

ARTICLE I  
PURPOSE OF ZONING

An Ordinance to establish zoning districts and regulations governing the development and use of land within Waucedah Township, Dickinson County, in accordance with the provisions of Act 184, Public Acts of 1943, as amended; to provide for regulations governing nonconforming uses and structures; to provide for a Board of Appeals and for its powers and duties; to provide for permits, fees, penalties and other administrative provisions to enforce this Ordinance; and to provide for regulations regarding conflicts with other ordinances or regulations.

THE TOWNSHIP OF WAUCEDAH HEREBY ORDAINS:

Section 101 Purpose

Pursuant to the authority conferred by the Public Acts of the State of Michigan, this Ordinance has been established for the purpose of:

1. Promoting and protecting the public health, safety, and general welfare;
2. Implementing appropriate concepts, objectives, and directions of various local development plans;
3. Protecting the character and stability of the Township's most valuable natural resources-- its forests, lakes agricultural lands, and scenic resources;
4. Promoting the orderly and beneficial development of residential and non-residential areas within Waucedah Township;
5. Regulating the intensity of use of land and lot areas and determining the area of open spaces surrounding buildings and structures necessary to provide adequate light, air, access and privacy to protect the public health;
6. Lessening and avoiding congestion or other traffic related problems on the public highways and roads;
7. Providing for the needs of forest resource and agricultural production, housing, and commerce in future growth;
8. Protecting the public and adjacent uses from fire, explosion, noxious fumes or odors, excessive heat, dust, smoke, glare, noise, vibration, radioactivity, and other health and safety hazards;
9. Preventing the overcrowding of land and undue concentration of buildings and structures so far as possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them;
10. Enhancing social and economic stability in the Township;
11. Conserving the taxable value of land, buildings and structures in the Township;
12. Enhancing the aesthetic desirability of the environment throughout the Township; and
13. Conserving the expenditure of funds for public improvements and services to conform with the most advantageous uses of land.

Section 102 Short Title

This Ordinance shall be known and may be cited as the Zoning Ordinance of Waucedah Township, County of Dickinson, Michigan.

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 a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:
  - (1) "And" indicates that all 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 single but not in combination.
- L. Words in the 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.

### 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:

ACCESS, means a way or means of approach to provide vehicular or pedestrian entrance or exit to a property from an abutting property or a public roadway.

ACCESS MANAGEMENT, means the process of providing and managing reasonable access to land development while preserving the flow of traffic in terms of safety, capacity, and speed on the abutting roadway system.

ACCESS POINT, means a) the connection of a driveway at the right-of-way line to a road. b) a new road, driveway, shared access or service drive.

ACCESSORY BUILDING. A detached building or structure 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.

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.

ADULT FOSTER CARE HOME. Public or private buildings used principally for the occupancy and therapy of mentally and emotionally ill persons (6 or more) not requiring intensive care, constant care, constant supervision or confinement.

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.

AGRICULTURE LAND USE. The use of land primarily for farming, ranching, horse breeding, livestock and other forms of food and crop production.

**ANIMAL, NON-DOMESTICATED, VICIOUS OR EXOTIC.** Any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals. Or, an animal from a species which is not commonly domesticated or kept as livestock, or which is not native to the State of Michigan, or a species which, irrespective of geographic origin, is of wild or predatory character, or which because of size, aggressive or vicious characteristics would constitute an unreasonable danger to human life or property if not kept, maintained or confined in a safe and secure manner, including any hybrid animal that is part exotic animal. (See Household pets, animals, domesticated (pet).

**APPRAISED VALUE.** The value of property as estimated by an individual qualified to appraise that type of property.

**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.

**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.

**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.

**BED AND BREAKFAST.** A use that is subordinate to a single-family detached dwelling unit, in which transient guests are provided with sleeping rooms and limited breakfast meals on a short-term basis, in return for payment.

**BUILDING.** A structure that is affixed to the ground, has a roof and is used for the shelter of humans, animals, property and goods.

**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.

**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. The drawings below illustrate this definition or part thereof.

**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.

**BUILDING LINE(S).** A line defining the front, side and rear yard requirements outside of which no building or structure may be located.

**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.

**CARPORIT.** 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.

**CHURCH USES/RELIGIOUS INSTITUTIONS.** Churches, synagogues, mosques, church schools, church residences and church owned land used for related church functions.

**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.

**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.

**COMMERCIAL VEHICLE.** Any motor vehicles which has a commercial license and which has a gross vehicle weight rating (GVWR) of over 12,000 pounds.

**COMPREHENSIVE DEVELOPMENT PLAN.** An official document that serves as a guide to the long-range development of the Township.

**CONDOMINIUM.** A building, or group of buildings, in which dwelling units, offices, or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

**CONDOMINIUM UNIT.** The portion of a condominium project designed and intended for separate ownership and use as described in the master deed.

**CORNER LOT.** A lot that is situated at the junction of at least two streets, 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.

**CUL-DE-SAC.** A street with an outlet at only one end and a turnaround area at the other end.

**DIRECTIONAL SIGN.** A sign which gives a name place, location and general nature of a specific establishment or attraction and is intended to give directions to that place.

**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.

**DRIVE-IN FACILITIES.** Commercial enterprises that permit the consumer to do business or be entertained without leaving his car.

**DRIVEWAY,** means any entrance or exit used by vehicular traffic to or from land or buildings abutting a road.

**DRIVEWAY OFFSET,** means the distance between the centerline of two driveways on opposite sides of an undivided roadway.

**DRIVEWAY, SHARED,** means a driveway connecting two or more contiguous properties to the public road system.

**DUPLEX.** A building containing two single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof.

**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.

Exceptions: Beams and girders spaced not less than 4 feet on center may project not more than 6 inches below the required ceiling height.

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 twenty (20) 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 twenty (20) feet.) Breezeways, garages, porches, and other appurtenances shall not be considered part of the required 20 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 Act 96 of 1987, The Mobile Home Commission Act.

(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.

**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.

**FAMILY.** An individual, two or more persons related by, 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.

**FARM.** A parcel of land used for gain in the raising of agricultural products, livestock, poultry and dairy products, which include necessary farm structures, and the storage equipment used, but does not include the raising of fur bearing animals, livery or boarding stables and dog kennels.

**FILING DATE.** The date upon which any application pursuant to this ordinance is submitted and the required filing fee is paid.

**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.



**FLOOD PLAIN.** That area of land adjoining a lake, river or stream which will be inundated by a base flood.

**FLOOD, BASE.** A one hundred year flood, which is a flood with a 1 percent chance of occurring in any given year. This is the minimum level of flooding that the National Flood Insurance Program requires a community to protect itself against in floodplain management regulations.

**FRONTAGE ROAD OR FRONT SERVICE DRIVE,** means a local street/road or private road typically located in front of principal buildings and parallel to an arterial for service to abutting properties for the purpose of controlling access to the arterial.

**FRONT LOT LINE.** The lot line separating a lot from a street right-of-way. In cases where lots abut water, the water side shall be the front lot line.

**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.

**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.

**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.

**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.

**HOTEL.** A building in which the rooms are occupied 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.

**HOUSEHOLD PETS.** Animals domesticated (pet). An animal that is commonly considered capable of being trained or is capable of adapting to living in a human environment and being of use to human beings, and which is not likely to bite without provocation nor cause death, maiming or illness to human beings including by way of example: bird (caged), fish, rodent (bred, such as a gerbil, rabbit, hamster or guinea pig), cat (domesticated), lizard (non-poisonous), and dog. Wild,

vicious or exotic animals shall not be considered domesticated. Animals bred, raised or boarded for commercial purposes are not considered pets. (See Animal-non-domesticated, vicious, or exotic)

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 and inoperable automobiles and motor vehicles; rags, bottles, tin cans, and comparable items.

KENNEL, COMMERCIAL. Any lot or premises used for the commercial sale, boarding, or treatment of three or more dogs, cats or other domestic animals.

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.

LOT AREA. The area of land within the boundary of a lot excluding any part under water, and in addition, it is the area of land bounded by any back lot line, the right-of-way line of the highway on which it fronts, and the side lot lines intersecting the back lot line and extending to the right-of-way line of the highway.

LOT, CORNER. A parcel of land at junction of and fronting or abutting on two or more intersecting streets or roads.

LOT DEPTH. The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

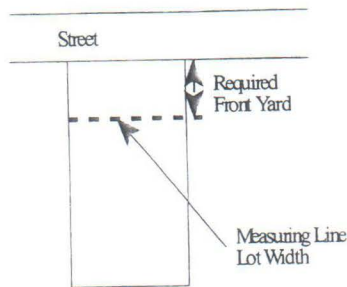
LOT COVERAGE. The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

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.

LOT WIDTH. Lot width shall be measured as follows:

- (A) Lot width with parallel side lot lines - The required width shall be measured on a straight line which is perpendicular to the side lot lines. No part of such measuring line shall be closer to the front property line than the depth of the required front yard.

Figure 1-1 is illustrative of this definition and part thereof.

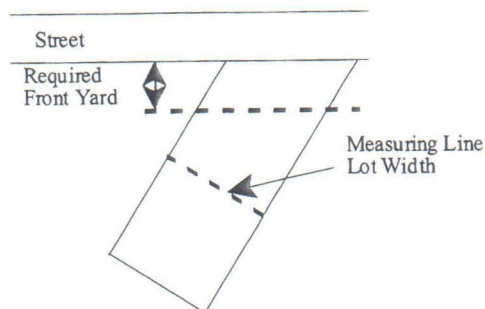


- (B) Lot width non-parallel side lot line - The required lot width shall be measured on a straight line which shall be a measuring line, which is parallel to a straight line which connects the side lot lines where they intersect the front property line. The measuring line shall be located at least the distance of the required front yard from the front property line. If the measuring line is located behind the rear line of the required front yard, the measuring line shall be the front building line.

The required minimum straight line distance between the side lot lines where they intersect the front property lines shall be determined as follows:

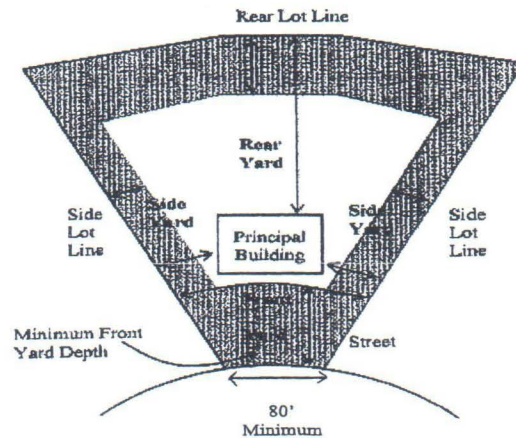
- (1) For all lots not located on a turning circle of a cul-de-sac street, said distance shall not be less than eighty percent of the required lot width.

Figure 1-2 is illustrative of the definition and part thereof:



- (2) For lots located on a turning circle of a cul-de-sac street said distance shall be at least eighty feet.

Figure 1-3 is illustrative of this definition and part thereof



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

**MINIMUM LOT SIZE.** The smallest or least area of a parcel allowed in said district.

**MOBILE HOME.** A structure meeting 1976 HUD Standards, as updated, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. A mobile home does not include a recreational vehicle.

**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.

**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," resorts and similar appellations which are designed as integrated units of individual rooms under common ownership.

**MINI-WAREHOUSING.** A building or portion thereof designed or used exclusively for storing personal property of an individual or family when such is not located on the lot with their residence. Personal property may include, but is not limited to, passenger motor vehicles, house trailers, motorcycles, boats, campers which are generally stored in residual accessory structures.

**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.

**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.

**NUISANCE.** An activity consisting of an unlawful or unreasonable use of property by an individual that causes injury or damages to another or to the public in general. Common examples of phenomena generally considered to constitute nuisances include excessive noise, odor, smoke, vibration (not all inclusive).

**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.

**OVERLAY ZONE OR OVERLAY DISTRICT,** means a zoning district that encompasses one or more underlying zones and that imposes additional requirements beyond those required for the underlying zone.

**REAR LOT LINE.** Generally considered to be the line that is opposite from the front lot line and also farthest in distance from the front lot line.

**REAR SERVICE DRIVE,** means a local street/road or private road typically located behind principal buildings and parallel to an arterial for service to abutting properties for the purpose of controlling access to the arterial.

**REAR YARD.** A yard that extends across the entire width of a lot containing a building and is located between the rear lot line and a parallel line running through the point of the building closest to the rear lot line.

**RECREATIONAL STRUCTURE.** A dwelling unit designed and utilized for occasional use.

**RESORT.** A facility for transient guests where the primary attraction is generally recreational features or activities.

**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.

**RIPARIAN LOT.** Shall mean 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.

**RIPARIAN LOT COMMON USE.** Means property which abuts a lake or a navigable tributary which provides lake access to owners or occupants of nearby property which does not abut the lake.

**RIPARIAN OWNER.** Shall mean a person whose property adjoins a lake or who has rights of access to a lake because of a recorded instrument granting such rights.

**RIPARIAN RIGHTS.** Shall mean those rights which are associated with the ownership of the bank or shore of an inland lake or stream.

**SITE CONDOMINIUM.** A condominium development containing residential, commercial, office, industrial or other structures or improvements for uses permitted in the zoning district in which it is located, and in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, herein defined as a condominium unit, as described in the master deed.

**SIGHT DISTANCE,** means 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.

**SPECIAL/CONDITIONAL 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 special uses authorized by permit. These special uses possess unique characteristics and are found to be not injurious to the health, safety, convenience, and general welfare of the County's inhabitants.

**SPOT ZONING.** The assignment of a zoning classification different from the surrounding zoning classifications (to a relatively small land parcel). The term is usually employed when the use classification is intended to benefit a particular property owner and is incompatible with the surrounding area.

**STABLE, COMMERCIAL.** Any lot or premises wherein or whereon a horse or horses are maintained, harbored, kept, confined, raised, lodged, fed, or allowed to remain, for sale, public show, boarding, breeding, leasing, trading, training, riding, or some similar purpose, for remuneration, or which is a stable that is not a private stable.

**STABLE, PRIVATE.** Any lot or premises wherein or whereon a horse or horses are maintained, harbored, kept, confined, raised, lodged, fed, or allowed to remain, which are exclusively owned and used by a person living at the lot or premises, but not a commercial stable.

**STRUCTURE.** A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

**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.

**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.

**THROAT LENGTH,** means the distance parallel to the centerline of a driveway to the first on-site location at which a driver can make a right-turn or a left-turn. On roadways with curb and gutter, the throat length shall be measured from the face of the curb. On roadways without a curb and gutter, the throat length shall be measured from the edge of the paved shoulder.

**THROAT WIDTH,** means the distance edge-to-edge of a driveway measured at the right-of-way line.

**TRIP GENERATION,** means the estimated total number of vehicle trip ends produced by a specific land use or activity. A trip end is the total number of trips entering or leaving a specific land use or site over a designated period of time. Trip generation is estimated through the use of trip rates that are based upon the type and intensity of development.

**UNDERLYING DISTRICT,** means the base zone below an overlay zone, that establishes the fundamental permitted uses, densities and dimensional regulations applicable to lands subject to a zoning ordinance.

**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.

**WAREHOUSE.** A building or portion of one where goods and merchandise are deposited or stored primarily for use or for sale elsewhere.

**WATER COURSE.** Any water course including lakes, rivers, streams, impoundments, backwaters, etc., that is navigable.

**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.

**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 row, in the case of a straight street line, and radial to the street line, in the case of a curbed road row.

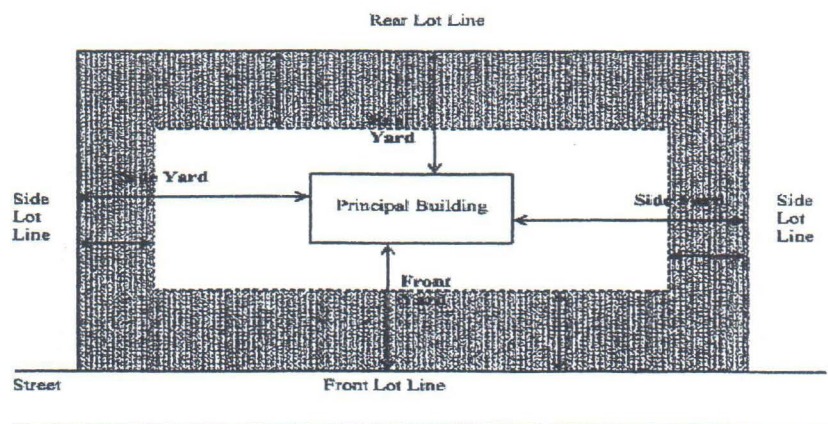
**YARD, REAR.** An upon occupied space extending the full width of the lot between the rear line of the lot and the rear line of the principal building on the lot, except for permitted accessory buildings/structures.

**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.

**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).

**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).

Figure 1-4 is illustrative of the above 6 definitions and part thereof.





ARTICLE III  
ZONING DISTRICTS AND MAPS

Section 301 Establishment of Districts

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

|        |                            |
|--------|----------------------------|
| R:     | Residential                |
| R-2:   | Residential Two            |
| RR-5:  | Rural Residential          |
| LS/R:  | Lake Shore/River           |
| SR:    | Scenic Resource            |
| AP-20: | Agriculture Production     |
| RP-10: | Resource Production Ten    |
| RP-20: | Resource Production Twenty |
| TP-40: | Timber Production          |
| TD:    | Town Development           |
| I:     | Industrial                 |

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

One copy of the Waucedah 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 Waucedah 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 supercede 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 power in passing upon appeals, in accordance with Article X 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 construed to be similar to an expressly permitted use. The Zoning Administrator shall determine if a use is similar to an expressly permitted use. Any appeals to the Zoning Administrator's interpretation shall be to the Zoning Board of Appeals.

(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 impose 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 Waucesha Township Zoning Ordinance.

### Section 307 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.

### Section 308 District R: Residential

(A) Intent: The R, Residential, District is intended for the establishment and preservation of quiet neighborhoods for single-family dwellings and two-family dwellings free from other uses except those which are both compatible with and convenient to the residents in this District. The R District is designed to accommodate residential opportunities for those who are willing to assume the costs of providing their own services, requiring spacious lots, insuring a safe, potable water supply and treatment of wastewater on the same lot.

(B) Permitted Principal Uses:

1. Single-family dwellings
2. Two-family dwellings
3. The keeping of household pets. Farm animals, such as horses, cows or fowl, are not permitted.

(C) Permitted Accessory Uses: The following are permitted accessory uses:

1. Accessory structures normally associated with single-family dwellings, two-family dwellings such as a garage, shed for yard tools, playhouse, pens, bath house, swimming pools, woodshed, and sauna.

(D) Conditional Uses Authorized by 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 VII.

1. Churches.
2. Schools.
3. Private and public parks.
4. Multiple family dwellings.
5. Mobile home parks.
6. Child care facility.
7. Township halls, community centers and fire halls.
8. Elevated water storage tanks, wastewater treatment facilities.
9. Cemeteries.
10. Home Occupations, subject to the conditions of Section 403.

### Section 309 District R-2: Residential Two

(A) Intent: The R-2, Residential Two, District is established to protect and generally preserve the existing character and use of those areas of Waucesha Township which are presently single-family/two-family dwellings located on spacious lots, free from other uses except those which are both compatible with and convenient to the residents in this District.

(B) Permitted Principal Uses:

1. Single-family dwellings.
2. Two-family dwellings.
3. Mobile homes.
4. The keeping of household pets. Farm animals, such as horses, cows or fowl, are permitted on parcels of at least 5 acres.

(C) Permitted Accessory Uses: The following are permitted accessory uses:

1. Accessory structures normally associated with single-family dwellings, two-family dwellings such as a garage, shed for yard tools, playhouse, pens, bath house, swimming pools, woodshed, and sauna.
2. Accessory uses of structures clearly incidental to the operation of a hobby farm, including barns, shed, equipment and similar structures.

(D) Conditional Uses Authorized by 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 VII.

1. Churches.
2. Schools.
3. Private and public parks.
4. Multiple family dwellings.
5. Mobile home parks.
6. Child care facility.
7. Township halls, community centers and fire halls.
8. Elevated water storage tanks, wastewater treatment facilities.
9. Cemeteries.
10. Home Occupations, subject to the conditions of Section 403.

Section 310 District RR-5: Rural Residential Five

(A) Intent: The RR-5, Rural Residential Five, District is established to protect and generally preserve the existing character and use of those areas of Waucesha Township which are presently rural or agricultural. Soil and natural conditions vary throughout this District, including substantial wood lots and farms. These areas are considered to be suitable for rural (predominantly scattered-site) development.

(B) Permitted Principal Uses:

1. Single-family dwellings.

2. Mobile homes.
3. Agricultural production, including the growing or raising of forage and sod crops, grains and feed crops, dairy and dairy products, livestock, fruits, plants, trees, shrubs, and nursery stock vegetables and similar activities.

(C) Permitted Accessory Uses: The following are permitted accessory uses:

1. Accessory structures normally associated with residential dwellings, such as a private garage, shed for yard tools, playhouse, pens, boat house, swimming pools, woodshed, and sauna.
2. Accessory uses of structures clearly incidental to the operation of a farm, including barns, silos, sheds, equipment, storage and similar structures customarily incidental to the permitted principal use and structures.
3. One roadside stand for the sale of farm produce, specialty crops such as tree fruits, nuts, berries and the like, or foodstuffs made from such products, providing it is raised on the property.

(D) Conditional Uses Authorized by 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 VII.

1. Churches.
2. Cemeteries.
3. Public and private recreational facilities including parks, playgrounds, camps, campgrounds, and similar recreation facilities.
4. Schools.
5. Kennel, commercial.
6. Child care facility.
7. Storage yards, transformer stations, substations, microwave relay towers, commercial freestanding towers, and similar facilities associated with public utilities.
8. Veterinarian offices and animal clinics.
9. Auction sale barns.
10. Facilities for bulk feed, seed or fertilizer sales, storage or mixing.
11. Farm equipment sales, service or repair.
12. Home Occupations, subject to the conditions of Section 403.
13. Transfer stations.

#### Section 311 District LS/R: Lake Shore and River

(A) Intent: The LS/R, Lake Shore and River, 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. The keeping of household pets.

(C) Permitted Accessory Uses: The following are permitted accessory uses:

1. Accessory structures normally associated with single-family dwellings, and recreational dwellings, such as a private garage, shed for yard tools, playhouse, pens, boat house, swimming pools, woodshed, and sauna.

(D) Conditional Uses Authorized by 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 VII.

1. Marinas, boat liveries, bathing facilities and fishing piers.
2. Resorts, lodges and associated facilities.
3. Home Occupations, subject to the conditions of Section 403.

#### Section 312 District SR: Scenic Resource

(A) Intent: Because there exists in Waucedah Township certain resources that should be protected for their scenic values, environmental stability, and character, the SR - Scenic Resource District is established to protect scenic resources along the Sturgeon River, Waucedah-Foster City Road (569) and Waucedah Road (569 or County Road #1). Because tourism, recreation and environmental integrity are major aspects of the Township's development situation, it is deemed vital to the general welfare that natural resources and scenic assets be preserved to the fullest extent feasible. It is the intent of this District to preserve a scenic resource corridor in as much of its natural condition as possible.

(B) District Boundaries: Unless otherwise illustrated or indicated on the Township Zoning Map, the SR - Scenic Resource District shall be deemed to extend at right angles from the water's edge (Sturgeon River) to a depth of one hundred (100') feet, and to a depth of one hundred (100') feet from the nearest right-of-way line of the two scenic roads in the Township (Waucedah-Foster City and Waucedah Lake Roads).

(C) Required Conditions: There shall be no buildings, structures or land uses permitted in the Scenic Resource District. The SR District shall establish and maintain a one hundred (100') foot yard or strip on the water side, and one hundred (100') feet on a roadside of a scenic road. Said yard or strip to be maintained in its natural tree and shrub condition. Trees and shrubs in a space thirty (30') feet wide may be trimmed and/or pruned through the native strip for a view of the fronting waters, for access to a boat dock, and for access to a road.

Nothing in these requirements shall be interpreted to prohibit selective tree cutting in the native strip space to remove dangerous trees (winthrop hazard) or other trees and shrubs that may prevent the native strip area from being retained in a healthful growth condition. Similar cutting shall be allowed where necessary for traffic safety.

Any excavating, filling, grading for access and/or viewing of waters shall insure that no silting will impact adjacent waters and that all banks, slopes, and hillsides are stabilized to prevent soil erosion.

Nothing in these requirements shall be interpreted to require the planting of shrubs or trees as agricultural lands or other parcels where natural tree cover does not exist or cannot be grown.

### Section 313 District AP-20: Agricultural Production

(A) Intent: The AP-20, Agricultural Production, District is intended to maintain for agricultural purposes those lands which because of their soil characteristics, drainage, potential mineral content and other factors, are especially well suited for farming, dairying, other similar agricultural operations, forestry operations, and mining, and to ensure that uses within this District are retained for agricultural purposes and mineral extraction.

(B) Permitted Principal Uses:

1. Agricultural production, including the growing or raising of forage and sod crops, grains and feed crops, dairy and dairy products, livestock, fruits, plants, trees, shrubs, and nursery stock, vegetables and similar activities.
2. Single-family dwellings.
3. Mobile homes.
4. Mineral extraction subject to Sections 413 through 415.

(C) Permitted Accessory Uses: The following are permitted accessory uses:

1. Accessory uses or structures, clearly incidental to the operation of an existing farm, including barns, silos, sheds, equipment storage and similar structures customarily incidental to the principal permitted use and structures.
2. One roadside stand for the sale of farm produce, specialty crops such as tree fruits, nuts, berries and the like, or food stuffs made from such products, providing it is raised on the property.
3. Accessory structures normally associated with single-family dwellings, such as a private garage, shed for yard tools, playhouse, pens, boat house, swimming pools, woodshed, and sauna.
4. 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 the application for and the issuance of a Conditional Use Permit as provided for in Article VII.

1. Feedlots, poultry farms and fur farms provided that no such operation shall be established within 1/4 mile of any existing residence not on the premises.
2. Commercial riding or boarding stables.
3. Gun clubs, rifle, trap and pistol ranges.
4. Private airport or landing fields.

5. Commercial free standing towers.
6. Storage yards, transformer stations, substations, microwave relay towers and similar facilities associated with public utilities.
7. Veterinarian offices, commercial kennels and animal clinics.
8. Facilities for bulk feed, seed or fertilizer sales, storage or mixing.
9. Bulk food processing facilities and operations.
10. Auction sale barns.
11. Farm equipment sales, service or repair.
12. Single-family homes will be permitted on lots of one acre or more if the Planning Commission determines that they meet all of the following standards:
  - a. Are not located on lands identified as Agriculture on the Current Use Inventory Maps of Waucedah Township pursuant to Act 204 of 1979;
  - b. Are located on a parcel of land that is not prime or unique farmland as determined by the Dickinson County Soil Conservation District;
  - c. Have soils suitable and capable of supporting year-round residential occupancy; and
  - d. The proposed lot is located on a public road serviced year-round.
13. Home occupations, subject to the conditions of Section 403.
14. Mobile home parks.

Section 314 District RP-10: Resource Production Ten

(A) Intent: The RP-10, Resource Production Ten, 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 Resource Production Ten District is similar in many ways to the Resource Production Twenty District. Minimum lot size is one of the major differences. The purpose of establishing this RP-10 District is to allow greater opportunity for low density development in certain areas.

(B) Permitted Principal Uses:

1. The growing and harvesting of timber.
2. Campgrounds, day camps.
3. Parks, winter sports facilities, and trails.
4. Recreational structures.
5. Single-family dwellings.
6. Mobile homes.
7. Stables.
8. Agricultural production, including the growing or raising of forage and sod crops, grains and feed crops, dairy and dairy products, livestock, kennels, fruits, plants, trees, shrubs, and nursery stock, vegetables and similar activities.
9. Mineral extraction, subject to Sections 413 through 415.



- (C) Permitted Accessory Uses: The following are permitted accessory uses:
1. Accessory structures normally associated with residential dwellings such as a private garage, shed for yard tools, playhouse, pens, boat house, swimming pools, woodshed, and sauna.
  2. Accessory uses or structures clearly incidental to the operation of an existing farm including barns, silos, sheds, equipment storage and similar structures customarily incidental to the permitted principal use and structures.
  3. One roadside stand for the sale of far produce, specialty crops such as tree fruits, nuts, berries and the like, providing it is raised on the property.
  4. 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 issuance of a Conditional Use Permit as provided for in Article VII.

1. Gun clubs, rifle, trap and pistol ranges.
2. Commercial free standing towers.
3. Commercial recreational facilities including golf courses, race tracks, motorcycle hill-climbing sites, go-cart tracks and similar facilities.
4. Private airport or landing fields.
5. Resorts and lodges.
6. Auction sale barns.
7. Storage yards, transformer stations, substations, microwave relay towers and similar facilities associated with public utilities.
8. Sawmills.
9. Wood yards.
10. Transfer stations.
11. Home occupations, subject to the conditions of Section 403.

#### Section 315 District RP-20: Resource Production Twenty

(A) Intent: The RP-20, Resource Production Twenty, District is established to maintain very low density rural areas which because of their location, potential mineral content, accessibility, natural characteristics and high cost of providing public services are not suitable for year-round development but rather for a wide range of forestry, agriculture, mineral extraction, natural resource and recreational uses. Governmental services may not be provided on a year-round basis or may not be provided at all.

(B) Permitted Principal Uses:

1. The growing and harvesting of timber.
2. Campgrounds, day camps.
3. Parks, winter sports facilities, and trails.
4. Recreational Structures.
5. Kennels, Commercial and Stables, Commercial.

6. Agricultural production, including the growing or raising of forage and sod crops, grains and feed crops, dairy and dairy products, livestock, fruits, plants, trees, shrubs, and nursery stock, vegetables and similar activities.
7. Mineral extraction subject to Sections 413 through 415.

(C) Permitted Accessory Uses: The following are permitted accessory uses:

1. Accessory structures normally associated with recreational structures such as a private garage, shed for yard tools, playhouse, pens, boat house, swimming pools, woodshed, and sauna.
2. Accessory uses or structures clearly incidental to the operation of a farm including barns, silos, sheds, equipment storage and similar structures customarily incidental to the permitted principal use and structures.
3. One agriculture produce stand for the sale of farm produce, specialty crops such as tree fruits, nuts, berries and the like, providing it is raised on the property.
4. 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 issuance of a Conditional Use Permit as provided for in Article VII.

1. Gun clubs, rifle, trap and pistol ranges.
2. Commercial free standing towers.
3. Commercial recreational facilities including golf courses, race tracks, motorcycle hill-climbing sites, go-cart tracks and similar facilities.
4. Private airport or landing fields.
5. Resorts and lodges.
6. Auction sale barns.
7. Storage yards, transformer stations, substations, microwave relay towers and similar facilities associated with public service uses or facilities.
8. Sawmills.
9. Wood yards.
10. Single-family dwellings and mobile homes.
11. Home occupations, subject to the conditions of Sec. 403.

#### Section 316 District TP-40: Timber Production

(A) Intent: The TP-40, Timber Production, District is established to preserve and maintain for timber production purposes those lands which because of their soil, drainage, large tract ownership, potential mineral content, and other characteristics, are especially suited for timber production and mining.

(B) Permitted Principal Uses:

1. The growing and harvesting of timber.
2. Sawmills.

3. Wood yards.
4. Recreational structures.
5. Mineral extraction subject to Sections 413 through 415.

(C) Permitted Accessory Uses: The following are permitted accessory uses:

1. Any structural or mechanical use customarily incidental to the operation of sawmills or woodyards.
2. Accessory structures normally with recreational structures, such as a private garage, shed for yard tools, playhouse, pens, recreational docks, swimming pools, sauna and woodshed.
3. 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 issuance of a Conditional Use Permit as provided for in Article VII.

1. Public utility substations.

#### Section 317 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 is in accord with established patterns of land use and the needs of nearby residents.

(B) Permitted Principal Uses:

1. Single-family dwellings.
2. Two-family dwellings.
3. Cemeteries.
4. Township halls.
5. Community centers.
6. Fire halls.
7. Elevated water storage tanks.
8. Post offices.
9. Personal services.
10. Offices.
11. General retail sales to the consumer, production may occur on the premises provided all goods produced on the premises must be sold on the premises.

(C) Permitted Accessory Uses: The following are permitted accessory uses:

1. Accessory structures normally associated with residential dwellings, such as a private garage, shed for yard tools, playhouse, pens, boat house, swimming pools, woodshed, and sauna.

2. Any structural or mechanical building or use customarily incidental to the permitted principal use.
3. Signs, as required and subject to the regulations established in Article V.

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

1. Churches.
2. Schools.
3. Private and public parks and similar recreational facilities.
4. Multiple family dwellings.
5. Nursing homes and child care facilities.
6. Road Commission and public works buildings and maintenance/storage facilities.
7. Motor vehicles sales and service.
8. Mobile home, camper, recreational vehicle and boat sales and service.
9. Construction and farm equipment sales and service.
10. Hotels and motels.
11. Gas stations.
12. Automotive repair garage.
13. Laundromats.
14. Wastewater treatment facilities.
15. Home occupations, subject to the conditions of Section 403.
16. Transfer stations.

ARTICLE IV  
GENERAL REGULATIONS

Section 401 Height, Bulk and Placement Regulations

Except as otherwise specifically provided in this Ordinance, no lot or parcel shall be created and no structure shall be erected or maintained except in compliance with the Schedule of Regulations specified below. For placement regulation within the Highway Overlay Zone, refer to Article IX, Section 917.

Schedule of Regulations

| <u>District</u> | <u>Minimum Lot Size (Sq. Ft.)</u> | <u>Minimum Lot Width (Feet)<sup>A,L</sup></u> | <u>Setback</u>             |                         | <u>Height Rear<sup>I</sup></u> | <u>Maximum (Feet)</u> |
|-----------------|-----------------------------------|---|----------------------------|-------------------------|--------------------------------|-----------------------|
|                 |                                   |   | <u>Front<sup>I,K</sup></u> | <u>Side<sup>I</sup></u> |                                |                       |
| R               | 20,000                            | 100   | 30                         | 10 <sup>B</sup>         | 35 <sup>C</sup>                | 30 <sup>D</sup>       |
| R-2             | 2 acres                           | 200   | 30                         | 10                      | 30                             | 30                    |
| RR-5            | 5 acres                           | 300   | 30                         | 30                      | 30                             | 30                    |
| LS/R            | 20,000                            | 100   | 30                         | 10 <sup>B</sup>         | 30                             | 30 <sup>D</sup>       |
| SR              | None                              | None  | None                       | None                    | None                           | None                  |
| AP-20           | 20 acres <sup>F,G</sup>           | 470   | 30                         | 10                      | 30                             | F                     |
| RP-10           | 10 acres <sup>G</sup>             | 300   | 30                         | 30                      | 30                             | 30                    |
| RP-20           | 20 acres <sup>G</sup>             | 470   | 30                         | 30                      | 30                             | 30                    |
| TP-40           | 40 acres <sup>G</sup>             | 660   | 30                         | 30                      | 30                             | 30                    |
| TD              | 20,000 <sup>H</sup>               | 100   | 30                         | 10 <sup>B</sup>         | 35                             | 30 <sup>D</sup>       |

- A. Lot width shall be measured at front setback line and shall not include any encumbrances, such as easements or other such restrictions. Regardless of actual lot size, the maximum depth to width ratio shall be 4 to 1.
- B. An accessory building or structure may be located 6 feet from a side lot line.
- C. An accessory building or structure may be located twenty (20) feet from a rear lot line.
- D. An accessory building or structure shall not exceed fourteen (14) feet in height.
- E. Height at any point on a structure shall not exceed the horizontal distance to any lot line.
- F. The minimum lot size may be reduced to one acre by application for and issuance of a Conditional Use Permit meeting the standards set out in Sec. 312(D) and Sec. 704. The minimum lot width shall be 150 feet.
- G. The determination of lot size when adjoining a road shall be made as if the road was a part of the lot in question. For example, a 20 acre parcel fronting on a road will lose approximately one-half acre in the road right-of-way. This will then make the parcel size 19.5 acres, however, it will still conform to the 20 acre minimum lot size requirement.
- H. The minimum landscaped open space ratio shall be twenty-five (25) percent in the Town Development District.

- I. Where rear, front and/or side yards abut a water course or other water body the minimum setback shall be 100 feet. The minimum yard(s) may be reduced to the average yard depth of the parcels on either side of the subject parcel when in the judgement of the Zoning Administrator strict enforcement of this provision will deny the subject property privileges enjoyed by the adjoining properties. In no case shall the yard be less than the applicable minimum yard.
- J. There are two lakes: Lake Mary and Lake Louise, zoned as Lakeshore and River which are intensely developed. Limited opportunity exists to further develop these lakes, however, there are individual lots scattered around these lakes which can be developed. Rather than require one hundred (100) foot waterside setbacks for isolated parcels, in most cases different than adjoining parcels, a fifty (50) foot waterside setback will be required. This reduction in waterside setback will allow for uniformity and consistency with established patterns of lakefront development.

The two lakes where fifty (50) rather than one hundred (100) foot waterside setbacks will be required are described below:

Lake Mary - Located in the Lakeshore and River District found in portions of Sections 19 and 30, T39N, R28W.

Lake Louise - Located in the Lakeshore and River District found in Section 30, T39N, R28W.

- K. As set forth in Article IX, Section 917, minimum front setback for lots within the Highway Overlay Zone is 50 feet from the roadway right-of-way.
- L. Minimum lot width within the Highway Overlay Zone is 300 feet as set forth in Article IX, Section 917, refer to Article IX for exceptions to the minimum lot width.

#### Section 402 Minimum Building Floor Area

Every single/two-family dwelling and recreational structures shall have a floor area of not less than 720 square feet, exclusive of basements, garages, porches and breezeways. Camps and every unit in a multiple family dwelling shall have a minimum floor area of at least 350 square feet. The maximum ground cover ratio for all structures in a multiple family development shall be 40 percent.

#### Section 403 Accessory Buildings and Uses

Where a lot is devoted to a permitted principal use, customary accessory uses and buildings are authorized except as prohibited specifically or by necessary implication in this or any other ordinance. The following special rules are applicable:

- (A) An accessory building, including carports, attached to the principal building shall be made structurally a part thereof, and shall comply in all respects with the requirements of this Ordinance applicable to the principal building. Breezeways, as an attachment between the garage

or carport and the main building, shall be considered a part of the main building, but shall not be considered livable floor space.

(B) An accessory building, unless attached and made structurally a part of the principal building, shall not be closer than ten (10) feet to any other structure on the lot.

(C) Home occupations are authorized upon compliance with provisions in Section 404; the applicable INTENT and PURPOSE; and applicable standards provided in Article VII as well elsewhere in this Ordinance.

### Section 404 Home Occupations

#### Intent and Purpose

It is the intent of this section to eliminate as home occupations all uses except those which conform to the standards set forth in this section, in order to maintain the character of a neighborhood, avoid nuisances to neighbors, reduce strain on public funds and to provide equal protection to businesses located in commercial districts. Custom and tradition are intentionally excluded as criteria. In general, a home occupation is an accessory use so located and conducted that the average neighbor, under normal circumstances would not be aware of its existence other than an announcement or identification sign. The standards for home occupations in this Section are intended to insure compatibility with other permitted uses and shall be clearly of secondary or incidental status in relation to the residential use of the principal building and such criteria shall be used for determining whether a proposed accessory use qualifies as a home occupation.

#### Standards

1. There shall be no exterior evidence of the conduct of the home occupation, other than an approved sign.
2. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in the subject neighborhood.
3. Off-street parking shall comply with Section 409 of this Ordinance.
4. No use shall be permitted which would change the fire rating of the structure.
5. No equipment or processes shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
6. In the Agricultural and Resource Production Districts only, persons requiring the use and storage of backhoes and other heavy equipment, trucks, well drilling rigs, and other similar equipment pertinent to their business operation and for their livelihood, shall be permitted to park the same at their residence providing such trucks and other equipment are stored indoors or completely screened from view.

| District(s)            | Permitted By | Permitted Uses                | On-Premise Sales (See Note 1) | Display of Goods   | Maximum # of Outside Employees | Maximum Space Devoted to Use         | Outdoor Storage         |
|------------------------|--------------|-------------------------------|-------------------------------|--------------------|--------------------------------|--------------------------------------|-------------------------|
| R, LS/R                | CUP          | (A) & (B) Uses                | Not Permitted                 | Not Permitted      | 0                              | <300 square feet or 25% of residence | Not Permitted           |
| R-2, RR-5              | CUP          | (A) & (B) Uses                | (B) & (C) only                | (B) & (C) only     | 1                              | 400 square feet                      | In accessory bldg. only |
| AP-20, RP-10 and RP-20 | CUP          | (A), (B), (C), (D) & (E) Uses | (B), (C) & (D) only           | (B) (C) & (D) only | 2                              | 400 square feet                      | In accessory bldg. only |

SC - Special Conditions

CUP - Conditional Use Permit

(A) Uses - Professional and Services

(B) Uses - Production and Sale of Goods Made On-Premises

(C) Uses - Sale of Approved Used and Collectible Merchandise

(D) Uses - Seed and Fertilizer Sales

(E) Uses - Service and Repair of Equipment Directly Related to the Production and Harvesting of Food, Fiber and Timber

NOTE 1: The On-Premise sales of Cosmetic, Vitamin, Health Foods and other items are allowed.

| District(s)            | Use of Accessory Building | Parking of Commercially Licensed Vehicles  | Signs                    | From Add'l. (Accessory Bldgs.) Dimensional Requirements | Hours of Operation |
|------------------------|---------------------------|--|--------------------------|---|--------------------|
| R, LS/R                | Not Permitted             | Not Permitted  | 1 Sign-6 Sq. Ft. or Less | None  | 8 a.m. to 8 p.m.   |
| R-2, RR-5              | Limited to 600 Sq. Ft.    | Parked in Enclosed Buildings Only  | 1 Sign-6 Sq. Ft. or Less | None  |                    |
| AP-20, RP-10 and RP-20 | Limited to 2,000 Sq. Ft.  | Permitted-Not to Exceed One Vehicle Outdoors (Must be completely screened from view) | 1 Sign-6 Sq. Ft. or Less | 250 Ft. from Nearest Neighboring Residence              |                    |

#### Section 405 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 Town Development District there can be both a residential dwelling and a separate building used for commercial purposes on the same lot.



#### Section 406 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 acknowledgment of a notary public, prior to the effective date of this Ordinance, and which lot actually exists as shown or described. No vested right shall arise to the property owner for any parcel created in violation of any preceding Waucesha Township Zoning Ordinance.

##### (A) 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.

##### (B) Height Requirement Exceptions

The following are exempted from height limit requirements, provided that no portion of the excepted structure may be used for human occupancy:

1. Those purely ornamental in purpose such as church spires, belfries, domes, ornamental towers, flagpoles and monuments;
2. Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, radio towers, television antennas and satellite dishes, wire transmission structures, and cooling towers. Any commercial radio, television or transmission tower shall be so located that the distance from the base of the tower to the nearest property line shall be equal to or greater than the height of the tower;
3. Public utility structures; and
4. Agriculture related structures such as barns, silos, elevators and the like.

##### (C) Access Through Yards

Access drives may be placed in the required front, side or rear yards so as to provide access to accessory or attached structures. Further, any walk or other pavement serving a like function shall not be considered a structure and shall be permitted in any required yard. Within the Highway Overlay Zone, access drives shall meet the standards set forth in Article IX of this ordinance.

#### Section 407 Use of Yard or Open Space

In a residential 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, wornout, wrecked, or dismantled vehicles, machinery, implements, apparatus, furniture, appliances, junk, or any other personal property unless said articles are completely and appropriately screened from all off-premise vantage points.

## Section 408 Fences

### (A) Requirements and Permits

It shall be unlawful for any person to construct or cause to have constructed any fence upon any property within the Township except in accordance with the regulations provided in this Ordinance.

Any person desiring to build or cause to be built a fence upon property in Districts R, LS/R, or TD shall first apply to the Zoning Administrator for a permit to do so. Application for such permit shall contain any and all information, including drawings, required and necessary to determine whether the erection of such fence would be contrary to the provisions of this Ordinance or the laws of the State of Michigan, including identification of official property survey stakes to show actual lot lines on affected property.

### (B) Fence Regulations

1. The height of fences in the R, LS/R and TD Districts shall be limited to the following:

Front yard: No fence or hedge shall exceed four feet in height. Where front yards abut a water course, there shall be a setback of fifty (50) feet from the water course to allow for visual aesthetics.

Side and Rear Yards: No fence or hedge shall exceed six feet in height.

Corner Lot: No fence or hedge shall exceed four feet in height and shall not materially obstruct the vision of motorists on adjacent streets or vision of motorists entering any street or other public way open to vehicular traffic from an adjacent driveway.

2. Fences may be erected on the property line, provided official survey stakes are visible, including, if necessary, a property survey by a licensed surveyor or registered engineer in the State of Michigan.
3. Fences on residential lots shall not contain barbed wire, electric current, broken glass, or chain link type fences with sharp wire edges exposed.
4. Fences which enclose public or institutional parks, playgrounds, or public landscaped grounds will be appropriately designed both in terms of material and height for safety.
5. The design and construction materials for fences shall be of a type approved by the Zoning Administrator, or be in conformance with any official Township standards.

6. Maintenance of Fences:
  - a. Fences shall be maintained so as to not endanger life or property.
  - b. Any fence which, through lack of repair, type of construction or otherwise, endangers life or property, is hereby declared a nuisance.
  - c. If unsafe conditions exist in regard to a fence, the Zoning Administrator shall serve on the owner, agent, or person in control of the property upon which the fence is located a written notice describing the unsafe condition and specifying the required repairs or modifications to be made to render the fence safe, or requiring the unsafe fence or any portion thereof to be removed, and shall provide time limit for such repair, modification, or removal.
7. Fences within the Highway Overlay Zone must comply with the regulations set forth in Article IX of this ordinance.

Section 409 Off-Street Parking Requirements

There shall be provided off-street parking for motor vehicles, and the minimum number of parking spaces to be provided is shown in the following list:

| <u>Use</u>   | <u>Spaces Required</u>  |
|--|---|
| Single and two-family dwellings, recreational structures   | 2 per dwelling unit   |
| Rooming houses, fraternities, sororities, dormitories, convalescent homes, and housing for the elderly | .4 times maximum lawful number of occupants                           |
| Hotels and motels  | 1.2 per room in addition to spaces required for restaurant facilities |
| Apartments and townhouses  | 2 per dwelling unit   |
| Churches, theaters, facilities for spectator sports, auditoriums, concert halls                        | .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   |
| Child-Care Facility  | 2 per dwelling unit plus .3 per child                                 |
| Fast food take-out establishments and drive-in restaurants   | 1 per 50 sq. ft. of floor area  |

| <u>Use</u>  | <u>Spaces Required</u>  |
|---|---|
| Restaurants (except drive-ins)  | 1.2 per 100 sq. ft. of floor space  |
| Furniture and appliance stores  | .3 per 100 sq. ft. of floor space   |
| 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 lift (in addition to stopping places adjacent to pumps) |
| Automotive Service Center   | 1 per employee plus 2 per service bay   |
| Laundromats   | .5 per washing machine  |
| Doctor's and dentist's offices  | 1 per 100 sq. ft. of waiting room area and 1 per doctor or dentist            |
| Banks   | 1 per 150 sq. ft. of floor space  |
| Bars and Taverns  | 1 per 75 sq. ft. of floor area or 1 for every 3 seats, whichever is greater   |
| Warehouses  | 1 per 500 sq. ft. of floor space  |
| 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 business and industrial uses  | .75 times maximum number of employees on premises at any one time             |

Where calculation in accordance with the foregoing lists 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 purpose other than the parking of motor vehicles is prohibited.

The following minimum design standards shall be observed in laying out off-street parking facilities:

| <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 410 Required Planting Screens

In District Town Development (TD) wherever any parking lot, trash collection, outdoor storage, merchandising, or service area lies within 50 feet of any Single-Family Residential R & R-2) or Rural Residential (RR-5) District, or adjoins a residential dwelling within the TD District, a planting screen of sufficient length to interfere with the view thereof from the adjoining property shall be required except where the view is blocked by a change in grade or other natural or man-made features. Where, because of intense shade or soil conditions, the planting screen cannot be expected to thrive, a six (6) foot high fence whether it be an opaque wooden fence, a chain link fence with interwoven slats, or a masonry wall may be substituted.

Section 411 Mineral Extraction

Mineral extraction is the extraction and processing of iron ore, copper, gravel, sand, stone, gypsum, peat, topsoil, silver, gold, uranium, and other minerals. It is the intent of these regulations to:

- (A) Provide for the proper environmental management during the site planning, operational and reclamation stages of the mineral extraction process;
- (B) Provide the Township with information important to overall planning and orderly economic growth; and
- (C) Provide for the right to extract mineral deposits where located.

The following shall not require an application for a mineral extraction permit:

1. Any active mining operation at the date of enactment of this Ordinance to continue mineral extraction from existing holes or shafts, which may be enlarged on the land

constituting the site on the effective date of this Ordinance. This exemption does not apply to new holes or shafts.

2. An extraction of less than one thousand (1,000) cubic yards of minerals from a parcel.
3. Site preparation authorized by Zoning Compliance Permit.

No mineral extraction shall be undertaken without first obtaining a mineral extraction permit from the Waucedah Township Planning Commission and/or upon payment of a reasonable fee established by the Waucedah Township Board. The Zoning Administrator, upon receipt of the application for mineral extraction permit, shall provide the same within thirty (30) days to the Planning Commission for their review and action. The Planning Commission shall review the application for mineral extraction permit at a public hearing to be scheduled and in accordance with the provisions of Sections 415 and 1002 and approve, approve with conditions, or reject the mineral extraction permit with explanation. If any of the application information is available in the form of an Environmental Impact Assessment or other appropriate documents which are required to be submitted to various Township, County, State and/or Federal agencies, a copy of that information may be submitted in place of the following appropriate sections.

#### Section 412 Application for Mineral Extraction Permit

An application for a mineral extraction permit must contain a Site Plan, Operation Plan, and Reclamation Plan as described herein.

The applicant shall submit the following documents, including a cover letter with the signature of the applicant or the applicant's authorized agent to the Zoning Administrator.

#### (A) Site Plan Requirements

A site plan consisting of two on one or more sheets at a scale adequate to illustrate the proposed operation.

1. A legal description of the lot; the name, address and telephone number of the owner, developer and designer.
2. Date, north point, and scale.
3. The actual dimensions of the proposed developed area (as shown by a licensed surveyor or registered engineer in the State of Michigan, with the survey stakes visible) showing the relationship of the subject property to abutting properties.
4. The location of all existing and proposed structures on the subject property and all existing structures on land immediately adjacent to the site within 100 feet of the sites parcel lines.
5. The location of all existing and proposed drives and parking areas.
6. The location of right-of-way widths of all abutting streets, alleys, and private easements.
7. The location of proposed planting and screening, fencing, signs and advertising features.
8. The height and floor area of all proposed structures.
9. The size and location of all existing and proposed public and private utilities and required landscaping.

10. Proposed location, area extent, estimated depth of excavation.
11. Proposed location of waste dumps, tailing ponds, sediment basins, stockpiles, and other permanent or temporary facilities used in mining.
12. Describe the general groundwater conditions and the possible impact of mining operations upon adjacent groundwater levels and quality. The operator must identify plans to alleviate possible problems in the groundwater supply to adjacent land owners.
13. Within the Highway Overlay Zone, site plans must include the requirements set forth in Section 904 D.2.d of this Ordinance.
14. Any other information necessary to establish compliance with this Ordinance.

(B) Operation Plan Requirements

1. A narrative description outlining the estimated time span which the operation will cover; the type of material to be extracted; the type of mining operation and processing equipment to be used; measures to control noise, vibration, and pollution from the operation; effect on groundwater condition; proposed travel routes to be used to transport the mined material to processing plant or markets, and the proposed steps to be taken to relieve adverse effects.
2. A narrative description of the social and economic impact on Waucesha Township including an estimate of the number of potential employees, proposed transportation routes for employees and any changes in the present road system that might be made necessary by the proposed operation.
3. Sight buffers as reasonable and practical along all boundaries of the mining operation which abut R, R-2, RR-5, LS/R or TD Zoning Districts. These buffers shall be so constructed as to screen the mining operation from view and protect individuals from injury.

The following techniques may be used, but not limited to the following screening methods:

Buffer zone: An area of sufficient depth as to screen the operation from view.

Earth berms: Earth berms, constructed to a height of at least six feet above the mean elevation of the center line of the public highway adjacent to the mining property, or six feet above the general level of terrain along property lines. These berms shall have slopes not in excess of one foot vertical to four feet horizontal, and shall be planted with trees and shrubs.

Plantations: Plantations of coniferous or other suitable species in rows parallel to the boundaries of the property with the spacing of rows and the spacing of trees in the rows sufficient to provide effective screening.

Fencing: Solid fences or masonry walls constructed to a height of six feet and inconspicuous as compared to color.

4. A description of the measures to be taken to assure that any dangerous excavations, pits, pond areas, banks, or slopes be adequately guarded or fenced and posted with signs to prevent injury to individuals.
5. Identify plans for utilities, access roads, drainage, traffic plans, and other site improvements showing appropriate measures that have been, are, or will be provided.

(C) Reclamation Plan Requirements

A reclamation plan shall include a map and description showing:

1. Final grading, anticipated final slope angles, wall reduction, benching and terracing of slopes, slope stabilization and revegetation, and erosion control, and alternative future land uses.
2. Description of topsoil stripping and conservation during storage and replacement.
3. Plan and description of anticipated final topography, water impoundments, and artificial lakes on property.
4. Plans for disposition of surface structures, roads, and related facilities after cessation of mining.
5. A plan for disposal or treatment of any harmful or toxic materials found in any formation penetrated by the mining operations or produced during the processing of minerals, and of chemicals or materials used during the mining or processing operations.
6. A timetable for completion of reclamation requirements.

Section 413 General Standards

The Planning Commission shall review the particular facts and circumstances of each Application for a Mineral Extraction Permit in terms of the following standards and shall find adequate evidence showing that the proposed use:

1. Will be harmonious with and in accordance with the general policies or with any specific objectives of any township or county development plan;
2. Will provide adequate site drainage so that waters will not adversely affect neighboring properties;
3. Will not be hazardous or cause serious consequences to existing neighboring uses, including, but not limited to, its affect from noise, traffic, smoke, fumes, glare, or odors;
4. Will be served adequately by essential public facilities and services;
5. 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; and
6. Will protect the public health, safety and welfare of the community.

Section 414 Keeping of Animals

- F. The keeping of household pets, including dogs, cats, rabbits, fish, birds, hamsters and other animals generally regarded as household pets is permitted as an accessory use in any



zoning district. However, no more than three (3) dogs or cats, six (6) months of age or older, in any combination, and no more than a total of five (5) animals over one (1) pound in weight shall be kept or housed in or at one (1) dwelling unit in a residential district unless the use is approved as a commercial kennel.

- F. The keeping of horses, ponies and other equine on a residential lot is permitted on lots of at least five (5) acres in size. The keeping of horses, ponies, other equine and livestock is prohibited in R, R-2, LS-R, and SRD districts. There shall be five (5) acres for the first horse or pony kept on a lot and one and one half (1.5) acres for each thereafter. For livestock other than horses or ponies there shall be ten (10) acres for the first five (5) livestock animals kept on a lot and one and one half (1.5) acres for each thereafter. These provisions do not apply to farms in the Agricultural District which are at least ten (10) acres in size, provided that all other applicable federal, state, and county requirements are met.
- F. All grazing areas shall be fenced. An accessory structure shall be provided to house such animals. Any barn or stable structure and any outdoor feed (non-grazing) area training or exercising corrals shall be setback at least one hundred (100) feet from any occupied dwelling not on premises or any adjacent building used by the public. All stables shall be enclosed by a suitable fence and shall be maintained so that odor, dust, noise, or water drainage shall comply with federal, state and county requirements.
- F. The keeping of non-domesticated, vicious, or exotic animals, not normally considered farm livestock (horses, cattle, bison, sheep, goats, pigs, chickens, rabbits, ducks, etc.) or household pets, is prohibited.

#### Section 415 Riparian Lot Use Regulations

##### Regulations Intent

The following regulations are to protect public health, safety and welfare and preserve the quality of waters which could be threatened by the over-usage of inland lakes, and avoid situations which may create a nuisance, impair important irreplaceable natural resources and diminish property values. The regulations shall apply to the following private sites, platted lots and other lots to be held in common by a subdivision, condominium, association, similar agency or group of individuals; or held in common by virtue of the terms of a plat; or provide for common use under deed restrictions:

- a. Lots created after the effective date of this amendment.
- b. Lots of record existing prior to the effective date of this Ordinance that did not provide common use access to a water body prior to the effective date of this amendment.
- c. Lots of record which existed prior to the effective date of this amendment that provided common use access to a water body may continue to provide riparian

rights subject to the marina operating permit requirements of the Michigan Department of Natural Resources under part 301 Inland Lakes and Streams of Public Act 451 of 1994.

#### Use for Boat Docks and Launching Sites

No more than one boat dock per dwelling unit shall be permitted for single-family dwellings and two family dwellings.

No more than one boat dock per dwelling unit shall be permitted for multiple-family dwellings.

Boat launching sites and boat docks within a common use riparian lot shall be permitted in the Lake Shore and River district as a Conditional Use upon review and approval in accordance with the standards and procedures of Article VII Conditional Use Permits and the standards listed below.

#### Standards for Common Use Riparian Lots

Waterfront lots dedicated to a common use for water access, boat launching and docking shall conform in all respects to the minimum lot size and minimum lot width requirements of the district in which they are located. In addition, common use riparian lots shall have the following minimum lot dimensions:

- a. Such riparian lot shall have a minimum of fifty feet of riparian frontage for each non-riparian lot served. Riparian frontage shall be measured by a straight line which intersects each side lot line at the water's edge. Artificially created shoreline may not be used to increase the calculated riparian frontage.
- b. Such riparian lot or parcel shall have a minimum lot depth of 100 feet, measured as the minimum distance between the water's edge and the lot line which is opposite the water's edge.
- c. The recorded deed to such lot or parcel shall specify the non-riparian lots or parcels which shall have rights to its use.

For condominiums, site condominiums, or Planned Unit Development where there are common areas with riparian frontage, there shall be a minimum of 50 feet of riparian frontage for each dwelling unit. One boat dock shall be permitted for every five dwelling units, with a required minimum spacing of 50 feet between boat docks.

Any boat dock facility within a common use riparian lot must obtain a permit for marina operation from the Michigan Department of Natural Resources in accordance with Administrative rules of part 301 Inland Lakes and Streams of Public Act 451 of 1994. The design for a boat dock facility shall meet all of the Michigan Department of Natural Resources standards for a marina.

Public access sites owned and operated by the State of Michigan are exempt from township riparian lot use.

## ARTICLE IX: ACCESS MANAGEMENT

### Section 901 Findings and Intent

Conditions along the major highways in Dickinson County are changing with increasing development and traffic. Continued development along US-2/US-141 and M-95 will further increase traffic volumes and introduce additional conflict points which will erode traffic operations and increase potential for traffic crashes. Numerous published studies document the positive relationship between well-designed access management systems and traffic operations and safety. Those studies and the experiences of many other communities demonstrate that implementing standards on the number, placement and design of access points (driveways and side street intersections) can preserve the capacity of the roadway and reduce the potential for crashes while preserving a good business environment and the existing investment in the highway. The conditions along US-2/US-141/M-95 and a series of access management recommendations are embodied in the US-2/US-141/M-95 Access Management Action Plan. Among those recommendations are the creation of an overlay zone along these highways within Dickinson County and the adoption of uniform access management standards by all the jurisdictions along the US-2/US-141/M-95 corridor which are based on the Michigan Department of Transportation access management standards and the Michigan Access Management Guidebook, provided to local governments by the Michigan Department of Transportation.

The provisions of this Section are intended to promote safe and efficient travel on state highways within Dickinson County; improve safety and reduce the potential for crashes; minimize disruptive and potentially hazardous traffic conflicts; ensure safe access by emergency vehicles; protect the substantial public investment in the highway and street system by preserving capacity and avoiding the need for unnecessary and costly reconstruction which disrupts business and traffic flow; separate traffic conflict areas by reducing the number of driveways; provide safe spacing standards between driveways, and between driveways and intersections; provide for shared access between abutting properties; implement the Dickinson County Comprehensive Plan and the US-2/US-141/M-95 Access Management Action Plan recommendations; ensure reasonable access to properties, although not always by the most direct access; and to coordinate access decisions with the Michigan Department of Transportation, the Dickinson County Road Commission, and adjoining jurisdictions, as applicable.

To these ends, the following provisions:

1. Establish a Highway Overlay Zone to regulate access points along the highway.
2. Identify additional submittal information and review procedures required for parcels that front along US-2.

3. Require demonstration that new parcels are accessible and in compliance with the access standards of this Ordinance to ensure safe accessibility as required by the Land Division Act.
4. Restrict lots and parcels to a single access point except under certain circumstances.
5. Require longer frontages or wider minimum lot widths than are required in underlying zoning districts to help achieve access management spacing standards;
6. Require coordinated access among adjacent lands wherever feasible;
7. Improve situations where existing development along the highways does not conform to the standards and intent of this Ordinance.
8. Establish uniform standards to ensure fair and equal application.

#### Section 902 Applicability

The standards of this Section apply to all lots and parcels that abut the highway right-of-way of US-2 and such other lands that front on intersecting streets within three hundred fifty (350) feet of the US-2 right-of-way within the Township of Waucesha. This area is referred to as the Highway Overlay Zone.

The standards of this Section shall be applied by the Planning Commission during site plan review, as is appropriate to the application. The Planning Commission shall make written findings of nonconformance, conformance, or conformance if certain conditions are met with the standards of this Article prior to disapproving or approving a site plan per the requirements of Article VI. The Township of Waucesha shall coordinate its review of the access elements of a site plan with the appropriate road authority prior to making a decision on an application (see Section 904 below). The approval of a site plan does not negate the responsibility of an applicant to subsequently secure driveway permits from the appropriate road authority, either the Dickinson County Road Commission, or the Michigan Department of Transportation. Any driveway permit obtained by an applicant prior to review and approval of a site plan as required under this Ordinance will be ignored, unless it is conditioned upon approval under this Ordinance.

These regulations apply in addition to, and simultaneously with, the other applicable regulations of the Zoning Ordinance. Permitted and Special Land Uses within the Highway Overlay Zone shall be as regulated in the underlying zoning district (as designated on the zoning map), and shall meet all the applicable requirements for that district, with the following additional provisions:

1. The number of access points is the fewest needed to allow motorists reasonable access to the site.

2. Access spacing from intersections and other driveways shall meet the standards within the Highway Overlay Zone, and the guidelines of the applicable road agency (MDOT and/or Dickinson County Road Commission) and the recommendations of the US-2/US-141/M-95 Access Management Access Plan as appropriate.
3. Where an applicant shares access with adjacent uses, either now or in the future, any shared access and maintenance agreements must be recorded with the County Register of Deeds.
4. No building or structure, nor the enlargement of any building or structure, shall be erected unless the Highway Overlay Zone regulations applicable to the site are met and maintained in connection with such building, structure, or enlargement.
5. No land division, subdivision or site condominium project for land within this Highway Overlay Zone shall be approved unless compliance with the access spacing standards in this Section is demonstrated.
6. Any change in use on a site that does not meet the access standards of this Highway Overlay Zone, shall be required to submit an application for approval by the Planning Commission and submit information to the MDOT, and/or County Road Commission as appropriate, to determine if a new access permit is required. See Section 911 below.
7. For building or parking lot expansions, or changes in use, or site redevelopment that cannot meet the standards of this ordinance due to parcel size or configuration, the Planning Commission shall determine the extent of upgrades to bring the site into greater compliance with the access standards of this Highway Overlay Zone. In making its decision, the Planning Commission shall consider the existing and projected traffic conditions, any sight distance limitations, site topography or natural features, impacts on internal site circulation, characteristics of the affected land uses, recommendations within the US-2/US-141/M-95 Access Management Action Plan, and any recommendations from the MDOT, and/or Dickinson County Road Commission as appropriate. Required improvements may include removal, rearrangement or redesign of driveways or other access.
8. Where conflict occurs between the standards of this Ordinance and other applicable ordinances, the more restrictive regulations shall apply.

#### Section 903 One Access Per Parcel

1. All land in a parcel or lot having a single tax code number, as of the effective date of the amendment adding this provision to the Ordinance (hereafter referred to as "the parent parcel"), that shares a lot line for less than six hundred (600) feet with right-of-way on US-2 shall be entitled to one (1) driveway or road access per parcel from said public road or highway, unless hereafter shared access or alternative access is provided to that parcel.

- a. All subsequent land divisions of a parent parcel, shall not increase the number of driveways or road accesses beyond those entitled to the parent parcel on the effective date of this amendment.
  - b. Parcels subsequently divided from the parent parcel, either by metes and bounds descriptions, or as a plat under the applicable provisions of the Land Division Act, Public Act 288 of 1967, as amended, or developed as a condominium project in accord with the Condominium Act, Public Act 59 of 1978, as amended, shall have access by a platted subdivision road, by another public road, by an approved private road, frontage road or rear service drive.
2. Parent parcels with more than six hundred (600) feet of frontage on a public road or highway shall also meet the requirements of Section 903.1.a and Section 903.1.b above, except that whether subsequently divided or not, they are entitled to not more than one driveway for each six hundred (600) feet of public road frontage thereafter, unless a registered traffic engineer determines to the satisfaction of the Planning Commission that topographic conditions on the site, curvature on the road, or sight distance limitations demonstrate an additional driveway within a lesser distance is safer or the nature of the land use to be served requires an additional driveway for improved safety. See also Section 918.2.a.

#### Section 904 Applications

1. Applications  
Applications for driveway or access approval shall be made on a form prescribed by and available at the Michigan Department of Transportation and Dickinson County Road Commission as applicable. A copy of the completed form submitted to the applicable road authority shall be submitted to the Zoning Administrator as well.
2. Applications for all uses requiring site plan review shall meet the submittal, review and approval requirements of Article VI in addition to those of this Section 904. In addition:
  - a. Applications are strongly encouraged to rely on the following sources for access designs, the National Access Management Manual, TRB, 2003; National Cooperative Highway Research Program (NCHRP), "Access Management Guidelines to Activity Centers" Report 348, "Impacts of Access Management Techniques" Report 420; and the AASHTO (American Association of State Highway and Transportation Officials) "Green Book" A Policy on Geometric Design of Highways and Streets. The following techniques are addressed in these guidebooks and are strongly encouraged to be used when designing access:
    - 1) Not more than one driveway access per abutting road
    - 2) Shared driveways
    - 3) Service drives: front and/or rear
    - 4) Parking lot connections with adjacent property
    - 5) Other appropriate designs to limit access points on an arterial or collector.

- c. As applicable, applications shall be accompanied by an escrow fee for professional review per the requirements of Section 1407.
  
- d. In addition to the information required in Article VI the information listed below shall also be submitted for any lot or parcel within the Highway Overlay Zone accompanied by clear, scaled drawings (minimum of 1"=20') showing the following items:
  - Right-of-way lines and width, and location and width of existing road surface.
  - 1) Existing access points. Existing access points within 250 feet on either side of the US-2 frontage, and along both sides of any adjoining roads, shall be shown on the site plan, aerial photographs or on a plan sheet.
  - 2) Surface type and dimensions shall be provided for all existing and proposed driveways (width, radii, throat length, length of any deceleration lanes or tapers, pavement markings and signs), intersecting streets, and all curb radii within the site.
  - 3) The site plan shall illustrate the route and dimensioned turning movements of any passenger vehicles as well as expected truck traffic, tankers, delivery vehicles, waste receptacle vehicles and similar vehicles. The plan should confirm that routing of vehicles will not disrupt operations at the access points nor impede maneuvering or parking within the site.
  - 4) Size and arrangement of parking stalls and aisles.
  - 5) The applicant shall submit evidence indicating that the sight distance, driveway spacing and drainage requirements of the Michigan Department of Transportation or Dickinson County Road Commission are met.
  - 6) Dimensions between proposed and existing access points on both sides of the highway or road (and median cross-overs if applicable now or known in the future).
  - 7) Design dimensions and justification for any alternative or innovative access design such as frontage roads, rear access or service drives, or parking lot cross-access.
  - 8) Where shared access is proposed or required, a shared access and maintenance agreement shall be submitted for approval. Once approved, this agreement shall be recorded with the County Register of Deeds.
  - 9) Show all existing and proposed landscaping, signs, and other structures or treatments within and adjacent to the right-of-way.
  - 10) Dumpsters or other garbage containers.
  - 11) The location of all proposed snow storage from parking lots which must not interfere with clear sight distance when turning into or out of a site, or safely moving within a site.
  - 12) Traffic impact study meeting the requirements of Section 1408 where applicable.

Section 905 Review and Approval Process

The following process shall be completed to obtain access approval:



1. An Access Application meeting the requirements of Section 904 shall be submitted to the Zoning Administrator on the same day it was submitted to the Michigan Department of Transportation and/or the Dickinson County Road Commission, as applicable.
2. The completed application must be received by the Zoning Administrator at least fourteen (14) days prior to the Planning Commission meeting where the application will be reviewed.
3. The applicant, the Zoning Administrator and representatives of the Dickinson County Road Commission, the Michigan Department of Transportation and the Planning Commission may meet prior to the Planning Commission meeting to review the application and proposed access design. Such a meeting shall occur for all projects where a traffic impact study is required.
4. If the Planning Commission considers the application first, it shall recommend approval conditioned upon approval of the applicable road authority, or it shall recommend denial based on nonconformance with this Ordinance, or if necessary, table action and request additional information. The action of the Planning Commission shall be immediately transmitted to the applicable road authority.
5. It is expected that if the Michigan Department of Transportation and/or the Dickinson County Road Commission, as applicable, review the application first, each entity will immediately send its decision on the application to the Planning Commission for their consideration. One of three actions may result;
  - a. If the Planning Commission and the Michigan Department of Transportation, and the Road Commission, as applicable, approve the application as submitted, the access application shall be approved.
  - b. If both the Planning Commission and the Michigan Department of Transportation and the Road Commission, as applicable, deny the application, the application shall not be approved.
  - c. If either the Planning Commission, Michigan Department of Transportation, or Road Commission, as applicable, requests additional information, approval with conditions, or does not concur in approval or denial, there shall be a joint meeting of the Zoning Administrator, a representative of the Planning Commission and staff of the Michigan Department of Transportation and/or the Dickinson County Road Commission, as applicable, and the applicants. The purpose of this meeting will be to review the application to obtain concurrence between the Planning Commission and the applicable road authorities regarding approval or denial and the terms and conditions of any permit approval.
6. No application will be considered approved, nor will any permit be considered valid unless all the above-mentioned agencies, as applicable, have indicated approval unless approval by any of the above-mentioned agencies would clearly violate adopted regulations of the agency. In this case the application shall be denied by that agency and

the requested driveway(s) shall not be constructed. Conditions may be imposed by the Planning Commission to ensure conformance with the terms of any driveway permit approved by a road authority.

Section 906 Record of Application

The Zoning Administrator shall keep a record of each application that has been submitted, including the disposition of each one. This record shall be a public record.

Section 907 Period of Approval

Approval of an application remains valid for a period of one year from the date it was authorized. If authorized construction, including any required rear service road or frontage road is not initiated by the end of one (1) year, the authorization is automatically null and void. Any additional approvals that have been granted by the Planning Commission or the Zoning Board of Appeals, such as Special Land Use Permits, or variances, also expire at the end of one year.

Section 908 Renewal

An approval may be extended for a period not to exceed one-year. The extension must be requested, in writing by the applicant before the expiration of the initial approval. The Zoning Administrator may approve extension of an authorization provided there are no deviations from the original approval present on the site or planned, and there are no violations of applicable ordinances and no development on abutting property has occurred with a driveway location that creates an unsafe condition. If there is any deviation or cause for question, the Zoning Administrator shall consult a representative of the Michigan Department of Transportation and/or the Dickinson County Road Commission, as applicable, for input.

Section 909 Re-issuance Requires New Application

Re-issuance of an authorization that has expired requires a new Access Application form to be filled out, fee paid, and processed independently of previous action. See Section 905 1.

Section 910 Maintenance

The applicant shall assume all responsibility for all maintenance of driveway approaches from the right-of-way line to the edge of the traveled roadway.

Section 911 Change of Use Also May Require New Driveway

When a building permit is sought for the reconstruction, rehabilitation or expansion of an existing site or a zoning or occupancy certificate is sought for use or change of use for any land, buildings, or structures, all of the existing, as well as proposed driveway approaches and parking facilities shall comply, or be brought into compliance, with all design standards as required by the Michigan Department of Transportation and/or the Dickinson County Road Commission as applicable, and as set forth in this Ordinance prior to the issuance of a Zoning Permit, and pursuant to the procedures of this section.

#### Section 912 Changes Require New Application

Where authorization has been granted for entrances to a parking facility, said facility shall not be altered or the plan of operation changed until a revised Access Application has been submitted and approved as specified in this Section.

#### Section 913 Closing of Driveways

Application to construct or reconstruct any driveway entrance and approach to a site shall also cover the reconstruction or closing of all nonconforming or unused entrances and approaches to the same site at the expense of the property owner, unless some other arrangement is agreed to by the road authority responsible for the road in question.

#### Section 914 Inspection

The Zoning Administrator shall inspect the driveway and any other required access elements during construction and following construction for conformance with the approved application prior to allowing occupancy. The Zoning Administrator may consult with MDOT and/or the County Road Commission as applicable, prior to making a determination of conformance or nonconformance with an approved application.

#### Section 915 Performance Bond

The community may require a performance bond or cash deposit in any sum not to exceed \$5,000 for each such driveway approach or entrance to insure compliance with an approved application. Such bond shall terminate and the deposit be returned to the applicant when the terms of the approval have been met or when the authorization is cancelled or terminated.

#### Section 916 Reserved for Future Use

#### Section 917 Lot Width and Setbacks

- a. Minimum Lot Width - Except for existing lots of record, all lots fronting on US-2 subject to this Section, shall not be less than three hundred (300) feet in width, unless served by shared access or a service drive that meets the requirements of Section 918 9, 10, or 11, in which case minimum lot width may be reduced to not less than one hundred (100) feet in width if a deed restriction is approved and recorded with the County Register of Deeds demonstrating an effective method for long term maintenance of the shared access, service drive and/or parking lot cross-access.
- b. Structure Setback - No structure other than signs, as allowed in Article V, telephone poles and other utility structures that are not buildings, transfer stations or substations, shall be permitted within fifty (50) feet of the roadway right-of-way.
- c. Parking Setback and Landscaped Area - No parking or display of vehicles, goods or other materials for sale, shall be located within fifty (50) feet of the roadway

right-of-way. This setback shall be planted in grass and landscaped with small clusters of salt tolerant trees and shrubs suitable to the underlying soils.

Section 918 Access Management Standards

No road, driveway, shared access, parking lot cross-access, service road, or other access arrangement to all lots and parcels within the Highway Overlay Zone shall be established, reconstructed or removed without first meeting the requirements of this Article.

1. Each lot/parcel with highway frontage on US-2 shall be permitted one access point. This access point may consist of an individual driveway, a shared access with an adjacent use, or access via a service drive or frontage road. As noted in Sections 902 and 903, land divisions shall not be permitted that may prevent compliance with the access location standards of this Highway Overlay Zone.
  
2. When alternatives to a single, two-way driveway are necessary to provide reasonable driveway access to property fronting on US-2, and shared access or a service drive are not a viable option, the following progression of alternatives should be used:
  - a. One (1) standard, two-way driveway;
  - b. Additional ingress/egress lanes on one (1) standard, two-way driveway;
  - c. Two (2), one-way driveways;
  - d. Additional ingress/egress lanes on two (2), one-way driveways;
  - e. Additional driveway(s) on an abutting street with a lower functional classification;
  - f. Additional driveway on arterial street.

Note: Restricted turns and roadway modifications will be considered in conjunction with alternative driveway designs.

3. Driveways and new intersecting streets shall provide the following spacing from other access points along the same side of the public street (measured from centerline to centerline of each access point), based on the posted speed limit along the public street segment, unless the appropriate road authority approves less based on the land use characteristics, lot size, and/or restricted turns in the driveway design.

| Posted Speed Limit | Along US-2* | Along Other Intersecting Major Arterials | Along all Other Intersecting Streets (not major arterials) |
|--------------------|-------------|--|--|
| 35 mph or less     | 245 ft.     | 245 ft.                                  | 150 ft.  |
| 40 mph             | 300 ft.     | 300 ft.                                  | 185 ft.  |
| 45 mph             | 350 ft.     | 350 ft.                                  | 230 ft.  |
| 50 mph             | 455 ft.     | 455 ft.                                  | 275 ft.  |
| 55 mph             | 455 ft.     | 455 ft.                                  | 350 ft.  |

\* Unless greater spacing is required by MDOT

4. Where the subject site adjoins land that may be developed or redeveloped in the future, including adjacent lands or potential outlots, the access shall be located to ensure the adjacent site(s) can also meet the access location standards in the future.
5. Driveways or new intersecting streets along sections of US-2 with an existing or planned median shall be located in consideration of existing or approved median crossovers. A sufficient length for weaving across travel lanes and storage within the median shall be provided, consistent with MDOT published standards.
6. Driveways and new intersecting streets shall be aligned with driveways on the opposite side of the street or offset a minimum of 250 feet, centerline to centerline wherever feasible. The Planning Commission may reduce this to not less than 150 feet where each of the opposing access points generates less than 50 trips (inbound and outbound) during the peak hour of the public street or where sight distance limitations exist, or shall rely on the best option identified by MDOT.
7. Minimum spacing of driveways from intersections shall be in accordance with the table below (measured from pavement edge to pavement edge) unless MDOT authorizes a lesser spacing:

| Signalized Locations*      | Distance in Feet | Unsignalized Locations  | Distance in Feet |
|----------------------------|------------------|-------------------------|------------------|
| Along US-2                 | 300              | Along US-2              | 300              |
| Along other public streets | 200              | Intersections with US-2 | 300              |
|                            |                  | Other intersections     | 150              |

\* Spacing for signalized intersections shall also be applied at intersections where MDOT indicates spacing and approach volumes may warrant a signal in the future.

8. Where direct access consistent with the various standards above cannot be achieved, access should be via a shared driveway or service drive. In particular, the Planning Commission may require development of frontage roads, or rear service drives where such facilities can provide access to signalized locations, where service drives may minimize the number of driveways, and as a means to ensure that traffic is able to more efficiently and safely ingress and egress.
9.
  - a. Sharing or joint use of a driveway by two or more property owners shall be encouraged. In cases where access is restricted by the spacing requirements of Section 918 3 above a shared driveway may be the only access design allowed. The shared driveway shall be constructed along the midpoint between the two properties unless a written easement is provided which allows traffic to travel across one parcel to access another, and/or access the public street.
  - b. In cases where a shared access facility is recommended, but is not yet available, temporary direct access may be permitted, provided the site plan is designed to

accommodate the future service drive, and a written agreement is submitted that the temporary access will be removed by the applicant, when the alternative access system becomes available. This may require posting of a performance guarantee to cover the cost of removing the temporary driveway if the applicant or then owner does not remove the temporary driveway once a permanent driveway is established.

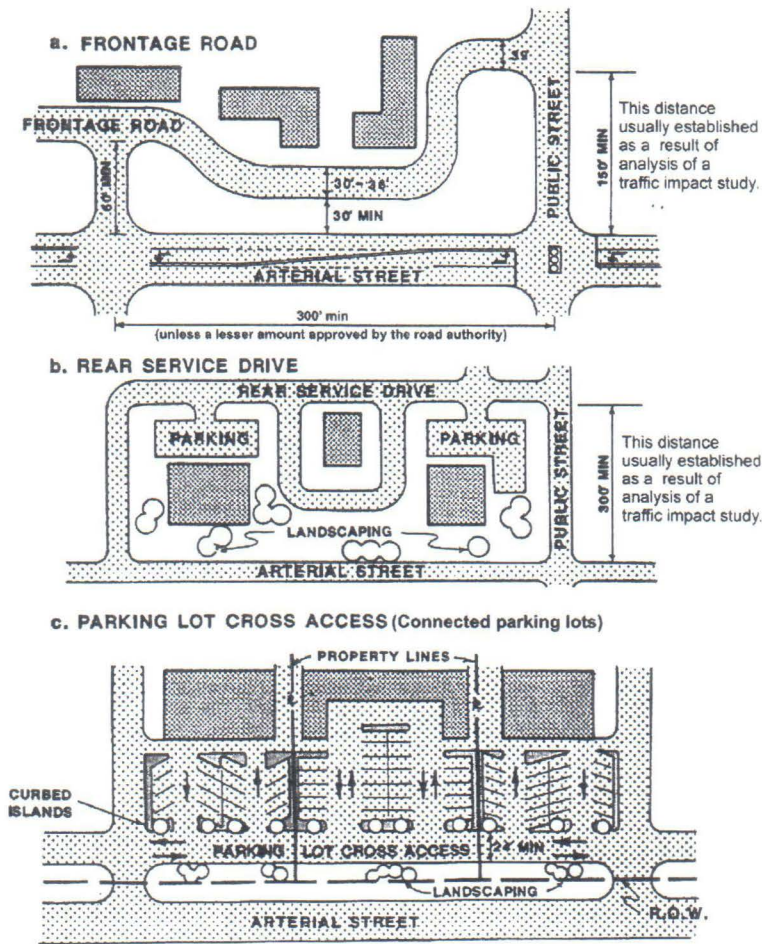
10. Frontage roads or service drives (see Figure 1) shall be designed, constructed and maintained in accordance with the following standards:
  - a. Location - Frontage roads or service drives shall generally be parallel to the front property line and may be located either in front of, or behind, principal buildings and may be placed in required yards. In considering the most appropriate alignment for a service road, the Planning Commission shall consider the setbacks of existing and/or proposed buildings and anticipated traffic flow for the site.
  - b. Alignment - The alignment of the service drive can be refined to meet the needs of the site and anticipated traffic conditions, provided the resulting terminus allows the drive to be extended through the adjacent site(s). This determination may require use of aerial photographs, property line maps, topographic information and other supporting documentation
  - c. Setback - Service drives and frontage roads shall be set back as far as reasonably possible from the intersection of the access driveway with the public street. A minimum of thirty (30) feet shall be maintained between the public street right-of-way and the pavement of the frontage road, with a minimum sixty (60) feet of throat depth provided at the access point. The access point location shall conform with all the applicable standards of this Ordinance.
  - d. Access Easement - A frontage road or service drive shall be within an access easement permitting traffic circulation between properties. The easement shall be recorded with the County Register of Deeds. This easement shall be at least forty (40) feet wide. A frontage road or service drive shall have a minimum pavement width of twenty-six (26) feet, measured face to face of curb with an approach width of thirty-six (36) feet at intersections. The frontage road or service drive shall be constructed of a paved surface material that is resistant to erosion and shall meet the road authority (County Road Commission or MDOT, depending on what road the service drive parallels) standards for base and thickness of asphalt or concrete, unless the community has more restrictive standards.
  - e. Snow Storage - A minimum of fifteen (15) feet of snow storage/landscaping area shall be reserved along both sides of the frontage road or service drive.
  - f. Service Drive Maintenance - No service drive shall be established on existing public right-of-way. The service drive shall be a public street (if dedicated to and accepted by the public), or a private road maintained by the adjoining property owners it serves who shall enter into a formal agreement for the joint maintenance of the service drive. The agreement shall also specify who is responsible for enforcing speed limits, parking and related vehicular activity on the service drive. This agreement shall be approved by the Township of Waucesha attorney and

recorded with the deed for each property it serves by the County Register of Deeds. If the service drive is a private road, the local government shall reserve the right to make repairs or improvements to the service drive and charge back the costs directly or by special assessment to the benefitting landowners if they fail to properly maintain a service drive.

- g. Landscaping - Landscaping along the service drive shall conform with the requirements of Article IX. Installation and maintenance of landscaping shall be the responsibility of the developer or a property owners association.
- h. Parking Areas - All separate parking areas shall have no more than one (1) access point or driveway to the service drive.
- i. Parking - The service road is intended to be used exclusively for circulation, not as a parking, loading or unloading aisle. Parking shall be prohibited along two-way frontage roads and service drives that are constructed at the minimum width. One-way roads or two-way roads designed with additional width for parallel parking may be allowed if it can be demonstrated through traffic studies that on-street parking will not significantly affect the capacity, safety or operation of the frontage road or service drive. Perpendicular or angle parking along either side of a designated frontage road or service drive is prohibited. The Planning Commission may require the posting of "no parking" signs along the service road. As a condition to site plan approval, the Planning Commission may permit temporary parking in the easement area where a continuous service road is not yet available, provided that the layout allows removal of the parking in the future to allow extension of the service road. Temporary parking spaces permitted within the service drive shall be in excess of the minimum required under Section 409.
- j. Directional Signs and Pavement Markings - Pavement markings may be required to help promote safety and efficient circulation. The property owner shall be required to maintain all pavement markings. All directional signs and pavement markings along the service drive shall conform with the current Michigan Manual of Uniform Traffic Control Devices.
- k. Assumed Width of Pre-existing Service Drives - Where a service drive in existence prior to the effective date of this provision has no recorded width, the width will be considered to be forty (40) feet for the purposes of establishing setbacks and measured an equal distance from the midpoint of the road surface.
- l. Pedestrian and Bicycle Access - Separate, safe access for pedestrians and bicycles shall be provided on a sidewalk or paved path that generally parallels the service drive unless alternate and comparable facilities are approved by the Planning Commission.
- m. Number of Lots or Dwellings Served - No more than twenty-five (25) lots or dwelling units may gain access from a service drive to a single public street.
- n. Service Drive Signs - All new public and private service drives shall have a designated name on a sign meeting the standards on file in the office of the Zoning Administrator.
- o. Pre-existing Conditions - In the case of expansion, alteration or redesign of existing development where it can be demonstrated that pre-existing conditions

prohibit installation of a frontage road or service drive in accordance with the aforementioned standards, the Planning Commission shall have the authority to allow and/or require alternative cross access between adjacent parking areas through the interconnection of main circulation aisles. Under these conditions, the aisles serving the parking stalls shall be aligned perpendicularly to the access aisle, as shown in Figure 1c., with islands, curbing and/or signage to further delineate the edges of the route to be used by through traffic.

Figure 1: Frontage Road, Rear Service Drive and Parking Lot Cross Access



11. Parking Lot Connections or Parking Lot Cross-Access: Where a proposed parking lot is adjacent to an existing parking lot of a similar use, there shall be a vehicular connection between the two parking lots where physically feasible, as determined by the Planning



Commission. For developments adjacent to vacant properties, the site shall be designed to provide for a future connection. A written access easement signed by both landowners shall be presented as evidence of the parking lot connection prior to the issuance of any final zoning approval.

12. Access Easements: Shared driveways, cross access driveways, connected parking lots, and service drives shall be recorded as an access easement and shall constitute a covenant running with the land. Operating and maintenance agreements for these facilities should be recorded with the deed.
13. Access points shall be located to provide safe sight distance, as determined by the applicable road agency.
14. All access points shall maintain clear vision as illustrated in Figures 2 and 3.

Figure 2

### CLEAR VISION AT DRIVEWAYS

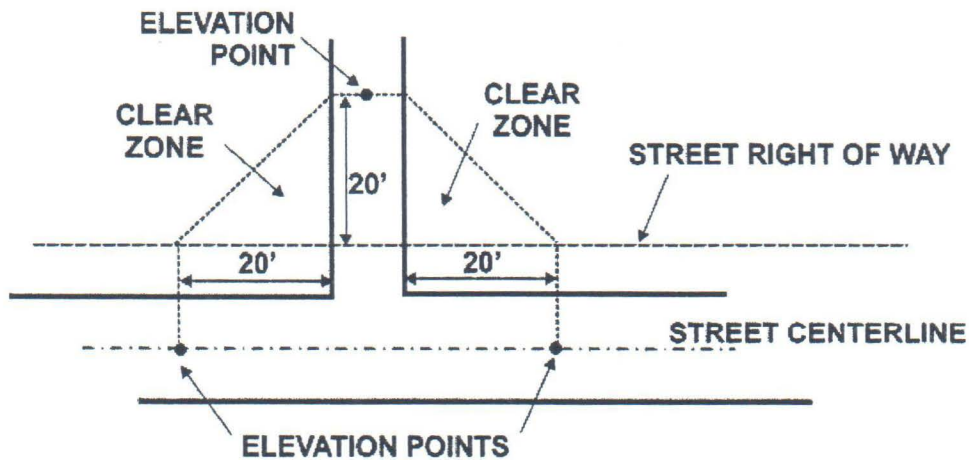
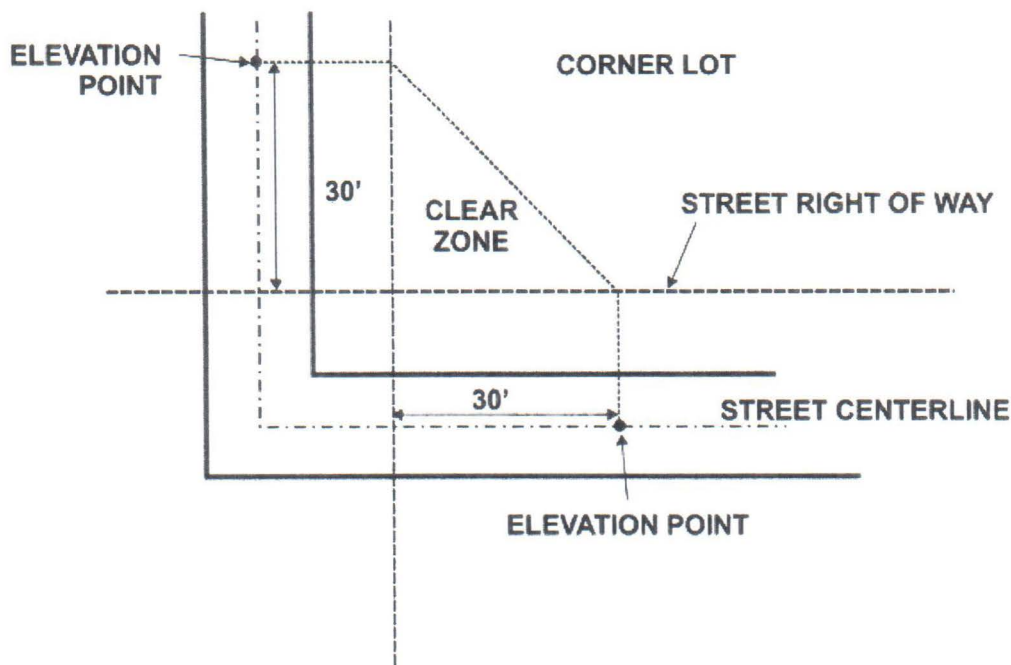


Figure 3

### CLEAR VISION ON CORNER



15. Throat width and throat length of driveways shall be as required by the road authority and this Ordinance. The driveway design shall safely accommodate the needs of pedestrians and bicyclists.
16. Grades and drainage:
  1. Driveways shall be constructed such that the grade for the 25 feet nearest the pavement edge or shoulder does not exceed 1.5% (one and one-half foot vertical rise in one-hundred feet of horizontal distance) wherever feasible. Where not feasible, grades shall conform with requirements of the applicable road authority.
  2. Driveways shall be constructed such that drainage from impervious areas located outside of the public right-of-way, which are determined to be in excess of existing drainage from these areas shall not be discharged into the roadway drainage system without the approval of the responsible agency. Storm drains, or culverts, if required shall be of a size adequate to carry the anticipated storm flow and be constructed and installed pursuant to the specifications of the responsible road authority.
17. Directional Signs and Pavement Markings - In order to ensure smooth traffic circulation on the site, direction signs and pavement markings shall be installed at the driveway(s) in a clearly visible location as required by the Township of Waucedah as part of the site plan review process and approved by the Michigan Department of Transportation and the

Dickinson County Road Commission (as appropriate), and shall be maintained on a permanent basis by the property owner. Directional signs and pavement markings shall conform to the standards in the Michigan Manual of Uniform Traffic Control Devices.

18. Traffic Signals - Access points on US-2 may be required to be signalized in order to provide safe and efficient traffic flow. Any signal shall meet the spacing requirements of the applicable road authority. A development may be responsible for all or part of any right-of-way, design, hardware, and construction costs of a traffic signal if it is determined by the road authority that the signal is warranted by the traffic generated from the development. The procedures for signal installation and the percent of financial participation required of the development in the installation of the signal shall be in accordance with criteria of the road authority with jurisdiction.
19. No driveway shall interfere with municipal facilities such as street lights or traffic signal poles, signs, fire hydrants, cross walks, bus loading zones, utility poles, fire alarm supports, drainage structures, or other necessary street structures. The Zoning Administrator is authorized to order and effect the removal or reconstruction of any driveway which is constructed in conflict with street structures. The cost of reconstructing or relocating any new or proposed such driveways shall be at the expense of the property owner with the problem driveway.

#### Section 919 Nonconforming Driveways

1. Driveways that do not conform to the regulations in this Article, and were constructed before the effective date of this Article, shall be considered legal nonconforming driveways. Existing driveways previously granted a temporary access permit by MDOT or the County Road Commission are legal nonconforming driveways until such time as the temporary access permit expires.
2. Loss of legal nonconforming status results when a nonconforming driveway ceases to be used for its intended purpose, as shown on the approved site plan, or a plot plan, for a period of twelve (12) months or more. Any reuse of the driveway may only take place after the driveway conforms to all aspects of this Article.
3. Legal nonconforming driveways may remain in use until such time as the use of the driveway or property is changed or expanded in number of vehicle trips per day or in the type of vehicles using the driveway (such as many more trucks) in such a way that impact the design of the driveway. At this time, the driveway shall be required to conform to all aspects of the Ordinance.
4. Driveways that do not conform to the regulations in this Ordinance and have been constructed after adoption of this Ordinance, shall be considered illegal nonconforming driveways.
5. Illegal nonconforming driveways are a violation of this Ordinance. The property owner shall be issued a violation notice which may include closing off the driveway until any

nonconforming aspects of the driveway are corrected. Driveways constructed in illegal locations shall be immediately closed upon detection and all evidence of the driveway removed from the right-of-way and site on which it is located. The costs of such removal shall be borne by the property owner.

6. Nothing in this Ordinance shall prohibit the repair, improvement, or modernization of lawful nonconforming driveways, provided it is done consistent with the requirements of this Article.

Section 920 Waivers and Variances of Requirements in Article IX

1. Any applicant for access approval under the provisions of this Article may apply for a waiver of standards in Section 918 if the applicant cannot meet one or more of the standards according to the procedures provided below:
  - a. For waivers on properties involving land uses with less than 500 vehicle trips per day based on rates published in the Trip Generation Manual of the Institute of Transportation Engineers: Where the standards in this Article cannot be met, suitable alternatives, documented by a registered traffic engineer and substantially achieving the intent of the Article may be accepted by the Zoning Administrator, provided that all of the following apply:
    - 1) The use has insufficient size to meet the dimensional standards.
    - 2) Adjacent development renders adherence to these standards economically unfeasible.
    - 3) There is no other reasonable access due to topographic or other considerations.
    - 4) The standards in this Article shall be applied to the maximum extent feasible.
    - 5) The responsible road authority agrees a waiver is warranted.
  - b. For waivers on properties involving land uses with more than 500 vehicle trips per day based on rates published in the Trip Generation Manual of the Institute of Transportation Engineers: During site plan review the Planning Commission shall have the authority to waive or otherwise modify the standards of Section R following an analysis of suitable alternatives documented by a registered traffic engineer and substantially achieving the intent of this Section, provided all of the following apply:
    - 1) Access via a shared driveway or front or rear service drive is not possible due to the presence of existing buildings or topographic conditions.
    - 2) Roadway improvements (such as the addition of a traffic signal, a center turn lane or bypass lane) will be made to improve overall traffic operations prior to project completion, or occupancy of the building.
    - 3) The use involves the redesign of an existing development or a new use which will generate less traffic than the previous use.

- 4) The proposed location and design is supported by the County Road Commission and/or the Michigan Department of Transportation, as applicable, as an acceptable design under the circumstances.
2. Variance Standards: The following standards shall apply when the Board of Appeals considers a request for a variance from the standards of this Section.
    - a. The granting of a variance shall not be considered until a waiver under Section 920. 1. or 2. above has been considered and rejected.
    - b. Applicants for a variance must provide proof of practical difficulties unique to the parcel (such as wetlands, steep slopes, an odd parcel shape or narrow frontage, or location relative to other buildings, driveways or an intersection or interchange) that make strict application of the provisions of this Section impractical. This shall include proof that:
      - 1) indirect or restricted access cannot be obtained; and,
      - 2) no reasonable engineering or construction solution can be applied to mitigate the condition; and,
      - 3) no reasonable alternative access is available from a road with a lower functional classification than the primary road; and,
      - 4) without the variance, there is no reasonable access to the site and the responsible road authority agrees.
    - c. The Board of Appeals shall make a finding that the applicant for a variance met their burden of proof above, that a variance is consistent with the intent and purpose of this Article, and is the minimum necessary to provide reasonable access.
    - d. Under no circumstances shall a variance be granted unless not granting the variance would deny all reasonable access, endanger public health, welfare or safety, or cause an unnecessary hardship on the applicant. No variance shall be granted where such hardship is self-created.

ARTICLE V  
SIGNS

Section 501 Intent

It is hereby determined that regulation of the location, size, placement, and certain features of signs is necessary to enable the public to locate goods, services, and facilities without difficulty and confusion, to prevent wasteful use of natural resources in competition among businesses for attention, to prevent hazards of life and property, and to assure the continued attractiveness of the community and protect property values. It is further determined that signs which may lawfully be erected and maintained under the provisions of this Ordinance are consistent with customary usage, and that signs which may not lawfully be erected or maintained under the provisions hereof are not consistent with customary usage, are an abuse thereof, and are unwarranted invasions of the rights of legitimate business interests and of the public.

Section 502 Residential District Regulations For Signs

Within the R , R-2, LS & R and RR-5 Districts, signs shall be permitted as follows:

- (A) One sign to announce the sale or rent of property whose area shall not exceed six (6) square feet.
- (B) Churches shall be permitted a total sign area of 20 square feet. The total sign area may be divided into two signs: one identification sign and one bulletin board.
- (C) One sign per vehicle entrance which identifies a platted subdivision development or mobile home park not exceeding 32 square feet and eight feet in height.
- (D) Multiple dwellings and nursing homes shall be permitted one identification sign not to exceed 12 square feet and eight feet in height.
- (E) One sign shall be permitted to advertise a home occupation not to exceed six (6) square feet and shall not be illuminated or have working parts. It may be attached flush to the building or placed to the front of the lot or parcel and shall not detract from the visual appearance of the neighborhood.
- (F) Signs permitted by this Section are exempt from the setback requirements of Section 401. Signs, however, shall not be located on the right-of-way and shall not interfere with traffic visibility.

### Section 503 Town Development District Sign Regulations

Signs are permitted in the Town Development (TD) District on parcels that are already developed. Free-standing (ground) signs are permitted having an area not exceeding six (6) square feet for each ten (10) feet or fraction of frontage, or sixty (60) square feet for each acre or fraction of area of the developed premises, whichever is larger. There shall be a maximum of one hundred (100) square feet of sign area for each developed parcel. Where a premise has more than one occupant, the permitted sign area shall be divided among them in the same proportion as floor space and outdoor sales as occupied by them. Where a premise has more than two occupants and has a name distinct from that of the occupants, as in a shopping center, an additional two (2) square feet of sign area for each ten (10) feet or fraction of street frontage, with a maximum to two hundred (200) square feet, is permitted only for signs identifying the developed premises.

Signs shall be subject to the following setback requirements: minimum of five (5) feet setback when the right-of-way width from the centerline of the road to the property line is less than fifty (50) feet; and may be located at the lot line when the right-of-way width from the centerline of the road to the property line is greater than fifty (50) feet. Setback measurement shall be from the right-of-way to the closest part of the sign, whether it be at or above grade. Signs shall be subject to the height regulations for the Town Development District.

### Section 504 Conditional Use Sign Regulations

On-premise signs are permitted to identify or advertise an approved conditional use or activity and shall not advertise a specific product not produced on the premise. Signs shall have a maximum sign area of sixteen (16) square feet and not exceed eight (8) feet in height. Signs shall be subject to the following setback requirements: minimum of five (5) feet setback when the right-of-way width from the centerline of the road to the property line is less than fifty (50) feet; and may be located at the lot line when the right-of-way width from the centerline of the road to the property line is greater than fifty (50) feet. Setback measurement shall be from the right-of-way to the closest part of the sign, whether it be at or above grade. Sign regulations in this Section shall not apply to any conditional use located in the TD or I Districts, or to churches, multiple family dwellings, nursing homes or home occupations.

### Section 505 Temporary Signs

Signs which are intended to identify or advertise a non-profit annual or one time event or occurrence, such as a fair or other event of general public interest, shall be authorized by the Zoning Administrator for a period of not more than two months by written permits upon finding that the proposed sign is not contrary to the spirit and purpose of this Ordinance and shall conform to all size limitations set forth by this Ordinance. The applicant is responsible for both the erection and removal of all signs. All signs must be removed no later than 10 days after the end of the event.

### Section 506 Construction Signs

One construction sign is permitted per project not exceeding sixteen (16) feet in sign area for residential districts and thirty-two (32) square feet for Town Development or Industrial Districts. Signs shall be erected no more than five (5) days prior to the beginning of construction for which a valid building permit has been issued, shall be confined to the site of construction, and shall be removed prior to occupancy.

### Section 507 Exempt Signs

The following signs shall not exceed nine (9) square feet and are otherwise exempt from this Ordinance:

Public Signs - Signs of a noncommercial nature and in the public interest, erected by, or on the order of a public officer in the performance of official duty.

Political Signs - Those signs which are intended to advertise a public election, individual actively participating in such an election, or other public ballot issue, are permitted on private property with the owner's permission. All political signs must be removed within 10 days after the election date and shall not be located on the public right-of-way.

Signs which announce no hunting or no trespassing.

Signs which identify the name of a farm or farming operation.

Residential Identification Signs - Those signs which have an occupant's name and/or house number.

### Section 508 Lighting of Signs

No lighted signs shall be permitted within the R-1, R-2 or RR District. No strobe or other pulsating lights shall be permitted in any district. No sign shall be lighted so as to create a traffic hazard or to adversely affect neighboring land uses. No sign may be lighted to such an intensity or in such a manner that it creates a public nuisance or adversely affects the public health, safety, or general welfare.

### Section 509 Maintenance of Signs

Dilapidated sign structures which are likely to cause injury or degrade the surrounding area, and signs which advertise a closed business, past event or political election, are no longer legible, or are otherwise untimely or unsafe, are a nuisance or danger to the public. The zoning administrator is authorized to remove, or to have removed, all dangerous or nuisance signs, the cost of which is to be borne by the sign owner and/or property owner.



Section 510 Nonconforming Signs

(A) It is the intent and purpose of this Section to eliminate nonconforming signs except as otherwise specifically set forth in this Section as rapidly as the police power of the Township permits. No sign shall be designated as Class A Nonconforming.

(B) No nonconforming sign:

1. shall be structurally altered so as to prolong the life of the signs, nor shall the shape, size, type, or design of the sign structure be altered;
2. shall be continued after the activity, business, or usage to which it relates has been discontinued for 30 days or longer; or
3. shall be reestablished after damage or destruction if the estimated expense of reconstruction exceeds 50% of the sign value.

(C) No conforming sign may be changed to another nonconforming use.

(D) Nonconforming signs may have their face or message updated but not structurally altered.

ARTICLE VI  
SITE PLAN REVIEW

Section 601 Intent

It is the purpose of this Section to require site plan review approval for all buildings, structures and uses 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 the 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, by the erection of structures or additions or alterations thereto, without proper attention to setting or to unsightly or undesirable appearances; harmonious relationship to buildings, other structures and uses, both within a site and/or adjacent sites; and the conservation of natural amenities and resources.

Section 602 Site Plan Required

A site plan is required for and shall accompany the applications for:

- (A) Zoning Compliance Permits for:
  - a) Any proposed construction
  - b) Any commencement of a new use
  - c) Any proposed change in use
- (B) Conditional Use Permit
- (C) Variances
- (D) Class A Non-Conforming use designations
- (E) Any parcel or lot within the Highway Overlay Zone as defined in Article IX of this Ordinance.
- (F) Any other request for zoning status where the Zoning Administrator determines a site plan is necessary for accurate review or documentation of the existing development.

The site plan may be drawn on the application form or on a separate sheet of paper as appropriate to the scale and amount of information shown.

For additional requirements of site plans within the Highway Overlay Zone, refer to Section 904 D, 2-c.

Section 603 Site Plans for Single and Two-Family Dwellings, and Residential Accessory Uses and Structures and for Recreational Structures

The site plan for single and two-family dwellings, residential accessory uses and structures and recreational structures shall show the following information:

- (A) A legal description of the site.
- (B) All lot lines and dimensions of the lot.
- (C) All roads and easements.
- (D) All existing and proposed buildings shall be shown and labeled.
- (E) Proposed use of each building.
- (F) Distances between buildings and all lot lines.
- (G) Building dimensions.
- (H) Natural features affecting development (rock, water, etc.).
- (I) Well and septic locations.
- (J) A north arrow.
- (K) The property surveyed or official survey stakes visible in the LS/R Districts and may be required in other Districts where the location of property lines is uncertain.
- (L) Within the Highway Overlay Zone, site plans must include additional information listed in Section 904 D, 2-c.

Section 604 Site Plans for Commercial, Industrial and Multiple Family Development (all other development)

Site plans meeting the following standards shall be required for the following: all uses and developments in the Town Development and Industrial Districts (except for one and two-family dwellings); all uses requiring a Conditional Use Permit (except for home occupations and single-family residences); and uses utilizing more than one (1) acre of land (except for timber and agricultural uses). This information shall be provided on ten (10) identical copies on one or more sheets.

- (A) A scale adequate to illustrate the proposed activity.
- (B) A legal description of the lot; the name, address and telephone number of the owner, developer and designer.
- (C) Date, north point, and scale.
- (D) The actual dimensions of the proposed developed area (as shown by a licensed surveyor, engineer, architect, or registered landscape architect, with the survey stakes visible) showing the relationship of the subject property to abutting properties.
- (E) The location of all existing and proposed structures, including signs, on the subject property and all existing structures on land immediately adjacent to the site within 100 feet of the sites parcel lines.
- (F) The location of all existing and proposed drives and parking areas.
- (G) The location and right-of-way widths of all abutting streets, alleys, and private easements.
- (H) The location of proposed planting and screening, fencing, signs and advertising features.
- (I) The height and floor area of all proposed structures.
- (J) The size and location of all existing and proposed public and private utilities and required landscaping.
- (K) Any other information necessary to establish compliance with this Ordinance or any other applicable ordinances.

- (L) Within the Highway Overlay Zone, site plans must include additional information listed in Section 904 D, 2-c.

#### Section 605 Review Procedures

Upon receipt of any site plan, the Zoning Administrator shall review it to determine whether it is in proper form, contains all of the required information, shows compliance with this Ordinance and all other Ordinances of Waucesha Township, and demonstrates the adequacy of utility service. The Zoning Administrator shall provide a copy of the site plan to the Drain Commissioner and Health Department. Upon demand by the proposer of the site plan, the Zoning Administrator shall, within ten (10) working days, approve or deny in writing, setting forth in detail their 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. Refer to Section 905 of this Ordinance for the site plan review process necessary to obtain access approval within the Highway Overlay Zone. The proposer may appeal any denial to the Township Planning Commission. The Zoning Administrator shall use the following standards in their review.

#### Section 606 Standards for Site Plan Approval

1. 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 so developed as not to impede the normal and orderly development or improvement or surrounding property for uses permitted in this Ordinance.
2. The landscaping shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.
3. Special attention shall be given to proper site surface drainage so that removal of storm waters will not adversely affect neighboring properties.
4. The site plan shall provide reasonable visual and auditory privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
5. All buildings or group of buildings shall be so arranged as to permit emergency vehicle access to all sides.
6. Every structure or dwelling shall have access to a public street, walkway or other area dedicated to common use.
7. 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.
8. 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.

9. The proposed use(s) can be adequately serviced by either public and/or private services and utilities.
10. Within the Highway Overlay Zone, defined in Article IX, refer to Section 918 for access management-related standards.

ARTICLE VII  
CONDITIONAL USE PERMITS

Section 701 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 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 (702 through 706), together with previous references in other sections (308 through 317), 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 702 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: Every application shall be accompanied by one copy of the following information and data:

- a) Conditional use form supplied by the Zoning Administrator filled out by the applicant.
  - b) Site plan drawn to a readable scale and containing that information specified in Article VI, Sections 603 and 604 and, if within the Highway Overlay Zone, Section 904 2,d.
  - c) A statement with supporting evidence regarding the required findings specified in Section 704.
- (D) Upon receipt of such materials by the Zoning Administrator, the Township shall transmit one copy to the road commission, drain commissioner, health department, school district, and planning commission for their review and comment. Each agency shall review the document and forward any comments to the Zoning Administrator. The Zoning Administrator shall transmit a copy of the site plan to the Planning Commission for their review.
- (E) 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.
- (F) 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.
- (G) 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 additional year upon request by the applicant.

Section 703 Review and Findings

- (A) Planning Commission Action: The Planning Commission shall approve, approve with conditions, or reject the application within sixty (60) days of the hearing based upon materials received and testimony recorded at the public hearing. The Planning Commission shall set forth the reasons for approval, denial, or modification of the conditional use permit application. Following favorable action by the Planning Commission, the Zoning Administrator shall issue a Conditional Use Permit, in accordance with the site plan and any conditions, including those permitted by Section 1002, as have been placed on such permit by the Planning Commission. All conditions shall be clearly specified in writing and the petitioner has one year from date of hearing to comply with all specified conditions. Compliance shall occur prior to the commencement of the use, unless a specified time is set in the motion granting the Conditional Use Permit.

## Section 704 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 harmonious with and in accordance with the general policies or with any specific objectives of a township or county development plan;
- (B) 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;
- (C) Will not be hazardous or disturbing to existing or future neighboring uses;
- (D) Will not diminish the value of land, buildings, or structures in the District;
- (E) Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, or schools, and that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
- (F) 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;
- (G) 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;
- (H) Will protect the public health, safety and general welfare of the community; and
- (I) Will be consistent with the intent and purpose of the specific zoning district in which it is located.
- (J) Will meet the access management-related standards, if within the Highway Overlay Zone, listed in Section 918 of this Ordinance.

The following standards shall be used by the Planning Commission when considering child care facilities:

- (1) Is located not closer than 1,500 feet to any of the following:
  - (i) Another licensed group day-care home.
  - (ii) Another 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.
  - (iii) A facility offering substance abuse treatment and rehabilitation service to seven or more people licensed under Article 6 of the public health code, Act No. 368 of the Public Acts of 1978, being Sections 333.6101 to 333.6523 of the Michigan Compiled Laws.
  - (iv) A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.



- (2) Has appropriate fencing for the safety of the children in the group day-care home as determined by the Township.
- (3) Maintains the property consistent with the visible characteristics of the neighborhood.
- (4) Does not exceed 16 hours of operation during a 24-hour period. The Township may limit but not prohibit the operation of a group day-care home between the hours of 10 p.m. and 6 a.m.
- (5) Meets regulations, if any, governing signs used by a group day-care home to identify itself.
- (6) Meets regulations, if any, requiring a group day-care home operator to provide off-street parking accommodations for his or her employees.

#### Section 705 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 judgement 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 704 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 at 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 Township Board within 30 days. The Township Board shall notify all affected parties and hold a public hearing on the appeal as specified in Section 702.
- (H) The foregoing General Standards in Section 704 are basic to all conditional uses; and the specific requirements accompanying the following sections relating to particular uses are in addition to and shall be required in all applicable situations.
- (I) No application for a Conditional Use Permit which had been denied wholly or in part by the Planning Commission shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions found to be sufficient to justify consideration by the Planning Commission.

ARTICLE VIII  
NONCONFORMING USES AND STRUCTURES

Section 801 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 Class A designation authorized by formal action shall remain in effect. Otherwise, all nonconforming uses and structures shall be originally classified as Class B. 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 designed to guide the future use of land in Waucesha 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 some other standard 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 be not 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 Dickinson County Zoning Ordinance remains a violation.

Section 802 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 803 Procedure For Obtaining Class A Designation

A written application shall be filed with the Planning Commission which shall include:

- (A) Name and address of property owner and applicant if not same;
- (B) A legal description of the property or lot;
- (C) A site plan pursuant to Section 604 of this Ordinance and, if within the Highway Overlay Zone, Section 904 2-d; and
- (D) An explanation describing the present nonconforming use or structure.

The Planning Commission shall, upon receipt of said application, schedule a public hearing in accordance with the procedures set out in Section 1002 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 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.

Any person aggrieved by the Planning Commission granting or failure to grant Class A Nonconforming Status may appeal the decision within the prescribed time frame to the Zoning Board of Appeals.

### Section 804 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:

- (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) 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 harmful 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 specific approval by the Planning Commission. The proposed nonconforming use shall satisfy the 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 805 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 12 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 806 Class B Nonconforming Uses and Structures

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 six (6) 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.

No Class B Nonconforming Structure shall be enlarged or structurally altered. 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. No Class B Nonconforming Use or Structure shall be permitted to continue in existence if it was unlawful at the time of its inception.

The Planning Commission shall, at its earliest possible time, arrange to have a comprehensive inventory of all nonconforming uses and structures located in Waucedah Township.

#### Section 807 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 acknowledgment 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 structure would 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 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 Dickinson County Zoning Ordinance.

#### Section 808 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 1002 of this Ordinance.

#### Section 809 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 1002 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.

ARTICLE X  
ADMINISTRATION AND ENFORCEMENT

Section 1001 Administration

The administration and enforcement of this Ordinance shall be the responsibility of the Township Board. The Township Supervisor and 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 1002 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 required 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 Waucesha Township Planning Commission or the Zoning Board of Appeals shall be submitted thirty days prior to the scheduled 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 ten days prior to a legal notice deadline;
2. For conditional uses, Class A Nonconforming Uses or Structures, Mineral Extraction Permits, and the Zoning Board of Appeals hearings, shall publish notice of the public hearing in a newspaper of general distribution, such notice to be given not less than fifteen (15) days prior to the public hearing, and also notify by mail or personal service all property owners to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to all occupants of structures within three hundred (300) feet. The current year's assessment role shall be used as prima facie evidence of record ownership. If a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure;

3. For amendments, shall publish notice in a newspaper of general circulation in the County, not less than fifteen (15) days before the hearing. Said notice shall also go to utilities registered to receive the notice, to railroads within the zone affected, to the Health Department and if the amendment is a rezoning, also notify by mail or personal service all property owners to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to all occupants of structures within three hundred (300) feet. The current year's assessment role shall be used as prima facia evidence of record ownership. This rezoning notice shall be given not less than fifteen (15) days before the hearing;
4. All hearing notices shall include the time, place and nature of the request, the geographic area included in the zoning proposal, where and when written comments will be received, and where and when the zoning ordinance and proposals or applications may be examined;
5. Shall permit interested parties at the hearing to present and rebut information, including written testimony, either supporting or opposing the zoning action under consideration;
6. Shall prepare a comprehensive summary record of the hearing, including an exact record of motions, votes and other official action;
7. Shall set forth in writing and in detail any denial, approval, conditional approval, or order and the facts supporting such decision;
8. 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 made under this section;
9. Shall comply with all other requirements under the law; and
10. Shall have all administrative actions recorded in the Official Zoning Orders Book and Map.

(C) Wherever 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 1003 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, appointed or elected 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 1004 Duties of Zoning Administrator

(A) The Zoning Administrator shall have the power to issue Certificates of Zoning Compliance and to review Site Plans to determine whether they are in proper form, contains all of the required information and is 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) The Zoning Administrator shall interpret the provisions of this Ordinance, both the text and map, in such a way as to carry out the intent and purpose of this Ordinance. Any determination of the Zoning Administrator may be appealed to the Board of Appeals.

(E) 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 this Ordinance.

#### Section 1005 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 1006 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 reported to the Township Attorney who shall initiate prosecution procedures.

#### Section 1007 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 1008 Fees

- (A) 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 or certificate shall be issued unless such fees have been paid in full.
- (B) Any application for rezoning, site plan approval, a Special Land Use Permit, Planned Unit Development, 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 requires a traffic impact study under Article IX or Section 1009 or 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, or which involves surface or below surface mining or disposal of mine materials. 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.

1. The escrow shall be used to pay professional review expenses of engineers, community planners, and any other professionals whose expertise the Township of Waucesha 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 Waucesha and a copy of the statement of expenses for the professional services rendered, if requested.
2. 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.
3. 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 Waucesha 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.
4. Disputes on the costs of professional reviews may be resolved by an arbitrator mutually satisfactory to both parties.

#### Section 1009 Traffic Impact Study

- (A) If the proposed land use exceeds the traffic generation thresholds below, then the Zoning Administrator shall require submittal of a traffic impact study at the expense of the

applicant, as described below prior to consideration of the application or site plan by either the Zoning Administrator or the Planning Commission. At their discretion, the Planning Commission may accept a traffic impact study prepared for another public agency. A traffic impact study shall be provided for the following developments unless waived by the Planning Commission following consultation with the Michigan Dept. of Transportation or County Road Commission, as applicable:

1. For any residential development of more than twenty (20) dwelling units, or any office, commercial, industrial or mixed use development, with a building over 50,000 square feet, or
2. When permitted uses could generate either a thirty percent (30%) increase in average daily traffic, or at least one hundred (100) directional trips during the peak hour of the traffic generator or the peak hour on the adjacent streets, or over seven hundred fifty (750) trips in an average day.
3. Such other development that may pose traffic problems in the opinion of the Planning Commission.

(B) At a minimum the traffic impact study shall be in accordance with accepted principles as described in the handbook Evaluating Traffic Impact Studies, a Recommended Practice for Michigan, developed by the MDOT and other Michigan transportation agencies and contain the following:

1. A narrative summary including the applicant and all project owners, the project name, a location map, size and type of development, project phasing, analysis of existing traffic conditions and/or site restrictions using current data transportation system inventory, peak hour volumes at present and projected, number of lanes, roadway cross section, intersection traffic, signal progression, and related information on present and future conditions. The capacity analysis software should be the same for each project, such as using HCS 2000 or a later version.
2. Projected trip generation at the subject site or along the subject service drive, if any, based on the most recent edition of the Institute of Transportation Engineers Trip Generation manual. The Township of Waucedah may approve use of other trip generation data if based on recent studies of at least three (3) similar uses within similar locations in Michigan.
3. Illustrations of current and projected turning movements at access points. Include identification of the impact of the development and its proposed access on the operation of the abutting streets. Capacity analysis shall be completed based on the most recent version of the Highway Capacity Manual published by the Transportation Research Board, and shall be provided in an appendix to the traffic impact study.

4. Description of the internal vehicular circulation and parking system for passenger vehicles and delivery trucks, as well as the circulation system for pedestrians, bicycles and transit users.
  5. Justification of need, including statements describing how any additional access (more than one driveway location) will improve safety on the site and will be consistent with the US-2/US-141/M-95 Access Management Action Plan and the Community or Comprehensive Master Plan, and will not reduce capacity or traffic operations along the roadway.
  6. Qualifications and documented experience of the author of the Traffic Impact Study, describing experience in preparing traffic impact studies in Michigan. The preparer shall be either a registered traffic engineer (P.E.) or transportation planner with at least five (5) years of experience preparing traffic impact studies in Michigan. If the traffic impact study involves geometric design, the study shall be prepared or supervised by a registered engineer with a strong background in traffic engineering.
- (C) The Township of Waucesha may utilize its own traffic consultant to review the applicant's traffic impact study, with the cost of the review being borne by the applicant per Section 1008.

ARTICLE XI  
ZONING BOARD OF APPEALS

Section 1101 Creation and Membership

The Zoning Board of Appeals is hereby established in accordance with Act 184 of the Public Acts of 1943, as amended. The Board shall consist of three (3) members: a member of the Planning Commission; and the remaining members appointed by the Township Board from the electors residing in the unincorporated area of the Township. The term of office for the member of the Planning Commission shall not exceed their term of office on the Commission.

Section 1102 Procedures

(A) The Zoning Board of Appeals may adopt rules and regulations to govern its procedures. The Zoning Board of Appeals shall appoint one of its members as Chairman. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to revise any order, requirements, decision or interpretation of the Zoning Administrator or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance.

(B) Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such times in its rules of procedure may specify. Minutes shall be kept of each meeting and the Board shall record into the minutes all findings, conditions, facts and other relevant factors, including the vote of each member upon any question or if absent or failing to vote indicating such fact, and all of its official actions. All meetings and records shall be open to the public. All minutes shall be filed in the office of the Township Clerk.

(C) The Zoning Board of Appeals shall fix a reasonable time and date for a hearing. The Board shall give due notice of the hearing by regular mail to the parties of interest and to owners of adjacent property in accordance with the provisions of Section 1102.

Section 1103 Duties and Powers

(A) The Zoning Board of Appeals shall perform its duties and exercise its powers as provided in Act 184 of the Public Acts of 1943, as amended, so that the objectives of this Ordinance shall be attained, the public health, safety, and welfare secured, and substantial justice done. The Zoning Board of Appeals shall hear and decide only those matters which it is specifically authorized to hear and decide as provided therein; administrative review, interpretation of the Zoning Ordinance, including the zoning map and variances.

(B) The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor make any change in the terms or intent of this

Ordinance, but does have power to act on those matters specifically provided for in this Ordinance.

#### Section 1104 Administrative Review

(A) The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirements, decision or determination of the Zoning Administrator, with the exception of site plan appeals.

(B) The Zoning Board of Appeals shall have the power to:

- 1) Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of this Ordinance;
- 2) Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision made by the Zoning Administrator;
- 3) Determine the parking space requirements of any use not specifically mentioned either by classifying it with one of the groups listed in Section 417 or by an analysis of the specific needs.

#### Section 1105 Variances

(A) The Zoning Board of Appeals shall have the power and duty to authorize upon appeal in specific cases such variance from the provisions of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship or practical difficulty.

(B) Any nonconforming use of neighboring lands, structures, or buildings shall not be considered grounds for the issuance of a variance.

(C) The Zoning Board of Appeals shall make findings that the requirements of this Section have been met by the applicant.

(D) The Zoning Board of Appeals shall further find that the reasons set forth in the application justify the granting of the variance, and that it is the minimum variance that will make possible the reasonable use of the land, building, or structure.

(E) The Zoning Board of Appeals shall further find that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public interest.

(F) Variances within the Highway Overlay Zone must satisfy additional standards set forth in Section 920 2.

(G) In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards necessary to meet the provisions contained in Section 1102(C) of this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of this Ordinance.

(H) Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

(I) In exercising the above mentioned powers, the Zoning Board of Appeals may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm wholly or partly or may modify the order, requirements, decision, or determination appealed from and may make such order, requirements, decision, or determination as ought to be made, and to that end shall have the powers of the public official from whom the appeal was taken.

#### Section 1106 Appeals

(A) Appeals concerning interpretation of the administration of this Ordinance shall be made by filing a notice of appeal specifying the grounds thereof with the Zoning Administrator within a period of thirty (30) days from the occurrence of the contested action. The Zoning Administrator shall transmit to the Board copies of all papers constituting the record upon which the action appealed was taken from.

(B) A fee shall be paid to the Township at the time of filing the notice of appeal. The appeal fee shall be established by the Township Board.

(C) Any party or parties may appear at the hearing in person or by agent or attorney.

(D) The Zoning Board of Appeals shall decide upon all matters within a reasonable time. The decision of the Board shall be in the form of a resolution containing a full record of its findings and determinations in each case.

(E) An appeal shall stay all proceedings in furtherance of the action appealed, unless the Zoning Administrator certifies to the Board, that a stay would in his opinion, cause imminent peril to life or property, in which case the proceedings should not be stayed, other than by a restraining order granted by the courts.

#### Section 1107 Duties on Matters of Appeal

All questions concerning application of the provisions of this Ordinance shall first be presented to the Zoning Administrator. Such questions shall be presented to the Zoning Board of Appeals only on appeal from the decisions of the Zoning Administrator. Recourse from decisions of the Zoning Board of Appeals shall be to the Circuit Court of Dickinson County, as provided by law.



ARTICLE XII  
TOWNSHIP PLANNING COMMISSION: PLANNING AND ZONING AUTHORITY

Section 1201 Designation

The Waucesha Township Planning Commission is hereby designated the Commission as specified in Act 168 of the Public Acts of 1959, as amended. Under said act, it shall be the duty of the Commission to advise the Township Board on matters of planning. Further, the Commission shall assume the duties of the Zoning Commission prescribed in Section 11, of Act 168 of the Public Acts of 1959, as amended.

The Planning Commission shall consist of five (5) members. One member of the Planning Commission shall be a member of the Township Board and the remaining members shall be appointed by the Township Supervisor with approval from the Township Board. The membership of the Planning Commission shall be representative of important segments of the community, such as the economic, governmental, educational and social development of the Township, in accordance with the major interests as they exist within the Township, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry and commerce. Members of the Planning Commission shall be qualified electors of the Township.

The term of the Township Board member shall be limited to the time serving as a member of the Township Board. The term of office of the first members shall be 1, 2, and 3 years respectively, so as nearly as possible to provide for the appointment of an equal number of members each year. After the initial appointments, each member shall hold office for a three (3) year term.

Section 1202 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 or by an individual.

(A) Each petition shall be submitted to the Zoning Administrator, accompanied by the proper fee, and then referred to the Planning Commission for their review at a public hearing, which is held in conformance with Section 1102 of this Ordinance.

(B) Following the public hearing, the Planning Commission shall transmit their recommendation and a summary of the comments received at the public hearing to the Township Board.

(C) The Township Board may hold additional public hearings if it considers it necessary. Notice of public hearing held by the Township Board shall be published in a newspaper which circulates in the Township. The notice shall be given no less than fifteen (15) before the hearing.

After receiving the recommended change or amendment, the Township Board, at a regular meeting or at a special meeting called for the purpose, shall consider the recommendations and vote upon the adoption of a zoning ordinance for the Township. Any changes or amendments shall be approved by a majority vote of the members of the Township Board. The Township Board shall not make a change or departure from the plans, text, or maps as certified by the Planning Commission unless the proposed change or departure is first submitted to the Planning Commission for its advice or suggestions. The Planning Commission shall have 30 days from and after receipt of the proposed change or departure to send its report to the Township Board.

(D) No petition for amendment, which has been disapproved by the Township Board, shall be resubmitted for a period of one year from the date of disapproval, except as may be permitted by the Township Board after learning of new and significant facts or conditions which might result in favorable action upon resubmittal. Resubmittal shall follow the same procedure as outlined in this Section.

(E) The petitioner shall transmit a proposed text for the amendment to the Zoning Administrator. When the petition involves a change in the Zoning Map, the petitioner shall submit the following information:

1. A legal description of the property;
2. A scaled map of the property, correlated with the legal description, and clearly showing the property's location;
3. The name and address of the petitioner;
4. The petitioner's interest in the property;
5. Date of filing with the Zoning Administrator;
6. Signatures of petitioner(s) and owner(s) certifying the accuracy of the required information; and
7. The desired change and reasons for such change.

(F) In viewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition, and shall report its findings in full, along with its recommendations for disposition of the petition, to the Township Board within sixty (60) days of the hearing date of the petition.

(G) The general standards to be considered by the Planning Commission shall include, but not limited to, the following:

1. Whether the requested zoning change is justified by a change in conditions since the original ordinance was adopted or by an error in the original ordinance;
2. Is the requested zoning change consistent with the Goals and Policies, and other elements of the Dickinson County Comprehensive Plan or any other local plan.

3. The precedents, and the possible effects of such precedents, which might likely result from approval or denial of the petition;
4. The ability of the Township or other government agencies to provide any services, facilities, and/or programs that might be required if the petition is approved;
5. Are there any significant and negative environmental impacts which would potentially occur if the petitioned zoning change and resulting permitted structures were built, including but not limited to, surface water drainage problems, wastewater disposal problems, or the loss of locally valuable natural resources;
6. Effect of approval of the petition on adopted development policies of the Township and other governmental units; and
7. All findings of fact shall be made a part of the public records of the meetings of the Planning Commission and the Township Board.

#### Section 1203 Publication and Effective Date

Upon adoption of this Ordinance and any subsequent amendments, one notice of ordinance adoption shall be published in a newspaper of general distribution within fifteen (15) days after adoption. The notice of ordinance adoption shall include the following information:

- (A) In the case of a newly adopted zoning ordinance, the following statement: "A zoning ordinance regulating the development and use of land has been adopted by the Township Board of the Township of Waucesha."
- (B) In the case of an amendment to an existing zoning ordinance, either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.
- (C) The effective date of the Ordinance and any amendments shall be the day after publication of adoption.
- (D) The place and time where a copy of the Ordinance may be purchased or inspected.

ARTICLE XIII  
INTERPRETATION, SEVERABILITY, VESTED RIGHT,  
PENALTIES, AND EFFECTIVE DATE

Section 1301 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 this 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 use of buildings or structures or land or 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 1302 Severability/Status of Old Ordinance

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.

If, after adoption of this Ordinance by the Township Board, a valid petition is filed with the Township Clerk placing this Ordinance before the voters for their approval or rejection, upon election, should this Ordinance be rejected, then the Township would automatically revert back to the preceding County Zoning Ordinance adopted June 13, 1972.

Section 1303 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 1304 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 or 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 1305 Effective Date

The effective date of this Ordinance shall be the day after notice of Ordinance adoption is published in a newspaper of general distribution pursuant to Section 1203 of this Ordinance.

The publication in the Iron Mountain Daily News took place on December 20, 1995; consequently, the effective date of this Ordinance shall be December 21, 1995.

The zoning ordinance was amended May 8, 2006; consequently, the effective date of this amended Ordinance shall be \_\_\_\_\_, 2006.

## **WAUCEDAH TOWNSHIP BLIGHT PREVENTION ORDINANCE**

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An Ordinance to protect the public health and safety, to preserve property values, through the regulations of refuse, building materials, and the maintenance of unsafe structures.

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**SECTION 1 – PURPOSE**

To provide a clean, orderly, healthy, and attractive environment throughout Waucesah Township, thereby providing its residents a pleasant place to reside.

**SECTION 2 – STORAGE OF JUNK MOTOR VEHICLES**

It shall be unlawful for any person to store or to permit the storage or accumulation of junk motor vehicles on any private property in the Township zoned R-1. Junk motor vehicles are not permitted in LSR district parcels less than 5 acres in size, and must be within a completely enclosed building, or in an area screened by natural objects, plantings, fences, or grade of the land so as not to be visible from the public road way or adjoining property dwellings.

Automobiles of classic, antique, or vintage nature or competition vehicles that are in the process of restoration or conversion shall be so declared by the owner in a written statement to the Waucesah Township Board accompanied by a completed permit.

**SECTION 3 – STORAGE OF TRASH, REFUSE, JUNK, ABANDONED VEHICLES, AND DOMESTIC REFUSE**

It shall be unlawful for any person to store or permit trash, refuse, junk, or abandoned vehicles on any private property in the Township, except within a completely enclosed building or in an area screened by natural objects, plantings, fences, or grade of the land so as not to be visible from the public roadway or adjoining property dwellings.

Examples of screenings:

There shall either be a tight board fence of six feet in height and maintained in good repair or painted or shall have a planting of evergreens at least three feet in height, when planted with at least two rows on 12 foot centers locate in rows not further apart than 4 feet (see example below), or a screening fence at least six feet in height, or an earthen barrier at least five feet in height.

Example of Tree Screening:



All domestic refuse generated by a person shall be disposed of frequently enough to protect the public health. Disposal upon a person's own land is permitted provided it does not create a hazard to health and is permitted by state or county law.

The accumulation of trash, refuse, and junk which causes or creates a health hazard, as determined by the Dickinson-Iron District Health Department, shall not be permitted.

#### **SECTION 4 – STORAGE OF FIREWOOD**

Wood or wood products usually used or intended to be used as property owner's personal firewood in a residence or any accessory structure shall be permitted provided it is in orderly, maintained piles in R-1 and LSR districts.

#### **SECTION 5 – UNSAFE STRUCTURES**

It shall be unlawful for any person to keep or maintain a vacant structure, dwelling garage, out-building, factory, shop, store, or warehouse unless it is kept securely closed, the windows kept glazed or nearly boarded up, or unless the structure is in the course of construction in accordance with a valid building permit issued by the Dickinson County Construction Code Commission, and unless the construction is completed within 300 days from the date the building permit is issued, with extension of additional 90-day periods upon presentation to the Waucesha Township Board demonstrating the reasonable time and efforts have been made to prevent entrance into the structure by unauthorized persons.

#### **SECTION 6 – STORAGE OF BUILDING MATERIALS**

It shall be unlawful for any person to store or permit the storage or accumulation of building materials on any private property, except in a completely enclosed building or where building materials are neatly piled or setback a distance of 75 feet from a public road right-of-way or in an area screened by natural objects, plantings, fencing, or grade of the land so as not to be visible from the public roadway or adjoining property dwelling, or except where such building materials are part of the stock in trade or business located in the property or improvements to the structure and such construction is completed within a reasonable time. This applies in R1 and LSR Districts.

#### **SECTION 7 – HOUSING FARM ANIMALS**

The use of parts of motor vehicles and all types of trailers to permanently house animals and fowl shall be prohibited in Waucesha Township.

#### **SECTION 8 – ENFORCING OFFICER**

The designated enforcement officer shall enforce the ordinance, with any recourse brought before the Waucesha Township Board.

#### **SECTION 9 – COMPLAINTS**

Unless otherwise required in this Ordinance, all complaints from the public regarding alleged violations of this Ordinance may be submitted in writing or verbally to the enforcement officer, who shall investigate such alleged violations and take actions as provided in this Ordinance. No written or verbal public complaint is required for



enforcement of this Ordinance. The enforcement officer or the Township may enforce this Ordinance without a public complaint.

## **SECTION 10 – ENFORCEMENT**

First Notice of Violation: Upon first written or verbal complaint alleging a violation of this Ordinance or as otherwise provided in Section 9, the enforcement officer shall investigate the alleged violation and issue the owner of the property in violation a verbal First Notice of Violation if a violation is found.

Second Notice of Violation: Upon confirmation that the illegal condition persists, the enforcement officer shall issue a written Second Notice of Violation by certified mail, return receipt requested and first class mail. Any violation, other than a structural violation, must cease immediately upon receipt of the Second Notice of Violation. Structural violations must be cured within 15 days of receipt of the Second Notice of Violation.

Municipal Civil Infraction: After service of the Second Notice of Violation, failure to comply with the requirements of this Ordinance shall constitute a Municipal Civil Infraction, which shall be processed in accordance with MCL 600.8701. The assessment and collection of fines shall be in accordance with MCL 600.88701 et seq.

Repeated Offense: Each day's continuance of the violation shall constitute a separate and distinct offense.

## **SECTION 11 – PENALTIES**

Any person violating this Ordinance shall be deemed to have committed a civil infraction, subject to the payment of civil fines in the amount of \$100 plus costs for the first offense.

Any person violating this Ordinance shall be deemed to have committed a civil infraction, subject to the payment of civil fines in the amount of \$250 plus costs for the first repeated offense.

Any person violating this Ordinance shall be deemed to have committed a civil infraction, subject to the payment of civil fines in the amount of \$500 plus costs for the second repeated offense and all subsequent offenses.

## **SECTION 12 – SEVERABILITY**

If any part of this Ordinance is found to be unenforceable for any reason, the remainder of the Ordinance shall remain in full force and effect.

## **SECTION 13 – REPEALING CLAUSE**

All Ordinances, or parts of any Ordinances in conflict with this Ordinance are hereby repealed.

## SECTION 14 – DEFINITIONS

The following words or terms shall have the meaning below:

- (a) “Abandoned Vehicle” shall include, without limitation, any vehicle which has remained on private property for a period of 48 continuous hours or more without the consent of the owner or occupant of the property, or for a period of 48 continuous hours or more after the consent of the owner or occupant of the property has been revoked.
- (b) “Building Materials” shall include, without limitation, lumber, brick, concrete, cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, or any other materials used in constructing any structure.
- (c) “Competition Vehicles” shall include any motor vehicle used in sanctioned competition with rewards or prizes given. No more than one (1) competition vehicle shall be in view of the public in Residential, Lakeshore, or River zoning districts. A covered vehicle is not considered to be in public view.
- (d) “Domestic Refuse” shall include rejected food wastes, including waste accumulation of animals, fruit or vegetable matter, used in or intended for food or that attend the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit, or vegetable. Compost piles are exempt from this definition.
- (e) “Junk” shall include, without limitation, parts of machinery, parts of motor vehicles, irreparable or inoperable equipment, broken or unusable furniture, broken or unusable appliances, metal or any other cast-off material of any kind, whether or not they could be put to any reasonable use, and remnants of wood. Remnants of wood shall not include wood or wood products used or intended to be used as firewood in a residence or any accessory structure.
- (f) “Junk Motor Vehicle” shall be:
  - a. any motor vehicle that is not in operating condition nor meeting the minimum requirements to operate on public roads in the state of Michigan, being, but not limited to, four wheels with inflated tires, a working battery, an engine in running condition and gear train capable of moving the vehicle at any time;
  - b. any motor vehicle not licensed for use upon the highways of the State of Michigan for a period in excess of 60 days, provided that there is excepted from this definition unlicensed but operative vehicles used for snowplowing and as farm equipment;
  - c. any motorized vehicles that are kept as the stock in trade of a regularly licensed and established new or used automobile dealer are excepted from this definition;
  - d. any motor vehicle that is inoperable due to mechanical failure provided that the time limit such vehicles may remain upon the premises shall be a period of 120 days with extension of additional 30-day periods upon presentation to the enforcing officer of written proof the offending vehicle is involved in insurance claims litigation or similar matter and additional time is required for settlement before a vehicle can be moved.

- (g) "Person" shall include any individual, proprietorship, firm, public or private corporation, partnership, trust, public or private agency or any other entity, or any group of such persons.
- (h) "Trash" and "Refuse" shall include any and all forms of debris not otherwise classified.
- (i) "Utility Value" is a term used by the insurance industry to describe that a structure is insurable.
- (j) "Unsafe Structure" shall include, without limitation, any dwelling, garage, or outbuilding, or any factory, shop, store, office building, warehouse or any other structure or part of a structure which, because of fire, wind, or other natural disaster, or physical deterioration, is no longer habitable as a dwelling, or useful for the purpose for which it may have been intended, which no longer has utility value and proof of insurance.

#### **SECTION 15 – EFFECTIVE DATE AND ADOPTION**

This Ordinance, being necessary to protect the public health and welfare, shall become effective 45 days after its publication in a distributed newspaper.

## Blight Ordinance Update

Be it resolved that the Waucedah Township Board Approves Resolution 2018-2 presented by the Waucedah Township Planning Commission, Changing Section 10 of the Waucedah Township Blight Ordinance. Changing Enforcement to a Municipal Civil Infraction.

Motion made by: LORI TURRI

Seconded by JACALYN MENGHINI

Ayes: C. ADAMS

Nays: \_\_\_\_\_

J. MENGHINI

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L. TURRI

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R. SMARINOTTI

\_\_\_\_\_

T. TESTOLINI

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Date: 02-12-2018

Waucedah Township Clerk: 