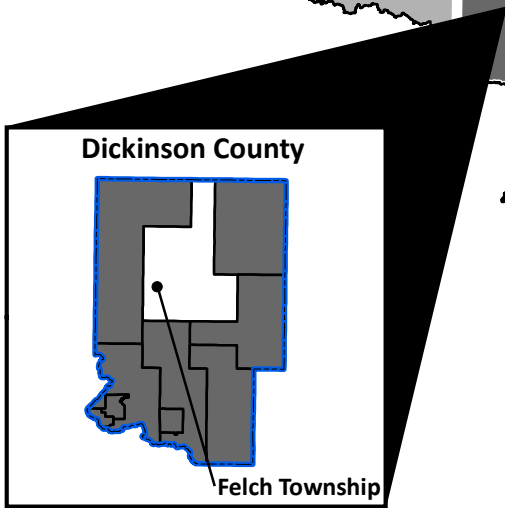
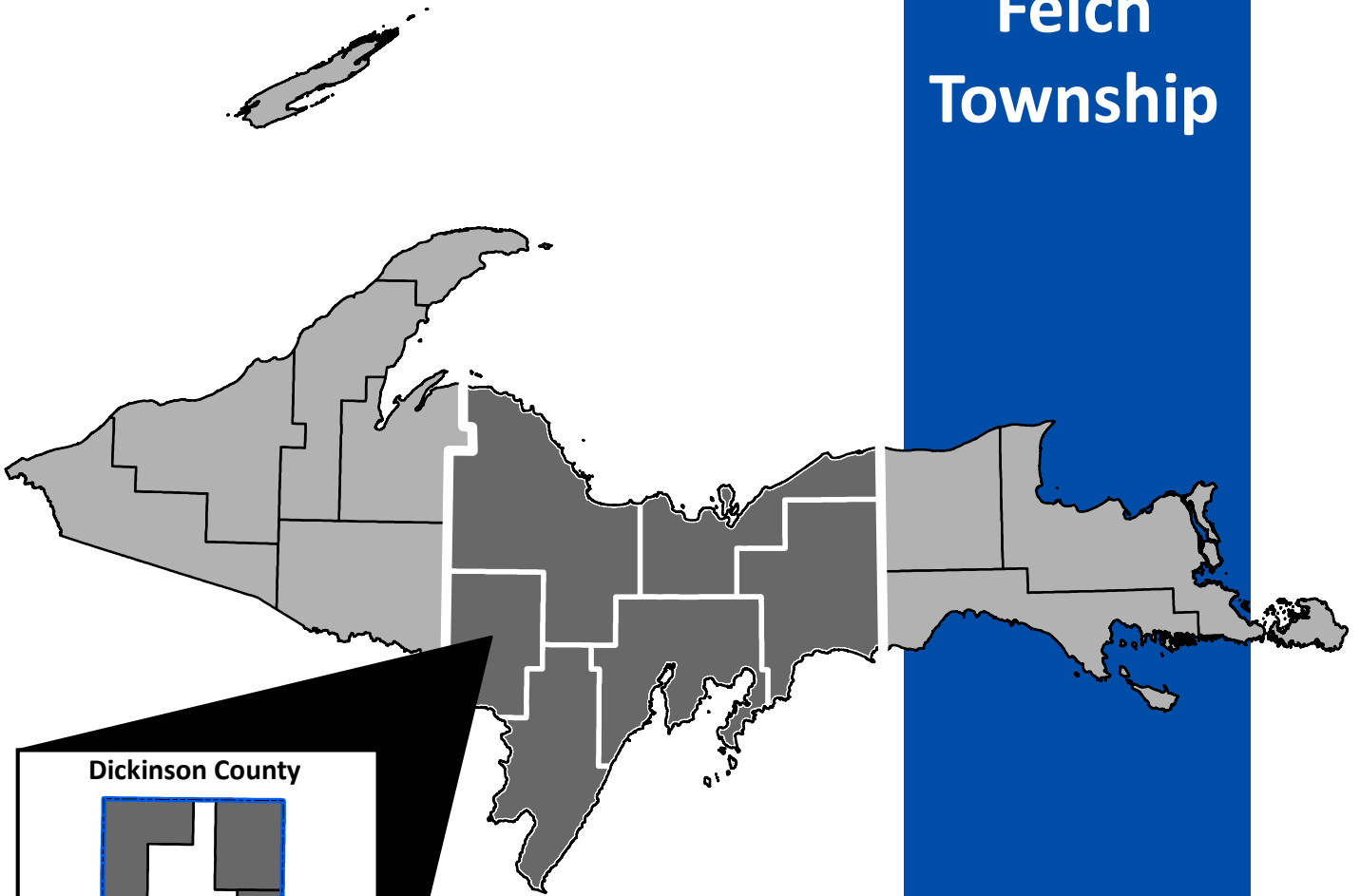
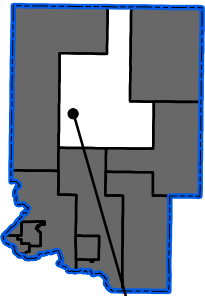


Felch Township



Dickinson County



Felch Township

Zoning Ordinance

Adopted: June 6th, 2016

Prepared By:

Felch Township Planning Commission
&
Felch Township Board



TOWNSHIP OF FELCH

TABLE OF CONTENTS

ARTICLE I PURPOSE OF ZONING

Section 101 Purpose	I-1
Section 102 Short Title	I-1
Section 103 Application of this Ordinance	I-1
Section 104 Exemptions	I-2

ARTICLE II DEFINITIONS

Section 201 Construction of Language	II-1
Section 202 Definitions	II-2

ARTICLE III ZONING DISTRICTS AND MAPS

Section 301 Establishment of Districts	III-1
Section 302 Zoning Maps	III-1
Section 303 Replacement of Official Zoning Map	III-2
Section 304 Application of District Regulations	III-2
Section 305 Scope of Provisions	III-2
Section 306 Conflicting Regulations	III-3
Section 307 R District-Residential	III-5
Section 308 RP District-Exclusive Resource/Agriculture	III-7
Section 309 T District-Town District	III-9
Section 310 B District-Commercial (Reserved for Future Use)	III-11
Section 311 I District-Industrial (Reserved for Future Use)	III-13

ARTICLE IV GENERAL REGULATIONS

Section 401 Height, Placement, Lot Size Regulations (Schedule of Regulations)	IV-1
Section 402 Zoning District Boundary Setback Regulations	IV-2
Section 403 Minimum Dwelling Floor Area	IV-2
Section 404 Home Occupations	IV-2
Section 405 Off-Street Parking Requirements	IV-3
Section 406 Required Off-Street Loading Spaces	IV-4
Section 407 Buffer Requirements	IV-5
Section 408 One Principal Structure or Use Per Lot	IV-5
Section 409 Variance of Requirements for Lots of Record	IV-5
Section 410 Allocation and Reduction of Lot Area	IV-6
Section 411 Use of Yard or Open Space	IV-6
Section 412 Exterior Lighting	IV-6
Section 413 Corner Clearance	IV-6
Section 414 Sewage Disposal System Placement	IV-7
Section 415 Buildings to be Moved	IV-8

TOWNSHIP OF FELCH

Section 416	Conflicting Regulations	IV-8
Section 417	Compliance Required for All Buildings, Structures and Uses	IV-8
Section 418	Fees in Escrow for Professional Reviews	IV-8
Section 419	Condominium Developments	IV-9
Section 420	Private Road Requirements	IV-17
Section 421	On-Site Use Wind Energy Systems and Small Windmills	IV-21

ARTICLE V SITE PLAN REVIEW

Section 501	Intent	V-1
Section 502	Required Form of, and Information on Site Plan	V-1
Section 503	Site Plan Review Procedure	V-2
Section 504	Standards for the Review of Site Plans	V-2
Section 505	Site Plan Completion Guarantee	V-4

ARTICLE VI CONDITIONAL USE PERMITS

Section 601	Intent	VI-1
Section 602	Application Procedure	VI-1
Section 603	Review and Findings	VI-2
Section 604	General Standards	VI-2
Section 605	Conditions and Safeguards	VI-3
Section 606	Group (child) Day Care Homes	VI-4
Section 607	Child Care Centers (day care centers)	VI-5
Section 608	Personal Use Landing Fields	VI-5
Section 609	Nursing homes, Convalescent or rest homes, Homes for the aged, Indigent or Handicapped and Orphanages	VI-6
Section 610	Churches	VI-7
Section 611	Kennels and Veterinarian Clinics	VI-7
Section 612	Outdoor Wood Burning Boilers and Appliances (heating units)	VI-8
Section 613	Golf courses	VI-8
Section 614	Hotels, Motels, Resorts and Lodges	VI-9
Section 615	Private and Public Recreational Facilities, including Parks, Playgrounds, Camps, Campgrounds, Gun Clubs, and Similar Recreational Uses	VI-9
Section 616	Mini-Warehouses	VI-10
Section 617	Wireless Communication Facilities and Structures	VI-11
Section 618	Sexually Oriented Businesses	VI-13
Section 619	Utility Grid Wind Energy Systems (wind farms)	VI-14
Section 620	Mineral extraction	VI-17

ARTICLE VII NONCONFORMING USES AND STRUCTURES

Section 701	Intent	VII-1
Section 702	Class A Nonconforming Uses and Structures	VII-1
Section 703	Procedure for Obtaining Class A Designation	VII-2
Section 704	Provisions for Class A Nonconforming Uses and Structures	VII-2
Section 705	Regulations: Class A Nonconforming Uses and Structures	VII-3

TOWNSHIP OF FELCH

Section 706 Class B Nonconforming Uses and Structures	VII-3
Section 707 General Standards	VII-4
Section 708 Revocation of Class A Nonconforming Uses and Structures	VII-4
Section 709 Appeal of Granting, Denying, or Revocation of Class A Status	VII-4
Section 710 Nonconforming Lots	VII-4

ARTICLE VIII ADMINISTRATION AND ENFORCEMENT

Section 801 Administration	VIII-1
Section 802 Administrative Standards and Procedures	VIII-1
Section 803 Zoning Administrator	VIII-2
Section 804 Duties of Zoning Administrator	VIII-3
Section 805 Zoning Compliance Permit	VIII-3
Section 806 Enforcement and Violation	VIII-3
Section 807 Special Zoning Orders Book and Map	VIII-4
Section 808 Fees	VIII-5

ARTICLE IX ZONING BOARD OF APPEALS

Section 901 Creation and Membership	IX-1
Section 902 Meetings and Procedures	IX-2
Section 903 Powers and Jurisdiction	IX-3
Section 904 Standards for Granting Variance	IX-3
Section 905 Appeal to Circuit Court	IX-4
Section 906 Lapse of Approval	IX-5
Section 907 Notice Requirements	IX-5
Section 908 Fees	IX-5

ARTICLE X TOWNSHIP PLANNING COMMISSION:

PLANNING AND ZONING AUTHORITY

Section 1001 Designation	X-1
Section 1002 Changes and Amendments	X-1

ARTICLE XI INTERPRETATION, SEVERABILITY, NO VESTED RIGHT,

PENALTIES AND EFFECTIVE DATE

Section 1101 Interpretation and Conflict	XI-1
Section 1102 Severability	XI-1
Section 1103 No Vested Right	XI-1
Section 1104 Penalties and Remedies	XI-1
Section 1105 Effective Date	XI-2

ARTICLE XII AMENDMENTS AND REZONING

Section 1201 Authorization	XII-1
Section 1202 Rezoning	XII-1
Section 1203 Initiation of Amendments	XII-1
Section 1204 General Procedure	XII-1

TOWNSHIP OF FELCH

APPENDIX A: ZONING MAP

FELCH TOWNSHIP ZONING ORDINANCE
Dickinson County, Michigan

ARTICLE I: PURPOSE

AN ORDINANCE to promote the public health, safety and general welfare in accordance with P.A. 33 of 2008, as amended, and the adopted Felch Township Master Plan; to establish zoning districts and regulations governing the development and use of land within the unincorporated areas of Felch Township, Dickinson County, Michigan; to provide for classes of and regulations governing nonconforming uses and structures; to provide for a Zoning Administrator and a system of intergovernmental cooperation in ordinance administration; to provide for a Board of Appeals and its powers and duties; to provide for the powers and duties of the Township Planning Commission concerning zoning; to provide for permits and the collection of fees; to provide penalties for the violation of this Ordinance; and to provide for coordination with other ordinances or regulations. The continued administration of this Ordinance, amendments to this Ordinance, and all other matters concerning the operation of this Ordinance shall be done pursuant to Act 110 of the Public Acts of Michigan for 2006, as amended, (MCL 125.3101 et seq.), herein after referred to as the "Zoning Enabling Act."

THE TOWNSHIP OF FELCH, DICKINSON COUNTY, MICHIGAN ORDAINS:

Section 101: PURPOSE

This Ordinance is based upon the adopted Felch Township Master Plan with the purpose of furthering the goals, objectives, and policies of that plan, including efficient and planned provision of governmental services, protection of property values, protection of the character and quality of inland lakes, provision for the wise use of natural resources, provision for development in areas best suited for development, and provision for local control of land use.

Section 102: SHORT TITLE

This Ordinance shall be known and may be cited as the Felch Township Zoning Ordinance.

Section 103: APPLICATION OF THIS ORDINANCE

No structure shall be constructed, erected, placed, or maintained and no land use commenced or continued within the unincorporated parts of the Township, except as specifically, or by necessary implication, authorized by this Ordinance. Special uses are allowed only on permit granted by the Township Planning Commission upon finding that specified conditions are met. Where a lot is devoted to a permitted principal use, customary accessory uses and structures shall be allowed if both subordinate and incidental to the principal use, and if such use or structure does not alter the character of the district where located. No more than one principal use or structure may be permitted on a lot, unless specifically provided for elsewhere in this ordinance.

Section 104: EXEMPTIONS

The location of pipes, wires, poles, and generating and transmission equipment of public utilities or railroad tracks regulated by the State of Michigan or by the United States are exempt from regulation under this Ordinance.

ARTICLE II: DEFINITIONS

Section 201: CONSTRUCTION OF LANGUAGE

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

- A. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases that have a peculiar and appropriate meaning in the law, shall be construed and understood according to such peculiar and appropriate meaning.
- B. The particular shall control the general.
- C. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- D. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- E. The word "use" includes the words, "structures" and "buildings" associated with such use.
- F. When not inconsistent with the context, words in the present tense shall include the future and words in the singular number shall include the plural.
- G. The word "building" includes the word "structure" and the word "dwelling" includes the word "residence." A "building" or "dwelling" includes any part thereof.
- H. The words "used" or "occupied" include the words "intended", "designed", or "arranged" to be used or occupied.
- I. The word "person" includes any firm, association, organization, partnership, trust, corporation, or similar entity, as well as an individual.
- J. The word "lot" includes the words "plot" and "parcel".
- K. Unless the context clearly indicates the contrary, where 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 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.
- L. Words in a singular number shall include the plural number and words in the plural number shall include the singular number. The masculine gender shall include the feminine and the feminine gender shall include the masculine.

- M. Whenever a reference is made to several sections and the section numbers are connected by the word “to”, the reference includes both sections whose numbers are given and all intervening sections.
- N. In computing a period of days, if the first day or the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.

SECTION 202: DEFINITIONS

For the purpose of this Ordinance words pertaining to access, building, property, land use, building use, building measurement, and enforcement shall have the following meaning:

1. **ABOVE GROUND STORAGE OF FLAMMABLE LIQUIDS.** For purposes of this Ordinance, commercial distribution and sale of flammable liquids. Residential tanks such as propane tanks and sale of bottled gas as an accessory use to a permitted use are not included in this definition.
2. **ACCESSORY BUILDING.** A detached building whose purpose is related to, but subordinate to, that of the principal building on a given parcel of land. Detached garages, tool sheds and barns are all examples of accessory buildings.
3. **ACCESSORY USE.** A land use whose purpose is related and incidental to the permitted use. An accessory use must in some way serve the principal use, and usually must be located on the same building lot.
4. **ADULT FOSTER CARE HOME.** A private residence licensed under P.A. 218 of 1979, as amended, with the approved capacity to receive six or fewer adults who are provided with foster care for five or more days a week, and for two or more consecutive weeks, for compensation. The adult foster care home licensee must be a member of the household and an occupant of the residence.
5. **ADULT FOSTER CARE SMALL GROUP HOME.** A facility licensed under P.A. 218 of 1979, as amended, with the approved capacity to receive 12 or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks, for compensation.
6. **ADULT FOSTER CARE LARGE GROUP HOME.** A facility licensed under P.A. 218 of 1979, as amended, with the approved capacity to receive at least 13 but not more than 20 adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks, for compensation.

7. **ADVERTISING SIGN/STRUCTURE.** Any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or other comparable object, used as a means to convey information or direct attention to a business, product, service or commodity.
8. **AGRICULTURE.** The art and science of cultivating the ground, including the harvesting of crops and by extension, the rearing, reproducing and managing of livestock and poultry or other animals upon the ground in fields or pastures or pens.
9. **ANEMOMETER TOWER.** An anemometer tower means a freestanding tower (or other structural means of mounting) containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system which is a temporary accessory land use to either a proposed on-site use wind energy system (windmill) or a utility grid wind energy system (wind farm).
10. **ANIMAL NUISANCE.** Any excessive odor, excessive noise, dust, destruction, attraction of flies or other objectionable insects, creation of objectionable and/or unhealthful effluent, or other adverse condition caused by, or made worse by an animal(s).
11. **APPRAISED VALUE.** The value of property as estimated by an individual qualified to appraise that type of property.
12. **AREA VARIANCE.** A zoning variance that is granted concerning the size and shape of a building lot and the size, shape and location of the physical structure to be located on the lot. This type of variance concerns such zoning requirements as density, required yards, number of parking and unloading spaces, frontage, lot size or height.
13. **AUTOMOBILE REPAIR AND COMMERCIAL GARAGES.** A premise where the following services may be carried out in a completely enclosed building: general repairs; engine rebuilding; collision service such as body, frame or fender straightening and repair; painting and undercoating of vehicles.
14. **AUTOMOBILE/GASOLINE SERVICE STATIONS.** Structures and premises used or designed to be used for the retail sale of fuels, lubricants, or grease and other operating commodities for motor vehicles, including the customary space and facilities for the installation of such commodities; and including space for temporary minor repairs, or services such as polishing, washing, cleaning, greasing, but not including bumping, painting, or refinishing thereof.
15. **BASEMENT.** That portion of a building which is partly or wholly below grade, but so located that the vertical distance from average grade to the floor is greater than the vertical distance from the average grade to the ceiling. If the vertical distance from the grade to the ceiling is over five feet, such basement shall be rated as a first story.

16. **BED AND BREAKFAST.** A single-family detached dwelling, containing four or fewer sleeping rooms available for rental to transient tenants for less than 15 consecutive nights. Guest accommodations shall be subordinate to the principal use of the dwelling as a single-family residence. Breakfast shall be served to guests at no additional cost; other meals may be served in accordance with P.A. 112 of 1987, as amended.
17. **BUILDABLE AREA.** An area defined by the front, side and rear yard requirements, outside of which no building or structure may be located.
18. **BUILDING.** A structure that is permanently affixed to the ground, has a roof and is used for the shelter of humans, animals, property and goods.
19. **BUILDING AREA.** For the purpose of calculating ground cover ratio, the total areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps.
20. **BUILDING HEIGHT.** The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height shall be measured from the average ground level of the grade at the building wall. (See illustrations next page.)
21. **BUILDING LINE.** The line that coincides with the face of the building nearest the front line of the lot, which includes sun parlors and enclosed porches, but not steps.
22. **CAMPGROUND.** A public or private open area divided into campsites that, at a minimum, provides a potable water supply and some form of toilet facilities.
23. **CARPORT.** A partially open structure, intended to shelter one or more vehicles. Such structure(s) shall comply with all yard requirements subject to a private garage.
24. **CHILD CARE CENTER.** (Also known as a Day Care Center): A facility, other than a private residence, receiving one (1) or more preschool or school age children for care for periods of less than twenty-four (24) hours a day, and where parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Child care centers are licensed by the State of Michigan under Public Act 116 of 1973, as amended. Child care center or day care center does not include:
 - A. Sunday School, a vacation bible school, or a religious instruction class that is conducted by a religious organization where children are in attendance for not more than three (3) hours per day for an indefinite period, or not more than eight (8)

hours per day for a period not to exceed four (4) weeks during any twelve (12) month period.

- B. A facility operated by a religious organization where children are cared for not more than three (3) hours while parents or guardians attend religious worship services.
25. CHURCH USES/RELIGIOUS INSTITUTIONS. Churches, synagogues, mosques, church schools, church residences and church owned land used for related church functions.
26. CLINIC (MEDICAL). A building where human patients, who are not lodged overnight, are admitted for examination and treatment by a group of physicians, dentists, or similar professionals.
27. CLINIC (ANIMAL). A building where animal patients, who may or may not be lodged overnight, are admitted for examination and treatment by a veterinarian or similar professionals.
28. CLUB. An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or similar activities, but not operated for profit and open only to members and not the general public.
29. COMMERCIAL VEHICLE. Any motor vehicle which has a commercial license and which has a gross vehicle weight rating (GVWR) of over 12,000 pounds.
30. COMMON OPEN SPACE. Land within or related to a development, not individually owned, that is designed and intended for the common use or enjoyment of the residents and their guests of the development or the public at large if dedicated to and accepted by the public, and may include such complementary structures and improvements as are necessary, appropriate and approved as part of the development according to the requirements of this Ordinance.
31. COMMON USE RIPARIAN LOT. Property which abuts a lake or a navigable tributary which provides lake access to owner(s) or occupant(s) of nearby property(ies) which does/do not abut the lake or navigable tributary.
32. COMMUNITY RESIDENTIAL CARE FACILITY. A structure constructed for residential purposes, licensed by the state pursuant to Public Act 287 of 1972, as amended, which provides resident services for six or fewer persons under 24-hour supervision.

**BUILDING HEIGHTS
illustrated**



MANSARD ROOF



HIP ROOF



GAMBREL ROOF



GABLE ROOF

H = HEIGHT OF BUILDING

33. **CONDOMINIUM:** Means a single real property parcel with all the unit owners having a right in common to use the common elements with separate ownership confined to the individual units which are serially designated, or a system of separate ownership of individual units in multiple-unit building. (Also see Section 419)
- A. *Common elements* means the portions of the condominium other than the condominium units.
 - B. *Condominium Act* means Public Act No. 59 of 1978 (MCL 559.101 et seq.).
 - C. *Condominium subdivision* means a subdivision as defined in Article IV, Section 419.
 - D. *Condominium subdivision plan* means site, survey, and utility plans, floor plans, and sections, as appropriate, showing the existing and proposed structures and improvements, including the location thereof on the land. The condominium subdivision plan shall show the size, location, area, vertical boundaries, and volume for each unit composed of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location, and approximate size of common elements.
 - E. *Contractible condominium* means a condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provisions in the condominium documents and in accordance with this ordinance and the Condominium Act.
 - F. *Convertible area* means a unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to express provision in the condominium documents and in accordance with this ordinance and the Condominium Act.
 - G. *Expandable condominium* means a condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with the condominium regulations of this chapter and the Condominium Act, Public Act No. 59 of 1978 (MCL 559.101 et seq.).
 - H. *Master deed* means the legal document prepared and recorded pursuant to the Condominium Act, and which was previously approved by the zoning administrator, within which are, or to which are attached exhibits and incorporated by reference, the approved Bylaws for the project and the approved Condominium Subdivision Plan for the project.
 - I. *General common elements* means the common elements other than the limited common elements.
 - J. *Limited common elements* means a portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners of the condominium units in the project.

34. CONDOMINIUM, SITE. Means for the purposes of this ordinance, a site condominium is a subdivision of land created and recorded pursuant to the Condominium Act (P.A. 59 of 1978, as amended), and the provisions of this ordinance, containing two or more units of land designed and intended for separate ownership and use, and which may or may not contain general and limited common elements. Except as otherwise specifically provided, a condominium unit is not a "lot" or "parcel" as those terms are used in this ordinance.
35. CONDOMINIUM UNIT: Means that portion of a condominium project designed and intended for separate ownership and use, as described in the Master Deed of the project, regardless of whether it is intended for residential, office, industrial, business, recreational or any other type of use approved by the State of Michigan for such projects.
36. CONSERVATION EASEMENT. The grant of a property right requiring that the described land will remain in its existing natural state in perpetuity. Also means that term as defined in Section 2140 of the Natural Resources and Environmental Protection Act, P.A. 451 of 1994 when applied to a cluster development or open space development.
37. CONVENIENCE RETAIL STORE. An establishment which primarily sells groceries, bait, alcohol and beer, and tobacco products in small quantities directly to the consumer and is situated in a free-standing building of 1,500 square feet or less in size.
38. CORNER LOT. A lot that is situated at the junction of and fronting or abutting on at least two streets or roads, at which the angle of interception is no greater than 135 degrees. This Ordinance specifies that corner lots have two front yards, one rear yard and one side yard.
39. CUL-DE-SAC. A street with an outlet at only one end and a turnaround area at the other end. (Also See Section 420, Private Roads, A. Definitions)
40. DAY CARE FACILITY, FAMILY. A day care operation located in and subordinate to the residential use of the residence of the operator of the facility, which provides day care services for six or fewer children, and which is licensed or registered under P.A. 116 of 1973.
41. DAY CARE FACILITY, GROUP. A day care operation located in and subordinate to the residential use of the residence of the operator of the facility, and subordinate to the residential use, which provides day care services for seven to 12 children, and which is licensed or registered under P.A. 116 of 1973.
42. DEED RESTRICTION. A restriction on the use of a lot or parcel of land that is set forth in the deed and recorded with the County Register of Deeds. It is binding on subsequent owners and is sometimes also known as a restrictive covenant. Unless the Township has an ownership interest in the property, a deed restriction is enforced by only the private parties to the agreement, not by the Township or the County.

43. DEVELOPER. The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable proprietary interests in such land.
44. DEVELOPMENT. The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; and any use or extension of the use of land.
45. DIRECTIONAL SIGN. A sign which gives a name, place, location and general nature of a specific establishment or attraction and is intended primarily to give directions to that place.
46. DISMANTLED MOTOR VEHICLE. A motor vehicle from which some part of parts, which are ordinarily a component thereof, have been removed or are missing and which render the vehicle incapable of being operated or propelled under its own power for more than twenty-four (24) hours.
47. DRIVE-IN FACILITIES. Commercial enterprises that permit the consumer to do business or be entertained without leaving his car.
48. DRIVEWAY. A driveway which provides access to a parcel or premises having the required frontage on a public street or private road which is built in accordance with generally accepted construction practices sufficient to provide passage for emergency vehicles and fire trucks. This passageway is to be of definite width, primarily for use by motor vehicles, over private property, loading from a street, other public way, or private road to a garage or parking area. A horseshoe shape drive or a "T" shape drive located within a front yard is included within this definition.
49. DWELLING, SINGLE-FAMILY. A detached building, including a mobile home, designed for or occupied as one dwelling unit with common cooking and utilities and complies with the following regulations:
 - A. The dwelling shall meet the dimensional requirements of the BOCA Building Code.
 - B. All habitable rooms within the dwelling shall have an average ceiling height of not less than 7 feet 6 inches in at least 50 percent of the required area, with no portion less than five (5) feet in height.
 1. Exceptions: Beams and girders spaced not less than 4 feet on center may project not more than 6 inches below the required ceiling height.
 2. All other rooms, including hallways and corridors, shall have a ceiling height of not less than 7 feet measured to the lowest projections of the ceiling.
 - C. The single-family dwelling, including mobile homes and manufactured housing shall have a minimum exterior breadth/ caliper/width of twelve (12) feet. (This is

to imply that the minimum dimension between any two opposing exterior walls, measured at any point on the horizontal, shall be at least twelve (12) feet.) Breezeways, garages, porches, and other appurtenances shall not be considered part of the required 12 feet.

- D. All single-family dwellings shall comply with the pertinent building code. If the dwelling is a mobile home, all construction, plumbing, electrical apparatus and insulation within and connected to said mobile home shall comply with the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, as amended. Additionally, all dwellings shall comply with applicable roof snow load and strength requirement.
 - E. The dwelling shall be placed upon and secured to a permanent foundation in accordance with the Michigan Building Code and, where applicable, the manufacturer's installation instruction.
 - F. Skirting shall be installed if the dwelling is not placed upon a basement or crawl space. The skirting shall be installed in accordance with the Dickinson County Construction Code.
 - G. If the dwelling is manufactured off the site, it shall be installed with the wheels removed. In addition, a dwelling shall not have an exposed towing mechanism, undercarriage or chassis.
50. DWELLING UNIT. One room or rooms connected together, constituting a separate, independent housekeeping unit for owner occupancy, or rental or lease and physically separated from any other rooms or dwelling units which might be located within the same structure. A dwelling unit shall contain independent kitchen, bathroom, sleeping, and living facilities, and shall be designed for and occupied by one family only.
51. EASEMENT. A right-of-way granted, but not dedicated, for limited use of private land for private, public or quasi-public purpose, such as for franchised utilities, a conservation easement or an access easement for a private road or service drive, and within which the owner of the property shall not erect any permanent structures.
52. FAMILY. An individual, two or more persons related by blood, marriage or adoption, or a group not to exceed six persons not related by blood or marriage, occupying premises and living as a single nonprofit housekeeping unit with single culinary facilities as distinguished from a group occupying a boarding house, lodging house, club, fraternity, hotel or similar dwelling for group use.
53. FAMILY (Child) DAY CARE HOME (Licensed). A private home (dwelling) in which one (1) but fewer than seven (7) children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during

a calendar year. Family day care homes are licensed by the State of Michigan under Public Act 116 of 1973, as amended.

54. **FARM.** A farm is an establishment engaged in growing and harvesting crops, sod, plants, trees, shrubs, nursery stock; an establishment engaged in dairying, the maintaining or the raising of livestock or poultry, the keeping of horses, small animals, as well as other similar enterprises or uses.

A farm includes farm buildings such as barns, greenhouses, apiaries and/or other similar structures.

A farm's land area includes all of the contiguous neighboring or associated land operated as a single unit on which bona fide farming is carried on directly by the owner-operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees.

55. **FILING DATE.** The date upon which any application pursuant to this ordinance is submitted and the required filing fee is paid.
56. **FLOOD.** A rise in the water level of a water body, or the rapid accumulation of water from runoff or other sources, so that land that is normally dry is temporarily inundated by water.
57. **FLOODPLAIN.** Means those areas of land adjacent to the rivers, and other water courses of the Township, subject to seasonal or periodic flooding.

More particular definitions of floodplain are the 100 year or 500 year floodplains as defined and mapped, delineating the respective flood elevations and geographic areas of flooding under the U.S. Federal Emergency Management Agency's national flood insurance program.

58. **FLOOR AREA.** The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, attached or interior vehicular parking or loading, breezeways or porches; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.
59. **FOSTER FAMILY HOME** (private home). A private residence (dwelling) in which the licensee or registrant permanently resides as a member of the household, which residency is not contingent upon caring for children or employment by a licensed or approved child placing agency. Private home includes a full-time foster family home, a full-time foster family group home, or a family day care home, as follows:
- A. "Foster family home" is a private home (dwelling) in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to the

adoption code (MCL 710.21-710.70) are given care and supervision for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or legal guardian.

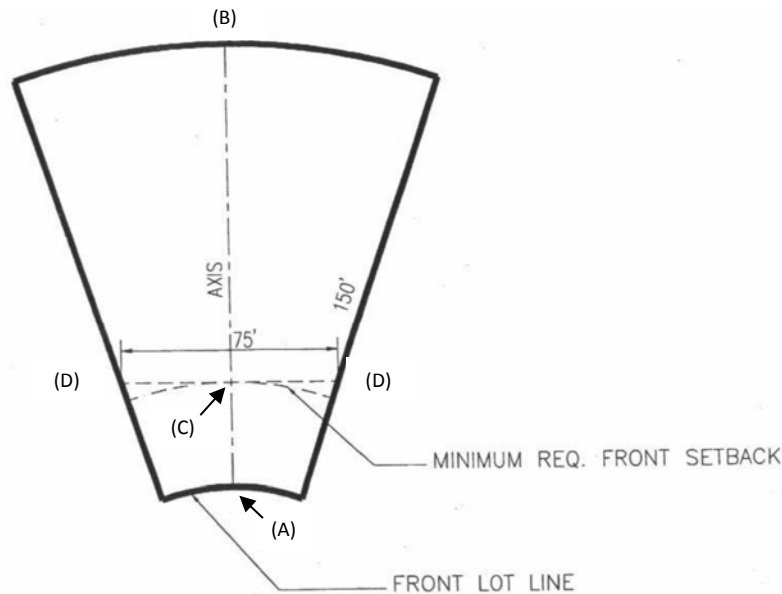
- B. "Foster family group home" means a private home in which more than four (4) but fewer than seven (7) minor children, who are not related to an adult member of the household by blood, marriage, or who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to the adoption code (MCL 710.21-710.70) are provided care for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or legal guardian.
60. GARAGE, PRIVATE. An accessory building used for parking or storage of vehicles as may be required in connection with the permitted use of the principal building.
61. GOVERNMENT, COMMUNITY-OWNED BUILDINGS OR PUBLIC BUILDINGS. A building or buildings which shall serve as essential services and safety of the community, but shall not serve as a residential facility.
62. GRADE. A ground elevation established for the purpose of controlling the number of stories and the height of any structure. The building grade shall be determined by the level of the ground adjacent to the walls of any structure if the finished grade is level. If the ground is not level, the grade shall be determined by averaging the elevation of the ground for each face of the structure. The average of all faces shall be used to determine the height of a structure. The established grade and its elevation may also be important in relation to a flood plain.
63. GRANDFATHER CLAUSE. A provision in a newly adopted law regulating certain conduct or activities that allows the regulated activity to continue as previously conducted or otherwise exempts it from compliance with the new law or ordinance.
64. GRAVEL PIT. An open land area where sand, gravel and rock fragments are mined or excavated for sale or off-tract use.
65. GROUP (child) DAY CARE HOME. A private home (dwelling) in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year. Group day care homes are licensed by the State of Michigan under Public Act 116 of 1973, as amended.
66. HOME OCCUPATION. An accessory use of a professional or service character conducted within a dwelling by the family residents thereof, and which does not change the character thereof. Furthermore, adequate parking spaces shall be provided on the premises for

persons patronizing the establishment. The use of computers, fax machines and photocopiers may all be used as part of a home occupation. The following uses shall not be deemed as a home occupation: clinics, hospitals, animal boarding establishments, commercial garages, bump and paint shops and commercial production of any kind of livestock. Home occupations must meet the standards set forth in Section 307 of this Ordinance.

67. HOTEL. A building in which the rooms are occupied by, or designed for temporary occupancy by, individuals who are lodged with or without meals, and in which there are more than ten sleeping rooms served only by a general kitchen and dining facility located within the building.
68. HOUSEHOLD PETS. Any domesticated dog, cat or other animal kept for friendship or hunting purposes. Household pets do not include exotic (regulated by USDA) wild animals.
69. JUNK. Shall be considered to be miscellaneous dry solid waste material resulting from housekeeping, mercantile and manufacturing enterprises and offices, including but not limited to scrap metals, rubber and paper; abandoned, wrecked, unlicensed or inoperable automobiles and motor vehicles; rags, bottles, tin cans, and comparable items.
70. JUNKYARD. Any area, lot, land, parcel, building or structure, or part thereof, used for the storage, collection, processing, purchase sale, salvage or disposal of junk.
71. KENNEL, COMMERCIAL. Any lot or premises used for the commercial sale, boarding, or treatment of dogs, cats or other domestic animals and which has a license from the Animal Control Office.
72. LANDSCAPING. The treatment of the ground surface with live, organic, or synthetic materials such as, but not limited to, grass, ground cover, crushed stone, trees, shrubs, vines and other growing or synthetic horticultural material. Structural features such as fountains, shadow pools, statues, garden walls, pathways, benches and the like shall also be considered elements of landscaping, but such structural features alone shall not meet the spirit and intent of landscaping requirements.
73. LOT. A parcel of land, excluding any portion in a street or road right-of-way, of at least sufficient size to meet the minimum requirements for use, coverage and lot area, and to provide such setback area and other open space as required by this Ordinance. Such lot shall have access to a public street, and may consist of:
 - A. A single lot of record;
 - B. A portion or portions of lot(s) of record;
 - C. Any combination of complete and/or portions of lots of records; or
 - D. A parcel of land described by metes and bounds, provided that in no case of division or combination shall the area of any lot or parcel created, including residuals, may be less than that required by this Ordinance.

74. LOT AREA. The area of land within the boundary of a lot excluding any part under water, further defined as the area of land bounded by any back lot line, the right-of-way line of the road on which it fronts or other front lot line, and the side lot lines intersecting the back lot line and extending to the front lot line.
75. LOT COVERAGE. The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.
76. LOT DEPTH. The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.
77. LOT LINE, FRONT. A line dividing a lot from any public easement or right-of-way of any public highway except a limited or controlled access highway to which the lot has no access.
78. LOT LINE, REAR. Generally considered to be the line that is opposite from the front lot line and also farthest in distance from the front lot line.
79. LOT LINE, SIDE. Any lot line which meets the end of a front lot line or any other lot line within 30 degrees of being parallel to such a line except a front lot line.
80. LOT OF RECORD. A parcel which is part of a subdivision and is shown on a map thereof which has been recorded by the Register of Deeds of Dickinson County, or a lot described by metes and bounds, the deed to which has been recorded in said office prior to the effective date of this Ordinance, and which lot actually exists as shown or described.
81. LOT, WATERFRONT. A lot which fronts on a water body. All waterfront lots have two front yards, except corner waterfront lots which have three front yards. The owners of nonconforming waterfront lots may elect to meet rear lot requirements for the portion of the lot which fronts the public or private road providing access.
82. LOT WIDTH. Lot width shall be measured as follows:
- A. For a common rectangular lot \square , lot width is the straight line horizontal distance between the side lot lines measured at the two (2) points where the minimum required front setback line intersects with the side lot lines (measure side to side at the front setback).
 - B. If the side lot lines are not parallel $\backslash /$, then;
 - Step 1. Start with the axis line of the lot, measuring from the midpoint of the front lot line (A), to the midpoint of the rear lot line (B).
 - Step 2. Measure the required front setback distance along the axis line, to point (C).
 - Step 3. Draw a line at a right angle (90°) from the axis line at point (C).
 - Step 4. Lot width is measured along the line in Step 3 where it intersects

the side lot lines at points (D). (See illustration below)



- 83. **MANUFACTURED HOME.** A dwelling unit which is designed for long-term residential occupancy and is wholly or largely fabricated at an off-site location.
- 84. **MANUFACTURED HOME CONDOMINIUM PROJECTS.** A parcel of land under joint ownership which has been planned and improved for the placement of manufactured or mobile homes for non-transient use, upon individual, separate Condominium Unit envelopes.
- 85. **MANUFACTURED HOME LOT or SITE.** A parcel of land for the placement of a single manufactured or mobile home and exclusive use of its occupants within a licensed manufactured or mobile home community (previous term "park"), a condominium project or subdivision project or development.
- 86. **MANUFACTURED HOME STAND.** That part of an individual lot which has been reserved for the placement of the manufactured or mobile home, appurtenant structures or additions.
- 87. **MANUFACTURED HOME SUBDIVISION.** A parcel of land under single ownership which has been planned and improved for the placement of manufactured or mobile homes for non-transient use on individual lots and for the purpose of selling the lots.
- 88. **MANUFACTURED HOUSING.** A structure prefabricated in part or total which meet the HUD Code (42 USC Sec 5401), transportable in one or more sections, which is built on a chassis and designed to be used with or without a permanent foundation as a dwelling unit when connected to required utilities, and the plumbing, heating/air conditioning and electrical systems contained within the structure.

89. **MANUFACTURED HOUSING COMMUNITY.** A parcel or tract of land under the control of a person upon which three (3) or more manufactured homes are located on a continual non-recreational basis and which are offered to the public for that purpose. A recreational vehicle park or campground is not a manufactured home community. The older term "mobile home park" is often used by individuals as an equivalent term.
90. **MANUFACTURED HOUSING COMMUNITY LICENSE.** A written license issued by the Manufactured Housing Commission allowing a person to operate and maintain a manufactured housing community under the provisions of Michigan Public Acts 96 of 1987, as amended, and this Ordinance and regulations issued hereunder.
91. **MASTER PLAN.** An official document that serves as a guide to the long-range development of the Township.
92. **MEMBERSHIP ORGANIZATIONS.** Membership Organizations include community service clubs, lodges, church halls, catering or rental halls, fraternal organizations, and the like.
93. **MINIMUM LOT SIZE.** The smallest or least area of a parcel allowed in said district.
94. **MINI-WAREHOUSE.** A structure containing separate, individual and private storage spaces of varying sizes leased or rented on an individual basis for varying periods of time.
95. **MODULAR (Pre-Manufactured) HOUSING UNIT.** A dwelling unit constructed solely within a factory, as a single unit, or in various sized modules or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a single-family dwelling unit, and meeting all codes and regulations applicable to conventional single-family home construction.
96. **MOTEL.** A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units, designed primarily for transient automobile travelers and providing accessory off-street parking facilities. The term "motel" shall include buildings designated as "auto courts," "motor courts," "motor motels" and similar appellations which are designed as integrated units of individual rooms under common ownership.
97. **MOTOR HOME.** A self-propelled, vehicle licensed to be operated on public roads, which vehicle is built upon a chassis (or equivalent), and is intended for recreation activities and only temporary occupancy.
98. **MULTIPLE-FAMILY HOUSING.** A structure having three or more dwelling/housing units under a single roof and often having a common heating, electrical or water system (but may be metered separately) and may also have common hallways, stairs or elevators.

99. NOISE. Sound vibrations which either annoys, injures, or endangers the comfort, repose, health, or safety of a person(s), unless the making and continuing of the noise is necessary for the protection or preservation of property or the health, safety, life or limb of a person(s).
100. NONCONFORMING LOT. A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the zoning ordinance, but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.
101. NONCONFORMING BUILDINGS/STRUCTURES. A building or structure (or portion thereof) lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto, that does not conform to the provisions of this Ordinance relative to height, bulk, area, placement or yards for the zoning district in which it is located.
102. NONCONFORMING USE. A building, structure, plot, premises or use of land lawfully existing at the time of the effective date of this ordinance which does not conform to the regulations of the district in which it is situated.
103. 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: noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock, waves, heat, electronic or atomic radiation, objectionable effluent, noise due to congregation of people, passenger traffic, invasion of non-abutting street frontage by traffic.
104. NURSING HOME. A building wherein infirm, aged or incapacitated persons are furnished shelter, care, food, lodging and medical attention and which is licensed by the State of Michigan.
105. OPEN OUTDOOR STORAGE. Storage, other than within an enclosed building, of materials unrelated to the principal use of the lot or structure, or of materials offered for sale to the public.
106. OPEN SPACE. Any unoccupied space open to the sky on the same lot with a building; as well as any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space.
107. ON-SITE USE WIND ENERGY SYSTEM. A wind energy conversion system (windmill) which converts wind energy into electricity (or other form of usable energy) through the use of

- a wind turbine generator and includes turbine, blades, and tower as well as related electrical equipment. The energy produced is intended to be primarily used on-site.
108. **ORDINARY HIGH WATER MARK.** The line between upland and bottomland that 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.
109. **OWNER.** The owner of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, leasee, or any other person, sole proprietorship, partnership, association, or corporation directly or indirectly in control of a building, structure, or real property, or his or her duly authorized agent.
110. **PERFORMANCE GUARANTEE.** Cash, completion bond, certified check, irrevocable bank letter of credit or other financial security acceptable to the Township as assurance that required improvements or conditions associated with a project approval are properly built or conformed with.
111. **PERSONAL USE LANDING FIELD.** Any location, either on land or water, which shall be used for landing or take-off of aircraft with safety, solely for the use of the owner of the property, and which is not equipped with commercial facilities for the shelter, supply or repair of aircraft.
112. **PLAT.** A map of a subdivision of land recorded with the County Register of Deeds pursuant to Public Act 288 of 1967, or a prior statute.
113. **PORCH, OPEN.** A roofed open area, which may be screened, usually attached to or part of and with direct access to or from a building. A porch becomes a room (and no longer a porch) when the enclosed space is heated or air conditioned and when the percentage of window area to wall area is less than fifty (50%) percent.
114. **RECREATIONAL VEHICLE.** A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreational, camping and travel use and including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes.
115. **RESORT.** A place of typically seasonal entertainment, recreation and/or lodging. Resort lodging, if provided, may include hotels, motels, single or multiple-family residential,

- dwelling units, cottages, cabins, campgrounds, bed and breakfasts, or some combination, as regulated by appropriate sections of this Ordinance.
116. RESTAURANT. An establishment where food and/or beverages are cooked or prepared and offered for sale and where consumption is permitted on the premises whether or not entertainment is offered, and includes establishments commonly known as bars, grills, cafes, taverns and nightclubs permitting consumption on the premises.
 117. RIGHT-OF-WAY. A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.
 118. RIPARIAN LOT. Lake front property or other property on a navigable tributary of a lake which is used to access a lake exclusively by the owner or occupant of the property.
 119. RIPARIAN OWNER. A person whose property adjoins a lake or who has rights of access to a lake because of a recorded instrument granting such rights.
 120. RIPARIAN RIGHTS. Those rights which are associated with the ownership of the bank or shore of an inland lake or stream.
 121. ROAD, PUBLIC. A road dedicated to the public, such dedication having been accepted by the appropriate public Road Commission or Department of Transportation, which meets the minimum construction standards of said Road Commission or the Michigan Department of Transportation.
 122. ROADSIDE STAND. A structure for seasonal display and sale of farm products. (Now considered a part of the host farm land use.)
 123. SAME OWNERSHIP. Properties owned by the same individual, corporation, partnership, or other entity, or if one property is owned by any corporation that controls, is controlled by, or is under common control with the owner of the other property, or is owned by any corporation resulting from a merger or consolidation with the other property owner, or is owned by any subsidiary or affiliate of the other property owner, or is owned by any joint venture of which the other property owner is a partner.
 124. SEASONAL DWELLING. A dwelling unit designed and utilized for occasional use.
 125. SETBACK. The required distance between every structure and any lot line on the lot on which it is located, except where a front lot line is not defined by any conveyance or recorded plat, in which case it means the required distance between every structure and the nearest land actually used for purposes of a roadway or parallel drainage ditch.

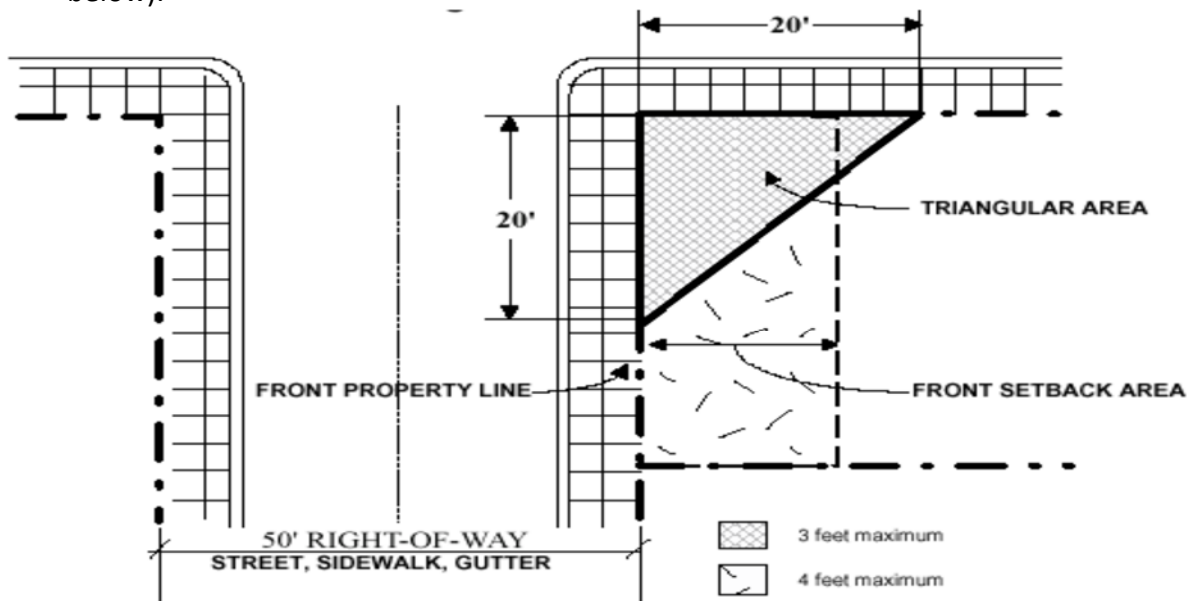
126. SETBACK, REQUIRED. The minimum horizontal distance between a front, rear or side lot line and a building line required to comply with required yard provisions of this Ordinance.
127. SHOPPING CENTER. A group of commercial establishments planned, constructed, and managed as a total entity, with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements, and landscaping and signage.
128. SIGHT DISTANCE. The distance of unobstructed view for the driver of a vehicle, as measured along the normal travel path of a roadway to a specified height above the roadway.
129. SIGN. Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.
130. SITE PLAN. A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance.
131. CONDITIONAL (SPECIAL) USE PERMIT. A permit issued by the Planning Commission to a person or persons intending to undertake the operation of a use upon land or within a structure or building specifically identified in the affected zoning district under conditional uses authorized by permit. These conditional uses possess unique characteristics and are found to be not injurious to the health, safety, convenience, and general welfare of the Township's inhabitants.
132. SPOT ZONING. The assignment of a zoning classification different from the surrounding zoning classifications (to a relatively small land parcel), which is also inconsistent with the Township Master Plan. The term is usually employed when the use classification is intended to benefit a particular property owner and is incompatible with the surrounding area.
133. STATE LICENSED RESIDENTIAL FACILITY. A structure constructed for residential purposes that is licensed by the state pursuant to Act No. 287 of the Public Acts of 1972, as amended, which provides resident services for six (6) or less persons under 24-hour supervision or care for persons in need of that supervision or care.
134. STREET. A public thoroughfare, other than an alley, which affords the principal means of vehicular access to abutting property and which has been officially accepted as a public street or thoroughfare. A street includes the entire road right-of-way and any improvements constructed thereon.

In the case of a "site condominium," as defined and as regulated by this ordinance, the

- principal means of access to abutting "units of ownership" may be provided by a public street.
135. **STRUCTURE.** Any constructed, erected, or placed material or combination of materials in or upon the ground, including, but not by ways of limitation buildings, mobile homes, radio towers, sheds, signs, and storage bins, but excluding sidewalks and paving on streets, driveways, parking areas, patios, fences and hedges.
136. **STRUCTURAL ALTERATIONS.** Means any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders, or any substantial change in the roof, or any additional floor space added to the building.
137. **SUBDIVISION.** The division of a lot, tract, or parcel of land into one or more lots for the purpose of sale or development, and subject to the requirements of the Land Division Act, Public Act 288 of 1967, as amended, this Ordinance and the requirements of any adopted subdivision control or land division ordinance in the Township of Felch.
138. **SUBSTANTIAL IMPROVEMENT.** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored to the condition before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications, or (2) any alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places.
139. **SWIMMING POOL.** The term "swimming pool" shall mean any structure or container located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing. A swimming pool shall be considered as an accessory building for the purposes of determining required yard spaces and maximum lot coverage.
140. **USE, CHANGE OF.** A modification or deviation from the original purpose, occupancy, utilization or classification of a building, structure or parcel or tract of land. The term is inclusive of (a) a discernible increase in the intensity of use, which by Ordinance imposes more restrictive parking requirements or other more restrictive characteristics of use or (b) an alteration by change of use in a building heretofore existing to a new use group, as defined in the Michigan Building Code, which imposes other special provisions of law governing building construction, equipment or means of ingress/egress.
141. **USE, INCREASE IN THE INTENSITY OF.** A discernible increase in the level or volume of

activity generated by a change in use or an increase in floor area or an increase in land area configurations.

- 142. USE, PERMITTED BY RIGHT. A use which is allowed in a certain zoning district with no permits or stipulations other than a zoning compliance permit and such general requirements as setbacks, lot size, etc.
- 143. USE, PERMITTED UNDER CONDITIONS. A use allowed in a particular zoning district provided that certain conditions are met. A zoning permit will not be issued for uses under conditions until the Planning Commission is satisfied that the conditions specified in Article VI are met.
- 144. USE, CONDITIONAL (SPECIAL). A use requiring express approval by the Planning Commission and issuance of a conditional use permit before the use may begin. Conditional land uses must meet certain requirements and performance standards, as specified in this ordinance, before being authorized, and additional conditions may be imposed by the Planning Commission.
- 145. VARIANCE. A modification of the literal provisions of the zoning ordinance granted in specific cases when strict enforcement of the Zoning Ordinance would cause practical difficulty owing to circumstances unique to the individual property on which the variance is granted.
- 146. VISION TRIANGLE. This triangular area is determined by measuring 20 feet from the point of intersection of the two streets, along the right of way (or property) lines of both intersecting streets. Then a line is drawn which connects the two points. (See illustration below).



147. WAREHOUSE. A building or portion of one where goods and merchandise are deposited or stored primarily for use or for sale elsewhere.
148. UTILITY GRID WIND ENERGY SYSTEM (wind farms). A wind energy conversion system (windmill(s)) which converts wind energy into electricity (or other form of usable energy) through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. One or more windmills may be involved and the energy produced is intended to be primarily used off-site. Off-site wiring to connect the wind energy conversion system to the grid is not included in this definition.
149. YARD, FRONT. An open, unoccupied space extending the full width of the lot between the front lot line and the nearest line of the principal building on the lot.
150. YARD, FRONT-REQUIRED. The minimum required yard extending the full width of the lot and situated between front line and the front building line, parallel to the street line. The depth of the required front yard shall be measured at right angles to the road right-of-way, in the case of a straight street line, and radial to the street line, in the case of a curbed road right-of-way.
151. YARD, REAR. An unoccupied space extending the full width of the lot between the rear line of the lot and the rear line of the principal building on the lot, except for permitted accessory buildings/structures.
152. YARD, REAR-REQUIRED. The minimum required yard extending the full width of the lot and situated between a rear property line and the rear principal building line, parallel to the rear property line. The depth of the required rear yard shall be measured at right angles to the rear property line.
153. YARD, SIDE. An open, unoccupied space on the same lot building, between the sideline of the building and the adjacent side of the lot and extending from the rear line of the front yard to the front line of the rear yard (except for permitted uses).
154. YARD, SIDE-REQUIRED. The minimum required yard extending between the front yard and rear building lines and situated between a side property line and the side building line, parallel to the side property line. The width of the required side yard shall be measured at right angles to the side property line (except for permitted exceptions).
155. ZONING COMPLIANCE PERMIT. A document signed by the Zoning Administrator, as required in the zoning ordinance, as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, which acknowledges that such use, structure or building complies with the provisions of the township zoning ordinance or authorized variance therefrom.

This page intentionally left blank.

**ARTICLE III
ZONING DISTRICTS AND MAPS**

Section 301 Establishment of Districts

For the purpose of this Ordinance, Felch Township is hereby divided into the following zoning districts, which shall be known by the following respective symbols and names:

Residential Districts

R/LS: Residential/Lake Shore

Other Districts

RP: Resource Production
 TD: Town Development
 B: Commercial (Reserved)
 I: Industrial (Reserved)

Section 302 Zoning District Maps

The boundaries of the respective districts enumerated in Sec. 301 are defined and established as depicted on the maps entitled “Felch Township Official Zoning Map,” which is an integral part of this Ordinance. These maps, along with all notations and explanatory matter thereon, shall become as much a part of this Ordinance as if fully described herein. The following list by Township and Range are Felch Township Official Zoning Maps.

- (A) T42N-R29W
- (B) T42N-R28W
- (C) T43N-R29W
- (D) T43N-R28W (West ½)
- (E) T44N-R28W (West ½)

The Felch Township Official Zoning Map shall be identified by the signature of the Township Board Supervisor, attested by the Township Clerk. If, in accordance with the provisions of this Ordinance, changes are made in district boundaries, such changes shall be incorporated on the Felch Township Official Zoning Map and approved by the Township Board together with an entry on the Felch Township Official Zoning Map showing the date and official action taken.

One copy of the Felch Township Official Zoning Maps is to be maintained and kept up-to-date by the Township Clerk, accessible to the public and shall be the final authority as to the current zoning status of properties in Felch Township.

Section 303 Replacement of Official Zoning Maps

In the event the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made thereto, the Township Board may adopt a new Official Zoning Map, which shall supersede the prior Official Zoning Map. The Official Zoning Map shall bear the same signatures and certification as required in Sec. 302. Unless the Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

Section 304 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 or buildings and structures throughout each district. Where there are practical difficulties in the way of carrying out the strict letter of this Ordinance, the Zoning Board of Appeals shall have the power in passing upon appeals, in accordance with Article IX herein, to vary or modify regulations and provisions of this Ordinance so that the intent and purposes of this Ordinance shall be observed, public safety secured and substantial justice done.

Section 305 Scope of Provisions

- A. Except as may otherwise be provided in this Ordinance, every building and structure erected, every use of any lot, building or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of or addition to an existing use, building or structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the Zoning District in which such use, building, or structure shall be located.
- B. Uses are permitted by right only if specifically listed as uses permitted by right in the various Zoning Districts. Where not specifically permitted, either by right or conditionally, uses are thereby prohibited unless determined in the first instance by the Zoning Administrator to be similar to an expressly permitted use. If there is still a question as to whether a use is similar or not, the question shall next be put to the Planning Commission for a vote, which body originally proposed the lists of permitted and conditional uses. If there is still a question after that, the Zoning Board of Appeals (ZBA) shall make the final determination if a use is similar to a use specifically permitted by right or by conditions.
- C. Accessory uses are permitted as indicated for the various Zoning Districts and if such uses are clearly incidental to the permitted principal uses.
- D. The uses permitted subject to special conditions are recognized as possessing characteristics of such unique and special nature (relative to location, design, size, etc.) as

necessitating individual standards and conditions in order to safeguard the general health, safety and welfare of the community.

Section 306 Conflicting Regulations

Wherever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than those imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance imposes more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern. No vested right shall arise to the property owner for any parcel or use created in violation of any preceding township or county adopted zoning ordinance.

This page intentionally blank.

Section 307 District R/LS: Residential/Lake Shore

- A. Intent: The R/LS, Residential/Lake Shore District, is established to preserve for residential and recreational uses those areas with frontage on inland lakes and rivers which, because of existing development, natural characteristics and accessibility, are suitable for development.

- B. Permitted Principal Uses:
 - 1. Single-family dwellings.
 - 2. Recreational structures.
 - 3. State licensed residential care facilities for six (6) or fewer persons. (See definition.)
 - 4. Foster family homes (1-4 children) and Foster group homes (5-6 children). (See definitions.)
 - 5. Family day care homes (1-6 children). (See definition.)
 - 6. Essential services.
 - 7. Garage sales, yard sales, or similar types of sales, provided such sale shall take place for a period not to exceed nine (9) days per sale and no residence shall be permitted more than three (3) such sales per year.
 - 8. Home occupations subject to the conditions of Section 404.
 - 9. Uses similar to the above uses as determined in accordance with Section 305 B.

- C. Permitted Accessory Uses: The following are permitted accessory uses:
 - 1. Private garage.
 - 2. Shed for yard tools.
 - 3. Playhouse or tree house.
 - 4. Pens for pets.
 - 5. Swimming pool.
 - 6. Bath house.
 - 7. Sauna.
 - 8. Woodshed.
 - 9. Boathouse.

- D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for and by the issuance of a Conditional Use Permit as provided for in Article XI.
 - 1. Two-family dwellings.
 - 2. Marinas and boat liveries.
 - 3. Bathing beaches.
 - 4. Fishing piers.
 - 5. Resorts, lodges, and associated facilities, subject to the conditions of Section 614.
 - 6. Churches, subject to the conditions of Section 610.

7. Private and public recreational facilities (See Sec. 615), including parks, playgrounds, camps, campgrounds, golf courses (See Sec. 613), and similar recreational facilities.
8. Outdoor heating units on lots with a minimum of two and one-half (2.5) acres of land (a plot plan shall show the distance of neighboring dwellings and uses of land not located on the subject property and direction of prevailing winds), subject to the conditions of Section 612.
9. Uses similar to the above uses as determined in accordance with Section 305 B.

Section 308 District RP: Resource Production

- A. Intent: The RP, Resource Production District, is established to maintain low density rural areas which because of their rural character and location, potential mineral content, accessibility, natural characteristics, and the potentially high cost of providing public services for intensive uses are more suitable for a wide range of forestry, agriculture, natural resource, and recreational uses.

The purpose of establishing this RP District is to allow greater opportunity for low density single-family residential development in certain areas. Some of the requirements necessary for development within the RP District are; (1) having electrical service, and (2) being located on a county road serviced year-round.

B. Permitted Principal Uses:

1. The growing and harvesting of timber.
2. Campgrounds and day camps.
3. Parks, winter sports facilities, and trails.
4. Recreation structures.
5. Single-family dwellings.
6. State licensed residential care facilities for six (6) or fewer persons. (See definition.)
7. Foster family homes (1-4 children) and Foster group homes (5-6 children). (See definitions.)
8. Family day care homes (1-6 children). (See definition.)
9. Agriculture (farms).
10. Essential services.
11. Garage sales, yard sales, or similar types of sales, provided such sale shall take place for a period not to exceed nine (9) days per sale and no residence shall be permitted more than three (3) such sales per year.
12. Home occupations subject to the conditions of Section 404.
13. On-site use wind energy system and small windmills in accordance with Section 421.
14. Uses similar to the above uses as determined in accordance with Section 305 B.

C. Permitted Accessory Uses: The following are permitted accessory uses:

1. Private garage.
2. Shed for yard tools.
3. Playhouse or tree house.
4. Pens for pets.
5. Swimming pool.
6. Bath house.
7. Sauna.
8. Woodshed.

9. Boathouse.
10. Accessory uses and structures normally associated with the operation of a mineral extraction process.

D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for and by the issuance of a Conditional Use Permit as provided for in Article VI.

1. Gun clubs, rifle, trap, and pistol ranges, subject to the conditions of Section 615.
2. Communication towers, subject to the conditions of Section 617.
3. Commercial recreational facilities, go-cart tracks (See Sec. 615), race tracks, motorcycle hill-climbing sites, and similar facilities.
4. Personal use landing fields, subject to the conditions of Section 608.
5. Public or private sanitary landfill.
6. Hotels, motels, resorts and lodges, subject to the conditions of Section 614.
7. Auction sale barns handling agricultural product not primarily produced on site and other items related to agriculture not primarily produced on site.
8. Storage yards, transformer stations, substations, and similar facilities associated with public utilities.
9. Sawmills.
10. Wood yards.
11. Golf courses, subject to the conditions of Section 613.
12. Recreational and residential storage facilities, subject to the conditions of Section 616.
13. Conditional Home Businesses, subject to the conditions of Section 404.
14. A utility grid wind energy system (Wind Farm), subject to the conditions of Section 619.
15. Kennels, subject to the conditions of Section 611.
16. Outdoor heating units, subject to the conditions of Section 612.
17. Facilities for bulk feed, seed, or fertilizer sales, storage or mixing.
18. Bulk food processing facilities and operations.
19. Mineral extraction, subject to the conditions of Section 620.
20. Uses similar to the above uses as determined in accordance with Section 305 B.

Section 309 District TD: Town Development

- A. Intent: The TD, Town Development District, is established to preserve a district for residential, retail, and service establishments, and certain governmental uses that are compatible with a small town setting serving residents and tourists. This district is designed for small unincorporated town areas where a mix of residential and retail uses are in accord with established patterns of use and the needs of nearby residents.

- B. Permitted Principal Uses:
 - 1. Single-family dwellings.
 - 2. Two-family dwellings.
 - 3. Dwellings above or otherwise within another permitted or conditional use.
 - 4. State licensed residential care facilities for six (6) or fewer persons. (See definition.)
 - 5. Foster family homes (1-4 children) and Foster group homes (5-6 children). (See definitions.)
 - 6. Family day care homes (1-6 children). (See definition.)
 - 7. Essential services.
 - 8. Cemeteries.
 - 9. Township hall.
 - 10. Community centers and other places of assembly such as lodges, private clubs, and membership organizations.
 - 11. Fire halls.
 - 12. Elevated water storage tanks.
 - 13. Post offices (but not including rural route distribution centers).
 - 14. Personal service establishments.
 - 15. Offices, including doctors, dentists, other medical professionals, and veterinary office with no outside keeping of animals or kennel runs.
 - 16. General retail sales establishments. Any goods produced on the premises must be sold on the premises.
 - 17. Home occupations, subject to the standards of Section 404.
 - 18. Farmer’s markets, fruit and vegetable markets, including produce stands.
 - 19. Restaurants and bars.
 - 20. Uses similar to the above uses as determined in accordance with Section 305 B.

- C. Permitted Accessory Uses: The following are permitted accessory uses:
 - 1. Accessory structures normally associated with residential dwellings, such as:
 - (a.) Private garage.
 - (b.) Shed for yard tools.
 - (c.) Playhouse or tree house.
 - (d.) Pens for pets.
 - (e.) Boathouse.
 - (f.) Swimming pool.
 - (g.) Bath house.

- (h.) Sauna.
 - (i.) Woodshed.
 - 2. Any structural or mechanical building or use customarily incidental to the permitted principal use.
- D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for and by the issuance of a Conditional Use Permit as provided for in Article VI.
- 1. Conditional Home Businesses, subject to conditions of Section 404.
 - 2. Churches, subject to conditions of Section 610.
 - 3. Schools.
 - 4. Private and public parks and similar recreational facilities.
 - 5. Multiple-family dwellings.
 - 6. Nursing homes, subject to conditions of Section 609.
 - 7. Group (child) day care home (7-12 children)(See definition), subject to conditions of Section 606.
 - 8. Child care center, subject to conditions of Section 607.
 - 9. Road Commission, public works buildings and maintenance/storage facilities.
 - 10. Storage yards, transformer stations, substations, and similar facilities associated with public utilities.
 - 11. Wastewater treatment facilities.
 - 12. Contractor's yards.
 - 13. Motor vehicle sales and service.
 - 14. Manufactured housing, motor home, and recreational vehicle (e.g. campers, boats, ATVs, snowmobiles, etc.) sales and service.
 - 15. Construction and farm equipment sales and service.
 - 16. Hotels, motels, resorts and lodges subject to conditions of Section 614.
 - 17. Gas stations.
 - 18. Automotive repair garage.
 - 19. Laundromats.
 - 20. Mini-warehouses, subject to the conditions of Section 616.
 - 21. Communication towers, subject to the conditions of Section 617.
 - 22. Sexually oriented businesses (SOB), subject to the conditions of Section 618.
 - 23. Uses similar to the above uses as determined in accordance with Section 305 B.

Section 310 District B: Commercial (RESERVED)

- A. Intent: The B, Commercial District is established to preserve a district for commercial uses, along with compatible light industrial uses.

Where it is determined by the Planning Commission that the effects of a listed use may tend to extend beyond the site, then conditional land use approval shall be required.

B. Principal Permitted Uses:

1. Motor vehicle sales, service, and leasing and rental.
2. Sales of boats, campers, and recreational vehicles.
3. Construction, mining, forestry and farm machinery and equipment sales, service and leasing.
4. Sales of manufactured housing units.
5. Monument sales.
6. Wholesale and storage uses.
7. Motels, hotels, resorts and lodges.
8. Restaurants, full service, restaurants, limited service (e.g. fast-food).
9. Convenience and party stores.
10. Food packaging and bottling works.
11. Commercial printing and newspaper offices.
12. Laundry, cleaning and drying plants.
13. Lumber yards.
14. Gas stations.
15. Truck stop.
16. Commercially used recreational space for adult or children's facilities, including fitness and recreational sports centers (e.g. gymnasiums, handball, racquetball, and tennis courts, ice and roller skating rinks, swimming and wave pools), bowling centers, archery and indoor shooting ranges, billiard or pool parlors, amusement parks, carnivals, rebound tumbling facilities, miniature golf courses, go-cart facilities, and similar facilities.
17. Large scale recreation uses, including driving ranges, commercial stables with or without an arena, gun clubs, outdoor shooting ranges, camper and/or tent parks, hay rides, picnic grounds, swimming facilities, kiddie-type rides, tracks and other constructed courses for off-road vehicles whether for personal use or public use, (but not including circuses, motorcycle and auto racetracks, and horse or dog tracks).
18. Farmer's market, fruit & vegetable markets.
19. Florists and flower shops.
20. Greenhouse, nursery and garden centers.
21. Single-family dwelling above or contained within one of the permitted uses.
22. Manufactured Housing Communities on a minimum of 15 acres, subject to the requirements as established and regulated by Act 419 of the Public Acts of 1976, as amended.

- 23. Mini-storage facilities.

- C. Permitted Accessory Uses: The following are permitted accessory uses:
 - 1. Off-street parking and loading as required and subject to the regulations established in Sections 405 and 406.
 - 2. Any structural or mechanical use customarily incidental to the permitted principal use.

- D. Conditional Uses Permitted by Conditional Use Permit: The following uses of land and structures may be permitted in this District by application for and the issuance of a Conditional Use Permit, as provided for in Article VI. The following will also need to meet Site Plan Requirements in Article V.
 - 1. Other industrial or commercial uses, which do not emit fumes, vibration, smoke or noise, except as the result of ingress and egress of vehicles from the property.
 - 2. Provision of essential services.
 - 3. Caretaker residence.
 - 4. Wireless communication facility and structures, subject to the conditions of Section 617.
 - 5. Contractor’s yard.
 - 6. Dwelling, multiple family.
 - 7. Outdoor wood burning boilers and appliances, subject to conditions of Section 612.
 - 8. Veterinarian offices and animal clinics, subject to the conditions of Section 611.
 - 9. Drive-in, drive-through, fast food and carry-out restaurants.
 - 10. Motor vehicle repair and service facilities.
 - 11. Motor vehicle washing, conveyor or non-conveyor types.

Section 311 District I: Industrial (RESERVED)

- A. Intent: The I, Industrial District, is designed and intended for manufacturing, assembling, fabricating, and processing businesses, storage, mineral extraction, and other commercial activities, which may require larger sites and isolation from many kinds of other land uses and to make provisions for commercial uses necessary to serve the immediate needs of an industrial area.
- B. Permitted Principal Uses:
1. Manufacturing.
 2. Processing, assembling and fabrication operations.
 3. Contractor yards and shops.
 4. Warehousing.
 5. Automobile and other vehicle repair garage.
 6. Lumber yards.
 7. Sawmills.
 8. Concrete and asphalt plants.
 9. Junkyards and salvage yards.
 10. Recycling centers and transfer stations.
 11. Research laboratories.
 12. Caretaker dwellings above or otherwise within another permitted or conditional use.
 13. Essential services.
 14. Elevated water storage tanks.
 15. U.S. Postal rural route distribution centers, or other parcel or package distribution centers (UPS, FedEx, etc.).
 16. On-site use wind energy system and small windmills in accordance with Section 421.
 17. Mini-warehouses, subject to the requirements of Section 616.
 18. Uses similar to the above uses as determined in accordance with Section 305 B.
- C. Permitted Accessory Uses: The following are permitted accessory uses:
1. Any structural or mechanical building or use customarily incidental to the permitted principal use.
- D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for and by the issuance of a Conditional Use Permit as provided for in Article VI.
1. Other industrial or heavy commercial uses not specifically provided for in this Section 311 B. and D. as determined in accordance with Section 305 B.
 2. Storage yards, transformer stations, substations, and similar facilities associated with public utilities.
 3. Communication towers, subject to the conditions of Section 617.
 4. Wastewater treatment facilities.

5. Landfills.
6. Sexually Oriented Business, subject to the conditions of Section 618.
7. Outdoor heating units and appliances, subject to the conditions of Section 612.
8. Mineral extraction, subject to the conditions of Section 620.
9. Personal use landing fields, subject to the conditions of Section 608.
10. Utility Grid Wind Energy System (wind farm), subject to the conditions of Section 619.
11. Uses similar to the above uses as determined in accordance with Section 305 B.

ARTICLE IV: GENERAL REGULATIONS

Section 401: HEIGHT, PLACEMENT, AND LOT SIZE REGULATIONS (Schedule of Regulations)

Except as otherwise specifically provided in this Ordinance, no structure shall be erected or maintained between any lot line and the pertinent required yard listed below, and no structure shall be erected or maintained which exceeds the height limit specified below. Where there is no rear lot line as otherwise defined herein, the required rear setback distance shall be measured from a line through the point on the lot most distant from any front line of the same lot, which line shall be perpendicular to a line from said point to the closest point on any front lot line. If there is more than one such line, the rear setback shall be maintained from any one of them at the option of the owner. Where a lot fronts on two streets within 30 degrees of being parallel but not of their intersection, no rear setback is required. The side yard requirements apply to a side lot line and also to any lot line which is neither a front, rear, nor side lot line. All distances are measured in feet.

MINIMUM/MAXIMUM DIMENSIONAL REQUIREMENTS

	R/LS	RP	TD	B	I
Minimum Lot Area <u>Without</u> Sanitary Sewer	43,560 Sq. Ft.	43,560 Sq. Ft.	43,560 Sq. Ft.	43,560 Sq. Ft.	43,560 Sq. Ft.
Minimum Lot Width	100	150	100	100	150
Minimum Front Yard	30	40	30	30	40
Minimum Side Yard	10	25	10	10	20
Minimum Rear Yard	30	30	30	30	30
Maximum Building Height ^(A)	30	30	30	30	A
Maximum Lot Coverage	35%	30%	35%	35%	30%

^(A) Height at any point on a structure shall not exceed the horizontal distance to any lot line.

On any lot which borders on a lake, river, stream or other body of water, a required yard of 100 feet as measured from the normal high water mark on water fronting property is required. The 100 foot setback is also to be used for the placement of on-site waste disposal systems. When lot sizes recorded prior to the passage of this Ordinance or site conditions makes compliance with this section an impossibility, site plans will be considered for approval that have the prior approval of the county sanitarian in respect to the on-site waste disposal system location. In no event will any part of the system be within 50 feet of the high water mark.

Section 402: ZONING DISTRICT BOUNDARY SETBACK REGULATIONS

In Districts B and I, no structure shall be erected or maintained within 30 feet of the boundary line of any R/LS District(s). Where a district boundary line divides a lot into two districts, it shall be treated as a lot line for purposes of the setback provisions of this Ordinance.

Section 403: MINIMUM DWELLING FLOOR AREA

Every dwelling unit, other than seasonal dwellings in the RP District, shall have a floor area of not less than 600 square feet, provided, however, that not more than 120 square feet thereof may consist of storage space. No crawl space or area under a manufactured home shall be used for any storage purpose whatever, and every such crawl space or area under a manufactured home which is less than five (5') feet in height shall be fully enclosed by weather-proof material and any ventilators shall be screened.

Section 404: HOME OCCUPATIONS

Home Occupations shall meet the following standards:

- A. No persons other than members of the immediate household permanently occupying the dwelling shall be employed in the home occupation.
- B. No more than fifty percent (50%) of the area of one story of the principal building shall be devoted to the home occupation(s), not to exceed six hundred square feet.
- C. The outdoor storage of materials and outdoor activities shall not be permitted.
- D. Dwelling units, other than single-family residences housing home occupations, which generate traffic and result in customers shall have an exterior entrance, which is exclusive to that dwelling and accessible to the public.
- E. No home occupation shall create noise, dust, vibration, smell, smoke, glare, electrical interference, excessive vehicular traffic, or any hazard or nuisance to any greater or more frequent extent than that usually experienced in any average residential district under normal circumstances where no home occupation exists.
- F. No home occupation (use) shall be permitted which would change the fire rating of the dwelling.
- G. The home occupation shall be conducted entirely within the principal building that is used as the residential dwelling.
- H. An accessory building may be used for storage of items incidental to the home occupation and shall not exceed six hundred (600) square feet.
- I. No home occupation shall be permitted which utilizes explosives or hazardous substances or results in the production of explosives or hazardous materials.

- J. Registration: All persons intending to conduct a home occupation shall register the home occupation with the Zoning Administrator.

Section 405: OFF-STREET PARKING REQUIREMENTS

Off-street parking for motor vehicles, and the minimum number of parking spaces to be provided, shall be as shown on the following list:

Single and Two-Family Dwellings	2 per dwelling unit
Nursing Homes	0.4 times maximum lawful number of occupants
Hotels, Motels, Bed and Breakfast	1.2 per room in addition to spaces required for restaurant facilities
Apartments and Town Houses	2 per dwelling unit or floor area in sq. ft. divided by 440, whichever is greater
Churches, Theaters, Auditoriums	0.35 times the seating capacity
Golf Courses	7 per hole
Barber Shops and Beauty Parlors	2 plus 1.5 per chair
Bowling Alleys	5 per lane in addition to spaces required for restaurant facilities
Fast Food Take-Out Establishments and Drive-In Restaurants	0.10 times floor area in square feet
Restaurants and Taverns (except drive-ins)	1.2 per 100 sq. ft. of floor space
Furniture, Appliance, Household Equipment, Carpet and Hardware Stores, Repair Shops including Shoe Repair, Contractor's Showrooms and Others, Museums and Galleries	1.2 per 100 sq. ft. of floor space
Funeral Parlors	1 per 50 sq. ft. of floor space
Gas Stations	1 per pump plus 2 per line (in addition to stopping places adjacent to pumps)
Laundromats	0.5 per machine

Doctor's and Dentist's Offices	1 per 100 sq. ft. of waiting room area and 1 per doctor or dentist
Banks and Other Financial Institutions	1 per 150 sq. ft. of floor space
Warehouses	1 per 500 sq. ft. of floor area
For uses not specifically listed above, the requirements listed below are applicable:	
Retail Stores and Service Establishments	1 per 150 sq. ft. of floor space and outdoor sales space
Offices	1 per 300 sq. ft. of floor space
Other Commercial and Industrial Uses	0.75 times maximum number of employees on premises at any one time

Where calculation in accordance with the foregoing list results in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.

Required off-street parking shall be provided on the lot to which it pertains.

The use of any required parking space for the storage of any motor vehicle for sale, or for any other purposes other than the parking of motor vehicles is prohibited.

<u>Parking Angle</u>	<u>Stall Width</u>	<u>Aisle Width</u>	<u>Parking Stall Length</u>	<u>Curb to Curb</u>
0° to 15°	9 ft.	12 ft.	23 ft.	30 ft.
16° to 37°	10 ft.	11 ft.	19 ft.	47 ft.
38° to 57°	10 ft.	13 ft.	19 ft.	54 ft.
58° to 74°	10 ft.	18 ft.	19 ft.	61 ft.
75° to 90°	10 ft.	24 ft.	19 ft.	63 ft.

Section 406: REQUIRED OFF-STREET LOADING SPACES

Loading spaces required under this Section shall be at least 50 feet long, 12 feet wide and with 14 feet of vertical clearance. Every lot used for commercial or industrial purposes and having a building or buildings with a total floor area of at least 10,000 square feet and every lot used for office or research purposes on which there is a building or buildings having a total floor area of at least 20,000 square feet shall be provided with an off-street loading space. An additional off-street loading space shall be required for lots used for commercial or industrial purposes where the floor area of all buildings exceeds 100,000 square feet.

Section 407: BUFFER REQUIREMENTS

Where buffers are required as per Section 604 I., such buffers shall consist of a planting screen of sufficient length and height to interfere with the view of the use or structure in question from the adjoining property. Where, because of intense shade or soil conditions, the planting screen cannot be expected to thrive, a six-foot high fence, whether it be an opaque wooden fence, a chain link fence with interwoven slats, or a masonry wall, may be substituted. Where the view is blocked by a change in grade or other natural or manmade features, a buffer may be waived by the Zoning Administrator.

All planting screens required by this Ordinance shall consist of plants, at least 30 inches high when planted, maintained in a healthy condition and so pruned as to provide maximum opacity from the ground to a height of five feet. One of the plant materials in the following list shall be used and plants shall be located no farther apart than the distance indicated in each case.

<u>Plant</u>	<u>Distance Apart</u>
Lilac	3 feet
Privet	1 1/2 feet
Arbor Vitae	4 feet
Pfitzer	4 feet
Scotch Pine	5 feet
Jack Pine	5 feet
Spruce	5 feet

Substitution of other plant materials shall be permitted only upon certification to the Zoning Administrator that the proposed plantings can be expected to thrive and provide equivalent screening and will create no nuisance or hazard.

All plantings required by this Ordinance shall be installed prior to occupancy or commencement of use. Where compliance is not possible because of the season of the year, the Zoning Administrator shall grant an appropriate delay. Any Zoning Compliance Permit may be revoked, after 30 days written notice to the person assessed for taxes on the affected lot and to the occupant; whenever plantings are not maintained as required in this Ordinance.

Section 408: ONE PRINCIPAL STRUCTURE OR USE PER LOT

No more than one principal structure or use may be permitted on a lot, unless specifically provided for elsewhere in this Ordinance. In the TD, Town Development District there can be both a residential dwelling and a separate building used for commercial purposes on the same lot.

Section 409: VARIANCE OF REQUIREMENTS FOR LOTS OF RECORD

Minimum lot size and lot width regulations do not apply to any nonconforming parcel of land shown as a lot in a map recorded with the County Register of Deeds, or described in a deed or land contract or lease agreement which has been perpetual, executed together with an affidavit or acknowledgement of a notary public, prior to the effective date of this Ordinance, and which

lot actually exists as shown or described. When a nonconforming lot is held in common ownership with abutting parcel(s) of land, the two or more parcels shall be considered combined as necessary to reduce or eliminate the non-conformity.

Section 410: ALLOCATION AND REDUCTION OF LOT AREA

No portion of a lot shall be used more than once in complying with the provisions for lot area and yard dimensions for construction or alteration of buildings.

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

Section 411: USE OF YARD OR OPEN SPACE

In a R/LS or TD district it is prohibited to use the open space surrounding a dwelling for the open air parking, disposition, storage, wrecking, dismantling, accumulation or abandonment, either temporary or otherwise, of **disused, discarded, worn out, wrecked, or dismantled vehicles, machinery, implements, apparatus, furniture, appliances, junk**, or any other personal property. A maximum of two unlicensed and temporarily disabled vehicles may be stored on the premises provided they are screened from adjacent residences and the road.

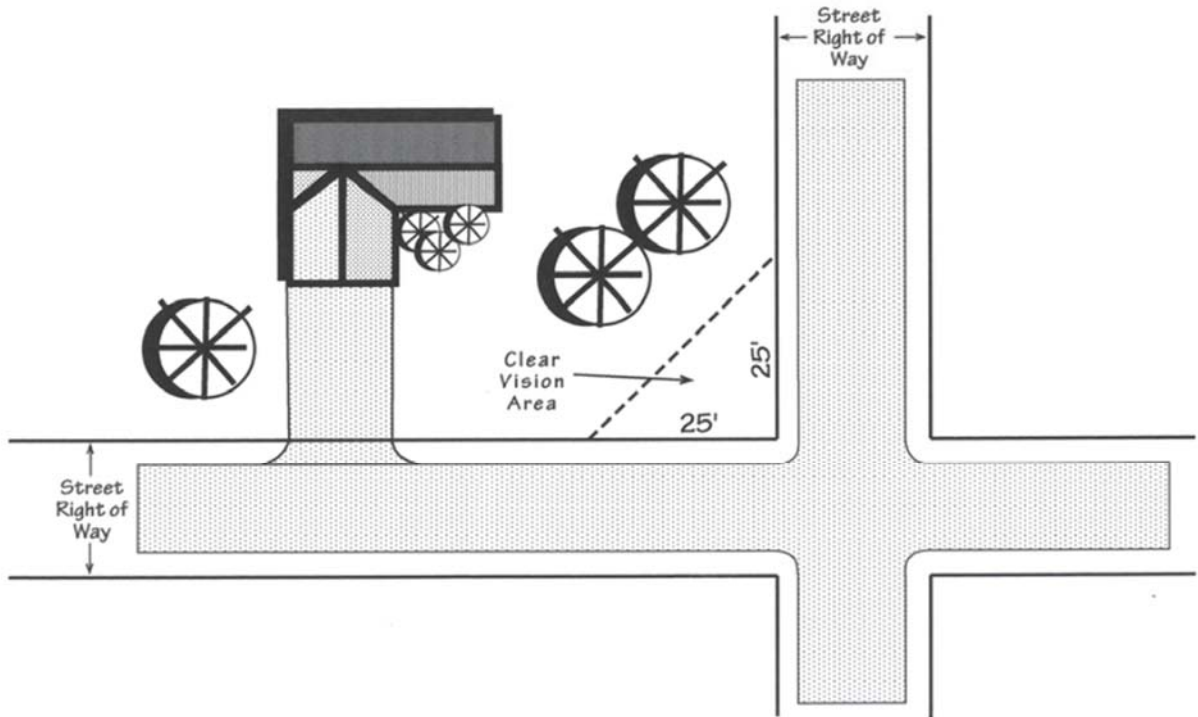
Section 412: EXTERIOR LIGHTING

All lighting for parking areas or for the external illumination of buildings or grounds shall be directed away from and shall be shielded from adjacent residential uses and shall also be so arranged as to not adversely affect driver visibility on adjacent thoroughfares. Lighting standards for signs shall not exceed the maximum height limitations established for each use district as set forth in Section 401.

Section 413: CORNER CLEARANCE

No fence, wall, shrubbery, sign or other obstruction to vision above a height of two feet from the established street grades shall be permitted, (1) within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between such right-of-way lines at a distance along each line of 25 feet from their point of intersection (see illustration below), or (2) within the triangular area formed by the intersection of any street right-of-way line and any public or private driveway at a distance along each line of 15 feet from their point or intersection.

Visibility at Intersections and Corner Clearance



Section 414: SEWAGE DISPOSAL SYSTEM PLACEMENT

- A. No element or part of any on-site sewage disposal system, including but not limited to septic field and tank, shall be placed within 20 feet of the edge of a planned road right-of-way as shown on the township thoroughfare plan, or within 20 feet of any side or rear lot line.
- B. Permits for installation of on-site sewage disposal systems shall be obtained from the county or state health department, as applicable.
- C. In cases where a township placement requirement differs from that of the state or county, the greater setback or more stringent requirement shall apply.
- D. Lawful existing nonconforming lots of record which, due to inadequate width, depth, and/or area, cannot meet one or more of the setback standards in this section may instead comply with minimum county health department standards for side and rear setbacks. In all cases, however, the 20-foot front yard setback from the edge of the planned right-of-way shall be maintained.

Section 415: BUILDINGS TO BE MOVED

Any building or structure which has been wholly or partially erected on any premise located within the township shall not be moved to and placed upon any other premise in this township until a Zoning Compliance Permit for such removal and relocation shall have been secured from the Zoning Administrator and until other approvals are obtained from such other inspectors and/or authorities as may be required under existing law. Any such proposed relocated building or structure shall fully conform to all the provisions of this Ordinance in the same manner as a newly constructed building or structure.

Section 416: CONFLICTING REGULATIONS

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

Section 417: COMPLIANCE REQUIRED FOR ALL BUILDINGS, STRUCTURES AND USES

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

Section 418: FEES IN ESCROW

Any application for rezoning, site plan approval, a Conditional Land Use Permit, variance, or other use or activity requiring a permit under this Ordinance above the following threshold, may also require the deposit of fees to be held in escrow in the name of the applicant. An escrow fee may be required by either the Zoning Administrator or the Planning Commission for any project which has more than twenty (20) dwelling units, or more than twenty-thousand (20,000) square feet of enclosed space, or which requires more than twenty (20) parking spaces. An escrow fee may be required to obtain a professional review of any other project which may, in the discretion of the Zoning Administrator or Planning Commission create an identifiable and potentially negative impact on public roads, other infrastructure or services, or on adjacent properties and because of which, professional input is desired before a decision to approve, deny or approve with conditions is made.

- A. The escrow shall be used to pay professional review expenses of engineers, attorneys, community planners, and any other professionals whose expertise The Township of Felch values to review the proposed application and/or site plan of an applicant. Professional review shall result in a report to the Planning Commission indicating the extent of conformance or nonconformance with this Ordinance and identify any problems which may create a threat to public health, safety or the general welfare. Mitigation measures or alterations to a proposed design may be identified where they would serve to lessen or eliminate identified impacts. The applicant will receive a copy of any professional review hired by The Township of Felch and a copy of the statement of expenses for the professional services rendered, if requested.

- B. No application for which an escrow fee is required will be processed until the escrow fee is deposited with the Treasurer. The amount of the escrow fee shall be established based on an estimate of the cost of the services to be rendered by the professionals contacted by the Zoning Administrator. The applicant is entitled to a refund of any unused escrow fees at the time a permit is either issued or denied in response to the applicant's request.
- C. If actual professional review costs exceed the amount of an escrow, the applicant shall pay the balance due prior to receipt of any land use or other permit issued by The Township of Felch in response to the applicant's request. Any unused fee collected in escrow shall be promptly returned to the applicant once a final determination on an application has been made or the applicant withdraws the request and expenses have not yet been incurred.
- D. Disputes on the costs of professional reviews may be resolved by an arbitrator mutually satisfactory to both parties.

Section 419: CONDOMINIUM DEVELOPMENT and SUBDIVISION PLATS

A. *PURPOSE*

The purpose of this Section is to control and regulate Condominium Development and Platted Subdivisions within Felch Township, and;

1. To provide for the orderly growth and harmonious development within the community.
2. To provide for the Health, Safety, and Welfare of residents and property owners within the Township.
3. To ensure that public and emergency services can safely enter and exit private property at all times.

B. *INTENT*

The primary intent of this Section is to guide and outline the necessary procedures for regulating the development of land within Felch Township in accordance with the provisions and requirements of the Condominium Act, Public Act 59 of 1978 (MCL 559.172), as amended, and the subdivision of land into plats in accordance with the requirements set forth in the Land Division Act, Public Act 288, 1967, as amended. All land divisions created exclusive of the aforementioned Condominium Land Division Act shall be developed in accordance with the requirements set forth in the Felch Township Land Division Ordinance, and all Private Roads shall be approved and constructed in accordance with the requirements as set forth in Section 420, Private Road Requirements, of this Ordinance. All Private Roads shall be maintained exclusively by the benefitting private property owners.

C. DESIGNATED AUTHORITY

The Felch Township Board, Planning Commission and Zoning Administrator are hereby designed as approving and/or recommending authorities as specified in the Articles and Sections of the Felch Township Ordinance.

D. CONDOMINIUM DEVELOPMENT AND SUBDIVISION PLAT APPROVAL

The Condominium Development and Subdivision Plat Approval Procedural Process Approval is outlined on Table I of this Section.

NOTE: It is the intent of this Section that all Proposed Subdivision Plats follow the detailed procedures and approval requirements as outlined in the provisions of the Land Division Act, Public Act 288, 1967, as amended, utilizing the outline in Table I as a supplemental procedural guide during the approval process. In addition to the Procedural Approval Guide Requirements, outlined in Table I, Condominium Developments shall fulfill all of the requirements as set forth in the Condominium Act, PA 59, 1978, as amended, along with all subsequent requirements set forth in this Section.

**PROCEDURAL APPROVAL PROCESS
CONDOMINIUM DEVELOPMENT / SUBDIVISION PLAT**

TABLE I

SUBMISSION	MUNICIPAL REVIEW BODY/ACTION	
PRE-APPLICATION REVIEW	PLANNING COMMISSION	TOWNSHIP BOARD
Condominium Development	Not Applicable	Not Applicable
Subdivision Plat (Optional)	Municipal representative attends a meeting for informal review of proprietor's concept plan	
PRE-PRELIMINARY		
Condominium Development (Required)	Review / COMMENT	Not Applicable
Subdivision Plat (Optional)	Review / COMMENT	Not Applicable
PRELIMINARY		
Condominium Development (Required)	Review / RECOMMEND	Review / FINAL APPROVAL
Subdivision Plat (Required)	¹ Review / RECOMMEND ² PUBLIC HEARING	Review / CONDITIONED TENTATIVE APPROVAL
FINAL PRELIMINARY		
Condominium Development	Review / RECOMMEND	Not Applicable
Subdivision Plat (Required)	Not Applicable	Review / FINAL PRELIMINARY APPROVAL
DEVELOPMENT COMPLETION		
Condominium Development	Not Applicable	² ISSUES ZONING COMPLIANCE PERMITS
Subdivision Plat	Not Applicable	EXECUTES MUNICIPAL CERTIFICATE

¹ The Planning Commission shall conduct a public hearing with a public notice published in a local newspaper at least fifteen (15) days before the hearing and a mailing sent to the proprietor, applicant, and owners of land immediately adjoining the proposed plat (M.C.L. 125.3871, Section 71(5)).

² Zoning Administrator or Township designee.

E. *DEFINITIONS*

“As-built Plans” are the as-constructed record plans showing all approved field changes, which vary from the original approved plan documents.

“Building Site” within a condominium development, shall mean that portion of a lot or parcel, which is a two-dimensional condominium unit of land (i.e., envelope, foot print), along with any designated space above and/or below the land, designed for the construction of a principal building in addition to any accessory buildings. All building sites shall have access to a public or private street or road.

“Common Elements.” (See Definitions, Section 202)

“Comprehensive Plan.” (See Definition of Master Plan, Section 202)

“Condominium.” (See Definitions, Section 202)

“Condominium Act.” (See Definitions, Section 202)

“Condominium Development” means a project consisting of not less than two condominium units established in conformance with, and pursuant to, the Condominium Act.

“Condominium Plan” means the plan as required by this Section, including but not limited to, building site, the boundary survey, utility plans, floor plans, and sections, as appropriate, and the location of the existing and proposed structures and improvements. The condominium subdivision plan shall show the size, location, area, vertical boundaries, and volume for each unit composed of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location, and approximate size of common elements.

“Consolidating Master Deed” means the final amended Master Deed for a Contractible Condominium Project, an Expandable Condominium Project, or a condominium project containing Convertible Land or Convertible Space in which the final amended Master Deed fully describes the condominium project as completed.

“Lot.” (See Definitions, Section 202)

“Outlot” means a lot included within the boundary of a recorded plat that is set aside for purposes other than a development site, park, or other land which is dedicated for public use or reserved for private use.

“Pre-Application Review Meeting” means a meeting held at the option of a proprietor. The purpose of the meeting is to conduct an informal review of the proprietor’s concept plan for the Preliminary Plat with the Planning Commission.

“Reserve Strip” means a strip of land, typically at the boundary of a subdivision, retained by a proprietor in order to control future access.

F. *SUBMISSION OF CONDOMINIUM DEVELOPMENT PLAN OR PRE-PRELIMINARY SUBDIVISION PLAT - GENERAL REQUIREMENTS*

All Subdivision Plats shall comply with the requirements of the Michigan Land Division Act, PA 288, 1967 as amended, along with the requirements of this Ordinance and all Condominium Developments shall comply with the provisions of the Michigan Condominium Act, Public Act 59, 1978, as amended, as well as with the provisions of this Ordinance. All information shall be submitted to the Township Zoning Administrator or Designee in accordance with the following requirements.

1. At the option of the Applicant and/or Proprietor, ten (10) copies of a Pre-Preliminary Subdivision Plat or Pre-Preliminary Condominium Development Plan may be submitted to the Zoning Administrator, or designee, at least ten (10) business days before the next regular meeting of the Planning Commission for their initial review and comment along with a completed Application Form approved by the Township and the required fee.
2. The Applicant shall pay a reasonable fee, as determined from time to time by resolution of the Township Board.
3. No construction, grading, work, or other development shall be commenced upon the land intended to be used for a condominium development until a Final Site Plan has been approved, without express permission of the Township Board. This requirement shall include Contractible, Conversion, and Expandable Condominium Projects.
4. If a building, structure, or use to be placed on a condominium unit requires Site Plan Review approval under Article VI of the Felch Township Zoning Ordinance, then a Site Plan for the building, structure, or use shall be approved in accordance with the Site Plan Review, before a Zoning Compliance Permit can be issued.
5. The Township Board shall have the authority to review and approve or deny Preliminary and/or Final Site Plans for all condominium projects based on compliance with the provisions and requirements of this Ordinance.
6. Each condominium unit shall be located within a zoning district that permits the proposed use.
7. For the purpose of this Ordinance, each site condominium unit shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which it is located. In the case of a Site Condominium containing only single-family detached condominium units, no more than one condominium unit shall be located on a single site, and no dwelling unit shall be located on an individual site with any other principal structure or use. Required setbacks shall be measured from the boundaries of the individual site condominium. Ground Floor Coverage and Floor Area Ratio shall be calculated using the area of the site condominium unit.
8. Each condominium unit shall be connected to a public water supply and to sanitary sewer facilities, if available.
9. Relocation of boundaries between adjoining condominium units, if permitted in the condominium documents, as provided in Section 48, of the Condominium Act,

shall comply with all regulations of the zoning district in which they are located, and they shall be approved by the Zoning Administrator. These requirements shall also be made a part of the Bylaws and recorded as part of the Master Deed.

10. Each condominium unit that results from the subdivision of another condominium unit, if permitted by the condominium document as provided in Section 49, of the Condominium Act, shall comply with all regulations of the zoning district in which it is located and shall be approved by the Zoning Administrator. These requirements shall also be made a part of the Condominium Bylaws and recorded as part of the Master Deed.
11. All information required by this Ordinance shall be provided to the Zoning Administrator until all required Zoning Compliance Permits have been issued in accordance with the requirements set forth in Article IX, Administration and Enforcement, Section 905, Zoning Compliance Permits.

G. *APPLICATION AND APPROVAL PROCESS*

1. PRE-APPLICATION APPROVAL PROCESS

Before submitting any formal documents for approval of a Condominium Development Plan or Proposed Subdivision Plat, the Applicant may meet and confer with the Felch Township Zoning Administrator and Township official(s) regarding the preparation of the Application. It shall be the responsibility of the Zoning Administrator to contact the invite the Township official(s) to the initial meeting. If the Proposed Development is a Subdivision Plat, a pre-application review meeting with the Planning Commission may be held at the option of the proprietor. The purpose of the meeting is to conduct an informal review of the proprietor's concept plan for the Preliminary Plat. If the Proposed Development is a Condominium Project, the general outline of the Proposed Condominium Project, evidenced by Sketch Plans, may be reviewed at this initial meeting before submission of a Condominium Plan Project Application. The Zoning Administrator shall furnish the Applicant with written comments regarding the meeting, including appropriate recommendations, to inform and assist the Applicant prior to preparing a condominium plan. The Applicant may then proceed with pursuing approval of the proposed plan(s) with the Township Planning Commission.

2. PRELIMINARY SITE PLAN REQUIREMENTS

NOTE: An incomplete plan will not be reviewed and shall be returned to the Applicant with deficiencies noted. Preliminary Plans shall be prepared by a Professional Engineer, Professional Land Surveyor, or other professionally qualified person and licensed by the State of Michigan.

- a. A Preliminary Site Plan shall be filed for approval concurrently with a Notice of Proposed Action filed with the Felch Township Zoning Administrator.

- b. The Preliminary Site Plan shall include all of the land that the developer intends to include in the proposed Condominium Development Project.
- c. The Preliminary Site Plan shall be prepared in accordance with the requirements set forth in Article VI, Site Plan Review. In the case of a development that consists only of Site Condominium Units and not buildings or other structures at the time of Site Plan Application, the location and dimensions of all Site Condominium Units and all required side yards and setbacks, shall be shown on the Preliminary Site Plan.
- d. A Final Site Plan for any phase of the Condominium Development Plan shall not be filed, nor reviewed by the Planning Commission until a Preliminary Site Plan has been reviewed and approved by the Planning Commission.

3. FINAL SITE PLAN REQUIREMENTS

- a. A Final Site Plan shall be filed for review and approval for each phase of development shown on the approved Preliminary Site Plan.
- b. A Final Site Plan shall include all information required in Section 66, of the Condominium Act, and the Master Deed and Bylaws. The Final Site Plan shall be prepared in accordance with the requirements set forth in Article VI, Site Plan Review. In the case of a development that consists only of condominium units and not buildings or other structures at the time of the site plan application, the location and dimensions of all Site Condominium Units and required side yards and setbacks, shall be shown on the Final Site Plan.
- c. The Applicant shall provide proof of approvals by all County and State agencies having jurisdiction over the improvements relating to the Condominium Development Project, including but not limited to the Dickinson County Drain Commissioner, Road Commission, and the Dickinson/Iron Health District. The Planning Commission shall not approve a Final Site Plan until the Dickinson County and State Agencies, having jurisdiction with the Condominium Development Project area, have approved the Final Site Plan.

4. REVISION OF CONDOMINIUM DEVELOPMENT

If the Condominium Development Plan is revised, the Final Site Plan shall be revised accordingly and be submitted for review and approval by the Township Board before a Building Permit can be issued.

5. STREETS/ROADS

All streets/roads proposed for any Condominium Development Project shall be developed in accordance with the requirements set forth in Article IV, GENERAL REGULATIONS, Section 420, Private Roads, B. Private Road Requirements.

6. **AMENDMENTS TO MASTER DEED OR BYLAWS**
Amendments to a Master Deed or the Bylaws that affect the approved Preliminary or Final Site Plan, shall be reviewed and approved by the Planning Commission before any Building Permit can be issued. The Planning Commission shall review any amended Site Plan if changes to the Master Deed or Bylaws require corresponding changes in the approved Site Plan.
7. **RELATION TO THE FELCH TOWNSHIP LAND DIVISION ORDINANCE**
All Condominium Development Projects shall conform to the plan preparation requirements, design, layout, and improvement standards as outlined, along with any required financial guarantees deemed to be necessary by the Township Board. The Standards and Requirements of this Section intended to apply to lots in a subdivision shall also apply to Site Condominium Units. Nothing in this Section shall be construed as requiring Site Condominium Developments to obtain approval under the requirements of the Felch Township Land Division Ordinance or the Subdivision Control Act.
8. **DEVELOPMENT AGREEMENT**
The Felch Township Board may require, as a condition of approval, that the Applicant enter into a Development Agreement with the Township, incorporating the terms and conditions of the Final Site Plan approval. It shall be the responsibility of the Applicant to have the agreement documents recorded with the Office of the Register of Deeds for Dickinson County.
9. **CONSTRUCTION LOCATED IN GENERAL COMMON ELEMENT**
An Application for a Zoning Compliance Permit for any construction located within a General Common Element shall include a written authorization from the Condominium Association.
10. **MONUMENTS AND LOT IRONS**
Monuments shall be set in accordance with the Michigan Condominium Act and any other related State Rules and Regulations. The Planning Commission may grant a delay in the setting of required monuments for a reasonable time, but not to exceed one year, on condition that the developer deposit with the Felch Township Clerk; Cash, a Certified Check, or an Irrevocable Bank Letter of Credit endorsed to Felch Township, whichever the developer selects, in an amount as determined by resolution of the Township Board. Such deposit shall be returned to the developer upon receipt of a certification by a Profession Land Surveyor, licensed in the State of Michigan, certifying that the monuments and irons have been set as required within the time specified. If the developer defaults, the Township Board shall promptly retain a Licensed Land Surveyor to set the monuments and irons in the ground as shown on the Condominium Site Plan, at a cost not to exceed the amount of the security deposit.

11. RIGHT-OF-WAY AND UTILITY EASEMENTS

All Right(s)-of-Way and utility easements shall be described separately from individual site condominium lots and shall be accurately delineated by bearings and distances on the Condominium Development Plan and the Final Site Plan. The Right(s)-of-Way and utility easements shall be separately designed for their individual purpose such as; access, roadway, locations, installation, maintenance, and replacing of public utilities. Water, sewer and electrical easements may be placed within road Right(s)-of-Way, subject to Township approval and in accordance with the Standards and Specifications as required by the Dickinson County Road Commission.

12. COMPLIANCE WITH FEDERAL , STATE, AND LOCAL LAW

All Condominium projects shall comply with Federal and State statutes and local ordinances.

Section 420: PRIVATE ROAD REQUIREMENTS

A. Definitions.

- CUL-DE-SAC: A vehicular turn-around at the end of a dead-end street, road or easement which is typically circular, and designed and constructed in accordance with the specifications and requirements of the Dickinson County Road Commission.
- DRIVEWAY: A private way, usually linear in nature and improved to some degree, which provides for vehicular access from a public or private road to two (2) or fewer lots for a dwelling(s) or to a commercial or non-commercial establishment. A horseshoe shape drive or a "T" shape drive is included within this definition.
- EASEMENT: A right, in the owner of one parcel of land by reason of such ownership, to use the land of another for the purpose of ingress or egress.
- PRIVATE DRIVE: Any access for vehicular traffic which is privately owned and maintained which provides access to four (4) or less lots or parcels.
- PRIVATE ROAD (or PRIVATE STREET): Any road, street or thoroughfare for vehicular traffic or emergency vehicles which is privately owned and maintained, and which provides the principal means of access to five (5) or more abutting lots or parcels.
- ROAD FRONTAGE: This distance along the street right-of-way line measured along the front of a lot.
- ROAD (or STREET): A public or private dedicated right-of-way or thoroughfare for pedestrian and vehicular traffic, including the terms "avenue," "lane," "highway," or other terms indicating an open, accessible "way", but excluding driveways, farm roads, trails, or logging roads.

In the case of a "public road", this shall mean that the road has been officially accepted into a transportation system by a public entity with jurisdiction in a specific given area. Roads usually, though not always, provide a means of access to

abutting properties. In the case of a “site condominium,” as defined and as regulated by this Ordinance, the principal means of access to abutting “units of ownership” may be provided by a public street.

B. PRIVATE ROAD REQUIREMENTS

All division of unplatted land shall be in compliance with the requirements of Felch Township’s Land Division Ordinance. When private road development occurs within Felch Township, the following Private Road Requirements shall apply. No person, firm, or corporation shall divide land accessed by private roads without providing for permanent or private easements that conform to the following requirements:

1. Lots or parcels fronting on a private road or easement shall meet all Zoning Ordinance requirements. Such lots or parcels shall provide safe, road access for fire protection and emergency service vehicles. Any lot or parcel resulting from a land division shall comply with the road frontage requirements of the zoning district in which it is located.
2. All private roads shall provide access to the public road system and shall be centered within a permanent right-of-way easement duly recorded with the Dickinson County Register of Deeds. Right-of-way easements shall be dedicated for ingress and egress and installation of public utilities and shall preclude any development that interferes with their use as access roads. All plans submitted for approval shall show the private road easement including the legal description, all use restrictions, grades, and any required drainage facilities and structures.
3. The names of all private roads shall be approved by the Felch Township Board. Their numbering shall be consistent with the Township address numbering system and Dickinson County Road Commission sign standards.
4. There shall be a Clear View Triangle at all corners of intersecting roads. No fence, wall, sign, screen, or any planting shall be erected or maintained in such a way as to obstruct vision within a Clear View Triangle described as being located between a height of three (3’) and ten (10’) feet within the triangular area formed by the intersection of a road right-of-way line and a private road right-of-way line and a line connecting two (2) points which are located on the intersecting right-of-way lines, twenty-five (25’) feet from the point of intersection.
5. All private road easements shall be a minimum of sixty-six (66’) feet wide. The Township Planning Commission may require additional width for the right-of-way easement to allow for road construction and maintenance where deemed necessary.
6. A drainage plan shall be submitted on a topographic map, with a minimum of two-foot contour intervals, indicating the manner in which surface drainage is to be dispersed. In no case shall runoff from a private road be diverted beyond the limits of that private road onto adjacent roads or property unless appropriate drainage easements are provided and ownership designated.
7. A soil erosion permit, if applicable, shall be obtained and provided to the Felch Township Zoning Administrator prior to the construction of any private road within the Township.

8. A private road/easement serving four (4) or fewer lots, parcels, or condominium units shall be considered a private driveway and shall not be subject to the requirements of this section.
9. A private road serving or intending to serve five (5) to ten (10) lots, parcels, or condominium units shall meet the following design standards:
 - a. The minimum right-of-way width shall be sixty-six (66') feet; the applicant can request a reduction in right-of-way width in order to protect natural features or as a result of space saving features such as curb and gutter, with the approval of the Planning Commission, provided that in no case shall the right-of-way be less than fifty (50') feet.
 - b. A granular soil base of not less than twelve (12") inches in depth. The top six (6") inches in depth shall be, at minimum, road grade processed 22-A gravel.
 - c. The roadbed shall be a minimum of eighteen (18') feet wide with two (2') feet of grass or gravel shoulders, one on each side.
 - d. Adequate culverts and/or ditches shall be provided where necessary.
 - e. Grades shall not exceed seven (7%) percent. If the road is paved and with proper drainage, a road grade up to nine (9%) percent may be permitted.
 - f. A forty (40') foot radius for cul-de-sacs or an eighty (80') foot hammerhead turnaround shall be required for all dead-end roads.
 - g. Proposed roads and right(s)-of-way over three-hundred (300') feet long shall provide an adequate place for emergency vehicles to turn around in accordance with the requirements set forth in the standards and specifications for road construction of the Dickinson County Road Commission.
 - h. The angle of intersection with any public road, or road right-of-way shall be as close to 90° as possible, but not less than 70°.
10. If eleven (11) or more lots, parcels, or condominium units have access to a private road, the road shall meet all Dickinson County Road Commission specifications as required. A second means of access meeting the requirements of this Ordinance shall also be provided.

C. PRIVATE ROAD APPROVAL PROCEDURE

The applicant shall submit six (6) complete copies of the Proposed Development Plan to the Zoning Administrator and/or other official as may be designated by the governing body in accordance with the requirements set forth in this Ordinance which shall detail the following items: *(see also the standards and submittal requirements on the Township Zoning Compliance Application Form.)*

1. Engineered road construction plans by a Certified Licensed Professional Engineer and/or Professional Land Surveyor, demonstrating compliance with Item B. Private Road Requirements, Items 1-10 inclusive, as applicable.
2. A recordable road maintenance agreement and deed restrictions signed by the Applicant/Owner, providing for:

- a. An equitable method of apportioning the costs of maintenance and improvements to current and future users, including a method for reappportioning costs for improvements and maintenance to the road in the event that future land division occurs along the road.
 - b. A notice that no public funds of Felch Township are to be used to initially construct and thereafter repair or maintain the private road.
 - c. A provision that the owners of the property using the road for access shall not block, prohibit, restrict, limit, or in any manner interfere with normal ingress and egress and use by any of the other owners.
3. A letter from a Licensed Professional Engineer or Professional Land Surveyor certifying that the road has been built to the Felch Township Private Road Requirements.

NOTE: Construction permits from the Dickinson County Road Commission are required for connection to County roads. Permits are also required from the Dickinson County Soil Erosion Control officer under the Soil Erosion and Sedimentation Control act, P.A. 347 of 1974, MCLA 282.101 et seq., when applicable. Zoning permits shall not be issued for any private road connecting to a County road until all required County permits have been issued and copies submitted to the Felch Township Zoning Administrator.

D. ROAD IDENTIFICATION

All private roads shall be designated as such, have a name approved by the Felch Township Board, and a sign that meets County road sign standards. The sign shall be erected by the property owner and shall be located and placed in accordance with the Dickinson County Road Commission specifications.

E. FEES AND COSTS

The applicant shall pay an application fee established by the Felch Township Board in accordance with Section 908 of this Ordinance. Prior to the final approval of a private road, any additional cost incurred by the Township for the review of plans, on-site inspection of the private road and drainage facilities, and Professional Certification of the road construction shall be paid by the applicant and/or developer.

F. APPEALS

A person or entity aggrieved by the decision of the Zoning Administrator or designee(s) may, within thirty (30) days of said decision, appeal the decision to the Felch Township Zoning Board of Appeals in accordance with the requirements set forth in Article X, Sections 1002, Meetings and Procedures, and 1003, Power and Jurisdiction, of this Ordinance. The applicant shall pay an application fee established by the Felch Township Board for any exception, request or appeal.

G. PENALTIES

Any parcel accessed by a private road created in non-compliance with the Felch Township Land Division Ordinance and this section, shall not be granted a Zoning Compliance Permit, Zoning Approval for Land Divisions, a Special Land Use, or Site Plan approval. Any violation of this section shall subject the violator to the fines and enforcement actions set forth in Article XII, Section 1204, Penalties and Remedies.

Section 421: ON-SITE USE WIND ENERGY SYSTEMS AND SMALL WINDMILLS

Intent. An on-site use wind energy system (see Section 202 for definition) is intended to first serve the needs of the applicant. A utility grid wind energy system (see Section 202 for definition) is not a permitted use under this Section. A utility grid wind energy system is separately provided for and regulated as a conditional land use (Section 619) in the RP and I districts. An anemometer tower shall abide by the same regulations below for on-site wind systems and shall be removed before an on-site use wind system is installed.

A. Small On-site Windmills. In the RP and I districts, windmills with a power generation capacity of 5 kilowatts (or equivalent) or less (e.g. for livestock watering tanks) are a permitted use, subject to the following requirements. There are no limits on the number of these small windmills permitted.

1. **Setbacks.** The base of tower shall be setback a distance of not less than 1-1/2 times the height of tower from the nearest property line. In addition, no part of the wind energy system structure, including guy wire anchors, may extend closer than ten (10) feet to the nearest property line.
2. **Height.** There is no fixed height limit in this case beyond the requirements of paragraphs 1 and 5.
3. **Noise.** Sound pressure levels shall not exceed 55 dB(A) at the property line closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
4. **Safety.**
 - a. *Vertical Clearance.* The minimum vertical blade tip clearance from grade shall be twenty (20) feet for a wind energy system employing a horizontal axis rotor. Blade or rotor arc must be demonstrated to be a safe and reasonable distance from any separate building, structure, utility wire, or tree.
 - b. *Guy Wire Visibility.* If a wind energy system tower is supported by guy wires, the wires shall be clearly visible to a height of at least six (6) feet above the guy wire anchors.
 - c. *Rotor or Blade Integrity Protection.* An on-site use wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding.
 - d. *Lightning.* All wind energy system towers shall have lightning protection.

5. Construction Codes, Towers, & Interconnection Standards. On-site use wind energy systems, including towers, shall comply with all applicable state construction and electrical codes and local building permit requirements. On-site use wind energy systems, including towers, shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act, the Michigan Tall Structures Act, and any local jurisdiction airport overlay zone regulations. If an on-site use wind energy system is attached to a building or structure, the building inspector must approve it as being safe and secure and in accordance with all applicable state construction and electrical codes.
- B. **Larger On-site Windmills.** Windmills with a power generation capacity of greater than 5 kilowatts (or equivalent) are a permitted use, subject to the following requirements.
1. Only one (1) wind energy system is permitted per lot or premises.
 2. Setbacks. The base of tower shall be setback a distance of not less than 1-1/2 times the height of tower from the nearest property line. In addition, no part of the wind energy system structure, including guy wire anchors, may extend closer than ten (10) feet to the nearest property line.
 3. Noise. Sound pressure levels shall not exceed 55 dB(A) at the property line closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
 4. Shadow flicker. Prior to a zoning compliance permit and prior to a building permit being issued, the applicant must demonstrate to the Zoning Administrator that no adverse shadow flicker impact will occur from sunrise to sunset throughout the year on any occupied buildings and lands of adjacent properties. The Zoning Administrator, if in doubt, may refer the matter to the Planning Commission. The Planning Commission may require that the potential of an adverse shadow flicker impact be studied by an independent consultant, knowledgeable on the subject. The study shall recommend one or more means by which the impact(s) (if any) can be avoided (including whether or not to construct) or mitigated. The applicant must deposit in advance sufficient funds with the Township to pay for the study.
 5. Safety.
 - a. *Vertical Clearance.* The minimum vertical blade tip clearance from grade shall be twenty (20) feet for a wind energy system employing a horizontal axis rotor. Blade or rotor arc must be demonstrated to be a safe and reasonable distance from any separate building, structure, utility wire, or tree.
 - b. *Guy Wire Visibility.* If a wind energy system tower is supported by guy wires, the wires shall be clearly visible to a height of at least six (6) feet above the guy wire anchors.
 - c. *Rotor or Blade Integrity Protection.* An on-site use wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding.

- d. *Lightning.* All wind energy system towers shall have lightning protection.
6. *Construction Codes, Towers, & Interconnection Standards.* On-site use wind energy systems, including towers, shall comply with all applicable state construction and electrical codes and local building permit requirements. On-site use wind energy systems, including towers, shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act, the Michigan Tall Structures Act, and any local jurisdiction airport overlay zone regulations. If an on-site use wind energy system is attached to a building or structure, the building inspector must approve it as being safe and secure and in accordance with all applicable state construction and electrical codes.
7. *Wiring.* All wiring between the tower and the principal building shall be underground.
8. *Resource Production and Industrial Districts.* When located in RP or I Districts the height of the tower may exceed district height limits.
9. *Decommissioning.* The on-site use wind energy system (windmill) and all appurtenances thereto shall be removed from the site within one (1) year after the windmill is no longer in use (not generating any electricity for over 12 continuous months). The owner of the land upon which the windmill is located shall be responsible for such removal. A windmill which is not so removed shall constitute a public nuisance per se.

This page intentionally blank.

ARTICLE V: SITE PLAN REVIEW

Section 501: INTENT

It is the purpose of this Article to require site plan review approval for all buildings, structures and uses (except single-family dwellings and manufactured homes on individual lots, residential accessory uses and structures, and agricultural buildings) that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels and the character of future development. The regulations contained herein are intended to provide and promote;

- the orderly development of Felch Township;
- safe and convenient traffic movement, both within a site and in relation to access streets;
- the stability of land values and investments by preventing the impairment or depreciation of land values and development,
- the Township by the erection of structures or additions or alterations thereto, with proper attention to the setting, or to prevent unsightly or undesirable appearances;
- a harmonious relationship of the proposed improvement(s) to existing buildings, other structures and uses, both within a site and/or adjacent sites; and
- the conservation of natural amenities and resources.

Section 502: REQUIRED FORM OF AND INFORMATION ON SITE PLAN

Every site plan shall be submitted to the Zoning Administrator in two (2) identical copies on one or more sheets of paper measuring not more than 24 by 36 inches, drawn to a scale not smaller than 40 feet to the inch. If the site plan has been prepared in digital format (.dwg, .dxf, etc.), a digital copy shall also be provided. The proposed site plan shall show the following:

- A. The date the site plan was prepared.
- B. The boundary lines of the area included in the site plan, including angles, dimensions, and reference to a section corner, quarter corner, or pointed on a recorded plat, an arrow pointing north, and the lot area of the land included in the site plan.
- C. Existing and proposed grades and drainage systems and structures.
- D. The shape, size, location, height, and floor area of all existing and proposed structures, the floor area and ground coverage ratios, and the finished ground and basement floor grades.
- E. Natural features such as woodlots, streams and lakes or ponds, and man-made features such as existing roads and structures, with indications as to which are to be retained and which are to be removed or altered. Adjacent properties and their uses shall be identified.
- F. Proposed streets, driveways, parking spaces, loading spaces, and sidewalks with indication of direction of travel for one-way streets and drives. The width of streets, driveways, and sidewalks and the total number of parking spaces shall be shown.

- G. The size and location of all existing and proposed public and private utilities and required landscaping.
- H. A vicinity sketch showing the location of the site in relation to the surrounding street system.
- I. A legal description of the land included in the site plan and of the lot; the name, address, and telephone number of the owner, developer, and designer.
- J. Any other information necessary to establish compliance with this and other ordinances of the availability of adequate utility capacity.

Section 503: SITE PLAN REVIEW PROCEDURE

- A. Upon receipt of any site plan, the Zoning Administrator shall first review it to determine whether it is in proper form and contains all of the required information and is therefore administratively complete. An administratively incomplete site plan may be returned to the applicant without any further action, except to provide an indication of its deficiencies.
- B. A site plan determined to be administratively complete shall further show compliance with this and all other applicable ordinances of Felch Township and Dickinson County, and shall demonstrate the adequacy of utility service(s). Upon demand by the proposer of the site plan, the Zoning Administrator shall, within twenty (20) days, approve it in writing or deny approval in writing, setting forth in detail his/her reasons, which shall be limited to any defect in form or required information, any violation of any provision of this or any other ordinance, or the inadequacy of any utility, and any changes which would make the plan acceptable.
- C. Upon completion of a development, at the discretion of the Zoning Administrator, an as-built site plan may be required.
- D. The proposer of a site plan may appeal any denial to the Township Planning Commission.

Section 504: Standards for the Review of Site Plans

The site plan shall be reviewed by the Zoning Administrator (and the Planning Commission in the case of an appeal) for compliance with the following standards:

- A. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of buildings. The site will be developed so not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.

- B. The landscaping shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.
- C. Special attention shall be given to proper site surface drainage so that removal of storm waters will not adversely affect neighboring properties.
- D. The site plan shall provide reasonable visual and auditory privacy for all dwelling units located therein. Fences, walks, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
- E. All buildings or groups of buildings shall be arranged to permit emergency vehicle access to all sides of each building.
- F. All buildings or groups of buildings shall be arranged to permit the efficient movement of traffic on the site.
- G. Parking on the site shall be located so not to impede traffic flow or create an unsafe dangerous situation for motorists or pedestrians. Parking spaces shall be conveniently located near the entrances to the building.
- H. The site plan shall demonstrate that snow removal and snow storage on-site has been planned for, without compromising parking, sidewalks or other pedestrian ways.
- I. Every structure or dwelling shall have access to a street, walkway or other area for common use.
- J. In areas of residential development and significant pedestrian use, streets and roadways shall have a sidewalk at least four (4') feet in width on at least one side of the street or roadway. A planting strip of at least two (2') feet shall separate the sidewalk from the roadway. This standard may be modified by the Zoning Administrator based on site specifics.
- K. As an alternative to sidewalks, a pathway/walkway may be constructed to accommodate pedestrian/non-motorized use. The pathway/walkway shall be at least four (4') feet in width and convenient for pedestrian use. Depending on the expected traffic volume, the pathway/ walkway could be on the side of the road, striped to separate vehicle traffic from pedestrian/ non-motorized use.
- L. All loading or unloading and outside storage areas, including areas for storage of trash, which face or are visible from residential properties, abut a residential zone or public thoroughfares, shall be screened by a vertical fence consisting of structural (fence) or plant materials no less than six (6') feet in height with an opacity of at least seventy-five (75%) percent.

- M. Exterior lighting shall be so arranged that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.
- N. The arrangement of public and common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets, sidewalks and non-motorized pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall be in compliance with the requirements of the Michigan Department of Transportation and the Dickinson County Road Commission. Driveways and ingress/egress points shall be planned and arranged so as to provide for the safe and efficient movement of traffic.
- O. Site plans shall conform to all applicable requirements of state and federal statutes and approval may be conditioned upon the applicant receiving necessary state and/or federal permits before final site plan approval or a zoning compliance permit is granted.

Section 505: Site Plan Completion Guarantee

- A. Prior to the issuance of a zoning compliance permit for any development which requires site plan review under this Ordinance, the applicant may be required to provide the Township with a completion guarantee of all site improvements shown on the approved final site plan. Such guarantee may be important in cases where there are a sizable number of improvements or seasonable improvements proposed or required.
- B. Site improvements shall mean, but may not be limited to, drives and streets, curbs and gutters, sidewalks, trails, water and sanitary sewer systems, drainage facilities and retention/ detention basins, final grading and swales, retaining walls, parking lots and landscaping.
- C. In the event that the applicant fails to correct any deficiencies within thirty (30) days of written notice from the Township, the Township shall have the authority to use the guarantee to complete the site improvements, or repairs to said improvements, within a period of nine (9) months, following the issuance of the last zoning compliance permit, unless good cause can be shown by the applicant for the delay in completion. The Township may, at its sole discretion, agree in writing to a specific extension of a nine (9) month period. The Township may use the completion guarantee to hire subcontractors to complete work, fund inspections and for the administration of the required work, including legal or other professional fees.
- D. The guarantee, or portion thereof, shall be promptly released upon the inspection and approval of all improvements in compliance with the approved final site plan.

- E. Types of Completion Guarantees. The Township may require a guarantee in the form of a cash deposit or certified check, or in the form of a bank letter of credit in a form acceptable to the Township. Bank letters of credit shall be valid for a period of one (1) year past the anticipated request for the last zoning compliance permit for the entire project and shall contain language acceptable to the Township that states that unless the bank letter of credit is released by the Township, that thirty (30) days prior to its expiration the bank letter of credit shall automatically renew for one (1) year periods unless the issuer of the security sends by certified mail to the Township a notice of its intention to not renew the financial security not less than sixty (60) days prior to the expiration of security.

This page is intentionally blank.

ARTICLE VI CONDITIONAL USE PERMITS

Section 601 Intent

Until recent years, the regulation of all uses of land and structures through zoning has been accomplished by assigning each use to one or more districts. However, the functions and characteristics of an increasing number of new kinds of land uses combined with some of the older, more familiar kinds of uses call for more flexibility and equitable procedure for properly accommodating these activities in the community. It should be recognized that the forces that influence decisions regarding the nature, magnitude, and location of such types of land use activities are many and varied depending upon functional characteristics, competitive situations and the availability of land. Rather than assign all uses to special, individual, and limited zoning districts, it is important to provide controllable and reasonable flexibility in requirements for certain kinds of uses, but that will, at the same time, maintain adequate provision for the security of the health, safety, convenience and general welfare of the community's inhabitants.

In order to accomplish such a dual objective, provision is made in this Ordinance not only for flexibility in individual district regulations, but also for a more detailed consideration of certain specified activities as each may relate to proposed special conditions of location, design, size, operation, intensity of use, generation of traffic movements, concentration of population, processes and equipment employed, amount and kind of public facilities and services required, together with many other possible factors. Land and structure uses possessing these particularly unique characteristics are designated as Conditional Uses and may be authorized by the issuance of a Conditional Use Permit with such conditions and safeguards attached as may be deemed necessary for the protection of the public welfare.

The following sections (602 through 605), together with previous references in other sections (307 through 311), designate what uses require a Conditional Use Permit. With any exception noted, the procedures for obtaining such a permit apply to all Conditional Uses indicated.

Section 602 Application Procedure

- A. Any person having an interest in a property may file an application for a Conditional Use Permit for the zoning district in which the land is situated.
- B. Applications shall be submitted through the Zoning Administrator to the Planning Commission. Each application shall be signed by the property owner and accompanied by the payment of a fee in accordance with the duly adopted "Schedule of Fees" to cover costs of processing the application. No part of any fee shall be refundable.
- C. Data Required in Application:
 1. Conditional use form supplied by the Zoning Administrator filled out by the applicant.
 2. Site plan drawn to a readable scale and containing that information specified in Article VI, Section 604.

3. A statement with supporting evidence regarding the required findings specified in Section 604.
- D. Approval of a Conditional Use Permit shall be valid regardless of change of ownership, provided that all terms and conditions of the permit are met by all subsequent owners and/or occupants.
- E. In instances where development authorized by a Conditional Use Permit has essentially changed in nature, extent or character, the Planning Commission shall review the permit in relation to the applicable standards and requirements of the Ordinance. Upon finding that there has been a violation in the conditions of the Conditional Use Permit granted under the provisions of this Ordinance, the Planning Commission may declare the permit null and void.
- F. If development of a Conditional Use Permit has not commenced within one year from the date of issuance, said permit shall expire automatically. The Planning Commission can approve an extension for one (1) additional year upon request by the applicant.

Section 603 Review and Findings

The Planning Commission shall approve, approve with conditions, or reject the application within sixty (60) days of the public hearing based upon materials received and testimony recorded at the public hearing. The Township Board may provide for planning consultant, engineer or other professional consultant assistance to the Zoning Administrator and Planning Commission as needed, at the applicant's expense. The Planning Commission shall set forth the reasons for approval, denial, or modification of the Conditional use permit application. All conditions shall be clearly specified in writing and be consistent with Sections 604 and [802 C. Admin. Stds. & Procedures]. The petitioner has one (1) year from date of hearing to comply with all specified conditions. Compliance shall occur prior to issuance of a zoning compliance permit by the Zoning Administrator pursuant to Section 805, Zoning Compliance Permit and the commencement of the use, unless a specified time is set or implied in the motion granting the Conditional Use Permit.

Section 604 General Standards

The Planning Commission shall review the particular facts and circumstances of each proposal in terms of the following standards and shall find adequate evidence showing that the proposed use:

- A. Will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;
- B. Will not be hazardous or disturbing to existing or future neighboring uses;
- C. Will not diminish the value of land, buildings, or structures in the District;
- D. Will be adequately served by essential public facilities and services, such as highways, roads, streets, police and fire protection, drainage structures, refuse disposal, or schools,

- and that the person(s) or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
- E. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
 - F. Will not involve uses, activities, processes, materials and equipment and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of noise, traffic, smoke, fumes, glare, or odors;
 - G. Will protect the public health, safety and general welfare of the community; and
 - H. Will be consistent with the intent and purpose of the specific zoning district in which it is located.
 - I. Will either (1) provide adequate buffers between conflicting land uses (i.e between industrial or commercial land uses and residential land uses), or (2) demonstrate that adequate existing natural buffers are present.

Section 605 Conditions and Safeguards

- A. Prior to granting any Conditional Use Permit, the Planning Commission may impose conditions or limitations upon the establishment, location, construction, maintenance or operation of the use authorized by the Conditional Use Permit as in its judgment may be necessary for the protection of the public interest. Conditions imposed shall further be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well-being of those who will utilize 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; and be consistent with the general standards listed in Section 604 of this Ordinance and therefore be necessary to meet the intent and purpose of the regulations contained therein.
- B. Conditions and requirements stated as part of Conditional Use Permit authorization shall be a continuing obligation of land holders. The Zoning Administrator shall make periodic investigations of developments authorized by Conditional Use Permit to determine compliance with all requirements.
- C. Conditional Use Permits may be issued for time periods as determined by the Planning Commission. Conditional Use Permits may be renewed in the same manner as originally applied for.
- D. In authorizing a Conditional Use Permit, the Planning Commission may require that a cash deposit, certified check, bond or other financial guarantee acceptable to the Township, of ample sum be furnished by the developer to insure compliance with such requirements as drives, walks, utilities, parking, landscaping and the like. The financial guarantee shall be deposited with the Township Treasurer at the time of issuance of the permit authorizing the use or activity. As work progresses, the Planning Commission may authorize a proportional rebate of the financial guarantee upon completion of significant phases or improvements.
- E. Revocation of a Conditional Use Permit by the Planning Commission shall be made after a public hearing, following the same procedures as original approval to the effect that:

1. Such conditions as may have been prescribed in conjunction with the issuance of the original permit included the requirement that the use be discontinued after a specified time period; or
 2. Violations of conditions pertaining to the granting of the permit continue to exist more than thirty (30) days after an order to correct has been issued. Violations of any conditions set by the Planning Commission are violations of this zoning ordinance.
- F. All plans, specifications and statements submitted with the application for a Conditional Use Permit shall become, along with any changes ordered by the Planning Commission, a part of the conditions of any Conditional Use Permit issued thereto.
- G. Any person aggrieved by the Planning Commission's granting or failure to grant a Conditional use permit must appeal that decision to the Circuit Court. Such an appeal must be filed within 30 days after the decision has been certified in writing, or the minutes that record the decision are approved. The Zoning Board of Appeals shall notify all affected parties and hold a public hearing on the appeal as specified in Section 802, Administrative Standards and Procedures.
- H. The standards in Section 604 are basic to all Conditional uses. The specific requirements accompanying Sections 307 through 311 and Sections 606 through 618 relating to particular uses are in addition to the standards in Section 604 and shall be required in all applicable situations.

Section 606 Group (child) day care homes

Group day care homes with seven to 12 children (as defined under Public Act of 116 of 1973, as amended, see definition) are a Conditional Use permitted in the TD, Town Development and B, Commercial districts subject to the requirements of this Article and the following conditional standards:

- A. Adequate ingress and egress, parking and circulation shall be provided on the site.
- B. The lot or parcel on which such use is located shall be located no closer than 1,500 feet to any of the following:
1. Another group day care home.
 2. An adult foster care small group home or large group home licensed under the adult foster care facility licensing act, Act No. 218 of the Public Acts of 1979, being Sections 400.701 to 400.737 of the Michigan Compiled Laws.
 3. A facility offering substance abuse treatment and rehabilitation service to seven or more persons, licensed by the Michigan Office of Substance Abuse Services.
 4. A community corrections center, resident home, halfway house, or similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.
- C. The construction and use shall be licensed by the Michigan Department of Social Services prior to beginning operation which has minimum regulations and requirement regarding play space.

Section 607 Child care centers (day care centers)

Child care centers, nursery schools, and day nurseries (see definition) are a Conditional Use permitted in the TD, Town Development and B, Commercial districts subject to the requirements of this Article and the following conditional standards:

- A. The child care center shall be licensed by the Michigan Division of Child Day Care Licensing, which includes minimum outdoor play area requirements.
- B. Adequate ingress and egress, parking and circulation shall be provided on the site, including a drop-off/pick-up area for children, outside of any public right-of-way.

Section 608 Personal use landing fields

Landing fields for the personal use of the property owner are a Conditional Use permitted in the RP, Resource Production and I, Industrial districts subject to the requirements of this Article and the following conditional standards:

- A. Said landing field is subject to all rules and regulations of the Federal Aviation Administration and the Michigan Aeronautics Commission which agencies shall approve the preliminary plans submitted to the township.
- B. No landing field for personal use shall be established within five (5) miles of a public use facility certified by the Michigan Aeronautics Commission without approval of said commission. No landing field for personal use shall be established within a two (2) mile radius of another landing field.
- C. All landing fields shall have a minimum runway with a 1,500-foot landing length in each direction from a clear approach slope of 20:1 and an 80-foot usable width with an additional 35-foot minimum width on each side which is free of obstructions. The approach slope with a width of not less than 150 feet shall be based on a clearance of all objects within the approach area, including a roadway clearance of 15 feet or 17 feet over an interstate highway, a railway clearance of 23 feet, and a clearance at the property line of 25 feet. The landing field shall be marked in accordance with Michigan Aeronautical Commission standards.
- D. No landing field shall be approved that would interfere with the right of nearby and adjacent owners and occupants of property or to peaceful enjoyment of their property. Adjacent property owners shall not be required under any circumstances to accommodate a proposed personal use landing field (e.g. trim or remove trees, limit or remove construction, curtail occupancy, limit or reduce height of structures) beyond those limits and regulations which might normally apply to their property(ies) under this ordinance.
- E. Hazards to navigation. No obstruction of whatever character, object of natural growth, or use of land, upon the premises of the landing field which prevents the safe use of such facilities for the take-off or landing of aircraft shall be permitted.
- F. Yard and placement regulations.

1. The site shall not abut directly or across a street an R/LS, Residential/Lakeshore or TD, Town Development district.
 2. Landing fields shall be located on a contiguous parcel of land not less than 20 acres in area. The parcel shall have a width of not less than 350 feet. The parcel shall have a depth of not less than 2,000 feet. It is not required that the necessary clear zones be contained within the site, however, if future development intrudes upon the required clear zones, use of the landing field shall immediately cease, unless adequate and appropriate easements are first obtained and recorded by the personal use landing field owner.
- G. All lights used for landing fields and other lighting facilities shall be arranged so as not to reflect towards adjoining non-landing field uses.
- H. Prohibited uses.
1. The open storage of junked or wrecked motor vehicles or aircraft shall not be permitted.
 2. Use of a personal use landing field is limited solely to the single owner. No commercial activity or operations (such as the sale of gasoline or oil, the soliciting or engaging in charter flying or student instruction, the provision of shelter or the tie-down of an aircraft (except owner's), the overhaul or repair of an aircraft or of engines, or otherwise offering aeronautic facilities or services to the public) shall be permitted on the premises.
- I. Personal use helicopter landing fields shall conform to all of the above regulations, except for those regulations intended to clearly apply only to airplane landing fields. Placement and operation of helicopter landing facilities shall otherwise comply with all regulations of the Michigan Aeronautics Commission and the Federal Aeronautics Administration (FAA).

Section 609 Nursing homes, convalescent or rest homes, and homes for the aged, indigent or handicapped, and Orphanages

A nursing homes, convalescent or rest homes, or a home for the aged, indigent or physically handicapped, or an orphanage, are a Conditional Use permitted in the TD, Town Development and B, Commercial districts subject to the requirements of this Article and the following conditional standards:

- A. Site requirements.
1. All ingress and egress shall be directly onto a public road having an existing right-of-way of not less than 66 feet.
 2. The maximum extent of development shall not exceed 30 children or patients per acre.
- B. Yard and building placement requirements. No building other than a structure for strictly residential purposes shall be closer than 60 feet to any property line.
- C. Off-street parking requirements.
1. There shall be one parking space provided for each two beds and every two staff members.

2. All off-street parking shall be paved and constructed to the standards shown in Section 405.

Section 610 Churches (and other places of religious activity; synagogues, mosques, temples, etc.).

Churches and other similar facilities are a Conditional Use permitted in the TD, Town Development and B, Commercial districts subject to the requirements of this Article and the following conditional standards:

- A. Site requirements. The site shall abut a public or private road having an existing right-of-way of not less than 66 feet.
- B. Yard requirements; maximum lot coverage.
 1. Front and rear yard. The front and rear yard requirements shall be the same as those listed for the district in which the Conditional land use is requested.
 2. Side yard. The side yard requirements shall be the same as those listed in the requested district for permitted nonresidential uses.
 3. Maximum lot coverage. The maximum lot coverage shall be the same as for the district in which the Conditional land use is requested.
- C. Off-street parking.
 1. A facility without fixed seats or pews shall have one parking space for every 100 square feet of usable floor area.
 2. No off-street parking shall be permitted in the front yard space.
 3. All off-street parking shall be constructed to the standards of this Ordinance.

Section 611 Kennels and Veterinarian Clinics

Public, private or commercial kennels and veterinary clinics are a Conditional Use permitted in the TD, Town Development; B, Commercial and RP, Resource Production districts subject to the requirements of this Article and the following conditional standards:

- A. Kennels and veterinary clinics with kennels are located on a continuous parcel of land five (5) acres or more in area.
- B. That no building(s) or runs shall be closer than 50 feet to any abutting property line and all runs or breeding areas shall be enclosed by a chain link fence not less than six feet in height.
- C. For public or commercial kennels, one parking space shall be provided for every five kennel runs. For veterinary clinics parking requirements shall be in accord with those of professional offices of doctors, dentists or similar professions (Section 405). All off-street parking shall be constructed to the standards of this Ordinance.
- D. That the Planning Commission may require adequate means of noise control, including, but not limited to buffering, use of berms, inside night time (also potentially day time) housing of animals, and any other reasonable means to insure adequate protection and enjoyment of neighboring properties. Failure by the developer of a proposed kennel to

demonstrate within his proposal that adequate means to noise control will be provided, shall be grounds to deny a Conditional land use permit.

Section 612 Outdoor Wood Burning Boilers and Appliances (heating units)

- A. Outdoor Boilers and outside wood burning Appliances are a Conditional Use permitted in the R/LS, Residential/Lakeshore; RP Resource Production and I, Industrial districts subject to the requirements of this Article and the following conditional standards:
1. Conditions for approval:
 - a. Lots of 2.5 acres or larger;
 - b. A setback of 75 feet from any and all lot/property lines, easements and right-of-ways;
 - c. Minimum chimney height of 15 feet, measured from grade to chimney top or 2 feet higher than the nearest neighboring principal dwelling, within 1000 feet, whichever is higher;
 - d. No fuel other than natural wood, without additives, wood pellets without additives and agricultural seeds in their natural state may be burned and no outdoor wood burning boiler or appliance may be used as a waste incinerator;
 - e. Any fuel source other than natural wood without additives, wood pellets without additives and agricultural seeds in their natural state shall require a variance;
 - f. Unit shall not be located in the front yard;
 - g. A grant of Zoning Compliance Permit constitutes an agreement between the land owner and Felch Township, that the Zoning Administrator, at any reasonable time, may enter the property for purpose of inspection to determine compliance with above conditions.
- B. Outdoor Storage of Wood. On corner lots, no wood shall be stored or placed so as to interfere with the clear vision from a road, street or alley to an intersecting road, street or alley. Clear vision shall be maintained at no less than three and one-half (3½') feet in height from the grade of the road, street or alley for a continuous length of twenty-five (25') feet from the curb or shoulder of the intersecting street.

Section 613 Golf courses

Golf courses are a Conditional Use permitted in the R/LS, Residential/Lakeshore and RP, Resource Production districts subject to the requirements of this Article and the following conditional standards:

- A. Accessory uses. Major accessory uses such as a restaurant and bar shall be housed in a single building with the clubhouse. Minor accessory uses strictly related to the operation of the golf course itself, such as a maintenance garage and pro shop or golf shop, may be

- located in separate structures. No structure shall be located closer than 75 feet to the lot line of any adjacent residential land or to any existing or proposed public right-of-way.
- B. Parking areas. All parking areas shall be paved and constructed in accordance with the standards of Section 405 this Ordinance.
 - C. Access. All ingress to and egress from the site shall be directly onto a State highway or a County Road.
 - D. Lighting. All outdoor lighting shall be shielded to reduce glare and arranged so as to reflect the light away from abutting residential areas.
 - E. Swimming pool fencing. Whenever included, swimming pools shall be provided with a protective fence not less than six feet in height, and entry shall be provided by means of a controlled gate or mechanism for controlled access.

Section 614 Hotels, motels, resorts and lodges

Hotels, motels, resorts and lodges are a Conditional Use permitted in the TD, Town Development; B, Commercial and RP, Resource Production districts subject to the requirements of this Article and the following conditional standards:

- A. Vehicular ingress and egress from the site shall be directly onto a major thoroughfare having an existing right-of-way 66 feet.
- B. Each unit shall contain no less than 250 square feet of floor area.
- C. Units shall not be occupied as a place of permanent residence and a guest register shall be maintained.

Section 615 Private and public recreational facilities, including parks, playgrounds, camps, campgrounds, gun clubs, and similar recreation uses

Recreation uses, including driving ranges, gun clubs, rifle, trap, and pistol ranges, archery ranges, pay for hunting operations, camper and/or tent parks, hay rides, picnic grounds, swimming facilities, kiddie-type tracks and rides, and other constructed courses for off-road vehicles whether for personal use or public use, (but not including circuses, outdoor drive-in theatres, motorcycle and auto racetracks, and horse or dog tracks) are a Conditional Use permitted in the RP, Resource Production and B, Commercial districts subject to the requirements of this Article and the following conditional standards:

- A. Site requirements.
 - 1. All approved uses shall be on a contiguous parcel of 5 acres or more in area.
 - 2. All vehicular ingress and egress from the site shall be directly onto a thoroughfare having an existing right-of-way of not less than 66 feet.
 - 3. Review of the proposed site plan in accordance with Article V, must show that a proper relationship exists between the proposed site, any access road(s), and all proposed service roads, driveways, and parking areas to encourage pedestrian and vehicular traffic safety.
- B. Yard and building placement requirements.

1. All development features, including the principal building, shall be related to minimize the possibility of any adverse effect upon adjacent property. This shall mean a minimum distance of 200 feet to the property line of abutting residentially zoned lands and public rights-of-way; provided that, where topographic conditions are such that the building would be screened from view, this requirement may be modified by the Planning Commission.
 2. No activity shall take place within 30 feet of the perimeter of the recreation area. All such activities shall be adequately screened from abutting residentially zoned property.
 3. Related accessory commercial uses may be permitted in conjunction with recreation use when they are clearly incidental to the main recreational character of the use. Such related accessory uses shall not include the sale, servicing, or repair of any vehicles or equipment used on the site, except those owned by the proprietor.
 4. Permitted accessory uses which are generally of a commercial nature shall be housed in a single building. Minor accessory uses, which are strictly related to the operation of the recreation use itself, such as a maintenance garage, may be located in a separate building.
- C. Other requirements.
1. Swimming pool fencing. Whenever a swimming pool is to be provided, the pool shall be provided with a protective fence six (6') feet in height, and entry shall be by means of a controlled gate or mechanism to control access.
 2. Gun clubs. When a gun club is proposed, it shall be clearly established that the activities shall in no way endanger the health, safety or welfare of any persons and will not become a nuisance in any manner whatsoever.
 3. Off-street parking. Off-street parking shall be provided in accordance with Section 405 of this Ordinance.

Section 616 Mini-warehouses

Mini-warehouses are a Conditional Use permitted in the TD, Town Development and B, Commercial districts subject to the requirements of this Article and the following conditional standards:

- A. Site area and location; access. The site shall be at least two (2) acres in size and shall be located on a road having an existing right-of-way of 66 feet and shall not directly abut a Residential/Lakeshore district. The only access to the site shall be from the access road(s).
- B. Parking and vehicular circulation areas. All driveways and parking, loading, and vehicular circulation areas shall be improved and maintained with gravel. All one-way driveways shall provide for one ten (10') foot parking lane and one 15-foot travel lane. All two-way driveways shall provide for one ten (10') foot parking lane and two 12-foot travel lanes.
- C. Business activities, manufacturing, flea markets and garage sales prohibited. No business activities, manufacturing, flea markets or garage sales shall be conducted on the premises. The operation of such a facility shall in no way be deemed to include a transfer and storage business where the use of vehicles is part of the business.

- D. Servicing or repair of equipment prohibited. The servicing or repair of motor vehicles, boats, trailers, lawn mowers, and other similar equipment shall not be conducted on the premises.
- E. Supervision. The area shall be properly policed by the owner or operator for removal of trash and debris and for compliance with public and private restrictions.
- F. Signs. Signs shall be limited to one per public road frontage.
- G. Caretaker's residence. A residence for a resident caretaker or manager may be constructed on the premises. The residence shall comply with all provisions of this Ordinance and the Michigan building code.
- H. Storage of explosive or radioactive materials. No explosive or radioactive materials shall be stored on the premises.
- I. Fencing. The complex shall be entirely surrounded by a rustproof security fence.

Section 617 Wireless Communication Facilities and Structures

Location Requirements. Communications towers are a Conditional Use permitted in the RP, Resource Production; B, Commercial and I, Industrial districts subject to the requirements of this Article and the following conditional standards:

- A. Site Requirement: A minimum site of three (3) acres.
- B. Buffering Requirements: The communication tower shall be located so that there is sufficient radius of clear land around the tower so that its collapse would be completely contained on the property. The base of the tower and wire/cable supports shall be fenced with a minimum six (6') foot woven fence with 3 top strands of barbed wire.
- C. Performance Standards.
 - 1. The tower must be setback from all property lines and from the edge of the road right-of-way a distance equal to its height for reasons of safety and aesthetics and at least two hundred (200') feet from any dwelling. Except that the setback may be reduced by the Planning Commission with due consideration of aesthetic circumstances, if the developer submits evidence that the tower is designed in the event of failure, to collapse within a more confined distance. Land included within such minimum required setbacks shall remain undivided and undeveloped with other structures not accessory to the tower.
 - 2. All towers shall be equipped with an anti-climbing device and fence to prevent unauthorized access.
 - 3. A building permit is required for the tower. The tower drawing shall be prepared and stamped by a professional engineer (State of Michigan) to certify that all the support structures meet the wind speeds and icing conditions under the worst conditions for this area.
 - 4. The communication tower shall meet all the requirements of the FCC and FAA and provide documentation to the staff.
 - 5. Whenever possible the structure shall be of monopole construction.
 - 6. Accessory structures are limited to uses associated with operation of the tower.

7. All the on-site accessory buildings shall meet all the zoning requirements for building, including height and setback requirements.
8. Metal towers shall be constructed of, or treated with, corrosive-resistant material. Wood poles shall be impregnated with rot-resistant substances.
9. Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply, as to electrical wiring and connections, with all applicable local statutes, regulations and standards.
10. Towers with antennae shall be designed to withstand a uniform wind loading as prescribed in the building code.
11. All signal and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight (8') feet above the ground at all points, unless buried underground.
12. The tower shall be located, operated and maintained in a manner which does not interfere with radio, television, audio, video, electronic, microwave or other reception in nearby areas.
13. Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property.
14. The base of the tower shall occupy not more than five-hundred (500) square feet and the top of the tower shall be no larger than the base.
15. Minimum spacing between tower locations shall be one (1) mile measured by a straight line to encourage co-location.
16. Height of the tower shall be the minimum height demonstrated to be necessary by the radio frequency engineer of the applicant, but shall not exceed six-hundred (600') feet from grade.
17. Towers shall not be artificially lighted unless required by the Federal Aviation Administration and, if so required, lighting shall be the minimum provided for under the regulations, subject to the Township's approval and orientated inward so as not to project onto surrounding property. Strobe lights shall not be used.
18. Existing on-site vegetation shall be preserved to the maximum extent practicable. Landscaping may be required to provide screening and aesthetic enhancement to the base of the structure and accessory buildings.
19. There shall not be display advertising or identification of any kind intended to be visible from the ground or other structures.
20. The color of the tower shall blend in with the surrounding environment.
21. Structures shall be subject to any state and federal regulations concerning non-ionizing electromagnetic radiation. If more restrictive state or federal standards are adopted in the future, the antenna shall be made to conform to such standards, or the Conditional Use permit will be subject to revocation by the Township Planning Commission. Cost for testing and verification of compliance shall be borne by the operator of the antenna, as needed.
22. There shall be no employees located on the site on a permanent basis to service or maintain the antenna. Occasional or temporary repair and service activities are excluded from this restriction.

23. The tower shall be designed to allow for the co-location of additional providers in the future; also, space for police, a public emergency warning system and fire service antennas shall be potentially provided for within the design, at a minimal cost to the community.
24. Whenever possible, proposed wireless communication facilities shall co-locate on existing buildings, structures and existing wireless communication structures. If a provider fails to or refuses to permit co-location, such a structure shall become a nonconforming structure and shall not be altered or expanded in any way in the future.
25. In the event the tower's use is discontinued for 12 months, the tower and all accessories shall be removed within six months. After the complete demolition and removal, the premises shall be restored with six inches of topsoil, seeded and mulched. The applicant will post a bond to the Township in the amount of 50% of the construction cost to ensure removal of the tower.
26. The site shall have legal documented access to a public road.
27. Dust control shall be maintained on the gravel access road using a non-petroleum based product.
28. The applicant shall provide a maintenance plan for the tower or a maintenance agreement with a third party, which details a maintenance schedule to ensure the tower and site will be maintained in a neat and orderly fashion.
29. The operator shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.

Section 618 Sexually Oriented Businesses (SOB)

Purpose: It is recognized that sexually oriented businesses have a deleterious effect upon adjacent areas, causing blight, an increase in crime, a decrease in property values, a chilling effect upon other businesses and residents, and a downgrading of the quality of life in adjacent areas, especially when such uses are concentrated in the same general area. It is considered necessary and in the best interest of the orderly and better development of the community to prohibit the overcrowding of such uses into a particular location and require their dispersal through Town Development Zoning Districts of the Township to thereby minimize their adverse impact to the best extent possible on any other permitted use.

Conditions: In order to obtain and retain a Sexually Oriented Business conditional use permit for operation of a regulated use as defined by this Ordinance, the following conditions must be met, in addition to all other standards set forth herein for conditional permits:

- A. Sexually Oriented Businesses must be in or within $\frac{1}{4}$ mile of a TD, Town Development District and fronting a Michigan State Highway.
- B. A conditional use permit must be acquired through the conditional use procedures as described in Article VI of this Ordinance;
- C. In order to prevent the undesirable concentration of sexually oriented businesses, this SOB conditional use as defined by this ordinance Article VI, shall not be located within

- 500 feet of another such SOB conditional use, nor within 1,000 feet of a Residential/Lakeshore zoned district, school, daycare center, church or other religious institution, or public park or other public facility, as measured along a line forming the shortest distance between any portion of the respective property lines;
- D. The SOB conditional uses, as defined by this section and Article VI shall only operate between the hours of 8:00 pm and 2:00 am, Central Standard Time;
 - E. There shall be a manager on the premise at all times;
 - F. No one under the age of 18 shall be allowed onto the premise by the onsite manager of the SOB conditional use;
 - G. No product or service for sale or gift, or any picture or other representation thereof, which relates in any way to “specific sexual activities” or “specified anatomical areas” shall be displayed so as to be visible from the street or exterior of the building on the SOB conditional use;
 - H. Once a SOB conditional use permit has been issued, the conditional use shall not be expanded in any manner without first applying for and receiving approval of the Planning Commission as provided in the Felch Township Zoning Ordinance;
 - I. If a conditional use is discontinued, the use may not be reestablished without first applying for and receiving the approval of the Planning Commission as provided in the Felch Township Zoning Ordinance.
 - J. The designated parking area for the sexually oriented business shall be lighted from dusk till dawn;
 - K. A secure and well-lighted entrance, separate from that provided patrons, will be provided for all employees, regardless of their job descriptions.

Section 619 Utility grid wind energy systems (wind farms)

Intent: A utility grid wind energy system (wind farm) is a wind energy system that is designed and built to provide electricity to the electric utility grid. These wind farms are intended to be so constructed and located to be compatible with other land uses such as timber production, farms and heavy industrial uses, while protecting and being distant from residential developments. An anemometer tower shall abide by the same regulations below for a utility grid wind energy system and shall be removed before a utility grid wind energy system is installed. Utility grid wind energy systems are a Conditional Use permitted in the RP, Resource Production and I, Industrial districts subject to the requirements of this Article and the following conditional standards:

- A. Setbacks. Any towers shall be setback a minimum of one-thousand three-hundred and twenty (1,320') feet from the R/LS, Residential/Lakeshore and TD, Town Development districts, and one-thousand (1,000') feet from any existing off-site residence. Furthermore, the base of any tower shall be setback from the nearest property line, a distance of not less than 1½ times the height of the tower. In addition, no part of the wind energy system, including any guy wire anchors, may extend closer than forty (40') feet to any property line or existing right-of-way line, unless a plan for location(s) of accessory structures and equipment is presented (including screening) and is approved as part of the site

- plan. Land included within such minimum setback areas from a property line shall remain undivided and undeveloped with other structures not accessory to the tower.
- B. Noise. Sound pressure levels shall not exceed 55 dB(A)¹ at the property line closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55 dB(A)¹, the standard shall be ambient dB(A)¹ plus 5 dB(A)¹.
- C. Shadow flicker. Prior to a zoning compliance permit and prior to a building permit being issued, the applicant must demonstrate to the Zoning Administrator that no adverse shadow flicker impact will occur from sunrise to sunset throughout the year on any occupied buildings and lands of adjacent properties. The Zoning Administrator, if in doubt, may refer the matter to the Planning Commission. The Planning Commission may require that the potential of an adverse shadow flicker impact be studied by an independent consultant, knowledgeable on the subject. The study shall recommend one or more means by which the impact(s) (if any) can be avoided (including whether or not to construct) or mitigated. The applicant must deposit in advance sufficient funds with the Township to pay for the study.
- D. Safety.
1. Clearances. The minimum vertical blade tip clearance from grade shall be thirty (30') feet for a wind energy system employing a horizontal axis rotor. Blade or rotor arc must be demonstrated to be a safe and reasonable distance (at least twenty (20') feet) from any separate building, structure, utility wire, or tree.
 2. Guy Wire Visibility. If a wind energy system tower is supported by guy wires, the wires shall be clearly visible to a height of at least six (6') feet above the guy wire anchors.
 3. Rotor or Blade Integrity Protection. A wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding.
 4. Lightning. All wind energy system towers shall have lightning protection.
- E. Construction Codes, Towers and Interconnection Standards. Wind energy systems, including towers, shall comply with all applicable state construction and electrical codes and local building permit requirements. Wind energy systems, including towers, shall comply with Federal Aviation Administration requirements, the regulations of the Michigan Aeronautics Commission, and the Michigan Tall Structures Act. If a utility grid wind energy system is attached to a building(s) or structure(s), it must be approved by the County building inspector and must be found to be in accordance with all applicable state construction and electrical codes.
- F. A utility grid wind energy system (wind farm) may exceed district height limits. Multiple towers are permitted.
- G. Miscellaneous Requirements.

¹ A-weighted decibels, abbreviated dB(A) is an expression of the relative loudness of sounds in air as perceived by the human ear. In the A-weighted system, the decibel values of sounds at low frequencies are reduced, compared with unweighted decibels, in which no correction is made for audio frequency. This correction is made because the human ear is less sensitive at low audio frequencies, especially below 1000 Hz, than at high audio frequencies.

1. Electromagnetic Interference. No wind energy system shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless telephone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the wind energy system. The applicant shall submit documentation from the manufacturer which demonstrates that the wind energy systems' generation of electromagnetic energy falls within a range that minimizes or eliminates any off-site interference.
 2. Vibration/Enhanced wind currents. No wind energy system generated vibrations or enhanced wind currents shall be humanly perceptible beyond the property boundaries of the lot or parcel on which the wind energy system is located.
 3. The Manufacturer's Material Safety Data Sheet(s) shall be provided to the Township with the application. Documentation shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.
 4. The applicant shall provide documentation that the Dickinson County Road Commission has been contacted, and if required, that a performance bond has been posted (or other measures have been taken) for the protection and/or restoration of all roads over which heavy equipment or materials will be transported.
- H. Decommissioning. The utility grid wind energy system (wind farm) and all appurtenances thereto shall be removed from the site within one (1) year after the wind energy system is no longer in use (not generating any electricity for over 12 continuous months). The owner of the land upon which the system is located shall be responsible for such removal. A wind energy system which is not so removed shall constitute a public nuisance per se. The applicant shall post a bond (cash or irrevocable bank letter of credit) with the Township in an amount sufficient for the removal of the utility grid wind energy system (wind farm) including all accessory buildings and structures, clean-up of site including removal of the foundations and restoration of the site to a condition equal to or better than that which existed prior to the installation of the system.
- I. A developer may seek Planning Commission approval of a utility grid wind energy system (wind farm) incorporating a block of or group of properties under multiple, separate ownerships provided;
1. that all of the above regulations [subsections A. – H. still apply], but to the whole rather than individual properties,
 2. that a written agreement among the participating property owners has been signed and recorded at the County Register of Deeds, and
 3. that the proposal does not leave one or more non-participating properties surrounded or otherwise isolated.

Section 620 Mineral extraction

Mining is a conditional use in all districts subject to the following conditions. Mining below the threshold provided in subsection D. below, is a permitted use.

- A. The approval of reasonable hours of operation and of any blasting hours.
- B. Any area of proposed excavation and any proposed haul route shall be setback fifty (50') feet from any property line.
- C. Sound and dust control shall follow U.S. Mining Safety and Health Administration (MSHA) regulations.
- D. In cases where there will be more than twenty-five (25) mineral hauling trips per day for more than five (5) days, the applicant shall provide documentation that they have conferred with the Dickinson County Road Commission and/or the Michigan Department of Transportation (MDOT) regarding their proposed haul route(s) and its (their) connection(s) with the public road system, with the objective minimizing any potential adverse impacts on pedestrian and traffic safety.

This page intentionally left blank.

ARTICLE VII
NONCONFORMING USES AND STRUCTURES

Section 701 Intent

Nonconforming uses and structures are those which do not conform to a provision or requirement of this Ordinance but were lawfully established prior to the time of its applicability. Any previous nonconforming use or structure shall remain in effect. It is recognized that those nonconformities which adversely affect orderly development and the value of nearby property are not permitted to continue without restriction.

The zoning regulations established by this Ordinance are designated to guide the future use of land in Felch Township by encouraging appropriate groupings of compatible and related uses and thus to promote and protect the public health, safety and general welfare. The continued existence of nonconformities is frequently inconsistent with the purposes for which such regulations are established.

This Ordinance distinguishes by class the various nonconforming uses and structures. In general, Class A nonconforming uses and structures have been found by the Planning Commission not to be contrary to the public health, safety, and general welfare, or the spirit of this Ordinance or the Township master plan or other standard in this Ordinance and as such should either be encouraged or at a minimum not be discouraged to continue. In contrast, the Class B nonconforming uses and structures are not consistent with the aforementioned, and as such, should not be encouraged to exist by the Township. Different regulations are established for each class. The degree of restriction over each class is a function of the degree to which that class of nonconformity is a nuisance or incompatible with the purposes and regulations of this Ordinance.

Any use or structure created in violation of any preceding adopted Township zoning ordinance remains a violation.

Section 702 Class A Nonconforming Uses and Structures

Class A nonconforming uses and structures are those which have been so designated by the Planning Commission, after application by any interested person or the Zoning Administrator. The Planning Commission shall find that the continuance thereof would not be contrary to the public health, safety, and general welfare, or to the spirit of this Ordinance; that the use or structure does not and is not likely to significantly depress the value of nearby properties; that the use or structure was lawful at the time of its inception; that it meets the standards set out in Section 704 of this Ordinance; and that no useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structure does not conform.

Section 703 Procedure For Obtaining Class A Designation

- A. A written application shall be filed with the Planning Commission utilizing forms obtained from the Zoning Administrator which shall include:
1. Name and address of property owner and applicant, if not same;
 2. A legal description of the property or lot;
 3. A site plan pursuant to Article V;
 4. An explanation describing the present nonconforming use or structure;
 5. An explanation of any proposed addition or alteration to the uses or structures;
 6. Time frame for completion of the project; and
 7. Comparison of the proposed activity to the existing structure or use.
- B. The Zoning Administrator shall, upon receipt of an administratively complete application, schedule a public hearing before the Planning Commission in accordance with the procedures set out in Section 802, Administrative Standards and Procedures, of this Ordinance. Upon hearing the facts and information, the Planning Commission shall make its decision in writing and set forth the findings and reasons on which it is based, pursuant to the general standards identified in Section 704. Conditions may be attached, including any time limit, where necessary to assure that the use or structure does not become contrary to the public health, safety, or welfare, or the spirit and purpose of this Ordinance.

Section 704 Provisions for Class A Nonconforming Uses and Structures

Where, at the effective date of adoption or amendment of this Ordinance, a lawful use of land exists that is no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions of this Article:

- A. No such Class A Nonconforming Use or Structure shall be enlarged or increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance, except with specific approval of the Planning Commission.
- B. No such Class A Nonconforming Use or Structure shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance, except with specific approval of the Planning Commission.
- C. No Class A Nonconforming Use or Structure shall be extended to displace a permitted (conforming) use.
- D. A Class A Nonconforming Use or Structure shall not be changed to another nonconforming use, except with specific approval of the Planning Commission. Before granting such approval, the Planning Commission shall determine that such change in use will have a less deleterious effect on neighboring properties than the existing nonconforming use.

- E. No Class A Nonconforming Use shall be expanded to add another nonconforming use, except with the specific approval by the Planning Commission. The proposed nonconforming use shall satisfy the general standards as set out in Section 704.
- F. Class A Nonconforming Structures shall not be altered or expanded without the specific approval of the Planning Commission, except that the following structural alterations may be permitted without prior approval of the Planning Commission:
 - 1. Structural alterations or additions increasing the bulk of a structure are permitted provided all regulations contained in this Ordinance are met.
 - 2. Structural alterations which do not add to the bulk of structure or increase the intensity of use of the structure.

Section 705 Regulations Pertaining to Class A Nonconforming Uses and Structures

No Class A Nonconforming Use or Structure shall be resumed if it has been discontinued for a continuous period of at least eighteen (18) months or if it has been changed to a conforming use for any period. No Class A Structure shall be used, altered, or enlarged in violation of any condition imposed in its designation.

Section 706 Class B Nonconforming Uses and Structures

- A. All nonconforming uses and structures not designated as Class A are considered as Class B. It is the purpose of this Ordinance to eliminate Class B Nonconforming Uses and Structures as rapidly as is permitted by law without payment of compensation. No Class B Nonconforming Use shall be resumed if it has been discontinued for a continuous period of at least eighteen (18) months or if it has been changed to a conforming use for any period, or if the structure in which such use is conducted is damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds fifty (50%) percent of the reproduction cost of such structure.
- B. No Class B Nonconforming Structure shall be enlarged or structurally altered, except as may be provided under subsection C. below. No Class B Nonconforming Use shall be changed to a substantially different nonconforming use, nor enlarged so as to make use of more land area than was used at the time of becoming nonconforming, except as may be provided under subsection C. below.
- C. Potential exception to allow an upgrade. There shall be a potential exception to allow an upgrade in the direction of greater conformity as follows. The owner of a Class B nonconforming use or structure, **may apply** to the Planning Commission to make a nonconforming use, structure, or characteristic of use more conforming, provided such change is not likely, in the determination of the Planning Commission, to substantially increase the life of the nonconforming use or structure. The Planning Commission's determination shall be in writing, setting forth the rationale for its decision.
- D. No Class B Nonconforming Use or Structure shall be permitted to continue in existence if it was unlawful at the time of its inception.

Section 707 General Standards

The Planning Commission shall review the particular facts and circumstances of each Class A proposal in terms of the intent of this Article and the general standards as set out in Section 704 of this Ordinance. Each individual proposal shall follow the procedure identified in Section 802, Administrative Standards and Procedures of this Ordinance.

Section 708 Revocation of Class A Nonconforming Uses and Structures

Any Class A nonconforming use or structure maintained or used in violation of this Ordinance is a nuisance per se. Whenever the Zoning Administrator determines that a violation of this Ordinance exists, said Zoning Administrator shall issue a notice of violation. Such notice shall be directed to each property owner of or a party in interest in whose name the property appears on the last local tax assessment records. All notices shall be in writing and shall be served upon the person to whom they are directed personally, or in lieu of personal service may be mailed by regular mail, addressed to such owner or party in interest at the address shown on the tax records. An affidavit of mailing shall be maintained.

All violations of Class A nonconforming uses and structures shall be corrected within a period of time as specified on the notice of violation. A violation not corrected within this period shall be reported to the Planning Commission. The Planning Commission shall, upon receipt of said violation, schedule a public hearing in accordance with the procedures set out in Section 802, Administrative Standards and Procedures of this Ordinance. Upon hearing the facts and information, the Planning Commission shall make its decision to consider revocation of the Class A designation in writing and set forth the findings and reasons on which it is based.

Section 709 Appeal of Granting, Denying, or Revocation of Class A Status

Any person aggrieved by the Planning Commission's granting or failure to grant Class A status must appeal that decision to the Circuit Court of Dickinson County, as provided by law (within thirty (30) days) after the decision has been certified in writing, or the minutes that record the decision are approved.

Section 710 Nonconforming Lots

Any nonconforming parcel of land shown as a lot in a map recorded with the County Register of Deeds, or described in a deed or land contract or lease agreement which has been perpetual, executed together with an affidavit or acknowledgement of a Notary Public, prior to the effective date of this Ordinance, and which lot actually exists as shown or described; may be used for permitted uses even though the lot area and/or dimensions are less than those required for the district in which the lot is located, provided that yard dimensions and other requirements of the district, not involving lot area or width, are met.

If a parcel contains more than one nonconforming lot, which is contiguous and in one ownership and would make one or more conforming lots, then only one principal structure shall be permitted per conforming parcel. In addition, if a parcel contains more than one nonconforming lot which is contiguous and in one ownership but would not make one or more conforming lots, then only one principal structure would be permitted per parcel. The spirit of this provision is to limit density in areas of historically small lots to provide for proper isolation for wells, septic systems, drainage and similar public health considerations. No vested right shall arise to the property owner for any parcel created in violation of any preceding Felch Township Zoning Ordinance.

[This page intentionally blank.]

**ARTICLE VIII
ADMINISTRATION AND ENFORCEMENT**

Section 801 Administration

The administration and enforcement of this Ordinance shall be the responsibility of the Township Board. The Township Board shall have the right to delegate said responsibility to appropriate township officers or employees. The person or persons administering and enforcing this Ordinance shall be known as the Zoning Administrator(s).

Section 802 Administrative Standards and Procedures

- A. Whenever, in the course of administration and enforcement of this Ordinance, it is necessary or desirable to make any administrative decision, then, unless other standards are provided in this Ordinance, the decision shall be made so that the result will not be contrary to the spirit and purpose of this Ordinance or injurious to the surrounding neighborhood.
- B. Where a public hearing is require⁴ in the administration of this Ordinance, the Zoning Board of Appeals and the Planning Commission:
1. Shall base their decision upon facts presented at a public hearing. Applications which require hearings before the Felch Township Planning Commission or the Zoning Board of Appeals shall be submitted at least thirty (30) days prior to the regular meeting date of that body. Late applications may be scheduled for hearings upon authorization by the Chairperson after review of the upcoming agenda, and the work load and ability of the staff to meet legal notice deadlines and to prepare reports and recommendations. Under no circumstances may a late application be accepted less than twenty (20) days prior to a legal notice deadline;
 2. Shall provide all notices as required in the Michigan Zoning Enabling Act of 2006, which require, at a minimum, that the Public Hearing Notice must be published in a newspaper of general circulation in the Township not less than fifteen (15) days before the date of the hearing. If one or more specific properties are involved in an action, additional notice steps are required. The number of adjacent properties will also determine the minimum notice requirements to owners and occupants;
 3. All hearing notices shall include the time, place and nature of the request, proposed action, or complaint, the specific geographic area included (if any), where and when written comments will be received, and where and when a description of request, proposed action, or complaint, and any applicable legal land description(s) and any map(s) may be examined and a copy(ies) at cost may be obtained;
 4. Shall permit interested parties at the hearing to present and rebut information either supporting or opposing the zoning action under consideration;

⁴ For example; for a conditional use proposal, a proposed rezoning, a proposed zoning ordinance text amendment or a requested variance.

5. Shall prepare a comprehensive summary record of the hearing, including a record of motions, votes and other official action(s);
 6. Shall set forth in writing and in detail any denial, approval, conditional approval, or order and the facts supporting such decision by any official or body;
 7. Shall file the record, written testimony, or documents submitted with regard to the hearing, and the decision with the Township Clerk, and maintain an affidavit of mailing for each mailing (if any) made under this section;
 8. Shall comply with all other requirements under the law; and
 9. Shall have all administrative actions recorded in the Official Zoning Orders Book and Map.
- C. Whenever a **discretionary decision** is authorized in this Ordinance, such as, but not limited to, the issuance of conditional use permits, conditions, including, but not limited to greater setbacks, parking, screening, drainage, access control and other similar requirements, may be imposed provided they are:
1. Designed to protect natural resources, the health, safety and 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 use or activity, and the community as a whole;
 2. Related to the valid exercise of the police power, and the purposes which are affected by the proposed use or activity;
 3. Necessary to meet the intent and purpose of the zoning ordinance, are related to standards established in the Ordinance for the land use or activity under consideration, and are necessary to insure compliance with those standards; and
 4. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. A record of changed condition shall also be maintained.
- D. All administrative guides or rules developed to assist the Zoning Board of Appeals or the Planning Commission in the administration of this Ordinance shall be filed with the Township Clerk and be open to public inspection.

Section 803 Zoning Administrator

The Zoning Administrator shall be appointed by the Township Board and shall receive such compensation as the Township Board may, from time to time, determine. The Zoning Administrator may also serve in some other capacity as an employee or appointed officer of this Township. The Zoning Administrator, or their designated employee, shall administer the provisions of this Ordinance and shall have all administrative powers in connection therewith which are not specifically assigned to some other officer or body. They shall have no power to vary or waive Ordinance requirements.

Section 804 Duties of Zoning Administrator

- A. The Zoning Administrator shall have the power to issue a Zoning Compliance Permit and to review Site Plans to determine whether they are in proper form, contain all of the required information and are in accordance with the provisions of this Ordinance. The Zoning Administrator shall make inspections of premises and collect such investigative data deemed necessary to carry out his duties in the enforcement of this Ordinance.
- B. If the Zoning Administrator shall find that any provision of this Ordinance is being violated, the Administrator shall order discontinuance of any illegal work being done; or shall take such action as authorized to insure or prevent violation of the provisions of this Ordinance.
- C. The Zoning Administrator shall not vary, change or grant exceptions to any terms of this Ordinance, or to any person making application under the requirements of this Ordinance.
- D. It shall be unlawful for the Zoning Administrator to issue a Zoning Compliance Permit or other such permits, for any construction or use until he has inspected such plans and found them to conform with the requirements set forth in this Ordinance.

Section 805 Zoning Compliance Permit

- A. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered, or enlarged in its use or structure until a Zoning Compliance Permit shall have been issued therefore by the Zoning Administrator. The Permit shall state that the building, structure, and lot, and use thereof, conform to the requirements of this Ordinance.
- B. The Zoning Administrator shall maintain a record of all Zoning Compliance Permits and said record shall be open for public inspection. Failure to obtain a Zoning Compliance Permit shall be a violation of this Ordinance.

Section 806 Enforcement and Violation

Notice of Violation:

- A. Whenever the Zoning Administrator determines that a violation of this Ordinance exists, said Zoning Administrator shall issue a notice of violation.
- B. Such notice shall be directed to each owner of or a party in interest in whose name the property appears on the last local tax assessment records.
- C. All notices shall be in writing and shall be served upon the person to whom they are directed personally, or in lieu of personal service may be mailed by regular mail, addressed to such owner or party in interest at the address shown on the tax records. An affidavit of mailing shall be maintained.
- D. All violations shall be corrected within a period of time as specified on the notice of violation. A violation not corrected within this period shall be policed as a municipal civil

- infraction or shall be reported to the Township Board who shall initiate prosecution procedures.
- E. The failure to comply with provisions of this Ordinance shall constitute a violation of this Ordinance. Every day on which a violation exists shall constitute a separate offense.
 - F. Violations of the provisions of this Ordinance or failure to comply with its requirements, including violations of conditions and safeguards established in connection with variances and conditional uses and violations of approved site plans shall constitute a municipal civil infraction. Any person or entity that admits responsibility or is adjudged to be responsible for a violation of this Ordinance, or fails to comply with any of its requirements, shall, upon admission or judgment thereof, pay a civil fine or not less than one-hundred (\$100.00) dollars plus costs and other sanctions, for each infraction. A separate infraction shall be deemed committed each day during or on which a violation occurs or continues.
 - G. Increased civil fines may be imposed for repeated violations of this ordinance. A repeat violation means a second or subsequent municipal civil infraction committed by a person within any 12-month period and for which a person admits responsibility or is determined to be responsible. The increased civil fines for repeat violations shall be as follows:
 - 1. The fine for any offense which is a first repeat offense shall be \$250.00, plus costs and other sanctions.
 - 2. The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be \$500.00, plus costs and other sanctions.
 - H. Any building, structure or use occupied, erected, constructed, reconstructed, altered, moved, placed, raised, extended, enlarged, maintained or used in violation of the provisions of this Ordinance is hereby declared to be a nuisance per se.
 - I. In addition to any other civil remedies provided for in this Ordinance, the Township Board may also institute proceedings for injunction, mandamus, abatement, or other appropriate remedies to prevent, enjoin, abate or remove any violations of this Ordinance. The imposition and payment of any civil penalty shall not exempt the violator from compliance with provisions of this Ordinance.

Section 807 Special Zoning Orders Book and Map

The Zoning Administrator shall keep a Special Zoning Orders Book, which shall list, with a brief description, all variances, conditional use permits, rezonings, designations of Class A nonconformance, and any terminations of any of them. Each item shall be assigned a number when entered. The Zoning Administrator shall also keep a map, to be known as the Special Zoning Orders Map, on which shall be recorded 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.

Section 808 Fees

The Township Board shall periodically establish by resolution a schedule of fees for administering this Ordinance. The schedule of fees shall be made available in the office of the Zoning Administrator and may be changed only by the Township Board. No permit shall be issued unless such fees have been paid in full.

[This page is intentionally blank.]

**ARTICLE IX
ZONING BOARD OF APPEALS**

Section 901 Creation and Membership

- A. *Board established; composition.* There is hereby established a Zoning Board of Appeals, which shall perform and exercise its powers as provided in Public Act No. 110 of 2006 (MCL 125.3601 et seq.), and in such a way that the objectives of this Ordinance shall be observed, public safety secured, and substantial justice done. The Zoning Board of Appeals shall consist of the following three members appointed by the township board:
1. The first member of the zoning board of appeals shall be a member of the township planning commission.
 2. The remaining members of the zoning board of appeals shall be selected from the electors of the township residing outside of incorporated cities and villages. The members selected shall be representative of the population distribution and of the various interests present in the township. One regular or alternate member may be a member of the township board. An elected officer of the township shall not serve as chairperson of the board of appeals. An employee or contractor of the township board may not serve as a member or an employee of the township zoning board of appeals.
 3. Terms shall be for three years, except for members serving because of their membership on the planning commission or township board, whose terms shall be limited to the time they are members of the planning commission or township board respectively, and the period stated in the resolution appointing them. When members are first appointed, the appointments may be for less than three years to provide for staggered terms. A successor shall be appointed not more than one month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.
 4. The township board may appoint not more than two alternate members for the same term as regular members to the board. The alternate member(s) has the same voting rights as a regular member of the board when serving. The alternate member appointed to a case shall serve in the case until a final decision is made. An alternate member may be called to serve as a regular member of the board if;
 - a. The regular member is absent from or will be unable to attend two (2) or more consecutive meetings of the board, or
 - b. The regular member will be unable to attend meetings for a period of more than thirty (30) consecutive days, or
 - c. A regular member needs to abstain for reasons of conflict of interest.
- B. *Compensation of members.* The total amount allowed the zoning board of appeals in any one year as per diem or as expenses actually incurred in the discharge of its duties shall not exceed a reasonable sum, which sum shall be appropriated annually in advance by the township board.

- C. *Removal of members.* Members of the zoning board of appeals shall be removable by the township board for nonperformance of duty or misconduct in office upon written charges and after public hearing.
- D. *Conflict of interest.* A member shall disqualify himself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself from a vote in which the member has a conflict of interest shall constitute misconduct in office.
- E. *Quorum.* The township zoning board of appeals shall not conduct business unless a majority of the members of the board is present.

Section 902 Meetings and Procedures

- A. Meetings of the zoning board of appeals shall be held at the call of the chairperson and at such other times as the board in its rules of procedure may specify. The chairperson, or in his absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the zoning board of appeals shall be open to the public. The board shall maintain a record of its proceedings, which shall be filed in the office of the township clerk and shall be a public record.
- B. The zoning board of appeals may fix rules to govern its procedures.
- C. The appeal may be taken by any person aggrieved or by any officer, department, board, or bureau of the township, county, or state.
- D. Such appeal shall be taken within such time as shall be prescribed by the township board of appeals by general rule, by filing with the zoning administrator and with the board of appeals a notice of appeal specifying the grounds thereof. The zoning administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.
- E. The township zoning board of appeals shall fix a reasonable time for dealing with an appeal, schedule a public hearing, give due notice thereof to the parties, and decide the appeal within a reasonable time, in accordance with Public Act No. 110 of 2006 (MCL 125.3601 et seq.) Sections 103, 602 and 604. At the hearing, a party may appear in person or by agent or by attorney.
- F. The concurring vote of a majority of the members of the zoning board of appeals shall be necessary to reverse an order, requirement, decision or determination of the zoning administrator or body from whom the appeal was taken, or to decide in favor of the applicant, any matter upon which it is required to pass or to effect any variation in this Article.
- G. The zoning board of appeals shall state in writing the grounds of each determination.
- H. An appeal stays all proceedings in furtherance of the action appealed from unless the zoning administrator certifies to the township board of appeals after the notice of appeal shall have been filed with him that, by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the board of appeals or by the circuit court, on application, on notice to the zoning administrator and on due cause shown.

Section 903 Powers and Jurisdiction

The zoning board of appeals shall have the following powers and areas of jurisdiction:

- A. It shall hear and decide appeals from and review any order, requirements, decisions, or determination made by any administrative official or body charged with enforcement of this Ordinance.
- B. It shall hear and decide all matters referred to it or upon which it is required to pass pursuant to this Ordinance.
- C. With regard to conditional land use and planned unit development decisions, no appeal may be taken to the zoning board of appeals except as otherwise provided in this Ordinance.
- D. The township zoning board of appeals shall act upon all questions as they may arise in the administration of this Ordinance, including the interpretation of the zoning maps.
- E. The zoning board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirements, decision, or determination as in its opinion ought to be made, and to that end shall have all the powers of the zoning administrator or body from whom the appeal was taken and may issue or direct the issuance of a permit.
- F. Where there are practical difficulties in the way of carrying out the strict letter of this Ordinance, the zoning board of appeals in passing upon appeals may vary or modify any of its rules or provisions so that the spirit of this Ordinance is observed, public safety secured, and substantial justice done.
- G. The zoning board of appeals may impose conditions with an affirmative decision. The conditions may include conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:
 - 1. Be designed to protect natural resources and the 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 this Ordinance.
 - 4. Be related to the standards established in this Ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

Section 904 Standards for Granting Variance

- A. No variance (see the Definition in Article II, Section 202) or modification of the provisions of this Ordinance shall be granted by the zoning board of appeals unless it appears beyond

a reasonable doubt that a literal enforcement of the provisions of this Ordinance would involve practical difficulties and that all the following facts and conditions exist:

1. There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or classes of use in the same district or zone.
 2. Such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone and vicinity.
 3. The granting of such variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or improvements in such zone or district in which the property is located.
 4. The granting of such variance will not adversely affect the purpose or objectives of the master plan of the township.
- B. In consideration of all appeals and all proposed variations to this Ordinance, the zoning board of appeals shall, before making any variations from this Ordinance in a specific case, first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the township.
- C. Nothing contained in this section shall be construed to give or grant to the zoning board of appeals the power or authority to alter or change this Ordinance or the official zoning map, such power and authority being reserved to the township board in the manner provided by law.

Section 905 Appeal to Circuit Court

- A. Decisions of the zoning board of appeals shall be final. However, a person having an interest affected by this Ordinance may appeal to the circuit court within thirty (30) days after the zoning board of appeals issues its decision in writing signed by the chairperson, if there is a chairperson, or signed by the members of the zoning board of appeals, if there is no chairperson, or within 21 days after the zoning board of appeals approves the minutes of its decision. Upon appeal, the circuit court shall review the record and decision of the zoning board of appeals to ensure that the decision:
1. Complies with the constitution and laws of the state.
 2. Is based upon proper procedure.
 3. Is supported by competent material and substantial evidence on the record.
 4. Represents the reasonable exercise of discretion granted by law to the zoning board of appeals.
- B. If the court finds the record of the zoning board of appeals inadequate to make the review required by this section, or that there is additional evidence which is material and with good reason was not presented to the zoning board of appeals, the court shall order further proceedings before the zoning board of appeals on conditions which the court considers proper. The zoning board of appeals may modify its findings and decision as a result of the new proceedings, or may affirm its original decision. The supplementary record and decision shall be filed with the court.

- C. As a result of the review required by this section, the court may affirm, reverse, or modify the decision of the zoning board of appeals.

Section 906 Lapse of Approval

- A. No order of the zoning board of appeals permitting the erection or alteration of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit. The zoning board of appeals, upon written application and upon a showing of good cause, may grant up to two (2) extensions of up to six (6) months each for the starting of, and/or the completion of construction, provided that application for an extension is made prior to the lapse of approval.
- B. No order of the zoning board of appeals permitting a use of a building or premises shall be valid for a period longer than one (1) year unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for the erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit. The zoning board of appeals, upon written application and upon a showing of good cause, may grant up to two (2) extensions of up to six (6) months each for the establishment of such use, the starting of construction, and/or the completion of construction, provided that application for an extension is made prior to the lapse of approval.

Section 907 Notice Requirements

- A. The zoning board of appeals shall make no recommendation except in a specific case and only after a public hearing has been conducted by the zoning board of appeals. A written notice of the time and place of such hearing shall be mailed to the owners of all lots or parcels of land, or portion thereof, lying within 300 feet of the property in question. Such notice shall be served not less than 15 days prior to the date of the hearing.
- B. Public notices regarding the time and place of regular and special meetings of the zoning board of appeals shall comply with the open meetings act, Public Act No. 267 of 1976 (MCL 15.261 et seq.).

Section 908 Fees

The township board may from time to time set a reasonable schedule of fees to be charged to applicants for appeals to the zoning board of appeals. A fee shall be paid to the township clerk at the time the notice of appeal is filed.

This page intentionally blank.

**ARTICLE X
TOWNSHIP PLANNING COMMISSION: PLANNING AND ZONING AUTHORITY**

Section 1001 Designation

The Felch Township Planning Commission is the planning commission for Felch Township, Dickinson County, Michigan under the Michigan Planning Enabling Act, Public Act No. 33 of the Public Acts of 2008. Further, the Felch Township Planning Commission has assumed the duties of the zoning commission prescribed in Section 301, of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

Section 1002 Changes and Amendments

Only the Township Board may amend this Ordinance. Proposals for amendments or changes may be initiated by the Township Board on its own motion, by the Planning Commission, by an individual, or by any interested entity in accordance with Article XII, Amendments and Rezoning.

This page intentionally left blank.

ARTICLE XI
INTERPRETATION, SEVERABILITY, NO VESTED RIGHT, PENALTIES, AND EFFECTIVE DATE

Section 1101 Interpretation and Conflict

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. Unless specifically provided for, it is not intended by the Ordinance to repeal, abrogate, annul, or in any way 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, provided, however, that where this Ordinance imposes a greater restriction upon the courtyards or other open spaces that are imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits, the provisions of this Ordinance shall control.

Section 1102 Severability

This Ordinance and the various parts, sections, subsections, and clauses, thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional, or invalid as applied to a particular property, building, or structure, it is hereby provided that the application of such portion of the Ordinance to other property, buildings, or structures shall not be affected thereby. Whenever any condition or limitation is included in an order authorizing any conditional use permit, variance, zoning compliance permit, site plan approval, or designation of Class A nonconformance, it shall be conclusively presumed that the authorizing officer or body considered such condition or limitation necessary to carry out the spirit and purpose of this Ordinance or the requirement of some provision thereof, and to protect the public health, safety, and welfare, and that the officer or board would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was lawful.

Section 1103 No 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; and, 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 1104 Penalties and Remedies

- A. Civil Law: Any building, structure, or use constructed, altered, moved or maintained in violation of the provisions of this Ordinance is hereby declared to be a nuisance per se.

- B. Criminal Law: Violations of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with variances and conditional uses and violations of approved site plans, shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five-hundred (\$500) dollars and imprisoned for not more than ninety (90) days, or both, and in addition, shall pay costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
- C. Remedies: The Township Board may also institute proceedings for injunction, mandamus, abatement or other appropriate remedies to prevent, enjoin, abate or remove any violations of this Ordinance. The rights and remedies provided herein are both civil and criminal in nature. The imposition of any fine, or jail sentence or both shall not exempt the violator from compliance with the provisions of this Ordinance.

Section 1105 Effective Date

This Ordinance shall become effective on June 6, 2016.

**ARTICLE XII
AMENDMENTS AND REZONING**

Section 1201 Authorization

Amendments to this Ordinance may be made as necessary, and shall be made in accordance with the procedures in this Ordinance and the Michigan Zoning Enabling Act of 2006, as amended.

Section 1202 Rezoning

For the purposes of this Article and other applicable Sections of this Ordinance, the term "rezoning" shall be considered an amendment to the Zoning District Map. The procedure for rezoning shall follow the procedure set forth in this Article XII for Amendments and Rezonings.

Section 1203 Initiation of Amendments

Proposals for text amendments may be initiated by the Township Board, Planning Commission, or any person or persons. Proposals for a zoning district amendment (i.e. a rezoning) may be initiated by the Township Board, Planning Commission, or any person or persons having a property interest in the land sought to be rezoned.

Section 1204 General Procedure

The procedure for proposals by owners of property is set forth in this Section 1204.

- A. Each petition by one (1) or more owners or their agents, to amend the text or map (rezoning) of this Ordinance shall be submitted upon an application of standard form to the Zoning Administrator. A fee as established by the Township Board shall be paid at the time of application. The Zoning Administrator shall transmit the application and other information to the Planning Commission for its consideration and recommendation.
- B. The Planning Commission shall consider each proposed amendment in terms of the likely effect of such proposal upon the development plans for the community as set forth in the Township Master Plan, as well as in terms of the merits of the individual proposal. The Planning Commission may recommend any additions or modifications to the amendment petition. Following the legally required notice(s) and public hearing requirements of this section, the Planning Commission shall forward a recommendation on the proposed amendment along with a copy of the public hearing minutes to the Township Board and the County Planning Commission, if they have not waived their review.
- C. Before making a recommendation on any proposed amendments to this Ordinance, the Planning Commission shall conduct a public hearing, with public notice being given by the Township as specified below, in subsections 1204 D. Published Notice and 1204 E. Mailed/Delivered Notices. Said notice shall contain the time, place, date and purpose of the hearing, the name of the applicant, a description of the property to be rezoned and

- the requested zoning change or, if a text change, an outline of the proposed amendment and where and when the text of the proposed amendment may be examined.
- D. Published Notice. Notice shall be given by publication in a newspaper of general circulation in the Township not less than fifteen (15) days before the date of the hearing.
 - E. Mailed/Delivered Notices. Mailed or delivered notice shall be made in accordance with the following:
 - 1. To each railroad, electric, gas, pipeline, and telephone company that registers its name and mailing address with the Township for the purpose of receiving such notice. Said notice shall be made at least fifteen (15) days in advance of the hearing.
 - 2. To each owner of property as listed on the most recent tax roll of all real property located within three hundred (300') feet of the area proposed for a map amendment. An affidavit of the delivery shall be filed with the Planning Commission. Said notice shall be given not less than fifteen (15) days before the date the request will be considered.
 - 3. To each occupant(s) of all structures within three hundred (300') feet of the area proposed for a map amendment. An affidavit of the delivery shall be filed with the Planning Commission. Said notice shall be given not less than fifteen (15) days before the date the request will be considered.
 - 4. To the applicant and/or owner of the property in question.
 - F. Following the Planning Commission's public hearing, the proposed zoning amendment(s), including zoning map(s), shall be submitted by the Planning Commission to the Dickinson County Planning Commission for its recommendation, if they have not waived their review. Upon receipt of the Dickinson County Planning Commission's recommendation or expiration of thirty (30) days, the Township Board shall review both the County and the Township Planning Commissions' recommendations.
 - 1. The Township Board may hold its own public hearing if it considers it necessary. The Township board shall also grant a hearing on the proposed amendment(s) to any interested property owner who has filed a written request for such a hearing with the Township Clerk. Said request shall be delivered by certified mail. The Planning Commission may be requested to attend the hearing. Notice of the hearing shall be published in a newspaper of general circulation within the Township. The notice shall be published not less than fifteen (15) days prior to the hearing.
 - 2. If the Township Board deems advisable any changes or additions to the amendment(s) recommended by the Planning Commission, it shall refer the changes or additions back to the Planning Commission for a report thereon within thirty (30) days. After receiving the report, the Township Board shall grant a public hearing on the proposed amendment(s) as is specified in Section 1204 General Procedure, F. 1., above.
 - G. Following a public hearing or review of the Planning Commission's report, the Township Board by majority vote of its membership may adopt or reject the proposed amendment(s) with or without changes. Any proposed added, significant element of regulation or proposed added land area to be changed in zoning classification, which did not proceed through the required public hearing process, shall be submitted through the required

public hearing process before being considered for further action. A lesser portion (either regulations or land area) of a proposed amendment, which has received full public hearing consideration, may be considered for further action, including deletion without a new public hearing process.

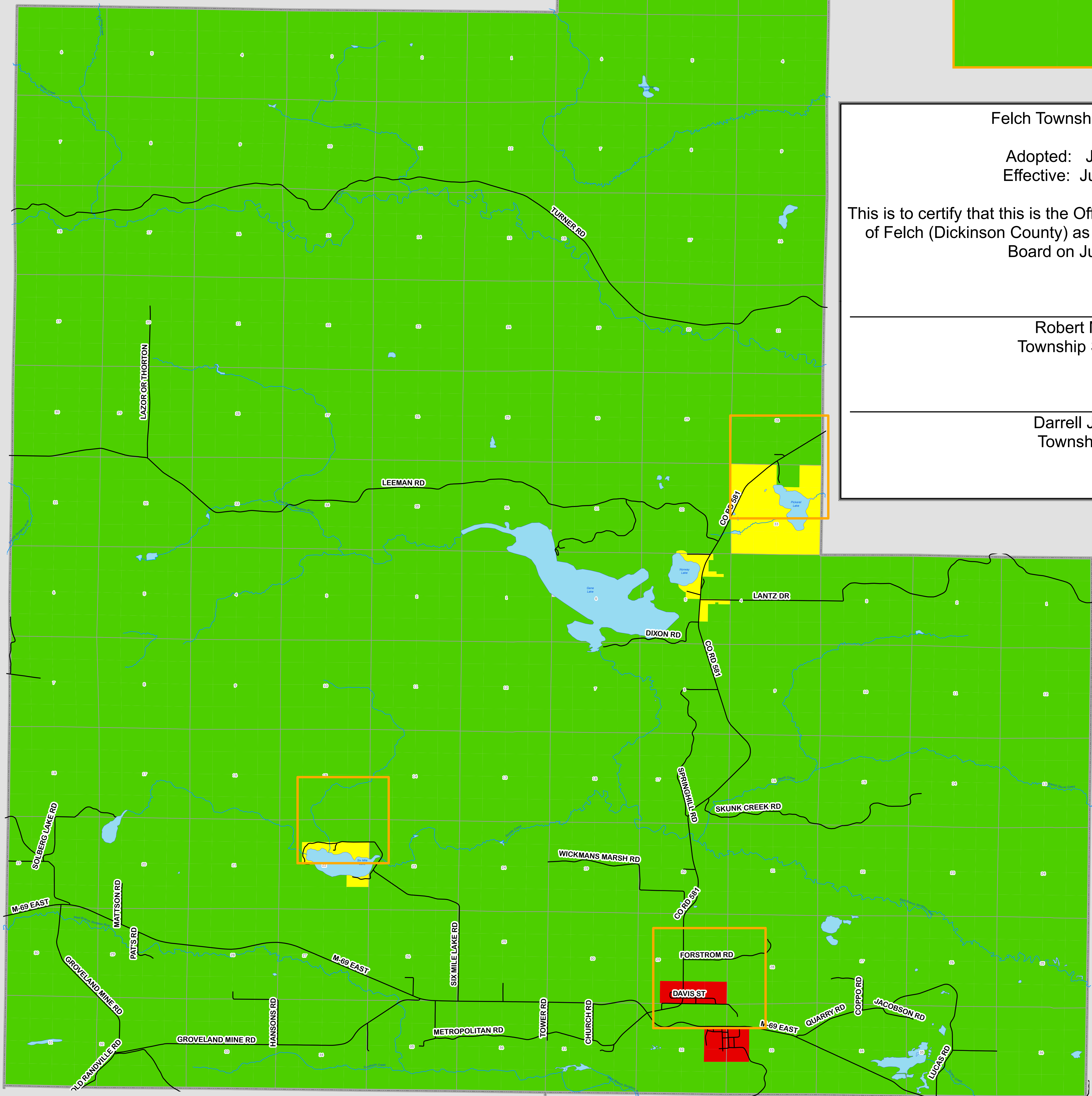
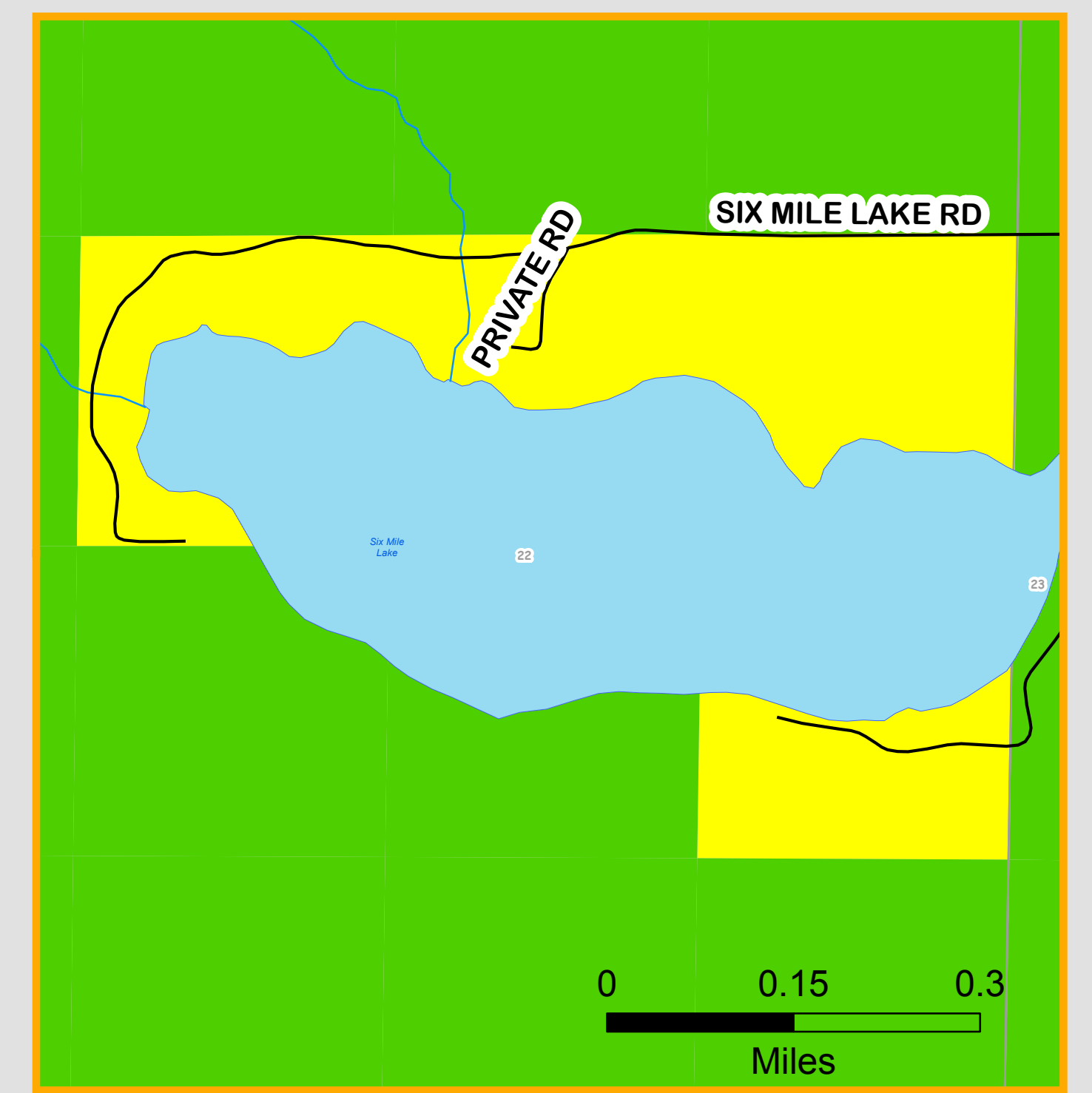
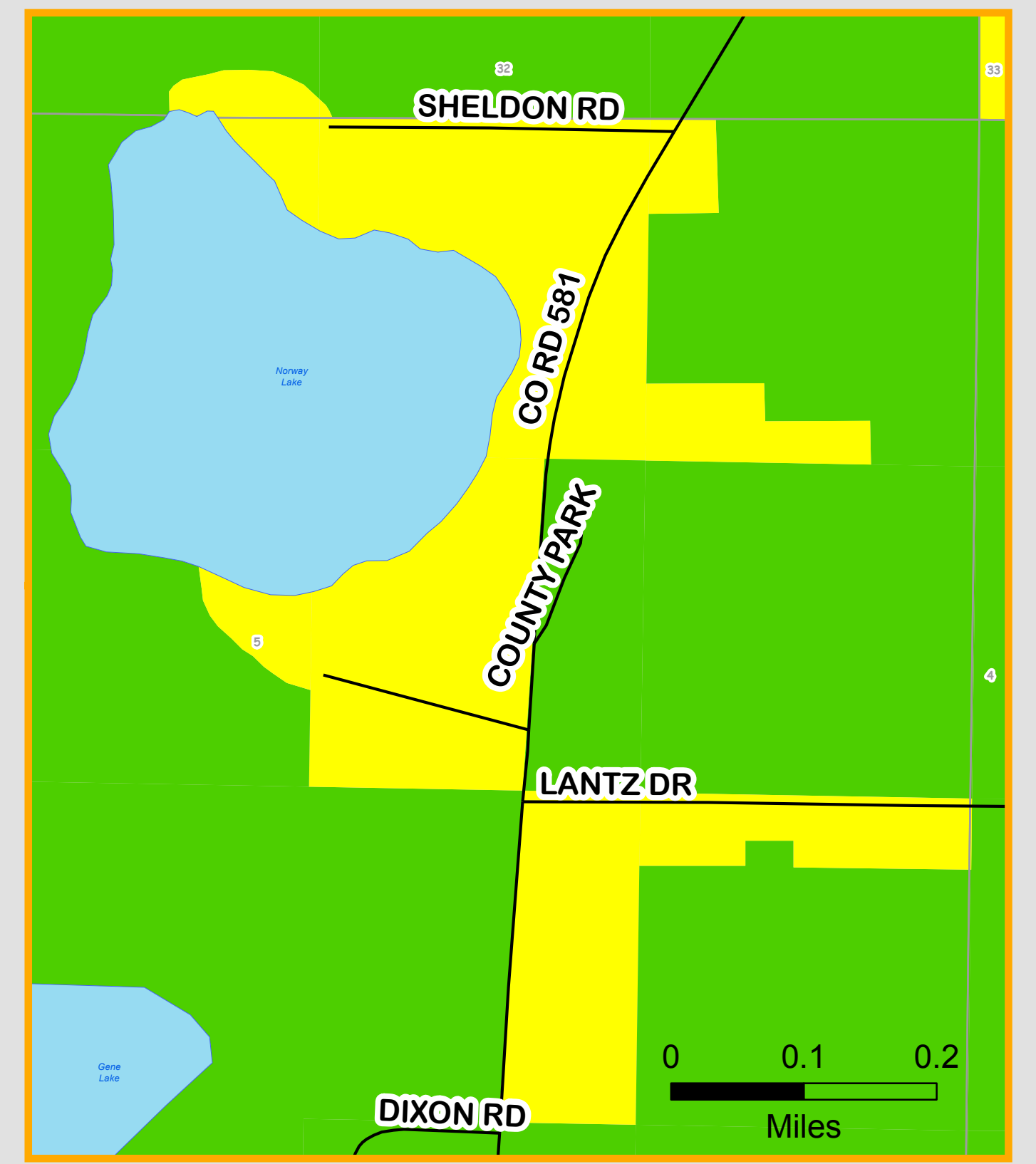
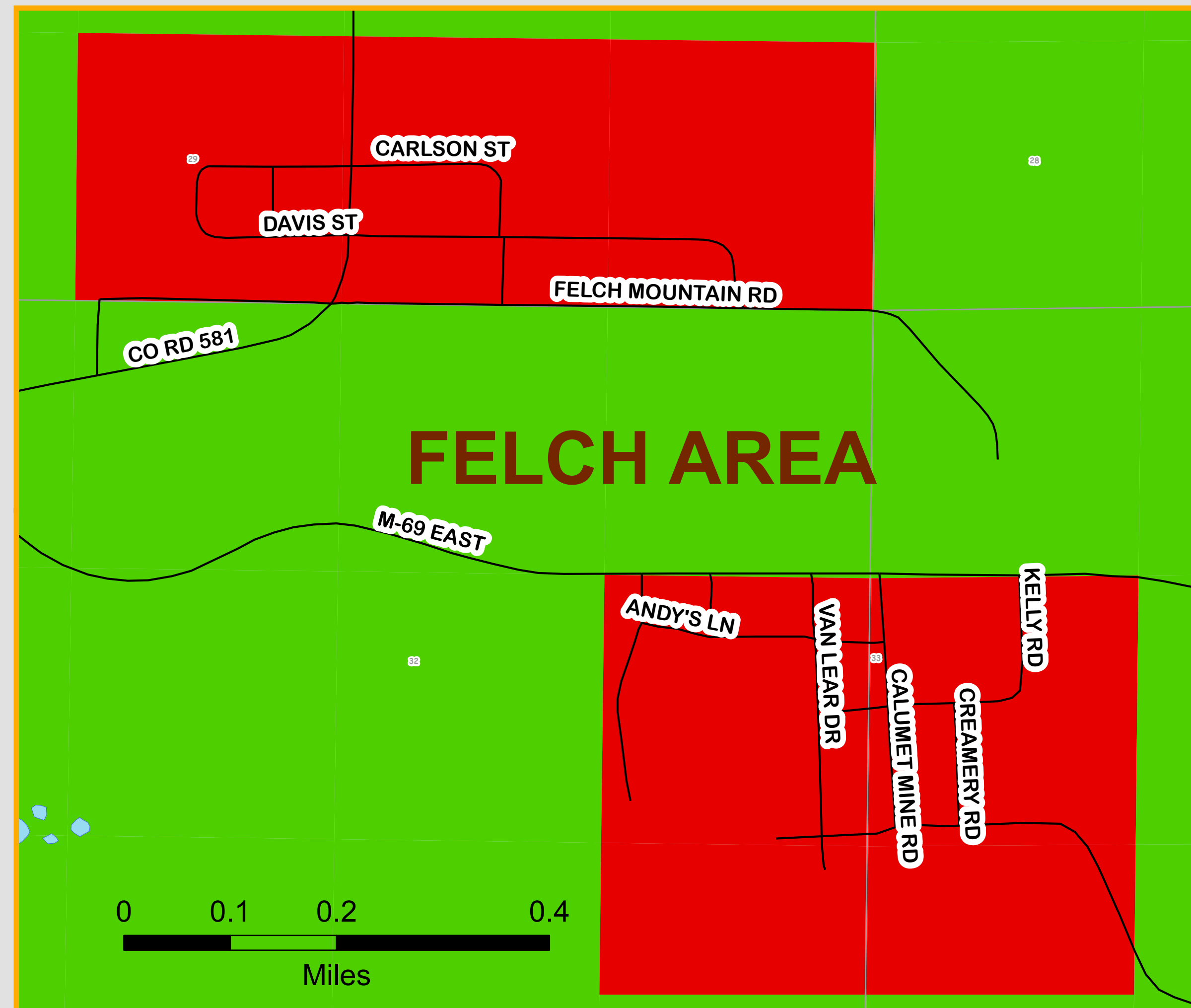
- H. If no effective date is specified, the amendment(s) will take effect seven (7) days after publication of the notice of adoption (Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, Section 401).
- I. The amendment(s) shall be filed with the Township Clerk and one (1) notice of adoption shall be published in a newspaper of general circulation within fifteen (15) days after adoption. The notice shall contain:
 - 1. Either a summary of the regulatory effect of the amendment(s), including the geographic area affected, or the text of the amendment(s);
 - 2. The effective date of the amendment(s); and
 - 3. The time and place where a copy of the amendment(s) may be examined.
- J. An amendment for the purpose of conforming a provision of the Zoning Ordinance to the decree of a court of competent jurisdiction as to any specific land may be adopted by the Township Board and the notice of the adopted amendment published without a hearing or referring the amendments to any other board or agency provided for in this Ordinance.

This page intentionally blank.

FELCH TOWNSHIP

DICKINSON COUNTY, MICHIGAN

ZONING MAP, JUNE 2016



Felch Township Zoning Map

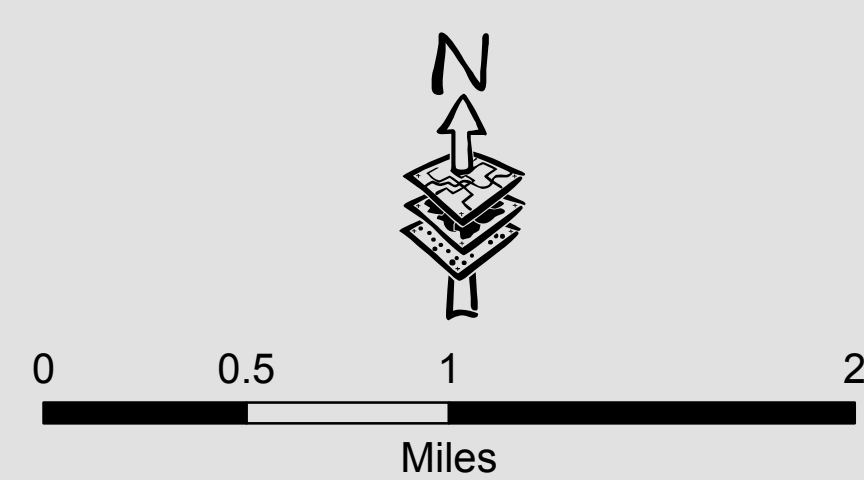
Adopted: June 6, 2016









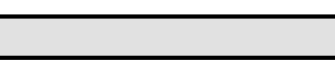
Effective: June 24, 2016

This is to certify that this is the Official Zoning Map for the Township of Felch (Dickinson County) as adopted by the Felch Township Board on June 6, 2016.

Robert Mattson,
Township Supervisor

Darrell J. Oman,
Township Clerk



-  ROADS
-  RIVER
-  LAKE
-  TOWNSHIP BOUNDARY
-  SECTION LINE
- ZONING DISTRICTS**
-  R, RESIDENTIAL
-  RP, EXCLUSIVE RESOURCE/AG
-  T, TOWN DISTRICT
-  INSET MAP COVERAGE AREA