielded so as not to interfere with the vision of persons on adjacent streets or adjacent property.
- e. **Location of Poles.** Lighting poles and structures shall be located within landscaped areas where possible.
- f. **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.
- g. **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.
- h. **Gas Stations.** Ceiling lights in gas pump island canopies shall be recessed.



Section 3.25 Parking

It is the intent of this section to have the proper number of parking spaces provided for any given use based upon considerations of the typical number of motor vehicles that can be anticipated to be at the premises at the same time during the average day.

A. Residential Parking Requirements (Single-Family Detached & Two-Family Dwellings).

Residential off-street parking spaces shall consist of a parking strip, driveway, garage or any combination located on the premises they are intended to serve. Commercial vehicles, as defined by this Ordinance, may be parked in any of the residential districts in the side or rear yard. No semi-trailers shall park on any residential lot in the R-1 or R-2 Districts.

B. Non-Residential Parking Requirements.

1. **Location of Parking Lot.** Parking shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot.
2. **Adequate Turning Radius and Aisle Space.** Adequate space shall be provided in all parking areas to facilitate turning around of vehicles so that the entry on to streets may be in a forward manner and not by backing. Furthermore, in parking areas where internal movement of vehicles is necessary, adequate aisle space shall be provided to insure vehicular and pedestrian safety.
3. **Compliance Required.** Off-street parking and loading provisions of this section shall apply to the following:
 - a. **New Construction.** For all buildings and structures erected and all uses of land established after the effective date of this Ordinance.
 - b. **Enlargement.** Whenever a building is expanded to increase its usable floor area.
 - c. **Change in Use.** Whenever the use of a building or portion of a building is changed to accommodate a use requiring more parking than the former use.

Regulations pertaining to off-street parking shall not apply to existing parking for commercial buildings in existence at the time of adoption of this Ordinance.

4. **Plan Review.** If not part of the original site plan review and approval of the primary use of the lot, any off-street parking lots, parking structures or loading areas required under this Section shall be required to submit a plan for review and approval by the Zoning Administrator. All elements shall be dimensioned on the plan and distances from property lines and structures shall be noted. The plan shall show the following:
 - a. Total number of parking spaces provided, existing and proposed; and total required by Ordinance;

- b. Location and size of spaces;
 - c. Parking aisles;
 - d. Vehicle circulation;
 - e. Ingress and egress;
 - f. Sidewalks and pedestrian circulation;
 - g. Signage;
 - h. Lighting;
 - i. Storm water retention areas;
 - j. Proposed and existing grades;
 - k. Landscaping islands;
 - l. Landscape and buffer areas; and
 - m. Any other information deemed necessary by the Zoning Administrator.
5. **Excessive Parking Space.** A maximum of one hundred twenty (120) percent of the required number of parking spaces may be provided (rounded down to the nearest whole number). Provision of more than one hundred twenty (120) percent of the requirement will require a variance from the Board of Zoning Appeals.
 6. **Collective Parking.** Two (2) or more buildings or uses may collectively provide the required off-street parking in which case the number of parking spaces required shall be reduced by ten (10) percent for each building or use.
 7. **Shared Parking.** In the instance of where different developments have different operating hours or the parking needs of individual buildings or uses occur at different days or times, the same spaces may be credited for both uses.
 8. Adequate area must be provided for snow piling. Handicap parking shall be provided as required by state and federal regulations. Designation of parking areas must be clearly identifiable for use by the public.
 9. **Calculating Parking Spaces.** Usable floor area shall be used to determine minimum parking requirements and is the area used for or intended to be used for the display or sale of merchandise or services, or for use to serve patrons, clients, or customers. Usable floor area shall be exclusive of basements, cellars, attics, hallways, bathrooms or any other areas used for storage or utilities. Useable Floor Area may be computed by calculating the sum of usable floor area for each floor of the building. When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half shall be disregarded, and fractions over one-half shall require one parking space.

C. Requirements for the Number of Parking Spaces per Use.

1. Parking Spaces for Specific Uses are found in [Table 3.25A](#).
2. For uses that are not specifically identified, the required parking spaces shall be in accord with the use the Zoning Administrator or Planning Commission determines to be a similar type.

3. Lesser amounts of required parking spaces may be allowed by the Zoning Administrator or Planning Commission for lots with existing structures or buildings when the following conditions exist:
 - a. The parking requirements of this section which would be applicable as a result of the proposed use cannot be satisfied on such a lot because there is not sufficient area available on the lot that can practicably be used for parking.
 - b. The structures or buildings on it were constructed before the effective date of this Ordinance.
 - c. The new use does not involve any enlargement of any structure or building on the lot.
4. **Reduction of Parking Spaces.** For new development in any zoning district, the Zoning Administrator (in the case of a parking lot which is not part of the site plan review process – as described in subsection B.4 above) and the Planning Commission (in the case of a parking lot being approved as part of a site plan review process) may approve a reduction of the required off-street parking spaces where it has been demonstrated by study of the proposed use(s) and the customary operation of the use(s) that adequate parking would be provided.

Table 3.25A: Parking Requirements

<i>Residential</i>	
Bed and Breakfasts/Rooming houses	1 for each sleeping room, 1 for each employee and 2 for the owner/resident manager.
Group day care homes	2 in addition to the 2 required for the residence.
Home Occupation or Cottage Industry	Determined on a case by case basis.
Manufactured Homes located in a Manufactured Housing Community	2 for each manufactured home site and 1 for each employee.
Multiple family	1.5 per each efficiency or one-bedroom dwelling unit, 2 per each unit with 2 or more bedrooms and 1 for each employee.
One-family and two-family	2 for each dwelling unit.
State-Licensed Residential Facilities (Adult Foster Care Homes 6 or less people)	4 for each establishment.
Tourist Home/Boarding House	1 for each guest bedroom plus 2 for the dwelling unit.
<i>Commercial</i>	
Auto service station and repair	2 spaces per service bay, plus 1 for each employee, plus 1 for each 300 square feet of usable floor area devoted to retail sales.
Auto wash; auto reconditioning; auto cleaning	1 space per employee on the largest shift plus a minimum of 5 stacking spaces.
Automobile, mobile home, truck, recreational vehicle, boat and farm implement sales and rental	1 space per 500 square feet of showroom floor area plus 1 space per 2,000 square feet of outdoor sales area.
Bank	3 spaces plus 1 per 300 square feet of usable floor area.
Beauty parlor or barber shop	2 per chair.
Bowling alley	4 spaces per lane.
Computer sales and repair, printing, appliance service shops	1 per employee plus 1 for each 300 square feet of usable floor area.
Dance Halls, Private Clubs, Nightclubs	1 for each 100 square feet of usable floor area.
Dry cleaners	2 for every 1000 square feet of usable floor area.
Furniture and appliance sales and service, hardware, household equipment, repair shops, shoe repair, showroom of a plumber, decorator, electrician or similar trade, and other similar uses	1 for each 300 feet of usable floor area.
Greenhouse	1 space per 300 square feet usable floor area.

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Laundromats	1 for each 2 washing or dry cleaning machines.
Motel, hotel, other commercial lodging establishments,	1 for each sleeping room; plus 1 for each 2 employees on the maximum working shift, plus spaces for any dining rooms, cocktail lounges, ballrooms, or meeting rooms, based upon maximum occupancy code.
Mini-warehouses, self-storage establishments	1 per 10 storage units, equally distributed throughout the storage area.
Funeral home; mortuary	1 per 3 persons based on maximum occupancy code plus one for each employee.
Open air business	1 for each 600 square feet of lot area.
Professional offices	1 per 200 square feet usable floor area or minimum of 4 spaces whichever is greater.
Research, medical or optical laboratory	1 space per 300 square feet of usable floor area.
Restaurants and establishments for on premises sale and consumption of food, refreshments, and/or beverages	1 for every 100 square feet of usable floor area.
Retail sales unless otherwise specified herein; shopping center	1 space per 300 square feet of usable floor area.
<i>Institutional</i>	
Assisted living facility, Nursing/Convalescent Homes	1 per 4 beds plus 1 for each 2 employees on the maximum working shift.
Churches, temples, or similar places of worship; theaters, auditoriums, and assembly buildings; stadiums, sports arenas, or similar places of outdoor assembly	1 space for each 4 seats or 8 linear feet of benches in the main unit, plus 1 for each employee. If no permanent seats are provided, then 1 space for each 35 square feet of usable floor area.
High Schools	1 for each teacher, employee, or administrator, and 1 for each 4 students, and 1 for each seat in the main auditorium.
Elementary, middle, and junior high schools	1 for each 10 seats in main assembly room, or 1 for each employee plus 2 for each classroom, whichever is greater.
Government offices; community center; libraries; museums	1 for every 200 square feet of usable floor area.
Hospitals; Clinics (Human or Animal)	1 for each bed and/or examining room; plus 1 for each 2 employees on maximum working shift; plus 1 for each 200 square feet of waiting room.
Jails	1 space for each staff member plus 1 space for every 5 cells in addition to off street loading spaces for delivery and transport vehicles.
Nursery schools, day nurseries, or child day care centers (non-residential)	1 for each employee plus 1 space for each 5 children of licensed authorized capacity or 1 space for every 10 children if adequate drop-off facilities are provided.
Post offices	1 space per official vehicle plus 1 space per employee on the largest shift plus 1 space per 200 square feet usable floor area.
<i>Industrial</i>	
Industrial Establishments	1 space per employee on the largest shift, plus 1 space per 800 square feet of usable floor area.
Mineral extraction, borrow pit, top soil removal and storage	1 space per employee on the largest shift.
Sanitary landfill or refuse dump; sewage, trash, garbage disposal or recycling plant	1 space per employee on the largest shift.
Truck terminal	1 space per 1,000 square feet.
Warehouse and/or storage building	1 space per 2,000 square feet.
Water treatment or wastewater facility	1 space per employee on the largest shift.
Wholesale establishments	1 space per 600 square feet plus 1 space per employee on the largest shift.
<i>Misc</i>	
Athletic clubs	1 per each 3 persons allowed within the maximum occupancy load plus 1 per each employee.
Boat Launch Ramps; Marinas and Dock Facilities	1 per boat slip plus 1 per employee on the largest shift plus 20 for launch ramps.
Cemetery	1 space per employee on the largest shift.
Golf Courses	4 spaces per hole plus 1 for each employee.
Mini Golf Courses	2 spaces per hole plus 1 for each employee.
Tennis or racquetball facility	2 spaces per court plus 1 space per employee on the largest shift.

D. Commercial Parking Area Design Standards.

1. The layout of off street parking facilities shall meet the following requirements:

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length
Parallel	12ft	8ft	23ft
30-53 degrees	12ft	8ft-6 in	20ft
54-74 degrees	15ft	8ft-6in	20ft
75-90 degrees	20ft	9ft	18ft

2. **Maneuvering Lanes.** All spaces shall be provided access by maneuvering lanes. Backing directly onto a street shall be prohibited.

3. **Ingress and Egress.**

- a. Adequate ingress and egress to a parking lot by means of clearly defined drives shall be provided for all vehicles.
- b. Entrances and exits of any off street parking lot for commercial use shall be at least twenty-five (25) feet from the lot line of any adjacent residential uses.

4. **Stacking Space.** Drive-through business shall provide adequate queuing space to accommodate the maximum number of cars that may be expected to seek service at any one time without queuing onto the adjacent thoroughfare. The Planning Commission may require that a determination be made by a registered professional engineer, with a specialization in traffic engineering, to specify the amount of queuing space that is needed. Provisions for parking for drive-through facilities must meet with the approval of the Planning Commission and no parking on the public right-of-way shall be permitted.

5. **Bufferyards.** A minimum Type A Bufferyard shall be required on all sides of commercial parking areas not adjacent to buildings or other parking lots. A higher standard of Bufferyard is required if stipulated in [Section 3.23](#) or if it is determined by the Planning Commission an increased Bufferyard is necessary to adequately screen the parking area.

6. **Snow Storage Areas.** All parking areas containing two thousand seven hundred (2,700) square feet or more shall provide snow storage area. Snow storage shall be provided on the ratio of ten (10) square feet per hundred (100) square feet of parking area. Parking area is calculated at two hundred seventy (270) square feet per parking space. Snow storage areas shall be located in such a manner that they do not interfere with the clear visibility of traffic on adjacent streets and driveways.

7. **Landscaping.** Parking lots with more than two (2) parking aisles may be required to provide interior landscaped areas, interior being defined as the area within the perimeter of the paved surface.

- a. When required, landscaped areas shall be a minimum of seventy-five (75) square feet with a minimum width of five (5) feet. Interior landscape areas shall be designed to cause minimum interference with snow removal. Each interior landscape area shall include one (1) or more canopy trees based on the provision of one (1) tree per each one hundred (100) square feet of interior landscape area.

E. Loading Space Requirements.

- 1. For every building, or addition to an existing building, hereafter erected to be occupied by a use allowed in any commercial or industrial zoning district or other similar use requiring the receipt or distribution in vehicles, of materials or merchandise, there shall be provided and maintained on the same premises with such building or addition off street loading spaces in relation to floor area as follows:

Off-Street Loading & Unloading	
Gross Floor Area	Loading & Unloading Space Required
0 - 4,999 ft ²	None
5,000 - 20,000 ft ²	One (1) space
20,001 - 50,000 ft ²	Two (2) spaces
50,001 - 300,000 ft ²	Three (3) spaces
300,001 ft ² and up	One additional space for each additional 100,000 square feet or fraction thereof

- 2. Each such loading space shall be at least ten (10) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height. No such space shall be located closer than fifty (50) feet to any lot in any residential district unless wholly within a completely enclosed building or enclosed on all sides by a wall.

Section 3.26 Access Management

All land in a parcel having a single tax code number or contiguous parcels owned by a single individual, or related individuals, or other entity or related entities, as of the effective date of this Ordinance, fronting on M-72, M-93 or I-75 Business Loop shall be entitled to one (1) driveway or road access per parcel from said highway. Parcels, which have more than four hundred (400) feet of contiguous frontage, may have one (1) access, with another driveway allowed for each full four hundred (400) feet of frontage thereafter. Parcels, when subsequently subdivided either as metes and bounds described parcels or as a plat in accord with the [Land Division Act 1967 PA 288](#), as amended, or as a site condominium in accord with the [Condominium Act 1978 PA 59](#), as amended, shall meet the minimum driveway spacing requirements of this Ordinance. Alternative means of access may be used to achieve driveway spacing standards, including frontage roads, rear service drives, parking lot cross-connections, shared driveways or side street access.

A. Driveway Standards.

The standards for driveways shall be as follows:

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

1. **MDOT.** In addition to meeting the standards of this Ordinance, all driveways shall meet the minimum standards of the **Michigan Department of Transportation (MDOT)**, and shall receive a driveway permit from MDOT prior to construction.
2. **Curbs Required.** All driveway radii, except for single-family residential use, shall be constructed with concrete curbs to define access.
3. **Minimum Width and Clearance.**
 - d. **Residential.** Driveways for single-family residences shall have a minimum width of twelve (12) feet and cleared to a minimum height of fifteen (15) feet. A driveway more than three hundred (300) feet in length shall have a turn-around large enough to accommodate emergency vehicles.
 - e. **Commercial or Serving Five (5) or more Residences.** Driveways for commercial use or driveways serving five (5) or more residences shall have a minimum width of twenty (20) feet of hard surface with construction to meet MDOT Standards.
4. **Snow Storage.** An adequate area of land for snow storage area must be reserved along the drive, and shall not interfere with or damage landscaping required by this Ordinance and clear vision areas must be maintained.
5. **Shared Driveways & Private Frontage Roads.** All shared driveways or private frontage roads will be considered private roads maintained jointly by the benefiting property owners, who shall enter into and record an agreement for the joint maintenance to keep the access in a reasonably safe condition.
6. **Access Points & Stacking Space.** Access points for frontage roads, rear service drives, or side street drives shall be located to allow adequate stacking space for vehicles entering or crossing M-72, M-93 or I-75 Business Loop.
7. **Parking Lot Connections.** Parking lot cross-connections may be used as an alternative to frontage roads or shared driveways if, in the opinion of the Planning Commission, such cross-connections are designed with equivalent standards and function, and do not interfere with safe internal parking lot circulation patterns. The connector drives must be recorded as easements and maintained by adjoining property owners and users who shall enter into a formal legal agreement for joint maintenance.
8. **Distance from Intersections.** All driveways or frontage roads intersecting M-72, M-93 or I-75 Business Loop shall be located at least one hundred fifty (150) feet from local road intersections, centerline to centerline.
9. **Spacing.** Adjacent drives shall be spaced a minimum of three hundred (300) feet apart, centerline to centerline. Drives should be aligned with those across M-72, M-93 or I-75 Business Loop or offset at least one hundred and fifty (150) feet, centerline to centerline, where possible.

- B. The Planning Commission shall review and approve frontage roads, rear service drives, parking lot cross-connections, shared driveways or side street access for parcels with frontage on M-72, M-93 or I-75 Business Loop.

Section 3.27 Signs and Billboards

The purpose of this section is to regulate outdoor signs, designed to be visible to the public, in a manner which does not restrict the content while recognizing the mass communications needs of both businesses and other parties; protecting property values and neighborhood character; creating a more attractive business environment; promoting pedestrian and traffic safety by reducing sign distractions, obstructions, and other hazards; promoting pleasing community aesthetics; and the protection of the dark night sky.

A. General Standards.

1. Signs and billboards shall comply with all federal and state requirements prior to the application of requirements within this Ordinance. The more restrictive requirements between federal, state and local regulations shall apply.
2. **Substitution Clause.** Any sign that can be displayed under the provisions of this Ordinance may contain a non-commercial message.
3. **Signs in Right-of-Way.** No sign, except those established and maintained by Township, County, State or Federal governments, shall be erected in, nor project into, or overhang a right-of-way except as otherwise allowed in this Ordinance.
4. No sign or billboard shall be erected in a manner which will conceal or obscure signs of adjacent businesses.
5. **Signs Not to Constitute a Traffic Hazard.** No sign or billboard shall reduce or obstruct the necessary visual path of passing motorists or motorists entering or exiting the street. No sign shall be erected where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or which makes use of any word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.
6. **Flashing/Moving Signs.** Signs shall not be of the flashing, moving or intermittent type unless elsewhere allowed in this Ordinance or approved by the Zoning Administrator, who shall find that the lighting is non-glaring and does not interfere with traffic control devices. An exception to this subsection shall be barber shop poles. See subsection H for regulations pertaining to Digital Message Centers (digital signs).

No sign or billboard shall be illuminated by other than electrical means. Bare lighting fixtures shall not be allowed. The illumination of signs shall not constitute a nuisance, nor interfere with the visual necessities of vehicular traffic, nor of the use or enjoyment of adjacent properties.

7. **Signs not to Constitute a Danger/Illegal Signs/Assessment of Removal Costs by the Township.** No sign or billboard shall be erected which have any potential of danger to

the public due to moving parts or structural deficiencies. In the event that any sign becomes insecure, in danger of falling, unsafe, damaged, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this Ordinance, the owner or lessee shall, within ten (10) days of receipt of a written notice from the Zoning Administrator, make such sign conform to the provisions of this Ordinance or shall cause it to be removed. The Zoning Administrator may grant a time extension if, after inspection, the Zoning Administrator determines that no immediate danger exists. In the event said owner or lessee does not remove said sign pursuant to said notice, or cannot establish a good faith effort to comply, 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. The Zoning Administrator shall refuse to issue a permit to any permittee or owner who refuses to pay costs so assessed. The Zoning Administrator may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed summarily and without notice.

8. **Sign Maintenance.** The Zoning Administrator may order the removal of any sign that is not maintained in accordance with the provisions of this Ordinance.
 - a. **Maintenance.** All signs for which a permit is required, together with all their supports, braces, guys and anchors, shall be maintained in good working order, and when not galvanized or constructed of approved corrosion-resistant, noncombustible materials, shall be painted when necessary to prevent corrosion. The exteriors of all signs, supporting members, painted surfaces, advertising materials and lettering shall be kept painted and in good repair, so as to present a neat and orderly appearance. All bulbs or component parts of the sign, including the electrical switches, boxes and wiring used in the illumination of the sign must be well maintained and in good repair.
 - b. It shall be the duty and responsibility of the owner or lessee of every sign to maintain the immediate premises occupied by the sign in a clean, sanitary and healthful condition.
9. **Two-Sided Signs.** Two-sided signs and billboards shall be considered one sign.
10. **Building Code.** All signs and billboard will comply and must be maintained with current building department standards for Grayling Charter Township. A sign that are not maintained to conform with current building standards must be removed immediately if it falls into disrepair.
11. **Permission of Property Owner.** No sign or billboard shall be erected without the written permission of the property owner.
12. **Obstructions to Doors, Windows, or Fire Escapes.** No sign or billboard shall be erected so as to obstruct fire-fighting equipment, nor prevent access to any door, window or fire escape.

- 13. **Roof Signs and Billboards.** Signs and billboards on roofs are prohibited.
- 14. **Signs Affixed to Nontraditional Surfaces.** No sign shall be affixed to trees, rocks, shrubs, utility poles, or other similar objects.
- 15. **Obscene Material.** Signs which contain statements, words, or pictures of an obscene 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 shall be prohibited.
- 16. **Abandoned Signs.**
 - a. An abandoned sign is any sign to which any of the following applies:
 - (1) has remained blank over a period of one (1) year;
 - (2) The sign’s message becomes illegible in whole or substantial part.
 - (3) A sign which has fallen into disrepair
 - b. 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 one (1) year to remove said sign. Upon the expiration of one (1) year, 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.

B. Specific Sign Standards for Residential and Non-Residential Uses.

TABLE 3.27 A: Sign Requirements for Residential Uses		
	Single & Two-Family Uses	Multiple Family, Subdivisions, Manufactured Housing Dev Uses
Free-Standing Signs¹	Number Allowed ² : 1 Maximum Size: 12 sq ft Maximum Height: 6 ft from ground level	Number Allowed: 1 per entrance Maximum Size: 80 sq ft Maximum Height: 16 ft from ground level
Wall Signs	Number Allowed ² : 1 Maximum Size: 12 sq ft	Number Allowed: 1 per entrance Maximum Size: 80 sq ft Maximum Height: 16 ft from ground level
Temporary Signs¹	The total square footage of all temporary signs combined including temporary freestanding signs and temporary wall signs, shall be no greater than 36 sq ft .	
Additional Standards:		
<p>¹No sign shall be erected within 50-feet of the center of any road, nor within 10-feet of any side lot line, nor within 50-feet of any rear lot line.</p> <p>²Single-family and two-family uses that contain a Home Occupation may have one (1) additional freestanding sign and one (1) additional wall sign.</p>		

TABLE 3.27 B: Sign Requirements for Non-Residential Uses	
Permanent Signs	
Free-Standing Signs¹	Number Allowed ² : 1 per road frontage Maximum Size: 80 sq ft Maximum Height: 16 ft from ground level
Cluster Signs¹	Number Allowed: 1 per road frontage Maximum Size: 80 sq ft (total combined size of all signs on a structure) Maximum Height: 16 ft from ground level
Wall Signs	Maximum Size: 80 sq ft
Projecting Signs	Number Allowed: 1 Maximum Size: 12 sq ft Minimum Height: 8 ft from ground level
Message Centers¹ (Static & Digital)	Number Allowed ² : 1 per road frontage Maximum Size: 24 sq ft Maximum Height: 16 ft from ground level
Temporary and Portable Signs	
Temporary Signs¹	The total square footage of all temporary signs combined including temporary freestanding signs and temporary wall signs, shall be no greater than 48 sq ft.
Portable Sign¹	Number Allowed: 1 Maximum Size: 24 sq ft One portable sign, with changeable letters, advertising a special community event may be placed on any property, with the owners' permission, up to 14-days prior to that event, and must be removed within one-day after that event.
Additional Standards:	
¹ No sign shall be erected within 50-feet of the center of any road, nor within 10-feet of any side lot line, nor within 50-feet of any rear lot line.	
² For lots with multiple road frontages, the total of all free-standing primary signs combined shall be no greater than 80 sq ft	

C. Murals.

Murals depicting local historical or nature scenes are allowed on the sides or front of any commercial building. Any portion of a mural with lettering must not exceed 80 square feet.

D. Directional Signs.

Directional signs on industrial or commercial properties are not limited in number, but each

shall not exceed four-square-feet.

E. Billboards (Off-Premise Signs).

1. **Special Use.** All billboards must be approved by the Township Planning Commission as a Special Use. No more than one billboard shall be erected on any property without Planning Commission approval.
2. **Size.** Billboards may exceed 80-square-feet in face size with a maximum of 300-square-feet. Billboards are limited to erection in industrial or commercial zones adjacent to federal and state highways only.
3. **Height.** Billboards shall not exceed 30-feet in height from ground level.
4. **Location.** No billboard shall be erected within 50-feet of the center of any road, nor within 10-feet of any side lot line, nor within 50-feet of any rear lot line.
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 Billboards (Off-Premise Signs).**
 - a. **Rate of Change.** The rate of change between static messages or images shall not exceed more than one (1) change per six (6) seconds. Each change shall be complete in one (1) second or less.
 - b. **Luminance.** The maximum daylight sign luminance level shall not exceed sixty-two thousand (62,000) candelas per meter squared at forty thousand (40,000) lux illumination beginning one half (1/2) hour after sunrise and continuing until one half (1/2) hour before sunset and does not exceed three hundred seventy-five (375) candelas per meter squared at four (4) lux illumination at all other times.
 - c. Digital off-premise signs shall be configured to default to a static display in the event of mechanical failure.

F. Signs Allowed without a Permit.

The following are permitted in all districts, in accordance with the provisions of this Section and shall not require permits for erection and, with the exception of [subsection F.8](#) below, shall not count toward the allowable number and size of signs contained in [Tables 3.27 A](#) and [3.27B](#).

1. Accessory signs two (2) square feet or less on non-residential properties.

2. Signs not readable by motorists or pedestrians on any road, alley, water body, public lands, or adjacent parcels;
3. Signs erected by an official governmental body, public utility, or historic agency;
4. Legal postings as required by law;
5. Flags;
6. Canopy, Awning, Marquee Signs including projecting signs when located on or below a canopy, awning, or marquee which do not exceed two (2) feet in area or extend below a minimum height of eight (8) feet from ground level.
7. Window signs.
8. Temporary signs and portable message boards.
9. Attention-Getting Devices such as Air Dancers and Slooper Banners shall be allowed up to four (4) times per year for a maximum of thirty (30) days each.

G. Digital Message Centers.

1. A digital message center shall be allowed to have changing messages, scrolling message, and animation, but shall not be allowed to contain flashing elements.
 2. 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.
 3. A digital message center shall contain a default mechanism that freezes the sign in one position if a malfunction occurs.
 4. A digital message center shall contain a mechanism to automatically adjust the intensity of its display according to natural ambient light conditions.
1. Instruments which use technology to display or project digital messages onto windows or walls of buildings shall be considered a digital message center and shall be subject to all provisions of this Ordinance.

H. Nonconforming Signs.

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. Without limiting the generality of the foregoing, no nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition.

3. A nonconforming sign may not be moved or replaced except to bring the sign 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 one hundred eighty (180) 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.
6. **Abandoned Nonconforming Signs.** Any sign that is nonconforming and has been abandoned shall remove the sign or make the sign conform to the Ordinance. The Township shall use the procedures stated in [subsection A.16](#) above to cause removal or conformance of the sign. [Subsection H.6](#) shall not apply to signs advertising seasonal businesses. For purposes of this section, a sign is “abandoned” if all of the following conditions remain for a period of one (1) year:
 1. The sign has remained blank (copy which promotes the rental of an off-premise sign does not constitute a blank sign).
 2. The sign’s message becomes illegible in whole or substantial part.
 3. A sign which has fallen into disrepair.

Section 3.28 Stormwater Management

The property owner or developer is required to retain on site all stormwater drainage in excess of natural conditions. This provision may require stormwater retention ponds where appropriate. An exception can 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 years (ten year design storm).

Section 3.29 Storage of Materials & Dumping of Material or Waste

A. Waste and Rubbish.

No waste material or junk including garbage, sewage, filth, refuse, waste, trash, debris or rubbish, including cans, bottles, waste paper, cartons, boxes and crates, or other offensive or obnoxious matter, shall be kept in open containers, or piled, placed, stored or dumped on any land within the Township. Nothing contained herein shall prevent the reasonable use of

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plans & Site Plan Review
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garbage, compost fertilizers, manure and similar material for the improvement of land, or the reasonable use of any commercial fertilizer in any district, where such use is not carried on in an unhealthy or unsanitary manner or does not constitute a menace to the health and welfare of the public or a nuisance to the surrounding area.

Exceptions shall occur in the following circumstances:

1. When such practices are a necessary accessory use to a permitted agricultural use.
2. When such practices occur in a junk yard authorized under this Ordinance and are included in the approved site plan.
3. When 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.

B. Temporary Storage of Used Materials.

The temporary storage, collection or placing of used or discarded material, such as lumber, scrap iron, slag, ashes or other such matter shall be allowed only during demolition and or construction periods, not to exceed six (6) months. After six (6) months, the Zoning Administrator shall require the removal of such material. Such removal shall take place in a time frame at the discretion of the Zoning Administrator after written notice is sent by the Zoning Administrator to the person or persons responsible for said storage, notifying him/her that such material must be removed and stating the date on which such materials must be removed from the premises. The Zoning Administrator may extend the time period an additional three (3) months.

Section 3.30 Land Division

A. Definitions as used in this Section.

1. Divide or Division – means the partitioning or splitting of a parcel or tract of land by the owner thereof, or by legal heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale or lease, or of development that results in one or more parcels of less than forty (40) acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the **Land Division Act (MCLs 560.108 and 560.109)**. Divide and Division do not include a property transfer between two (2) or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the Land Division Act, or the requirements of other applicable ordinances.
2. Exempt Split – means the partitioning or splitting of a parcel or tract of land by the owner thereof, or by legal heirs, executors, administrators, legal representatives, successors or assigns, that does not result in one or more parcels of less than forty (40) acres when an acre is measured as 43,560-square feet.

B. Application for Land Division.

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

1. An applicant shall file all of the following with the Township Assessor, Zoning Administrator or Supervisor for review, prior to making any division either by deed, land contract, lease, or building permit.
 - a. A completed application on such form as may be provided by the Township Assessor, Zoning Administrator, or Supervisor.
 - b. Proof of ownership of the land proposed to be divided.
 - c. A survey prepared and stamped by a qualified surveyor not more than one-year prior to the application date, showing:
 - (1) The parcel(s) prior to the proposed division, and
 - (2) The parcels resulting from the proposed division, with legal descriptions of all parcels prior to and after the proposed division.
 - d. Proof that all standards of the Land Division Act and this Ordinance have been met.
 - e. If a transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.
 - f. A fee of \$300 to cover the costs of application review and administration of this ordinance and the Land Division Act.

C. Procedure for Review of Land Division Application.

1. The Township shall approve or disapprove any land division application within forty-five (45) days of the application date and shall promptly notify the applicant of the decision of approval or denial with written reasons if the application has been denied.
2. Any applicant may appeal a denied application to the Grayling Charter Township Board of Trustees within sixty (60) days of the date of denial. The Township Board may resolve the appeal by majority vote within forty-five (45) days of the date the board hears the appeal. The applicant shall be notified promptly of the decision of the Board.
3. The Assessor shall maintain an official record of all approved and accomplished land divisions and transfers.
4. Grayling Charter Township and its officers and employees shall not be liable for approving a land division if building permits, water permits, or sewage disposal permits are subsequently denied for just cause within other ordinances or state or federal regulations.
5. Grayling Charter Township shall approve proposed land divisions if the division(s) comply with this Ordinance and the Land Division Act.
6. All parcel created and remaining from an approved land division shall have legal and adequate accessibility.

Section 3.31 Blight (Junk and Garbage)

A. Definitions as used in this Section.

1. Junk – means any unused or unusable toys, tires, building materials, furniture, machinery, appliances, or parts thereof.
2. Rubbish – means wastepaper, metalware, plasticware, metal cuttings, boxes, glass, straw, shavings, barrels, lumber, paper cartons, brush, lawn cuttings, and hedge trimmings.
3. Garbage – means any accumulation of trash, refuse or litter, specifically including, but not limited to refuse from the preparation and consumption of food, as well as dead animals (or parts thereof) and discarded edible or drinkable items.
4. Vehicle – means motorized and non-motorized mechanical devices which have the primary purpose of transporting people on land, air and water, including but not limited to, motor homes, cars, trucks, airplanes, snowmobiles, motorcycles, off-road vehicles, boats (including canoes, jetskis, and bicycles, and scooters.
5. Inoperable – means any vehicle unable to perform its primary function of transportation due to mechanical condition, missing parts, or non-licensure or registration if required by state or federal law.
6. Trailer – means any non-motorized device which must be pulled by a vehicle and is used for the purpose of transporting other vehicles or items of any kind, including but limited to utility and recreational travel trailers.

B. Unlawful Acts.

1. No owner, occupant or possessor of land within Grayling Charter Township shall keep or permit to be kept at any time on such parcel, any accumulation of junk, rubbish and/or garbage unless the same is within a completely enclosed building.
2. No owner, occupant or possessor of land within Grayling Charter Township shall keep or permit to be kept, for more than fourteen (14) consecutive days, any inoperable vehicle or trailer, including vehicles and trailers under owner repair, unless said vehicle or trailer is within a completely enclosed building or completely screened behind a six-foot high fence on the side or rear yards as defined in [Section 3.22](#).
3. No person shall place junk, rubbish, garbage and/or inoperable vehicles or trailers on the property of another, including any publicly owned property.
4. Property owners and occupants wishing to display and sell personal items, vehicles or trailers on their properties, may display no more than two items or vehicles or trailers or any combination thereof, in any time period which exceeds sixty days in any 365-day period. Items, vehicles and trailers for sale shall not be displayed for sale on vacant parcels. Vehicles or trailers need not be registered or licensed, but shall be operable in

all other ways. All items, vehicles and trailers must be clearly marked “FOR SALE” in a manner legible to passers-by. No person shall place items, vehicles or trailers for sale on the property of another, including any public property, nor shall they be placed within the road right-of-way.

C. Exceptions to blight regulations.

1. These blight regulations do not apply to inventory on premises occupied by a merchant licensed under **MCL 205.53** and conducting a lawful business or to the property patrons of a lawful motor vehicle repair facility, furniture or appliance sales or repair facility, or gasoline service stations while left on the premises of either for the purposes of service or repair, nor does this ordinance apply to licensed salvage yards which are regulated under **Public Act 12 of 1929**.
2. Recreational vehicles, and trailers which are usable, in good repair and are customarily licensed on a seasonal basis, and vehicles and not required to be licensed by the State of Michigan, shall be allowed to be kept on the owner’s property so long as they are stored in conformance with the yard requirements within this Ordinance for the designated zone for the property, as defined in this Ordinance in **Section 3.13**.
3. Junk, rubbish, and garbage may be placed on the owner’s property, close to the road or driveway, no more than 16-hours before normally scheduled pickup for disposal. All items placed for pickup must be in appropriate handling devices to prevent foraging animals and other vermin from the contents.

Section 3.32 Dangerous Buildings

A. Definitions as used in this Section.

1. A dangerous building means any building or structure, residential or otherwise that has one or more of the following defects or is in one or more of the following conditions:
 - a. A door, aisle, passageway, stairway, egress window or other means of exit that does not conform to the currently adopted Grayling Charter Township building code.
 - b. A whole or any portion of a building or structure which is damaged by fire, wind, flood, disrepair, dilapidation, decay, faulty construction or any other cause, natural or man-made, so that the structural strength or stability of the building or structure is appreciably less than its original condition and does not now meet the minimum requirements of the Grayling Charter Township building code.

B. Determination of Unsafe Building(s) or Structure(s).

1. The determination that any building or structure is unsafe and constitutes a direct danger to persons and/or property shall be the determination of the Building Official and the Grayling Charter Township Zoning Administrator or Supervisor, with confirmation by motion and approval of the Grayling Charter Township Board of Trustees.

- 2. Upon determination by the Grayling Charter Township Board of Trustees that a building or structure is unsafe, the matter shall no longer be considered a Municipal Civil Infraction, but the provisions and procedures in **Section 3.32.C** shall apply.

C. Procedure for Removal of Unsafe Building(s) or Structure(s).

- 1. Upon determination that a building poses a threat to persons and/or property, the owner shall be notified by the Supervisor, through registered mail, and shall be given 30 days from the date of the notice to begin demolition or repair. All local building regulations and permits shall be in effect and shall be strictly followed by the owner, if repair or demolition is begun. Notice shall also include a warning to the owner that if demolition or repairs are not in process within thirty (30) days of the date of the notice, the Grayling Charter Township Board of Trustees has authorized the Township Attorney to immediately file misdemeanor legal proceedings in the local judicial courts to seek injunctive relief, at the expense of the owner.
- 2. If injunctive relief is ordered by the court, the Township will make immediate arrangements for demolition of the unsafe building or structure. All costs, including legal and demolition costs associated with the demolition will be added as a lien to the next tax bill of the property's owner.

Section 3.33 New Business/Change of Use Permit

If a building/business has been unoccupied or closed for one (1) year or more, any new business shall obtain a Change of Use/Occupancy permit and shall comply with the following:

- A. All new businesses shall have a zoning, fire and building inspection, when required, prior to opening and shall comply with all applicable codes and approvals before the public occupies the building.
- B. All new businesses shall register with Grayling Charter Township and shall have all approvals prior to opening.

Packets will be provided for business owners at the Grayling Charter Township Zoning Department (Grayling Charter Township offices) and at the Grayling City/Township Fire Department.

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Article 4

District Regulations

Sec	Name	Pg	Sec	Name	Pg
4.0	District Designations	4-1	4.7	Recreational-Forest District, R-F	4-26
4.1	Zoning Map of Grayling Township	4-2	4.8	General Commercial District , C-1	4-30
4.2	Application of District Regulations	4-3	4.9	Heavy Commercial District, C-2	4-35
4.3	Table of Permitted Uses & Special Land Uses	4-5	4.10	Industrial District, I	4-40
4.4	Single-Family Residential District, R-1	4-17	4.11	Mixed Use Districts	4-44
4.5	General Residential District, R-2	4-20	4.12	Natural River District, NRD	4-46
4.6	General Residential Association, R-3	4-23	4.13	Schedule of Regulations	4-61

Section 4.0 District Designations

For the purpose of this Ordinance, Grayling Township is hereby divided into the following zoning districts. The locations of these districts are shown on the accompanying Zoning Map of Grayling Township:

A. Single-Family Residential District, R-1

B. General Residential District, R-2

C. General Residential Association District, R-3 (AuSable Woods Association)

D. Recreational-Forest District, R-F

E. General Commercial District , C-1

F. Heavy Commercial District, C-2

G. Industrial District, I

H. Mixed Use Districts

I. Natural River District, NRD

Section 4.1 Zoning Map of Grayling Township

A. Establishment of District Boundaries.

1. The boundaries of the zoning districts are established and shown on the Zoning Map of Grayling Charter Township, Crawford County, Michigan, which accompanies this Ordinance. The zoning map, as amended, with all notations, references and other information shown thereon is hereby made part of this Ordinance.
2. The Zoning Map, the Zoning Ordinance and any amendments to either the Map or Ordinance shall be identified by the signatures of the Township Supervisor and Township Clerk.
3. The Zoning Map shall be kept in the office of the Zoning Administrator, whose responsibility it shall be to enter on the map all amendments adopted by the Township Board.

B. Interpretation of District Boundaries.

1. Unless otherwise provided, the boundary lines of all zoning districts shall be interpreted as following along section lines or the division of sections such as quarter and eighth lines; or the centerlines of highways, streets, alleys, railroad lines and waterways; or the shoreline of water bodies; or the boundaries of incorporated areas, recorded plats or subdivision; or property lines of legal record on the date of enactment of this Ordinance, or any extension of said lines. Projections from the shoreline into unzoned water areas shall be subject to the regulations of the zoning district of the land at the shoreline.
2. All questions concerning the exact location of any zoning district not clearly described shall be determined by the Township Zoning Board of Appeals, consistent with the purpose of this Ordinance, upon written application through the Zoning Administrator, or upon its own motion.

C. Zoning of Annexed Areas.

Whenever any area is annexed to Grayling Township, one 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 R-1 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.

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D. Zoning of Vacated or Filled Areas.

1. **Vacated Areas:** Whenever any street, highway or other public right-of-way within the Township of Grayling shall have been vacated 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 without further governmental action. In the case of a vacated right-of-way which also served as a district boundary, the centerline of such vacated right-of-way shall remain the boundary line and the lands on either side of said centerline shall become attached to their respective adjoining properties without further governmental action.

2. **Filled Areas:** Whenever, after appropriate permits are obtained, any fill material is placed in any lake, stream, or wetland 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. No use on any lake or stream shall be allowed which does not conform to the Ordinance provisions on the property from which said property emanates. No fill material shall be placed in any lake or stream within the Township unless appropriate permits are obtained.

Section 4.2 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 and shall be uniform for each class of land, buildings, structure, or uses throughout each district.

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 principal permitted uses in the various zoning districts or are similar to such listed uses.

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.

B. Application of Area and Width Regulations.

1. 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. Every parcel of land shall meet the minimum lot width requirements set forth in [Section 4.13 Schedule of Regulations](#) and shall have frontage on and/or direct access to a public road.

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C. Application of Yard Regulations.

1. No part of a yard required for any building for the purposes of compliance with this Ordinance shall be included as a part of a yard or other open space similarly required for another building.
2. Setbacks shall be measured from the property line to the eaves of the structure.
3. All front yard setback lines shall be the minimum perpendicular distance measured from the right-of-way of the road upon which a lot or parcel fronts to the nearest eave of the principal structure.
4. All side and rear yard setback lines shall be the minimum perpendicular distance between the nearest eave on the side or rear of the structure and the side or rear lot line parallel thereto.
5. No building, structure, fence, or other permanent improvement shall be permitted to be erected or located within a public right-of-way.
6. The width of a lot shall be measured along the front lot line.

D. Application of Height Regulations.

1. No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, as set forth in [Section 4.13, Schedule of Regulations](#).
2. **Exception to Height Regulations.** Roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, and screens, flagpoles, chimneys, smokestacks, water tanks, or similar structures may be erected above the height limits herein prescribed.
3. Communications towers (wireless communications facilities) shall be subject to the regulations set forth in [Section 7.24](#).
4. There shall be no height restrictions on chimneys, flag poles, public monuments or church spires, except when they occur within the boundary surrounding an airport as identified on the airport overlay zone as depicted on the official airport zoning map, or otherwise interfere with air traffic. Exceptions to this may be granted by the Crawford County Zoning Administrator whose decision shall conform to Michigan Aeronautics Commission rules and regulations of November 1967, as amended, and Part 77 of the Federal Aviation Administration regulations, and the Crawford County Airport Zoning Ordinance.

E. Location and Number of Buildings on Lot of Record.

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1. Every building erected, altered, or moved shall be located on a lot of record as defined herein.
2. Except where otherwise specified in this Ordinance, there shall be only one (1) single-family dwelling permitted per lot in the single-family zoning districts. Where there is more than one (1) single-family dwelling located on a lot of record at the time of adoption of this Ordinance, said dwelling shall not be divided from the lot except in conformity with the requirements of this Ordinance.

Section 4.3 Table of Permitted and Special Land Uses

Uses permitted in Grayling 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’s columns use the same colors found on the zoning map for ease of reference (shown in the diagram below). The following supplemental regulations also apply: uses allowed within the Industrial District shall meet the performance standards listed in **Section 7.4**. In addition, commercial and industrial uses with outdoor storage shall comply with **Section 7.13**.

Grayling Township Zoning Districts	
R-1	Single-Family Residential District
R-2	General Residential District
R-3	General Residential Association District
C-1	General Commercial District
C-2	Heavy Commercial District
I	Industrial District
R-F	Recreational-Forest District
NRD	Natural River District

Land Use Categories	
ACCOMMODATION & FOOD SERVICES	HUMAN CARE & SOCIAL ASSISTANCE
AGRICULTURE	MANUFACTURING / INDUSTRIAL / MINING / WASTE MANAGEMENT
ARTS, ENTERTAINMENT & RECREATION	MISCELLANEOUS
COMMERCIAL/RETAIL/OFFICE/SERVICE	PUBLIC FACILITIES
COMMUNICATIONS	RESIDENTIAL USES
CONSTRUCTION	TRANSPORTATION SERVICES / WAREHOUSING / WHOLESALE TRADE / STORAGE / SHIPPING
EDUCATIONAL SERVICES & RELIGION	UTILITIES & ENERGY
FOREST PRODUCTS	

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4.3 Table of Permitted and Special Land Uses								
P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations (Article 7)	R-1	R-2	R-3	C-1	C-2	I	R-F	NRD
ACCOMMODATION AND FOOD SERVICES								
<i>Bakeries (goods produced & sold on-site)</i>				P				
<i>Bed & Breakfasts & Tourist Homes* (§7.8)</i>	S	S					S	S
<i>Cabin Courts (Cottages – rental)</i>				P			P	
<i>Caterers/Food Service Contractors</i>				P		P		
<i>Coffee Shops</i>				P		P		
<i>Convention Centers/Conference Centers/Banquet Halls</i>				P	P	P		
<i>Drinking Establishments/Taverns (and/or providing entertainment)/Restaurants Serving Alcohol* (§7.14)</i>				P	P			
<i>Food Trucks (mobile) & Food Trailers (semi-permanent)</i>				P	P	P		
<i>Hotels & Motels (attached or detached units)</i>				P				
<i>Inns</i>				P				
<i>Microbreweries, Distilleries, & Wineries (serving directly to the public)</i>				P	P			
<i>Resorts, Vacation Lodges & Vacation Farms</i>				P			P	
<i>Restaurants without Drive-Through</i>				P				
<i>Restaurants with Drive-Through (Drive-In or Eat in Car)</i>				P				
<i>Restaurants with Outdoor Dining (Dining on Private Property)</i>				P				
<i>Rooming Houses/Boarding Houses</i>		S					S	
<i>Short Term Rental Homes</i>	P	P	P				P	P

Grayling Charter Township Zoning Ordinance

4.3 Table of Permitted and Special Land Uses		R-1	R-2	R-3	C-1	C-2	I	R-F	NRD
P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations (Article 7)									
AGRICULTURE									
<i>Agricultural Equipment Dealers/Repair</i>					P				
<i>Agricultural Products Processing & Storage (excluding Concentrated Animal Feeding Operations)</i>							P		
<i>Agricultural Tourism Businesses (on Farms)</i>								P	
<i>Animal Shelter</i>								S	
<i>Biofuel Production Facilities on Farms* (§7.28)</i>								P/S	
<i>Boarding Stables (keeping and boarding of horses/ponies) (non-commercial)* (§7.6)</i>								P	
<i>Bulk seed, feed, fertilizer & nursery stock outlet & distribution centers</i>							P		
<i>Cider Mills</i>								S	
<i>Farms</i>								P	
<i>Farm Supply & Feed Stores</i>					P	P			
<i>Farmer's Markets</i>					P				
<i>Farm Product Sales</i>					P				
<i>Feed Supply Yard</i>					P				
<i>Food Hub/Food Incubator/Food Service</i>						P	P		
<i>Game Preserves</i>								S	
<i>Grain Elevators</i>							P		
<i>Greenhouses/Hoophouses/Nurseries/Landscaping Establishment</i>					P			S	
<i>Kennels* (§7.15)</i>					S	S		S	
<i>Meat Packing Plants</i>							P		
<i>Riding Arenas</i>								P	
<i>Roadside Stand</i>					P			P	
<i>Slaughter Houses</i>							S		
<i>Veterinary Clinic or Hospital</i>					P			P	

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4.3 Table of Permitted and Special Land Uses								
P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations (Article 7)	R-1	R-2	R-3	C-1	C-2	I	R-F	NRD
ARTS, ENTERTAINMENT, AND RECREATION								
<i>Amusement Arcades</i>				P	P			
<i>Archery Ranges (stand-alone and as an accessory use in a business)</i>				S			S	
<i>Art Studios</i>				P				
<i>Bike Shops</i>				P				
<i>Billiards Halls</i>				S	S			
<i>Bowling Centers</i>				S	S			
<i>Campgrounds</i>							P	
<i>Camps and Clubs (ex: summer camp)</i>							P	
<i>Canoe/Kayak Liveries</i>							P	
<i>Clubhouse, Lodge, or Recreational Facility common to owners/guests of a subdivision/housing development</i>			S				P	
<i>Equipment Rental (non-motorized)/Outfitter</i>				P				
<i>Fitness & Recreational Sports Centers (ex: spas, health clubs, racquetball, karate, yoga, swimming)</i>				P				
<i>Golf Courses & Driving Range</i>							S	
<i>Marinas and Dock Facilities* (§7.34)</i>			S	S	S		S	
<i>Museums & Galleries</i>				P				
<i>Outdoor Recreation Facilities (commercial: ex – go karts; miniature golf)</i>				P				
<i>Private Clubs; Lodges</i>				S	S			
<i>Public Parks, Playgrounds, Recreation Areas, Nature Areas* (§7.21)</i>	P	P	P	P			P	P
<i>Recreational Fields</i>							P	
<i>RV Parks</i>							S	
<i>Sportsmen’s Associations/Shooting Ranges</i>							S	
<i>Theaters/Performing Arts Facilities</i>				S	S			
<i>Tours (Commercial Operations)</i>				P				
<i>Zoos and Animal Tours</i>							S	

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4.3 Table of Permitted and Special Land Uses								
P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations (Article 7)	R-1	R-2	R-3	C-1	C-2	I	R-F	NRD
COMMERCIAL/RETAIL/OFFICE/SERVICE								
<i>Antique Stores</i>				P				
<i>Auto Body/Paint/Interior & Glass; Auto Repair* (§7.18)</i>				P	P			
<i>Automotive Oil Change* (§7.18)</i>				P	P			
<i>Automobile (Car) Washes* (§7.9)</i>				P	P			
<i>Automotive Equipment Rental/Leasing</i>				P	P			
<i>Boat/RV Repair & Storage</i>				P	P			
<i>Building & Garden Equipment & Supplies Dealers</i>				P	P			
<i>Cash Advance Stores</i>				P				
<i>Clothing & Clothing Accessories Stores; Shoe Sales & Repair</i>				P				
<i>Commercial/Industrial Equipment Rental & Leasing</i>				P	P	P		
<i>Commercial Equipment Repair & Maintenance</i>				P	P	P		
<i>Convenience Stores</i>		S		P	P		S	
<i>Crematoriums</i>						S		
<i>Drive-Through Establishments (other than restaurants)</i>				P	P	P		
<i>Dry Cleaning & Laundry Services (cleaning equipment is used to service only the premises at which it is located)</i>				S	S			
<i>Dry Cleaning & Laundry Drop-Off/Pick Up Locations (no cleaning on premises)</i>				P	P			
<i>Electronic & Precision Equipment Repair & Maintenance</i>				P	P			
<i>Electronics & Appliance Stores</i>				P				
<i>Extermination & Pest Control Services</i>				P	P			
<i>Film Production Facilities including sound stages and other related activities</i>					S	S		
<i>Financial Institutions</i>				P				
<i>Florists</i>				P				
<i>Food & Beverage Stores</i>				P				
<i>Funeral Homes & Mortuaries* (§7.16)</i>				P	P			
<i>Funeral Homes & Mortuaries with Crematorium* (§7.16)</i>					S			
<i>Furniture, & Home Furnishings/Fixtures Stores</i>				P				
<i>Furniture Refinishing/Upholstery</i>					P	P		

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4.3 Table of Permitted and Special Land Uses								
P = Permitted by right S = Permitted with a Special Use Permit								
*Uses with Supplemental Regulations (Article 7)								
	R-1	R-2	R-3	C-1	C-2	I	R-F	NRD
COMMERCIAL/RETAIL/OFFICE/SERVICE								
Gasoline Service Station* (§7.18)				P	P			
General Retail				P				
General Rental Centers				P	P	P		
Gift Shops				P				
Hardware Stores				P				
Health & Personal Care Stores				P				
Home Improvement Centers (lumber stored in enclosed structure)				P	P	S		
Interior Designers/Showrooms				P				
Locksmiths				P				
Manufactured Home Dealers					P	P		
Medical Equipment Sales				P	P			
Medical Laboratories					S	P		
Movie Rental Stores				P				
Office Supply Stores				P				
Outdoor display of products/materials for retail sale or rental (accessory to a principle permitted retail use).				P	P	P		
Outdoor Sales/Rental of automobiles, trucks, motorcycles, ATVs, marine craft, farm implements, contractor's equipment* (§7.23)				P	P			
Pawn Shops/Resale Shops/Thrift Store				P	P			
Personal Services (beauty shops, tailoring, massage, spas, tanning)				P				
Pet and Pet Care Stores (except Veterinary and Animal Shelters)				P	P			
Pharmacies/Medical & Optical Supplies				P	P			
Photofinishing/Photographers				P	P			
Printing/Binding/Publishing of Printed Materials				P	P			
Professional Cleaning Services				P	P			
Professional Offices				P	P			
Recording Studios				P	P			
Retail Uses with Outdoor Storage				S	S	P		

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4.3 Table of Permitted and Special Land Uses								
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COMMERCIAL/RETAIL/OFFICE/SERVICE								
<i>Seasonal Sales/Transient Sales (PERMIT REQUIRED)* (§7.1)</i>				P	P			
<i>Sexually Oriented Businesses* (§7.26)</i>					S			
<i>Shopping Center – Multiple Businesses</i>				P	P			
<i>Small Engine Repair</i>				P	P			
<i>Small-Scale Craft Making</i>				P	P			
<i>Sporting Goods, Hobby, Book & Music Stores</i>				P				
<i>Studios for dance and music</i>				P				
<i>Taxidermy Shops</i>				S				
COMMUNICATIONS								
<i>Television/Radio Broadcasting Stations</i>				S	S	S		
<i>Wireless Communications Equipment & Support Structures (towers)* (§7.24)</i>				S	S	S	S	
CONSTRUCTION								
<i>Contractors Establishments (provided all products, material and equipment are stored within an enclosed building).</i>				P	P	P		
<i>Contractor’s Establishments with Storage Facilities for Building Materials - Sand, Gravel, Stone, Lumber)/Contractor’s Equipment (with outdoor storage) – ex: Building Contractors, Well Drilling, Excavating, Septic Pumping, and similar.</i>				S	P	P		
EDUCATIONAL SERVICES/RELIGION								
<i>Colleges/Universities/Other Institutions of Higher/Specialized Learning (public/private)* (§7.12)</i>				P	P			
<i>Public or private schools (K-12)* (§7.22)</i>		S						
<i>Religious Institutions and associated structures (parish hall, school, cemetery)* (§7.11)</i>	S	P					P	
<i>Trade Schools; Vocational, Training and/or Educational Centers (designed to provide training at the business, technical and/or professional level)</i>				P	P	P		
FOREST PRODUCTS								
<i>Firewood Sales (large scale commercial)</i>				S		P		
<i>Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills & related)</i>						P	S	
<i>Forestry/Forest Management</i>							S	
<i>Lumber Yards (pre-planed, finished lumber)</i>				P				

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plans & Site Plan Review
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4.3 Table of Permitted and Special Land Uses								
P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations (Article 7)								
	R-1	R-2	R-3	C-1	C-2	I	R-F	NRD
HUMAN CARE AND SOCIAL ASSISTANCE								
Adult Foster Care Family Homes (6 or less adults)* (§7.10)	P	P					P	
Adult Foster Care Small Group Home (7-12 adults)* (§7.10)	S	S					S	
Adult Foster Care Large Group Home (13-20 adults)* (§7.10)					S			
Adult Foster Care Congregate Facilities (over 20 adults)* (§7.10)					S			
Assisted Living Home/Nursing Home/Convalescent Home* (§7.10)		S	S	S			S	
Child Care Services (see following)* (§7.10)								
Family Child Care Home (6 or less)	P	P	P				P	
Group Child Care Home (7 -12)	S	S	S				S	
Child Care Center/Nursery School(not in home)				P	P			
Child Caring Institution				P	P			
Health Care/Dental/Optical Clinics				P				
Hospitals & Sanitariums				S	S			
Juvenile Detention Centers							S	
Residential Human Care and Treatment Facility (not in a residence)				S				
Residential Facility for Battered Women and Children (in a private residence) (NO PERMIT REQUIRED)	P	P	P				P	
State-Licensed Residential Facilities (6 or less adults)	P	P	P				P	
MANUFACTURING/INDUSTRIAL/MINING/WASTE MANAGEMENT								
Accessory Uses incidental to Manufacturing (offices, foods services, caretaker buildings)						P		
Appliance, Heating, and Ventilation Equipment Mfg						P		
Asphalt Mfg						S		
Bakeries (not dealing directly with customers)					S	P		
Blast Furnace, Steel Furnace, Blooming or Rolling Mill						S		
Central Dry Cleaning Plants (not dealing directly with customers); Commercial Laundries					S	P		
Ceramic Products using Gas- or Electrically-Fired Kilns, Glass Products, or Stone Products					S	P		
Computer, Electronic, & Appliance Product Mfg					S	P		
Concrete, Cement, Gypsum, Plaster of Paris, Corrosive Acid or Alkali Mfg						S		

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4.3 Table of Permitted and Special Land Uses								
P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations (Article 7)	R-1	R-2	R-3	C-1	C-2	I	R-F	NRD
MANUFACTURING/INDUSTRIAL/MINING/WASTE MANAGEMENT								
<i>Data Processing & Computer Centers including the servicing & maintenance of electronic data processing equipment.</i>					P	P		
<i>Food/beverage processing</i>						P		
<i>Food/beverage bottling & packaging</i>					P	P		
<i>Furniture & Related Product Mfg</i>					S	P		
<i>Gas & Oil Processing Facilities* (§7.17)</i>						S	S	
<i>Ice & Cold Storage Plants</i>					S	P		
<i>Incinerator Plant (non-pyrolysis)</i>						S		
<i>Incinerator Plant (pyrolysis type)/Gasification</i>						S		
<i>Industrial Parks</i>						P		
<i>Laboratories</i>					S	P		
<i>Leather & Allied Product Mfg</i>					S	P		
<i>Light Manufacturing, Assembly, Testing & Repair of Components, Devices, Equipment & Systems of Professional Scientific and Controlling Instruments; Photographic & Optical Goods</i>					P	P		
<i>Machine Shops</i>					S	P		
<i>Metal Plating/Buffering/Polishing/Cutting/Slitting/Shearing</i>						S		
<i>Mineral Processing Facilities & Operations</i>					S	S		
<i>Miscellaneous Mfg (from previously prepared materials including agricultural, building, natural, synthetic, biological, and ceramic materials)</i>					S	P		
<i>Monument & Similar Product Mfg</i>					P	P		
<i>Petroleum Products, Gas Products, Paint & Chemical Bulk Storage & Distribution</i>						S		
<i>Pharmaceutical Preparations, Cosmetics, and Toiletries</i>					S			
<i>Plastics Mfg</i>					S	S		
<i>Portable and temporary hot and cold mix asphalt plants, ready-mix concrete plants, and similar uses.</i>						S		
<i>Prefabricated Buildings Mfg</i>					S	P		

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4.3 Table of Permitted and Special Land Uses								
P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations (Article 7)	R-1	R-2	R-3	C-1	C-2	I	R-F	NRD
MANUFACTURING/INDUSTRIAL/MINING/WASTE MANAGEMENT								
<i>Printing, Lithographic & Blueprinting</i>				S	P	P		
<i>Recycling & Resource Recovery Facilities/ Transfer Stations/Waste Collection</i>						P		
<i>Refinery</i>						S		
<i>Research/Design/Experimental Product Development (within completely enclosed bldg)</i>						S		
<i>Resource Extraction (Mining)* (§7.27)</i>	S	S	S	S	S	S	S	S
<i>Salvage Yards</i>					S	S		
<i>Sign Painting & Mfg</i>				S	S	S		
<i>Smelting Industries</i>						S		
<i>Solar Panels and Alternative Energy Systems Mfg</i>						P		
<i>Textile & Apparel Mfg</i>				S	P	P		
<i>Tool & Die Shops</i>				S	P	P		
<i>Truck (light) and care maintenance with office areas</i>				S	P	P		
<i>Wood & Paper Product Mfg (not mills)</i>				S	S	S		
MISCELLANEOUS								
<i>Accessory Buildings & Uses (§3.12)</i>	P	P	P	P	P	P	P	P
<i>Cemeteries</i>	P	S					S	
<i>Planned Unit Developments * (§7.25)</i>	S	S	S	S	S	S	S	
<i>Storage Area for recreational vehicles/trailers (common) available to owners within a subdivision/housing development</i>	P	P	P				P	
PUBLIC FACILITIES								
<i>Community Centers</i>				S	S		S	
<i>Governmental Buildings</i>		S		S	S			
<i>Libraries</i>		S						
<i>Police/Fire Stations/Jails</i>		S	S	S	S		S	
<i>Public Works Facilities with Outdoor Storage</i>		S	S	P	P		S	
<i>Water & Wastewater Treatment Plants; Water Towers</i>		S	S	S	S	S	S	

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4.3 Table of Permitted and Special Land Uses								
P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations (Article 7)	R-1	R-2	R-3	C-1	C-2	I	R-F	NRD
RESIDENTIAL USES								
<i>Accessory Dwelling Units/Guest Houses* (§7.29)</i>	S	S	P				P	S
<i>Dwelling Units above/to the rear of a Commercial Establishment* (§7.2)</i>				S	S			
<i>Home Occupations* (§7.19)</i>	S	S					S	S
<i>Home Offices</i>	P	P	P				P	P
<i>Living Quarters for Watchman or Caretaker – Industrial Uses</i>				S	S	P	P	
<i>Manufactured Housing Community</i>		P					P	
<i>Medical Marijuana Primary Caregiver Facility (as Home Office)* (§7.30)</i>	P	P	P				P	P
<i>Multiple-Family Dwelling Units (apartments)* (§7.3)</i>		P		S	S		S	
<i>Single-Family Detached Dwelling</i>	P	P	P				P	P
<i>Single-Family Attached Dwelling (Townhouses; Condominiums)</i>		P					P	
<i>Site Condominium Developments & Subdivisions* (§7.5)</i>	S	S	S				S	S
<i>Temporary Dwelling During Construction (§3.10)</i>	P	P	P				P	
<i>Tiny Homes (homes smaller than the minimum home size in district)* (§7.33)</i>	S	S	S				S	S
<i>Two-Family Dwelling (duplex)</i>		P					P	

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plans & Site Plan Review
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4.3 Table of Permitted and Special Land Uses								
P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations (Article 7)	R-1	R-2	R-3	C-1	C-2	I	R-F	NRD
TRANSPORTATION SERVICES/WAREHOUSING/WHOLESALE TRADE/ STORAGE/SHIPPING								
Airports, Aviation Support Services, Heliports & Landing Fields							S	
Bus Garages		S		S	S		S	
Charter Boat Operations		P					P	
Couriers/Parcel Packing/Shipping/ Delivery /Mail Order Establishments				P	P		S	
Drone (Unmanned Aerial) Centers				S	S		S	
Freight Terminals/Trucking Facilities				S	S	P		
Rail yards					S	S		
Scenic & Sightseeing Transportation/Ground Passenger Transportation				S	S		S	
Self-Storage Facilities				S	S			
Towing Businesses				P	P			
Truck Washes				S	S	P		
Vehicle Parking & Storage, Seasonal				S	S			
Warehousing & Storage (within an enclosed building)				S	P		S	
Wholesale Trade					P			
UTILITIES/ENERGY								
Electrical Transformer Stations & Substations		S	S	S	S	S	S	
Essential Services	P	P	P	P	P	P	P	P
Heating & Electric Power Generating Plants					S	P		
Propane Supply Facilities				P	P		S	
Public Utility Facilities (without storage yards)	S	S					S	
Public Utility Facilities (with storage yards)					P		S	
Solar Energy Facility (Utility Scale)* (§7.32)						S		
Telephone Exchange Buildings		S		S	P		S	
Utility Transformer Stations & Substations		S	S	S	P		S	
Wind Energy Systems (on-site)* (§7.31)							S	

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Section 4.4 R-1 Single-Family Residential District

A. Intent.

R-1

The intent is to establish and preserve quiet, desirable neighborhoods of detached single-family dwellings with a low to medium density. This district shall be free from other uses which are not compatible with the residents of the district.

B. Uses Permitted by Right and Special Uses.

Permitted and Special Land Uses shall be limited to those listed in **Section 4.3 (Table of Permitted and Special Land Uses)** and shall be subject to all applicable provisions of **Article 5: Plot Plans & Site Plan Review**, **Article 6: Special Land Uses**, and **Article 7: Supplemental Regulations**.

Table 4.4: Permitted and Special Land Uses	
P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations (Article 7)	R-1
ACCOMMODATION AND FOOD SERVICES	
<i>Bed & Breakfasts & Tourist Homes* (§7.8)</i>	S
<i>Short Term Rental Homes</i>	P
ARTS, ENTERTAINMENT, AND RECREATION	
<i>Public Parks, Playgrounds, Recreation Areas, Nature Areas* (§7.21)</i>	P
EDUCATIONAL SERVICES/RELIGION	
<i>Religious Institutions and associated structures (parish hall, school, cemetery)* (§7.11)</i>	S
HUMAN CARE AND SOCIAL ASSISTANCE	
<i>Adult Foster Care Family Homes (6 or less adults)* (§7.10)</i>	P
<i>Adult Foster Care Small Group Home (7-12 adults)* (§7.10)</i>	S
<i>Family Child Care Home (6 or less)* (§7.10)</i>	P
<i>Group Child Care Home (7 -12)* (§7.10)</i>	S
<i>Residential Facility for Battered Women and Children (in a private residence) (NO PERMIT REQUIRED)</i>	P
<i>State-Licensed Residential Facilities (6 or less adults)</i>	P

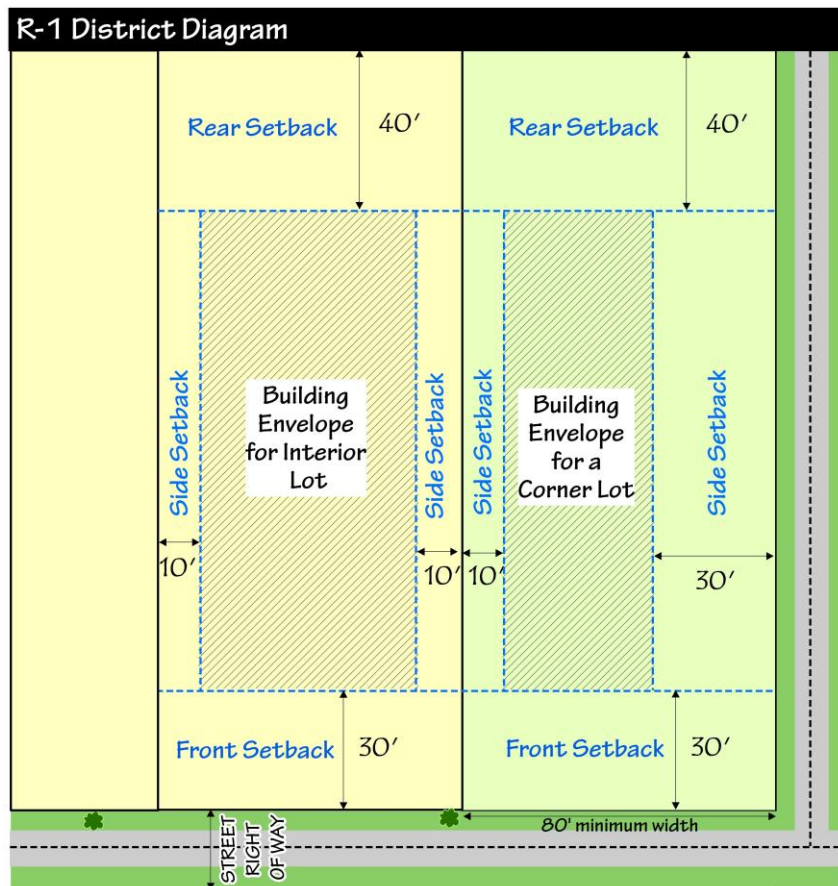
MINING	
<i>Resource Extraction (Mining)* (§7.27)</i>	S
MISCELLANEOUS	
<i>Accessory Buildings & Uses (§3.12)</i>	P
<i>Cemeteries</i>	P
<i>Planned Unit Developments* (§7.25)</i>	S
<i>Storage Area for recreational vehicles/trailers (common) available to owners within a subdivision/housing development</i>	P
RESIDENTIAL USES	
<i>Accessory Dwelling Units/Guest Houses* (§7.29)</i>	S
<i>Home Occupations* (§7.19)</i>	S
<i>Home Offices</i>	P
<i>Medical Marijuana Primary Caregiver (as Home Office)* (§7.30)</i>	P
<i>Single-Family Detached Dwelling</i>	P
<i>Site Condominium Developments & Subdivisions * (§7.5)</i>	S
<i>Temporary Dwelling During Construction (§3.10)</i>	P
<i>Tiny Homes (homes smaller than district minimum)* (§7.33)</i>	S
UTILITIES/ENERGY	
<i>Essential Services</i>	P
<i>Public Utility Facilities (without storage yards)</i>	S

C. Development Standards.

R-1

R-1 Lot & Structure Standards (Figure 4.4A)		Table 4.4 A
Lot Area (minimum)	12,000 sq ft	
Lot Width (minimum)	80 ft The depth of any lot in the R-1 District shall not exceed 3 times the width of the lot.	
Building Height ¹ (maximum)	35 ft ¹ Height regulations may be subject to the Crawford County Airport Zoning Ordinance.	
Lot Coverage (maximum)	40%	
Floor Area (minimum)	Per Dwelling Unit: Single-family: 924 sq ft Nonresidential: No minimum square footage except as required by building code.	
R-1 Setbacks (Figure 4.4A)		Table 4.4 B
Front (minimum)	30 ft	
Rear (minimum)	40 ft	
Side (minimum)	10 ft	
Side - street side - corner lot (minimum)	30 ft	
Side – reversed corner lot	See Figure 4.4B	
R-1 Additional Development Standards		Table 4.4 C
Accessory Buildings	Regulated by §3.12 .	
Screening	When a non-residential use abuts a residential use or district, screening is required as per §3.22.C . A greenbelt may be used for screening purposes as per §3.23 .	
Fences	Regulated by §3.22 .	
Decks, Porches & Patios	Regulated by §3.11 .	
Wildfire Plan	Grayling Township has adopted the Crawford County Wildfire Plan. Property owners are encouraged to implement recommended vegetative clearances.	

Figure 4.4.A
R-1 District



Reversed Corner Lot
Side setback shall equal front setback of the lot to the rear

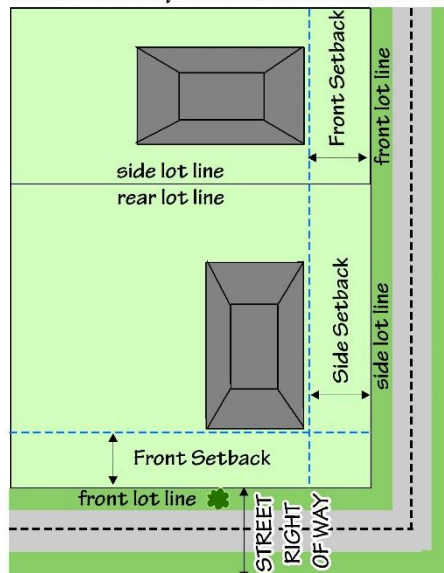


Figure 4.4.B

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plans & Site Plan Review
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Section 4.5 R-2 General Residential District

R-2

A. Intent.

The intent is to establish and preserve medium density residential neighborhoods, free from other uses except those that are compatible to the residents of this district.

B. Uses Permitted by Right and Special Uses.

Permitted and Special Land Uses shall be limited to those listed in **Section 4.3 (Table of Permitted and Special Land Uses)** and shall be subject to all applicable provisions of **Article 5: Plot Plans & Site Plan Review**, **Article 6: Special Land Uses**, and **Article 7: Supplemental Regulations**.

Table 4.5: Permitted and Special Land Uses	
P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations (Article 7)	R-2
ACCOMMODATION AND FOOD SERVICES	
Bed & Breakfasts & Tourist Homes* (§7.8)	S
Rooming Houses/Boarding Houses	S
Short Term Rental Homes	P
ARTS, ENTERTAINMENT, AND RECREATION	
Public Parks, Playgrounds, Recreation Areas, Nature Areas * (§7.21)	P
COMMERCIAL/RETAIL/OFFICE/SERVICE	
Convenience Stores	S
EDUCATIONAL SERVICES/RELIGION	
Public or private schools* (K-12)(§7.22)	S
Religious Institutions and associated structures (parish hall, school, cemetery)* (§7.11)	P
HUMAN CARE AND SOCIAL ASSISTANCE	
Adult Foster Care Family Homes (6 or less adults)* (§7.10)	P
Adult Foster Care Small Group Home (7-12 adults)* (§7.10)	S
Assisted Living Home/Nursing Home/Convalescent Home* (§7.10)	S
Family Child Care Home (6 or less) * (§7.10)	P
Group Child Care Home (7 -12)* (§7.10)	S
Residential Facility for Battered Women and Children (in a private residence) (NO PERMIT REQUIRED)	P
State-Licensed Residential Facilities (6 or less adults)	P
MINING	
Resource Extraction (Mining)* (§7.27)	S
MISCELLANEOUS	
Accessory Buildings & Uses (§3.12)	P
Cemeteries	S
Planned Unit Developments* (§7.25)	S

Storage Area for recreational vehicles/trailers (common) available to owners within a subdivision/housing development	P
PUBLIC FACILITIES	
Governmental Buildings	S
Libraries	S
Police/Fire Stations/Jails	S
Public Works Facilities with Outdoor Storage	S
Water & Wastewater Treatment Plants; Water Towers	S
RESIDENTIAL USES	
Accessory Dwelling Units/Guest Houses* (§7.29)	S
Home Occupations* (§7.19)	S
Home Offices	P
Manufactured Housing Community	P
Medical Marijuana Primary Caregiver (as Home Office)* (§7.30)	P
Multiple-Family Dwelling Units (apartments)* (§7.3)	P
Single-Family Detached Dwelling	P
Single-Family Attached Dwelling (Townhouses; Condominiums)	P
Site Condominium Developments* (§7.5)	S
Temporary Dwelling During Construction (§3.10)	P
Tiny Homes (homes smaller than district minimum)* (§7.33)	S
Two-Family Dwelling (duplex)	P
TRANSPORTATION SERVICES/ WAREHOUSING /WHOLESALE TRADE/ STORAGE/SHIPPING	
Bus Garages	S
Charter Boat Operations	P
UTILITIES/ENERGY	
Electrical Transformer Stations & Substations	S
Essential Services	P
Public Utility Facilities (without storage yards)	S
Telephone Exchange Buildings	S
Utility Transformer Stations & Substations	S

C. Development Standards.

R-2

R-2 Lot & Structure Standards (Figure 4.5A) Table 4.5 A

Lot Area (minimum)	12,000 sq ft for single-family uses and duplexes 15,000 sq ft for multiple-family uses and attached single-family uses
Lot Width (minimum)	80 ft for single-family uses
	100 ft for multiple-family uses and attached single-family uses
	The depth of any lot in the R-2 District shall not exceed 3 times the width of the lot.
Building Height¹ (maximum)	35 ft ¹ Height regulations may be subject to the Crawford County Airport Zoning Ordinance.
Lot Coverage (maximum)	40%
Floor Area (minimum)	Per Dwelling Unit: Single-family: 924 sq ft Multiple-family: One-bedroom unit: 576 sq ft Two-bedroom unit: 720 sq ft Three + bedroom unit: 924 sq ft Nonresidential: No minimum square footage except as required by building code.

R-2 Setbacks (Figure 4.5A) Table 4.5 B

Front (minimum)	30 ft
Rear (minimum)	40 ft
Side (minimum)	10 ft
Side - street side - corner lot (minimum)	30 ft
Side – reversed corner lot	See Figure 4.5B

R-2 Additional Development Standards Table 4.5 C

Accessory Buildings	Regulated by §3.12 .
Screening	When a non-residential use abuts a residential use or district, screening is required as per §3.22.C . A greenbelt may be used for screening purposes as per §3.23 .
Fences	Regulated by §3.22 .
Decks, Porches & Patios	Regulated by §3.11 .
Native Protection Strip	Where those lands border a body of water in the R-2 district, it is suggested that there be a strip of land parallel to the water’s edge and twenty (20) feet in depth, which shall be strictly maintained in its natural state, except trees or shrubs may be planted to protect the shoreline from erosion or to improve aesthetics. Trees, shrubs and undergrowth in a space fifty (50) feet wide within the native protection strip may be trimmed and pruned for a filtered view of the water and for locating a dock. Wetlands in the native protection strip shall be maintained in their natural state.
Wildfire Plan	Grayling Township has adopted the Crawford County Wildfire Plan. Property owners are encouraged to maintain recommended vegetative clearance from structures.

Figure 4.5.A
R-2 District

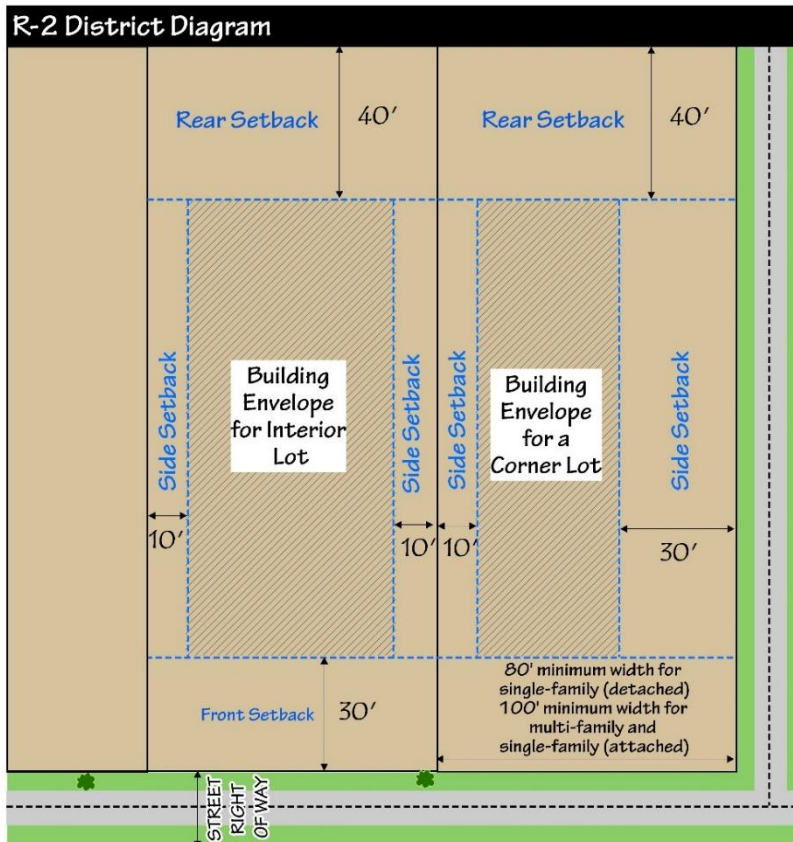
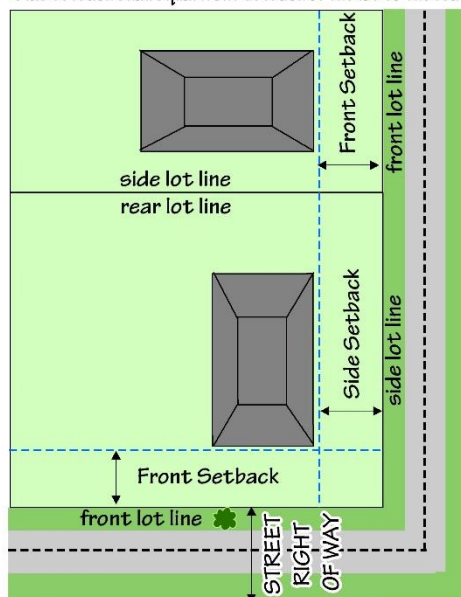


Figure 4.5.B
Reversed Corner Lot

Side setback shall equal front setback of the lot to the rear



1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plans & Site Plan Review
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Section 4.6 R-3 General Residential Association District

R-3

A. Intent.

The intent of the R-3 zoning is to establish and preserve medium density residential neighborhoods in cooperation with an established subdivision association, free from other uses except those that are compatible to the residents of the district. To qualify for R-3 zoning, a subdivision must have at least two hundred (200) individual lots or occupy at least two hundred (200) acres. A request for R-3 zoning must originate from the association board through the association president to the Grayling Township Planning Commission.

B. Uses Permitted by Right and Special Uses.

Permitted and Special Land Uses shall be limited to those listed in [Section 4.3 \(Table of Permitted and Special Land Uses\)](#) and shall be subject to all applicable provisions of [Article 5: Plot Plans & Site Plan Review](#), [Article 6: Special Land Uses](#), and [Article 7: Supplemental Regulations](#).

Table 4.6: Permitted and Special Land Uses	
P = Permitted by right	R-3
S = Permitted with a Special Use Permit	
*Uses with Supplemental Regulations (Article 7)	
ACCOMMODATION AND FOOD SERVICES	
Short Term Rental Homes	P
ARTS, ENTERTAINMENT, AND RECREATION	
Clubhouse, Lodge, or Recreational Facility common to owners/guests of a subdivision/housing development	S
Marinas and Dock Facilities* (§7.34)	S
Public Parks, Playgrounds, Recreation Areas, Nature Areas* (§7.21)	P
HUMAN CARE AND SOCIAL ASSISTANCE	
Assisted Living Home/Nursing Home/Convalescent Home* (§7.10)	S
Family Child Care Home (6 or less)* (§7.10)	P
Group Child Care Home (7 -12)* (§7.10)	S
Residential Facility for Battered Women and Children (in a private residence) (NO PERMIT REQUIRED)	P
State-Licensed Residential Facilities (6 or less adults)	P
MINING	
Resource Extraction (Mining)* (§7.27)	S
MISCELLANEOUS	
Accessory Buildings & Uses (§3.12)	P

Planned Unit Developments * (§7.25)	S
Storage Area for recreational vehicles/trailers (common) available to owners within a subdivision/housing development	P
PUBLIC FACILITIES	
Police/Fire Stations/Jails	S
Public Works Facilities with Outdoor Storage	S
Water & Wastewater Treatment Plants; Water Towers	S
RESIDENTIAL USES	
Accessory Dwelling Units/Guest Houses* (§7.29)	P
Home Offices	P
Medical Marijuana Primary Caregiver (as Home Office)* (§7.30)	P
Single-Family Detached Dwelling	P
Site Condominium Development* (§7.5)	S
Temporary Dwelling During Construction (§3.10)	P
Tiny Homes (homes smaller than district minimum)* (§7.33)	S
UTILITIES/ENERGY	
Electrical Transformer Stations & Substations	S
Essential Services	P
Utility Transformer Stations & Substations	S

C. Development Standards.

R-3

R-3 Lot & Structure Standards (Figure 4.6A)		Table 4.6 A
Lot Area (minimum)	40,000 sq ft Lot splits shall not be allowed.	
Lot Width (minimum)	100 ft The depth of any lot in the R-3 District shall not exceed 3 times the width of the lot.	
Building Height ¹ (maximum)	35 ft ¹ Height regulations may be subject to the Crawford County Airport Zoning Ordinance.	
Lot Coverage (maximum)	40%	
Floor Area (minimum)	Per Dwelling Unit: Single-family: 1,120 sq ft (720 feet on the ground floor)	
Minimum Building Width	Nonresidential: No minimum square footage except as required by building code. Continuous cross section (architectural elevation) of at least 20 feet across one length and one depth dimension. 1. An on-site (stick built) addition attached to a prefabricated or manufactured home does not constitute a continuous cross section. 2. The joining of two or more sections of different prefabricated or manufactured homes does not constitute a continuous cross section. 3. The joining of two or more sections of the same prefabricated or manufactured home does constitute a continuous cross section.	

R-3 Setbacks (Figure 4.6A)		Table 4.6 B
Front (minimum)	50 ft	
Rear (minimum)	50 ft	
Side (minimum)	30 ft	
Side - street side - corner lot (minimum)	30 ft	
Side – reversed corner lot	See Figure 4.6B	

R-3 Additional Development Standards		Table 4.6 C
Accessory Buildings	Regulated by §3.12 .	
Screening	When a non-residential use abuts a residential use or district, screening is required as per §3.22.C . A greenbelt may be used for screening purposes as per §3.23 .	
Fences	Regulated by §3.22 .	
Decks, Porches & Patios	Regulated by §3.11 .	
Construction	During new building construction or remodeling of existing structures, the exterior facades of all structures shall be completed within a period of nine (9) months from the date the construction was started. This restriction may be waived by the Zoning Board of Appeals if it is determined that extenuating circumstances exist.	
Wildfire Plan	Grayling Township has adopted the Crawford County Wildfire Plan. Property owners are encouraged to maintain recommended vegetative clearance from structures.	

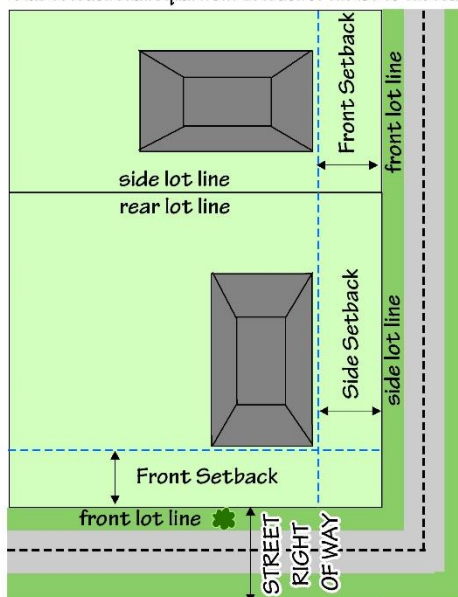
Figure 4.6.A
R-3 District

R-3



Figure 4.6.B
Reversed Corner Lot

Side setback shall equal front setback of the lot to the rear



1 Purpose & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Plot Plans & Site Plan Review

6 Special Land Uses

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Adoption & Amendments

Section 4.7 R-F Recreational-Forest District

R-F

A. Intent.

The intent is to establish and promote the proper use, enjoyment and conservation of the forest, water and land particularly adapted for agricultural, recreational, low density residential and other specialized rural uses requiring large tracts of land, which are compatible with the residents.

B. Uses Permitted by Right and Special Uses.

Permitted and Special Land Uses shall be limited to those listed in **Section 4.3 (Table of Permitted and Special Land Uses)** and shall be subject to all applicable provisions of **Article 5: Plot Plans & Site Plan Review**, **Article 6: Special Land Uses**, and **Article 7: Supplemental Regulations**.

Table 4.7: Permitted and Special Land Uses	
P = Permitted by right	R-F
S = Permitted with a Special Use Permit	
*Uses with Supplemental Regulations (Article 7)	
ACCOMMODATION AND FOOD SERVICES	
<i>Bed & Breakfasts & Tourist Homes* (§7.8)</i>	S
<i>Cabin Courts (Cottages – rental)</i>	P
<i>Resorts, Vacation Lodges & Vacation Farms</i>	P
<i>Rooming Houses/Boarding Houses</i>	S
<i>Short Term Rental Homes</i>	P
AGRICULTURE	
<i>Agricultural Tourism Businesses (on Farms)</i>	P
<i>Animal Shelter</i>	S
<i>Biofuel Production Facilities on Farms* (§7.28)</i>	P/S
<i>Boarding Stables (keeping and boarding of horses/ponies)/Riding Arenas on Non-Commercial Farms* (§7.6)</i>	P
<i>Cider Mills</i>	S
<i>Farms</i>	P
<i>Game Preserves</i>	S
<i>Greenhouses/Hoophouses/Nurseries/Landscaping Establishment</i>	S
<i>Kennels* (§7.15)</i>	S
<i>Riding Arenas</i>	P
<i>Roadside Stand</i>	P
<i>Veterinary Clinic or Hospital</i>	P

ARTS, ENTERTAINMENT, AND RECREATION	
<i>Archery Ranges (stand-alone and as an accessory use in a business)</i>	S
<i>Campgrounds</i>	P
<i>Camps and Clubs (ex: summer camp)</i>	P
<i>Canoe/Kayak Liveries</i>	P
<i>Clubhouse, Lodge, or Recreational Facility common to owners/guests of a subdivision/housing development</i>	P
<i>Golf Courses & Driving Range</i>	S
<i>Marinas and Dock Facilities* (§7.34)</i>	S
<i>Public Parks, Playgrounds, Recreation Areas, Nature Areas* (§7.21)</i>	P
<i>Recreational Fields</i>	P
<i>RV Parks</i>	S
<i>Sportsmen’s Associations/Shooting Ranges</i>	S
<i>Zoos and Animal Tours</i>	S
COMMERCIAL/RETAIL/OFFICE/SERVICE	
<i>Convenience Stores</i>	S
COMMUNICATIONS	
<i>Wireless Communications Equipment & Support Structures (towers)* (§7.24)</i>	S
EDUCATIONAL SERVICES/RELIGION	
<i>Religious Institutions and associated structures (parish hall, school, cemetery)* (§7.1)</i>	P

Table 4.7: Permitted and Special Land Uses	
P = Permitted by right	R-F
S = Permitted with a Special Use Permit	
*Uses with Supplemental Regulations (Article 7)	
FOREST PRODUCTS	
Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills & related)	S
Forestry/Forest Management	S
HUMAN CARE AND SOCIAL ASSISTANCE	
Adult Foster Care Family Homes (6 or less adults)* (\$7.10)	P
Adult Foster Care Small Group Home (7-12 adults)* (\$7.10)	S
Assisted Living Home/Nursing Home/Convalescent Home * (\$7.10)	S
Family Child Care Home (6 or less)* (\$7.10)	P
Group Child Care Home (7 -12)* (\$7.10)	S
Juvenile Detention Centers	S
Residential Facility for Battered Women and Children (in a private residence) (NO PERMIT REQUIRED)	P
State-Licensed Residential Facilities (6 or less adults)	P
MANUFACTURING/INDUSTRIAL/MINING/WASTE MANAGEMENT	
Gas & Oil Processing Facilities* (\$7.17)	S
Resource Extraction (Mining)* (\$7.27)	S
MISCELLANEOUS	
Accessory Buildings & Uses (\$3.12)	P
Cemeteries	S
Planned Unit Developments * (\$7.25)	S
Storage Area for recreational vehicles/trailers (common) available to owners within a subdivision/housing development	P
PUBLIC FACILITIES	
Community Centers	S
Police/Fire Stations/Jails	S
Public Works Facilities with Outdoor Storage	S
Water & Wastewater Treatment Plants; Water Towers	S

RESIDENTIAL USES	
Accessory Dwelling Units/Guest Houses* (\$7.29)	P
Home Occupations* (\$7.19)	S
Home Offices	P
Living Quarters for Watchman or Caretaker – Industrial Uses	P
Manufactured Housing Community	P
Medical Marijuana Primary Caregiver* (\$7.30)	P
Multiple-Family Dwelling Units (apartments)* (\$7.3)	S
Single-Family Detached Dwelling	P
Single-Family Attached Dwelling (Townhouses; Condominiums)	P
Site Condominium Development* (\$7.5)	S
Temporary Dwelling During Construction (\$3.10)	P
Tiny Homes (homes smaller than district minimum)* (\$7.33)	S
Two-Family Dwelling (duplex)	P
TRANSPORTATION SERVICES / WAREHOUSING / WHOLESALE TRADE / STORAGE / SHIPPING	
Airports, Aviation Support Services, Heliports & Landing Fields	S
Bus Garages	S
Charter Boat Operations	P
Couriers/Parcel Packing/Shipping/ Delivery /Mail Order Establishments	S
Drone (Unmanned Aerial) Centers	S
Scenic & Sightseeing Transportation/Ground Passenger Transportation	S
Warehousing & Storage (within an enclosed building)	S
UTILITIES/ENERGY	
Electrical Transformer Stations & Substations	S
Essential Services	P
Propane Supply Facilities	S
Public Utility Facilities (without storage yards)	S
Public Utility Facilities (with storage yards)	S
Telephone Exchange Buildings	S
Utility Transformer Stations & Substations	S
Wind Energy Systems (on-site)* (\$7.31)	S

C. Development Standards.

R-F

R-F Lot & Structure Standards (Figure 4.7A) Table 4.7 A

Lot Area (minimum)	2 ½ acres Lot splits less than the required 2 ½ acres may be approved by the Planning Commission, provided the resulting parcels are not less than 1 ¼ acres and do not cause existing structures to become nonconforming in regard to yard setbacks.
Lot Width (minimum)	165 ft The depth of any lot shall not exceed four (4) times the width of the lot.
Building Height¹ (maximum)	35 ft ¹ Height regulations may be subject to the Crawford County Airport Zoning Ordinance.
Lot Coverage (maximum)	None.
Floor Area (minimum)	Per Dwelling Unit: Single-family: 720 sq ft Multiple-family: One-bedroom unit: 576 sq ft Two-bedroom unit: 720 sq ft Three + bedroom unit: 924 sq ft Nonresidential: No minimum square footage except as required by building code.

R-F Setbacks (Figure 4.7A) Table 4.7 B

Front (minimum)	50 ft
Rear (minimum)	50 ft
Side (minimum)	30 ft
Side - street side - corner lot (minimum)	30 ft
Side – reversed corner lot	See Figure 4.7B

R-F Additional Development Standards Table 4.7 C

Accessory Buildings	Regulated by §3.12 .
Screening	When a non-residential use abuts a residential use or district, screening is required as per §3.22.C . A greenbelt may be used for screening purposes as per §3.23 .
Fences	Regulated by §3.22 .
Decks, Porches & Patios	Regulated by §3.11 .
Wildfire Plan	Grayling Township has adopted the Crawford County Wildfire Plan. Property owners are encouraged to maintain recommended vegetative clearance from structures.

Figure 4.7.A
R-F District

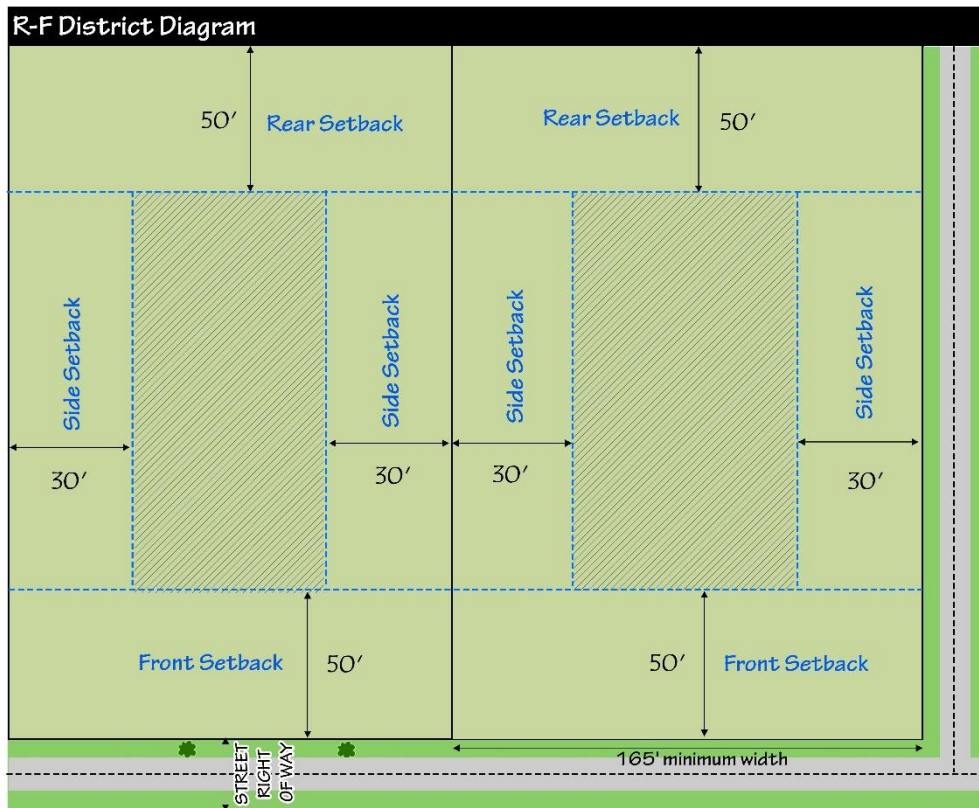
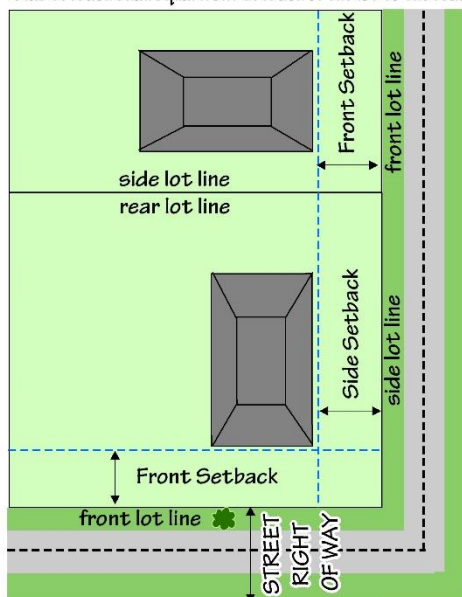


Figure 4.7.B
Reversed Corner Lot

Side setback shall equal front setback of the lot to the rear



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

Section 4.8 C-1 General Commercial District

C-1

A. Intent.

The intent is to establish and preserve a general commercial zoning district containing uses which include services and retail sale or combination retail/wholesale of commodities catering to the entire community and the needs of highway and tourist traffic.

B. Uses Permitted by Right and Special Uses.

Permitted and Special Land Uses shall be limited to those listed in **Section 4.3 (Table of Permitted and Special Land Uses)** and shall be subject to all applicable provisions of **Article 5: Plot Plans & Site Plan Review**, **Article 6: Special Land Uses**, and **Article 7: Supplemental Regulations**.

Table 4.8: Permitted and Special Land Uses	
P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations (Article 7)	C-1
ACCOMMODATION AND FOOD SERVICES	
<i>Bakeries (goods produced & sold on-site)</i>	P
<i>Cabin Courts (Cottages – rental)</i>	P
<i>Caterers/Food Service Contractors</i>	P
<i>Coffee Shops</i>	P
<i>Convention Centers/Conference Centers/Banquet Halls</i>	P
<i>Drinking Establishments/Taverns (and/or providing entertainment)/Restaurants Serving Alcohol* (\$7.14)</i>	P
<i>Food Trucks (mobile) & Food Trailers (semi-permanent)</i>	P
<i>Hotels & Motels (attached or detached units)</i>	P
<i>Inns</i>	P
<i>Microbreweries, Distilleries, & Wineries (serving directly to the public)</i>	P
<i>Resorts, Vacation Lodges & Vacation Farms</i>	P
<i>Restaurants without Drive-Through</i>	P
<i>Restaurants with Drive-Through (Drive-In or Eat in Car)</i>	P
<i>Restaurants with Outdoor Dining (Dining on Private Property)</i>	P
AGRICULTURE	
<i>Agricultural Equipment Dealers/Repair</i>	P
<i>Farm Supply & Feed Stores</i>	P
<i>Farmer’s Markets</i>	P
<i>Farm Product Sales</i>	P

<i>Feed Supply Yard</i>	P
<i>Greenhouses/Hoophouses/Nurseries/Landscaping Establishment</i>	P
<i>Kennels* (\$7.15)</i>	S
<i>Roadside Stand</i>	P
<i>Veterinary Clinic or Hospital</i>	P
ARTS, ENTERTAINMENT, AND RECREATION	
<i>Amusement Arcades</i>	P
<i>Archery Ranges (stand-alone and as an accessory use in a business)</i>	S
<i>Art Studios</i>	P
<i>Bike Shops</i>	P
<i>Billiards Halls</i>	S
<i>Bowling Centers</i>	S
<i>Equipment Rental (non-motorized)/Outfitter</i>	P
<i>Fitness & Recreational Sports Centers (ex: spas, health clubs, racquetball, karate, yoga, swimming)</i>	P
<i>Marinas and Dock Facilities* (\$7.34)</i>	S
<i>Museums & Galleries</i>	P
<i>Outdoor Recreation Facilities (commercial: ex – go karts; miniature golf)</i>	P
<i>Private Clubs; Lodges</i>	S
<i>Public Parks, Playgrounds, Recreation Areas, Nature Areas* (\$7.21)</i>	P
<i>Theaters/Performing Arts Facilities</i>	S
<i>Tours (Commercial Operations)</i>	P

Grayling Charter Township Zoning Ordinance

Table 4.8: Permitted and Special Land Uses

P = Permitted by right
S = Permitted with a Special Use Permit
*Uses with Supplemental Regulations (Article 7)

COMMERCIAL/RETAIL/OFFICE/SERVICE		C-1
Antique Stores	P	
Auto Body/Paint/Interior & Glass; Auto Repair* (§7.18)	P	
Automotive Oil Change* (§7.18)	P	
Automobile Washes* (§7.9)	P	
Automotive Equipment Rental/Leasing	P	
Boat/RV Repair & Storage	P	
Building & Garden Equipment & Supplies Dealers	P	
Cash Advance Stores	P	
Clothing & Clothing Accessories Stores; Shoe Sales & Repair	P	
Commercial/Industrial Equipment Rental & Leasing	P	
Commercial Equipment Repair & Maintenance	P	
Convenience Stores	P	
Drive-Through Establishments (other than restaurants)	P	
Dry Cleaning & Laundry Services (cleaning equipment is used to service only the premises at which it is located)	S	
Dry Cleaning & Laundry Drop-Off/Pick Up Locations (no cleaning on premises)	P	
Electronic & Precision Equipment Repair & Maintenance	P	
Electronics & Appliance Stores	P	
Extermination & Pest Control Services	P	
Financial Institutions	P	
Florists	P	
Food & Beverage Stores	P	
Funeral Homes & Mortuaries* (§7.16)	P	
Furniture, & Home Furnishings/Fixtures Stores	P	
Gasoline Service Station* (§7.18)	P	
General Retail	P	
General Rental Centers	P	
Gift Shops	P	
Hardware Stores	P	
Health & Personal Care Stores	P	
Home Improvement Centers (lumber stored in enclosed structure)	P	
Interior Designers/Showrooms	P	
Locksmiths	P	
Medical Equipment Sales	P	
Movie Rental Stores	P	
Office Supply Stores	P	

Outdoor display of products/materials for retail sale or rental (accessory to a principle permitted retail use).	P
Outdoor Sales/Rental of automobiles, trucks, motorcycles, ATVs, marine craft, farm implements, contractor's equipment* (§7.23)	P
Pawn Shops/Resale Shops/Thrift Store	P
Personal Services (beauty shops, tailoring, massage, spas, tanning)	P
Pet and Pet Care Stores (except Veterinary and Animal Shelters)	P
Pharmacies/Medical & Optical Supplies	P
Photofinishing/Photographers	P
Printing/Binding/Publishing of Printed Materials	P
Professional Cleaning Services	P
Professional Offices	P
Recording Studios	P
Retail Uses with Outdoor Storage	S
Seasonal Sales/Transient Sales (PERMIT REQUIRED)* (§7.1)	P
Shopping Center – Multiple Businesses	P
Small Engine Repair	P
Small-Scale Craft Making	P
Sporting Goods, Hobby, Book & Music Stores	P
Studios for dance and music	P
Taxidermy Shops	S
COMMUNICATIONS	
Television/Radio Broadcasting Stations	S
Wireless Communications Equipment & Support Structures (towers)* (§7.24)	S
CONSTRUCTION	
Contractors Establishments (provided all products, material and equipment are stored within an enclosed building).	P
Contractor's Establishments with Storage Facilities for Building Materials - Sand, Gravel, Stone, Lumber)/Contractor's Equipment (with outdoor storage) – ex: Building Contractors, Well Drilling, Excavating, Septic Pumping, and similar.	S

Table 4.8: Permitted and Special Land Uses	
P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations (Article 7)	C-1
EDUCATIONAL SERVICES/RELIGION	
Colleges/Universities/Other Institutions of Higher/Specialized Learning (public and private)* (§7.12)	P
Trade Schools; Vocational, Training and/or Educational Centers (designed to provide training at the business, technical and/or professional level)	P
FOREST PRODUCTS	
Firewood Sales (large scale commercial)	S
Lumber Yards (pre-planned, finished lumber)	P
HUMAN CARE AND SOCIAL ASSISTANCE	
Assisted Living Home/Nursing Home/Convalescent Home* (§7.10)	S
Child Care Center/Nursery School(not in home)* (§7.10)	P
Child Caring Institution* (§7.10)	P
Health Care/Dental/Optical Clinics	P
Hospitals & Sanitariums	S
Residential Human Care and Treatment Facility (not in a residence)	S
MANUFACTURING / INDUSTRIAL / MINING / WASTE MANAGEMENT	
Printing, Lithographic & Blueprinting	S
Resource Extraction (Mining)* (§7.27)	S
Sign Painting & Mfg	S
Textile & Apparel Mfg	S
Tool & Die Shops	S
Truck (light) and care maintenance with office areas	S
Wood & Paper Product Mfg (not mills)	S
MISCELLANEOUS	
Accessory Buildings & Uses (§3.12)	P
Planned Unit Developments* (§7.25)	S
PUBLIC FACILITIES	
Community Centers	S
Governmental Buildings	S
Police/Fire Stations/Jails	S
Public Works Facilities with Outdoor Storage	P
Water & Wastewater Treatment Plants; Water Towers	S

RESIDENTIAL USES	
Dwelling Units above/to the rear of a Commercial Establishment* (§7.2)	S
Living Quarters for Watchman or Caretaker – Industrial Uses	S
Multiple-Family Dwelling Units (apartments)* (§7.3)	S
TRANSPORTATION SERVICES / WAREHOUSING / WHOLESALE TRADE / STORAGE / SHIPPING	
Bus Garages	S
Couriers/Parcel Packing/Shipping/Delivery/Mail Order Establishments	P
Drone (Unmanned Aerial) Centers	S
Freight Terminals/Trucking Facilities	S
Scenic & Sightseeing Transportation/Ground Passenger Transportation	S
Self-Storage Facilities	S
Towing Businesses	P
Truck Washes	S
Vehicle Parking & Storage, Seasonal	S
Warehousing & Storage (within an enclosed building)	S
UTILITIES/ENERGY	
Electrical Transformer Stations & Substations	S
Essential Services	P
Propane Supply Facilities	P
Telephone Exchange Buildings	S
Utility Transformer Stations & Substations	S

C. Development Standards.

C-1

C-1 Lot & Structure Standards (Figure 4.8A) Table 4.8 A

Lot Area (minimum)	12,000 sq ft
Lot Width (minimum)	60 ft
Building Height¹ (maximum)	35 ft ¹ Height regulations may be subject to the Crawford County Airport Zoning Ordinance.
Lot Coverage (maximum)	None.
Floor Area (minimum)	<p>Per Dwelling Unit: Residential Units in conjunction with a commercial establishment: 720 sq ft Multiple-family: One-bedroom unit: 576 sq ft Two-bedroom unit: 720 sq ft Three + bedroom unit: 924 sq ft</p> <p>Nonresidential: No minimum square footage except as required by building code.</p>

C-1 Setbacks (Figure 4.8A) Table 4.8 B

Front (minimum)	50 ft
Rear (minimum)	10 ft
Side (minimum)	10 ft
Side - street side - corner lot (minimum)	30 ft
Side – reversed corner lot	See Figure 4.8B

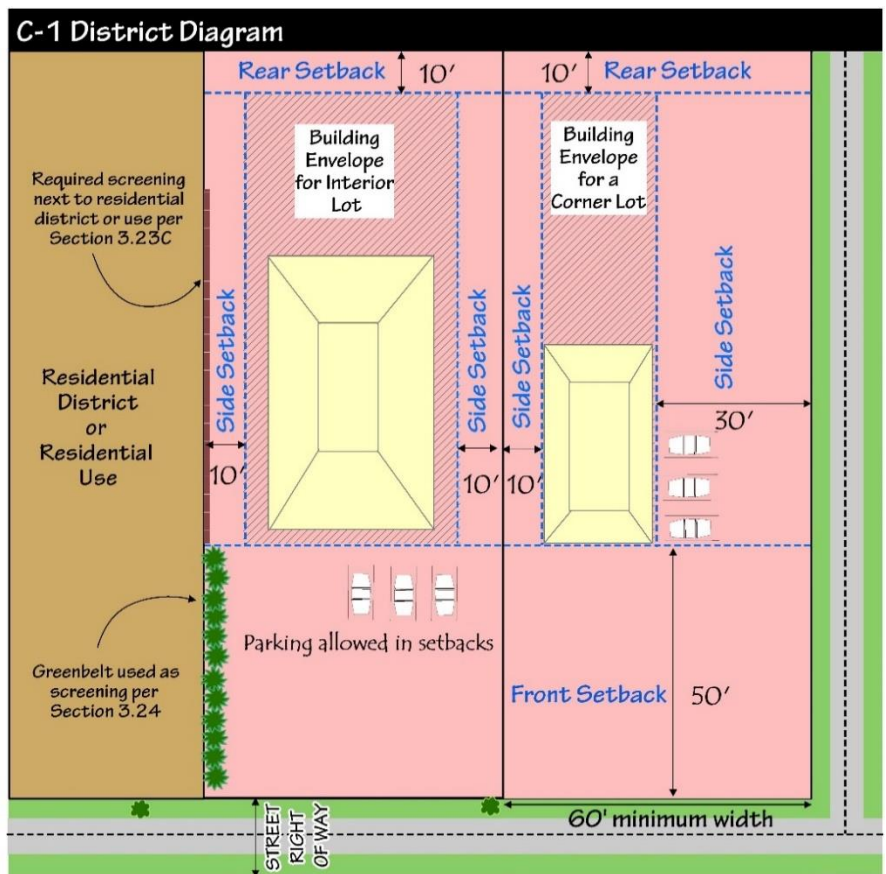
The Planning Commission may require a larger side or rear setback where a non-residential use abuts a residential use. Such setback shall be determined during site plan review.

C-1 Additional Development Standards Table 4.8 C

Accessory Buildings	Regulated by §3.12 .
Screening	When a non-residential use abuts a residential use or district, screening is required as per §3.22.C . A greenbelt may be used for screening purposes as per §3.23 .
Fences	Regulated by §3.22 .
Decks, Porches & Patios	Regulated by §3.11 .
Wildfire Plan	Grayling Township has adopted the Crawford County Wildfire Plan. Property owners are encouraged to maintain recommended vegetative clearance from structures.

Figure 4.8.A
C-1 District

C-1



Reversed Corner Lot

Side setback shall equal front setback of the lot to the rear

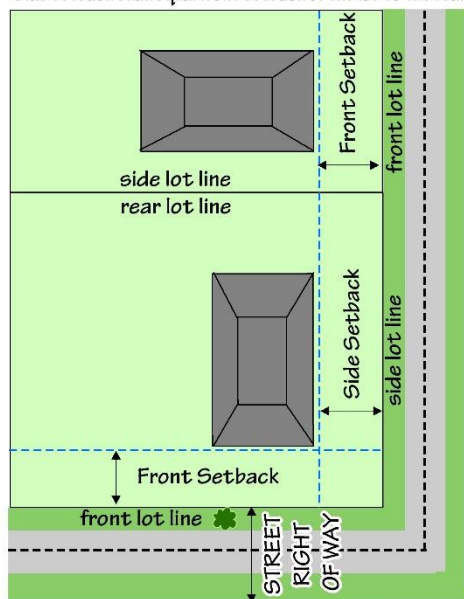


Figure 4.8.B

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

Section 4.9 C-2 Heavy Commercial District

C-2

A. Intent.

The intent is to establish and preserve a district for heavy commercial uses, which are more compatible with light industrial uses.

B. Uses Permitted by Right and Special Uses.

Permitted and Special Land Uses shall be limited to those listed in **Section 4.3 (Table of Permitted and Special Land Uses)** and shall be subject to all applicable provisions of **Article 5: Plot Plans & Site Plan Review**, **Article 6: Special Land Uses**, and **Article 7: Supplemental Regulations**.

Table 4.9 Permitted and Special Land Uses	
P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations (Article 7)	C-2
ACCOMMODATION AND FOOD SERVICES	
Convention Centers/Conference Centers/Banquet Halls	P
Drinking Establishments/Taverns (and/or providing entertainment)/Restaurants Serving Alcohol* (§7.14)	P
Food Trucks (mobile) & Food Trailers (semi-permanent)	P
Microbreweries, Distilleries, & Wineries (serving directly to the public)	P
AGRICULTURE	
Farm Supply & Feed Stores	P
Food Hub/Food Incubator/Food Service	P
Kennels* (§7.15)	S
ARTS, ENTERTAINMENT, AND RECREATION	
Amusement Arcades	P
Billiards Halls	S
Bowling Centers	S
Marinas and Dock Facilities* (§7.34)	S
Private Clubs; Lodges	S
Theaters/Performing Arts Facilities	S

COMMERCIAL/RETAIL/OFFICE/SERVICE	
Auto Body/Paint/Interior & Glass; Auto Repair* (§7.18)	P
Automotive Oil Change* (§7.18)	P
Automobile Washes* (§7.9)	P
Automotive Equipment Rental/Leasing	P
Boat/RV Repair & Storage	P
Building & Garden Equipment & Supplies Dealers	P
Commercial/Industrial Equipment Rental & Leasing	P
Commercial Equipment Repair & Maintenance	P
Convenience Stores	P
Drive-Through Establishments (other than restaurants)	P
Dry Cleaning & Laundry Services (cleaning equipment is used to service only the premises at which it is located)	S
Dry Cleaning & Laundry Drop-Off/Pick Up Locations (no cleaning on premises)	P
Electronic & Precision Equipment Repair & Maintenance	P
Extermination & Pest Control Services	P
Film Production Facilities including sound stages and other related activities	S
Funeral Homes & Mortuaries* (§7.16)	P
Funeral Homes & Mortuaries with Crematorium* (§7.16)	S
Furniture Refinishing/Upholstery	P
Gasoline Service Station* (§7.18)	P
General Rental Centers	P
Home Improvement Centers (lumber stored in enclosed structure)	P

Table 4.9: Permitted and Special Land Uses	
P = Permitted by right S = Permitted with a Special Use Permit	C-2
*Uses with Supplemental Regulations (Article 7)	
COMMERCIAL/RETAIL/OFFICE/SERVICE	
Manufactured Home Dealers	P
Medical Equipment Sales	P
Medical Laboratories	S
Outdoor display of products/materials for retail sale or rental (accessory to a principle permitted retail use).	P
Outdoor Sales/Rental of automobiles, trucks, motorcycles, ATVs, marine craft, farm implements, contractor's equipment* (\$7.23)	P
Pawn Shops/Resale Shops/Thrift Store	P
Pet and Pet Care Stores (except Veterinary and Animal Shelters)	P
Pharmacies/Medical & Optical Supplies	P
Photofinishing/Photographers	P
Printing/Binding/Publishing of Printed Materials	P
Professional Cleaning Services	P
Professional Offices	P
Recording Studios	P
Retail Uses with Outdoor Storage	S
Seasonal Sales/Transient Sales (PERMIT REQUIRED)*(\$7.1)	P
Sexually-Oriented Businesses* (\$7.26)	S
Shopping Center – Multiple Businesses	P
Small Engine Repair	P
Small-Scale Craft Making	P
COMMUNICATIONS	
Television/Radio Broadcasting Stations	S
Wireless Communications Equipment & Support Structures (towers)* (\$7.24)	S
CONSTRUCTION	
Contractors Establishments (provided all products, material and equipment are stored within an enclosed building).	P
Contractor's Establishments with Storage Facilities for Building Materials - Sand, Gravel, Stone, Lumber)/Contractor's Equipment (with outdoor storage) – ex: Building Contractors, Well Drilling, Excavating, Septic Pumping, and similar.	P

EDUCATIONAL SERVICES/RELIGION	
Colleges/Universities/Other Institutions of Higher/Specialized Learning (public and private)*(\$7.12)	P
Trade Schools; Vocational, Training and/or Educational Centers (designed to provide training at the business, technical and/or professional level)	P
HUMAN CARE AND SOCIAL ASSISTANCE	
Adult Foster Care Large Group Home (13-20 adults)*(\$7.10)	S
Adult Foster Care Congregate Facilities (over 20 adults)*(\$7.10)	S
Child Care Center/Nursery School(not in home)*(\$7.10)	P
Child Caring Institution* (\$7.10)	P
Hospitals & Sanitariums	S
MANUFACTURING / INDUSTRIAL / MINING / WASTE MANAGEMENT	
Bakeries (not dealing directly with customers)	S
Central Dry Cleaning Plants (not dealing directly with customers); Commercial Laundries	S
Ceramic Products using Gas- or Electrically-Fired Kilns, Glass Products, or Stone Products	S
Computer, Electronic, & Appliance Product Mfg	S
Data Processing & Computer Centers including the servicing & maintenance of electronic data processing equipment.	P
Food/beverage bottling & packaging	P
Furniture & Related Product Mfg	S
Ice & Cold Storage Plants	S
Laboratories	S
Leather & Allied Product Mfg	S
Light Manufacturing, Assembly, Testing & Repair of Components, Devices, Equipment & Systems of Professional Scientific and Controlling Instruments; Photographic & Optical Goods	P
Machine Shops	S
Mineral Processing Facilities & Operations	S
Miscellaneous Mfg (from previously prepared materials including agricultural, building, natural, synthetic, biological, and ceramic materials)	S
Monument & Similar Product Mfg	P
Pharmaceutical Preparations, Cosmetics, and Toiletries	S
Plastics Mfg	S
Prefabricated Buildings Mfg	S

Grayling Charter Township Zoning Ordinance

Table 4.9: Permitted and Special Land Uses	
P = Permitted by right S = Permitted with a Special Use Permit	C-2
*Uses with Supplemental Regulations (Article 7)	
Printing, Lithographic & Blueprinting	P
Resource Extraction (Mining)* (§7.27)	S
Salvage Yards	S
Sign Painting & Mfg	S
Textile & Apparel Mfg	P
Tool & Die Shops	P
Truck (light) and care maintenance with office areas	P
Wood & Paper Product Mfg (not mills)	S
MISCELLANEOUS	
Accessory Buildings & Uses (§3.12)	P
Planned Unit Developments* (§7.25)	S
PUBLIC FACILITIES	
Community Centers	S
Governmental Buildings	S
Police/Fire Stations/Jails	S
Public Works Facilities with Outdoor Storage	P
Water & Wastewater Treatment Plants; Water Towers	S
RESIDENTIAL USES	
Dwelling Units above/to the rear of a Commercial Establishment* (§7.2)	S
Living Quarters for Watchman or Caretaker – Industrial Uses	S
Multiple-Family Dwelling Units (apartments)* (§7.3)	S
TRANSPORTATION SERVICES/WAREHOUSING/WHOLESALE TRADE/ STORAGE/SHIPPING	
Bus Garages	S
Couriers/Parcel Packing/Shipping/ Delivery /Mail Order Establishments	P
Drone (Unmanned Aerial) Centers	S
Freight Terminals/Trucking Facilities	S
Rail yards	S
Scenic & Sightseeing Transportation/Ground Passenger Transportation	S
Self-Storage Facilities	S

Towing Businesses	P
Truck Washes	S
Vehicle Parking & Storage, Seasonal	S
Warehousing & Storage (within an enclosed building)	P
Wholesale Trade	P
UTILITIES/ENERGY	
Electrical Transformer Stations & Substations	S
Essential Services	P
Heating & Electric Power Generating Plants	S
Propane Supply Facilities	P
Public Utility Facilities (with storage yards)	P
Telephone Exchange Buildings	P
Utility Transformer Stations & Substations	P

D. Development Standards.

C-2

C-2 Lot & Structure Standards (Figure 4.9A) Table 4.9 A

Lot Area (minimum)	30,000 sq ft
Lot Width (minimum)	150 ft
Building Height ¹ (maximum)	35 ft ¹ Height regulations may be subject to the Crawford County Airport Zoning Ordinance.
Lot Coverage (maximum)	None
Floor Area (minimum)	None

C-2 Setbacks (Figure 4.9A) Table 4.9 B

Front (minimum)	50 ft	
Rear (minimum)	10 ft	The Planning Commission may require a larger side or rear setback where a non-residential use abuts a residential use. Such setback shall be determined during site plan review.
Side (minimum)	10 ft	
Side - street side - corner lot (minimum)	30 ft	
Side – reversed corner lot	See Figure 4.9B	

C-2 Additional Development Standards Table 4.9 C

Accessory Buildings	Regulated by §3.12 .
Screening	When a non-residential use abuts a residential use or district, screening is required as per §3.22.C . A greenbelt may be used for screening purposes as per §3.23 .
Fences	Regulated by §3.22 .
Decks, Porches & Patios	Regulated by §3.11 .
Wildfire Plan	Grayling Township has adopted the Crawford County Wildfire Plan. Property owners are encouraged to maintain recommended vegetative clearance from structures.

Figure 4.9.A
C-2 District

C-2

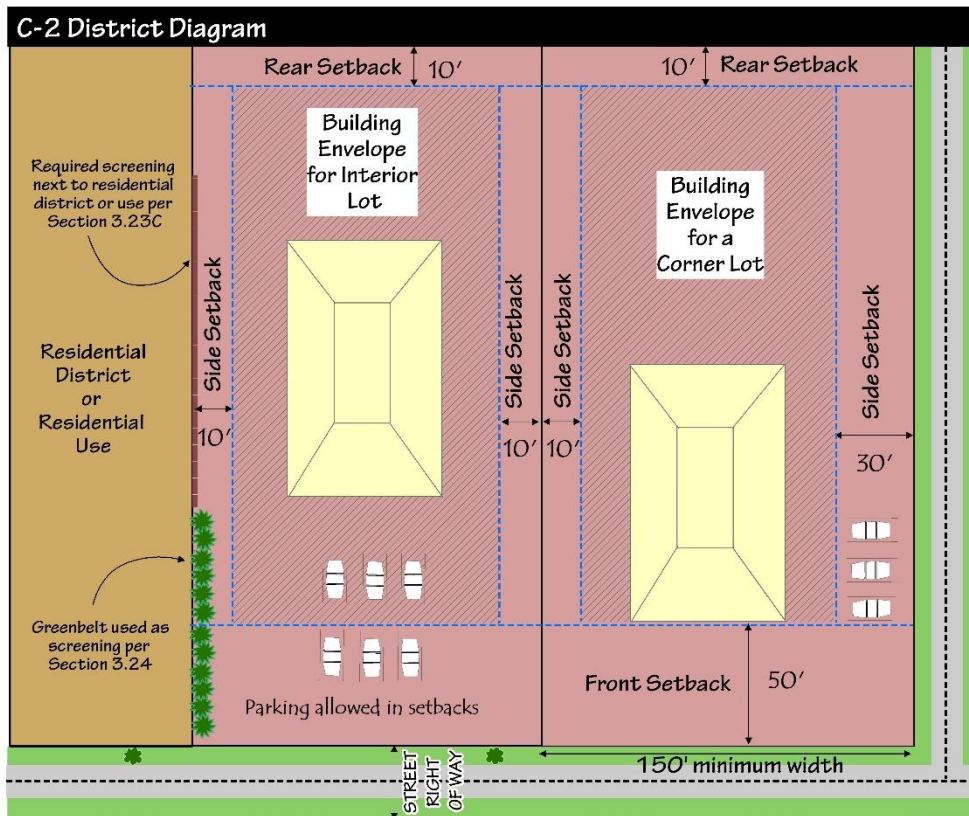
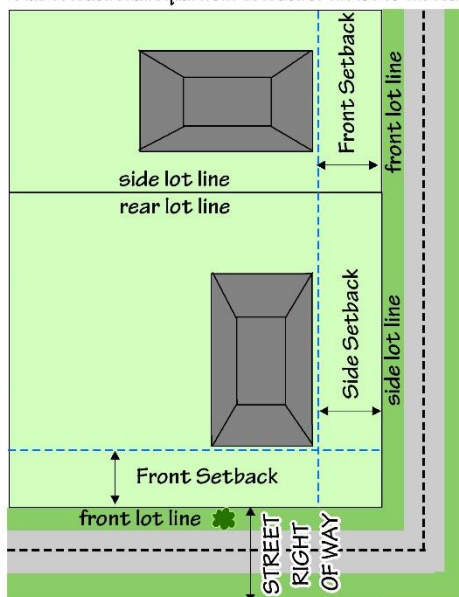


Figure 4.9.B
Reversed Corner Lot

Side setback shall equal front setback of the lot to the rear



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Section 4.10 I Industrial District

I

A. Intent.

The intent is to establish and preserve a zoning district for necessary industrial and related uses to serve the general industrial needs of the community provided that the industry will be isolated from other types of land uses and not causing undesirable emissions and/or offensive odors.

B. Uses Permitted by Right and Special Uses.

Permitted and Special Land Uses shall be limited to those listed in **Section 4.3 (Table of Permitted and Special Land Uses)** and shall be subject to all applicable provisions of **Article 5: Plot Plans & Site Plan Review**, **Article 6: Special Land Uses**, and **Article 7: Supplemental Regulations**.

Table 4.10: Permitted and Special Land Uses

P = Permitted by right
S = Permitted with a Special Use Permit
*Uses with Supplemental Regulations (Article 7)

ACCOMMODATION AND FOOD SERVICES	
Caterers/Food Service Contractors	P
Coffee Shops	P
Convention Centers/Conference Centers/Banquet Halls	P
Food Trucks (mobile) & Food Trailers (semi-permanent)	P
AGRICULTURE	
Agricultural Products Processing & Storage (excluding Concentrated Animal Feeding Operations)	P
Bulk seed, feed, fertilizer & nursery stock outlet & distribution centers	P
Food Hub/Food Incubator/Food Service	P
Grain Elevators	P
Meat Packing Plants	P
Slaughter Houses	S
COMMERCIAL/RETAIL/OFFICE/SERVICE	
Commercial/Industrial Equipment Rental & Leasing	P
Commercial Equipment Repair & Maintenance	P
Crematoriums	S
Drive-Through Establishments (other than restaurants)	P
Film Production Facilities including sound stages and other related activities	S
Furniture Refinishing/Upholstery	P
General Rental Centers	P

Home Improvement Centers (lumber stored in enclosed structure)	S
Manufactured Home Dealers	P
Medical Laboratories	P
Outdoor display of products/materials for retail sale or rental (accessory to a principle permitted retail use).	P
Retail Uses with Outdoor Storage	P
COMMUNICATIONS	
Television/Radio Broadcasting Stations	S
Wireless Communications Equipment & Support Structures (towers)* (\$7.24)	S
CONSTRUCTION	
Contractors Establishments (provided all products, material and equipment are stored within an enclosed building).	P
Contractor's Establishments with Storage Facilities for Building Materials - Sand, Gravel, Stone, Lumber/Contractor's Equipment (with outdoor storage) – ex: Building Contractors, Well Drilling, Excavating, Septic Pumping, and similar.	P
EDUCATIONAL SERVICES/RELIGION	
Trade Schools; Vocational, Training and/or Educational Centers (designed to provide training at the business, technical and/or professional level)	P
FOREST PRODUCTS	
Firewood Sales (large scale commercial)	P
Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills & related)	P

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Table 4.10: Permitted and Special Land Uses

P = Permitted by right
S = Permitted with a Special Use Permit
*Uses with Supplemental Regulations (Article 7)

MANUFACTURING / INDUSTRIAL / MINING / WASTE MANAGEMENT	
Accessory Uses incidental to Manufacturing (offices, foods services, caretaker buildings)	P
Appliance, Heating, and Ventilation Equipment Mfg	P
Asphalt Mfg	S
Bakeries (not dealing directly with customers)	P
Blast Furnace, Steel Furnace, Blooming or Rolling Mill	S
Central Dry Cleaning Plants (not dealing directly with customers); Commercial Laundries	P
Ceramic Products using Gas- or Electrically-Fired Kilns, Glass Products, or Stone Products	P
Computer, Electronic, & Appliance Product Mfg	P
Concrete, Cement, Gypsum, Plaster of Paris, Corrosive Acid or Alkali Mfg	S
Data Processing & Computer Centers including the servicing & maintenance of electronic data processing equipment.	P
Food/beverage processing	P
Food/beverage bottling & packaging	P
Furniture & Related Product Mfg	P
Gas & Oil Processing Facilities	S
Ice & Cold Storage Plants	P
Incinerator Plant (non-pyrolysis)	S
Incinerator Plant (pyrolysis type)/Gasification	S
Industrial Parks	P
Laboratories	P
Leather & Allied Product Mfg	P
Light Manufacturing, Assembly, Testing & Repair of Components, Devices, Equipment & Systems of Professional Scientific and Controlling Instruments; Photographic & Optical Goods	P
Machine Shops	P
Metal Plating/Buffering/Polishing/Cutting/Slitting/Shearing	S
Mineral Processing Facilities & Operations	S
Miscellaneous Mfg (from previously prepared materials including agricultural, building, natural, synthetic, biological, and ceramic materials)	P
Monument & Similar Product Mfg	P

Petroleum Products, Gas Products, Paint & Chemical Bulk Storage & Distribution	S
Plastics Mfg	S
Portable and temporary hot and cold mix asphalt plants, ready-mix concrete plants, and similar uses.	S
Prefabricated Buildings Mfg	P
Printing, Lithographic & Blueprinting	P
Recycling & Resource Recovery Facilities/ Transfer Stations/Waste Collection	P
Refinery	S
Research/Design/Experimental Product Development (within a completely enclosed building)	S
Resource Extraction (Mining)* (\$7.27)	S
Salvage Yards	S
Sign Painting & Mfg	S
Smelting Industries	S
Solar Panels and Alternative Energy Systems Mfg	P
Textile & Apparel Mfg	P
Tool & Die Shops	P
Truck (light) and care maintenance with office areas	P
Wood & Paper Product Mfg (not mills)	S
MISCELLANEOUS	
Accessory Buildings & Uses (\$3.12)	P
Planned Unit Developments* (\$7.25)	S
PUBLIC FACILITIES	
Water & Wastewater Treatment Plants; Water Towers	S
RESIDENTIAL USES	
Living Quarters for Watchman or Caretaker – Industrial Uses	P
TRANSPORTATION SERVICES / WAREHOUSING / WHOLESALE TRADE / STORAGE / SHIPPING	
Freight Terminals/Trucking Facilities	P
Rail yards	S
Truck Washes	P
UTILITIES/ENERGY	
Electrical Transformer Stations & Substations	S
Essential Services	P
Heating & Electric Power Generating Plants	P
Solar Energy Facilities (Utility Scale)* (\$7.32)	S

C. Development Standards.

I

I Lot & Structure Standards (Figure 4.10A) Table 4.10 A

Lot Area (minimum)	30,000 sq ft
Lot Width (minimum)	150 ft
Building Height ¹ (maximum)	35 ft ¹ Height regulations may be subject to the Crawford County Airport Zoning Ordinance.
Lot Coverage (maximum)	None
Floor Area (minimum)	None

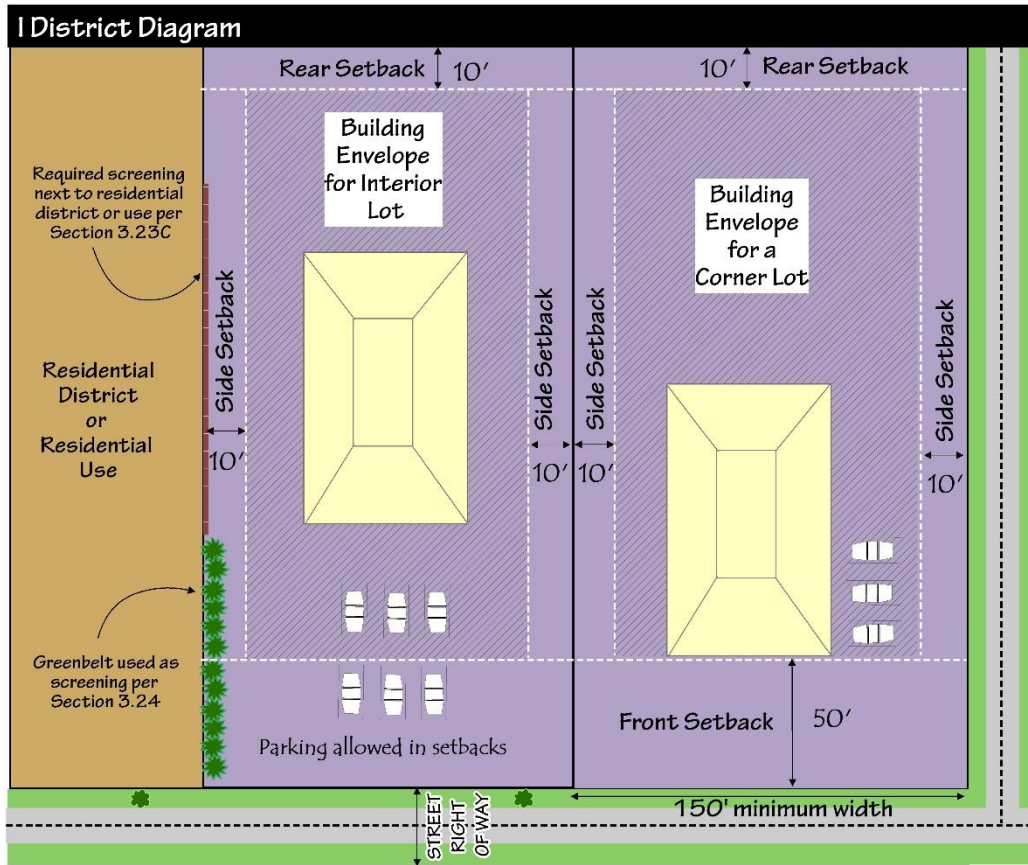
I Setbacks (Figure 4.10A) Table 4.10 B

Front (minimum)	50 ft	
Rear (minimum)	10 ft	The Planning Commission may require a larger side or rear setback where a non-residential use abuts a residential use. Such setback shall be determined during site plan review.
Side (minimum)	10 ft	
Side - street side - corner lot (minimum)	10 ft	

I Additional Development Standards Table 4.10 C

Accessory Buildings	Regulated by §3.12 .
Screening	When a non-residential use abuts a residential use or district, screening is required as per §3.22.C . A greenbelt may be used for screening purposes as per §3.23 .
Fences	Regulated by §3.22 .
Decks, Porches & Patios	Regulated by §3.11 .
Performance Standards	Regulated by §7.4 .
Wildfire Plan	Grayling Township has adopted the Crawford County Wildfire Plan. Property owners are encouraged to maintain recommended vegetative clearance from structures.

Figure 4.10.A
I District



Section 4.11 Mixed Use Districts

A. Mixed Use Recreational-Forest and Commercial Overlay District (MU-RC).

1. **Intent.** The intent of the Mixed Use Recreational-Forest and Commercial Overlay District is to establish a zoning district which allows for an appropriate and compatible mix of residential and commercial uses along M-72 west and along M-93 north. The Mixed Use Overlay District extends on each side of the road for five hundred (500) feet measured from the centerline.
2. **Uses Permitted by Right and Special Uses.** Permitted and Special Land Uses shall be limited to those listed in [Section 4.7 Recreational-Forest District](#) (the underlying district) and [Section 4.8 General Commercial District \(C-1\)](#) and shall be subject to all applicable provisions of [Article 5: Plot Plans & Site Plan Review](#), [Article 6: Special Land Uses](#), and [Article 7: Supplemental Regulations](#).
3. **Development Standards.** The development standards in [Section 4.7.C](#) (R-F Recreational Forest District) shall apply. The Planning Commission shall assess the compatibility of a proposed C-1 use with existing uses during site plan review. Proposed uses that are determined to be incompatible with existing uses may not be approved. All C-1 proposed uses may require additional buffering or other conditions as determined by the Planning Commission.

B. Mixed Commercial District (MU-CC).

1. **Intent.** The intent of the Mixed Commercial District is to establish a zoning district which allows for all uses allowed within the C-1 and C-2 Districts.
2. **Uses Permitted by Right and Special Uses.** Permitted and Special Land Uses shall be limited to those listed in [Section 4.8 General Commercial District \(C-1\)](#) and [Section 4.9 Heavy Commercial District \(C-2\)](#). In the case of a use which is listed as a permitted use in one district and a special use in the other district, the use shall be considered a permitted use. All uses shall be subject to all applicable provisions of [Article 5: Plot Plans & Site Plan Review](#), [Article 6: Special Land Uses](#), and [Article 7: Supplemental Regulations](#).
3. **Development Standards.** The development standards in [Section 4.8 General Commercial \(C-1\) District](#) shall apply.

C. Mixed Heavy Commercial and Industrial District (MU-CI).

1. **Intent.** The intent of the Mixed Commercial and Industrial District is to establish a zoning district which allows for all uses allowed within the C-2 and I Districts.
2. **Uses Permitted by Right and Special Uses.** Permitted and Special Land Uses shall be limited to those listed in [Section 4.9 Heavy Commercial District \(C-2\)](#) and [Section 4.10 Industrial District \(I\)](#). In the case of a use which is listed as a permitted use in one of the

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plans & Site Plan Review
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included districts and a special use in another of the included districts, the use shall be considered a permitted use. All uses shall be subject to all applicable provisions of [Article 5: Plot Plans & Site Plan Review](#), [Article 6: Special Land Uses](#), and [Article 7: Supplemental Regulations](#).

3. **Development Standards.** The development standards in [Section 4.10 Industrial \(I\) District](#) shall apply.

D. Mixed General/Heavy Commercial and Industrial District (MU-CCI).

1. **Intent.** The intent of the Mixed General/Heavy Commercial and Industrial District is to establish a zoning district which allows for all uses allowed within the C-1, C-2 and I Districts.
2. **Uses Permitted by Right and Special Uses.** Permitted and Special Land Uses shall be limited to those listed in [Section 4.8 General Commercial District \(C-1\)](#), [Section 4.9 Heavy Commercial District \(C-2\)](#), and [Section 4.10 Industrial District \(I\)](#). In the case of a use which is listed as a permitted use in one of the included districts and a special use in another of the included districts, the use shall be considered a permitted use. All uses shall be subject to all applicable provisions of [Article 5: Plot Plans & Site Plan Review](#), [Article 6: Special Land Uses](#), and [Article 7: Supplemental Regulations](#).
3. **Development Standards.** The development standards in [Section 4.10 Industrial \(I\) District](#) shall apply.

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plans & Site Plan Review
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Section 4.12 NRD Natural River District

NRD

A. Intent.

The provisions of the Natural River District are enacted to implement public objectives embodied in the AuSable River Natural River Plan adopted by the Michigan Natural Resources Commission on July 10, 1987.

B. Goal.

The goal is to preserve, protect and enhance the river environment in a natural state for the use and enjoyment of present and future generations, as well to promote the public health, safety and general welfare of Grayling Township and the state as a whole.

C. Objectives.

1. To maintain water quality consistent with the designated classification of the river and adhere to the concept of non-degradation of water quality.
2. To prohibit development or activity which may damage the ecological, aesthetic or historic values of the river and adjacent lands.
3. To ensure that any development which may occur shall be done in an orderly manner consistent with the natural environment and aesthetic qualities of the stream.
4. To ensure that recreational uses, which occur, be done in an orderly manner consistent with the natural environment and aesthetic qualities of the stream, and that a quality recreation experience is maintained.

D. Designation.

The following portions of the AuSable River are designated as a wild-scenic river under the authority of the [Part 305 of 1994 451 PA](#), formerly Act 231, P.A. of 1970, the Natural Rivers Act and are in the boundaries of Grayling Township:

1. MAINSTREAM – from the confluence of Kolka and Bradford Creeks (T28N-R4W) downstream to the Loud Dam (Iosco County).
2. EAST BRANCH – from the outfall of Barnes Lake (T28N-R2W) to its confluence with the AuSable River, and including other flowing bodies of water that ultimately drain into the mainstream.

E. Natural River District Boundaries

The AuSable River Natural River District includes an area beginning at the middle thread of the river and extending in a perpendicular direction to the high water mark of adjacent river banks, and

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continuing away from the high water mark to a distance of four hundred (400) feet wide on each side of and parallel to all channels of the mainstream and East Branch. Land elevations, including river bank heights, are not to be used in calculating the outside boundaries of the NRD. ESTABLISHMENT OF THIS DISTRICT IN NO WAY IMPLIES A "TAKING" OF THESE LANDS BY THE TOWNSHIP OR OPENING THEM UP TO PUBLIC USE. PRIVATE LANDS REMAIN PRIVATE AND ARE SUBJECT TO THE RIGHTS OF PRIVATE OWNERSHIP.

Within the Natural River District, dimensional and use variances/permits apply to individual project requests and each new project requires subsequent variances from the Grayling Charter Township Zoning Board of Appeals or Planning Commission. **Example #1:** A variance granted for the construction of a home within any required setback does not apply to the later construction of a garage at the same setback if it wasn't part of the original request. **Example #2:** A variance granted for the construction of a home within any required setback does not apply to the later construction of a second floor on that same home if it wasn't part of the original request. **Example #3:** A special use permit granted for a bed and breakfast does not allow the property owner to automatically expand the business to include small conferences or dinner meetings of unregistered guests. A second special use permit is required.

F. Exempt Uses.

The following exempt uses are allowed by right in the NRD and DO NOT require a zoning permit:

1. Private, noncommercial recreation which does not involve a structure, equipment, or other device and includes boating, fishing, hunting and similar activities.
2. Reforestation and any other accepted forest management practice that does not involve a structure and is landward of the natural vegetation strip.
3. Cutting of low growing vegetation and placement of wood chips on uplands in the natural vegetation strip to create a single footpath of not more than four (4) feet in width leading to a single point on the river's edge. A boardwalk or other artificial walkway is not exempt and requires a zoning permit.
4. **Signs.** Only those signs necessary for identification, direction, resource information, regulation of use and related to permitted uses shall be placed along the designated river and tributaries. Within the Natural River District signs for the sale of products or services shall be prohibited. Signs within the Natural River District must be:
 - a. Non-illuminated.
 - b. In conformance with the following standards:
 - (1) "No trespassing" sign shall be not larger than 1 square foot in area and shall be spaced at least 100 feet apart. Other signs may be not larger than 2 square feet in area, except one (1) real estate sign may be not larger than four (4) square feet in area if located outside the natural vegetation strip.

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- (2) A sign for the sale of a product or service is prohibited, unless related to a permitted use, located on the site of the permitted use, not located in the natural vegetation strip, and not visible from the river.
- 5. Routine maintenance and repair of a legal structure or use within the existing foundation and structure.
- 6. Satellite dish not more than thirty-two (32) inches in diameter and located landward of the natural vegetation strip or attached to an existing single-family dwelling, short-term rental facility, or appurtenance.
- 7. Removal of any dead, diseased or unsafe tree, noxious plant or shrub, within the natural vegetation strip. Owners are encouraged to re-plant.

G. Principal Permitted Uses and Special Uses.

Principal permitted uses are those uses allowed by right in the NRD and do require a zoning permit. Special Uses require a Special Use permit as per [Article 6](#).

- 1. **Single-Family Dwelling (detached) or Short Term Rental.** One single-family dwelling or short term rental will be permitted on each lot or parcel within the Natural River District subject to the building setbacks as set forth in **subsection I**.
- 2. **Accessory Buildings and Structures.**
 - a. Whether or not any structure falling into this group is attached to a main building, it SHALL BE SUBJECT TO AND MUST CONFORM WITH front yard regulations applicable to principal structures as stated in **subsection I**.
 - b. NO ACCESSORY BUILDING SHALL BE LOCATED BETWEEN THE MAIN STRUCTURE AND THE WATER’S EDGE except existing boathouses. New boathouses shall not be allowed. Existing boathouses may be repaired and maintained on the existing site. Existing boathouses shall not be enlarged (MDNR/MDEQ permits are required for boathouses) or used for any purpose other than the storage of boats and boating accessories.
 - c. In NO INSTANCES shall more than two (2) accessory buildings be located on a single lot.
 - d. Accessory buildings may not occupy MORE THAN twenty five percent (25%) of a required rear yard provided that, IN NO INSTANCE, shall the ground floor area of accessory building(s) exceed the ground floor of the residence.
 - e. No detached accessory building shall be located closer than fifteen (15) feet to any main building. An accessory building shall not be located closer than thirty (30) feet from a side or rear lot line, except on corner lots, where the minimum side yard setback along the street is fifty (50) feet.

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- f. No detached accessory building shall exceed fifteen (15) feet in height, except a private garage, which in no case shall exceed twenty five (25) feet in height.
3. **Home Occupation, Guest House, Bed and Breakfast.** A home occupation, home office, guest house, or bed & breakfast may be allowed by special use permit according to the provisions of this Ordinance.
 4. **Stairway.** One private river-access stairway per lot.
 - a. A stairway shall be low-profile, not more than four (4) feet wide, and constructed without stairs being recessed into the ground surface, except if site and soil conditions dictate that a recessed stairway is appropriate.
 - b. A landing shall not be constructed unless required by building code, in which case the landing shall be the minimum number and size required by building codes.
 - c. Not more than one (1) handrail shall be associated with a stairway.
 - d. A stairway shall be constructed using natural materials.
 - e. A stairway shall be located and maintained to blend with the natural surroundings and where removal of vegetation in the natural vegetation strip can be minimized.
 5. **Utility Lines.** Utility lines to service a single-family dwelling or short term rental facility.
 6. **Disposal Field, Septic Tank and Outhouse.**
 - a. A septic tank and disposal field meet local health department standards.
 - b. A disposal field located not less than one hundred and fifty (150) feet from the ordinary high-water mark and not less than one hundred (100) feet from any surface or subsurface drain that discharges into the Au Sable River or its designated tributaries, and shall not be located within the 100-year floodplain, a wetland area, or the natural vegetation strip.
 - c. A septic tank shall not be closer to the river than the dwelling it serves and shall not be located within a wetland area.
 - d. An outhouse constructed using a watertight waste containment system that allows waste to be pumped and hauled to an appropriate disposal site, located not less than one hundred (100) feet from the ordinary high-water mark and any surface or subsurface drain that discharges into the Au Sable river or its designated tributaries, and not located within the 100-year floodplain, a wetland area, or the natural vegetation strip.
 - e. Drywells and earth privies are not permitted unless authorized by the local health department, are a minimum of one hundred (100) feet from the ordinary high-water

- mark, and the bottom of the pit or seepage bed is at least four (4) feet above the seasonal high groundwater table.
- f. An alternative on-site treatment system that results in a higher level of treatment than a conventional system may be located not less than fifty (50) feet from the river’s edge on designated tributaries.
 - g. Disposal of sludge from any wastewater treatment system is prohibited in the NRD.
7. **Mining and Extracting Industries.** Mining and extracting industries by Special Use permit if all land disturbances, structures and other activities related to the industry are located more than four hundred (400) feet from the ordinary high water mark.
8. **Land alteration.** Land alterations shall conform to the following requirements.
- a. Land alterations shall not occur within the natural vegetation strip (except for placement of wood chips for a foot path), or the following within four hundred (400) feet of the river’s edge:
 - (1) the face or crest of a bluff
 - (2) a wetland
 - (3) floodplain
 - (4) Below the ordinary high water mark of the river
 - b. Draining a wetland is prohibited.
 - c. A pond may be constructed if the pond meets the building setback established for the natural river district, spoils are placed in a non-wetland, non-floodplain area landward of the natural vegetation strip, and the pond is not connected to the river by any surface or subsurface drainage system. Dredging or filling within five hundred (500) feet of the river’s edge requires a permit.
9. **Bridges.** Bridges are subject to R281.58 of [Natural River Zoning Rules](#).
10. **Forest Management Activities within the Vegetation Strip.**
11. **Boardwalks.** Boardwalk that meets the minimum building setback requirements and a boardwalk associated with a footpath to the river’s edge. A permit is required.

A boardwalk associated with a footpath to the river’s edge shall conform to all of the following:

- a. A boardwalk shall be placed only in an area that is generally too wet to be traversed without significant disturbance of the soils.
- b. A boardwalk and all supports shall be constructed of natural materials.
- c. A boardwalk shall not be more than three (3) feet wide.

- d. A boardwalk shall not include any railing.
- e. The top of a boardwalk shall not be more than twelve (12) inches above grade.

12. Bank Stabilization and Fisheries Habitat Improvement Activities.

- a. Bioengineering practices shall be the preferred alternative for bank stabilization. Bioengineering practices used to stabilize stream banks utilize a combination of native plantings and natural or biodegradable materials to engineer shoreline protection that mimic and or enhance the natural landscape.
- b. Rock used for bank stabilization above the seasonal low-water level of the stream shall be rounded cobble (fieldstone).
- c. Quarried limestone or other natural angular stone shall not be exposed by seasonal low water level of the stream.
- d. An in-stream fisheries habitat structure, such as a lunker, an overhead cover platform or similar structure, shall be, upon completion, indistinguishable from the natural surrounding landscape.
- e. A seawall, vertical bulkhead, gabion basket, concrete bag riprap, broken concrete, and other similar structures are prohibited.
- f. The proposed project shall fulfill an identifiable need for erosion protection, bank stabilization, or fisheries habitat improvement.

13. **Boat Dock.** One private boat dock per lot. See [subsection J](#) below.

H. Industrial and Commercial Uses and Structures.

- 1. New industrial and/or commercial uses and structures or expansion of existing industrial or commercial uses are prohibited.
- 2. New canoe liveries, expansion of existing liveries, or expansion of commercial launching or retrieval of watercraft in the designated portions of the river system shall be prohibited.

I. Building Setbacks and Lot Width.

- 1. **Lot Width.** Unplatted lots and new subdivisions in the Natural River District shall accommodate the building setbacks as set forth in [subsection I.2](#) below and shall have a minimum riverfront lot width of two hundred (200) feet on the mainstream and a minimum of one hundred fifty (150) feet wide on the East Branch and other flowing bodies of water that ultimately drain into the mainstream.

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2. **Waterfront Setbacks (Front Yard) – Main Branch.** On the AuSable River mainstream, new buildings and appurtenances will be required to be setback a minimum of two hundred (200) feet from the ordinary high water mark.
 - a. The setback may be decreased one (1) foot for every one (1) foot rise in bank height to a minimum of one hundred fifty (150) feet from the ordinary high water mark.
 - b. New buildings and appurtenances must be setback at least twenty five (25) feet from the top of a bluff on the non-cutting edge of the stream.
 - c. New buildings and appurtenances must be setback at least fifty (50) feet from the top of the bluff on the cutting edge of a stream.
 - d. No building shall take place on land that is subject to flooding or in any wetland area.
 - e. The natural contour of the face and crest of the bluff shall not be altered.
 - f. The land between the crest of the bluff and the minimum building setback line shall not be altered except for minor landscaping activities.

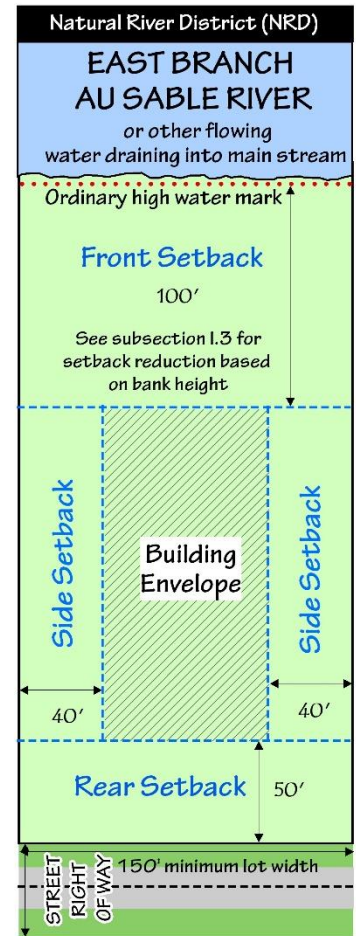
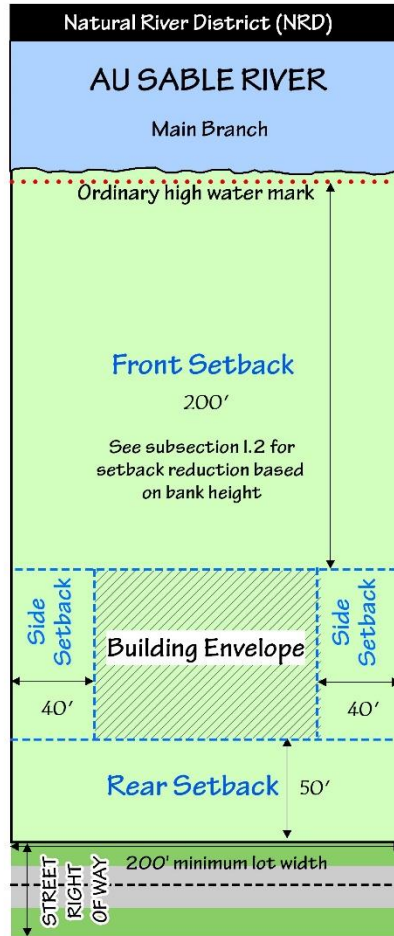
3. **Waterfront Setbacks (Front Yard) – East Branch and others.** On the East Branch and other flowing bodies of water that ultimately drain into the mainstream, new buildings and appurtenances will be required to setback a minimum of one hundred (100) feet from the ordinary high water mark of the tributary provided that no building shall take place on land that is subject to flooding.
 - a. The setback may be decreased one (1) foot for every one (1) foot rise in bank height to a minimum of seventy five (75) feet from the ordinary high water mark.

4. Side and Rear (Street Side) Setbacks.

- a. The setback for each side yard shall be forty (40) feet for an interior side yard and fifty (50) feet for a corner side yard abutting a street.
- b. The setback for a rear yard (street side) shall be fifty (50) feet.

5. Nonconforming Lots.

Lots or property of record that are non-conforming at the time of the effective date of these regulations because of lack of size to accommodate building setbacks from the water's edge shall be allowed to be built upon and variances shall be allowed for required setbacks upon such reasonable terms as set forth by the Zoning Board of Appeals, provided that structures be placed to best meet the objectives of the Natural Rivers Act.



NRD Lot & Building Standards	
Lot Area (minimum)	80,000 sq ft
Lot Width (minimum) - riverfront	200 ft on the main stream of the Ausable
	150 ft on the East Branch and other flowing bodies of water that ultimately drain into the mainstream
	The depth of any lot in the R-F District shall not exceed 3 times the width of the lot.
Building Height¹ (maximum)	35 ft ¹ Height regulations may be subject to the Crawford County Airport Zoning Ordinance.
Lot Coverage (maximum)	---
Floor Area (minimum)	Per Dwelling Unit: Single-family: 924 sq ft
Nonconforming Lots	Lots or property of record that are non-conforming at the time of the effective date of these regulations because of lack of size to accommodate building setbacks from the water's edge shall be allowed to be built upon and variances shall be allowed for required setbacks upon such reasonable terms as set forth by the Zoning Board of Appeals, provided that structures be placed to best meet the objectives of the Natural Rivers Act.
Setbacks	
Front (minimum) - riverfront	<p>Main Branch of the AuSable:</p> <ul style="list-style-type: none"> a. New buildings and appurtenances will be required to be setback a minimum of two hundred (200) feet from the ordinary high water mark. b. The setback may be decreased one (1) foot for every one (1) foot rise in bank height to a minimum of one hundred fifty (150) feet from the ordinary high water mark. c. New buildings and appurtenances must be setback at least twenty five (25) feet from the top of a bluff on the non-cutting edge of the stream. d. New buildings and appurtenances must be setback at least fifty (50) feet from the top of the bluff on the cutting edge of a stream. e. No building shall take place on land that is subject to flooding or in any wetland area. f. The natural contour of the face and crest of the bluff shall not be altered. g. The land between the crest of the bluff and the minimum building setback line shall not be altered except for minor landscaping activities.
	<p>East Branch and other flowing bodies of water that ultimately drain into the mainstream</p> <p>New buildings and appurtenances will be required to setback a minimum of one hundred (100) feet from the ordinary high water mark of the tributary provided that no building shall take place on land that is subject to flooding.</p> <ul style="list-style-type: none"> a. The setback may be decreased one (1) foot for every one (1) foot rise in bank height to a minimum of seventy five (75) feet from the ordinary high water mark.
Rear (minimum)	50 ft
Side (minimum)	40 ft
Side - street side - corner lot (minimum)	50 ft

J. Docks.

The construction of docks along the AuSable River system is discouraged. However, if necessary to provide safe and ecologically sound access for the riparian landowner, docks may be constructed not to exceed forty-eight (48) square feet with no more than four (4) feet of the dock extending over the water. One dock shall be allowed per lot.

Property owners located on the impoundments affected by fluctuating water levels will be allowed to construct a dock large enough to provide safe and reasonable access to the water. Docks require a permit from the Department of Environmental Quality and must be constructed in accordance with rules of **Part 301 of 1994 PA 451**, formerly Act 346, P.A. of 1972. The use of “natural” materials and camouflaging is encouraged. Property owners are encouraged to build “logsod covered” docks. Upon request from the property owner, the Department will supply plans and specifications for this type of dock or assist in the siting and location of a dock so as to blend in with the natural surroundings and best meet the objectives of natural river designation.

K. Soil Erosion and Sediment Control Measures.

1. All earth changing activities, other than normal landscaping or maintenance, undertaken within five hundred (500) feet of a lake or stream, must be conducted in accordance with the requirements of **Part 91 of 1994 PA 451**, formerly Act 347, P.A. of 1972, its administrative rules and those procedures established by the local enforcing agency.
2. Development along the river involving earth moving shall provide for water disposal and/or protection of the soil surface during and after construction.
3. Practical combinations of the following will provide effective erosion control when skillfully used in planning and construction:
 - a. The development plan should be fitted to the soils and topography so as to create the least erosion potential. Local office of the Natural Resources Conservation Service can provide detailed information on the soil characteristics of a given site and on the suitability of such soils for various uses.
 - b. Whenever feasible during construction, natural vegetation shall be retained and protected. Where adequate vegetation does not exist, temporary or permanent vegetation shall be established where possible.
 - c. Where it is necessary to remove vegetation for construction, limit the exposed area to the smallest practical size at any one time.
 - d. Limit the duration of exposure to the shortest practical time.
 - e. Critical areas exposed during construction should be protected with temporary vegetation and/or mulching.

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- f. Permanent vegetation and improvements, such as roads, storm sewers and other features of development capable of carrying storm runoff in a safe manner, shall be installed as early as possible.
- g. Provisions should be made to accommodate the increased runoff caused by changed soil and surface conditions during and after construction.
- h. Sediment basins to remove suspended soil particles from runoff water from land undergoing development should be constructed and maintained wherever erosive conditions indicate their need to prevent sediment damage to the river.
- i. Diversions, grassed waterways, grade stabilization structures and similar mechanical measures required by the site shall be installed as early in the development as possible.

L. Minerals.

New development, exploration or production of oil, gas, salt brine, sand and gravel or other minerals except groundwater are not permitted within three hundred (300) feet of the designated river or tributaries. On new leases on state land, Natural Resources Commission policy prohibits drilling for gas or oil within one fourth (1/4) mile of any major stream.

M. Agriculture.

- 1. Grazing within the natural vegetation strip shall be prohibited. Livestock must be fenced out to protect the river banks. Cattle crossings and watering areas shall be constructed according to accepted methods after the landowner has consulted with the local Natural Resources Conservation Service, County Extension Service and/or the Department of Natural Resources.
- 2. Water withdrawal for irrigation will not be affected by natural river designation, but will continue to be permitted in accordance with the riparian doctrine of reasonable use.

N. Disposal of Solid Waste.

No unsightly or offensive material, including but not limited to: trash, refuse, junk cars, junk appliances or garbage shall be dumped or stored within the Natural River District.

O. Stream Alteration.

P. Natural Vegetation Strip on Adjacent Shorelines.

Trees, shrubs and other vegetation types native to the area shall be maintained and enhanced on each side of the river to retain the river’s natural values. The presence of the natural vegetation strip is to help stabilize the river banks, prevent erosion, provide shading which will help maintain cool water temperatures, absorb nutrients from surface water runoff, provide screening of manmade elements, enhance fisheries and wildlife habitat and maintain the aesthetic natural quality of the

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river.

1. **Vegetation Strip:**

- a. **Public Land.** On all publicly owned land, one hundred fifty (150) feet minimum restricted cutting strip shall apply on each side of the mainstream and designated tributaries.
- b. **Private Land.** On privately owned land, seventy five (75) feet minimum restricted cutting strip shall apply on each side of the mainstream, and on the East Branch and other designated tributaries a fifty (50) feet restricted cutting strip shall apply.
- c. Distances of the natural vegetation strip are measured horizontally from the ordinary high water mark.

2. **Restricted Cutting and Removal of Vegetation.** Restricted cutting of dead, diseased, unsafe or fallen trees is allowed. Property owners are encouraged to plant a new tree of at least three (3) feet in height, and of like species, to replace each tree removed.

3. **Selective Cutting for Visual Access.** Trees and shrubs may be selectively trimmed on private land over a fifty (50) feet width for a filtered view of the river upon approval of the Township Zoning Administrator. FILTERED VIEW OF THE RIVER MEANS MAINTENANCE OR ESTABLISHMENT OF WOODY VEGETATION OF SUFFICIENT DENSITY TO PARTIALLY SCREEN NEW DEVELOPMENTS FROM THE RIVER, PROVIDE FOR STREAM BANK STABILIZATION AND EROSION CONTROL AND TO SERVE AS AN AID TO INFILTRATION OF SURFACE RUNOFF AND PROVIDE COVER TO SHADE THE WATER. It need not be dense as to completely block the river view. IT MEANS NO CLEAR CUTTING!

4. **Mowing.** On parcels with a structure, mowing is prohibited in the natural vegetation strip except in an area maintained in a mowed condition before the effective date of the DNR Natural River Rules (August 15, 1990) or to establish a single footpath to the river not to exceed four (4) feet wide. On parcels without a structure, all mowing is prohibited.

5. **Camping.** Camping, except for tent camping, is not permitted in the natural vegetation strip.

6. **Vehicles.** A motorized vehicle shall not be operated off-road in the natural vegetation strip.

7. **Planting of Native Vegetation.** Planting of native species is encouraged in the vegetation strip to enhance and protect the river’s edge. The Department of Natural Resources or the Natural Resources Conservation Service may be consulted for selection of native plant species for purposes of erosion control and/or screening of existing developments within the Natural River District.

Q. **Motorized Vehicles.**

- 1. Operation of all motorized vehicles other than on designated public roads, access roads to permitted uses, will be prohibited within the Natural River District.

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2. Use of ORVs on publicly owned lands contiguous to the Natural River District shall be in conformance with guidelines and regulations of the agency administering such lands, and with state and federal noise level standards strictly enforced. Muffler requirements of the Michigan **Vehicle Code-Section 707 of 1949 PA 300** shall be followed.

R. Historic and Archaeological Sites.

Identification, preservation and interpretation of historical and archaeological sites along the designated portions of the AuSable River and tributaries by public agencies and local historical societies are strongly encouraged. It is illegal to disturb or dig in a designated site without prior written consent from the appropriate state and/or federal agency.

S. Military Use.

Generally, military use of any of the streams or land areas within the four hundred (400) foot Natural River District is not compatible with the goal and objectives of river protection. Unless specifically authorized in a written cooperative agreement between the departments of Natural Resources and Military Affairs and approved by the Natural Resources Commission, military use shall not be authorized within the Natural River District.

T. Administration.

1. **Land Use Guidelines.** Under **Part 305 of 1994 PA 451**, zoning by local government units and/or the state shall be the chief means of protecting the AuSable River and its designated tributaries as a natural river.
2. Any property owner with undeveloped river frontage on the designated portions of the AuSable River or its designated tributaries may sign an open space development rights easement with the State under **Part 361 of 1994 PA 451**, formerly Act 116, P.A. of 1974, the Farmland and Open Space Preservation Act, to obtain potential tax relief.
3. **Appeals:** Under certain circumstances, strict adherence to this plan may create unreasonable hardships for the frontage owners. Such cases may be appealed to the Grayling Township Zoning Board of Appeals for a variance. Applications for a variance shall be based on a site plan. The County Health Department, Natural Resources Conservation Service, appropriate staff and field personnel of the Department of Natural Resources and other experts should be consulted to recommend to the Zoning Board of Appeals a course of action which will have the least degrading impact on the character of the natural river. The Zoning Board of Appeals shall make final determination of the variance.
4. **Nonconforming uses.** As stated in Section 30512 of **Part 305 of 1994 PA 451**, “the lawful use of any building or structure and of any land or premise as existing and lawful at the time of enactment of a zoning ordinance or rule or an amendment thereof may be continued although such use does not conform with the provisions of the ordinance, rule or amendment. The ordinance or rule shall provide for the completion, restoration, extension

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or substitution of nonconforming uses upon such reasonable terms as may be set forth in the zoning ordinance or rule.”

U. Definitions.

Definitions pertaining specifically to the Natural River District are provided below. Additional definitions for the Natural River District are found in the Natural River Zoning Rules provided by the State of Michigan Department of Natural Resources.

1. **Appurtenance** means a structure or accessory building incidental to a principal exempt use including all of the following:
 - a. Detached garage
 - b. Residential storage shed
 - c. Barn or other agricultural storage or livestock structure
 - d. Pump house
 - e. Private access roads and driveway
 - f. Electrical service line

2. **Ordinary High Water Mark** means “the line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. On an inland lake that has a level established by law, it means the high established level. Where water returns to its natural level as the result of the permanent removal or abandonment of a dam, it means the natural ordinary high water mark.” (This definition is used for the administration of the Inland Lakes and Streams, [Part 301 of 1994 PA 451](#)).

3. **Bluff** means the top of a steep bank rising sharply from the water’s edge. Incline of at least seventy-five degrees (75°) and a height of at least forty (40) feet.

4. **Cutting Edge of a Stream** means the outside edge of a river or stream where water velocity has increased to the point where it may cause soil or stream bank erosion.

5. **Land that is Subject to Flooding** means that the area of land adjoining the designated portions of rivers and tributaries which:
 - a. Will be inundated by a flood which has a one percent (1%) chance of occurring or being exceeded in any given year (intermediate regional flood), as determined by detailed hydraulic studies which are acceptable to the Michigan Water Resources Commission; or
 - b. In the absence of such detailed flood plain studies, have a history of flooding or are delineated by approximate methods such as USGS flood prone area maps or HUD’s special flood hazard boundary maps.

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- 6. **Short Term Rental** means a single-family dwelling with no more than 3 bedrooms offered as a residential rental facility for a period of less than thirty (30) days.

- 7. **Site Plan** means a surface view showing elevations or contours of the ground, including existing earth fills; generalized vegetation cover; size, location and spatial arrangement of all proposed and existing structures and uses on the site; location and elevations of streets, access roads, water supply and sanitary facilities.

- 8. **Tent Camping** means camping within a natural river district on private land with a tent, tarp, or other lightweight structure that is temporary and incurs no land disturbance or clearing of vegetation.

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Section 4.13 Schedule of Regulations

Zoning District	Minimum Lot Size		Maximum Building Height ¹	Setbacks (ft)				Minimum Floor Area	Maximum Lot Coverage	Footnotes
	Area	Lot Width (ft)		Front (Min ft)	Rear (Min ft)	Side (each) (Min ft)	Street Side (Min ft) A			
R-1 Single-Family Residential	12,000 sq ft	80 C	35	30	40	10	30	924	40	A, C
R-2 General Family Residential	12,000 sq ft	80 B, C	35	30	40	10	30	924 D	40	A, B, C, D
R-3 General Residential (Association)	40,000 sq ft F	100	35	50	50	30	30	1,120	---	A, C, F
RF Recreational Forest	2.5 acres E	200	35	50	50	30	30	720 D	---	A, B, D, E
C-1 General Commercial	12,000 sq ft	60	35	50	10 ²	10 ²	30	D, G	---	A, B, D, G
C-2 Heavy Commercial	30,000 sq ft	150	35	50	10 ²	10 ²	30	720 G	---	A, B, D G
I Industrial	30,000 sq ft	150	35	50	10 ²	10 ²	10	---	---	A
MU Mixed Use Districts	See Section 4.11									
NRD Natural River District	80,000	Main Branch: 200 C	35	Main Branch: 200	50	40	50	924	---	A, C See Section 4.12
		East Branch and other: 150 C		East Branch and other: 100						

¹Height regulations may be subject to the Crawford County Airport Zoning ordinance and other State or Federal regulations.

²The Planning Commission may require greater side or rear setbacks where a nonresidential use abuts a residential use or district. Such setback shall be determined during site plan review.

Footnotes to Schedule of Regulations.

A. Reversed Corner Lots.

In the case of a rear yard abutting the side yard of an adjacent lot, the side yard abutting the street shall not be less than the required front yard for that district.

B. Multi-Family Residential.

Multi-family residential units in the General Residential (R-2) shall have a minimum lot area of fifteen thousand (15,000) square feet and a minimum lot width of one hundred (100) feet.

C. Depth to Width Ratio.

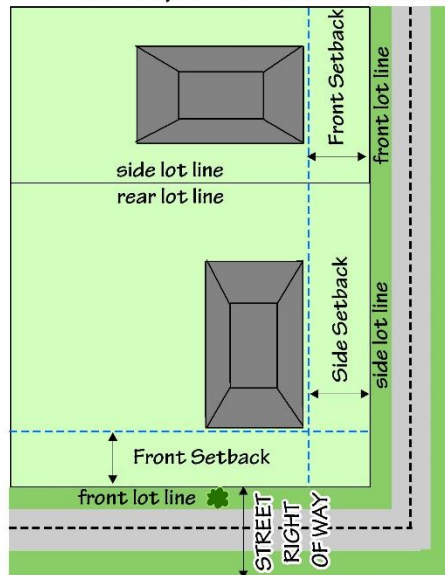
The depth of any lot in the R-1, R-2, R-3, and the NRD Districts shall not exceed three (3) times the width of the lot. The depth of any lot in the RF District shall not exceed four (4) times the width of the lot.

D. Multiple Family Dwelling Units Floor Area.

In the zoning districts in which multiple family dwellings are permitted (R-2 and C-1), the following square footage requirements shall apply:

1. A one-bedroom multiple family dwelling unit shall have a minimum total floor area of five hundred seventy six (576) square feet.
 2. A two-bedroom multiple family dwelling unit shall have a minimum total floor area of seven hundred twenty (720) square feet.
 3. A three of more bedroom multiple family dwelling unit shall have a minimum total floor area equal to the requirement for single-family dwellings in the district.
- E. In the Recreational Forest (RF) District, lot splits less than the required two and one-half (2 1/2) acres may be approved by the Planning Commission, provided the resulting parcels are not less than one and one-quarter (1 1/4) acres and do not cause existing structures to become non-conforming in regard to yard setbacks.
- F. In the General Residential Association (R-3) District, lot splits shall not be allowed.
- G. Residential units within a commercial business shall have a minimum floor area of 720 square feet.

Reversed Corner Lot
Side setback shall equal front setback of the lot to the rear



Article 5

Plot Plans & Site Plan Review

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Section 5.0 Purpose & Approval Summary Table

The purpose of this article is to specify the documents and/or drawings required for plot plans and site plan review so as to ensure that a proposed land use or development activity is in compliance with this Ordinance and that development actually occurs as it was promised by the developer. Furthermore, its purpose is to ensure that development taking place within the Township is orderly, properly designed, safe, efficient, environmentally sound, and designed in such manner as to protect adjacent properties from substantial adverse impacts.

Approval Summary Table		
Type of Use	Plan Required	Approving Body
1. Single-Family Detached Dwellings, Single-Family Attached Dwellings, Two-Family Dwellings	Plot Plan	Reviewed and approved by ZA
2. Adult Foster Care Family Homes & State Licensed Residential Facilities (construction only)	Plot Plan	Reviewed and approved by ZA
3. Residential Special Uses	Plot Plan	Reviewed and approved by PC after public hearing required per §9.3
4. Special Uses (non-residential)	Site Plan	Reviewed and approved by ZA
5. Parking Lots	Site Plan	Reviewed and approved by ZA
6. Change of Use (If additional parking is required, ZA may require site plan).	Application	Reviewed and approved by ZA
7. Accessory Structures/Buildings	Plot Plan	Reviewed and approved by ZA
8. Enhancement, expansion or renovation of existing construction. ZA reserves the right to require Planning Commission review.	Site Plan	Reviewed and approved by ZA
9. New Non-Residential Construction	Site Plan	Reviewed and approved by PC
10. Multiple-family dwelling units	Site Plan	Reviewed and approved by PC
11. Planned Unit Developments, Subdivisions & Site Condominium Projects	Site Plan	Reviewed and approved by PC after public hearing required per §9.3
12. Fences	-----	No permit required
13. Signs	-----	Reviewed and approved by ZA

PC = Planning Commission ZA = Zoning Administrator

Section 5.1 Plot Plans

A. Circumstances Requiring a Plot Plan.

Plot plans shall be submitted with all applications for Zoning Permits for the following:

1. Single-Family Detached, Single-Family Attached and Two-Family Dwelling Units.
2. Adult Foster Care Family Homes & State Licensed Residential Facilities (construction only)
3. Residential Special Land Uses.
4. Accessory Structures/Buildings.
5. All uses which do not require a site plan as per [Section 5.2](#).

B. Plot Plan Data Required for Application.

The Plot Plan, drawn to scale 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.

Plot Plan Requirements	
1. Location	Address or legal description of the property where the proposed use will occur.
2. Contact information	Name, address, and telephone number of the property owner(s), developer(s), and designer(s), and their interest in said properties.
3. Setbacks	Location of required setbacks of the zoning district.
4. Property Lines	The shape, location and dimensions of the lot and property lines, drawn to scale. 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. Accesses	The location and configuration of the lot access and driveway, drawn to scale.
6. Structures & Materials	The location, shape, dimensions, and height of all 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, in residential areas, the number of dwelling units the building is intended to accommodate.

8. Natural Features	Natural features such as forests, water bodies, wetlands, high risk erosion areas, slopes over 10%, drainage and other similar features, if determined by the Zoning Administrator to be applicable.
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.
11. 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 the approval chart in **Section 5.0** after application has been submitted and applicable fees have been paid. The Zoning Administrator will issue a zoning permit after determination that the application and proposed activity are in compliance with all applicable sections of this Ordinance.

Section 5.2 Site Plans – Circumstances Requiring

A. General.

Site plans give the Planning Commission an opportunity to review development proposals in a concise and consistent manner. The use of the site plan ensures that the physical changes in the property meet with local approval and that development actually occurs as it was promised by the developer.

B. Circumstances Requiring a Site Plan.

Site plans are required for the following reasons:

1. All non-residential uses.
2. Special Permit Uses except Residential Special Land Uses (i.e. Group Day Care Home).
3. Planned Unit Developments.
4. Site Condominium Projects.
5. Subdivisions.
6. Multiple-Family Dwelling Units.
7. Enhancement, expansion or renovation of existing construction (Zoning Administrator Approval).
8. Parking Lots (Zoning Administrator Approval).

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9. Any other uses as required by this Ordinance.

Section 5.3 Site Plan Pre-Application Conference

The Zoning Administrator alone or in conjunction with members of the Planning Commission and/or Township Supervisor shall have the authority to conduct a pre-application meeting 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.

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.

Section 5.4 Site Plan Data Required

Each site plan submitted shall contain the following information unless specifically waived in whole or in part by the Zoning Administrator or Planning Commission because it is clearly evident the data will not serve any useful purpose.

Site Plan Requirements	
A. General Information	<ol style="list-style-type: none"> 1. Name and address of property owner (including contact information). 2. Name and address of firm preparing the site plan (including contact information). 3. Property’s 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. Type of use and hours of operation. 7. Impact statement addressing the demands the development will have on community services and any environmental impacts.
B. Map Information	<ol style="list-style-type: none"> 1. Date, north arrow. 2. Scale no greater than 1’ = 50’ for property less than 3 acres and no greater than 1” = 100’ for property 3 or more acres.
C. Lot Lines & Right of Way	<ol style="list-style-type: none"> 1. Existing and proposed boundary lines of the property to include all dimensions and legal description. 2. The location and width of all abutting right-of-ways.
D. Development Features	

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1. The location of all existing and proposed structures on the site, including proposed drives, walkways, signs, exterior lighting, parking (showing the dimensions of a typical parking area), loading and unloading areas, common use areas and recreational areas and facilities.
2. Outdoor storage areas and snow storage areas.
3. The location and identification of all existing structures within a two hundred (200) foot radius of the site.
4. The location of all existing and proposed landscaping as well as all existing and proposed fences or walls.
5. Location of trash receptacles.
6. A location sketch of the proposed use or structure.
7. The type, location and size of all existing and proposed utilities.
8. The location, size and slope of all surface and subsurface drainage facilities.
9. 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.

E. Natural Features

1. The location of existing environmental features, such as streams, wetlands, shore-lands, 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 percent (10%) or greater, contours shall be shown at height intervals of two (2) feet or less.

F. 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

G. Other

Information as may be required by the Zoning Administrator or Planning Commission to assist in the consideration of the proposed development

Section 5.5 Site Plan Submittal & Approval Procedure

A. Number of Copies.

Six (6) copies of the proposed site plan, including all required additional or related information, shall be submitted to the Zoning Administrator by the petitioner or property owner or his/her designated agent. A digital copy of the site plan may be required.

B. Timing of Submittal.

Site plans shall be submitted at least twenty (20) days prior to the Planning Commission meeting where the site plan will be considered. If the site plan is required as part of a Special Use Permit or Planned Unit Development, the submittal procedures from [Article 6](#) shall be followed. A Special Planning Commission meeting may be held at the request of the applicant provided that the site plan is submitted at least fifteen (15) days prior to the requested Special Planning Commission meeting and that any applicable special meeting fees are paid in advance by the applicant.

C. Review for Completeness 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 site plan was submitted at least twenty (20) days prior to the meeting. If the site plan was submitted less than twenty (20) days prior to the Planning Commission meeting, the site plan shall be placed on the agenda of the next available meeting unless a Special Meeting is being requested by the applicant.

D. Coordination with Other Agencies.

The Zoning Administrator may distribute the site plan to any of the following for comment or recommendation prior to consideration for approval:

1. The Crawford County Soil Erosion and Sedimentation Control Officer
2. The Crawford County Drain Commissioner
3. The Crawford County Road Commission and, if appropriate, the Michigan Department of Transportation
4. Building Official
5. District Health Department
6. Local police, fire and ambulance service providers
7. Planning consultant

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8. Other agencies as deemed appropriate

E. Application Fees.

Any Site Plan application shall be accompanied by a fee, in an amount to be determined by the Township Board. Such fee shall be for the purpose of payment for the administrative costs and services expended by the Township in the implementation of this Article and the processing of the application.

F. Site Plans Requiring ZBA Action.

Where the applicant is dependent upon the granting of any variances by the Zoning Board of Appeals, the Site Plan may be approved and conditioned upon the receipt of favorable action by the Zoning Board of Appeals.

G. Representation at Meeting.

If the applicant fails to provide representation, the review may be tabled until the next scheduled Planning Commission meeting or may be acted upon without the applicant’s input.

H. Consultant.

The Planning Commission may request the assistance of a qualified professional planner, engineer, attorney, or other professional in the site plan review process, if deemed necessary or advisable.

I. Planning Commission Action.

1. Within sixty (60) days of the date of the Planning Commission meeting at which the site plan is last reviewed and the Planning Commission decides it has all of the necessary information to make a decision, the Planning Commission shall approve, approve with conditions, or deny the proposed site plan based upon the approval standards in [Section 5.6](#).
2. The sixty (60) day time limit may be extended an additional sixty (60) days upon a written request by the applicant and approved by the Planning Commission. The Planning Commission may suggest and/or require modifications in the proposed final site plan as are needed to gain approval.
3. 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 and any condition(s) imposed.
4. Approval of a final site plan authorizes issuance of a zoning permit.

J. Signed Copies.

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Upon approval of the site plan, three (3) copies of the site plan shall be signed and dated by the applicant and Zoning Administrator. One (1) signed and dated site plan shall be provided to the applicant, one (1) copy shall be retained by the Zoning Administrator as part of the permanent zoning file, and one (1) copy shall be made part of the Planning Commission’s permanent record of proceedings on the site plan. If required by the Township, a digital copy of the final approved site plan shall be provided by the applicant.

K. Conditions.

The Planning Commission may impose reasonable conditions with the approval of a final site plan, pursuant to [Section 9.5](#) of this Ordinance.

Section 5.6 Site Plan Review Standards

The Planning Commission shall have the responsibility and authorization to approve the site plan, disapprove the site plan or approve the site plan with modifications in accordance with requirements of the zoning district in which the proposed use is located and shall further consider the following criteria:

A. Compliance with District Requirements.

The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, yard space, density and all other requirements as set forth in the Zoning Ordinance, unless otherwise provided.

B. Sanitary Systems.

The sewage disposal and water systems meet the applicable health and sanitary codes and ordinances.

C. Stormwater/Drainage.

Stormwater/drainage will not adversely affect neighboring properties and all water conveyances on land surfaces will transport stormwater at a non-erosive velocity. Adequate parking lot drainage shall be provided.

D. Snow Storage.

Adequate snow handling measures shall be planned for and proper snow storage areas shall be provided.

E. Public Welfare and Adjacent Property.

1. The proposed use will not adversely affect public health, safety, welfare, and the social and economic well-being of, those who will use the land or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity and the community as a whole.

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2. The location and nature of the use will not be in conflict with any principal permitted use of the district or neighborhood.
3. The use will not be any more objectionable to adjacent and nearby properties than would be any permitted principal use of the district by reason of waste, traffic, noise, vibration, dust, fumes, smoke, odor, fire hazard, glare, vibration, flashing lights, or disposal of waste and sewage.
4. The use will not discourage or interfere with the appropriate development and the current and future use of adjacent premises and the neighborhood.

F. Vehicular and Pedestrian Circulation.

1. The use shall not create any major traffic problem or hazard due to traffic volumes and patterns. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site, at ingress/egress points, and at intersections. Vehicular turning movements shall be considered. Traffic calming measures shall be provided, if needed.
2. Safe, convenient, uncontested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site.
3. A pedestrian circulation system shall be provided and shall be as insulated as completely as reasonably possible from the vehicular circulation system. Pedestrian-friendly streetscape elements shall be provided, if appropriate.
4. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area.
5. Streets and drives which are part of an existing or planned street pattern shall be capable of safely and effectively accommodating the traffic volume and pattern proposed by the project.

G. Access.

1. There is a proper relationship between major thoroughfares and proposed service drives, driveways and parking areas.
2. Every structure or dwelling unit shall have access to a public street, private road, walkway or other area dedicated to common use.
3. All structures or groups of structures shall be so arranged as to permit emergency vehicle access by some practical means to all sides of the buildings.
4. Where possible, shared commercial access drives shall be encouraged.

H. Landscaping.

The proposed landscaping is suitable for providing ground cover, screening and decoration on the site.

I. Natural Resources.

Natural resources will be preserved to the maximum extent possible in the site design by developing in a manner which will not detrimentally affect or destroy natural features such as lakes, ponds, streams, wetlands, steep slopes, soils, groundwater and woodlands.

J. Compliance with Other Statutes and Regulations.

Site plans shall conform to all applicable requirements of federal, state, and local statutes, and approval may be conditioned on the applicant receiving necessary federal, state, and local permits before the actual zoning permit is granted.

Section 5.7 Amendments to an Approved Site Plan

An approved Site Plan may be submitted for minor amendment to the Zoning Administrator for review and approval. Minor amendments are those which will have no foreseeable effect beyond the property boundary such as minor changes in the siting of buildings, the alignment of interior roadways and parking areas and the addition of small accessory buildings and structures. No such changes shall increase the height or size of principal structures, increase traffic, reduce the efficiency of public facilities or reduce the amount of any required open space. Any amendment not considered a minor amendment is a major amendment. If, in the judgement of either the Zoning Administrator or the Planning Commission Chair, a Site Plan amendment is major, the amendment may be approved as per [Section 5.5](#).

Section 5.8 Conformity to Site Plan & Revocation

A. Conformity to Site Plan Required.

Following approval of a site plan by the Planning Commission, the applicant shall construct the site improvements in complete conformity with the approved site plan and conditions imposed.

B. Site Plan Revocation.

When the construction of a building or creation of a use is found to be in nonconformance with the approved Site Plan, the Planning Commission may fully and finally revoke, by official action its original approval, by giving the owner evidence in writing of such action, which becomes effective ten (10) days following the original notice of such impending action being properly communicated to the owner. The owner may remedy the violation during this ten (10) day period, at which time he shall so notify the Planning Commission, which may then, by official action, defer revocation.

C. Site Plan Revocation Appeal.

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The decision of the Planning Commission to revoke a site plan may be appealed by the aggrieved party, the property owner, or his or her designated agent to the Grayling Township Zoning Board of Appeals. Such requests must be made within sixty (60) days of the notice to the owner of such revocation action by the Planning Commission. Appeals to site plan revocation shall be heard according to the provisions of [Article 8](#).

Section 5.9 Expiration of a Site Plan

- A. Site plan approval shall expire if the authorized work is not commenced within twelve (12) months after approval or if work is suspended or abandoned for a period of twelve (12) months.
- B. The Zoning Administrator shall notify the permittee by certified mail of the pending expiration at least forty-five (45) days prior to the expiration. Thirty (30) days prior to expiration of an approved final site plan, an applicant may make application to the Planning Commission for a one-year extension of the site plan at no fee. The Planning Commission shall grant the requested extension for this additional one year if it finds good cause for the extension.
- C. Any subsequent re-submittal of a site plan due to expiration shall be processed as a new request with new fees.

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Article 6 Special Land Uses

Sec	Name	Pg
6.0	Purpose	6-1
6.1	Special Land Use Application Submittal	6-1
6.2	Special Land Use Approval Standards	6-2
6.3	Amendment to a Special Land Use	6-4
6.4	Special Land Use Expiration, Suspension or Revocation	6-4
6.5	Reapplication	6-5
6.6	Jurisdiction of the Zoning Board of Appeals	6-5

Section 6.0 Purpose

Certain land use activities entitled “Special Land Uses” may be authorized in the various zoning districts but only if adequate safeguards are provided to ensure the protection of the public health, safety and general welfare. The uses that may be authorized are listed in the **Table of Permitted & Special Land Uses** in **Section 4.3** and within each Zoning District in **Sections 4.4 through 4.12**. Special Land Uses are authorized by the Township Planning Commission by the issuance of a Special Land Use permit provided:

- A. The proposed use is one listed as a Special Land Use for the district in which the use is to be located.
- B. The provisions of this Article and **Article 7** are complied with.
- C. The standards for the particular use as stated in the provisions for that district in which the use is located are fulfilled, and all other applicable standards or other requirements of this Ordinance are met.

Section 6.1 Special Land Use Application Submittal

A. Application Submittal.

1. Applications for Special Land Use permits authorized in this Ordinance shall be submitted to the Zoning Administrator on a form supplied for such purposes. Applications shall be accompanied by the payment of the fee established by the Township Board.
2. In addition to a complete application form, the applicant is required to submit a plot plan for Residential Special Land Uses in accordance with **Section 5.1** and a site plan for Non-Residential Special Land Uses prepared in accordance with **Section 5.4**. Incomplete submittals shall not be accepted by the Zoning Administrator.
3. **Timing.** Special Land 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. A

Special Planning Commission meeting may be held at the request of the applicant provided that the site plan is submitted at least forty-five (45) prior to the requested Special Planning Commission meeting and that any applicable special meeting fees are paid in advance by the applicant.

B. Application Processing.

An application for a special use permit shall be processed in the following manner:

1. The Zoning Administrator shall forward the application and supporting data to the Township Planning Commission.
2. The Township Planning Commission members shall individually review the proposed development as presented in the application and in terms of the specifications established in this Ordinance. Planning Commission members may conduct site visits individually.
3. A notice that a request for Special Land Use permit has been received shall be published in accordance with [Section 9.3](#).
4. Within sixty (60) days of the date of the Planning Commission meeting at which the plot plan or site plan is last reviewed and the Planning Commission decides it has all of the necessary information to make a decision, the Planning Commission shall approve, deny, or approve with conditions the application for the Special Use Permit. The Planning Commission's decision must:
 - a. Be made in writing and include a finding of fact describing how the Special Land Use Permit does or does not comply with the provisions of this Article.
 - b. Clearly specify any conditions attached to an approval of a Special Use Permit and the basis for those conditions. Any conditions imposed, however, shall meet the requirements of [Section 9.5](#).

Section 6.2 Special Land Use Approval Standards

The Planning Commission shall review the proposed Special Land Use in terms of the standards stated within this Ordinance and shall establish that such use and the proposed location shall meet the Site Plan Review Standards in [Section 5.6](#) (for uses requiring a site plan) and the following standards:

A. Compatibility with Adjacent Uses.

1. The use will be designed, constructed, operated and maintained so as to be harmonious with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed to be located.

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2. The use will not be hazardous or disturbing to existing or future nearby uses and shall not disrupt the orderly and proper development of the neighborhood as a whole.
3. The proposed use will not adversely affect public health, safety, welfare, and the social and economic well-being of, those who will use the land or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity and the community as a whole.

B. Public Services.

1. The use will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will adequately provide any such service or facility.
2. The use will not create excessive additional public costs.

C. Economic Well-Being of the Community.

The proposed Special Land Use shall not be detrimental to the economic well-being of the surrounding residents, businesses, landowners, and the community as a whole.

D. Natural Resources.

The proposed Special Land Use 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. Natural features of the landscape, including but not limited to, ponds, streams, hills, and wooded areas, shall be retained where they afford a barrier or buffer from adjoining properties. The landscape shall be preserved in its natural state, as far as practical, by minimizing tree and soil removal, and any grade or slope changes shall be in keeping with the general appearances of the neighborhood.

E. Impact on Street System.

The location and design of the proposed Special Land Use shall minimize the negative impact on the street 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. The proposed Special Land Use shall not cause traffic congestion, conflict or movement in greater proportion to that normally prevailing for the use in the particular zoning district.

- F. The use will be consistent with the intent and purposes of this Ordinance.

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Section 6.3 Amendment to a Special Land Use

Minor amendments to a previously-approved Special Land Use may be approved by the Zoning Administrator with no public hearing or public hearing notice required.

Minor amendments are those which will have no foreseeable effect beyond the property boundary such as minor changes in the siting of buildings, the alignment of interior roadways and parking areas and the addition of small accessory buildings and structures. No such changes shall increase the height or size of principal structures, increase traffic, reduce the efficiency of public facilities or reduce the amount of any required open space. Any amendment not considered a minor amendment is a major amendment. If, in the judgement of either the Zoning Administrator or the Planning Commission Chair, a Site Plan amendment is major, the amendment may be processed in the same manner as a new Special Land Use.

Section 6.4 Special Land Use Expiration, Suspension or Revocation

A. Time Limit for Expiration.

The Special Land Use permit shall expire unless the use has begun within one (1) year of approval. The Zoning Administrator shall notify the permittee by certified mail of the pending expiration at least forty-five (45) days prior to the expiration. Thirty (30) days prior to expiration of an approved Special Land Use permit, an applicant may make application to the Planning Commission for a one-year extension of the Special Land Use permit at no fee. The Planning Commission shall grant the requested extension for this additional one year if it finds good cause for the extension. Any subsequent re-submittal of a Special Land Use application due to expiration shall be processed as a new request with new fees.

B. Special Land Use that has been Replaced or Superseded.

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

C. Abandonment of Special Land Use.

The Special Land Use permit shall expire if the Special Land 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 Land 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.

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- 3. Whether signs or other indications of the existence of the Special Land Use have been removed.
- 4. Whether equipment or fixtures necessary for the operation of the Special Land Use have been removed.
- 5. Other information or actions that evidence an intention on the part of the property owner to abandon the Special Land Use.

D. Special Land Use and Transfer or Sale of Property.

A Special land 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 Land Use Suspension or Revocation.

The Zoning Administrator may suspend or revoke a Special Land 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 agent and is in violation of any of the provisions of this Ordinance or of any other ordinances or regulations of the Township.

Section 6.5 Reapplication

No application for a special use permit which has been denied wholly or in part shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions found by the Zoning Administrator to be sufficient to justify reconsideration by the Planning Commission.

Section 6.6 Jurisdiction of the Zoning Board of Appeals

The Zoning Board of Appeals shall have no jurisdiction over decisions of the Planning Commission in regard to matters concerning the granting of special use permits.

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Article 7

Supplemental Regulations for Specific Uses

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7.0	Purpose	7-1	7.18	Gasoline/Service Stations/Vehicle Repair Facilities	7-11
7.1	Seasonal Uses	7-1	7.19	Home Occupations	7-11
7.2	Residential Units within a Commercial Business	7-2	7.20	Land Intensive Recreational Uses	7-12
7.3	Apartment Complex	7-2	7.21	Public Recreational Facilities	7-13
7.4	Performance Standards for Uses in Industrial District	7-2	7.22	Schools	7-13
7.5	Site Condominium Requirements	7-3	7.23	Vehicle Sales, Rental & Service Centers	7-13
7.6	Keeping of Horses & Ponies on Non-Commercial Farm	7-5	7.24	Wireless Communications Facilities (Towers)	7-14
7.7	Exotic Animals	7-6	7.25	Planned Unit Developments	7-16
7.8	Bed & Breakfast Facilities & Tourist Homes	7-7	7.26	Adult & Sexually-Oriented Businesses	7-24
7.9	Car Wash Facilities	7-8	7.27	Resource Extraction (Mining)	7-28
7.10	Care Facilities	7-8	7.28	Biofuel Production Facilities on Farms	7-29
7.11	Churches/Religious Institutions	7-9	7.29	Accessory Dwelling Units (Guest Houses)	7-31
7.12	Colleges, Universities & Institutions of Higher Learning	7-9	7.30	Medical Marijuana Primary Caregiver Facilities (as Home Office)	7-32
7.13	Commercial & Industrial Uses with Outdoor Storage	7-9	7.31	Wind Energy Facilities	7-33
7.14	Commercial Uses Selling Alcohol	7-9	7.32	Solar Energy Facilities (Utility-Scale)	7-36
7.15	Commercial Kennels	7-9	7.33	Tiny Homes	7-37
7.16	Funeral Homes	7-10	7.34	Marinas & Dock Facilities	7-37
7.17	Gas & Oil Processing Facilities	7-10			

Section 7.0 Purpose

Those permitted uses and special permit uses enumerated in any zoning district, if included below, shall be subject to the requirements of this Article, in addition to those of the zoning district in which the use is located, along with provisions located elsewhere in this Ordinance.

Section 7.1 Seasonal Uses

The Township Zoning Administrator may issue a temporary permit, except for retail sales of fireworks which must be approved by the Township Board. Such seasonal use temporary permit shall not to exceed ninety (90) days related to a seasonal or periodic event or for the seasonal sale of merchandise in all districts. Such seasonal uses shall include the sale of Christmas trees, produce, fruit, crafts, fireworks and similar activities. To issue a temporary permit for seasonal uses the following criteria must be met:

- A. The use does not have a detrimental effect upon adjacent properties.
- B. The use does not impact the nature of the surrounding neighborhood.

- C. Access to the area will not constitute a traffic hazard due to ingress or egress.
- D. There is adequate off-street parking available to accommodate the use.

Section 7.2 Residential Units within a Commercial Business

Single family, residential units within a commercial business, which are an accessory to the commercial use, shall be allowed provided the units have parking and entrances distinctly different from the commercial use and shall be approved for occupancy by the District Health Department and Township Building Department. The units shall meet at least the minimum floor area of seven hundred twenty (720) square feet.

Section 7.3 Apartment Complex (Multi-Family Dwellings)

Multiple family apartment complexes, shall not to exceed thirty-five (35) feet in height. All apartment complexes in the C-1 zone shall have a definitive transitional boundary from adjacent businesses.

Section 7.4 Performance Standards for Uses in Industrial District

No use shall be permitted within the Industrial District which does not conform to the following minimum standards of use, occupancy, and operation. Forest industries and production of forest products within the R-F District shall also be subject to the following performance standards.

A. Smoke, Dust, Dirt and Fly Ash.

It shall be unlawful for any person, firm or corporation to emit or discharge any smoke, dust, dirt, or fly ash in quantities sufficient to create a nuisance within the Township, as determined by the emission standards of the [MDEQ](#).

B. Open Storage.

The open storage of any equipment, vehicles and all materials including wastes, shall be screened from public view, from public streets and from adjoining properties by an enclosure consisting of a wall or an obscuring fence of a height of not less than six (6) feet to screen such stored materials. Scrap, junk cars and other junk materials shall not be piled or stacked as open storage to a height in excess of twenty (20) feet.

C. Glare and Radioactive Materials.

Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful rays shall be permitted in such a manner as not to extend beyond the property line, and as not to create a public nuisance or hazard along lot lines. Radioactive materials and wastes, and including electromagnetic radiation such as X-ray machine operation, shall not be emitted to exceed quantities established as safe by the federal government, when

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measured at the property line.

D. Fire and Explosive Hazards.

The storage, utilization or manufacture of materials or products ranging from incombustible to moderate burning, as determined by the Township's fire protection authority, is permitted subject to compliance with all other yard requirements and performance standards previously mentioned, and providing that the following conditions are met:

1. Said materials or products shall be stored, utilized or produced within completely enclosed buildings or structures having incombustible exterior walls.
2. All such buildings or structures shall be set back at least forty (40) feet from the lot lines and all such buildings or structures shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by the National Fire Association.
3. The storage and handling of flammable liquids, liquefied petroleum, gases, and explosives shall comply with the State Rules and Regulations as established by **1941 PA 207, as amended.**
4. Review by the Township Fire Inspector is required.

Section 7.5 Site Condominium Requirements

A. Intent.

The purpose of this section is to regulate the creation and use of site condominiums within the Township and to promote and protect the health, safety, and general welfare of the public. These regulations and controls shall in no way repeal, annul, or in any way interfere with the provisions and standards of any other state and federal laws and regulations.

B. General Requirements.

1. **Compliance with Federal, State and Local Laws.** All site condominium projects, including manufactured home condominium developments, shall comply with all applicable federal, state, and local laws and ordinances.
2. **Zoning Requirements.** All site condominium projects shall be located within the zoning district that permits the proposed use, and shall comply with all zoning requirements of this Ordinance.
 - a. For the purposes of these regulations, each condominium unit in a site condominium shall be considered as a single zoning lot, and shall comply with all regulations of the zoning district in which it is located.

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- b. In a site condominium containing single-family detached dwelling units, not more than one (1) dwelling unit shall be located on a single site condominium unit nor shall a dwelling unit be located on a site condominium unit with any other principal structure or use.
 - c. Required yards shall be measured from the boundaries of the site condominium unit.
3. **Site Plan Review.** Prior to recording a plat or master deed, site condominiums shall undergo site plan review and approval by the Planning Commission in accordance with [Article 5](#) of this Ordinance. Approval under this Ordinance shall be required as a condition to the right to construct, expand, or convert a site condominium project in the Township.
- a. **Application.**
 - (1) An application for site plan approval shall be filed for review as per the requirements of [Article 5](#) of this Ordinance. All procedures and standards of [Article 5](#) shall apply to site condominium projects.
 - (2) All condominium site plans shall include the information required in Section 66 of [1978 PA 59, as amended](#) (Condominium Act, being MCL 559.166).
 - (3) The application for site plan review 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.
 - (4) In the case of single-family detached dwelling units, the location and dimensions of site condominium common elements, limited common elements and building envelopes, rather than individual buildings and required yards, shall be shown on the site plan.
 - b. **Deed Restrictions, Master Deed, By-Laws.**
 - (1) 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.
 - (2) 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.
 - c. **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 9.2](#), to ensure completion of improvements shown upon the site plan. 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. Three (3) copies of the as-built site condominium plans.
 - b. Two (2) copies 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 7.6 Keeping of Horses & Ponies on Non-Commercial Farm

The keeping and boarding of horses and ponies may be allowed under the following conditions:

A. Minimum Acreage.

One horse or pony will be allowed on two and one-half (2 ½) acres. Each additional horse or pony requires one (1) additional acre to a maximum of four (4) horses or ponies. More than four (4) horses or ponies requires more than six (6) acres and Planning Commission approval.

B. Corral or Stable.

1. All horses or ponies are required to have a corral and stable. A stable for one (1) horse or pony shall have a minimum floor area of one hundred forty four (144) square feet with an additional forty eight (48) square feet for each additional horse or pony. A corral for one (1) horse or pony shall be a minimum of two thousand five hundred (2,500) square feet (i.e. 50'x50'). Two (2) to four (4) horses or ponies shall have a minimum of three thousand seven hundred fifty (3,750) square feet corral area.
2. Stable and corral shall maintain a fifty (50) foot setback from all lot lines.
3. Corral and stable shall be not less than one hundred fifty (150) feet from neighboring dwellings.

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- 4. Corral shall not be constructed with slabwood or barbed wire, but shall be constructed of standard building materials strong enough to contain the horses and ponies and aesthetically compatible with the intent of the district.
- 5. Horses and ponies must be kept and sheltered in a manner conforming to all state and local health codes.
- 6. Horses and ponies, stable and corral shall be placed in the rear or side yards of the parcel.

C. Buffer Strip.

A buffer strip fifty (50) feet deep on side and rear lot lines shall be maintained in its natural state. Additional planting of trees and shrubs is encourage but not required.

D. Manure.

Large deposits or concentration of manure must be a minimum of seventy five (75) feet from lot lines and one hundred fifty (150) feet from all dwellings and further disposed of in a sanitary manner on at least a monthly basis.

- E. A minimum setback of one hundred fifty (150) feet from any lake, stream, watercourse, or designated wetland shall be maintained.
- F. The keeping of horses or ponies shall not be construed as an agricultural use for the purposes of constructing barns, stables, corrals or related structures.

Section 7.7 Exotic Animals

The keeping of outside, exotic animals as pets may be allowed in the R-F District only, by Special Use permit. Each case shall be determined individually by the Planning Commission. The burden of proof for exotic animal living requirements shall rest with the animal owner.

A. Exotic Animals.

Animals considered to be exotic shall include, but are not limited to:

- 1. Llamas, alpacas, and other camelids
- 2. Ostriches, emus, peacocks and pheasants.
- 3. Common or unusual zoo or circus animals.
- 4. Others, as determined by the Zoning Administrator.

B. Dangerous Exotic Animals.

Exotic animals which are commonly considered dangerous or poisonous shall not be allowed to be kept in any zoned area, except by permit from the State of Michigan. These include, but are not limited to, all cats other than common house cats, bears, wolves, coyotes, venomous or

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constricting reptiles, non-human primates, poisonous spiders and insects, and crocodilians. The determination of a dangerous or exotic animal shall be made by (1) the Zoning Administrator, or (2) Assistant Zoning Administrator. The advice of the Crawford County Animal Control Officer may be sought in making such determination.

Section 7.8 Bed and Breakfast Facilities and Tourist Homes

While this subsection is established to enable single-family dwelling units to be used as Bed and Breakfast operations and Tourist Homes, it is the intent of the Planning Commission to preserve the character of the residential district in which the operation is located. A Bed and Breakfast operation or Tourist Home is a subordinate use to a single-family dwelling unit subject to the following conditions:

A. Operating Permits, Licenses and Insurance.

1. A special use permit is required prior to commencing use. The special use permit shall allow semi-annual inspection by the Zoning Administrator at a convenient time.
2. Bed and Breakfast facilities will operate in compliance with all local, state and federal requirements.
3. Proof of insurance policy is required to include: certificate of insurance, policy numbers, name of company, underwriting policy, and agent’s name and company.
4. No more than three (3) guest rooms are allowed in the R-1, R-2, R-F and NRD Districts.
5. Length of stay shall not exceed seven (7) consecutive days.

B. Professionalism and Record Keeping.

1. The owner or operator shall live on the premises.
2. A “guest only” common room shall be available where overnight guests may interact.
3. Guests shall be able to receive emergency phone calls when on the premises.
4. House rules shall be posted in plain view or verbalized when guests check in.
5. A full or continental breakfast, which is included in the room rate, may be provided on the premises to guests.

C. Exterior and Maintenance.

1. Building(s) shall be visually well maintained, in good repair and pleasant in appearance.
2. Lawn and surrounding grounds shall be groomed and free of debris.

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- 3. Outdoor furniture shall be clean and well maintained.
- 4. If a hot tub, spa or swimming pool are available to guests, they shall be clean and in good repair. Appropriate warnings and signs explaining use of such facilities are required.

D. Safety and Security.

- 1. All local and state fire and safety regulations shall be adhered to, both inside and outside. A fire inspection is required.
- 2. State bed and breakfast regulations require a fire extinguisher on each floor and a smoke detector in each guest room.
- 3. Outdoors.
 - a. Parking areas, walkways and entries shall be well lighted at night. Off-street parking shall be at least gravel surface and shall be computed at two (2) parking spaces for the owner/operator, one (1) for each employee and one (1) for each guest room.
 - b. If adjacent to a single-family dwelling, a minimum six (6) feet in height screening bufferyard of at least ten (10) feet in width shall be planted and maintained between the bed and breakfast and the adjacent dwelling. The bufferyard shall consist of fifty percent (50%) evergreens and fifty percent (50%) deciduous shrubs and trees, or a berm with trees, shrubs and ground covers on it.

Section 7.9 Car Wash Facilities

- A. Vacuuming activities may be carried out in the rear yard and at least fifty (50) feet distance from any adjoining residential use.
- B. The entrances and exits of the facility shall be from within the lot and not directly to or from adjoining street or alley. A street or alley shall not be used as maneuvering or parking spaces for vehicles to be serviced by the subject facility.

Section 7.10 Care Facilities

- A. All care facilities, including family, group or convalescent homes for the care of persons of all ages (children and adults) shall be licensed by the appropriate agency of the State of Michigan, and shall provide a copy of the license to Grayling Township before operation of the care facility proceeds.
- B. Convalescent homes, nursing homes, extended care facilities and similar uses shall be located so that the site has direct ingress and egress to a major street or a minor street no more than four hundred (400) feet from its intersection with a major street. No

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building shall be located closer than thirty (30) feet to any lot line. Service entrances shall be screened from the view of adjacent residential property.

Section 7.11 Churches/Religious Institutions

- A. For every one (1) foot of height (excluding spire) above the maximum building height allowable for the district in which the church is located, an additional one (1) foot setback on all sides of the main structure shall be required.
- B. Proper vehicular ingress, egress and off-street parking requirements shall be maintained according to [Section 3.25](#).

Section 7.12 Colleges, Universities and Institutions of Higher Learning

- A. All ingress and egress from the site shall be onto a major street having a right-of-way of at least sixty-six (66) feet.
- B. No building or other use of land except landscaped passive areas or parking shall be located within thirty (30) feet of any lot line.

Section 7.13 Commercial and Industrial Uses with Outdoor Storage

Outside storage of equipment or materials shall be located in the rear or side yards, screened from view, and vehicular access to such storage shall be maintained.

Section 7.14 Commercial Uses Selling Alcohol

Establishments selling alcoholic beverages for consumption on the premises shall maintain a bufferyard as stipulated in [Section 3.23](#). The establishment shall be located no closer than one thousand (1,000) feet to any school, church or place of worship, and no closer than four hundred (400) feet from another establishment selling alcoholic beverages for consumption on the premises.

Section 7.15 Commercial Kennels

- A. Commercial kennels are allowed in the R-F, C1, and C2 zoning districts only and only on a minimum lot size of five (5) acres. Kennels shall be operated in conformity with all pertinent county, state and federal regulations.
- B. Kennels for the boarding of not more than fifteen (15) dogs and/or cats with not more than three (3) outside exercise areas may be permitted in the RF, C1, and C2 Districts. The kennel and runs must be located a minimum of one hundred fifty (150) from both side lot lines and one hundred eighty (180) feet from an adjoining residence. There shall be a rear yard of not less than one hundred fifty (150) feet.

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- C. A visual barrier between the kennel area and adjoining property must be maintained.
- D. The sale of pet supplies is allowed provided it is clearly incidental and subordinate to the kennel.
- E. One non-illuminated on building sign not to exceed eighteen inches by thirty six inches (18"x36") in size is permitted.
- F. The kennel may be operated in conjunction with a single-family dwelling occupied by the kennel owner.

Section 7.16 Funeral Homes

- A. A well-designed and landscaped off-street vehicle assembly area for funeral processions shall be maintained in addition to required off-street parking and related vehicle maneuvering space.
- B. A caretaker’s residence may be located inside the main facility.

Section 7.17 Gas and Oil Processing Facilities

- A. The facility shall comply with all federal, state and local building, environmental and health codes and regulations.
- B. The Planning Commission may impose reasonable conditions in order to comply with the Zoning Ordinance standards.
- C. The facility may incorporate surface land owned or leased by the oil and/or gas company. If leased, the lease documents shall be submitted to the Planning Commission, and the Township Board shall be informed of the length of the lease.
- D. Because the subject facilities are industrial in nature, the required site plan shall also show adequate visual and sound privacy from adjacent property and public roads. Forested greenbelt, berms, attractive fence screen, landscaping, mufflers, insulation, or other contrivances may be used to insure compliance with visual and sound privacy of the adjacent properties.
- E. In the event the facility is no longer required or is not used for two (2) years, the existing facility shall be removed and the area restored to its original state. Further, the area shall be checked by an agency concerned with environmental protection to insure that it is clear of pollutants.
- F. The sound level of the facility shall not exceed sixty (60) decibels as measured four hundred and fifty (450) feet in any direction from the facility.
- G. The facility shall be built no closer than four hundred and fifty (450) feet from an existing dwelling.

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H. The facility shall be built no closer than one hundred (100) feet from any public road.

Section 7.18 Gasoline/Service Stations/Vehicle Repair Facilities

- A. No ingress or egress shall be closer than twenty-five (25) feet from any intersection or residential property line abutting the property on which such facility is located.
- B. The entire lot, excluding those areas occupied by a building or landscaped areas, shall be hard-surfaced with concrete or a plant mixed bituminous material.
- C. All lubrication equipment, hydraulic hoists and pits shall be completely enclosed within a building. All gasoline pumps and canopy overhang shall be located not less than twenty-five (25) feet from any lot line and shall be arranged so that motor vehicles may be provided easy egress and ingress to and from the adjoining street, and so that no portion of the vehicle while it is stopped for service, shall overhang onto a sidewalk, curb, street or public right-of-way.
- D. All outside storage areas for trash, used tires, auto parts and the like shall be enclosed by a (6) foot totally obscuring wall. Outside storage or parking of disabled, wrecked or partially dismantled vehicles shall be allowed for a period not to exceed fifteen (15) days.
- E. The property on which the automobile service station, repair garage or filling station is located shall be no closer than five hundred (500) feet from a vehicular entrance or exit to a hospital, library, museum, public or private school, playground, church or park.
- F. All exterior lighting, including signs, shall be hooded or shielded so that glare shall be directed away from the view of adjacent properties.

Section 7.19 Home Occupations

A Special Use permit is required prior to commencing use. The purpose of the home occupation special use permit provisions is to allow the operation of home occupations for supplemental income purposes in residential districts. Home occupations are limited to those uses, which may be conducted within a residential dwelling without changing the appearance or condition of the residence in any way. The following criteria shall be employed by the Planning Commission to determine a valid home occupation:

- A. The structures on the property shall not show any external indication of the home occupation, nor any change in the appearance of the building(s) or premises from a dwelling.
- B. The use may be conducted in an accessory building, only when the Planning Commission determines that the use conforms to the required conditions and would more appropriately be conducted in an accessory building rather than in a dwelling.

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- C. The use shall not constitute a retail store such as those permitted in the Commercial Districts (C-1 and C-2).
- D. The use shall not necessitate the use of heavy commercial vehicles.
- E. The use shall not generate pedestrian or vehicular traffic (including but not limited to semi-trailers) beyond that which is normal to the residential district.
- F. Outdoor storage may be approved by the Planning Commission on a case by case basis. Screening may be required.
- G. In no way shall the appearance of the residence be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character by the use of colors, materials, construction, lighting, or the emission of sounds, noises, odors or vibrations.
- H. There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential purposes.
- I. The display of goods produced or services performed on the premises shall not be evident from the exterior of the residence.

Section 7.20 Land Intensive Recreational Uses

- A. The determination of a “land intensive recreational use” and the applicability of this section shall be made by the Zoning Administrator.
- B. A special use permit is required prior to commencing use. No loud speakers or public address systems shall be used except by approval of the Planning Commission, which shall determine that no public nuisance or disturbance will be established.
- C. No structures other than fencing shall be located closer than the yard requirements specified in [Section 4.13 Schedule of Regulations](#).
- D. A landscaped bufferyard meeting the requirements of [Section 3.23](#) shall be provided between the recreational use and any adjacent residential use or residential district.
- E. All lighting shall be shielded downward and away from adjacent districts.
- F. Customary accessory commercial uses may be located on the same site as the main recreational use and shall be clearly incidental to the main use.

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Section 7.21 Public Recreational Facilities

- A. Public recreational facilities shall be located so that the site has direct ingress and egress to a public street no more than four hundred (400) feet from its intersection with other public streets.
- B. The Planning Commission may require additional safeguards to meet the intent of the district where located.

Section 7.22 Schools

- A. A required yard (front, side and rear) of not less than thirty (30) feet shall be required for all buildings.
- B. Off-street passenger loading zones shall be provided for school buses and private vehicles.
- C. Parking lots shall not occupy more than forty percent (40%) of the entire lot or parcel.

Section 7.23 Vehicle Sales, Rental and Service Centers

Vehicles shall include new or used automobiles, trucks, watercraft, recreational vehicles, motor bikes, boats, ATV's, campers, snowmobiles, and trailers, provided:

- A. Ingress and egress to the use shall be at least sixty (60) feet from the intersection of any two streets.
- B. Display areas shall be surfaced with concrete, asphalt or a similar durable, smooth and dustless surface.
- C. The arrangement of vehicles stored in the open shall be uniform, following the patterns established for off-street parking lots.
- D. Sales or display areas shall set back a minimum of twenty (20) feet from any public or private street or road right-of-way.
- E. Service areas shall be in completely enclosed buildings and storage areas for vehicles that are being serviced must be in the rear yard and screened from adjacent properties.

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Section 7.24 Wireless Communications Facilities (Towers)

A. Uses Allowed.

1. **Collocation - Permitted Use.** Pursuant to Section 3514 of **2006 PA 110, as amended** (Michigan Zoning Enabling Act, being MCL 125.3101 et.seq.), collocation of wireless communications equipment is a permitted use of property.
2. **New Support Structure (also called “Tower”).** New support structures are a Special Land Use in the C-1, C-2, I and R-F Districts and shall be evaluated using the procedures stated in **subsection B** below.

B. Special Land Use Approval Procedure.

An application for Special Land Use approval of wireless communications support structures shall include all information required by **Section 5.4 (Site Plan Data Required)** in addition to a copy of the plans and engineering specifications for the tower, propagation studies showing the need for the tower and justification for the proposed tower height, together with a copy of all permits and approvals or regulatory bodies and agencies having jurisdiction and a certification of the owner, contractor and/or engineer that the tower meets the minimum standards of the Electronic Industries Association (EIA).

1. After an application for a special land 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.
2. If, before the expiration of the 14-day period under **subsection B.1**, 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 B.1** 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.
3. 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 any determination required for approval.

C. Development Standards for New Wireless Support Structures.

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1. **Setback.** The tower shall be setback not less than the height of the tower measured from the base of the tower to all points on each property line. All tower structures shall be equipped with anti-climb devices to prevent unauthorized access.
2. **Fencing Required.** The base of the tower shall be fully enclosed by a chain link fence not less than six (6) feet in height and located at such distance from the base on all sides of the tower to prevent entry into the radio frequency radiation envelope area. The fence shall be securely locked at all times, except when a representative of the owner of such tower is on the premises for inspection, repair or maintenance. Signs shall be posted on all sides of the fence with adequate warnings of potential hazards. There shall be no employees located on the site on a permanent basis.
3. **Accessory Buildings.** All accessory buildings housing transmitting equipment shall be surrounded by a chain link fence at least six (6) feet in height and shall be kept locked at all times, except when a representative of the owner is on the premises for purposes of inspection, repair or maintenance. Adequate signs warning of any hazards shall be placed on all sides of the fence. The accessory buildings shall also be locked at all times, except when a representative of the owner is on the premises for purposes of inspection, repair or maintenance. Accessory buildings shall not be located closer than thirty (30) feet to any property line.
4. **Cables and Guy Wires.** All guy cables and wires shall be wholly located on the premises upon which the tower is located.
5. **Tower Design.** The tower shall be designed to be self-collapsing.
6. **Spacing.** Minimum spacing between tower locations shall be one-half mile (2,640') in order to prevent a concentration of towers in one area.
7. **Lighting.** Towers shall not be artificially lighted except as required by federal, state or county regulations.
8. The tower operator/owner acknowledges that any use of the tower, antennae or structures which is customarily rented or sold as part of the normal business application of the facility shall be offered to Grayling Township free of charge prior to the beginning of operation.
9. **Removal.** The approval of any of the above mentioned towers shall cease when the tower is no longer used for the purpose for which the Special Use permit was initially granted. The applicant shall dismantle and remove the tower, accessory buildings and appurtenances within ninety (90) days after operations cease. The site shall be cleared of litter and debris in compliance with the Junk and Garbage regulations within this Ordinance.
10. **Performance Guarantee.** Upon approval of a tower, the applicant shall provide to the Township a performance guarantee equal to the estimated amount required for removal of the tower.

D. Standards for Antenna Co-Location on an Existing Tower/Support Structure.

1. No antenna or similar sending/receiving devices appended to a wireless support structure, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the wireless support structure thereby jeopardizing the wireless support structure’s structural integrity.
2. 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.

Section 7.25 Planned Unit Developments (PUD)

A. Intent.

The intent of a Planned Unit Development is to permit more flexibility and consequently encourage a greater imaginative and creative use and design of structures and land than is allowable under the specific districts standards of this Ordinance, where such modifications will not be contrary to the intent of this Ordinance or significantly inconsistent with the Master Plan upon which it is based. It is further intended to promote more efficient and economical use of the land, while providing a harmonious variety of housing choices, a higher level of urban amenities, the preservation of natural scenic qualities of open space and to give the developer reasonable assurances of ultimate approval before expending complete design monies while providing Township Officials with assurances that the project will retain the character envisioned at the time of concurrence.

B. Permitted Uses.

Permitted uses are restricted to the following standards:

1. **Residential Uses.** Dwelling units in detached, semi-detached, attached, or multiple family dwellings or any combination thereof, along with customary accessory detached uses and structures are permitted in a PUD. Site condominium projects **(1978 PA 59)** established after the effective date of this Ordinance shall be designated as a PUD.
2. **Non-Residential Development.** Commercial uses, limited to those set forth in the C-1 District of the Grayling Township Zoning Ordinance and specifically approved by the Planning Commission are permitted in the PUD and shall be compatibly and harmoniously incorporated into the unitary design of the PUD.
3. **Other Non-Residential Uses.** Non-residential uses of a religious, cultural, or recreational character are permitted in a PUD provided that such uses are compatibly and harmoniously incorporated into the unitary design of the PUD.

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4. **Development not Associated with Residential Uses.** A PUD may exclude residential development and allow other uses if the applicant can demonstrate that the proposed PUD is of such a scale, and is sufficiently well designed to accomplish the intent of this Ordinance with respect to adjoining land uses both existing and anticipated.

Permitted uses shall be in conformance with a specific and precise final development plan pursuant to the procedural and regulatory provisions of this Article.

C. Parcel Size.

The minimum parcel size to apply for a PUD Special Land Use is two and one-half (2 ½) acres.

D. Lot, Yard and Building Regulations.

Minimum requirements set forth by the district in which the proposed PUD is located shall act as general guideline for the lot, yard, and building regulations. Consideration shall be given to lot and yard regulations in the following manner.

1. **Front Yard.** Front setback requirements of the district may be modified by the Planning Commission.
2. **Lot Width and Side Yard.** Where the design is such that light, air, and privacy can be provided, especially for living spaces and bedroom, narrower lot width and side yard regulations may be permitted.
3. **Rear yard.** Except where it can be demonstrated to the Planning Commission that a lesser rear yard requirement is justified, the rear yard shall be equal to or greater than the rear yard requirements of the original district.
4. **Building spacing.** Building spacing may be reduced when adequate privacy, light, and air are provided to each unit. At a minimum, spacing between the sides of buildings shall be at least fifteen (15) feet.
5. **Building size.** Minimum building size of the district may be modified by the Planning Commission.

E. Open Space Requirements.

1. Required open space shall comprise no less than forty (40) percent of the PUD as a whole.
2. Areas covered with buildings, streets, parking lots, driveways and other paved surfaces are not considered open space, except as noted in (3) below. A minimum of fifty percent (50%) of the required open space shall be devoted to landscaping, patios, walkways and recreation areas for the collective enjoyment and common use of occupants of the development.

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3. Recreation facilities or structures and their accessory uses located in common recreation areas shall be calculated as open space, as long as the total impervious surface (paving, roofs, etc.) constitute no more than five percent (5%) of the total required open space.

F. Insuring Open Space Integrity.

All land shown on the final development plan as common open space must be conveyed under one of the following options:

1. It may be conveyed to a public agency which will agree to maintain the common open space and any buildings, structures, or improvements which have been placed on it.
2. It may be conveyed to trustees provided in an indenture establishing an association or similar organization for the maintenance of the planned development. The common open space must be conveyed to the trustees subject to covenants to be approved by the Planning Commission which restricts the common open space to the uses specified on the final development plan, and which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purposes.

G. Open Space Restriction.

No common open space may be put to any use not specified in the final development plan unless the final development plan has been amended to permit that use under amendment procedures of this Ordinance. However, no authorized change of use may be considered as a waiver of any of the covenants limiting the use of common open space areas.

H. Open Space Enforcement.

If the common open space is not conveyed to a public agency, either one of the following methods of enforcement shall be provided:

1. The legal right to develop the common open space for the uses not specified in the final development plan must be conveyed to public agency.
2. The restrictions governing the use, improvement, and maintenance of the common open space must be stated as conditions to the conveyance of the common open space, the fee title to the common open space to vest in a public agency in the event of a substantial default in the stated conditions.

I. Private Covenants Enforcement.

If the common open space is not conveyed to a public agency, the covenants governing the use, improvement, and maintenance of the common open space may authorize a public agency to enforce their provisions.

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J. Homeowners’ Associations.

If the common open space is deeded to Homeowners’ Association, the applicant shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application for the pre-application conference. The provisions shall include, but not be limited to the following:

1. The Homeowners’ Association must be established before the units are sold.
2. Membership must be mandatory for each home buyer and any successive buyer.
3. The open space restrictions must be permanent, not just for a period of years.
4. The Association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.
5. Homeowners must pay their pro rata share of the cost; the assessment levied by the association can become a lien on the property.
6. The Association must be able to adjust the assessment to meet changed needs.

K. Failure To Maintain Open Space.

In the event that the organization or any successor organization responsible to own and maintain common open space, at any time after establishment of the planned unit development, fails to maintain the common open space in reasonable order and condition in accordance with the plan, the Planning Commission may serve written notice upon such organization or upon the residents of the planned unit development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition. The notice shall include a demand that such deficiencies of maintenance be remedied within thirty (30) days, and shall state the date and place of a hearing thereon, which shall be held within fourteen (14) days of the notice. At the hearing the Planning Commission may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be remedied. If the deficiencies set forth in the original notice or in the modifications are not remedied within the thirty (30) days or any extension, the Township, in order to preserve the taxable values of the properties within the planned unit development and to prevent the common open space from becoming a public nuisance, may enter upon the common open space and maintain it for a period of one (1) year. The entry and maintenance shall not vest in the public any right to use the common open space, except when the open space is voluntarily dedicated to the public by the owners. Before the expiration of the organization responsible for the maintenance of the common open space, a public hearing shall be scheduled upon notice to such organization or to the residents of the planned unit development, to be held by the Planning Commission at which hearing the organization or the residents of the planned unit development shall show cause why the maintenance by the Township shall not, at the election of the Planning Commission continue for a succeeding year. If the Planning Commission determines that the organization is

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not ready or willing or able to maintain the common open space in a good, clean, and safe condition, the Township Board, in its discretion may continue to maintain the open space, subject to a similar hearing and determination in the next succeeding year.

The cost of such maintenance by the Township shall be proportionally assessed against the properties within the planned unit development that have a right of enjoyment of the common open space and shall become a tax lien on the properties. The Township, at the time of entering upon the common open space for the purposes of maintenance, shall file a notice of the lien in the office of the county recorded upon the properties affected by the lien within the planned unit development.

L. Environmental Standards.

1. **Environmental Design Criteria.** Environmental design criteria in a PUD shall include the following: the preservation of trees, groves, waterways, scenic points, historic spots, and other community assets and landmarks.
2. **Grading.** The Township Zoning Administrator may require a “grading plan” which will confine excavation, earth moving procedures, and other changes to the landscape in order to insure preservation and prevent despoliation of the character of the area to be retained as common open space. All manufactured slopes, other than those constructed in rock, shall be of a character so as to cause the slope to blend with the surrounding terrain and development. The developer shall provide for maintenance of the planting until growth is established.
3. **Native Protection Strip.** Where those lands border a body of water, there shall be a strip parallel with the water’s edge and based on the original zone which shall be strictly maintained in its natural state, except trees or shrubs may be planted to protect the shoreline from eroding or to improve the aesthetics. Trees, shrubs and undergrowth in a space fifty (50) feet wide for every three hundred (300) feet of shoreline within this native strip may be trimmed and pruned for a view of the water and for locating a dock.

M. Traffic Circulation.

1. Principal vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Minor streets within PUD’s shall not be connected to streets outside the development in such a way as to encourage their use by through traffic.
2. A part of every residential building shall not be farther than sixty (60) feet from an access roadway or drive providing vehicular access from a public street, and not further than five hundred (500) feet, measured along the route of vehicular access, from a public street.
3. All non-residential land uses with a PUD should have a direct access to a collector or primary street, especially where large parking areas are included.

4. The pedestrian circulation system and its related walkways should be insulated completely and as reasonably as possible from the vehicular street system in order to provide separation of pedestrian and vehicular movement. This shall include, when deemed to be necessary by the Planning Commission, pedestrian underpass or overpass or in the vicinity of schools, playgrounds, local shopping areas, and other neighborhood uses, which generate a considerable amount of pedestrian traffic.

N. Streets.

1. Standards of design and construction for roadways, both public and private, within planned residential development may be modified as in deemed appropriate by the Planning Commission, especially where it is found that the plan for PUD provides for separation of vehicular and pedestrian circulation patterns and provides for adequate off-street parking facilities.
2. If the PUD owners in the future should convey the private streets to the county, the owners do fully agree that, before acceptance of such streets by the county, the owners will bear full expense of reconstruction or any other action necessary to make the streets meet county road standards, prior to dedication and acceptance. Finally, the owners also agree that these streets shall be dedicated to public use without compensation to the owners and without the owners expense in making such streets conform to the requirements applicable at that time for public streets if, at some future date, a local governing body so requests.
3. The name of the PUD and new street names shall not duplicate or closely approximate phonetically the name of any other subdivision or street in Grayling Township.

O. Parking Standards.

The following is the parking criteria for PUD's:

1. For each dwelling unit, there shall be two (2) off-street parking spaces consisting of not less than two hundred (200) square feet each.
2. Parking areas shall be arranged so as to prevent through traffic to other parking areas.
3. Parking areas shall be screened from adjacent structures, roads, and traffic arteries with hedges, dense planting, earth berms, and changes in grade or walls.
4. No more than thirty (30) parking spaces shall be provided in any single residential parking area.
5. All streets and any off-street loading area shall be paved, and the design thereof approved by Planning Commission. All areas shall be marked so as to provide for orderly and safe loading, parking, and storage.

6. Parking for non-residential purposes shall be provided appropriate to the type of non-residential use and shall follow the guidelines for parking set forth by the commercial and industrial districts (see [Section 3.25](#)) with changes made as deemed necessary by the Planning Commission.
7. All parking areas shall be adequately lighted. The lighting shall be so arranged as to direct the light away from adjoining residences.
8. All parking areas and off-street loading areas shall be graded and drained so as to dispose of all surface water without erosion, flooding and other inconveniences.

P. PUD Transitional Yard Regulations.

To ensure that there is an appropriate relationship to the surrounding area, there shall be a minimum fifty (50) foot transitional yard along the perimeter of the PUD District. This buffer zone must be kept free of buildings or structures and must be landscaped, screened, or protected by natural features.

Q. PUD Application Procedure.

1. **Ownership Requirements.** An application for approval of a PUD may be filed by a person having an interest in the property to be included in the planned unit development. The PUD application shall be filed in the name or names of the recorded owner of owners of property included in the development. However, the application may be filed by holder(s) of an equitable interest in such property. Full ownership interest in the land – legal title of the execution of a binding sales agreement must be in evidence before the final approval of the plan. The PUD shall be in single ownership by the time the final development plan is approved.
2. **Pre-Application Conference.** The applicant shall meet informally with the Zoning Administrator, the Township Supervisor and the Chairperson of the Planning Commission in connection with the preparation of the planned unit development application. It shall be the responsibility of the Zoning Administrator to contact and invite these Township Officials. The general outlines of the proposal, and sketch plans are to be offered by the applicant at this pre- application conference. Thereafter, the Zoning Administrator shall furnish the applicant with written comments regarding the conference, including appropriate recommendations to inform and assist the applicant prior to the preparation of the planned unit development application.
3. **Preliminary Development Plan.** The applicant shall submit a Preliminary Development Plan. The following written and graphic documents shall be submitted:
 - a. A legal description of the total site proposed for development including the present and proposed ownership of all or parts of the development.
 - b. A written statement of the nature and character of the proposed development, and the methods to be used in achieving these goals.

- c. A written schedule of the approximate date, or dates, if the development is to be divided into stages, when construction will begin and be completed.
 - d. Quantitative data for the following: total number and type of dwelling and non-residential units, the proposed floor area, ground coverage, outdoor livability and open space ratios, the proposed gross residential density of any separate stages, the number of parking spaces for each use proposed, any feasibility studies the applicant wishes to submit in support of the plan.
 - e. A graphic plan at scale of 1:1,200 (1 inch=100 feet) showing the existing site conditions, including contours, at an interval no greater than five (5) feet, waterways or bodies of water, unique natural features, rock outcroppings and vegetative cover.
 - f. A preliminary plat meeting the requirements of the **Land Division Act, 1967 PA 288, as amended**, if the land is to be platted.
 - g. A site plan or plans at a scale of 1:1,200 showing the location and floor area and use of existing and proposed buildings, structures, and improvements, including maximum heights, the location and size of all areas to be conveyed, dedicated, or reserved as outdoor livability space, recreation areas, schools sites, and similar public or semipublic uses, the proposed circulation system, including private and public streets, parking and loading areas, pedestrian ways, and access to existing and planned streets outside of the development, the existing and proposed utilities including sanitary and storm systems, and water, gas, electric, telephone, and television cable lines and a preliminary landscape plan.
 - h. A plan at an appropriate scale showing land areas adjacent to the proposed development, their uses, zoning and general character, and the effects of the proposed development on such land including the treatment of the perimeter areas of the PUD.
 - i. Additional material as may be required by the Planning Commission.
4. **Preliminary Development Plan Decision.** Within sixty (60) days following the submission of a Preliminary Development Plan, the Planning Commission shall hold a public hearing on the Plan, and vote to approve with modifications or disapprove of the Plan. If the Planning Commission action is for approval or approval subject to modification, a recommendation for similar action shall be made to the Township Board, which shall then act within thirty (30) days. Failure of either the Planning Commission or the Township Board to act within the specified time shall constitute disapproval of the Plan.

5. **Final Development Plan.**

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- a. Within nine (9) months following approval of the Preliminary Development Plan, the applicant shall submit to the Planning Commission a Final Development Plan containing in a final detailed form the information required in the Preliminary Development Plan. At its discretion and for good cause the Planning Commission may extend for six (6) months the period for filing the Final Development Plan.
- b. If the Final Development Plan is in substantial compliance with the Preliminary Development Plan, it shall be approved by the Planning Commission within thirty (30) days. Notice of such approval shall then be given to the Township Board which shall approve the Final Development Plan, and the plat or plats involved, if any, within thirty (30) days; providing that such approval shall not be given until a performance bond of an amount equal to one-half of the cost of the entire implementation and construction costs of the PUD be provided to the Township. The Township Board may waive this last requirement.
- c. If compliance with the Preliminary Development Plan is not established, submission of the Final Development Plan shall follow the procedure for approval of a Preliminary Development Plan before final approval may be given.
 - (1) If, subsequent to the start of construction, it becomes necessary to modify the Final Development Plan, the Zoning Administrator may do so at his or her discretion to the limits established in the PUD guidelines. If greater modifications are requested by the developer, they shall be subject to the approval by the Planning Commission, which shall not act so as to substantially change, the character of nature of the Final Development Plan.
 - (2) If construction has not started within eighteen (18) months of approval the Final Development Plan, said approval shall lapse. The Planning Commission may extend this period by six (6) months upon showing of good cause by the applicant. If the construction of the entire development or established stages is not significantly complete within the time limits imposed by the construction schedule, the Planning Commission shall review the PUD and may recommend to the Township Board that the time for completion be extended, that the final approval of the PUD be revoked, or that the Final Development Plan be amended.

Section 7.26 Adult and Sexually-Oriented Businesses

A. Intent.

To provide for the regulation, control and prohibition of certain undesirable adult businesses, sexually oriented businesses, and adult entertainment establishments, near certain zoned districts which allow the following primary or secondary uses: residential, recreational, religious, educational, and other business interests where alcoholic beverages are sold.

B. Legislative Findings.

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1. The Grayling Charter Township Board of Trustees and the Grayling Charter Township Planning Commission have determined that sexually oriented businesses and activities are recognized as having a deleterious effect upon adjacent areas, causing increased crime rates, blight, a general chilling effect upon other businesses and occupants, a negative disruption in residential and commercial development, decreasing land values of adjacent and nearby properties.
2. These findings have been substantiated by numerous land use studies which have been upheld by the United States Supreme Court. Recent Supreme Court cases have concluded that, “municipalities have a substantial interest in protecting and preserving the quality of life for its community against the adverse secondary effects of sexually oriented businesses,” regardless of the size of the community (*Young v. American Mini Theaters, Inc.* (1976)), and *Renton v. Playtime Theater, Inc.* (1986)).

The harmful secondary effects the Court identified include:

- a. Increased crime.
 - b. Decreased property values of both residential and commercial properties.
 - c. Blight which causes people and businesses to flee the community.
3. The Grayling Charter Township Board of Trustees and the Grayling Charter Township Planning Commission have concluded that they have the right, the duty, and the permission (MCLA 125.286b) to protect township citizens from these harmful effects of sexually oriented businesses, including but not limited to:
 - a. Adult arcades
 - b. Adult book, novelty (sexual paraphernalia), or video stores
 - c. Adult cabarets, night clubs, gentlemen’s clubs, go-go clubs, strip bars
 - d. Adult motels or hotels
 - e. Adult motion picture theaters or adult theaters
 - f. Escort services or agencies
 - g. Adult massage parlors
 4. The Grayling Charter Township Board of Trustees, the Grayling Charter Township Planning Commission and a substantial number of the members of the general public which reside or own property in Grayling Charter Township have determined through the legal public hearing process that “Sexually Oriented Businesses,” are not held to be in keeping with the intentions of the Grayling Charter Township Master Plan, which states,

“This Plan is intended as support for the achievement of the following public objectives, among others:

- To protect public health, safety and general welfare;
- To conserve and protect property values by preventing incompatible uses from locating adjacent to each other;
- To protect and enhance quality of life in the City and Township;

- To protect and preserve the natural resources, unique visual character, and environmental quality of the area;
 - To maintain and enhance employment opportunities and tax base of the area;
 - To promote an orderly development process which is paced in coordination with the City’s and Township’s ability to provide services and which permits public officials and citizens an opportunity to monitor change and review proposed development in a reasonable manner; and
 - To provide information from which to gain a better understanding of the area and its interdependencies and interrelationships, and upon which to base future land use and public investment decisions.”
5. It is not the intent, nor are there legislative findings which support Grayling Charter Township from prohibiting sexually oriented businesses from locating within the boundaries of Grayling Charter Township based on the protections of free speech in the First Amendment of the United States Constitution. If a sexually oriented business is engaged in legal speech-related activities, one (1) must be allowed even if it falls within the prohibitions listed in this Section.
 6. In the event any “Sexually Oriented Business” in Grayling Charter Township discontinues operation for a period of more than six (6) months (181 days), the right to operate the business shall terminate.

C. Conformance with Grayling Charter Township Special Use Provisions.

Any and all businesses which fit the definition of a “Sexually Oriented Business” require a special use permit, regardless of zone, through the review process of the Grayling Charter Township Planning Commission. Special uses are regulated through [Article 6](#) of the Grayling Charter Township Zoning Ordinance.

D. Site Plan Review Standards.

1. Signage – Must conform to the following regulations, in addition to Grayling Charter Township requirements for signs and billboards outlined in [Section 3.27](#).
 - a. No words, lettering, photographs, silhouettes, drawings or pictorial representations of “Sexual Paraphernalia,” “Specified Sexual Activities” or “Specified Anatomical Areas.”
2. Junk, Garbage, Rubbish, and General Blight – The exterior grounds of any “Sexually Oriented Business” must conform to the regulations contained in the Grayling Charter Township blight regulations as defined in [Section 3.31](#).

E. Allowable Locations.

1. “Sexually Oriented Businesses” may only locate in the Heavy Commercial (C-2) zone.

- 2. As of the effective date of this Ordinance, the following properties are suitable and available for the location of sexually oriented businesses as long as the requirements for locating such businesses are met in this and other pertinent articles of this Ordinance.
 - a. All vacant parcels of land in Township 26 North, Range 3 West, Section 5, zoned (C-2) Heavy Commercial.
 - b. All vacant parcels throughout Township 26 North, Range 3 West, Sections 20, 29, 32 and 33.

Note: The above eligible parcels comprise slightly more than two thousand (2,000) acres, or 8.1% of all privately owned land in Grayling Charter Township.

F. Unlawful Acts.

- 1. It shall be unlawful for any person to operate any of the following single businesses, or combinations of the following businesses, within one thousand (1,000) feet of any protected zone.
 - a. Adult arcades
 - b. Adult book, novelty (sexual paraphernalia), or video stores
 - c. Adult cabarets, night clubs, gentlemen’s clubs, go-go clubs, strip bars
 - d. Adult motels or hotels
 - e. Adult motion picture theaters or adult theaters
 - f. Escort services or agencies
- 2. It shall be unlawful for any person to operate any of the following single businesses, or combinations of the following businesses, within one thousand five hundred (1,500) feet of a church, school, day-care center, or public park in any protected or non-protected zone.
 - a. Adult arcades
 - b. Adult book, novelty (sexual paraphernalia), or video stores
 - c. Adult cabarets, night clubs, gentlemen’s clubs, go-go clubs, strip bars
 - d. Adult motels or hotels
 - e. Adult motion picture theaters or adult theaters
 - f. Escort services or agencies
- 3. It shall be unlawful for any activity in which the participants have less than completely and opaquely covered genitals, pubic regions, buttocks, and female breasts within any protected zone or any church, school, day-care center, or public park.
- 4. It shall be unlawful to operate an adult massage parlor, nude model studio, or sexual encounter center anywhere in Grayling Charter Township.

G. Violations, Penalties and Inspections.

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1. Violations of this Section and the enforcement thereof are regulated through **Section 9.6** of the Grayling Charter Township Zoning Ordinance.
2. The Grayling Charter Township Supervisor or designated Ordinance Enforcement Officer shall be allowed to enter any “Sexually Oriented Business” during hours of operation for the purposes of inspection to confirm compliance with this Ordinance, without prior notification.

Section 7.27 Resource Extraction (Mining)

- A. Conformance to the **Michigan Zoning Enabling Act, 2006 PA 110, as amended**: 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.
- B. The Planning Commission may regulate of 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.

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Section 7.28 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 100,000 gallons of biofuel is a permitted use of property and is not subject to Special Land 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.
 - 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 Land Use approval under **subsections (3) to (5)**:
 - a. A biofuel production facility with an annual production capacity of not more than 100,000 gallons of biofuel that meets the requirements of **subsection (1)(a) and (b)** but that does not meet the requirements of **subsection (1)(c)**.
 - b. A biofuel production facility with an annual production capacity of more than 100,000 gallons but not more than 500,000 gallons of biofuel that meets the requirements of **subsection (1)(a) and (b)**.
 - 3. An application for Special Land 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.

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- e. For an ethanol production facility that will produce more than 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 (2) and (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 Land Use approval under **subsection (2)** not more than 60 days after the application is filed.
5. Special Land Use approval of a biofuel production facility described in **subsection (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 Department of Environmental Quality and other State and 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:
 - (6) Raw materials and fuel.

(7) Additional products resulting from biofuel production or the capacity to dispose of additional products through land application, livestock consumption, sale or other legal use.

6. This Section does not authorize biofuel production facilities that are not located on farms.

Section 7.29 Accessory Dwelling Units (Guest Houses)

The purpose of this section is to allow a minor amount of space within a dwelling or upon a lot with a primary dwelling to be used, rented, or leased as separate living quarters for extended family or non-family members in residential neighborhoods within the Township. 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. The following regulations shall apply:

- A. One (1) accessory dwelling unit is allowed per lot.
- B. The accessory dwelling unit shall not be utilized as a Tourist Home or Bed and Breakfast Facility.
- C. The accessory unit shall not exceed fifty (50%) percent of the total floor area of the principal dwelling so that it remains an accessory use to the primary dwelling and does not result in the creation of a duplex or apartment building.
- D. The accessory dwelling unit shall be provided electricity, plumbing, and heat.
- E. The accessory unit shall be a self-contained unit and shall be:
 - 1. located above an attached or detached garage, or
 - 2. attached to the primary dwelling or garage, or
 - 3. totally within a primary dwelling, or
 - 4. a freestanding, detached unit.
- F. The accessory unit shall have a separate exterior entrance.
- G. The residents of the primary structure shall maintain the accessory unit and shall ensure that no excessive noise, traffic, or blight occurs on the property.
- H. The accessory unit shall conform to current building code standards.
- I. One additional parking space shall be provided on-site for the accessory dwelling unit.

Section 7.30 Medical Marijuana Primary Caregiver Facilities (as Home Office)

A. Purpose and Intent.

It is the purpose of this section to give effect to the intent of **Initiated Law 1 of 2008, as amended, (Michigan Medical Marijuana Act (the MMMA) being MCL 333.26421 et. seq.)** and not to establish any local program or regulation that would violate or contravene any enforced State or Federal statute. The MMMA authorizes a narrow exception to the general rule and law that the cultivation, distribution and use of marijuana amount to criminal acts. It is the purpose of this Section to establish standards for the application of that narrow exception Grayling Charter Township to enable the legitimate and legally-authorized practice of the Primary Caregiver activity as set forth herein. It is not the intent of this Section to broaden the strict interpretation of the MMMA to apply to activities not explicitly provided for therein nor is it the intent of this Section to encourage or sanction the cultivation, processing, refinement, distribution, transfer or use of marijuana except as permitted by a strict application of the terms of the MMMA and any rules or regulations duly promulgated there under.

B. Findings.

This Section is based on the following findings:

1. The voters of the State of Michigan approved by initiative and referendum the use of marijuana by Qualifying Patients for certain medical conditions and established as a legitimate activity that individuals with appropriate credentials (Primary Caregivers) may assist Qualifying Patients in the use of marijuana under the provisions of the MMMA.
2. Despite the provisions of the MMMA, marijuana remains a controlled substance under Michigan and Federal law and there exists significant potential for abuse and illegal conduct that can threaten the health, safety and welfare of the residents of Grayling Charter Township.
3. In other States where medical marijuana is similarly permitted but inadequately regulated, there are indications of significant negative secondary effects surrounding places where marijuana is dispensed, processed or used by groups of people. Such secondary negative effects tend to be exacerbated where multiple marijuana facilities are located and include sale and use of other controlled substances, robberies, assaults, break-ins, vagrancy and depressed property values.
4. Grayling Charter Township finds that it has an obligation to residents and property owners to effectively mitigate potential secondary impacts that could result from the Primary Caregiver activity.

C. Permitted Use.

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The activities of a registered Primary Caregiver as defined in the MMMA and further regulated in this Section and a Primary Caregiver Facility as defined in this Ordinance, shall be a permitted home office use limited to the R-1, R-2, R-3, and R-F Districts. No zoning permit is required. Standards contained in **subsection D** below shall be adhered to.

D. Standards.

1. **Primary Caregiver Facility.** Marijuana shall be cultivated, processed stored and packaged within the Primary Residence only. The marijuana shall be cultivated, processed, stored and packaged in an enclosed, locked and secured building at all times, except when it is being delivered to Qualifying Patients pursuant to **subsection 5** hereof. For the purpose of this Section, such facility shall consist of four solid walls and roof and no outdoor cultivation or storage shall be permitted. Such facility shall also be protected with a security system that is monitored continuously and access to the facility by other than the registered Primary Caregiver shall be prohibited. This provision shall not be construed to prevent access by non-registered individuals if accompanied by the registered Primary Caregiver.
2. **Limits on Quantities.** A Primary Caregiver shall not possess more marijuana than two and one-half (2.5) ounces or twelve (12) marijuana plants for each Qualifying Patient to which he/she is connected.
3. **Combined Operations Prohibited.** No more than one Primary Caregiver shall occupy any zoning lot and combined growing, storage or transfer facilities shall be prohibited.
4. **Isolation Distance.** A Primary Caregiver facility shall be located no closer than three hundred (300) feet from any school, church, day care facility, or park. For the purposes of this paragraph, such distances shall be measured in a straight line from the front door of the Primary Caregiver facility to the school, church, day care facility, park or dwelling.
5. **Dispensing Medical Marijuana.** No medical marijuana shall be dispensed by the Primary Caregiver to Qualifying Patients at the Primary Caregiver facility. The Primary Caregiver shall deliver small quantities, not to exceed two and one-half (2.5) ounces per Qualifying Patient, for the use of such Qualifying Patient and such delivery shall take place on private property away from public view. Any delivery vehicle used for such purposes shall be unmarked and not bear any emblem or sign that would indicate the nature of its cargo.

Section 7.31 Wind Energy Facilities

A. Purpose and Goals.

The purpose of this section is to establish guidelines for siting wind energy systems. This section’s goals are as follows:

1. To promote the safe, effective, and efficient use of wind turbines and wind energy systems installed to reduce on-site consumption of electricity supplied by utility

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companies and/or to produce power that will be directly supplied to the electric power grid system.

- 2. To lessen potential adverse impacts that wind turbines may have on residential areas and land uses through careful design, siting, noise limitations, and innovative camouflaging techniques.
- 3. To avoid potential damage to adjacent properties from turbine failure through proper siting of turbine structures.

B. Technological Advances and Design Standards Flexibility.

The Township recognizes the accelerated pace at which the technology of wind energy generation is constantly evolving, and the impact these technological changes may have on the use and placement of wind energy systems within the Township. Consequently, in order to effectively incorporate new technology that may outpace the regulations established herein, the Planning Commission may approve wind turbines that do not fully comply with the strict development standards of these regulations, if in the opinion of the Commission they comply with the intent of the regulations and do not create significant adverse impacts on the petitioned property, abutting properties or the immediate neighborhood.

C. Small On-Site Wind Energy Systems.

A wind energy conversion system which is intended to primarily serve the needs of the property upon which it is located shall be considered an accessory structure and shall be permitted by right. The following site development standards shall apply:

- 1. **Design & Installation.** All wind turbines (ground 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.
- 2. **Plot Plan Submittal.** An application for the installation of a Small On-Site Wind Energy System shall include a plot plan including the following information:
 - a. Location of the proposed wind turbine.
 - b. Location of all structures on the property and adjacent properties and the distance from the wind turbine.
 - c. Distance from other wind turbines on adjacent lots, if applicable.
- 3. **Height.** The maximum height shall be determined on a case by case basis dependent upon the site and manufacturer’s specifications and recommendations. Wind energy system must be able to be contained on the property owner’s lot in the event that it should fall.

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4. **Number of Turbines (Horizontal or Vertical).** The number of turbines shall be determined by the spacing requirement of the manufacturer. Multiple turbines may be approved by the Planning Commission.
5. **Rotor Clearance.** A minimum fifteen (15) foot clearance from the ground shall be maintained for the vertical blade tip of a Horizontal Axis Wind Turbine and for the bottom of the rotating spire or helix of a Vertical Axis Wind Turbine.
6. **Guy Wires.** The use of guy wires shall be prohibited.
7. **Noise.** Small wind energy systems 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.
8. **Vibration.** Small wind energy systems shall not cause vibrations through the ground which are perceptible beyond the property line of the parcel on which it is located.
9. **Spacing.** Minimum spacing between wind energy systems (on- and off-site) shall be per the manufacturers specifications).
10. **Reception Interference.** Small wind energy systems shall not cause interference with television, microwave, navigational or radio reception to neighboring areas.
11. **Shadow Flicker.** The property owner of a wind turbine shall make reasonable efforts to minimize shadow flicker to any occupied building on nearby properties.
12. **Potential Ice Throw.** Any potential ice throw or ice shedding from the wind turbine generator shall not cross the property lines of the site nor impinge on any right-of-way or overhead utility line.
13. **Visual Impact.** All visible components of a small onsite wind energy system shall be painted a non-reflective, non-obtrusive neutral color and maintained in good repair in accordance with industry standards.
14. **Safety.** A small on-site wind energy system shall have an automatic braking system to prevent uncontrolled rotation.
15. **Other Regulations.** On-site use of wind energy systems 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.
16. **Roof-Mounted Wind Energy Systems.**

- a. Roof-mounted Vertical Axis Wind Turbines must be located on the rear half of the structure unless incorporated as an architectural design feature of the building.
- b. Horizontal Axis Wind Turbines shall not be roof-mounted, except for those specifically designed for such installation.

D. Utility-Scale Wind Energy Systems.

Wind energy systems designed to provide power off-site are not permitted.

Section 7.32 Solar Energy Facilities (Utility Scale)

A. Reflection/Glare.

Attached, building-integrated or freestanding 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.

B. Impervious Surface/Stormwater.

If more than eight thousand (8,000) 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.

C. Screening.

Solar devices shall be screened from view from any public street or 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.

D. Setbacks.

The setbacks of all solar collection devices and ancillary equipment shall be at least fifty (50) feet from all property lines.

E. 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

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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 municipality and request a three-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 municipality 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.

Section 7.33 Tiny Homes

Tiny Homes shall be defined as any home which is smaller than the minimum dwelling unit size in the district in which it is located. Tiny homes shall be permanent structures with footings and sanitary facilities approved by the District Health Department.

Section 7.34 Marinas and Dock Facilities

Marinas and dock facilities shall comply with the parking standards in [Section 3.25](#) and lighting standards in [Section 3.24](#). Business hours and garbage screening shall be addressed on a case by case basis during site plan review.

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Article 8 Zoning Board of Appeals

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Section 8.0 Authority

There is hereby established a Zoning Board of Appeals (ZBA), the membership, powers, duties of which are prescribed in the [Michigan Zoning Enabling Act, 2006 PA 110, as amended](#). The Zoning Board of Appeals, in addition to the general powers and duties conferred upon it, by said Act, in specific cases and subject to appropriate conditions and safeguards, shall interpret and determine the application of the regulations established under this Ordinance in harmony with their purpose and intent as hereinafter set forth.

Section 8.1 Membership

A. Membership - General.

The Zoning Board of Appeals shall consist of five (5) members to be appointed by the Township Board. Members of the Zoning Board of Appeals shall meet eligibility requirements established by the Township Board. Members of the present Zoning Board of Appeals shall continue in office until the expiration of their terms.

B. Planning Commission Member.

One member of the Zoning Board of Appeals shall be a member of the Planning Commission.

C. Employees.

An employee or contractor of the Township Board may not serve as a member of the Board of Appeals.

D. Alternates.

The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called to serve as a regular member in the absence of a regular member if the regular member is absent from or will be unable to attend two (2) or more consecutive Board of Appeals meetings. An alternate member may also be called to serve as a regular member for the purpose of reaching a

decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Zoning Board of Appeals.

E. Terms of Office.

The terms of office for members of the Zoning Board of Appeals shall be for three (3) years, except for members serving because of their membership on the Planning Commission, whose terms shall be limited to the time they are members of the Planning Commission. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms so that not more than three (3) terms expire in any given year. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term in the same manner as the original appointment.

F. Officers and Compensation.

The Zoning Board of Appeals shall annually elect a Chairperson, Vice-Chairperson and Secretary. The compensation of the appointed members of the Zoning Board of Appeals may be established by the Township Board.

G. ZBA Member who is also Planning Commission Member.

A member of the Zoning Board of Appeals who is also a voting member of the Planning Commission shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission. However, the member may consider and vote on other unrelated matters involving the same property.

H. Removal of ZBA Member.

Members of the Zoning Board of Appeals may be removed from office by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

Section 8.2 Meetings

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. Bylaws and Records.

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1. The business of the Board of Appeals shall be conducted in accordance with its adopted bylaws.
2. The Zoning Board of Appeals shall keep a record of its proceedings showing:
 - a. The vote of each member upon each question, or if absent or failing to vote, indicating said fact; and
 - b. The grounds for every determination made by the ZBA; and
 - c. The final ruling of each case.
3. The ZBA shall file a record of its proceedings in the office of the Township Clerk, which shall be a public record.

C. Quorum.

A majority of the full membership of the Board shall constitute a quorum for purposes of transacting the business of the Board and the **Open Meetings Act, 267 of 1976**, as amended. Each member of the Board shall have one (1) vote. The Zoning Board of Appeals shall not conduct business unless a majority of the members are present.

D. Meeting Scheduling and Notice.

Meetings 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 Zoning Board of Appeals may determine. Public notice of the date, time, and place of a public meeting of the Board shall be given in the manner prescribed in **Section 9.3**.

E. Oaths and Witnesses.

The Chair, or in his or her absence, Vice-Chair may administer oaths and compel the attendance of witnesses.

Section 8.3 Powers

A. Powers.

The Board has the power to act on matters as provided in this Ordinance and the **Michigan Zoning Enabling Act, 2006 PA 110**, as amended, including the following:

1. **General.** An appeal may be taken by any person aggrieved or by an officer, department, board or bureau of the County or State.
2. **Administrative Review.** The Zoning Board of Appeals shall act upon all questions as they may arise in the administration of the Zoning Ordinance. It shall hear and decide appeals from and review any order, requirements, decision or determination made by

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the Planning Commission, the Township Board, the Zoning Administrator or any administrative official charged with enforcement of this Ordinance.

3. **Interpretation.** The Board shall hear and decide requests for interpretation of this Ordinance or the Zoning Map taking into consideration the intent and purpose of the Ordinance.

A record shall be kept by the Board of all decisions for interpretation of this Ordinance or Zoning Map and land uses which are approved under the terms of this section. The Board shall request the Planning Commission to review any ordinance amendment it deems necessary.

4. **Non-Use Variances.** The Zoning Board of Appeals shall have the power to authorize, upon an appeal, specific variances from such requirements as but not limited to lot area and width regulations, building height and bulk regulations, yard and depth regulations, and off-street parking and loading space requirements, PROVIDED ALL of the conditions listed below have been met and that practical difficulty has been established.
 - a. The variance will not be contrary to the public interest or to the intent and purpose of this Ordinance.
 - b. The variance will not cause a substantial adverse effect upon property values in the immediate vicinity, in the district in which the property of the applicant is located or in similar districts throughout the Township.
 - c. The situation that caused the need for the variance request is not one where the specific conditions relating to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practical.
 - d. The variance will relate only to property that is under control of the applicant.
 - e. There are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same Zoning District.
 - f. The need for the requested variance is not the result of action of the property owner or previous property owners (self-created).
 - g. The need for the requested variance is not due to the applicant’s personal or economic hardship.
 - h. Strict compliance with the regulations governing area, setbacks, frontage, height, bulk or density would deprive the applicant rights commonly enjoyed by other properties in the same district or would render conformity unnecessarily burdensome.

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- i. The requested variance is the smallest variance needed to grant the applicant substantial relief from the dimensional regulation of the Zoning Ordinance from which the variance is being requested.

B. Exercise of Powers.

In exercising the above powers, the ZBA may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirements, decision or determination as ought to be made, and to that end shall have all the powers of the official or body from whom the appeal is taken. The Zoning Board of Appeals shall have the power in passing upon appeals to vary or modify any of its rules, regulations or provisions so that the spirit of this Ordinance shall be observed, public safety secured and substantial justice be done.

C. Special Land Use and PUD.

The ZBA has no jurisdiction to hear appeals from Planning Commission decisions concerning Special Land Use approvals or Planned Unit Developments.

D. Powers Not Granted.

Nothing herein contained shall be construed to give or grant to the ZBA the power or authority to alter or change this Ordinance or the Zoning Map, such power and authority being reserved to the Grayling Township Board in the manner provided by law.

Section 8.4 Procedures

A. Notice of Appeal.

1. An appeal to the Zoning Board of Appeals may be taken by a person aggrieved or by an officer, department, board, or bureau of the Township, County or State. 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.
2. Every appeal from a determination of the Zoning Administrator or other duly authorized enforcing agent shall be made by the applicant within thirty (30) days of the date of the order issuance. The application for appeal shall be filed with the Zoning Administrator and shall state the grounds upon which the appeal is being requested. The Zoning Administrator shall promptly transmit, to the Zoning Board of Appeals, all the papers constituting the record upon which the action appealed from was taken.
3. **Stay.** An appeal stays all proceedings in furtherance of the action appealed for unless the officer from whom the appeal is taken certifies to the Zoning Board of Appeals after the notice of appeals has been filed with him that by reason of facts stated in the certificate, a stay would in his opinion, cause imminent peril to life and property, in

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which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by the Circuit Court, on application on cause shown, after notice to the officer from whom the appeal is taken.

B. Documents Required.

The applicant shall submit six (6) copies of surveys, plans and data or other information which is requested by the Zoning Administrator or Chair of the ZBA and which is reasonably necessary.

C. Hearing & Public Notice.

1. **Date, Time & Notice.** The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties and shall decide the same within thirty (30) days from the date of the public hearing. Upon determination of the date and time of the Public Hearing, the Zoning Administrator shall give public notice pursuant to [Section 9.3](#).
2. **Appearance.** Any person may appear in person at the public hearing, or be represented by an agent or attorney, and present any evidence in support of their appeal. The 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.
3. The Board shall not decide an appeal until after a public hearing.

Section 8.5 Decisions

A. Voting.

1. The concurring majority vote of the full membership of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant any matter upon which they are required to pass under this Ordinance, or to effect any variation in the application of this Ordinance.
2. The Zoning Board of Appeals shall not grant variances less restrictive than requested by the petitioner. The Zoning Board of Appeals may grant variances more restrictive than requested if necessary and reasonable.
3. A decision of the Zoning Board of Appeals shall take immediate effect.
4. A decision or variance granted by the Zoning Board of Appeals runs with the land and shall be valid after transfer of property ownership.

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B. Conditions.

The Zoning Board of Appeals may specify, in writing, such conditions regarding the character, location, and other features that will in its judgement, secure the objectives and purposes of this Ordinance. Such conditions imposed shall meet all of the following requirements:

1. Be designed to protect natural resources, public health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards. Violations of any of these conditions shall be deemed a violation of this Ordinance, enforceable as such, and/or may be grounds for revocation or reversal of such decision.

C. Decisions of the Board.

1. **Findings of Fact.** All decisions of the Board shall be in writing and so far as it is practicable, in the form of a general statement or resolution reciting the conditions, facts, and findings of the Board. The applicant shall be advised of the decision after the public hearing unless the Board moves for a continuation of such hearing.
2. **Resubmittal.** No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds, or newly discovered evidence or proof of changed conditions found upon inspection by the Zoning Board of Appeals to be valid.
3. **Appeal to Circuit Court.** The decision of the Zoning Board of Appeals shall not be final, and any person having an interest affected by any decision of the ZBA regarding this Ordinance shall have the right to appeal to the Circuit Court on questions of law and fact.

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Article 9

Administration & Enforcement

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Section 9.0 Zoning Administrator

A. Establishment of Zoning Administrator.

The office of Zoning Administrator is hereby established. The Township Board shall appoint the Zoning Administrator and the supervisor may appoint an Assistant Zoning Administrator with all the duties, responsibilities and authority of the Zoning Administrator, in the Zoning Administrator’s absence. For the purposes of this Ordinance, Zoning Administrator means and is inclusive of both the Township Zoning Administrator and Assistant Zoning Administrator. Both shall receive such compensation as the Township Board may determine.

B. Duties of the Zoning Administrator.

1. **Administration of this Ordinance.** The Zoning Administrator shall administer the provisions of this Ordinance and shall have all administrative powers which are not specifically assigned to some other officer or body. The Zoning Administrator shall be guided by the standards set forth in this Ordinance.
2. **Administrative Deviation.** The Zoning Administrator, at his/her discretion, shall have the authority to approve a deviation from the setbacks of the Zoning District of no greater than ten (10) percent, except where specifically stated otherwise in this Ordinance.
3. **Certificate of Zoning Compliance.** The Zoning Administrator shall review all building permits and site plans for compliance with the provisions of this Ordinance or any written order from the Planning Commission or Zoning Board of Appeals.
 - a. The Zoning Administrator shall have no power to vary or waive Ordinance requirements.
 - b. The Zoning Administrator shall not issue a Zoning Permit where it appears that any land area required to conform to the provisions of this Ordinance is also required as

a part of any adjoining property to keep the development or use thereof in conformance with this Ordinance, or to keep it from becoming more nonconforming if such land area was, at any time, subsequent to the commencement of development of use of such adjoining property, in common ownership with such adjoining property.

4. **Certificate of Occupancy.** The Zoning Administrator shall determine that zoning compliance has been accomplished prior to the building department issuing a Certificate of Occupancy. The approval shall not be granted if compliance is not demonstrated. Approval may be waived by the Zoning Administrator for single- or two-family residences. The Zoning Administrator shall have ten (10) days to determine compliance.
5. **Special Zoning Orders Book and Map.** The Zoning Administrator shall keep in his/her office, a book to be known as the Special Zoning Orders Book in which he/she shall list with brief description, all variance, special use permits, authorizations for planned unit developments, designations a nonconformities and terminations of any of them. Each item shall be assigned a number when entered. The Zoning Administrator shall also keep a map of the Township, to be known as the Special Zoning Orders Map, on which he/she shall record the numbers in the Special Zoning Orders Book to indicate the locations affected by the items in the book. The Special Zoning Orders Book and Map shall be open to public inspection.
6. **Records.** The Zoning Administrator shall keep records of all official actions, which shall be public record.
7. **Zoning Map.** The Zoning Administrator shall maintain and make available for public inspection, the Official Zoning Map.
8. **Inspections.** The Zoning Administrator shall have the power to make his/her inspection of buildings and premises necessary to carry out duties in the administration and enforcement of this Ordinance.
9. **Violations.** If the Zoning Administrator finds that any of the provisions of this Ordinance are being violated, he/she shall notify in writing the person responsible for the violation, indicating the nature and location of the violation, and ordering the action necessary to correct it. He/she shall order discontinuance of illegal additions, alterations, or structural changes; discontinuance of any illegal use; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of the provisions of this Ordinance.
10. **Reports and Recommendations.** The Zoning Administrator shall review all requests for administrative or legislative action. He/she shall forward an analysis of site factors and other information pertaining to the request to the appropriate body. The analysis may include a recommendation for action.

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Section 9.1 Fees

- A. To assist in defraying the costs of investigating, reviewing, and administering zoning applications, appeals, rezoning requests from individual property owners, and other types of decisions which result in extra costs to the Township, the Township Board may from time to time adopt, by resolution, a Fee Schedule establishing basic zoning fees related but not limited to the following:
 - 1. Zoning certificates.
 - 2. Special use permits.
 - 3. Appeals to or requests for interpretations by the Zoning Board of Appeals. Appeals and requests for interpretations initiated by the Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
 - 4. Classification of unlisted property uses.
 - 5. Requests to change a nonconforming use to another nonconforming use.
 - 6. Requests for variances from the Zoning Board of Appeals.
 - 7. Requests for rezoning of property by individual property owners or amendments to the Zoning Ordinance text. Rezoning of property or text amendments initiated by the Township Board, the Planning Commission, the Zoning Board of Appeals, or the Zoning Administrator shall not be subject to a zoning fee.
 - 8. Site plan reviews.
 - 9. Requests for a planned unit development (PUD).
 - 10. Land Division proposals.
 - 11. Any other discretionary decisions by the Planning Commission, Zoning Board of Appeals, or Township Board.

- B. The amount of these zoning fees shall cover the costs associated with the review of the application or appeal, including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by zoning staff, and time spent by the members of the Planning Commission and/or Zoning Board of Appeals. The basic zoning fees shall be paid before any application required under this Ordinance is processed. The basic zoning fees are non-refundable, even when the applicant withdraws an application or appeal.

- C. If the Zoning Administrator, Planning Commission or Zoning Board of Appeals determines that the basic zoning fees will not cover the actual costs of the application review or appeal, or if the Zoning Administrator, Planning Commission or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary, then the applicant shall deposit with the Township Treasurer such additional zoning fees in an amount determined by the Zoning Administrator equal to the estimated additional costs. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Planning Commission or Zoning Board of Appeals may require

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the applicant to deposit additional fees into escrow in an amount determined by the Zoning Administrator to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective thereby justifying the denial of the application or the dismissal of the appeal. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the Township in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any certificate or prior to the final decision on an appeal.

Section 9.2 Performance Guarantee

To insure compliance with the provisions of this Article and any conditions imposed thereunder, a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township covering the estimated cost of improvements associated with a project for which site plan approval is sought, shall be deposited with the Township Clerk to insure faithful completion of the improvements. The performance guarantee shall be deposited when the Township issues the permit authorizing the activity or project. Deposit of the performance guarantee is not required prior to site plan approval. The Township shall return any unused portion of the deposit to the applicant in reasonable proportions to the ratio of work completed on the required improvements as work progresses.

Section 9.3 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 Grayling 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 Land 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

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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 9.3 (C)(2)** and **Section 9.3 (C)(3)** below, notices for all public hearings shall be given as follows:
 - 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.

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2. Newspaper publication as required in **Section 9.3 (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 appeals of administrative decisions by the Zoning Board of Appeals notice that does not affect a specific property shall be only to the applicant and by newspaper publication, as required in **Section 9.3 (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 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.** Any neighborhood organization, public utility company, railroad or any other person may register with the Township to receive written notice of all applications for development approval or written notice of all applications for development approval within the zoning district in which they are located. The Zoning Administrator 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 9.4 Use of Consultants

From time to time, the Township Board and/or Planning Commission may employ planning, engineering, legal, traffic or other special consultants to assist in the review of Special Land Use permits, site plans, re-zonings or other matters related to the planning and development of the Township.

Section 9.5 Conditions

The Planning Commission and Zoning Board of Appeals may attach reasonable conditions on discretionary zoning decisions under its respective jurisdiction. These conditions may include those necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure 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.

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- B. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- C. Protect the natural environment and conserve natural resources and energy.
- D. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

Section 9.6 Enforcement

A. False Statements.

Any zoning permit issued based on any false statement in the application or supporting documents is absolutely void from its inception and shall be revoked.

B. Violation, Municipal Civil Infraction.

1. Any person who violates any provision of this Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than one hundred dollars (\$100), plus cost and other sanction, for each violation (as authorized by the **Revised Judicature Act 1961 PA 236**, as amended, the Grayling Township Civil Infraction Ordinance, No. 2010-01, and other applicable laws).
2. Repeat offences under this Ordinance shall be subject to increased fines as provided in this section. As used in this section, "repeat offences" means a second (or any subsequent) violation of the same requirement or provision of this Ordinance as determined by the Supervisor, Zoning Administrator or Ordinance Enforcement Officer, for which the person admits responsibility or is determined to be responsible. The increased fine for repeat offense under this Ordinance shall be as follows:
 - a. The fine for any offense, which is a first repeat offense, shall not be less than two hundred fifty dollars (\$250), plus cost.
 - b. The fine for any offense, which is a second repeat offense, or any subsequent repeat offense, shall not be less than five hundred dollars (\$500) each, plus costs.
3. Each day on which any violation of this Ordinance occurs or continues constitutes a separate offense, subject to separate sanctions. The paying of a fine or sanction under this Ordinance shall not exempt the offender from meeting the requirements of this Ordinance.
4. The Supervisor, Zoning Administrator, or Ordinance Enforcement Officer is hereby designated as the authorized Township official to issue municipal civil infraction

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citations and municipal civil infraction notices for violations of this Ordinance, as provided by the Grayling Township Municipal Civil Infraction Ordinance.

5. A violation of this Ordinance is deemed to be a nuisance per se. In addition to any remedies available at law, the Township or any individual aggrieved of this Ordinance may bring an action for an injunction or other process against any person to restrain, prevent or abate any violation of this Ordinance.

C. Procedures for Reporting Violations.

Apparent zoning violations may be reported to the Zoning Administrator or Planning Commission by any citizen.

Section 9.7 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. A rehearing shall mean that the body which originally reviewed the request shall be the body which reviews the same request again. 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.
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. **Time Limit.** A request for a rehearing which is made by an applicant must be made within twenty-one (21) days from the date on which the applicant receives notification 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

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considered. The notice may be served upon the applicant by first class mail at the applicant's 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.

Section 9.8 Interpretation and Conflicts

- A. In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, prosperity and general welfare of Grayling Township.
- B. Unless specifically provided for, it is not intended by this Ordinance to repeal, abrogate, annul or in any way to impair or interfere with the existing and unrepealed provision of law or ordinance or any rules, regulations or permits previously adopted or issued pursuant to law relating to the use of building or land. 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 Township law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern. Where any provision of this Ordinance differs from any other provision of this Ordinance, the more restrictive requirement shall prevail.
- C. 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 9.9 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.

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Type of action	Parties who may initiate action	Body making decision	Public hearing required	Published notice(s)- Number of days before hearing	Mailed notice to all owners and occupants within 300 feet - Days before hearing	Body to which applicant may appeal	
Plot plan approval, accessory building, sign permit	Applicant	ZA	No	----	----	ZBA	
Site plan approval – non-residential new construction	Applicant	PC	No	----	----	ZBA	
Site plan approval – expansions of existing building	Applicant	ZA	No	----	----	ZBA	
Special use permit	Applicant	PC	Yes	Not less than 15 days	Not less than 15 days	Circuit court	
Planned unit development	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	Yes	Yes	Not less than 15 days	Not less than 15 days	Circuit court	
Appeal from decision	Any aggrieved party	Yes	Yes	Not less than 15 days	Not less than 15 days	Circuit court	
Rezoning (Amendment)	Applicant, PC	Step 1: PC recommends to TB	Yes	Not less than 15 days	Not less than 15 days	----	
		Crawford County PC reviews amendment & provides comment (30 days)					
		Step 2: TB	No	----	----	----	
		Step 3: TB publishes Notice of Adoption in newspaper (within 15 days after adoption). Rezoning (map amendment) goes into effect on the 8th day after publication.					
Text change (Amendment)	Applicant, PC	Step 1: PC recommends to TB	Yes	Not less than 15 days	Not less than 15 days	----	
		Crawford County PC reviews amendment & provides comment (30 days)					
		Step 2: TB	No	----	----	----	
		Step 3: TB publishes Notice of Adoption in newspaper (within 15 days after adoption). Text change (amendment) goes into effect on the 8th day after publication.					
Zoning Ordinance Enforcement	ZA	----	----	----	----	ZBA	
ZA = Zoning Administrator PC = Planning Commission TB = Township Board ZBA = Zoning Board of Appeals							

Article 10

Adoption & Amendments

Sec	Name	Pg
10.0	Amendment to this Ordinance	10-1
10.1	Rezoning Standards	10-3
10.2	Conditional Rezoning	10-4
10.3	Severability	10-7
10.4	Vested Right	10-8
10.5	Repeal & Savings Clause	10-8
10.6	Enactment & Effective Date	10-8

Section 10.0 Amendment to this Ordinance

Amendments or supplements to this Ordinance may be adopted from time to time in the manner as provided by the [Michigan Zoning Enabling Act 2006 PA 110](#), as amended, MCL 125.3101 et. seq.

A. Initiation.

Proposals or supplements may originate with the Township Board, the Township Planning Commission, the Zoning Board of Appeals, or by written application by any property owner in the Township. Application by property owner shall be accompanied by the fee prescribed in the Fee Schedule adopted by the Township Board to cover the cost of advertising public hearing and investigation.

B. Filing of Application.

All applications for amendment to this Ordinance or Zoning Map shall be in writing, signed and filed in triplicate with the Township Zoning Administrator with appropriate fee, for presentation to the Township Planning Commission. All petitions for amendments to this Ordinance shall contain, but not be limited to:

1. The petitioner’s name, address and interest.
2. The name, address and interest of every person, firm or corporation having a legal or equitable interest in the land.
3. The nature and effect of the proposed amendment.
4. If a map amendment is being requested, a fully dimensioned map showing the land which would be affected by the proposed amendment, a legal description of such land, the present zoning classification, the zoning classification of all abutting districts, all public and private rights-of-way and easements bounding and intersecting the land under consideration.

C. Action by Planning Commission.

The Planning Commission shall hold the required public hearing as noticed per [Section 9.3](#). Following the hearing, the Planning Commission shall submit the proposed amendment along with all comments received at the public hearing to the County Planning Commission for a thirty (30) day review period and recommendation. Following the county review, the Planning Commission shall submit its recommendations along with a report indicating findings of fact, the results of the County review, and a summary of comments received at the public hearing along with the proposed amendment, including any zoning maps, to the Township Board.

D. Action by Township Board.

Upon receipt of the transmittal, the Township Board shall commence final consideration of the Planning Commission’s recommendation. In this regard, the Township Board may decide to hold additional hearings on the proposed amendment, if in its judgement, it deems that further hearings may be necessary. Notice of such addition hearing shall be in accordance with [Section 9.3](#). In the event the Township Board considers further amendments, changes, additions or departures to the initial recommendation by the Township Planning Commission, the Township Board shall refer these further amendments, changes, additions or departures back to the Planning Commission for a report on such additional matters by a specified date. After receiving the report, the Township Board shall grant a hearing on a proposed amendment to any property owner, who by certified mail, addressed to the Township Clerk, requests a hearing. Thereafter, at a regular or special meeting properly called, the Township Board may adopt the proposed amendment by a majority vote of its membership with or without amendments that have been previously considered by the Planning Commission or at a hearing.

E. Notice of Adoption.

Following Township Board adoption, the amendments or supplements shall be filed with the Township Clerk and one (1) notice of adoption shall be published in a newspaper of general circulation within fifteen (15) days after adoption. The notice of adoption shall include the following:

1. A summary of the regulatory effect of the amendment, including the geographic area(s) affected, or the text of the amendment as adopted.
2. The amendment shall take effect upon the expiration of seven (7) days after publication or at such later date after publication as specified by the Township Board.
3. The place and time where a copy of the amendment may be purchased or inspected.

F. Resubmittal Procedure.

No petition for rezoning, which has been disapproved by the Township Board shall be submitted for a period of one (1) year from the date of disapproval, except as may be permitted

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by the Township Board after learning of new and significant facts or conditions which might result in a favorable action upon resubmittal.

Section 10.1 Rezoning Standards

In considering any petition for an amendment to the official zoning map (rezoning), the Planning Commission shall and the Township Board may consider the following criteria in making its findings, recommendations, and decision:

- A. Are all of the allowable uses in the proposed district reasonably consistent with surrounding uses in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence on property values?
- B. Will there be an adverse physical impact on surrounding properties?
- C. Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations?
- D. Is the proposed rezoning consistent with the goals and objectives of the Township Master Plan, including any subarea or corridor studies. If conditions have changed since the Master Plan was adopted, is the proposed rezoning consistent with recent development trends in the area?
- E. Are the physical, geological, hydrological and other environmental features of the site compatible with the potential uses allowed in the proposed zoning district?
- F. Is the capacity of infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of Township residents?
- 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)?

Where a rezoning is reasonable given the above criteria, a determination shall be made that the requested zoning district is more appropriate than another district or amending the list of permitted or special land uses within a district.

Section 10.2 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](#)

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Zoning Enabling Act, 2006 P.A. 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.
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 9.3** of this Ordinance and consideration of the factors set forth in **Section 10.1 (except 10.1 (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 for not

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more than 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.

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 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 twenty-four (24) months after the rezoning took effect 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 revert to its former zoning classification. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall be the same as applies to all other rezoning requests.

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.
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 10.3 Severability

The various parts, sections, paragraphs, sentences and clauses of this Ordinance are declared severable. If any part, section, paragraph, sentence or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected.

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Section 10.4 Vested Right

Nothing in this Ordinance should 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 therein; they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

Section 10.5 Repeal and Savings Clause

- A. This Ordinance repeals and replaces any previous Grayling Township Zoning Ordinance (Ordinance #2010-02) in its entirety.
- B. The repeal of any previous Zoning Ordinance, as provided, shall not affect or impair any act done, offense committed or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted. 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 10.6 Enactment and Effective Date

- A. The required public hearing was held before the Grayling Township Planning Commission on the 12th day of September, 2018, for this Zoning Ordinance of Grayling Township. The Ordinance was adopted by the Grayling Township Board of Trustees at a regular meeting held on the 19th day of December, 2018.
- B. Notice of adoption shall be published in a newspaper having general circulation in Grayling Township within fifteen (15) days after adoption.
- C. Amendments or revision to this Ordinance or Map of Zoning Districts shall become effective on the expiration of seven (7) days or at a later date specified by the Grayling Township Board after publication of a notice of adoption of said amendments.

I hereby certify that the above Ordinance was adopted by the Grayling Township Board at a regular meeting held on December 19, 2018.

Grayling Township Clerk

Published: January 3, 2019

Effective Date: January 10, 2019

Affidavit of Publication Required.

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