

**Township of Little Traverse
Zoning Ordinance
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**Township of Little Traverse
Zoning Ordinance
County of Emmet
State of Michigan**

Title

AN ORDINANCE enacted under Act 184, Public Acts of 1943, as amended, governing the unincorporated portions of Little Traverse Township, Emmet County, Michigan to regulate and restrict the location and use of buildings, structures and land for trade, industry, residence, and for public and semipublic or other specified uses; and to regulate and limit the height and bulk of buildings, and other structures; to regulate and determine the size of yards, and open spaces; to regulate and limit the density of population; and for said purposes to divide the Township into districts and establishing the boundaries thereof; providing for changes in this Ordinance; defining certain terms; providing for enforcement; establishing a Board of Appeals; and imposing penalties for the violation of this Ordinance.

PREAMBLE

Pursuant to the authority conferred by the Public Acts of the State of Michigan in such case, made and provided and for the purpose of promoting, and protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of Little Traverse Township, by protecting and conserving the character and social and economic stability of the residential, commercial, industrial and other use areas; by securing the most appropriate use of land; preventing overcrowding of the land and undue congestion of population; providing adequate light, air, and reasonable access; and facilitating adequate and economical provisions of transportation, water, sewers, schools, recreation, and other public requirements, and by other means, all in accordance with a Comprehensive Plan now therefore:

ENACTING CLAUSE

THE TOWNSHIP OF LITTLE TRAVERSE:

ARTICLE I- SHORT TITLE

SECTION 100. SHORT TITLE:

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

ARTICLE II- DEFINITIONS

SECTION 200. DEFINITIONS (FOR THE PURPOSE OF THIS ORDINANCE):

ACCESSORY USE, OR ACCESSORY: An "accessory use" is a use which is clearly incidental to, customarily found in connection with and located on the same zoning lot as, the principal use to which it is related.

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

Apartments: A suite of rooms or a room in a multiple-family building arranged and intended for a place of residence of a single-family or a group of individuals living together as a single housekeeping unit.

Basement: That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

AMND B-22-1993

Bed and Breakfast Establishment: A tourist housing accommodation where the resident owner of an existing, private single-family home offers overnight (transient) lodging and breakfasts for compensation to no more than six (6) persons, using no more than three (3) bedrooms in any one home.^x

Building: Any structure, either temporary or permanent, having a room supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind.

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 terrain, the height may be measured from the average ground level of the grade at the building wall.

Building Line: A line formed by the face of the building. A minimum building line is the same as a front setback line.

Club: A non-profit organization of persons for the promulgation of sports, arts, sciences, literature, politics, or the like.

AMND B-7-2011

Contiguous: refers to 2 or more lots that share a common property line or segment thereof.

Convalescent or Nursing Home: A structure with sleeping rooms where persons are housed and furnished with meals, nursing and medical care.

AMND B-1-2002

Cooking Facilities: Refer to Kitchen Facilities definition.^{xi}

Development: The construction of a new building or other structure, on a zoning lot, the relocation of existing building on another zoning lot, or the use of open land for a new use.

District: A portion of the unincorporated area of Little Traverse Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Drive-In: A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than with a building or structure.

Dwelling, one-Family: A building designed exclusively for and occupied exclusively by one (1) family.

Dwelling, Multiple-Family: A building or a portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other.

Erected: Built, constructed, altered, reconstructed, move upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage, and the like, shall be considered a part of erection.

Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal departments of steam, fuel or water transmission or distribution system, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection herewith, but not including buildings, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, or welfare.

Excavation: Any breaking or ground, except common household gardening, ground care, and soil tilling related to agricultural production or tree plantations.

Family: One or two persons or parents, with their direct lineal descendants and adopted children (and including the domestic employees thereof) together with not more than two persons not so related, living together as a single housekeeping unit. Every additional group of two or less persons in a dwelling unit shall be considered a separate family.

*AMND B-2-2004 **

Farm: Structures, facilities and lands for carrying on of any agricultural activity or the raising of livestock or small animals. Farms include the general as well as the specialized (furs, dairy, horses, fruits, vegetables, etc) on sites of ten (10) acres or more.^{xii}

Floor Area, Useable (For the purposes of computing parking): That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Floor area used or intended to be used for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded for the computations of "Useable Floor Area". All floor levels shall be counted.

Garage, Private: Accessory building space designed or used solely for the storage of motor-driven vehicles, owned and used by the occupants of the building to which it is accessory.

Gasoline Service Station: A place primarily operated and designed for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories.

Grade: For the purpose of regulating the number of stories and the height of buildings, the building grade shall be the level of the ground adjacent to the walls of the building. If the ground is not level, the grade shall be determined by averaging the elevation of the ground for each face of the dwelling.

AMND B-1-2002

Guest Cottage: An accessory dwelling unit, with or without kitchen or cooking facilities, constructed and maintained for the convenience of housing guests visiting a premise occupied by a main residence. Occupancy of a guest cottage shall be of short duration and shall not include rental or leased dwelling space, as with tourist housing or apartments. Mobile homes, travel trailers, and motor homes shall not be used for guest cottages.^{xiii}

Home Occupation: A permissible accessory use of any residential premises by the occupant which may be carried on for gain, provided that the use does not take on the character of a business or industrial use in terms of signs, open storage, parking bays, visible display, traffic, noise, vibration, smoke, dust, odor, or other and/or similar nuisances; and further the activity does not conflict with or operate out of character with any surrounding or adjacent uses.

Junk Yard: An open area where waste, used or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A "Junk Yard" includes automobile wrecking yards and includes any keeping or abandonment of junk but does not include uses established entirely within enclosed buildings.

AMND B-1-2002

Kitchen or Cooking Facilities: Spaced designed and arranged to include all or some of the following food preparation facilities: cooking appliances, refrigeration, sinks, disposal, cabinetry (for food), utensils, tableware, and food preparation counters and/or spaces with utility installations designed/intended to support food preparation activities.^{xiv}

Hotel: (See definition "Motor Inn").

Kennel, Commercial: Any lot or premise on which three (3) or more household pets are either permanently or temporarily boarded, and/or where household pets are bred or sold.

Loading Space: An off-street space for the temporary parking of commercial vehicle while loading and unloading merchandise or materials.

Lot: A parcel of land occupied, or intended to be occupied, used or intended to be used. A lot may or may not be specifically designated as such on public records.

Lot, Corner: A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred and thirty-five (135) degrees. A lot abutting upon a curved street shall be considered a corner lot if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two points where lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty-five (135) degrees.

AMND B-7-2011

Lot, Zoning: A contiguous tract of land that at the time of filing for a Zoning Permit is designated as a tract to be used, developed, or built upon as a unit, under single ownership or control. A Zoning Lot does not necessarily coincide with a Lot of Record, but may include one or more Lots of Record.

Lot Coverage: That portion of the lot occupied by main and accessory buildings.

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

Lot Lines: The lines bounding a lot as defined herein:

- a. Front Lot Line: Is that line which creates the abutting street right-of-way line.
- b. Rear Lot Line: That lot line opposite the front lot line. In the case of a lot pointed at the rear (pie shaped), the rear lot line shall be an imaginary line at least ten (10) feet long, parallel to the front lot line, but inside the side lot lines.
- c. Side Lot Line: Any lot line other than the front lot line or rear lot line.

AMND B-7-2011

Lot, Nonconforming ("Nonconforming Lot"): A Lot of Record that legally existed on or before the effective date of this ordinance or any amendment to this ordinance and that does not meet the requirements of this Ordinance for minimum lot area, or width, or both, in the district in which the Lot of Record is located.

Lot of Record: A lawfully created lot that is indicated on a recorded plat or that has otherwise been separately identified by a legal description and recorded in the office of the Emmet County Register of Deeds on or before the effective date of the amendment to this Ordinance that added this definition.

Lot Width: The horizontal distance between the side lot lines, measured at the two points where the building line, or setback line intersects the side lot lines. Where side lot lines are essentially parallel, but are not radial or perpendicular to the street line, the lot width shall be measured along a line drawn perpendicular from the side lot line.

Main Building: A building in which is conducted the principal use of the lot upon which it is situated.

Main Use: The principal use to which the premises are devoted and the principal purpose for which the premises exist.

Master Plan: That portion of the Emmet County Comprehensive Plan pertaining to Little Traverse Township or separate Little Traverse Township Comprehensive Plan that may be prepared, and as may be amended or updated, including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and other physical development features.

Mobile Home: Any structure designed and pre-manufactured as a complete and transportable housing unit to be used as a place of residence for one family. Under the terms of this Ordinance, mobile homes are legally transportable over the highways but shall not include licensed travel trailers.

Mobile Home - Permanent: Mobile homes shall be considered "permanent" dwellings when the unit is mounted on a continuous masonry foundation, is securely anchored to the ground, is taxable as real estate on the local assessment roll, and meets the minimum floor area requirements for dwellings.

Mobile Home - Temporary: Any unit other than a travel trailer or permanent mobile home having no foundation: but which may be equipped with wheels or other devices for transporting from place to place.

Mobile Home or Trailer Park: Any plot of ground upon which two or more mobile homes or trailers, occupied for dwelling or sleeping purposes are located.

Motor Inn or Hotel: A building or part of a building with a common entrance or entrances in which the dwelling units or rooming units are used primarily for transient occupancy. The hotel or motor inn is distinguishable from a motel in that it is more than two (2) stories above the surface of the ground. A hotel or motor inn may contain a restaurant, cocktail lounge, and conference center facilities.

Non-conforming Building: A building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and that does not conform to the provisions of the Ordinance in the district in which it is located.

Nursery, Plant Materials : a space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping. The definition of nursery does not include space, used for the sale of fruits, vegetables, gifts, lawn furniture, and gardening or farm equipment.

Nuisance Factors: An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by, or affects a human being, or the generation of and excessive or concentrated movement of people or things, such as (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) vibration, (i) heat, (j) electronic or atomic radiation, (k) objectionable effluent, (l) noise of congregation of people, particularly at night, and (m) passenger traffic.

Off Street Parking Lot: A parking area off the street, which may require drives and aisles for maneuvering, for the parking of four (4) or more vehicles.

Parking Space: An area of definite length and width, exclusive of drives, aisles or entrance giving access thereto, and fully accessible for the storage or parking of permitted vehicles.

Public Utility: A person, firm or corporation municipal department, board or commission duly authorized to furnish and furnishing under Federal, State, or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water.

Planning Commission: Where used in this Ordinance shall be the official Little Traverse Township Planning Commission as duly created according to statute; and if not so created, shall be the Little Traverse Township Zoning Board as created by authority of the Township Rural Zoning Act (P.A. 184 of 1943 as amended).

Recreation Camps, Lodges, & Resorts: A recreational facility normally operated for gain, which provides overnight lodging and one or more of the following activities: golf, skiing, dude ranching, so called recreational farming, snowmobiling, pack trips, boating, and related. A resort has a minimum site of ten (10) acres.

Road Side Site: An accessory and temporary farm structure operated for the purpose of selling local agricultural products raised or produced by the proprietor and his employees on the same premises.

Room: for the purpose of determining lot area, requirements and density in a multiple-family district, a room is a living room, dining room, or bedroom, equal to at least (80) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways, and storage.

Setback: The distance required to obtain front, side or rear yard open space provisions of this Ordinance.

AMND B-1-2008

Sign: See Sec. 1308, paragraph 21.^{xv}

AMND B-1-2008

Sign Accessory: See Sec. 1308, paragraph 22.^{xvi}

Story: That part of a building, except a mezzanine and/or basement, between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A story shall not be counted as a story when more than fifty (50) percent, by cubic content, is below the grade level of the adjoining ground.

Story, Half: An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven feet six inches (7'6"). For the purposes of this Ordinance the useable floor area is only that area having at least four feet (4') clear height between floor and ceiling.

Street: A public dedicated right-of-way, affording the principal means of access to abutting property (excludes alleys).

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

AMND B-7-2011

Tax Parcel ("Tax Parcel"): One or more Lots of Record that comprise a single property tax parcel as designated by the Emmet County Equalization Department or its successor, and that lawfully exists and is recognized by the township as of the effective date of the amendment to the Ordinance that added this definition. For purposes of this Ordinance, a Tax Parcel is not recognized by the township until it is part of a tax roll certified by the township's assessor and board of review.

Temporary Use of Building: A use or building permitted by the Board of Appeals to exist during periods of construction of the main building or use, or for special events.

Travel Trailer and Camper: Any trailer coach, motor home, tent camper, demountable camper or unit designed as a vacation unit for short-term seasonal occupancy, which measure eight (8) feet or less in width and designed to be operated on highways.

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

Yards: The open spaces on the same lot with a main building, unoccupied and unobstructed from the grounds upward except as otherwise provided in this Ordinance, and as defined herein.

a. **Front Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.

b. Rear Yard: An open space extending the full width of the lot the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.

c. Side Yard: An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

Zoning Exceptions and Variances:

a. Exception: An exception is a use permitted only after review of an application by the Board of Appeals or a Commission other than the Administrative Officer, such review being necessary because the provisions of this Ordinance covering conditions, precedent or subsequent, are not precise enough to all application, without interpretation, and such review is required by this Ordinance.

b. Variance: A modification of the literal provisions of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

c. The exceptions that are found in this Ordinance appear as "special approval" uses by the Planning Commission, Legislative Body, or Board of appeals. These land uses could not be conveniently allocated to one district or another, or the affects of such uses could not be definitely foreseen as of a given time because of one or more of the following:

1. Large area,
2. Infrequency,
3. Unusual traffic volume,
4. Obnoxious or hazardous character, or
5. Necessity for public safety and convenience.

ARTICLE III - ZONING DISTRICTS AND MAP

SECTION 300. DISTRICTS:

For the purpose of this Ordinance, the Township of Little Traverse is hereby divided into the following districts:

- R-1 One Family Residential
- R-2 General Residential
- AMND B- 2-1999* R-3 Cluster Housing Service District ^{xvii}
- RR Recreational Residential
- B-1 Local Tourist Business
- AMND B-9-27-1979* B-2 General Business ^{xviii}
- I-1 Light Industrial
- I-2 General Industrial
- FF-1 Farm and Forest
- FF-2 Farm and Forest

SECTION 301. BOUNDARIES:

The boundaries of these districts are hereby established as shown on the Township Zoning Map, which accompanies this Ordinance, and which map with all notations, reference, and other information shown thereon shall be as much a part this Ordinance as if fully described herein. If there are any questions as to the interpretation of District Boundaries the Board of Appeals shall determine same.

SECTION 302. DISTRICT REQUIREMENTS:

All buildings and uses in any district shall be subject to the provisions of General provisions and General Exceptions.

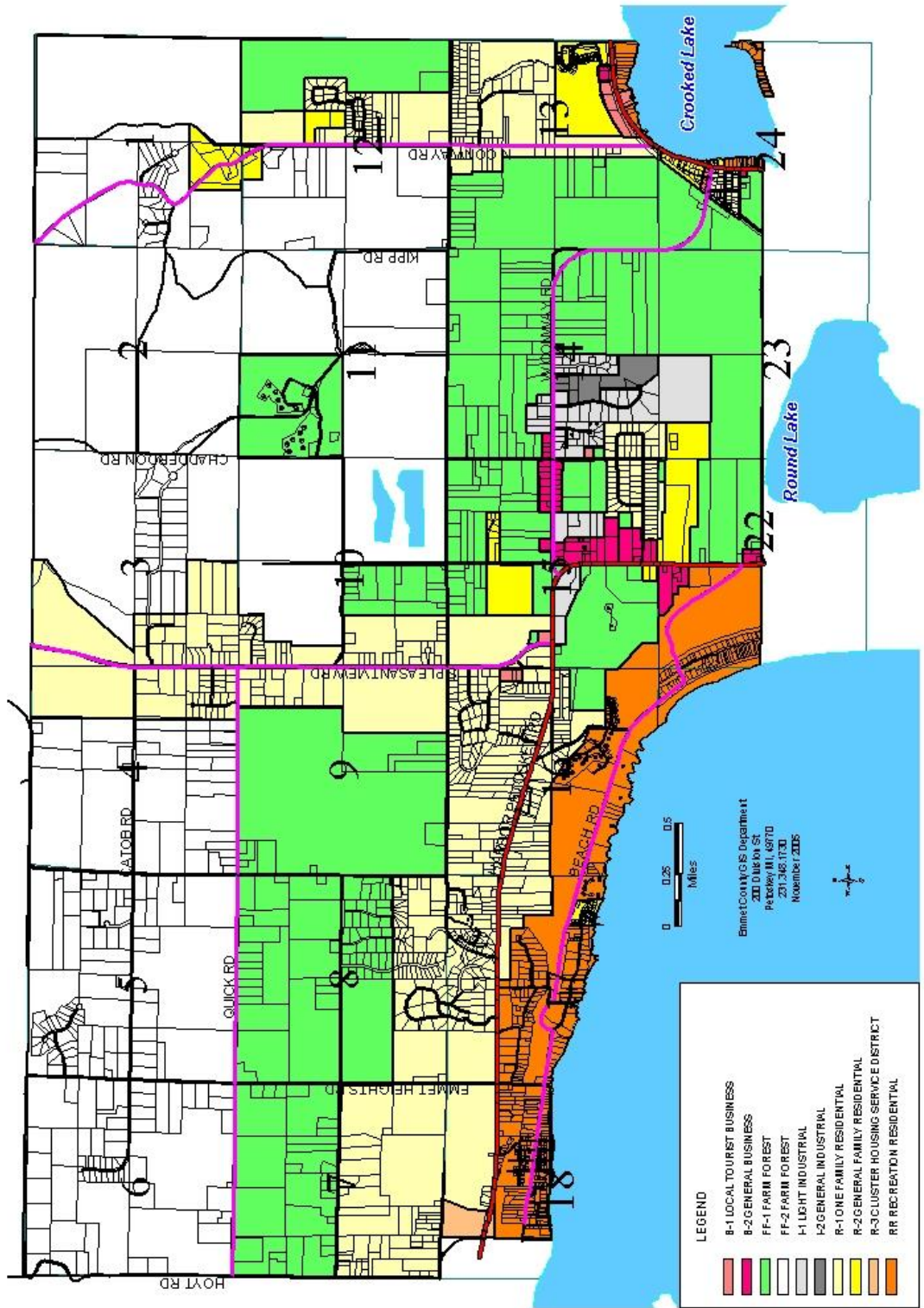
SECTION 303. AREA AND BULK REQUIREMENTS FOR ALL DISTRICTS:

For each District in this Ordinance, see also the ARTICLE "SCHEDULE OF REGULATIONS," limiting the height and bulk of buildings, the minimum size of lot permitted, the maximum density permitted and minimum yard requirements (setbacks).

SECTION 304. ACCESSORY USES ASSUMED:

For each district established in this Ordinance it shall be assumed that customary accessory buildings and uses which are incidental to any Principal Uses or Principal Uses Permitted Subject to Special Conditions, are permissible as part of the main use.

**LITTLE TRAVERSE TOWNSHIP
ZONING MAP**



ARTICLE IV R-1 ONE FAMILY RESIDENTIAL DISTRICT

PREAMBLE:

This residence district is designed to provide for one-family dwelling sites and the residential related uses in keeping with the Master Plan of residential development. The uses permitted are intended to promote a compatible arrangement of land uses for home, with the intent to keep residential area relatively quiet and free from detrimental use influences.

SECTION 400. PRINCIPAL USES PERMITTED:

No building or land shall be used and no building shall be erected except for one or more of the following specified uses:

1. One-family detached dwelling.
2. Farms and farmed lands.
3. Publicly owned recreational lands and facilities.
4. Churches.
5. Public and parochial, and private schools not operated for profit.

SECTION 401. PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted subject to the conditions herein imposed for each use, the Conditional Review Standards in Section 1304, and only after the review and approval of the Site Plan by the Planning Commission.

1. Utility and public service facilities and uses except open storage, when operating requirements necessitate the locating of said facilities within the district.
2. Public buildings (excluding public works garages and storage yards.)
3. Cemeteries when developed on sites of ten (10) acres or more.
4. Golf Courses and Country Clubs except mini-golf.
5. Non-public recreational areas and facilities when not operated for profit.
6. Nursery schools, day nurseries, and child care centers subject to hearing.
7. Funeral homes. ^{xix}

AMND B-4--1985

SECTION 402.ADDITIONAL REQUIREMENTS FOR DWELLING UNITS ^{xx}

The following performance standards shall apply to all housing constructed in or placed in the R-1 One-family Residential District, and shall be in addition to the requirements of other codes, ordinances or provisions of this Ordinance. These requirements are to assure a degree of structural compatibility between site built dwellings and pre-constructed or factory built housing intended for one (1) family occupancy. On-site construction modifications may be necessary and shall be permitted to attain the standards of compatibility.

1. The minimum building width across any front and any side elevation shall be twenty (20) feet on an unbroken building, excluding garages and accessory buildings.
2. Every detached dwelling unit shall provide useable accessory storage space in the amount of ten percent (10%) of gross floor area, but not less than 100 square feet of storage space. Basements, attics, closets, or separate accessory structures shall count as storage space.
3. Foundation supports shall extend below the prevailing frost line.
4. All roofs shall be designed, rated, constructed or overbuilt to achieve a live snow load of forty (40) lbs. per square foot.
5. Housing units moved onto any lot in the District shall have its wheels removed. Towing devices or hitches shall be removed or be totally obscured from view.
6. Modular or mobile home units shall not be structurally attached to one another or placed together unless specifically designed and engineered at the site of manufacture to be attached.
7. All factory assembled dwelling units constructed prior to June 15,1976, shall not be placed on or moved upon a lot or parcel unless all minimum code requirements for site built housing are in compliance.

The requirements of paragraphs 1 through 7 of this Ordinance Section shall not apply to factory built housing or mobile home sites within legally established mobile home parks.

ARTICLE V R-2 GENERAL RESIDENTIAL DISTRICT

PREAMBLE:

The R-2 General Residential District is designed to provide for Multiple Family structures which may be necessary to meet the needs of the apartment dwelling. This District is further intended to be a transition use district.

SECTION 500. PRINCIPAL USES PERMITTED:

No building or land shall be used and no building shall be erected except for one or more of the following specified uses:

1. All principal uses and special approval uses permitted uses permitted and as regulated in the R-1 Districts.
2. Two-family dwellings.
3. Multiple family dwellings including housing for the elderly.

SECTION 501. PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted subject to the conditions herein imposed for each use, the Conditional Review Standards in Section 1304, and only after the review and approval of the Site Plan by the Planning Committee.

1. Rooming houses, apartment houses and group quarters, subject to County Health Department approval, and further that every room occupied for sleeping purposes shall contain at least 70 square feet of floor space for the first occupant and an additional 30 square feet for each additional occupant.
2. The following uses provided there is direct access to a County Primary of State Trunkline Highway, as opposed to a County local road as defined by the County Road Commission:
 - a. Motels, tourist homes, motor inns provided there is a minimum lot width of 150 feet.
 - b. Professional offices, clinics, and human care medical facilities, excluding animal hospitals and/or veterinarian clinics.
 - AMND B-11-14-1981*
c. Museums, Fraternal lodge halls, sportsmen's associations, athletic clubs and related uses. ^{xxi}
 - d. The personal services of hairdressers, barbers, tailors, dressmakers, and/or photographers.
 - AMND B-4-1985*
e. Funeral homes. ^{xxii}

ARTICLE V-A R-3 CLUSTER HOUSING SERVICE DISTRICT ^{xxiii}

PREAMBLE/INTENT:

The R-3 Cluster Housing Service District is designed to accommodate various types of group housing aimed primarily at populations requiring or benefiting from residential communities that offer transition housekeeping levels, ranging from independent living to full assisted and/or supervised care services.

SECTION 550. PRINCIPAL USES PERMITTED:

No building or land shall be used and no building shall be erected except for one or more of the following specified uses:

1. All principal and special approval uses permitted and as regulated in the R-1 One Family Residential District.

SECTION 551. PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted subject to the conditions herein imposed for each use, the Conditional Review Standards in Section 1304, and only after the review and approval of the Site Plan by the Planning Commission:

1. Nursing homes, convalescent homes, adult day care, and similar congregate care housing, services and facilities, provided:
 - a. The development establishes a minimum perimeter setback of at least fifty (50) feet on all sides, front, and rear, but at least two hundred (200) feet from any state highway, or county primary road. The setback area may contain non motorized trails and/or pathways, but shall not be used for off-street parking, maneuvering lanes or driveways. Drives, however, may pass through the setback area for appropriate and safe access.
 - b. Structure height and building spacing as stipulated for multiple family housing use in the R-2 District (see Sec. 1100, notes 3c and 3g).
2. Duplexes and detached single family living units when integral to a planned development service that meets the intent statement of this article, and:
 - a. Satisfies the permitted setback standards of item 2(a) above.
 - b. Meets the structure height and structure spacing standards of the R-2 District (See Section 1100, notes 3c and 3g).

3. Medical service, offices and facilities may be approved if shown to be a service that is integral to the intent of the development, provided that such services are accessory to the development and not open to passerby traffic.

SECTION 552. OTHER REQUIREMENTS

Unless the R-3 District site is used for R-1 One Family District uses (see Section 550); the density of development shall be regulated as follows:

1. No specific limit on the number of units, size of units, or room count.
2. Not more than 50% of the parcel may be covered by buildings, parking lots, driveways and/or service roads.
3. There is adequate useable open space for landscaping, gardens, sitting parks, and similar beautification in addition to the perimeter setback areas.

SECTION 553. DESIGN STANDARDS MODIFICATION

Because of the special service intent with the R-3 District and the variable sites that may apply to uses permitted, the Township Planning Commission may approve modifications to the site development standards where it can be demonstrated to the Planning Commission by the applicant that no good or practical purpose would be attained by strict compliance.

ARTICLE VI RR-RECREATION RESIDENTIAL DISTRICT

PREAMBLE:

The Recreation Residential District is designed to accommodate cottage and seasonal home developments. It is intended that the seasonal home areas be reasonably homogeneous by discouraging the mixing of recreation home areas with commercial resorts, business services, and major institutional or community services.

SECTION 600. PRINCIPAL USES PERMITTED:

No building or land shall be used and no building shall be erected except for one or more of the following specified uses:

1. Cottages and recreation homes.
2. One-family detached dwellings.
3. Public parks, parkways, scenic trails, playgrounds, recreation lands, and forests, including accessory shelters and apparatus.
4. Authentic historical restoration or renovation projects including historic communities, archeological excavations and displays of historical artifacts related to premises.

*Deleted by AMND B-2-2004 **

- ~~5. * Farms and farm lands.~~^{xxiv}

SECTION 601. PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS

The following uses shall be permitted subject to the conditions herein imposed for each use, the Conditional Review Standards in Section 1304, and only after the review and approval of the Site Plan by the Planning Commission.

1. Utility and public service facilities as regulated in the R-1 District.
2. Boat Launching pads, and minor accessory facilities other than marinas and enclosed storage buildings.
3. Golf Courses and Country Clubs as regulated in the R-1 District.
4. Private and semi-private recreation lands, not operated for profit, when in the character of public recreational lands.

SECTION 602. ADDITIONAL REQUIREMENTS FOR DWELLING UNITS:

All dwelling units constructed in the RR-Recreation Residential District shall comply with the ADDITIONAL REQUIREMENTS FOR DWELLING UNITS in the R-1 District as stated under Section 402.

ARTICLE VII FF-1 AND FF-2 FARM AND FOREST DISTRICTS

PREAMBLE:

The FF-Farm and Forest Districts are designed to promote the use of wooded and rural areas in a manner that will retain the basic attractiveness of natural resources, and provide enjoyment for both visitors, and the community at large. The intent of the District is to hold rural areas for agriculture and forestry purposes, and to allow some multiple uses of marginal farm-forest lands.

SECTION 700. PRINCIPAL USES PERMITTED:

No building shall be erected except for one or more of the following specified uses:

1. One-family detached dwelling provided that the use have direct access to a public street or thoroughfare, fully maintained twelve (12) months of the year.
2. Hunting and fishing cabins, trapper's cabins, summer homes and/or vacation cottages, including temporary mobile homes.
3. Temporary mobile homes or travel trailers maintained in sound running condition with a current vehicle license, provided occupancy is limited to not more than thirty (30) days in any calendar year.
4. Farms and agricultural operations of all kinds.
5. Tree farms, forest production and forest harvesting operations including portable sawmills, log storage yards and related.
6. Golf Courses, Country Clubs, and Sportsmen Association or Clubs.
7. Public parks, playgrounds, recreational area, camping grounds, hunting grounds, fishing sites and wildlife preserves.
8. Utility and public service facilities and uses, including public buildings and institutional or educational.
9. Railroad uses.

SECTION 701.PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted subject to the conditions herein imposed for each use, the conditional Review Standards in Section 1304, and only after the review and approval of the Site Plan by the Planning Commission.

1. Private and semi-private recreation lands when not operated for profit, and when in the character of publicly owned and operated recreation areas, subject to Board of Appeals approval and hearing.
2. Resorts, resort motels, recreation farms, and vacation lodges, provided any use permitted herein shall be developed on sites no less than ten (10) acres in area, with a minimum property width of 600 feet.
3. Airports and landing fields subject to the Board of Appeals approval and a hearing, with appurtenant facilities, provided the operating characteristics do not conflict with wildlife habitat areas, wilderness areas, housing areas, and facilities or uses having high concentrations of people (schools, hospitals, etc.).
4. Portable roadside stands for the sale of agricultural products raised on the premises when properly established with respect to vehicle access and parking off the street.
5. Forest industries, including sawmills, planing mills, veneer mills and related operations when approved by the Board of Appeals, and further that:
 - a. The use is an extension or expansion of an existing operation, or is a tempore activity necessary to current logging operations.
 - b. There are no nuisances imposed upon tourist service facilities or outdoor recreation uses in the immediate vicinity.
 - c. The site of the proposed use encompasses an area of at least five (5) acres.

ARTICLE VIII B-1-LOCAL -TOURIST BUSINESS DISTRICT

PREAMBLE:

The B-1 Local Business District establishes a Business District that is more selective than a General Business District. It provides for the establishment of neighborhood shopping areas, personal services, and professional office areas that are compatible with and of service to residential uses. Tourist services are included as being in character with the District.

SECTION 800. PRINCIPAL USES PERMITTED:

No building or land shall be used and no building shall be erected except for one or more of the following specified uses:

1. Office buildings for any of the following occupations: executive, administrative, professional, governmental and sales offices.
 2. Medical and dental offices, including clinics.
 3. Banks and financial institutions.
 4. Any generally recognized retail business which supplies such commodities as : groceries, meats, dairy products, baked goods, or other foods and beverages, hardware, drugs, dry goods, sporting goods, and sundries.
 5. Supper clubs and non-drive-in restaurants.
 6. Any personal service establishment which performs such services as, but not limited to: shoe repair, tailor shops, beauty parlors, barber shops, interior decorators, photographers, dry cleaners and self service laundries.
 7. Churches, private clubs, and lodge halls.
- AMND B-1-2013*
8. Motels, cabin courts, tourist lodging facilities, gift shops, and museums.
 9. Utility and public service facilities and uses when operating requirements necessitates the locating of said facilities within the District in order to serve the immediate vicinity.
- AMND B-1-2013*
10. A residence occupied by the proprietor or manager of a permitted business use on the same Zoning Lot, but limited to one (1) such residence per Zoning Lot.
- AMND B-4-1985*
11. Funeral homes. ^{xxv}

SECTION 801. PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted subject to the conditions herein imposed for each uses, the Conditional Review Standards in Section 1304, and only after the review and approval of the Site Plan by the Planning Commission.

(This Section reserved for Special Condition Uses)

ARTICLE IX B-2 GENERAL BUSINESS DISTRICTS

PREAMBLE:

The B-2 General Business District is designed to provide sites for more diversified business types and are often located so as to serve passer-by traffic.

SECTION 900. PRINCIPAL USES PERMITTED:

No building or land shall be used and no building shall be erected except for one or more of the following specified uses:

1. All principal uses permitted in the B-1 Local-Tourist Business District.
2. Wholesale uses and storage uses when in a completely enclosed building.
3. Theaters, assembly halls and similar places of assembly.
4. Bottling works and food packaging.
5. Auto laundries when completely enclosed in a building.
6. Automobile, trailer, mobile home, boat sales.
7. Restaurants and taverns.
8. Hotels.
9. Bowling alleys, pool or billiard parlor or club.
10. Commercial printing or private schools operated for profit.
11. Business schools or private schools operated for profit.
12. Offices and show rooms of plumbers, electricians, decorator or similar trades. The ground floor premises facing upon, and visible from any abutting street, shall be used only for entrances, offices or display. All storage material or any incidental repair shall be within the confines of enclosed buildings or otherwise obscured from view from adjacent premises.
13. Uses similar in character to the above listed uses.

SECTION 901. PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted subject to the conditions herein imposed for each use, the Conditional Review Standards in Section 1304, and only after the review and approval of the Site Plan by the Planning Commission.

1. Gasoline service stations and vehicle repair garages.
 - a. Major engine and body repair, steam cleaning and undercoating when conducted on the site shall be within a completely enclosed building. The storage of damaged or wrecked automobiles on the site shall be obscured from public view, and no vehicle of any kind shall be stored in the open for a period exceeding one (1) week.
 - b. Gasoline pumps, air and water hose stands and other appurtenances shall be set back not less than fifteen (15) feet from all street right-of-way lines.

2. Commercially used outdoor recreational space for children's amusement parks, carnivals, rebound tumbling facilities, miniature golf courses, and golf driving ranges, subject to Planning Commission approval and the following requirements:
 - a. Children's amusement facilities must be fenced on all sides with a minimum four feet and six inch (4'6") protective wall or fence.
 - b. All manufacturers specifications for safety are complied with as well as any additional safety measures than may be prescribed by the Board of appeals.
 - c. When discontinued or abandoned, the site shall be left in a re-usable condition, free of hazards, related to dangerous structures, pits, pools, excavations, electric circuits, and similar features.

3. Lumber Yards and Building Materials. ^{xxvi}

AMND B-7-11-1981

Lumber yards dealing primarily in pre-planned or finished lumber for wholesale or retail markets, and including other building materials, along with accessory hardware, plumbing, and electrical supplies and/or equipment, provided:

- a. The site is of a configuration as to be compatible with adjoining uses, having at least 200 feet of frontage on a public road.
- b. Accessory outdoor storage shall be effectively obscured from public view by fences, greenbelts, structures, and/or other devices as approved by the Planning Commission.

- c. Storage uses, buildings and parking lots shall provide a minimum setback of 25 feet from all side and rear property lines to afford transition space for storm water, snow storage, and/or landscaped buffers. The Zoning Board may require more setback if they deem necessary, to provide for storm water runoff protection of adjacent properties.
- d. The display of model homes, trusses, garages, storage sheds, etc. shall only be allowable upon Planning Commission approval of specific locations on the site, and may be prohibited where site characteristics and adjoining uses would be incompatible with such display.

Building material centers may include incidental operations involving fabrication and processing within limits set forth on an approved Site Plan.

AMND B-8-10-of 1985

4.CONTRACTOR'S OFFICES AND LIMITED EQUIPMENT YARDS ^{xxvii}

The offices and yards of building contractors, and or custom contracting services provided any yards or open storage areas meet the following performance standards.

- a) All zoning setback standards are observed in relation to parking vehicles or storing materials. For those yards which adjoin Zoning Districts other than business or industrial, the setback of the other shall apply.
- b) The general management of site uses and the character of property shall be in keeping with the other uses permitted in the district.
- c) Constructed visual screens shall be required along those property lines bordering Districts other than Business, Industrial, or where the Planning Commission determines that a visual screen is necessary to protect property values and for the aesthetic appeal of the township. Constructed screens include, but are not mounds, and/or natural wooded areas. Detailed plans for constructed screens shall be part of the site plan and the height of the screen shall be based on the nature of the site and the use, but need not exceed a height of eight (8) feet.
- d) The type of Machinery or equipment to be stored in the open shall be indicated on the site plan. It is intended that the site shall not be used to store or operate major pieces of equipment or machinery, including batch plants, crushers, hoppers, washers, pavers, cranes, gravel trains, and similar items. The site shall not be a sand, gravel, stone, storage yard or a mineral processing yard. Incidental stock piles of these materials may be permitted per site plan.
- e) The Planning Commission may modify or waive specific performance features required in this section where it can be demonstrated that no good purpose would be served by strict application of those standards.

ARTICLE X I-1 LIGHT INDUSTRIAL DISTRICT ^{xxviii} *AMND B-9-27-1979*

SECTION 1000. INTENT

The I-1 Light Industrial District is designed to primarily accommodate wholesale activities, warehouses and industrial operations whose external physical effects are restricted to the area of the district and do not affect in a detrimental way any of the surrounding districts. The I-1 District is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly and/or treatment of finished or semi-finished products from previously prepared material.

SECTION 1001.PRINCIPAL USES PERMITTED:

In an I-1 Light Industrial District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. B-2 District uses, provided the site has access features suitable for offering retail services to the public and does not disrupt the continuity of development in any planned industrial park, so called, or the use is accessory to the industrial activity.
2. Laboratories and any use involving the function of basic research, design and pilot or experimental product development when conducted within a completely enclosed building, but excluding high risk products involving, radiation, explosives and the like.
3. Any of the following uses when the manufacturing, compounding or processing is conducted wholly within a completely enclosed building. That portion of the land used for open storage facilities for materials or equipment used in the manufacturing, compounding or processing shall be effectively obscured by a wall, fence or greenbelt when adjoining a zoning district other than I or B Districts.
 - a. Warehousing, wholesale establishments, meat lockers and/or freezer plants.
 - b. The manufacture, compounding, processing, packaging or treatment of such products as but not limited to: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, tool, die, gauge and machine shops.

- c. The manufacture, compounding, assembling or treatment of articles or merchandise from previously prepared materials: bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semi-precious metals or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood and yarns.
 - d. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay and using kilns fired only by electricity or gas.
 - e. Manufacture or assembly of electrical appliances, electronic instruments and related products.
 - f. Manufacture of musical instruments, toys, novelties and metal or rubber stamps or other molded rubber products.
 - g. Manufacturing and repair of signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.
 - h. Engine overhauling, vehicle body repair, undercoating and/or rust proofing when completely enclosed.
 - i. Central dry cleaning plants or laundries.
 - j. All public utilities, including buildings, necessary structures, storage yards and other related uses, except major electric generating plants.
- 4. Warehouse, storage and transfer and electric and gas service buildings and yards. Public utility buildings, telephone exchange buildings, electrical transformer stations and substations and gas regulator stations. Water supply and sewage disposal plants. Water and gas tank holders.
 - 5. Trade or industrial schools specializing in auto mechanics, engine repair and overhaul and uses with similar industrial type characteristics.
 - 6. Other uses of a similar and no more objectionable character to the above uses.
 - 7. Accessory buildings and uses customarily incident to any of the permitted uses.

SECTION 1002.PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

(This section reserved for future use).

SECTION 1003.REQUIRED CONDITIONS:

For all uses permitted Subject to Special Conditions and for any industrial uses, which in the opinion of the Zoning Administrator, would constitute a special nuisance or danger, because of the nature of the operation(fire, explosion, radiation, noise, air pollution, emissions and the like),the applicant for a permit may be required to submit certified statements that the proposed industrial use meets at least the minimum safety-health environmental standards prescribed by the state and/or federal standards pertaining to the specific use.

The extent of walls or fences in the I-1 District, where required, and for all uses Subject to Special Conditions as may be required by the Planning Commission, shall be determined by the Planning Commission. Fences or walls shall not be less than four feet six inches (4'6") in height, and may be required to be eight (8) feet in height. A chain link type fence, with heavy evergreen shrubbery inside of said fence, shall be considered to be an obscuring fence.

Whenever a proposed industrial uses borders any non-industrial or B-District, the minimum setback from the affected property line for industrial buildings shall be sixty (60) feet, and no parking lots, accessory storage, loading or service area shall be nearer than thirty (30) feet to the non-industrial (or B-District) property line.

The Planning Commission may waive, or modify, any wall, fence, greenbelt or special setback provision in the I-1 District, where in its determination no good or practical purpose would be served, including such reasons as large site area, natural isolation, land ownership patterns, natural barriers or screens and the like.

AMEND #B-?-?

ARTICLE X-A I-2 GENERAL INDUSTRIAL DISTRICT ^{xxix}

SECTION 1000A. INTENT

The General Industrial District is designed primarily for manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations whose external physical effects will be felt to some degree by surrounding districts. The district is intended to permit the manufacturing, processing and compounding of semi-finished or finished products from raw materials as well as from previously prepared material.

SECTION 1001A.PRINCIPAL USES PERMITTED:

In a General Industrial District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in the Ordinance:

1. Any Principal Use Permitted in the I-1 District.

SECTION 1002A.PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Site Plan by the Planning Commission:

1. Any of the following production or manufacturing uses (not including storage of finished products) provided that they are located not less than eight hundred (800) feet distant from any Residential District and not less than three hundred (300) feet distant from any other district.
 - a. Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant (the non-pyrolysis type).
 - b. Blast furnace, steel furnace, blooming or rolling mill.
 - c. Manufacture of corrosive acid or alkali, cement, lime gypsum or plaster of Paris.
 - d. Petroleum or other flammable liquids, production, refining or storage.
 - e. Smelting of copper, iron or zinc and foundries.
 - f. Metal plating operations, provided that no acids, chromates or similar chemicals are discharged into systems in any manner that would endanger sewage treatment plant operations or constitute a hazard to the waters of Little Traverse Township (ground waters, lakes, streams and rivers).
 - g. Research laboratories and experimental operations not permitted in I-1 Districts.
 - h. Heating and electric power generating plants.
 - i. Packing plants and slaughter houses.
 - j. Trucking terminals and freight handling.

2.Any other use which shall be determined by the Planning Commission, to be the same general character as the above permitted uses in Section 1002A. The Planning Commission may impose any required setback and/or performance standards so as to insure public health, safety and general welfare.

SECTION 1003A.REQUIRED CONDITIONS:

The requirements of Section 1003, REQUIRED CONDITIONS shall also apply to this article.

Article X-B PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT ^{xxx}

Section 1000B. Authorization

A Planned Unit Development (PUD) Overlay District may be authorized as a conditional use in the B-1, B-2, FF-1, FF-2, I-1, I-2, and R-2 Districts through the approval of a Special Land Use as regulated in Section 1304 of this Ordinance, in addition to the requirements of this Article, X-B.

Section 1001B. Intent

It is the intent of this conditional use overlay district to encourage site design in a manner which seeks to integrate new structures and uses with natural site characteristics to minimize impacts on the site and adjoining properties while enhancing total project design with planned open space. These PUD regulations are also intended to provide a more desirable environment by retaining the rural and natural character of the township through the preservation of open spaces, woodlands, streams, ponds, water frontage, hills, and similar natural assets. It is further intended that this permitted use encourages a more creative approach to development through the planned grouping of uses while maintaining the overall density of the zoning district. Planned Unit Developments (PUDs) must be structured and designed to advance the following goals:

1. To encourage a more imaginative planned community through the application of comprehensive land use planning techniques at the project level.
2. To provide for a controlled mix of compatible land use types when coordinated into an overall property use plan without the incidence of spot zoning.
3. To allow clustering of uses to reduce development costs and provide more protection for prime farmland, natural features, open spaces, historic resources and to enhance the character of the community.
4. To coordinate development and encourage efficiency with respect to land use, natural resources, energy, roads, pedestrian-ways, public services and utilities.
5. To encourage a necessary balance between physical improvements, community needs, and site amenities such as scenic views, open space, recreation areas, and environmentally sensitive areas.
6. To encourage innovation in land use in variety and design, layout, or type of structures.
7. To allow more flexibility in land development with respect to building setbacks, building densities and other standard zoning requirements.
8. To encourage a unified and hence potentially more desirable development of large areas of land based on a Project Master Plan.
9. To provide a forum for communication between the developer, community officials, and the public concerning PUD projects.

Section 1002B. General Provisions

In addition to all other requirements to which any Special Use must conform, any PUD shall meet the following standards:

1. The development shall be administered and developed as an integral unit by one or more proprietors who separately or collectively own the project.
2. Density shall not exceed the maximum for the underlying zoning district in which it is located.
3. The area dedicated to private roads may be included in the total site area for purposes of density calculations. The area dedicated to public roads shall be excluded.
4. For all area gained through the reduction or grouping of lots, an equal area shall be set aside for the exclusive common use of the lot owners, residents within the development, or for the general public. This area shall be under legal procedure which shall grant a covenant or deeded interest therein so that it shall be assured of remaining common use.
5. The minimum site size for a PUD shall be 10 acres of contiguous property.

Section 1003B. Permitted Uses and Structures

Except as noted, PUD uses and structures may include any of the range of uses and structures allowed by right or by special use within the underlying zoning district(s) where the PUD is proposed, and R-2 and/or B-2 uses when determined by the Planning Commission to be compatible with the surrounding land uses following a Public Hearing. Such uses may be placed either singularly or in combination. In approving a PUD with mixed uses, the Planning Commission may stipulate the sequence in which said uses, or portions thereof, are constructed.

Within any PUD, no structure shall hereafter be used, erected, converted, or externally altered in whole or in part, if said use is not in accordance with the approved PUD plan.

Section 1004B. Additional Regulations

Except to the extent that a PUD or a portion of a PUD is subject to area regulations mandated by a state agency, all PUDs shall meet the following regulations:

1. Perimeter Setbacks – The setback maintained along the perimeter of the PUD shall be at least a fifty (50) foot buffer strip. The Planning Commission may require a greater perimeter setback in order to assure that the use does not negatively impact adjoining property outside the PUD. The Planning Commission may also reduce the required perimeter setback on the road side upon finding that the reduced setback will not be detrimental to the public health, safety, or welfare of future occupants of the PUD, the surrounding neighborhood, or the township as a whole.

No parking areas shall be allowed in the side or rear perimeter setback. With the exception of access drives, non-motorized trails, lighting, sidewalks and curbing, the perimeter setbacks may be required to be landscaped and maintained. Access drives shall not be routed in the setback area like a perimeter road, but can go through or cross the PUD setback.

2. Open Space – A PUD project shall have open space of no less than forty (40) percent of the entire project area. This required open space shall be dedicated to the public or set aside for the common use of the owners and users within the PUD. A covenant or deeded interest for this open space area shall be recorded with the County Register of Deeds so that it shall be assured of remaining undeveloped. Copies of recorded documents shall be filed with the zoning administrator.

Dedicated open space does not include parking lots, private or public roads, or public right-of-ways, but may include flood plain areas and wetlands up to a maximum of twenty (20) percent of the required open space. In addition, landscaped areas devoted to perimeter setbacks can be included as dedicated open space.

3. Height Regulations – The height of all buildings and structures within a PUD project shall conform to the regulations of the underlying district in which they are located.
4. Other Dimensional Regulations - To promote creativity and flexibility in site design, the Planning Commission may, subject to the following limitations, alter dimensional regulations, as required by the zoning district, including but not limited to minimum lot size, and setbacks within the PUD project. Limitations are as follows:
 - a) The Planning Commission and Township Board may approve changes in dimensional regulations, if and only if, they find that the proposed dimensional regulations will not be detrimental to the public health, safety, or welfare of future occupants of the PUD, the surrounding neighborhood, or the township as a whole.
 - b) In no case shall lot size be reduced to less than allowed in Article XII under Land Clustering.
 - c) Prior to approving a change in dimensional regulations, the Planning Commission or the Township Board may require the applicant to demonstrate, through bonafide documentation, including but not limited to traffic impact studies, environmental impact studies, market needs assessments, and infrastructure impact studies, that the change will not result in significant impacts to the PUD project and PUD occupants, the surrounding area, and the township as a whole.
5. Parking - Parking Spaces shall be a minimum of 10' X 20' in size. The number of required parking spaces shall not be reduced by more than thirty (30) percent of the parking normally required of the proposed use. In no case shall detached single-family dwellings have less than two (2) on-site (off-street) parking spaces. In reducing the required parking, the Planning Commission may require the reservation of a portion of the PUD site for future parking. Parking areas shall be so designed to maximize and encourage the use of landscape breaks and/or buffers to minimize the unbroken expanse of surfaced areas.

Section 1005B Environmental Design Requirements

The Planning Commission may require that the site be designed to preserve and protect, to the greatest extent feasible, existing natural or unique features such as, but not limited to, mature trees, significant vegetation, waterways, steep slopes or scenic views. The Planning Commission may also require additional plantings to be added and maintained in order to minimize erosion potential or to increase aesthetic appearance of the development. Plantings that do not survive must be replaced no later than the next nearest planting season.

Section 1006B. Traffic Circulation

Internal circulation systems and points of ingress and egress with external traffic flow must be coordinated within the PUD and in relation to the community as a whole. These systems shall promote safety, convenience, easy access, and separation of vehicles from pedestrians and enhance the overall physical design of the PUD. Emergency design and safety standards shall be adhered to.

Section 1007B Private Streets

Private streets must be designed to accommodate anticipated traffic loads including volume, vehicular weight and size, speed, emergency vehicles and turning radius. The following residential street standards shall be adhered to, unless the Planning Commission permits modifications. The Planning Commission may approve modifications to these private street standards if it finds that the proposed changes will not be detrimental to the public health, safety, or welfare of future occupants of the PUD, the surrounding neighborhood, or the township as a whole. All dead end streets shall have turnarounds approved by the Fire Chief as adequate to serve emergency vehicles. Where private streets join public roads, Emmet County Road Commission standards shall apply on the public right-of-way.

Type of Street	Users Served	Required R-O-W (feet)	Width of pavement
Residential dead end or Local street	1-6 dwellings	35	20
	7-20 dwellings	40	20
	21-50 dwellings	45	20
Residential collector	51-100 dwellings	66	22
Neighborhood Collector	Over 100 dwellings or commercial use	66	24

Section 1008B. Pre-application Conference

A pre-application conference shall be held with the Planning Commission and/or the zoning administrator for the purpose of determining the eligibility of the proposed PUD application and to review the procedures and standards for PUD approval. The goals of the pre-application conference are to acquaint the Township with the applicant's proposed development, assist the applicant in understanding new or additional information which the Planning Commission will need to effectively consider the application, confirm that the application and all supporting documentation is ready for a public hearing, and to acquaint the applicant with the Planning Commission's or Zoning Administrator's initial, but unofficial, response to the application. In no case shall any representations made by the Planning Commission or Zoning Administrator at the pre-application conference be construed as an endorsement or approval of the PUD.

a. Request for Pre-Application Conference

A request for a pre-application conference shall be made to the zoning administrator who shall schedule a date and time for the pre-application conference. As part of the pre-application conference, the applicant shall submit ten (10) copies of a conceptual plan which shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation, and proposed land use for the entire site.

Section 1009B. Preliminary PUD Plan

The preliminary PUD plan can be more general than the final plan, but shall contain adequate information and detail for Planning Commission analysis. Ten (10) copies of the preliminary PUD Plan shall be submitted, plus one reduced size copy suitable for reproduction on the Township copier, along with a payment of a fee as established by resolution of the Township Board. At a minimum, the preliminary PUD plan shall contain the following:

1. Legal description of property.
2. A statement of the objectives of the planned development.
3. Explanation of the relationship of the PUD to the Township's Comprehensive Plan.
4. Phasing of all components of the project.
5. Preliminary sign information, including location and size.
6. Required setbacks of the zoning districts.
7. An existing conditions map, including:
 - a) A property location map
 - b) Property dimensions and boundaries
 - c) Major tree stands and rock outcrops
 - d) Water bodies (streams, rivers, lakes ponds)
 - e) Generalized soil conditions
 - f) Other natural features.
 - g) Human made features including existing roads within and bordering the project, buildings, easements and utilities.

- h) All major environmental features, such as major stands of trees and other vegetation, wetlands (both regulated and unregulated), flood plains, drainage ways, outcroppings, slopes of ten (10%) or more gradient, and/or other surface features.
- i) Location and type of proposed lighting on the site.
- j) A site plan which meets the requirements of Section 1508

Section 1010B. Final PUD Plan

Within a period of not more than one (1) year from the date of approval of a preliminary PUD plan, the applicant must present to the Zoning Administrator the final PUD development plan. A Public Hearing shall be held by the Planning Commission. All requirements and provisions of Section 1304, Conditional Use and Approval Review Standards, shall be complied with. The Planning Commission and Township Board may permit both a pre-liminary and final PUD Plan review to occur at the same meeting for simple, single use PUDs. No PUD project can be approved until a Final Master Plan has been reviewed and given final approval and recommendation by the Planning Commission to the Township Board, who shall be the final reviewing and approval agency.

Prior to Planning Commission final review, the applicant must submit copies of the preliminary plan to government review agencies, as applicable, to gain compliance with health laws, drain laws, environmental laws, as well as rules governing road construction. Local fire protection agencies must also be contacted prior to the Planning Commission final review.

Drawings and plans presented in a general fashion in the preliminary phase shall be presented in detail for the final plan. The final PUD plan shall meet the requirements of Section 1508 Site Plan Review, include all the elements of the preliminary PUD plan, all the changes and/or conditions stipulated by the Planning Commission, plus all of the following:

1. Payment of a fee as established by resolution of the Township Board.
2. A narrative statement describing, at a minimum:
 - a) The objectives of the proposed PUD and how they relate to the intent of a PUD as described in Section 1001B above.
 - b) The relationship of the proposed PUD to the Township's Master Plan.
 - c) Phases of development, if any, and the approximate time frame for the start and completion of construction of each phase.
 - d) Proposed master deed, deed restrictions, covenants or similar legal instruments to be used within the PUD.
 - e) Location, type and size of areas to be dedicated for common open space.
 - f) Tabulation of land area ratios.
 - g) An Impact Statement meeting the requirements of Section 1508.

3. Ten (10) copies of the development plan and one (1) reduced size copy suitable for reproduction on the Township Copier. If the PUD is to be developed in phases, the development plan shall show all phases. The development plan shall contain all of the following:
 - a) Applicant's name, address, and telephone and fax numbers.
 - b) Name, address, and telephone and fax numbers of the individual and firm who prepared the plan.
 - c) Name of development, scale of the plan drawing, and north arrow.
 - d) Location, shape, area and dimension of the lot, lots or acreage to be used, including a legal description of the property and the tax identification number(s) for the property.
 - e) Present zoning of the subject property and adjacent properties.
 - f) All public and private rights-of-way and easement lines located on and adjacent to the subject property which are proposed to be continued, created, relocated or abandoned, including the proposed use(s) and width(s) of all rights-of-way and easements. If the project is proposed to have private streets, the Township Planning Commission may require that the private streets be developed to the minimum design, construction, inspection, approval and maintenance requirements of the Emmet County Road Commission.
 - g) Location and total number of curb cuts, driveways, off-street parking spaces and loading spaces, including the dimensions of a typical parking space and the location(s) of barrier free parking spaces.
 - h) Proposed exterior building dimensions (horizontal and vertical), gross floor area, number of floors and proposed uses.
 - i) Location, dimensions, and uses of all existing and proposed structures, walks, malls, open areas, walls fences, screen plantings and/or other landscaping.
 - j) Existing and proposed sewer, water and other utility lines, plus location and type of sewage treatment facility, water source, and fire hydrants.
 - k) Area of subject property to be covered by buildings.
 - l) Location, size, height and orientation of all signs.
 - m) Final plans for surface water drainage, including surface and subsurface facilities.
 - n) Percentage of the total site devoted to open space and the proposed uses of that open space.
 - o) Proposed PUDs that include residential uses shall include the following additional information:
 - i. Minimum floor area of dwelling units.
 - ii. Total number of dwelling units proposed.
 - iii. Number of bedrooms per dwelling unit.
 - p) Final Landscape Plans.
 - q) Final Building Plans.
 - r) Final Sign Plans.
 - s) All common open space areas, greenbelts, transition areas, and setback areas shall be documented on the plan, and no use of these areas other than those identified on the plan shall be permitted without a formal revision of the plan.

- t) All designated and required open space shall be under legal procedure which shall grant a covenant or deeded interest therein so that it shall be assured of remaining undeveloped.
- u) The PUD's ownership, management, and construction shall have been determined and documented, and where to be phased, a plan to demonstrate development continuity shall be presented.
- v) All arrangements for design, construction, maintenance and operation of utility, septic or waste treatment systems, and soil erosion and storm water control, shall have been finalized.
- w) On-site circulation routes for vehicles, pedestrians, parking lots, bicycles, and the like shall be included as specific elements of the plan as well as the ingress and egress points from bordering public/private roads.
- x) Any existing or proposed deed restrictions, easements, agreements, condominium documents, deed restrictions, Articles of Incorporation, or covenants pertinent to the project property shall be presented. Actual final filing of the documents need not occur until after final site plan review, but before a zoning permit is issued.
- y) Site plans and applicable engineering drawings shall be sealed by a professional engineer, surveyor, architect or landscape architect.
- z) Such other information regarding the development area that may be required to determine conformance with this Ordinance.

Section 1011B. Public Hearing and Notices

Following receipt of a complete preliminary application, the Planning Commission shall hold at least one (1) public hearing. A public hearing shall be held at both the preliminary and final PUD reviews. The Planning Commission, in certain cases as stipulated in Section 1010 B above, may allow the preliminary and final review to occur at the same meeting. Notice of the hearing shall comply with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

Section 1012B. Planning Commission Review of Final PUD Plan

Following the public hearing of the Final PUD Plan, the Planning Commission shall review the PUD application and shall table for more information, or recommend to the Township Board approval, denial, or conditional approval. The Planning Commission's decision shall be in writing and shall include findings of fact, based on the evidence presented at the public hearing, on the standards.

Section 1013B. Standards for PUD Approval and Modification of Standards

A. General Standards:

1. The planned unit development shall be consistent with the Township Master Plan.
2. The planned unit development shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
3. Landscaping shall ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property and will be consistent with outdoor pedestrian movement.
4. Vegetation proposed by the developer or required by the Planning Commission shall be maintained in a healthy living condition and such vegetation if dead shall be replaced.
5. The planned unit development shall not substantially change the essential character of the surrounding area, unless such change is consistent with the Township Master Plan.
6. The planned unit development shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, ground vibration, water runoff odors, light, glare or other nuisance.
7. The planned unit development shall not place demands on public services and facilities in excess of current capacity, unless planned improvements which will increase the capacity sufficient to service the development have already been scheduled for completion.
8. The planned unit development shall be designed to preserve public vistas and existing important natural, historical, and architectural features of significance within the development.
9. The planned unit development shall be designed so that its pedestrian, non-motorized and automobile circulation systems are safely and conveniently integrated with those of abutting property and any linear trail or park systems intersecting or abutting such development.
10. The planned unit development shall provide that vehicular and pedestrian traffic within the site shall be safe and convenient and that parking layout will not adversely interfere with the flow of traffic within the site or to and from the adjacent streets. Safe and adequate access for emergency vehicles to or within the development and adequate space for turning around at street ends shall be provided.
11. The planned unit development shall not result in greater storm water runoff to adjacent property after development than before development for up to a 50-year storm. The open space shall be provided with ground cover suitable to control erosion, and vegetation that no longer provides erosion control shall be replaced.

12. The design of the planned unit development shall exhibit a reasonably harmonious relationship between the locations of buildings on the site relative to buildings on lands in the surrounding area; and there shall be a reasonable architectural and functional compatibility between all structures on the site and structures within the surrounding area. It is not intended that contrasts in architectural design and use of facade materials is to be discouraged, but care shall be taken so that any such contrasts will not be so out of character with existing building designs and facade materials so as to create an adverse effect on the stability and value of the surrounding area.
13. The design of the planned unit development shall ensure that outdoor storage of garbage and refuse is contained, screened from view, and located so as not to be a nuisance to the subject property or neighboring properties.
14. The planned unit development shall be designed such that phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility services, and drainage or erosion control.
15. A copy of the Development Plan, along with a copy of all related documentation, shall be delivered to the Fire Chief for his review as relates to Public Safety and Fire related issues. The Fire Chief shall ensure that all streets and access routes, public or private, are adequate for emergency vehicle turning radius, vehicle weight and vehicle size. In the event the Development Plan provides for a combination of four (4) or more dwellings, commercial and/or industrial structures within any given area, the Fire Chief may require that an in-ground water holding tank be installed by the Developer(s), at their sole cost, for use by the Fire Department for Fire Suppression purposes. Additional water holding tanks may be required depending upon the overall size or volume of the proposed development. The Fire Chief shall provide the developer(s) specifications covering any required water holding tank(s).
16. The planned unit development shall meet the standards of other governmental agencies, where applicable.
17. Where a proposed development is of sufficient complexity or there are circumstances where a reasonable visual inspection may not be able to confirm compliance with approved plans (for example, in instances of underground improvements, critical grading or slope change, complex curves, areas of critical tolerances or other practical difficulties), the Planning Commission may require the applicant provide a set of the approved plans bearing the seal of the project's engineer or architect and certification by the project's engineer or architect that the project has been completed in compliance with the approved plans.

B. Modification of PUD Standards

It is declared that the design of any given PUD is strongly influenced by the specific characteristics of each individual site, and that a universal application or adopted standards may not be in the best interest of the community and/or the applicant. The Planning Commission, with Township Board approval, may modify any of the standards for a PUD contained in Section 1013B above where all of the following findings are documented along with the rationale for the decision:

1. No good public purpose will be achieved by requiring conformance with the standards sought by the applicant to be waived; and
2. The spirit and intent of the PUD provisions will still be achieved; and
3. No nuisance will be created.

Section 1014B. Continuing Adherence to Approved PUD Application

Any property owner who fails to develop and maintain an approved PUD according to the approved PUD application and conditions, if any, shall be deemed in violation of the provisions of this Ordinance and shall be subject to the penalties provided in this Ordinance.

Section 1015B. Recording of Action

The applicant shall record an affidavit acceptable to the township attorney with the Emmet County Register of Deeds that contains the full legal description of the project site, specifies the date of final township approval, specifies the description or identification number which the township has assigned to the PUD project, and declares that all improvements will be carried out in accordance with the approved PUD application. If the Township approves an amendment to the PUD, the applicant shall record an amended affidavit acceptable to the township attorney that contains all of the information described above, describes the amendment, specifies the date the Township approved the amendment, and declares that the improvements will be carried out in accordance with the approved PUD, as amended. Finally, all deed restrictions and easements shall be duly filed with the Emmet County Register of Deeds and copies of recorded documents filed with the Township zoning administrator.

Section 1016B. Planned Unit Development Permit

Following final approval of a PUD application and submittal, to the zoning administrator, of all recorded documents required in Section 1015B above, a permit may be obtained from the County. The issuance of this permit, however, shall not relieve the applicant from complying with applicable local, county, state, and federal permit requirements. The failure of the applicant to obtain any required local, county, state, or federal permit shall render the PUD permit issued under this subsection void.

Section 1017B. Amendment of an Approved PUD

Amendments to an approved PUD shall be permitted only under the following circumstances:

- A) The owner of property for which a PUD has been approved shall notify the zoning administrator of any desired change to the approved PUD.

- B) Minor changes may be approved by the zoning administrator upon determining that the proposed revision(s) will not alter the basic design and character of the PUD, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
 - 1. Reduction of the size of any structure and/or sign.
 - 2. Movement of buildings and/or signs by no more than twenty-five (25) feet.
 - 3. Landscaping approved in the PUD plan that is replaced by similar landscaping to an equal or greater extent.
 - 4. Changes in floor plans that do not exceed eight (8%) percent of the total floor area and which do not alter the character of the use or increase the amount of required parking.
 - 5. Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 - 6. Changes related to items 1 through 5 above, required or requested by Little Traverse Township, Emmet County, or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the PUD, nor any specified conditions imposed as part of the original approval.

- C) All amendments to a PUD approved by the zoning administrator shall be in writing. After approval by the zoning administrator, the applicant shall prepare a revised development plan showing the approved amendment. The revised development plan shall contain a list of all approved amendments and a place for the zoning administrator and applicant to sign and date all approved amendments.

- D) An amendment to an approved PUD that cannot be processed by the zoning administrator under this Section shall be processed in the same manner as the original PUD application.

Section 1018B. Expiration of Approved PUD; Extension

- A) An approved PUD shall expire two (2) year following final approval by the Township, unless substantial construction has begun on the PUD project prior to that time or the property owner applies to the Planning Commission for an extension prior to the expiration of the PUD.

- B) If the PUD approval expires pursuant to subsection A) above, no work pursuant to the PUD plan may be undertaken on the project until a new PUD approval is obtained from the Township, following the procedures for a new PUD application. In addition, if the PUD approval expires, the property shall again be subject to the zoning classification of the property which existed prior to the PUD approval as if no PUD approval had ever been granted.

Section 1019B. Performance Guarantee

- A) In connection with the development of a PUD project, the Planning Commission may require the applicant to furnish Little Traverse Township with a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the township in an amount equal to the estimated costs associated with the construction of public improvements and site improvements.
- B) Public improvements mean, by way of example and not limited to, roads, parking lots, and water and sewer systems which are located within the PUD or which the applicant has agreed to construct even though located outside the PUD.
- C) Site improvements mean landscaping, buffering, and the completion of conditions imposed by the Planning Commission which are located within the PUD.

For purposes of this subsection, the costs covered by the performance guarantee shall include all of the following:

1. The purchase, construction, and/or installation of the improvements.
 2. Architectural and engineering design and testing fees and related professional costs.
 3. An amount for contingencies consistent with generally accepted engineering and/or planning practice.
- D) The performance guarantee shall be deposited with the Township Treasurer at or before the time the township issues the permit authorizing the PUD, or if the PUD has been approved in phases, then the performance guarantee shall be deposited with the township treasurer prior to the commencement of construction of a new phase. The performance guarantee shall ensure completion of the PUD public and site improvements in accordance with the plans approved by the Township.
- E) Any cash deposit or certified funds shall be refunded for the PUD or each phase of the PUD in the following manner:
1. One-third of the cash deposit after completion of one-third of the PUD public improvements and site improvements;

2. Two-thirds of the cash deposit after completion of two-thirds of the PUD public improvements and site improvements; and
 3. The balance at the completion of the PUD public improvements and site improvements.
- F) Any irrevocable bank letter of credit or surety bond shall be returned to the applicant upon completion of the PUD public improvements. If a PUD project is to be completed in phases, then the Township may require the applicant to furnish a performance guarantee as provided in this subsection for each phase of the PUD project. If an applicant has contracted with a third-party to construct the public and site improvements and the third-party has provided a bond meeting the requirements described above and the bond also names the township as a third-party beneficiary of the bond, then the Township may accept that bond as meeting all or a portion of the performance guarantee required by this subsection.
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ARTICLE XI - SCHEDULE OF REGULATIONS

SECTION 1100. LIMITING HEIGHT, BULK, DENSITY AND AREA BY LAND

USE:

<u>Use Districts</u>	<u>Minimum Size of Lot Per Dwelling Unit</u> Area in <u>Sq. Ft.</u> <u>Width in Ft.</u>		<u>Maximum Height of Structure in Ft.</u> (see #AMND B-4-1987)	<u>Minimum Yard Setback Per Lot in Feet</u>				<u>Maximum Percent of Lot Coverage (Area of all Buildings)</u> ²	<u>Minimum Floor Area in Square Feet</u> ¹
				<u>Front</u>	<u>Sides Least Total</u>		<u>Rear</u>		
					<u>One</u>	<u>of Two</u>			
R-1 One Family Residential	40,000	100	30 (g)	30	10	20	25	30%	1,000
R-2 General Residential	- (a) (d)	- (d)	30 (g)	30 (b)	20 (c)	40 (c)	35	35%	- (a)
AMND B-2-1999 R-3 Cluster Housing Service District	- (a) (d)	- (d)	30 (g)	50 ³	50	100	50		-
RR Recreation Residential	40,000	100	30 (g)	40	10 (b)	20	35	30%	1,000
B-1 Local Tourist Business	-	-	30 (g)	25 (f)	5 (e)	10 (e)	20	-	-
B-2 General Business	-	-	30 (g)	25 (f)	5 (e)	10 (e)	20	-	-
I-1 Light Industrial	-	-	30 (g)	30	10	20	20	-	-
I-2 General Industrial	-	-	30 (g)	30	10	20	20	-	-
FF-1 Farm & Forest	80,000	150	30 (g)	40	20 (b)	40	35	35%	600
FF-2 Farm & For	180,000	300	30 (g)	40	20	40	35	35%	600

NOTES TO ARTICLE XI- SCHEDULE OF REGULATIONS:

- (a) Whenever apartment of multiple family dwellings are constructed the following minimum floor area and lot area standards shall be required for each dwelling unit by type:

¹ For permanent dwelling units and not tourist cabins, motels, or similar uses.
² These provisions shall not apply to structures four (4) feet in height or less.
³ Except as regulated under Article V-A

Minimum Land Area Per		Minimum Floor Area Per	
Type of <u>Unit</u>	<u>Dwelling, Excluding Public Roads</u>	<u>Net Density Per Acre</u>	<u>Unit in Square Feet</u>
Efficiency	5,000 Sq. Ft.	8.71	250 Sq. Ft.
One Bedroom	5,000 Sq. Ft.	8.71	400 Sq. Ft.
Two Bedroom	7,400 Sq. Ft.	5.88	500 Sq. Ft.
Three Bedroom	9,000 Sq. Ft.	4.44	600 Sq. Ft.
Each Additional Bedroom	2,500 Sq. Ft.	--	150 Sq. Ft.

- b. In case of a rear yard abutting a side yard of an adjacent lot, the side yards abutting a street shall not be less than the required front yard of that district.
- c. For the purpose of applying yard regulations, multiple dwellings shall be considered as one (1) lot. When more than one multiple dwelling building occupies one lot the two or more structures must be separated by at least 20 feet when end to end and fifty (50) feet when face to face or back to back for eight (8) feet for each story above the first two stories.
- d. Multiple family dwellings may be erected on a minimum lot size of twelve thousand (12,000) square feet, if the development complies with the County Health Code.
- e. Side yards may be omitted if walls abutting a side yard are of fireproof construction and wholly without openings or as otherwise specified in an applicable code. On the exterior side yard which borders on a residential district, there shall be provided a setback of not less than twenty (20) feet on the side abutting the Residential District.
- f. Parking may be permitted in the front yard, provide there is at least a ten (10) foot landscaped buffer area between the road right-of-way and the off-street parking lot.

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g. Subject to a Public Hearing and the conditions outlined in this Note, the Planning Commission may approve controlled height increases above the maximum in all districts without an upper limit. The conditions for approving taller structures are as follows: ^{xxx}

1. It is determined by the Planning Commission that the added height will not significantly interfere with line-of-sight scenic views.
2. The density of the use that exceeds the maximum limitations, shall not exceed the maximum allowable under the permitted height as stated in the "SCHEDULE OF REGULATIONS".

3. The percent of lot coverage for all buildings, parking lots, and other impervious construction surfaces, shall not exceed fifty (50%) percent.
4. If applicable, the added height will retain or establish more open space areas for wildlife habitat, wetlands, woodlands, farmlands, shore lands, and other resource features or will involve the reconstruction, duplication or restoration of historic buildings as so recognized by local historical authorities
5. The applicant can demonstrate that the added height will result in more ground level open space through the lot toward the scenic view to compensate for higher structures or otherwise demonstrate to the Planning Commission that the added height will result in a better use of the premises from the standpoint of the arrangement of parking areas, buildings, open spaces and relationship to adjacent buildings and uses.

Notes:

1. A den or library shall count as a bedroom for purposed of this schedule.
2. The minimum land area requirement by unit shall require approval by the County Health Department per standards necessary to maintain sanitary conditions.

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There shall be no more than one principal building and its permitted accessory structures locate on each lot in a residential district, except where multiple family buildings are permitted. ^{xxxii}

3. Guest Cottages must meet or exceed the minimum standards for a dwelling. Guest Cottages may be permitted in R-1, R-2 (as regulated in R-1), RR, R-3, FF-1 and FF-2 Districts, provided sufficient zoning lot area and setbacks can be provided so that the guest cottage can meet floor area, lot size and yard requirements of the District.
4. Bedrooms and bunk rooms are prohibited from occupying a detached accessory building or garage.

ARTICLE XII - SUBDIVISION OPEN SPACE PLAN

Subject to review and recommendation of the site plan the Planning Commission, may approve plans for open space reservation, natural resource conservation, and recreation in subdivisions for permanent or seasonal dwellings. It is the intent of this section to encourage the concept of "planned unit development" and cluster development so as to increase the interrelationship between open space resource areas and developments.

LAND CLUSTERING

In reviewing and approving the Open Space Subdivision Plan, the following requirements shall apply, as permitted modifications to the standards as outlined in the "SCHEDULE OF REGULATIONS:"

- a. Provided the densities stated in the "SCHEDULE OF REGULATIONS" ARE MAINTAINED (allow for the initial lot size reduction for utilities), the lots used for dwelling purposes may be reduced as stated in the following TABLE. Corresponding reductions in lot width may also be permitted, but no lot shall be less than 80 feet wide.

<u>TABLE: OPEN SPACE LOT VARIANCES</u>			
Minimum Lot Sizes By Available community Utilities			
<u>DISTRICTS</u>	No Utilities-Health Department <u>Approval Required</u>	Water or Sewer <u>Services</u>	Both Water and Sewer <u>Services</u>
R-1 and R-2	20,000	12,000	9,600
RR	30,000	12,000	9,600
FF-1 and FF-2	30,000	12,000	9,600

- b. Rear yards may be reduced to fifty (50) feet when such lots border on land dedicated for park, recreation, and/or open space purposes, provided that the dedicated land shall not be less than one hundred (100) feet across when measured at the point at which it abuts the rear yard of the adjacent lot.
- c. Under the provisions of this Section for each square foot of land gained within a subdivision through the reduction of lot size below the minimum requirements as outlined in the "SCHEDULE OF REGULATIONS", at least equal amounts of land shall be dedicated to the common use of the lot owners of the subdivision.

- d. The land area necessary to meet the minimum requirements of this section shall be of a useable shape and dimension and further shall not include bodies of water, swamps or lands that normally would not be developable. The entire area may, however, be located in a flood plain.
- e. This plan, for reduced lot sizes, shall be permitted only if it is mutually agreeable to the Legislative Body and sub-divider or developer.
- f. Under this planned unit approach, the developer or sub-divider shall dedicate the total open space area (see item (a) above) at the time of filing of the final plat on all or any portion of the plat, and indicate the use on the *Preliminary Plat*.

BUILDING CLUSTERING

- a. Where cluster one-family dwelling are contemplated, certain side yards as approved by the Local Legislative Body, may be eliminated for the purpose of allowing a more efficient use of lands and structures, provided, full soundproof-fireproof party walls are used between any two dwelling units.
- b. In any R-1 , R-2, RR or FF District, the cluster housing developments which are in the character of multiple family dwellings, either of the condominium or rental type, may be permitted by the Township Board after a Public Hearing and after having received a site plan review recommendation from the Township Planning Commission, provided:
 - 1. The gross dwelling unit density shall not be greater than 15% over the maximum allowable for single family dwellings in the District/ R-2 Districts excepted.
 - 2. Common open space areas shall be dedicated as provided for in the Section, "Subdivision Open Space Plan."
 - 3. At least 90% of all units shall have two bedrooms or the equivalent in floor space.
 - 4. Dwelling structures shall not exceed the maximum height stated for each District in the "Schedule of Regulations."
 - 5. The development does not break up an established pattern or evolving pattern of any single family residential neighborhood or recreation home subdivision.
 - 6. The development involves a total area of at least forty (40) acres.

ARTICLE XIII - GENERAL PROVISIONS

Amend #B-7-2011

SECTION 1300. NON-CONFORMITIES

1. Intent

It is recognized that there exists within the district established by this Ordinance or by amendments, lot structures, and uses of land, which were lawful before this Ordinance was passed or amended, which would be prohibited, or restricted under the terms of this Ordinance or future amendment.

It is the intent of this Ordinance to permit these non-conformities to continue until they are removed.

2. Board of Appeals Variance

Although it is the intent of this Ordinance to restrict the expansion and perpetuation of nonconforming uses of land and/or buildings, the Board of Appeals, subject to a Hearing, may allow an expansion or enlargement, provided that it is conclusively shown that such extension or enlargement:

- a. will not further reduce the value or otherwise limit the lawful use of adjacent premises.
- b. will essentially retain the character and environment of abutting premises.
- c. will not materially increase or perpetuate the nuisance aspects of the use upon adjacent uses (noise, glare, traffic congestion, land overcrowding and related).

3. Nonconforming Lots and Tax Parcels

- a. Nonconforming Lots. Subject to the provisions of this Subsection 3, one otherwise permitted single-family dwelling and customary accessory building(s) may be established on a Nonconforming Lot. If two or more contiguous Nonconforming Lots are held in common ownership as of or after the effective date of the amendment to this Ordinance that added this subsection, such Nonconforming Lots shall be combined, developed and used to the extent necessary to conform or more nearly conform to the district requirements for area, width, or both. The combined Nonconforming Lots shall be considered as a single Zoning Lot and must otherwise comply with the district requirements of this Ordinance. If the Zoning Lot that results from this combination of Nonconforming Lots still does not meet the requirements of this ordinance for lot area or width or both, an otherwise permitted single-family dwelling and customary accessory building may be established on such Zoning Lot providing there are no other existing dwellings. However, if a dwelling or dwellings already exist on such a combined Zoning Lot, then no further dwellings may be established. The provisions of this paragraph are not avoided by conveying one or more contiguous Nonconforming Lots to separate ownership after the effective date of the amendment to this Ordinance that added this subsection.

- b. Tax Parcels. If not already improved with a dwelling, an otherwise permitted single-family dwelling and customary accessory building(s) may be established on a Tax Parcel, even if such a Tax Parcel does not meet the district requirements for area, or width, or both. For a Tax Parcel that is divided by a public road open to travel, an otherwise permitted single family dwelling and customary accessory building(s) may be established on the portion of the Tax Parcel on each side of the roadway that does not already contain a dwelling, even if that portion of the Tax Parcel does not meet the district requirements for area, or width, or both. The combination of contiguous Tax Parcels in common ownership into a single Zoning Lot is not required.

- c. Variances for yard regulations other than lot area or width. Before a single family dwelling may be established on a Nonconforming Lot or a Tax Parcel pursuant to the provisions of this Subsection 3, yard dimensions and other requirements not involving the area and/or width of the Nonconforming Lot or Tax Parcel shall conform to the regulations of the district in which such Nonconforming Lot or Tax Parcel are located. Any variances to yard regulations other than those involving area and/or width are subject to approval by the Zoning Board of Appeals in accordance with the variance provisions of this Ordinance.

- 4. Nonconforming Use of Land and/or Structures
 - a. No conforming use of land shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date.
 - b. No such nonconforming use of land or building shall be moved in whole or part to any other portion of the lot or parcel occupied.
 - c. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity.
 - d. Should such structure be destroyed by any means to an extent of more than eighty (80) percent of the useable cubic space or floor area of the principal structure, it shall not be reconstructed to a greater size or greater capacity than the original structure except in conformity with the provisions of this Ordinance.
 - e. Any nonconforming use may be carried on throughout any parts of a building which were manifestly arranged or designed for such use, but no such use shall be extended to occupy any land outside such building.
 - f. Any nonconforming use of a structure, land or structure and land, may be changed to another nonconforming use provided that the proposed use is equally or more appropriate to the district than the existing nonconforming use.
 - g. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed. Changes in tenancy and ownership of nonconforming premises is permissible.

- h. When nonconforming use of land, structure or structure and land in combination, is discontinued or ceases to exist for twelve (12) consecutive months, the use of structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.

5. Repairs and maintenance

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

6. Uses Under Exception Provisions Not Nonconforming Uses

Any use for which a general exception or special condition is permitted as provided in this Ordinance shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district.

SECTION 1301. ACCESSORY BUILDINGS

Accessory buildings, except as otherwise permitted in this Ordinance shall be subject to the yard and setback requirements applicable to main buildings, except that accessory residential buildings may be constructed not nearer than ten (10) feet to a lot line in the rear yard.

SECTION 1302. PARKING REQUIREMENTS

There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces.

1. Off-street parking for other than residential uses shall be either on the same lot or within four hundred (400) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot.
2. Any area once designated as required off-street parking spaces where operating hours of uses do not overlap, the Board of Appeals may grant an exception by reducing the total number of spaces required. Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.
3. In the instance of dual function of off-street parking spaces where operating hours of uses do not overlap, the Board of Appeals may grant an exception by reducing the total number of spaces required.
4. The storage of merchandise, motor vehicles for sale, truck, or the repair of vehicles is prohibited on required off-street parking lots.

5. Residential off-street parking spaces shall consist of a driveway, parking strip, parking bay, garage carport or combinations thereof.
6. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Board of Appeals considers as being similar in type.
7. For the purpose of computing the number of parking spaces required, the definition of USEABLE AREA shall govern.
8. The minimum number of off-street parking spaces by use shall be in accordance with the following schedule: ^{xxxiii}

AMND B-1-2002 *

<u>LAND USE</u>	<u>MINIMUM PARKING SPACES REQUIRED PER UNIT OF MEASURE</u>
<u>Residential:</u>	
Dwellings	2 per dwelling
Elderly Housing	1 per 2 units
Rooming House	1 per 2 occupants of maximum capacity
Fraternity or Sorority	1 per 2 beds or 1 per 5 active members, whichever is greater
Trailer court	2 per unit
<u>Institutional & Public</u>	
Church or Temple	1 per 3 seats or each 6 feet of pew
Hospital	1 per bed
Nursing Home	1 per 2 beds
Nursery, Elementary or Jr. High School	1 per employee
Senior High School	1 per employee plus 1 per 10 students
Membership Clubs	1 per 3 persons of legal capacity
Golf, Swim, or Tennis Club	1 per 2 member families
Public Golf Course	6 per green or golf hole plus (1) per employee
Par 3 and/or Mini Golf	2 per hole or green *plus one (1) per employee in the largest shift
Sport Arena or Stadium	1 per 3 seats or 1 per 6 feet of bench *plus one (1)

<u>LAND USE</u>	<u>MINIMUM PARKING SPACES REQUIRED PER UNIT OF MEASURE</u>
	<i>per employee in the largest shift</i>
Theater or Auditorium	1 per 3 seats or 1 per 3 persons of legal capacity * <i>plus one (1) per employee in the largest shift</i>
<u>COMMERCIAL</u>	
Planned shopping center	1 per 100 square feet of floor area
Auto-wash Automatic	1 per employee, plus 2 per 20 feet of wash line
Auto Wash-Self Serve	5 per wash stall plus the wash stall
Barber or Beauty Shop	1 per employee plus 1 per service chair
Dance Hall, rinks or assembly building (no fixed seats)	1 per 3 persons of legal capacity * <i>plus one (1) per employee in the largest shift</i>
Banks	1 per 100 Sq. ft. of floor area * <i>plus one (1) per employee in the largest shift</i>
Doctor or Dentist	1 per 50 Sq. ft. of waiting room plus 1 per service chair * <i>plus one (1) per employee in the largest shift</i>
Business Offices	1 per 200 Sq. ft. * <i>plus one (1) per employee in the largest shift</i>
Billiard Hall	2 per game table * <i>plus one (1) per employee in the largest shift</i>
Taverns	1 per 50 sq. ft. of floor area * <i>plus one (1) per employee in the largest shift</i>
Restaurants	1 per 3 persons of seating capacity, plus auto stalls if drive-in type * <i>plus one (1) per employee in the largest shift</i>
Furniture, appliances, Plumber, electricians, minor repair services	1 per 800 sq. ft. of floor area
Gasoline Station	2 per service stall, plus 1 per employee
Laundromat	1 per 3 machines for washing * <i>plus one (1) per employee in the largest shift</i>
Funeral Home Mortuary	1 per 50 sq. ft. of slumber room
Hotel or Motel	1 per rental unit, plus 1 per employee

<u>LAND USE</u>	<u>MINIMUM PARKING SPACES REQUIRED PER UNIT OF MEASURE</u>
Retail Groceries	1 per 100 sq. ft. of floor area
Other retail stores	1 per 150 sq. ft. of floor area
<u>Industrial:</u>	
Welding Shop	2 per employee
Industrial Office or Research	1 1/2 spaces per employee
Warehouse & Wholesale	1 per employee
<p><u>NOTES:</u></p> <p>a. Sq. ft. refers to square feet of "useable" floor area.</p> <p>b. 1 per unit of measure, shall be interpreted to mean 1 per each unit, as 1 per "each" 3 persons.</p> <p>c. Space requirements are cumulative, hence, a country club may require parking for the golf use as well as restaurant or bar use.</p> <p>d. Employees refer to all permanent staff and part time equivalents.</p> <p>e. Legal capacity is the occupancy load as permitted by fire or health standards.</p> <p><i>AMND B-1-2002</i></p> <p>f. The minimum width of each off-street parking space shall be ten (10) feet.^{xxxiv}</p>	

SECTION 1303. OFF-STREET LOADING AND UNLOADING:

On the same premises with every building, structure or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot, space for standing, loading, and unloading in order to avoid undue interference with public use of dedicated street or alleys.

SECTION 1304. CONDITIONAL USE AND APPROVAL USE REVIEW STANDARDS:

In reviewing all requests for Principal Uses Subject to Special Conditions and Conditional Uses Authorized by Special Permit, the Board of Appeals, Zoning Administrator, or the Planning Commission shall require compliance with any of the following as may reasonably apply to the particular use under consideration:

1. Non detrimental impact upon the surrounding uses in the District, particularly as related to traffic generating potential, servicing by trucks, hours of operation, and pedestrian traffic.
2. Site size to accommodate the use, its future expansion, customary accessory uses, and onsite services (sewage disposal and water supply).

3. Impact of the proposed use on the quality and quantity of water resources, domestic water supplies; and capacity to absorb the anticipate sewage disposal demand.
4. Entrance drives to the use and off-street parking areas shall be no less than twenty-five (25) feet from a street intersection (measured from the road right-of-way) or from the boundary of different Zoning District.
5. Protective and adequate fencing shall be required around all outdoor swimming pools, and shall not be less than four (4) feet, six (6) inches above the established grade.
6. Suitability of access to the use, assuring that minor residential streets are not used to serve uses that have larger area-wide patronage.
7. Allowance is made for vehicles to enter and exit the use safely and no visibility impediments to drivers are created by signs, buildings, land uses, plantings, etc.
8. Screening fences, greenbelts, or similar functional devices may be required around all open storage areas where it is determined that said storage area would have and unsightly influence on any public street or adjoining property.

SECTION 1305. CONDITIONAL USES AUTHORIZED BY SPECIAL PERMIT:

In every case the uses hereinafter referred to shall be prohibited from any district not specifically listed. These uses require special consideration since they may service large areas, require sizeable land areas and/or may create problems of control with reference to abutting use districts.

1. Outdoor Theaters

Outdoor theaters shall be permitted in B-2 Districts and I Districts, upon approval by the Planning Commission after a hearing. Outdoor theaters shall further be subject to the following:

- a. Points of ingress and egress shall be from streets and roads capable of serving the use, but shall not impair the use of abutting properties, especially residential uses.
- b. All vehicles, waiting or standing to enter the facility, shall be provided off-street waiting space.
- c. The area shall be so laid out as to prevent the movie screen from being viewed from residential areas or adjacent major thoroughfares.

2. Commercial Television and Radio Towers and Public Utility Microwaves, and Public Utility T.V. Transmitting Towers and Wind Turbine Generators.^{xxxv}

Radio, television and cell towers, public utility microwaves and public utility T.V. transmitting towers, and wind turbine generators may be permitted by the Planning Commission in B-2, I and FF Districts after a hearing, provided said use shall be located centrally on continuous parcel of not less than one (1) times the height of the tower and tower and blades measured from the base of said tower to all points on each property line.

Any private or individual televisions-radio reception tower, other transmitting-receiving devices, or wind turbine generator shall be so constructed and placed that there is no danger of structures falling on adjacent properties or off premises electric lines, and further the operation of any such facilities shall not interfere with normal radio, television, or cell phone reception in the area.

3. Race Tracks (including auto, carting and snowmobile tracks)

Because race tracks develop a concentration of vehicular traffic, and cause noise levels which project beyond the property, race tracks shall be permitted in the I and B-2 Districts subject to the following conditions and such other controls as the Planning Commission, after holding a Hearing, deems necessary to promote health, safety, and general welfare in the County.

- a. All parking shall be provided as off-street parking within the boundaries of the development.
- b. All access to the parking areas shall be provided from major traveled roads. Approval of ingress and egress points by the police or sheriff authority having jurisdiction in the community.
- c. All sides of the development except access points shall be provided with a twenty (20) feet wide greenbelt planting so as to screen from view all activities within the development.

4. Riding Academies or Stables

Commercial facilities for horseback riding may be allowed in the B-2, FF and I Districts, subject to the review and approval of the Planning Commission, who shall find that animal housing facilities are located at least 300 feet from any of premises residential structure. Riding facilities in R-1 and RR Districts may be allowed on farms, or on a temporary permit basis, subject to a finding by the Planning Commission, that there is protection for developing residential uses including seasonal home areas.

5. Recreation Camps, Recreation Lodges, and Resorts

Recreation camps, recreation lodges, and resorts when operated for a profit may be permitted to locate in RR

Districts by the Planning Commission, provided the following conditions are met:

- a. The use is established on a minimum site area of forty (40) acres.
- b. All outdoor activity areas, parking lots, main buildings and accessory building are located at least 100 feet from the property lines. The resulting 100 foot yards shall be maintained as a buffer area wherein all natural tree-shrub cover is retained in a healthful growing condition. Planting greenbelts may be required by the Planning Commission, as deemed necessary.
- c. The use does not locate within the confines of a platted subdivision intended for single residential occupancy, or parcels which are deemed by the Planning Commission to be logical extension of such a platted area.

6. Mobile Home or Trailer Courts

Mobile Home courts intended, for residential occupancy may be permitted in R-2, B-1, B-2 and I Districts when planned as a transition use after a Hearing by the Planning Commission; provided, the following conditions are satisfied:

- a. Trailer or mobile home courts for the parking of two (2) or more trailers shall be developed pursuant to the requirements of Act 243 of the Public Acts of the State of Michigan 1959, as amended.
- b. The land parcel being proposed for Trailer Courts shall be of such area as to provide for a minimum of at least twenty (20) trailer coach sites and shall to exceed a maximum of one hundred (100) trailer coach sites.
- c. Mobile home sites shall contain a minimum area of at least thirty-five hundred (3,500) square feet. All such trailer site areas shall be computed exclusive of service drives, facilities and recreation space.
- d. A wall, greenbelt, or obscuring fence four feet and six inches (4'6") in height shall be provided on all sides of the trailer court, with the exception of that portion providing ingress and egress to the site.
- e. Fences when provided around trailer lots shall not exceed thirty (30) inches in height.
- f. Recreation space and landscaping as follows:
 1. There shall be provided an area of not less than one hundred (100) square feet for recreation, for each trailer space in the trailer park, with a minimum area of not less than five thousand (5,000) square feet, which shall be no longer than two times its width. Such area shall be developed and maintained by the management so as to provide healthful recreation for the children housed in the mobile home park.

7. Individual Mobile Homes

Mobile homes may be used for dwellings in an R-2, FF-1 or FF-2 Districts, provided:

1. A complete masonry foundation as approved by the Michigan Construction Code, shall be poured or constructed in an approved place before the mobile home may be moved onto the site and foundation. The mobile home shall be securely anchored to the masonry foundation.
2. Each mobile home unit shall be equipped with metal or masonry skirting as approved by the Zoning Administrator, or Building Inspector as applicable.
3. Any structural additions to a mobile home shall be constructed so as to be totally self supporting (foundations, bearing walls, roofs ,etc.), and shall not cover any exterior kitchen, bathroom, bedroom, or living room window of a mobile home. The inner partition wall between the mobile home and the addition shall be covered with a minimum of 1/2" gypsum board or other approved fire wall material.

Any mobile home to be used as an individual residence, shall meet at least the minimum standards set forth in the rules governing the body and frame design and construction requirements, and installation of plumbing, heating, and electrical systems in mobile homes, contained in the standards for mobile homes, by the National Fire Protection Association (No. 501 B-1973) and ANSI (Rules No. A 119.1- 1974) referenced in Section 6, P.A. 230 of the Public Acts of Michigan. Mobile homes meeting these standards shall carry the approval seal of the State Of Michigan.

8. Other Uses of Mobile Homes and Trailers

Mobile homes, travel trailers and motor homes may be used as follows:

- a. As temporary dwellings in R-2,FF-1,FF-2 Districts until the owner or occupant completes the construction or erection of a conventional housing unit for which a Building permit has been issued. The temporary dwelling may be included on the Building Permit, and shall be removed upon issuance of an Occupancy Permit for the main use.
- b. As a watchman's or caretaker's office in B-1,B-2, I-1 and I-2 Districts, but only as an accessory use to the main use of the premises.
- c. As a temporary contractors office and/or equipment shed in any district when in connection with a construction project authorized by Zoning and Building Permits.

- d. Other temporary uses of mobile homes, travel trailers or motor homes for a period not to exceed 24 months upon review and approval by the Planning Commission, provided it is determined that the use is consistent with the spirit and intent of the Zoning Ordinance and would not be detrimental to any surrounding uses or properties.
- e. The unoccupied storage of a motor home or travel trailer on any residential property by the owner thereof on his own property, shall be allowable as a Permitted accessory use of the premises where there is a main use, provided such storage is confined to the rear yard when the rear yard is accessible. If the rear yard is not accessible, then storage in the side yard is permissible, if no nuisances, hazards, or blocking of views are created for the adjoining property.

9. HOSPITALS AND NURSING HOMES

General hospitals, nursing and convalescent homes, medical care facilities and similar uses may be established in R-1 and RR Districts on sites of at least five (5) acres, subject to approval of the Planning Commission.

10. VETERINARIAN HOSPITALS AND KENNELS

May be permitted in B-2, I and FF Districts, provided all facilities for housing, treating and keeping of animals are located at least five-hundred (500) feet from a residential district boundary, and provided further that the location is approved by the Planning Commission and all animals on the premises shall be housed within a completely enclosed building between the hours of 10:00 P.M. and 8:00 A.M.

11. Fences (General)

Fences designed to enclose property in any district shall be subject to the following conditions:

- a. Fences in any platted subdivision or lot of record shall not contain barbed wire or be electrified.
- b. No fence shall obscure the vision of drivers of vehicles at any driveway entrance or exit, street intersection or other pedestrian or vehicle property access point.

12. WALLS AND FENCES (PROTECTIVE AND SCREENING)

For nonresidential uses, except farms, which abut a permitted residential use, or which are adjacent to a Residential District boundary, there shall be provided and maintained fences or walls as required below. These requirements do not apply whenever the use, storage area, etc. is more than 200 feet from an adjacent residential district boundary.

Specific Non-residential Uses requiring fences	Fence or Wall Height at the Property line	Primary Function (s)	
		<u>Screening</u> Protective	<u>Screening</u> or Obscuring
Drive-in restaurants, gasoline stations & vehicle repair	6 feet	x	x
Institutional and Playgrounds	6 feet	x	
Parking lots accessory to nonresidential uses	6 feet		x
Hospital and funeral home service entrances	6 feet		x
Utility buildings and sub-stations	6 feet	x	
Junk Yards	8 feet	x	x
Open storage areas larger than 200 square feet	6 feet		x

All plans for fences or walls must be approved by the Zoning Administrator for the construction specifications and shall be designed and maintained to fulfill the primary function of protection and/or screening.

The Planning Commission shall be empowered to modify fence and wall requirements as deemed necessary by conditions affecting a particular development, or to waive requirements where no good purpose would served by compliance with these standards.

13. Outdoor lighting

All outdoor lighting, whether for illuminating parking areas, buildings, signs and/or other structures shall be shielded, shaded, designed, and/or directed away from all adjacent residential districts and uses; and further shall not glare upon or interfere with persons and vehicles using public streets.

14. Outdoor Speakers and Sound Devices

Uses requiring outdoor speakers, outdoor public address systems or similar sound devices shall not operate said equipment without the written consent of the Planning Commission, who shall determine that no public nuisance will be established.

AMND B-6-2013^{xxxvi}

15. Extraction, by mining, of valuable natural resources; Protection from and elimination of hazardous conditions; Site remediation and restoration.

Extraction, by mining, of valuable natural resources shall be allowed in all Districts unless very serious consequences would result from the extraction of those natural resources. Natural resources shall be considered valuable for the purposes of this section if a person, by extracting the natural resources, can receive revenue and reasonably expect to operate at a profit.

To determine whether very serious consequences would result from the extraction, by mining, of natural resources, all of the following factors may be considered, if applicable:

- a. The relationship of extraction and associated activities with the existing land uses.
- b. The impact on existing land uses in the vicinity of the property.
- c. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
- d. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
- e. The impact on other identifiable health, safety, and welfare interests in the township.
- f. The overall public interest in the extraction of the specific natural resources on the property.

For an approved extraction site, dust control measures shall be utilized so that off-site dust is not increased as a result of the extraction operation. The planning commission may further condition the approval of an extraction site upon reasonable regulation of the hours of operation, blasting hours, noise levels, dust control measures, and traffic, not preempted by part 632 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.63201 to 324.63223 (the Nonferrous Metallic Mineral Mining Act). However, such regulation shall be reasonable in accommodating customary mining operations.

At all times, the extracting party and landowner shall provide for adequate protection of members of the public from hazardous conditions upon the extraction site. Hazardous conditions shall specifically include, but not be limited to, pools of water, sink holes, steep banks or cliffs, loose overhanging rock or soil, or potential cave-ins. Upon completion of the extraction, the extracting party and/or landowner shall eliminate hazardous conditions from the extraction site and restore the property to a safe condition. As a condition of the approval of the extraction site, the planning commission may require that site vegetation be restored by the seeding of grasses or sodding and/or the planting of trees and shrubs. All site remediation and restoration shall be completed within 6 months after the extraction has concluded.

Extractions permitted by this Section shall maintain at least the minimum setback requirements in the District of operation, and in no case shall an excavation be nearer than fifty (50) feet from an adjoining property used for residential purposes or zoned R-1, R-2, or RR.

AMND B-13-2003

16. Solid Waste Disposal Facilities ^{xxxvii}

Solid Waste disposal systems, along with their typical ancillary uses, shall only be established pursuant to a Special Use Permit and Public Hearing and reviewed for approval by the Planning Commission, and subject to the following standards and conditions:

<u>Type of Facility</u>	<u>Permissible Zoning Districts</u>	<u>Setback Standards</u>
Sanitary Landfill	FF-1, FF-2, I-1, I-2	1,000 ft.
Type A Transfer Station	FF-1, FF-2, I-1, I-2	300 ft.
Type B Convenience Centers	All	District Minimums
Composting	FF-1, FF-2, I-1, I-2	100 ft.

Facilities for solid waste disposal are varied in their impact on adjacent land uses considering physical appearance, traffic generating potential, noise, litter, dust, odors, new technology and similar impacts. The Planning Commission may waive, modify or add reasonable conditions deemed necessary to protect properties within the District from nuisance potentials associated with each type of facility and the character of each site. In granting modifications to the standards, the Planning Commission shall consider:

1. Natural screening; forest cover, topography, spatial separation.
2. Constructed screening; berms, fences, greenbelts, landscaping structures,
3. The area of service anticipated; single user, neighborhood, Township-wide, or County-wide.
4. The technology used to control nuisances.
5. The anticipated intensity of use; traffic, frequency of use, emissions.
6. The character and type of adjacent land uses; forest land, farm land, residential, commercial and/or industrial.

Disposal facilities must also be in compliance with the adopted County Solid Waste Plan and State Statutes. Typical "green box" units properly sited with businesses, industries, apartment complexes or neighborhoods (resort communities) are exempt from these standards. Individual or domestic composting uses serving single parcels are also exempt from this paragraph, but shall not constitute a nuisance.

17. Home Occupations

Home occupations when conducted in a manner determined by the Planning Commission as being fully in keeping with the character of the residential area where located, provided:

- a. Only those persons residing on the premises shall engage in the occupation, which may be operated for gain.
- b. Signs should be avoided, but if deemed necessary, one (1) non illuminated sign not to exceed two (2) square feet in area may be approved and permitted if it is attached to, and is parallel with the wall of the dwelling unit.
- c. All of the operational nuisances such as noise vibration, fumes, smoke, odors, lighting, and related shall be strictly confined to the premises in question, and no activity shall be visible or discernible from any adjoining street or property line.
- d. Structural alterations which are architecturally at variance with the residential unit or which cannot be readily and simply returned to residential use shall be prohibited. Exterior alterations shall not be of a design to indicate or characterize the presence of a home occupation.
- e. The use does not take on the operational character of a business, industrial, or institutional use in terms of parking, traffic (vehicular or pedestrian) loading and unloading, and related features.

Home occupations shall only be approved on the basis of individual merit and the special conditions stated in the permit. The permit shall automatically be revoked upon the sale, lease, or rental of the premises to a party the sale, lease, or rental of the premises to a party other than the applicant, and/or the conditions of the permit have been violated, either by intent or by unforeseen nuisance conditions arising from its operation.

AMND B-22-1993

18. Home Occupation- Bed and Breakfast ^{xxxviii}

Bed and breakfast establishments, subject to a hearing, may be permitted in FF-1, FF-2, R-1, and R-2 districts, after review and upon approval by the Township Zoning Board, subject to the requirements and standards of Section 1304 and 1305 (17.) of this Ordinance, and the following standards:

- a. One parking space per rented room in addition to the requirements for the primary dwelling unit.
- b. A letter from the petitioner stating that he or she understands that:
 - 1. The permit can be voided by the Township Zoning Board for non-compliance with the zoning ordinance, and

2. The use of the bed and breakfast occupation is clearly incidental to the primary use for dwelling.
- c. The submittal of a site plan and an interior floor plan, drawn to scale, clearly showing all structures, parts of structures, rooms, or grounds or any facilities to be occupied or used by bed and breakfast clients.
- d. Not more than one (1) identification sign not to exceed two (2) square feet.

That no food services or facilities associated with the use shall be provided to non-occupants of the premises, except as would be typical for any single family household.

AMND B-6-2011

19. Landscaping, Property Maintenance and/or Yard Maintenance ^{xxxix}

Landscaping, property maintenance and/or yard maintenance trades and related structures may be permitted as regulated in B-1, B-2, I-1 and I-2 Districts. In the FF-1 and FF-2 districts, landscaping, property maintenance and/or yard maintenance trades and related structures may be permitted after a Public Hearing and after review and approval by the Township Planning Commission, subject to the requirements and standards of Section 1304 of this Ordinance, along with the following standards:

- a. Surrounding properties are protected from nuisances, including but not limited to noise, congestion, vibration, fumes, smoke, odors, lighting and related nuisances.
- b. All primary storage/use activity shall be in enclosed buildings. Any outside storage/use activity that may be permitted shall be in areas effectively screened from public or neighbor's view.
- c. If the use is mixed with residential, the minimum lot size for the residential use shall be required in addition to the land area utilized for the landscaping, property maintenance and/or yard maintenance trades and related structures.
- d. The percent of lot coverage for all buildings, parking areas, walkways and other impervious surfaces shall not exceed 50%.
- e. Accessory identification signs should be avoided, but if deemed necessary, one (1) non illuminated sign not to exceed eight (8) square feet in area may be approved and permitted .

SECTION 1306. SANITARY PROVISIONS-SEWERAGE AND WATER FACILITIES:

Per requirements of the County Sanitary Code and any applicable State or Federal requirements.

SECTION 1307. PLANT MATERIALS IN GREENBELTS:

Wherever in this Ordinance a greenbelt or planting is required, it shall be planted within six (6) months from the date that actual construction begins, and shall thereafter be maintained with permanent plant material to provide a screen to abutting properties. Materials equal in characteristics to the plant materials listed with the spacing as required shall be provided.

1. Plant Material Spacing

- a. Plant materials shall not be closer than four (4) feet from the fence line or property line.
- b. Where planting materials are planted in two or more rows, plantings shall be staggered in rows.
- c. Evergreen trees shall be planted not more than thirty (30) feet on centers.
- d. Narrow evergreens shall be planted not more than three (3) feet on centers.
- e. Deciduous trees shall be planted not more than thirty (30) feet on centers.
- f. Tree-like shrubs shall be planted not more than ten (10) feet on centers.
- g. Large deciduous shrubs shall be planted not more than four (4) feet on centers.

2. Suggested plant Materials

Minimum Height in Feet
At Time of Planting

- | | |
|--------------------------|----------------|
| a. Evergreen Trees | Five (5) feet |
| 1. Juniper | |
| 2. Red Cedar | |
| 3. White Cedar | |
| 4. Pines | |
| b. Narrow Evergreens | Three (3) feet |
| 1. Pyramidal Arbor-Vitea | |
| 2. Columnar Juniper | |
| 3. Irish Juniper | |

- c. Tree-like Shrubs Four (4) feet
1. Flowering Crabs
 2. Four (4) feet
 3. Russian Olives
 4. Mountain Ash
 5. Redbud
 6. Rose of Sharon

- d. Large Deciduous Shrubs Six (6) feet
1. Honey Suckle
 2. Viburnum
 3. Mock Orange
 4. Forsythia
 5. Lilacs
 6. Ninebark

- e. Large Deciduous Trees Eight (8) feet
1. Oak, Birch,
 2. Hard Maples
 3. Ash
 4. Hackberry
 5. Beech
 6. Sycamore

3. Trees Not Permitted

1. Box Elder
2. Soft Maples
3. Elms
4. Poplars
5. Ailanthus
(Tree of Heaven)

SECTION 1308. SIGNS AND BILLBOARDS: xl

Sign plans shall be reviewed for approval, conditional approval or rejection by the Township Planning Commission or by the Zoning Administrator, in consultation with any Advisory Sign Review Committee appointed by the Township. For disagreements with the rulings of the Zoning Administrator, the applicant may seek a review by the Planning Commission, who in such instances has final authority on the sign plan.

INTENT

The sign standards contained in this Ordinance are declared to be necessary to protect the general health, safety, and welfare of the citizens of Little Traverse Township, and are based on the following objectives:

- To reflect the primary purpose of signage as being the identification of a particular user or use on a property, but not necessarily every activity or service performed thereon.
- To promote signs which are visible at eye level and can be readily seen from moving vehicles with the least amount of eye distraction.
- To encourage native plants and other landscaping materials around all freestanding signs so as to complement the site and integrate the sign with the buildings, parking areas and natural site features.
- To avoid excessive use of signs in order to give each use optimum visibility to passer-by traffic and if practical, to prevent one sign from blocking the view of another sign.
- To place and size signs in such a way that scenic views are protected and visual obstructions to the natural landscape are minimized.
- To protect the resource character and Northern Michigan image of Little Traverse Township by encouraging the design of institutional, business, and industrial signs that reflect the Township's favorable environment as a permanent and seasonal home community.
- To maintain and enhance economic stability by retaining aesthetic appeal to tourists, resorters, and visitors, and encouraging sign planning that will complement the Township's natural environment and preserve its scenic and natural beauty by minimizing visual obstructions to the natural landscape.
- To encourage the use of aesthetically pleasing sign materials and colors and to encourage signs to be predominately natural in appearance, through the use of weather tolerant wood or material of equivalent character.
- To encourage the use of subdued colors, with bright colors used only for accent.
- To avoid creation of obstacles or traffic hazards by distracting or confusing motorists, impairing motorists' ability to see pedestrians, read other traffic signs, or see other vehicles.
- To enhance the effectiveness of necessary directional and warning signs.
- To preserve property values from the negative impacts of unsafe, cluttered, and otherwise unregulated signs on abutting property or in the area.
- To avoid bright lights and reflection and to protect views of the night sky against poorly shielded lights.

- To encourage wall-mounted signs not to interfere with or detract from the architecture of the building to which it is attached. For example, signs should not cut across columns or be placed on architectural features.

The standards in this Article are determined to be the minimum necessary to achieve the above stated purposes.

Compliance with this Section does not relieve the applicant for sign approval from the responsibility for compliance with other local, state or federal sign regulations, nor does the issuance of a Sign Permit grant permission to the applicant to place signs on any property, including road rights-of-way, other than property owned or otherwise legally under the control of the applicant. The issuance of a Sign Permit only assures the applicant that the sign meets the requirements of the Township Zoning Ordinance.

It is also acknowledged that the Township's economic well being is heavily dependent upon the resort and tourist industry. This dependence makes the preservation of the environment from unreasonable signage a matter of critical importance to this Township.

1308.1 DEFINITIONS

The following definitions apply only to words and phrases used in this Section.

1. **BANNER**: A flexible sign made of natural, synthetic or plastic material used to call attention to a land use or product, service or activity; however, not including pennants or flags.
2. **CHANGEABLE MESSAGE SIGN**: A sign on which the message can be changed by hand, mechanically, or electronically.
3. **FLAG**: Usually a rectangular piece of fabric made of natural, synthetic or plastic material having a distinctive size, color and design used as a symbol or emblem.
4. **FREESTANDING SIGN**: A sign supported by one (1) or more uprights, poles, braces, or some other structure, placed in or upon the ground surface and not attached to any building.
5. **ILLUMINATED SIGN**: A sign that provides artificial light by either emission (usually from inside) or reflection (usually either from light above or below the sign).
6. **NON-CONFORMING SIGN**: A sign lawfully existing on the effective date of this Ordinance which does not conform to one (1) or more of the regulations set forth in this Ordinance.
7. **PENNANT**: A small, often triangular, tapering flag used in multiples as a device to call attention to a land use or activity.

8. PROPERTY OFFERED FOR SALE: Owner willing to transfer the bundle of property rights from the seller to the buyer; property consists of land and the buildings.
9. PORTABLE SIGN: A freestanding sign not permanently anchored or secured to either a building or the ground (such as a sandwich sign), and includes tailored or similarly mounted signs or signs on parked vehicles where the sign is the primary use of the vehicle or wheeled object while it is parked.
10. PROJECTING SIGN: A sign which is affixed to any building or structure other than a marquee and projects in such a way that the message is not parallel to the wall to which it is attached.
11. ROOF SIGN: A sign erected, constructed, or maintained upon, or which projects above, the roof line of a building.
12. SIGN: Any identification, description, illustration, display or device illuminated or non-illuminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard or temporary sign designed to advertise, identify or convey information. For the purpose of removal, signs shall also include all sign poles and similar supporting structures. Signs under one-square foot in size on or next to a door or on a mailbox are not regulated by this ordinance.
22. SIGN, ACCESSORY: A sign which is accessory to the principal use of the premises.
23. SIGN, NON-ACCESSORY: A sign which advertises a product, service, or business that is located on a property other than the property on which the sign is located.
24. SIGN FACE: That part of a sign structure which is used to graphically communicate a message or announcement.
25. TEMPORARY SIGN: A display sign, or advertising device with or without a structural frame such as a portable or trailer sign, intended for a limited period of display.
26. WALL-MOUNTED SIGN: A sign which is attached directly to or painted upon a building wall which does not project more than twelve (12) inches there from. The exposed face of the sign must be in a plane parallel to the building wall or structure (such as a water tower). The sign shall not extend above the height of the building, wall or structure.

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1308.2 SIGNS AUTHORIZED REQUIRING A PERMIT

	R-1, R-2 and RR		FF-1 and FF-2		B-1, B-2, I-1 and I-2	
	Number allowed	Maximum size allowed	Number allowed	Maximum Size allowed	Number allowed	Maximum Size allowed
Freestanding Sign – Permit Required for new signs	1	18 sq. ft. 8 ft. in height	1	32 sq. ft. Shall not be longer than (4) times in width 10 ft in height	1	56 sq. ft. Shall not be longer than four (4) times its width 10 ft. in height
	AND/OR		OR		AND/OR	
Wall-Mounted Sign – Permit required for new signs	1	8 sq. ft. May project outward up to three (3) feet	1	32 sq. ft. Shall not be longer than four (4) times its width	1 Or 2	15% of the surface area of the mounting wall (computed on the ground level story only-ground level story height may not exceed 12 feet) A second wall-mounted sign may be permitted on a buildings located on a corner lot. A banner may be permitted in lieu of a wall-mounted sign provided it is securely attached to the wall and it meets all other requirements of a wall-mounted sign.
	Wood crafted or of equivalent character.		Shall not project beyond or overhang the wall face by more than five(5) feet. No sign shall project above the ridge line of a hip, gambrel, gable, or mansard roof, or above the parapet of a flat roof.			
Canopy or Marquee Signs	Integral canopy signs shall be allowed in place of permitted wall mounted signs with message information, i.e., letters, numerals, symbols etc., not to exceed fifteen (15) percent of the canopy surface. For the purposes of calculation, the subject canopy will be considered to fall within a measurable square or rectangular enclosure.					
It is intended that freestanding signs located at an approved driveway be included on the sign plan for approval as to location and number by the Zoning Administrator.						

1308.2 CONTINUED

	R-1, R-2 and RR		FF-1 and FF-2		B-1, B-2, I-1 and I-2	
	Number Allowed	Maximum size allowed	Number Allowed	Maximum size allowed	Number Allowed	Maximum size allowed
Additional Signs – Permit required for new signs			Four accessory signs not to exceed four (4) square feet in area on buildings; except that one sign may be located at each approved driveway not to exceed four (4) sq. ft. and six (6) feet in height			
Additional signs – No Permit required	1	Non-Illuminated up to 12 square feet on property offered for sale	1	Non-Illuminated up to 12 square feet on property offered for sale		
Additional Signs – permit required for new signs			1	On a farm, up to twenty-four (24) sq. ft. and eight (8) ft. in height		
Window Signs – no permit required		Up to 10% of the total window space		Up to 10% of the total window space		Up to 10% of the total window space

A) Accessory Signs in all Districts

In addition to the permitted signs, a development may have one non-illuminated free standing sign, located within the project area and not to exceed the freestanding sign size standard for the applicable district. Such sign shall not be readily visible from the frontage road. Additional signs mounted on and parallel with the wall may be permitted provided the signs in total do not exceed the area standards for the wall mounted signs in the applicable Zoning District.

B) Signs as a Main Use

Signs on vacant property shall be restricted to the B-2 District provided the area of the sign does not exceed fifty-six (56) square feet, the height of the sign does not exceed ten (10) feet, there is at least two thousand (2,000) feet of separation between any two such signs on both sides of the road and two hundred (200) feet of separation between a sign as a main use and an accessory sign, and two hundred (200) feet of separation between a sign as a main use and any other existing building over two hundred (200) square feet.

A sign as a main use may not include a changeable message sign or changeable message component.

All required permits from the Michigan Department of Transportation shall also be obtained before erecting the sign as a main use.

C) Changeable Message Signs

One changeable message sign per business premise subject to the following:

1. Changeable message signs, including, but not limited to, electronic changeable message signs, shall be permanently affixed to, and be parallel with, the wall of the main building or designed into the freestanding sign as an integral part of the freestanding sign structure.
2. Changeable message signs may not exceed 40% of the allowable sign area.
3. Such changeable message signs shall have no moving parts.
4. The background of changeable message signs shall be unlit and the letters shall be of all one color.
5. Changeable message signs may not be illuminated between the hours of 10:00 P.M. and 6 A.M., except for premises that are open for business after 10:00 P.M., then the lighting shall be turned off at the close of business.
7. Changeable message signs must meet all other standards of this article.
8. Changeable message signs may be permitted to change the message up to one time per quarter hour.

D) Accessory Signs in PUD Districts

In PUD Zoning Districts, sign standards shall be determined by site plan, PUD development plan and the proposed uses. Residential PUD projects may be allowed signs as regulated in Residential Zoning Districts. Business and/or Industrial uses may be permitted to have signs as regulated in Business and/or Industrial Zoning Districts

1308.3 NON-CONFORMING SIGNS

INTENT:

It is the intent of this Section to permit the continuance of all permanent signs or outdoor advertising structures existing at the effective date of this Section, although such sign or outdoor advertising structure may not conform with the provisions of this Section. It is also the intent that nonconforming signs shall not be enlarged upon, expanded or extended. Further, it is the intent that nonconforming signs shall be gradually eliminated and terminated upon their natural deterioration, destruction, removal or replacement. The continuance of all nonconforming signs and outdoor advertising structures within the Township shall be subject to the conditions and requirements set forth below.

- a) Structural Changes: Signs may be repaired, or renovated, and kept in good repair, provided that, the faces, supports, or other parts of any nonconforming sign or outdoor advertising structure shall not be structurally changed, altered, substituted, or enlarged unless the resultant changed, altered, substituted, or enlarged sign or outdoor advertising structure conforms to the provision of this Section for the use it is intended.
- b) Placement: No nonconforming sign shall be relocated on a property, unless located in conformance with this Ordinance and sized to conform to this Ordinance.
- c) Illumination: Illumination may not be added to any nonconforming sign.

- d) Destruction: Should any nonconforming sign or any portion thereof be destroyed by any means, to the extent of 80 percent or more, it shall be reconstructed only in conformity with the provisions of this ordinance.
- e) Change on Sign Face: The message of a nonconforming sign may be changed so long as this does not create any new nonconformities (for example, by creating an off-premises sign under circumstances where such a sign would not be allowed.)

1308.5 SIGNS PROHIBITED

- A) Signs containing flashing, intermittent, or moving: lights, images, motion pictures, messages, graphics, or similar mechanisms.
- B) Signs with moving or revolving parts and/or messages.
- C) Signs affixed to trees, rocks, shrubs, fences, utility poles, or other similar features.
- D) Signs which are insecurely fixed, unclear, in need of repair, or signs which imitate official traffic signals or traffic directional signs or devices.
- E) Portable signs utilizing vehicles, trucks, vans, or other wheeled devices; or tripod, sandwich boards, or changeable message signs, except that licensed vehicles painted or affixed with signs shall not be prohibited from properly parking in a designated parking space.
- F) Signs which overhang or extend closer than five feet from a dedicated public right-of-way.
- G) Signs that have concrete foundations or other solid anchoring devices that project above the surface of the ground and located so as to constitute a safety hazard to vehicle traffic.
- H) Signs and sign structures that advertise a business or service use no longer occupying the premises and that has not occupied the premises for 60 or more consecutive days.
- I) Signs using luminous or phosphorescent paints or, tapes, glass beads, and/or reflectors of any kind shall be prohibited as main background treatment of the sign, but may be used in minor proportions for lettering or incidental artistic details, provided there are no visual conflicts with official traffic signs.
- J) If the Zoning Administrator determines that a sign placement will not restrict vehicle and/or pedestrian passage and visibility, a permitted sign may be placed no closer than five (5) feet from the road right-of-way. Directional signs, street name signs, traffic control signs and signs established by or approved by Federal, state, county, or township units of government when necessary for giving proper direction or otherwise safeguarding the public are exempt from this minimum five foot setback requirement. In all other instances, signs shall respect all yard and setback provisions.

1308.5 SIGNS NOT REQUIRING A ZONING PERMIT

The following signs are allowed without a permit, provided such signs are established in a lawful manner, placed so as not to cause a nuisance or create a safety hazard, and are at least 5' from the road right-of-way:

- A) Signs that have been approved in conjunction with a valid Zoning Permit or Building Permit for any principal use or accessory use in connection with a Plot Plan or Site Plan.
- B) Signs required by Federal or State agencies in connection with federal or state grant projects and programs.
- C) Street name signs, route markers and other traffic control signs, signs established by or approved by state, county or township units of government when necessary for giving proper directions or otherwise safeguarding the public, in any district.
- D) Banners, balloons, advertising flags, pennants, and pinwheels, or other devices with similar characteristics may be used temporarily for periods not to exceed fifteen (15) days upon the opening of a new type of business or use by a new owner.
- E) Temporary signs as regulated in 1308.2 under no permit required.

Other temporary signs, not listed in 1308.5 above shall be regarded and treated in all respects as permanent signs which require a permit.

1308.6 PLACEMENT OF SIGNS AND SETBACKS

- A) Accessory signs shall be no closer than five (5) feet from the road right-of-way and shall meet the required setback for structures on other lot lines.
- B) Accessory signs shall be sited to prevent one sign from blocking the view of another sign.
- C) Signs as a main use shall be setback the required distance in the zone (front and side).

1308.7 SIGN LIGHTING

Sign lighting should be of no greater wattage than is necessary to make the sign visible at night and should not reflect onto adjacent properties. Lighting sources shall not be directly visible to passing pedestrians or vehicles and should be concealed so that direct light does not shine through, under, or over any element of a sign.

- A) For internally lighted signs, the sign background, or field, shall be dark colored and opaque. Letters, numerals, logos, and similar message elements may be of a translucent material to permit internal lighting to reveal the message or information for which the sign is intended. All other lighted signs shall incorporate the lighting source as part of the sign structure, i.e. top, bottom, or side mounting. Ground mounted lighting sources are prohibited.

- B) Night lighting of flags shall be of sufficient wattage to illuminate flag surfaces only and shall not be excessive thus contributing to light pollution of the night sky. It is recommended that the flag be illuminated from the top down and directed so as not to interfere with passing pedestrians or vehicles. Ground mounted lighting is prohibited.
- C) Neon lighting and/or other gas filled light tubes are permitted when used for the indirect illumination of signs, and/or when placed in windows.
- D) Signs with reflective paint are encouraged in lieu of sign lighting.

1308.8 MEASURING - AREA AND HEIGHT OF SIGN

The area of sign shall be determined by circumscribing the exterior limits of each display erected on one sign structure, including the sign background (but not supporting features or roof like covers) with the smallest square, rectangle, triangle, circle, parallelogram, or trapezoid, that will connect all extreme points of the sign display and including voids, unused space, or air spaces between multiple display features. The structural features and supporting elements of a freestanding sign, including decorative facades, canopies, and base treatments, shall not have a facing surface area that exceeds the area of the message portion of the sign.

The area of sign measurement shall be based on one display face, although both sides of the display face on a back-to-back sign may be used for sign purposes without increasing the area of sign. However, if one face is separated from the other by more than four (4) feet for parallel faces, and/or angled on the inside more than forty-five (45) degrees from the second face, then the second face shall be added to the allowable area of sign.

The height of all free standing signs as specified in this ordinance shall be measured from the average existing grade at the base of the sign to the top of the sign and shall include roof like covers and supporting structures.

1308.9 SIGN EXCEPTIONS

In order to allow greater flexibility in property and use signing, the Little Traverse Twp. Planning Commission may permit signs that:

- A) Exceed the maximum number of signs permitted when bordered by more than one County Primary or State Trunkline Highway, and the signs are placed directly in front of the building wall facing each road, or farther from the intersection line than the wall;
- B) Exceed the maximum number of signs and/or the sign area for the following reasons: Deep use setback, cooperative sign use (joint use or community type advertising), large site area, and/or natural feature limitations to attaining reasonable signing of the use, or if the property shares a common front or side lot line with a B or I Zoning District.

In granting sign exceptions, the Planning Commission shall consider the impact of each sign on adjoining residential districts, scenic views, out of character skyline intrusions, and obstructions to signs or uses on adjoining properties. The purpose of the sign and its

applicability to uses that serve tourists or passerby motorists shall be considered in granting or denying a sign exception.

1308.10 REVIEW

Sign permits shall be denied, approved, or approved with conditions within 45 days after submission of the complete application. If a decision on the application has not been made within 45 days, the application shall be considered approved. Sign Exceptions per **Section 1308.10** shall be denied, approved, or approved with conditions within 90 days after submission of the complete application. If a decision on the Sign Exception application has not been made within 90 days, the application shall be considered approved.

1308.11 APPLICATION PROCEDURE

The location and placement of all signs for which a Permit is required by the Ordinance shall only be authorized after submittal of a complete sign application and only if the sign meets all requirements of this Ordinance. Applications for sign permits shall be made upon forms provided by the Township and shall contain or have attached thereto the following information:

- A) Name, address, telephone number and e-mail address of the applicant and property owner (if other than the applicant).
- B) Location of building, structure or lot to which the sign or other advertising structure is to be attached or erected.
- C) Site or plot plan showing the location of the sign.
- D) One (1) graphic of the proposed sign(s), including dimensions, height, and lighting details (as applicable).
- E) Written authorization of the property owner where the sign is to be erected.

The sign plan may be separately submitted or be an integral feature of the Site Plan, however, a separate application process and fee applies.

1308.13 SIGN REMOVAL FROM PUBLIC RIGHT-OF-WAY

Any unauthorized sign that is placed on public property or within the road right-of-way is subject to removal by the Zoning Administrator or designee. If the owner or party responsible for such sign is known, the Township shall provide the owner or responsible party with an opportunity to retrieve the removed sign. Any such sign that has not been retrieved within thirty (30) days following removal is subject to disposal. The Township shall not be responsible for any loss or damage incurred in connection with the removal or temporary storage of any unauthorized sign.

SECTION 1309. Marihuana Facility

Nothing in this zoning ordinance shall constitute authorization to locate or operate a "marihuana facility" within the township pursuant to the Michigan Marihuana Facilities Licensing Act ("MMMFLA"), Act 281 of 2016, MCL 333.27101 et seq., and any amendments thereto. The location or operation of a "marijuana facility" may only occur if specifically authorized by another township ordinance in accordance with the MMMFLA.

ARTICLE XIV - GENERAL EXCEPTIONS

SECTION 1400. AREA, HEIGHT AND USE EXCEPTIONS:

The regulations in this Ordinance shall be subject to the following interpretations and exceptions:

1. Essential services

Essential services shall be permitted as authorized and regulated by law and other ordinances, it being the intention hereof to exempt such essential services from the application of the Ordinance.

2. Voting Place

This Ordinance shall not be construed to interfere with the temporary use of any property as a voting place in connection with a public election.

3. Height Limit

Height limitations shall not apply to farm silos, chimneys, church spires, flag poles, or public monuments; provided, however, that the Board of Appeals may specify a height limit for any such structure when such structure requires authorization as a use permitted on special condition or a use permitted in the Section "CONDITIONAL USES AUTHORIZED BY SPECIAL PERMIT" of this Ordinance.

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4. Yard Regulations

When yard regulations cannot reasonably be complied with, as in the case of a planned multiple family development, or where their application cannot be determined on Nonconforming Lots or Tax Parcels, or on lots of peculiar shape, topography, or due to architectural or site arrangements, such regulations may be modified as determined by the Board of Appeals.

5. Projections into Required Open Spaces

- a. Outside stairways, fire escapes, vestibules, balconies, bay windows and similar projections from the face of a building extending more than four (4) feet above established grade shall be considered part of the building and shall not extend into any required yard or open space.
- b. For lots which have less than 100 feet of width, architectural features such as, but not limited to window sills, cornices, eaves and bay windows may project or extend into a required side yard not more than four (4) inches for each one (1) foot of width of such side yard; and may project or extend into a required front yard or rear yard not more than three (3) feet, Architectural features shall not include those details which are normally de-mountable.
- c. Unenclosed paved area, patios and other surfaced areas may occupy a required yard.

ARTICLE XV - ADMINISTRATION

SECTION 1500. ENFORCEMENT:

Except where herein otherwise stated, the provisions of this Ordinance shall be administered by the Zoning Administrator or by such deputies of his department as the Zoning Administrator may delegate to enforce the provisions of this Ordinance.

SECTION 1501. DUTIES OF ZONING ADMINISTRATOR

The Zoning Administrator shall have the power to grant zoning compliance permits and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Administrator to approve any plans or issue any permits for any excavation or construction until he has inspected such plans in detail and found them to conform with this Ordinance.

The Zoning Administrator shall record all nonconforming uses existing at the effective date of this Ordinance for the purpose of carrying out the provisions of the Section "Non-conformities".

The Zoning Administrator shall under no circumstances be permitted to make changes to this Ordinance or to vary from the terms of this Ordinance in carrying out his duties as Zoning Administrator.

The Zoning Administrator shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts such as covenants or private agreements which may occur upon the granting of said permit.

SECTION 1502. PLOT PLAN

The Zoning Administrator shall require that all applications for Zoning Permits shall be accompanied by plans and specifications including a plot plan, drawn to scale, showing the following:

1. The shape, location and dimensions of the lot, drawn to scale.
2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of any building or other structures already on the lot drawn to scale.
3. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
4. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

SECTION 1503. ZONING PERMIT:

The following shall apply in the issuance of any Permit:

1. Permits for New Use of Land

No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use of a different class or type unless a Zoning Permit is first obtained for the new or different use.

2. Permits for New Use of Buildings

No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a Zoning Permit is first obtained for the new or different use.

3. Permits Required

No building or useable exterior parts thereof shall hereafter be erected, moved, or expanded or diminished in floor area unless a Zoning Permit shall have been first issued for such work. Permits shall not be required for the erection of farm buildings which are not for human habitation; provided such structures comply with the setback requirements of this Ordinance.

4. Permit Validity

Zoning Permits shall be valid for a period not to exceed twenty-four (24) months from the date of issuance.

SECTION 1504. FEES

Fees for inspection and the issuance of permits or copies thereof required or issued under the provisions of this Ordinance may be collected by the Zoning Administrator in advance of Issuance. The amount of such fees shall be established by resolution of the Legislative Body.

SECTION 1505. INTERPRETATION

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, comforts, morals, prosperity and general welfare.

SECTION 1506. BOARD APPROVAL

In cases where the Board of Appeals is empowered to approve certain uses or premises under the provisions of this Ordinance the Applicant shall furnish such surveys, plans or other information as may be required by said Board of the proper consideration of the matter.

The Board of Appeals shall investigate the circumstance of each such case and shall notify such parties, who may in its opinion be affected thereby, of the time and place of any hearing which may be held relative thereto as required under its rules of procedure.

Any approval given by the Board of Appeals, under which premises are not used or work is not started within twenty-four (24) months or when such use or work has been abandoned for a period of twenty-four (24) months, shall lapse and cease to be in effect.

SECTION 1507. CHANGES AND AMENDMENTS

The Township Board may from time to time, on recommendation from the Planning Commission, or on petition, amend, supplement, or change the District boundaries or the regulations herein, or subsequently established herein pursuant to the authority and procedure established in Act 184 of the Public Acts of 1943, as amended.

SECTION 1508. SITE PLAN REVIEW

1. Except for single family dwellings intended for seasonal or permanent occupancy, unless otherwise stated below, a complete and detailed site plan shall be submitted to the Little Traverse Township Planning Commission for the approval of:

- a. Any use or development located within one thousand (1000) feet of the established high water line of Little Traverse Bay on Lake Michigan. This shall include single family dwellings in high erosion areas as defined in the Shoreline Protection and Management Act (P.A.245 of1970).
- b. All uses permitted in B-1, B-2, and I Districts and any nonresidential use in all other Districts.
- c. Any special approval use, conditional or exceptional use for which a site plan is required by this Ordinance.

2. Graphic Requirements for Site Plans

Site plans submitted in compliance with this Ordinance shall be presented in terms of the following:

- a. A map scale of not less than 1 inch to 50 feet for sites less than 3 acres, and not less than 1 inch to 100 feet if the site is larger than 3 acres.
- b. Date, north point, scale, and property dimensions, street names, and necessary identification information.
- c. All existing and all proposed structures on the subject property, other structures within 100 feet of the subject property, ingress-egress drives, and parking areas.
- d. All easements, utility lines, rights-of-way and other services within and bordering the subject property.
- e. Topography map showing contour lines with a maximum interval of five (5) feet.
- f. Soil borings and soil analysis data shall be provided with every development involving three (3) acres or more.

3. Impact Specifications to Accompany all Required Site Plans

- a. A complete description of the proposed development including: the number of lots or units; and the number and characteristics of the population impact such as density, elderly persons, school children, tourists, family size, income, and related as applicable.
- b. A technical program including statements relative to the impact of the proposed development on the natural resources of Little Traverse Township and the waters of Lake Michigan. Particular references must be made relative to site erosion, shoreline protection, wildlife habitat, air pollution, water pollution (ground and surface), and the scale of development in terms of the Township environment as a place of residence.

- c. Expected demands on community services, to specifically include: school classroom needs, volume of sewage for treatment, volume of water consumption related to ground water reserves or community system capacity, change in traffic volume on adjacent streets, and other factors that may apply to the particular development.
- d. Any site grading shall be accompanied by plans and specifications prepared by or approved and signed by a professional engineer or by an architect and no site plan or plat shall be approved unless it includes soil erosion sediment control measures in accordance with the technical standards of the Emmet County Soil Conservation District. These protecting measures shall apply to all developments on sites of three acres or more, and shall include preventative soil erosion devices or measures, both during and after any site work related to the development.

4. Site Plan Review Standards

In the process of reviewing the site plan, the Township Planning Commission shall consider:

- a. The location and design of driveways and entrance feature with respect to vehicular pedestrian traffic.
- b. The traffic circulation plan and off-street parking lots with respect to public safety, on site uses, and adjacent properties.
- c. Buffer techniques, fences, walls, greenbelts, and landscaping may be required by the Planning Commission in pursuance of the objectives of this Section and/or as a condition of the establishment of the proposed use.

5. Approval

Following the submittal of a site plan in accordance with the requirements of this Section, the Planning Commission shall approve, conditionally approve or reject the proposed development.

6. Improvement Guarantees

Any site improvements affecting screening devices, greenbelts, drainage structures, or other special construction features that pertain to the approval of the Site Plan, as either required by the Planning Commission or as proposed by the developer or proprietor; shall be guaranteed by a deposit with the Township Clerk, of cash a certified check, certificate of deposit, or irrevocable bank letter of credit, whichever the proprietor selects, or a surety bond acceptable to Little Traverse Township, to insure the faithful completion of the improvements specified. The amount of the deposit shall be set by the Township based on reliable estimates of the cost of completing the work.

SECTION 1509. VIOLATIONS: MUNICIPAL CIVIL INFRACTIONS ^{xli}

1. Any person who violates any provision of this ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine pursuant to the Little Traverse Municipal Civil Infraction Ordinance, as amended, plus costs and other sanctions, for each violation (as authorized by section 24 of act 184 of the public acts of Michigan of 1943, as amended, the Little Traverse Township Municipal Civil Infraction Ordinance, and other applicable laws.
2. Repeat offenses under this Ordinance shall be subject to increased fines, as provided by the Little Traverse Township Municipal Civil Infraction Ordinance, as amended.
3. Each day on which any violation of this Ordinance occurs or continues constitutes a separate offense, subject to separate sanctions. The paying of a fine or sanctions under this Ordinance shall not exempt the offender from meeting the requirements of this Ordinance.
4. The Township's Authorized Township Officials (as defined by the Municipal Civil Infraction Ordinance, as amended) are hereby designated as the Authorized Township Officials to issue municipal civil infraction citations for violations of this Ordinance.
5. A violation of this Ordinance is deemed to be a nuisance, per se. In addition to any remedies available at law, the Township may bring an action for an injunction or other process against any person to restrain, prevent or abate any violation of this Ordinance.

Section 2. SEVERABILITY

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

ARTICLE XVI - BOARD OF APPEALS

SECTION 1600. CREATION AND MEMBERSHIP:

There is hereby established a Board of Zoning Appeals which shall perform its duties and exercise its powers as provided in the Act 184 of Public Acts of 1943, and Act 131 of the Public Acts of 1976, as amended and in such a way that the objectives of this Ordinance shall be observed, public safety secured, and substantial justice done. The Board shall consist of the following three (3) members:

1. The first member shall be a member of the Township Planning Commission (Zoning Board) for the term of his office.
2. The second and third member shall be selected from electors of the Township residing outside of incorporated cities and villages. The membership must be representative of the population and interests present in the Township. One member may be a member of the Township Board, provided that an elected officer cannot serve as Chairman of the Board of Appeals.

3. An employee or contractor of the Township cannot serve as a member or employee of the Board of Appeals.
4. The term of each member of the Board of Appeals is 3 years. A successor must be appointed within one month. Vacancies for unexpired terms shall be filled for the remainder of the term.

SECTION 1601. MEETINGS

Meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as such Board may determine or specify in its rule of procedure. All hearings conducted by said Board shall be open to the public. The Board of Appeals shall adopt its own rules of procedure and keep a record of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating said fact; and shall file a record of its proceedings in the office of the Township Clerk, and shall be a public record.

SECTION 1602. APPEAL

An appeal from the ruling of the Zoning Administrator concerning the enforcement of the provisions of this Ordinance may be taken to the Board of Appeals within such time as shall be prescribed by said Board of Appeals by a general rule. such appeal may be taken by any person, firm or corporation, or by any Officer, Department, Board or Bureau of the County. The appellant shall file with the Board of appeals, on blanks or forms to be furnished by the Zoning Administrator, a notice of appeal specifying the grounds thereof.

The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. The final decision of such appeal shall be in the form of a resolution either reversing, modifying or affirming, wholly or partly, the decision of determination appealed from.

SECTION 1603. STAY

An appeal shall stay proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Appeals, after notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be granted by the Board of Appeals or by the Circuit Court, on application, on notice of the Zoning Administrator and on due course shown.

SECTION 1604. JURISDICTION

The Board of Appeals shall have the following powers and it shall be its duty:

1. To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this Ordinance.

2. In hearing and deciding appeals, the Board of Appeals shall have the authority to grant such variances therefrom as may be in harmony with their general purpose and intent so that the function of this Ordinance be observed, public safety and welfare secured, and substantial justice done, including the following:
 - a. Interpret the provisions of the Ordinance in such a way to carry out the intent and purpose of the plan, as shown upon the Zoning Map fixing the use districts, accompanying and made part of this Ordinance, where street layout actually on the ground varies from the street layout as shown on the map aforesaid.
 - b. Permit the erection and use of a building or use of premise for public utility purposes and make exceptions therefrom to the height and bulk district requirements herein established which said Board considers necessary for the public convenience or welfare.
 - c. Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will be inconsistent with the purpose and intent of such requirements.
 - d. Permit such modification of the height and area regulations as may be necessary to secure an appropriate improvement a lot which is of such shape, or so located with relation to surrounding development or physical characteristics that it cannot otherwise be appropriately improved without such modification.
 - e. Permit temporary buildings and uses for periods not to exceed two (2) years, but may be renewed upon request for not more than two (2) additional two (2) periods each.
3. Where, owing to special conditions, a literal enforcement of the use provisions of this Ordinance would involve practical difficulties or cause unnecessary hardships within the meaning of this Ordinance, the Board shall have power upon appeal in specific cases to authorize such variation or modification as may be in harmony with the spirit of the Ordinance, and so that public safety and welfare be secured and substantial justice done. No such variance or modification of the use provisions of this Ordinance shall be granted unless it appears beyond a reasonable doubt that all the following facts and conditions exist:
 - a. That there are exceptional or extraordinary circumstances or conditions applicable to the property or to its use that do not apply generally to other properties or uses in the same District.
 - b. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the vicinity.
 - c. That the granting of such variance or modification will not be materially detrimental to the public welfare or materially injurious to

the property or improvements in District in which the property is located.

- d. That the granting of such variance will not adversely affect the purposes or objectives of the Zoning Plan of the Township.

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

SECTION 1605. EXERCISING POWERS

In exercising the above powers, the Board of Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirements, decision or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator from whom the appeal is taken.

SECTION 1606. NOTICE OF HEARING

The Board of Appeals shall make no recommendation except in a specific case and after a Public Hearing conducted by said Board. A notice of the time and place of such Hearing shall be published in a paper of general circulation in the County at least fifteen (15) days previous to the Hearing. Such notice shall contain the address, if available, and location of the property for which the variation or other ruling by the Board of appeals is sought, as well as a brief description of the nature of Appeal.

SECTION 1607. MISCELLANEOUS

No order of the Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than two (2) years, unless a Zoning Permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceed to completion in accordance with the terms of such permit.

No order of the Board of Appeals permitting a use of a building or premises shall be valid for a period longer than two (2) years unless such use is established within such period; provided, however, that where such uses permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a Zoning Permit for said erection or alteration of a building, such order shall continue in force and effect if a Zoning Permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

ARTICLE XVIII - SEXUALLY ORIENTED BUSINESSES ^{xliii}**Intent**

Section 1801.	Definitions
Section 1802.	Location of Sexually Oriented Businesses
Section 1803.	Unlawful Activities; Scienter Required; Penalty; Equitable Remedies
Section 1804.	Severability

INTENT

(a) Purpose. It is the purpose of this Article to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of the citizens of the Little Traverse Township, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the Township. The provisions of this Article have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this Article to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Article to condone or legitimize the distribution of obscene material.

(b) Findings and Rationale. Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the Township Board of Trustees, and on findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres*, 427 U.S. 50 (1976), *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *N.Y. State Liquor Authority v. Bellanca*, 452 U.S. 714 (1981); and

H.D.V.-Greektown, LLC v. City of Detroit WL 2261418 (E.D. Michigan, August 06, 2007); *Tollis, Inc v. County of San Diego*, C.A.9 (Cal.), 2007 (U.S. Court of Appeals, 9th Circuit, Oct. 10, 2007); *FantasyLand Video, Inc v. County of San Diego*, C.A.9 (Cal), 2007 (U.S. Court of Appeals, 9th Circuit, Oct. 15, 2007); *Deja Vu of Nashville, Inc. v. Metropolitan Gov't of Nashville and Davidson County*, 2006 WL 2882969 (6th Cir. 2006); *Sensations, Inc. v. City of Grand Rapids*, No. 1:06-cv-300, R. 73, Opinion (W.D. Mich. Oct. 23, 2006); *729, Inc. v. Kenton County*, 2006 WL 2842884 (E.D. Ky. 2006); *Deja Vu of Cincinnati, L.L.C. v. Union Township Bd. Of Trustees*, 411 F.3d 777 (6th Cir. 2005) (*en banc*); *Fantasy Ranch, Inc. v. City of Arlington*, 459 F.3d 546 (5th Cir. 2006); *City of Chicago v. Pooh Bah Enterprises, Inc.*, 2006 WL 2827608 (Ill. 2006); *Sensations, Inc. v. City of Grand Rapids*, 2006 WL 2504388 (W.D. Mich. 2006); *Andy's Restaurant & Lounge, Inc. v. City of Gary*, 2006 WL 2873027 (7th Cir. 2006); *181 South, Inc. v. Fischer*, 454 F.3d 228 (3rd Cir. 2006); *Bronco's Entertainment, Ltd. v. Charter Twp. of Van Buren*, 421 F.3d

440 (6th Cir. 2005); *Charter Twp. of Van Buren v. Garter Belt, Inc.*, 258 Mich. App. 594 (2003); *Jott, Inc. v. Clinton Twp.*, 224 Mich. App. 513 (1997); *Michigan ex rel. Wayne County Prosecutor v. Dizzy Duck*, 449 Mich. 353 (1995); *Z.J. Gifts D-2, L.L.C. v. City of Aurora*, 136 F.3d 683 (10th Cir. 1998); *ILQ Investments, Inc. v. City of Rochester*, 25 F.3d 1413 (8th Cir. 1994); *Kentucky Restaurant Concepts, Inc. v. City of Louisville*, 209 F. Supp. 2d 672 (W.D. Ky. 2002); *Restaurant Ventures v. Lexington-Fayette Urban County Gov't*, 60 S.W.3d 572 (Ky. Ct. App. 2001); *World Wide Video of Washington, Inc. v. City of Spokane*, 368 F.3d 1186 (9th Cir. 2004); *Deja Vu of Nashville, Inc., et al. v. Metropolitan Government of Nashville and Davidson County*, 274 F.3d 377 (6th Cir. 2001); *Ben's Bar, Inc. v. Village of Somerset*, 316 F.3d 702 (7th Cir. 2003); *Ctr. for Fair Public Policy v. Maricopa County*, 336 F.3d 1153 (9th Cir. 2003); *Bigg Wolf Discount Video Sales, Inc. v. Montgomery County*, 256 F. Supp. 2d 385 (D. Md. 2003); *Kentucky Restaurant Concepts, Inc. v. Metro Gov't*, Case No. 04-CI-01967 (Jefferson Circuit Court, Summary Judgment Order, Dec. 14, 2004); *DLS, Inc. v. City of Chattanooga*, 107 F.3d 403 (6th Cir. 1997); *Brandywine, Inc. v. City of Richmond*, 359 F.3d 830 (6th Cir. 2004); *Currence v. City of Cincinnati*, 28 Fed. Appx. 438 (6th Cir. Jan. 24, 2002); *Broadway Books v. Roberts*, 642 F. Supp. 486 (E.D. Tenn. 1986); *Bright Lights, Inc. v. City of Newport*, 830 F. Supp. 378 (E.D. Ky. 1993); *Richland Bookmart v. Nichols*, 137 F.3d 435 (6th Cir. 1998); *Bamon Corp. v. City of Dayton*, 923 F.2d 470 (6th Cir. 1991); *Triplett Grille, Inc. v. City of Akron*, 40 F.3d 129 (6th Cir. 1994); *O'Connor v. City and County of Denver*, 894 F.2d 1210 (10th Cir. 1990); *Threesome Entertainment v. Strittmather*, 4 F. Supp. 2d 710 (N.D. Ohio 1998); *Lady J. Lingerie, Inc. v. City of Jacksonville*, 176 F.3d 1358 (11th Cir. 1999); *Gammoh v. City of La Habra*, 395 F.3d 1114 (9th Cir. 2005); *In re Tennessee Public Indecency Statute*, 172 F.3d 873 (6th Cir. Jan. 13 1999)(table);

and based upon reports concerning secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Austin, Texas - 1986; Indianapolis, Indiana - 1984; Garden Grove, California - 1991; Houston, Texas - 1983, 1997; Phoenix, Arizona - 1979, 1995-98; Chattanooga, Tennessee - 1999-2003; Los Angeles, California - 1977; Whittier, California - 1978; Spokane, Washington - 2001; St. Cloud, Minnesota - 1994; Littleton, Colorado - 2004; Oklahoma City, Oklahoma - 1986; Dallas, Texas - 1997; Kennedale, Texas - 2005; Greensboro, North Carolina - 2003; Amarillo, Texas - 1977; New York, New York Times Square - 1994; and the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota),

the Township Board of Trustees finds:

- (1) Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation.

(2) Sexually oriented businesses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other sexually oriented businesses, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of sexually oriented businesses in one area.

(3) Each of the foregoing negative secondary effects constitutes a harm which the Township has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is the Township's rationale for this Ordinance, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the Township's interest in regulating sexually oriented businesses extends to preventing future secondary effects of either current or future sexually oriented businesses that may locate in the Township. The Township finds that the cases and documentation relied on in this Ordinance are reasonably believed to be relevant to said secondary effects.

SECTION 1801 DEFINITIONS

For purposes of this Article, the words and phrases defined in the sections hereunder shall have the meanings therein respectively ascribed to them unless a different meaning is clearly indicated by the context.

1. **“Adult Bookstore or Adult Video Store”** means a commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of “specified sexual activities” or “specified anatomical areas.”

A “principal business activity” exists where the commercial establishment:

- (a) has a substantial portion of its displayed merchandise which consists of said items, or
- (b) has a substantial portion of the wholesale value of its displayed merchandise which consists of said items, or
- (c) has a substantial portion of the retail value of its displayed merchandise which consists of said items, or
- (d) derives a substantial portion of its revenues from the sale or rental, for any form of consideration of said items, or
- (e) maintains a substantial section of its interior business space for the sale or rental of said items; or

(f) maintains an “adult arcade,” which means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting “specified sexual activities” or specified “anatomical areas.”

2. **“Adult Cabaret”** means a nightclub, bar, juice bar, restaurant, bottle club, or other commercial establishment, whether or not alcoholic beverages are served, which regularly features persons who appear semi-nude.

3. **“Adult Motion Picture Theater”** means a commercial establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions which are characterized by their emphasis upon the display of “specified sexual activities” or “specified anatomical areas” are regularly shown to more than five persons for any form of consideration.

4. **“Characterized by”** means describing the essential character or quality of an item. As applied in this Article, no business shall be classified as a sexually oriented business by virtue of showing, selling, or renting materials rated NC-17 or R by the Motion Picture Association of America.

5. **“Employ, Employee, and Employment”** describe and pertain to any person who performs any service on the premises of a sexually oriented business, on a full time, part time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

6. **“Establish or Establishment”** shall mean and include any of the following:

(a) The opening or commencement of any sexually oriented business as a new business;

(b) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business; or

(c) The addition of any sexually oriented business to any other existing sexually oriented business.

7. **“Influential Interest”** means any of the following:

(1) the actual power to operate the sexually oriented business or control the operation, management or policies of the sexually oriented business or legal entity which operates the sexually oriented business.

- (2) ownership of a financial interest of thirty percent (30%) or more of a business or of any class of voting securities of a business, or
- (3) holding an office (e.g., president, vice president, secretary, treasurer, managing member, managing director, etc.) in a legal entity which operates the sexually oriented business.

8. **“Nudity or a State of Nudity”** means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola.

9. **“Operate or Cause to Operate”** shall mean to cause to function or to put or keep in a state of doing business. **“Operator”** means any person on the premises of a sexually oriented business who operates the business or is authorized to manage the business or exercise overall operational control of the business premises. A person may be found to be operating or causing to be operated a sexually oriented business regardless of whether that person is an owner, part owner, or licensee of the business.

10. **“Person”** shall mean individual, proprietorship, partnership, corporation, association, or other legal entity.

11. **“Premises”** means the real property upon which the sexually oriented business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the sexually oriented business, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the licensee, as described in the application for a sexually oriented business license.

12. **“Regularly”** means and refers to the consistent and repeated doing of the act.

13. **“Semi-Nude or State of Semi-Nudity”** means the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks. This definition shall include the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.

14. **“Sexual Device”** means any three (3) dimensional object designed and marketed for stimulation of the male or female human genitals, anus, female breast, or for sadomasochistic use or abuse of oneself or others and shall include devices such as dildos, vibrators, penis pumps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

15. **“Sexual Device Shop”** means a commercial establishment that regularly features sexual devices. Nothing in this definition shall be construed to include any pharmacy, drug store, medical clinic, or any establishment primarily dedicated to providing medical or healthcare products or services, nor shall this definition be construed to include commercial establishments which do not restrict access to their premises by reason of age.

16. **“Sexual Encounter Center”** shall mean a business or commercial enterprise that, as one of its principal business purposes, purports to offer for any form of consideration, physical contact in the form of wrestling or tumbling between persons of the opposite sex when one or more of the persons is semi-nude.

17. **“Sexually Oriented Business”** means an “adult bookstore or adult video store,” an “adult cabaret,” an “adult motion picture theater,” a “sexual device shop,” or a “sexual encounter center.”

18. **“Specified Anatomical Areas”** means and includes:

- (a) Less than completely and opaquely covered: human genitals, pubic region; buttock; and female breast below a point immediately above the top of the areola; and
- (b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

19. **“Specified Criminal Activity”** means any of the following specified offenses, as amended from time to time, for which less than eight (8) years elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date:

- (a) Criminal sexual conduct (MCL 750.520a – 750.520g), child sexually abusive activity (MCL 750.145c), computer crimes against children (MCL 750.145d(1)(a));
- (b) Prostitution-related offenses (MCL 750.448 – 750.449a);
- (c) Offenses related to obscenity (MCL 752.365) and material harmful to minors (MCL 752.366);
- (d) Indecent exposure (MCL 750.335a);
- (e) Any attempt, solicitation, or conspiracy to commit one of the foregoing offenses;
- (f) Any offense in another jurisdiction that, had the predicate act(s) been committed in Michigan, would have constituted any of the foregoing offenses.

20. **“Specified Sexual Activity”** means any of the following:
- (a) intercourse, oral copulation, masturbation or sodomy; or
 - (b) excretory functions as a part of or in connection with any of the activities described in (a) above.
21. **“Substantial”** means at least thirty percent (30%) of the item(s).
22. **“Township”** means Little Traverse Township, Emmet County, Michigan.
23. **“Viewing Room”** shall mean the room, booth, or area where a patron of a sexually oriented business would ordinarily be positioned while watching a film, videocassette, digital video disc, or other video reproduction.

SECTION 1802. LOCATION OF SEXUALLY ORIENTED BUSINESSES

- (a) Sexually oriented businesses shall not be required to obtain a conditional use permit or special use permit, but shall follow Site Plan Review requirements of Section 1508. A decision by the Township to approve, reject, or approve with conditions shall be rendered within sixty (60) days of submittal of a complete application. If a decision on the complete application has not been made within sixty (60) days, the application shall be deemed approved
- (b) It shall be unlawful to establish, operate, or cause to be operated a sexually oriented business in Little Traverse Township in any zoning district other than the B-1, B-2, I-1 or I-2 Zoning Districts.
- (c) No sexually oriented business may be established, operated, or maintained within any PUD district unless such use is or has been specifically noted as allowable in the PUD District pursuant to appropriate notices, hearings and on-site location plans.
- (d) No sexually oriented business may be established, operated, or maintained within 500 feet of a residential zoning district described in Article IV (R-1), V (R-2), V-A (R-3), and VI (RR).
- (e) No sexually oriented business may be established, operated, or maintained within 1,000 feet from any recognized house of worship, state-licensed day care facility, public library, public park, public or private educational facilities serving persons age seventeen (17) or younger, cemetery, or public assembly buildings including government offices. This buffer standard applies to any listed use, within or outside of the zoning boundaries of this Ordinance.
- (f) No sexually oriented business may be established, operated, or maintained within 1,000 feet of a parcel occupied by any other sexually oriented business.

(g) For the purpose of this section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of any structure, including signs and roof overhangs, used in conjunction with the sexually oriented business to the closest point on a property boundary or right-of-way associated with any of the land use(s) or zoning district identified in subsections (d), (e), and (f) above.

(h) No sexually oriented business may be established, operated, or maintained in Little Traverse Township if a person with an influential interest in the business has been convicted of or pled guilty or nolo contendere to a specified criminal activity, as defined in this Article.

(i) No sexually oriented business may be established, operated, or maintained in Little Traverse Township if a person with an influential interest in the business has, in the previous five (5) years, had an influential interest in another sexually oriented business that (at a time during which the applicant had the influential interest in the other sexually oriented business) was declared by a court of law to be a nuisance.

SECTION 1803. UNLAWFUL ACTIVITIES; SCIENTER REQUIRED; PENALTY; EQUITABLE REMEDIES.

(a) Nothing contained in this Article is intended, or shall be construed, to permit or authorize activities which are unlawful under state law or municipal ordinance. It is unlawful and a violation of this Article for an operator to knowingly or intentionally violate the provisions of this Article or to allow, either knowingly or intentionally, an employee or a patron to violate the provisions of this Article. It shall be a defense to prosecution that the person prosecuted was powerless to prevent the violation.

(b) No person shall knowingly or intentionally, in a sexually oriented business, appear before a patron or patrons in a state of nudity, regardless of whether such public nudity is expressive in nature.

(c) No employee shall knowingly or intentionally, in a sexually oriented business, appear within view of any patron in a semi-nude condition unless the employee, while semi-nude, shall be and remain at least six (6) feet from all patrons and on a fixed stage at least eighteen (18) inches from the floor in a room of at least six hundred (600) square feet.

(d) A sexually oriented business which exhibits on the premises, through any mechanical or electronic image-producing device, a film, video cassette, digital video disk, or other video reproduction characterized by an emphasis on the display of specified sexual activities or specified anatomical areas shall comply with the following requirements: The interior of the premises shall be configured in such a manner that there is an unobstructed view from an operator's station of every area of the premises, including the interior of each viewing room but excluding restrooms, to which any patron is permitted access for any purpose. An operator's station shall not exceed thirty-two (32) square feet of floor area. If

the premises has two (2) or more operator's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the operator's stations. The view required in this paragraph must be by direct line of sight from the operator's station. It is the duty of the operator to ensure that at least one employee is on duty and situated in an operator's station at all times that any patron is on the portion of the premises monitored by that operator station. It shall be the duty of the operator, and it shall also be the duty of any employees present on the premises, to ensure that the view area specified in this paragraph remains unobstructed by any doors, curtains, walls, merchandise, display racks or other materials or enclosures at all times that any patron is present on the premises.

(e) Sexually oriented businesses that do not have stages or interior configurations which meet at least the minimum requirements of this section shall be given one hundred eighty (180) days from the effective date of this ordinance to comply with the stage and building requirements of this section. During said one hundred eighty (180) days, any employee who appears within view of any patron in a semi-nude condition shall nevertheless remain, while semi-nude, at least six (6) feet from all patrons.

(f) No employee who regularly appears within view of patrons in a semi-nude condition in a sexually oriented business shall knowingly or intentionally touch a patron or the clothing of a patron in a sexually oriented business.

(g) No operator shall allow or permit a sexually oriented business to be or remain open between the hours of 12:00 midnight and 6:00 A.M. on any day.

(h) No person shall knowingly or intentionally sell, use, or consume alcoholic beverages on the premises of a sexually oriented business.

(i) No person shall knowingly allow a person under the age of eighteen (18) years on the premises of a sexually oriented business.

(j) *Scienter.* This section does not impose strict liability. Unless a culpable mental state is otherwise specified herein, a showing of a knowing or reckless mental state is necessary to establish a violation of a provision of this section. Notwithstanding anything to the contrary, for the purposes of this section, an act by an employee shall be imputed to the sexually oriented business for purposes of finding a violation of this section only if an officer, director, or general partner, or a person who managed, supervised, or controlled the operation of the business premises, knowingly or recklessly allowed such act to occur on the premises. It shall be a defense to liability that the person to whom liability is imputed was powerless to prevent the act.

(k) *Sanctions; Equitable Remedies.* Any person, business, or entity violating or refusing to comply with any provisions of this section shall be responsible for a municipal civil infraction. The sanction for a violation of this section which is a

municipal civil infraction shall be a civil fine in the amount provided in Section 1509 of this Ordinance, as amended, which is adopted by reference, plus costs, damages, expenses, and other sanctions as authorized under Chapter 87 of 1961 PA 236, as amended. Each day that a violation is permitted to exist or occur, and each separate occurrence, shall constitute a separate offense. Further, any premises, building, dwelling, or other structure in which a sexually oriented business, as defined in this Article, is repeatedly operated or maintained in violation of the provisions of this Article shall constitute a public nuisance and shall be subject to civil abatement proceedings initiated by Little Traverse Township in a court of competent jurisdiction. Each day that a violation is permitted to exist or occur shall constitute a separate operation or maintenance of the violation. Notwithstanding the foregoing, the Township may employ any remedy available at law or in equity to prevent or remedy a violation of any provision of this Article.

SECTION 1804. SEVERABILITY.

This Article and each section and provision of said Article hereunder, are hereby declared to be independent divisions and subdivisions and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provisions of said Article, or the application thereof to any person or circumstance is held to be invalid, the remaining sections or provisions and the application of such sections and provisions to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections and provisions would have been passed independently of such section or provision so known to be invalid. Should any procedural aspect of this Article be invalidated, such invalidation shall not affect the enforceability of the substantive aspects of this Article.

ARTICLE XVII / XIX - VESTED RIGHT

It is hereby expressly declared that nothing in this Ordinance shall be held or construed to give or grant to any person, firm or corporation any vested right, license, privilege or permit.

ARTICLE XVIII / XX - SEVERING CLAUSE

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not effect the validity of this Ordinance as a whole or any art hereof, other than the part so declared to be unconstitutional or invalid.

ARTICLE XIX / XXI - CONFLICTING REGULATIONS

Wherever in Little Traverse Township there are provisions in two (2) or more laws or Ordinances that have conflicting provisions, the law or Ordinance with the more stringent requirements or regulations shall govern.

ARTICLE XX / XXII - EFFECTIVE DATE

The provisions of this Zoning Ordinance are hereby declared to be immediately necessary for the preservation of the public health, peace and safety and are hereby ordered to take immediate effect, after final passage, as authorized under the provisions of Act 184, of the Public Acts of 1943, State of Michigan. Made and passed this 14th. day of June, 1975.

**RESOLUTION OF ADOPTION OF A PERMANENT ZONING ORDINANCE
FOR
LITTLE TRAVERSE TOWNSHIP**

WHEREAS: It has been resolved by township board action to adopt a permanent zoning ordinance under the provisions of P.A. 184 of 1943 as amended, and

WHEREAS: The township zoning board has taken the necessary steps to prepare a permanent zoning ordinance, and as a result has presented to the township board a recommended permanent zoning ordinance in accordance with the act, and

WHEREAS: The township board finds said recommendation to be satisfactory and necessary to the zoning needs of Little Traverse Township, now

THEREFORE BE IT RESOLVED: That the Little Traverse Zoning Ordinance as presented by the zoning board be, and is hereby adopted to take immediate effect.

BE IT FURTHER RESOLVED: That a copy of this resolution and the complete zoning ordinance be published in the Petoskey News Review within ten (10) days of this adoption.

Yeas 5 Nays 0

SIGNED: Jane Taylor, Clerk
LITTLE TRAVERSE TOWNSHIP

DATE: June 14, 1975

Endnotes - Amendments

- i *AMND B-2 -1999*
- ii *AMND B-7-1979*
- iii *AMND B-6-2007*
- iv ***AMND B-1-2002 ****
- v *AMND B-1-2002 - Repealed by; AMND B-1-2008*
- vi *AMND : ORDINANCE NO. 1-98-1*
- vii *AMND B-2-2013*
- viii *AMND B-22-1993 - AMND B-3-1995*
- ix *AMND B-9-2007*
- x *AMND B-22-1993*
- xi ***AMND B-1-2002***
- xii ***AMND B-2-2004 ****
- xiii ***AMND B-1-2002***
- xiv ***AMND B-1-2002***
- xv ***AMND B-1-2008***
- xvi ***AMND B-1-2008***
- xvii ***MND B- 2-1999***
- xviii *AMND B-9-27-1979*
- xix *AMND B-4--1985*
- xx *AMND B-7-1983*
- xxi *AMND B-11-14-1981*
- xxii *AMND B-4-1985*
- xxiii *AMND B-2 -1999*
- xxiv *AMND B-2-2004 **
- xxv *AMND B-4-1985*
- xxvi *AMND B-7-11-1981*
- xxvii *AMND B-8-10-of 1985*
- xxviii *AMND B-9-27-1979*
- xxix ***AMEND #B-?-?***
- xxx *AMND B-6-2007*
- xxxi *AMND B-4-1987*
- xxxii *AMND B-1-2002*
- xxxiii *AMND B-1-2002 **
- xxxiv *AMND B-1-2002*
- xxxv *AMND B-1-2002*
- xxxvi *AMND B-6-2013*
- xxxvii *AMND B-13-2003*
- xxxviii *AMND B-22-1993*
- xxxix *AMND B-6-2011*
- xl *(AMND B-1-2002 - Repealed by; AMND B-1-2008) (again repealed by AMND B-1-2019 & replaced by Section 1308 thru 1308.13)*
- xli *AMND : ORDINANCE NO. 1-98-1*
- xlii *AMND B-9-2007*
- xliii *AMND B-9-2007^{xliii}*
- xi
- i *AMND B-6-2011*
AMND B-7-2011
- ii,xliii ,xiv
AMND B-2-2017