

# **PLEASANTVIEW TOWNSHIP ZONING ORDINANCE UPDATE**

**ADOPTED: OCTOBER 22, 2012**

**EFFECTIVE: NOVEMBER 7, 2012**

## **Pleasantview Township**

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# Pleasantview Township Zoning Ordinance

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# PLEASANTVIEW TOWNSHIP ZONING ORDINANCE

## ARTICLE I - PURPOSE AND AUTHORITY

### **Preamble**

An Ordinance to establish Zoning Districts in the unincorporated portion of Pleasantview Township, Emmet County, Michigan, and to provide for the regulation, government, and administration thereof, in accordance with the provisions of the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, as amended.

### **The Township of Pleasantview Ordains:**

#### **Section 1.01 – Short Title:**

This Ordinance shall be known as the “Pleasantview Township Zoning Ordinance” and will be referred to herein as, "the Ordinance".

#### **Section 1.02 - Purpose:**

The purpose of this Ordinance is to:

1. Promote the public health, safety and general welfare;
2. Encourage the use of lands in accordance with their character and adaptability and to limit the improper use of land;
3. Avoid the overcrowding of population;
4. Provide adequate light and air;
5. Lessen congestion on the public roads and streets;
6. Reduce hazards to life and property;
7. Facilitate adequate provisions for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties;
8. Consider the character of each district, its suitability for particular uses, the existing property values and natural resources, and the general and appropriate trend and character of land, building and population development.

#### **Section 1.03 - Authority:**

This Ordinance is ordained and enacted into law pursuant to the provisions and in accordance with the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, as amended.

#### **Section 1.04 – Validity:**

This Ordinance and various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby. The Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause thereof irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

**Section 1.05 – Repeal:**

The prior Pleasantview Township Zoning Ordinance, adopted by the Pleasantview Township Board on March 23, 1995 and all amendments thereto are hereby repealed in their entirety.

**Section 1.06 – Savings:**

The repeal of the prior Pleasantview Township Zoning Ordinance, as provided in Section 1.4 of this Ordinance, shall not affect any rights acquired, fines, penalties, forfeitures or liabilities incurred thereunder or actions involving any provisions of the Zoning Ordinance or parts thereof. The prior Pleasantview Township Zoning Ordinance repealed is hereby continued in force and effect after the passage, approval and publication of this Ordinance for the purpose of such rights, fines penalties, forfeitures, liabilities and actions therefor.

## ARTICLE II – RULES OF CONSTRUCTION AND DEFINITIONS

### Section 2.01 - Rules of Construction:

In order to clarify the intent of the provisions of this Ordinance, the following rules shall apply, except when clearly indicated otherwise.

1. The particular shall control the general.
2. The word "shall" is always mandatory and never discretionary. The word "may" is permissive.
3. Words used in the present tense shall include the future; words in the singular number shall also denote the plural and the plural shall also denote the singular.
4. A "building" or "structure" includes any part thereof.
5. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for" and "occupied for".
6. Unless the context clearly indicates otherwise, where a regulation involves two (2) or more items, conditions, provisions, or events, the terms "and", "or", "either...or", such conjunction shall be interpreted as follows:
  - A. "And" denotes that all the connected items, conditions, provisions, or events apply in combination.
  - B. "Or" indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.
7. "Township" shall refer specifically to Pleasantview Township.
8. Terms not defined shall be assumed to have the meaning customarily assigned them.
9. Any necessary interpretation of this Ordinance shall be defined by the Pleasantview Township Zoning Board of Appeals.

### Section 2.02 – Definitions:

**Accessory Structure or Building:** Any building or structure that is customarily incidental and subordinate to the use of the principal or main building or structure, including but not limited to, accessory buildings, personal freestanding television and radio reception antennas, and signs. An accessory structure attached to a principal building or structure shall be considered part of the main structure.

**Accessory Use:** A use naturally and normally incidental and subordinate to the main use of the land or building.

**Administrator:** see Zoning Administrator.

**Agriculture:** The act or business of cultivating or using land and soils for the production of crops for the use of animals or humans and includes, but is not limited to, purposes related to agriculture, farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry. Flower, vegetable or other gardens maintained only for the property owner(s) use and/or enjoyment are not considered agricultural

**Agriculture Building:** Any building designed, constructed, and used exclusively for agriculture purposes, and not to be used for human habitation activities of any kind.

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

**Alternative Tower Structure:** Any structure which, if intended to be used to locate an antenna or tower, may accommodate and conceal or camouflage the presence of said antenna or tower, including but not limited to man-made trees, clock towers, bell steeples, light poles, silos and other similar alternative-design mounting structures.

**Anemometer:** An instrument for measuring and recording the speed of the wind.

**Anemometer Tower:** A structure, including all accessory facilities, erected on which an anemometer is mounted for the purposes of documenting whether a site has wind resources sufficient for the operation of a wind turbine generator.

**Antenna:** Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio signals, wireless communication signals or other communication signals.

**Appearance Ticket:** see Municipal Civil Infraction Citation.

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

**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.

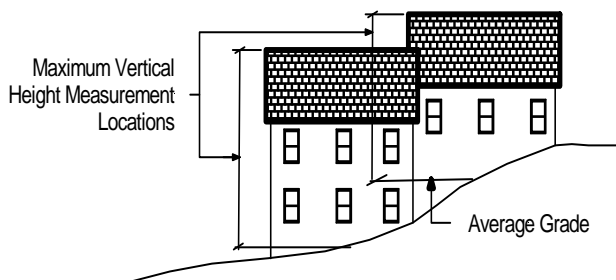
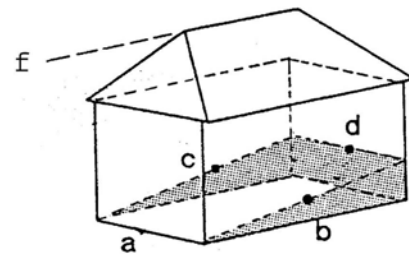
**Board of Appeals:** As used in this Ordinance, this term means the Pleasantview Township Zoning Board of Appeals.

**Bed and Breakfast Establishment:** Any family occupied dwelling used or designed in such a manner that certain rooms in excess of those used by the family are rented to the transient public for compensation. For the purpose of this Ordinance, the term bed and breakfast establishment also includes tourist home.

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

**Building Height:** The vertical distance from the peak of the roof to the average finished grade. When the terrain is sloping, the height shall be computed using the average grade measured at the building wall on all four sides (see Figure).

As illustrated in Figure below, buildings may be "stair stepped" up and down slopes. The building height shall be calculated for each "stair stepped" portion separately.



a, b, c, d = avg finished grade on each building wall  
 Average Grade (entire building):  $(a+b+c+d)/4 = e$   
 Height = f (elevation at peak) - e (average grade)

**Cabin:** Any building which is built, maintained and used for sleeping quarters for seasonal or temporary recreational quarters, such as a hunting cabin which may not maintain all the necessities of a ‘dwelling’ such as electricity and/or indoor plumbing.

**Campgrounds:** Any parcel or tract of land, under the control of any person wherein developed sites are offered for the use of the public or members of an organization, either free of charge or for a fee for the establishment of temporary living quarters for five (5) or more recreational units.

**Clinic:** A building or group of buildings where human patients are admitted for examination and treatment by more than one professional, such as a physician, dentist, or the like, except that human patients are not lodged therein overnight.

**Church:** See Place of Worship.

**Co-Location:** The use of a telecommunication tower by more than one wireless telecommunication provider.

**Commercial Use:** Any use of premises, land or buildings for compensation.

**Condominium Project:** A plan or project consisting of two (2) or more condominium units established and approved in conformance with the Condominium Act (Act 59, 1978).

**Condominium Unit:** That portion of a condominium project designed and intended for use by the unit owner consistent with the provisions of the master deed.

**Corner Lot:** see Lot, corner.

**Cottage Industry:** An occupation or trade conducted within a detached residential accessory structure, which is clearly incidental and secondary to the use of the lot, and dwelling for residential purposes. Cottage industries are regulated by Section 3.11.2.

**Designated Natural River:** A river or tributary designated by the Michigan Department of Natural Resources, or any successor state agency, for inclusion in the wild, scenic and recreational river systems, in accordance with Part 305 of Act 451 of 1994.

**District:** see Zoning District.

**Dwelling Unit:** A building or portion of a building, either site-built or pre-manufactured which has sleeping, living, food preparation area and sanitary facilities and can accommodate one family. In the case of buildings which are occupied in part, the portion occupied shall be considered a dwelling unit, provided it is in conformance with the criteria for dwellings. In no case shall a travel trailer, truck, bus, motor home, tent or other such portable structures be considered a dwelling unit.

**Dwelling, Single-Family:** A detached building containing not more than one dwelling unit designed for residential use.

**Dwelling, Two-Family:** A building containing not more than two separate dwelling units designed for residential use.

**Dwelling, Manufactured:** A building or portion of a building designed for long-term residential use and characterized by all of the following:

1. The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended, and
2. The structure is designed to be transported to the site in nearly complete form, where it is placed on a foundation and connected to utilities; and
3. The structure is designed to be used as either an independent dwelling or as a module to be combined with other elements to form a complete dwelling on the site.



**Dwelling, Mobile:** A factory-built, single-family structure that is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, which does not have wheels or axles permanently attached to its body or frame, and which is constructed according to the National Mobile Home Construction and Safety Standards Act of 1974, as amended.

**Dwelling, Multiple-Family:** A building containing three or more dwelling units designed for residential use.

**Enclosed, locked facility:** That term as defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marihuana Act), being MCL 333.26423.

**Erected:** Built, constructed, reconstructed, extended, enlargement, moved upon, or any physical operation on the premises intended or required for a building or structure. Excavation, fill, drainage, and general land improvements, shall be considered part of erection.

**Essential Services:** The erection, construction, alteration, or maintenance by public utilities or municipal department or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment. Telecommunication towers or facilities (except emergency services systems), alternative tower structures, wireless communication antenna, wind turbine generators and anemometer towers are not included within this definition.

**Family:** An individual, a collective number of individuals related by blood, marriage, adoption, or legally established relationships such as guardianship or foster care, or a collective number of unrelated individuals whose relation is of a permanent and distinct domestic character who occupy a single dwelling and live as a single nonprofit housekeeping unit with single culinary facilities. A family, however, shall not include any society, club, fraternity, sorority, association, lodge or group of individuals, whether related or not, whose association or living arrangement is temporary or resort-seasonal in character or nature.

**Farm:** All of the contiguous neighboring or associated land operated as a single unit on which bona fide agriculture is carried on directly by the owner-operator, manager, or tenant-farmer by his own labor or with the assistance of members of his household or hired employees.

**Fence:** Any permanent or temporary means, partition, structure or gate erected as a dividing structure, or barrier.

**Floor Area:** The square footage of the floor space measured from exterior to exterior wall for all floors, but not including enclosed or unenclosed porches, breezeways, non-commercial garages, attic, basement and cellar area.

**Garage-Private:** A building used primarily for the storage of vehicles for the use of the occupants of a lot on which such building is located.

**Garage Sale:** A temporary sale of personal property conducted within the confines of the individual's garage or yard area.

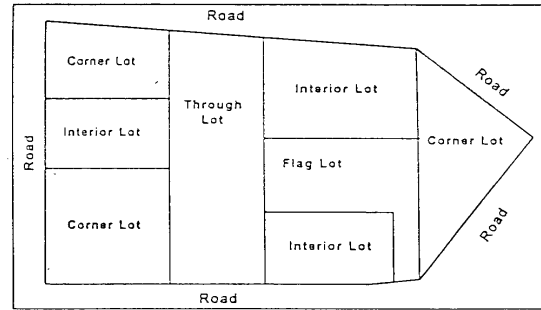
**Grade, Finished:** The elevation of the ground upon the completion of construction and improvements.

**Grade, Natural:** The elevation of the ground surface in its natural state, prior to the proposed development or any associated activity.

**Home Occupations:** A profession or occupation, or trade that is accessory to a principal residential use conducted within a dwelling, or an attached garage, which is clearly incidental and secondary to the use of the lot, or dwelling for residential purposes. Home occupations are regulated by Section 3.11.1.

**Hotel or Motel:** A building occupied or used as a predominantly temporary abiding place by individuals or groups of individuals, with or without meals, and in which building there are more than five (5) sleeping rooms.

**Kennel, Commercial:** Any lot or premises on which four (4) or more dogs, cats, or other household pets of the same species four (4) months of age or older are kept temporarily or permanently as a business. Kennel shall also include any lot or premise where household pets are bred or sold as a business.



**Lot:** The parcel of land or site condominium unit occupied or to be occupied by a use or building and its accessory buildings or structures together with such open spaces, minimum area, and width required by this Ordinance for the district in which located, but not including any area within any abutting right-of-way or traffic lane.

**Lot, Corner:** A lot located at the intersection of two streets or a lot bounded on two sides by a curving street, any two (2) sides of which form an angle of one hundred thirty-five (135) degrees or less.

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

**Lot Line, Front:** In the case of an interior lot abutting upon one public or private street, the front lot line shall mean the property line separating such lot from such street right-of-way. In the case of a lot having frontage upon a lake, river or stream, the water frontage shall be considered the front lot line.

**Lot Line, Rear:** The property line being opposite the front lot line. In the case of a lot irregularly shaped at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.

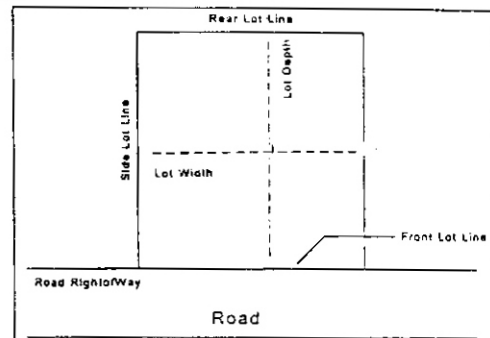
**Lot Line, Side:** Any property line bounding a lot that is not a front lot line or a rear lot line.

**Lot of Record:** A lawfully created lot defined by a legal description and recorded in the office of the Emmet County Register of Deeds on or before the effective date of this Ordinance.

**Lot Width:** The straight line distance between side lot lines, measured at the two (2) points where the front setback line, intersects the side lot lines.

**Manufactured Home:** see Dwelling, Manufactured.

**Master Plan:** The statement of policy by the Township Planning Commission and approved by the Township Board relative to the agreed-upon desirable physical pattern of future community development. It consists of a series of maps, charts, and written material representing in summary form the community's conception of how it should grow in order to bring about the very best community living conditions.



**Marijuana or Marihuana:** That term as defined in Section 7106 Of Act No. 368 of the Public Acts of 1978, as amended (Michigan Public Health Code), being MCL 333.7106.

**Medical Use:** That term as defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marihuana Act), being MCL 333.26423.

**Motel:** See Hotel.

**Municipal Civil Infraction Citation:** A written complaint prepared by an authorized Township official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

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

**Nonconforming Structure:** A building, structure, or portion thereof that lawfully existed before the effective date of this Ordinance or any amendment to this Ordinance and that does not meet the floor area, setback, parking or other dimensional regulations for the Zoning District in which such building or structure is located.

**Nonconforming Use:** A use which lawfully occupied a building or land at the effective date of this Ordinance or Amendments thereto that does not conform to the use regulations of the Zoning District in which it is located.

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

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

**Planned Unit Development (PUD):** A type of development to be planned and built as a unit and which permits upon review and approval, variations in many of the traditional controls related to density, land use, setbacks, open space and other design elements, and the timing and sequencing of the development. Such developments can be proposed as either single use (such as a residential site condominium project), or mixed use developments (such as a project which includes both residential and commercial components).

**Planning Commission:** For the purpose of this Ordinance the term Planning Commission is deemed to mean the Pleasantview Township Planning Commission.

**Primary Caregiver:** That term as defined by Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marihuana Act), being MCL 333.26423 who has registered with the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency under the Michigan Medical Marihuana Act.

**Primary Caregiver Facility:** A building in which the activities of a primary caregiver are conducted.

**Public Utility:** Any person, firm, corporation, municipal department board, or commission fully authorized to furnish and furnishing, under federal, state or municipal regulations, to the public, electricity, gas, steam, communications, telegraph, transportation, water services, or sewage disposal.

**Qualifying Patient:** That term as defined by Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marihuana Act), being MCL 333.26423, who has registered with the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency under the Michigan Medical Marihuana Act, and includes the parents or legal guardians of a qualifying patient under the age of 18 who are serving as the primary caregiver as required by the Michigan Medical Marihuana Act exclusively for that qualifying patient under the age of 18.

**Recreation Camp, Lodges and Resorts:** A recreational facility which provides overnight lodging for one or more of the following activities: golf, skiing, dude ranching, recreational farming, snowmobiling, pack trips and related activities.

**Recreational Vehicle:** Means a vehicular-type unit, primarily designed as temporary living quarters for recreational camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle which is self-powered. Recreation unit shall include “Travel trailers”, “Camping trailer”, “Motor home”, “Truck camper”, “Slide-in-camper”, and “Chassis-mount camper” as defined in Act 171 of the Public Acts 1970, as amended. A recreational vehicle is not a mobile home or manufactured home as defined under this Ordinance or under Section 2 of the Mobile Home Commission Act.

**Road Right-of-Way:** A street, alley or thoroughfare or easement permanently established for passage of persons or vehicles which, if used to establish a lot front, provides adequate permanent access.

**Seasonal Road:** Any public road that has been designated a seasonal county road by the Emmet County Road Commission under Section 5a of Act 51 of the Public Acts of 1951, as amended, being MCL 247.655a.

**Setback:** The minimum required horizontal distance from the applicable lot line within which no buildings or structures may be placed, except as otherwise provided in this Ordinance.

**Setback, Front:** The required setback measured from the front lot line.

**Setback, Rear:** The required setback measured from the rear lot line.

**Setback, Side:** The required setback measured from a side lot line.

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

**Special Use:** Uses and structures which have been generally accepted as reasonably compatible with the primary uses and structures within a Zoning District, but could present potential injurious effects upon the primary uses and structures within the Zoning District and therefore require special consideration in relation to the welfare of adjacent properties and to the community as a whole. All such proposed uses shall be subject to a public hearing.

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

**Tree Harvesting:** The periodic or seasonal harvesting of a forest product, including Christmas trees, pulpwood and timber.

**Variance:** A modification of literal provisions of this Ordinance which the Zoning Board of Appeals is permitted to grant when strict enforcement of said provision would cause practical difficulty owing to circumstances unique to the individual property on which the variance is sought.

**Water’s Edge:** The surveyed property line along the shore of a body of water.

**Yard:** The space between a principal building, excluding steps and unenclosed porches, and a lot line.

**Yard, Front:** A yard across the full width of the lot extending from the front line of the principal building to the front lot line.

**Yard, Rear:** A yard extending across the full width of the lot from the rear line of the principal building to the rear lot line.

**Yard, Side:** A yard between the side lot line and the nearest side of the principal building, extending between the front yard and rear yard.

**Zoning Administrator:** The authorized individual appointed by the Township Board of Trustees and charged with the responsibility of administering this Ordinance.

**Zoning District or Zone:** A portion of the Township within which specific regulations and requirements, or various combinations thereof apply as provided in this Ordinance.

## **ARTICLE III - GENERAL PROVISIONS**

### **Section 3.01 – The Effect of Zoning:**

1. In order to carry out the intent of this Ordinance, no excavation or use on a piece of land shall be allowed or maintained, no building or structure or part thereof shall be allowed to be used, constructed, remodeled, altered, or moved upon any property unless it is in conformance with this Ordinance, and a zoning permit has been obtained, except in the case of lawful nonconforming uses.
2. If any use, building, structure or part thereof is placed upon a piece of property in direct conflict with the intent and provisions of this Ordinance, such activity, use, building or structure shall be declared a nuisance per se and may be required to be vacated, dismantled, abated, or cease operations by any legal means necessary and such use, activity, building or structure shall not be allowed to function until it is brought into conformance with this Ordinance.
3. In the event that any lawful use, building or structure which exists or has begun substantial construction at the time of the adoption of this Ordinance and is not in conformance with the provisions of the Zoning District in which it is located, such use, activity, building or structure shall be considered a legal nonconforming use and be allowed to remain as such, including completion of construction.

### **Section 3.02 – Nonconformities:**

1. **Nonconforming Lots of Record**  
In any district, principal structures and customary accessory buildings may be erected on any nonconforming lot of record provided a permit for construction of a well and/or septic system is granted by the District Health Department and can meet applicable Zoning District regulations. A zoning permit is required.
2. **Nonconforming Use of land and/or Structures**
  - A. No nonconforming use of land shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date, except as otherwise provided for in this section.
  - B. No such nonconforming use of land or building shall be moved in whole or in part to any other portion of the lot or parcel occupied.
  - C. A nonconforming structure may be enlarged or altered, provided that such enlargement or alteration does not increase the nonconformity of such structure.
  - D. Should such structure be destroyed by any means to an extent of more than eighty (80) percent of the usable cubic space or floor area of the principal structure, it shall not be reconstructed except in compliance with the provisions of this Ordinance.
  - E. Any nonconforming use may be carried on throughout any parts of a building that 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. A determination of “equally or more appropriate” shall be made by the Zoning Board of Appeals.
  - 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. Abandonment of Nonconforming Use or Structure

If a property owner has an intent to abandon a nonconforming use or structure and in fact abandons this nonconforming use or structure for a period of one (1) year, then any subsequent use of the property or structure shall conform to the requirements of this Ordinance. When determining the intent of the property owners to abandon a nonconforming use or structure, the zoning administrator shall consider the following factors:

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

I. Removal or destruction of the use and/or structure shall eliminate the nonconforming status of the land (premises).

3. Creation of Nonconforming Lots or Parcels

No lot area and no yard, court, parking areas or other required space shall be divided, altered, reduced or diminished as to make area or dimension less than the minimum required or more than the maximum allowed under this Ordinance, except where such reduction or expansion has been brought about by the expansion or acquisition of public right-of-ways for a street, road, or highway. If a required area is already less than the minimum required under this Ordinance, said area or dimension shall not be further divided or reduced.

4. 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.

**Section 3.03 - Essential Services:**

The erection, construction, alteration, maintenance, and operation by utilities or municipal departments or commission, of overhead or underground gas, electrical, steam or water distribution, transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, hydrants, structures, towers, poles, electrical substations, gas regulator stations, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission, or for the public health or safety or general welfare, shall be permitted as authorized or regulated by any laws and the Ordinances of the Pleasantview Township, in any Use Districts.

Telecommunications towers and facilities, alternative tower structures, wireless communication antenna, wind turbine generators, and anemometer towers shall not be considered essential services and thus shall be regulated and permitted pursuant to this Ordinance.

**Section 3.04 – Accessory Buildings:**

1. A building may be structurally connected to principal building or may be partially connected to the

principal building by a roofed porch, breezeway or similar structure. However, only when the structures are attached via a common wall shall a previously separate accessory structure become part of the principal structure and thus not subject to the regulations for accessory structures.

2. A detached accessory building shall comply with all setback requirements for the district in which the accessory structure is located.
3. An accessory structure shall only be permitted to be constructed prior to the principal use IF the principal use has been approved and the building permit for such has been issued.
4. Mobile homes shall not be used as an accessory building.
5. No accessory building shall be used as a dwelling.
7. Maximum number of accessory buildings and allowed location shall be as follows:

Zoning District		Max. # of Accessory Buildings	Permitted Location		
			Front	Side	Rear
R-1	Residential	2	N	Y	Y
R-2	Residential Rural	2	Y	Y	Y
FFR-2	Farm Forest Residential-2	3	Y	Y	Y
FFR-3	Farm Forest Residential-3	3	Y	Y	Y
FRP	Forest Recreation Preserve	2	Y	Y	Y
LB	Local Business	2	N	Y	Y
RR	Recreation Resort	2	N	Y	Y

**Section 3.05 - Vehicular Access, Parking and Loading Requirements:**

There shall be provided in all districts at the time of erection or enlargement of any principal 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 three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off street parking lot.
2. 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 **Planning Commission** may grant an exception by reducing the total number of spaces required.
4. The storage of merchandise, motor vehicles for sale, trucks, 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 combination thereof
6. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use, which the **Zoning Administrator** considers as being similar in type.
7. For the purpose of computing the number of parking spaces required, the floor area finished, available and used for the permitted use shall apply.
8. Every building or structure engaged in loading and unloading goods shall provide space on the premises in addition to that required for parking, for the loading, unloading and standing of all vehicles to avoid undue interference with public use of any road or highway.



9. The minimum number of off street parking spaces by use shall be in accordance with the following schedule:

USE		MINIMUM PARKING SPACES REQUIRED
A.	Residential	
	1) One-family, two family and multiple-family	Two (2) for each dwelling
	2) Manufactured Homes	Two (2) for each Manufactured home
	3) Housing for the Elderly Multiple Family	One (1) for each three (3) dwelling units
	4) Rooming Houses	One (1) for each two (2) beds
B.	Bank, business offices, or non-medical profession offices	One (1) for each two hundred (200) square feet of useable floor area
C.	Offices of doctors or similar professions	One (1) for each fifty (50) square feet of useable floor area in the waiting room, plus one (1) for each examining room or dental chair or counseling room
D.	Retail stores except as otherwise specified	One (1) for each one hundred (100) square feet of useable floor area
E.	Furniture and appliance, hardware stores household equipment repair shops, showroom of a plumber, decorator, electrician, or similar trade, shoe repair and other similar uses	One (1) for each eight hundred (800) square feet of useable floor area
F.	Beauty parlor or barber shop	Three (3) for each service chair
G.	Places for the consumption of food or beverages	One (1) for each two (2) persons in the legal capacity established by health, fire or building offices
H.	Churches, temples, theaters, stadiums, auditoriums and assembly buildings	One (1) for each three (3) seats in the main unit, plus one (1) for each two (2) employees. Seats being (18") eighteen inches in width.
I.	Laundromats and coin operated dry cleaning	One (1) for each two (2) machines
J.	Regulation Golf Course	Six (6) per green and or any additional for restaurants, lounges, and retail stores.
K.	Par "3" or mini-golf	Four (4) for each golf hole
L.	Hospitals	One (1) for each one (1) bed
M.	Homes for the aged and convalescent homes	One (1) for each three (3) beds
N.	Hotels and motels	One and one half (1 ½) for each rental unit, and any additional for restaurants, lounges or retail stores.
O.	Auto service stations	Two (2) for each service stall rack or pit, and one (1) for each one (1) single or dual gasoline pump, but not less than six (6) spaces
P.	Auto wash	Five (5) for each washing stall plus (1) one for each employee
Q.	Industrial or research establishments	Five (5) plus one (1) for each employee in the largest working shift
R.	Wholesale establishments	Five (5), plus one (1) for every employee in the largest working shift, or one (1) for every seventeen hundred (1700) square feet of useable floor space whichever is greater.

**Section 3.06 – Signs:**

**1. All Districts:**

- A. Signs established for the Township, County, State or Federal Government for public information or direction are permitted without special requirements.
- B. The following signs shall be permitted in all districts without permit:
  - (1) Any sign advertising the sale or rental of real estate, but not exceeding twelve (12) square feet in total area. All such signs shall be removed forthwith upon the sale or rental thereof, not to exceed fourteen (14) days.
  - (2) Any non-illuminated sign pertaining to home occupation but not exceeding twelve (12) square feet in total area.
  - (3) Name plate and house number type signs.

- (4) No trespassing, no hunting, beware of dog, etc.
  - (5) Construction signs involving those participating in the construction, during the time of construction. Not to exceed twelve (12) square feet and to be removed forthwith at the completion of it.
  - (6) Election Campaign signs. Not to exceed twelve (12) square feet and to be removed within fourteen (14) days following the elections to which they pertain.
  - (7) Community or special event signs advertising a public entertainment or event. Not to exceed twelve (12) square feet and to be removed fourteen (14) days following the event.
  - (8) Signs on farms advertising products raised and sold on the farm. Not to exceed twelve (12) square feet.
  - (9) One directional sign not to exceed eight (8) square feet, per public commercial, resort or recreation destination, at intersections only where a change in route direction occurs. Such signs shall be placed with written property owner approval only. All such signs required at any intersection shall be displayed on the same standard not to exceed eight (8) feet in height. They shall be made of like material, painted with the same colors and maintained to a high standard. The ZA may require the removal of un-maintained signs. Directional signs shall contain the name of the destination facility and distance only.
  - (10) Noncommercial signs that do not exceed twelve (12) square feet.
- C. Each property owner shall be permitted no more than one (1) sign on each road frontage of his property.
  - D. Signs shall not be altered or used for other purposes than originally intended and shall be removed within fourteen (14) days of termination of the original use.
  - E. Signs shall indicate only the name of the use, product and/or occupant of the property upon which the sign is located and may include the address of property.
  - F. Signs with illumination shall be permitted providing the source of light is not visible from any roadway or adjoining property.
  - G. Signs shall be permitted anywhere on the premises except that they shall be at least twenty (20) feet from the lot line and no closer than ten (10) feet to the highway right-of-way.

**2. LB, R-1, RR, FFR-2 and FFR-3 Districts (With Permits):**

Signs shall have a maximum surface area of thirty-two (32) square feet (not including support systems), both surfaces may be used. The total sign installation shall not exceed seven (7) feet in height from the average grade level. It shall not be longer than four (4) times its width. Said signs shall be for a permitted on-site use only.

**3. Prohibited Signs:**

The signs and devices listed in this subsection shall not be permitted, erected or maintained in any Zoning District of Pleasantview Township.

- A. Signs affixed to trees, shrubs, rocks or other natural surfaces.
- B. Signs, which incorporate in any manner flashing lights, moving or revolving lights, or string lights.
- C. Any sign which has any visible moving parts, visible revolving parts, or visible mechanical movements of any description or other apparent visible movement achieved by electrical, electronic or mechanical means, including intermittent electrical pulsations or by action of natural wind currents.

- D. Any sign or sign structure which is structurally unsafe, or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment or is not kept in good repair, or is capable of causing electrical shocks to persons likely to come in contact with it.
- E. Any sign which, by reason of its size, location, content, coloring, or manner of illumination constitutes a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers or by distracting from the visibility of any traffic sign or control device on public streets or roads.
- F. Any sign that obstructs free ingress or egress through a required door, window, fire escape or other required exit-way.
- G. Signs, which make use of words such as "STOP", "LOOK", "DANGER" or any other words, phrases, symbols or characters, in such a manner as to interfere with, mislead, or confuse traffic.
- H. Any sign on the highway right-of-way or otherwise unlawfully installed, erected or maintained.
- I. Any sign which is not necessary to the business being conducted on the property on which the sign is located.
- J. Portable signs except as listed in **(Subsection 3.06, Paragraph 1B)** of this Ordinance.

**4. Exempted Signs:**

The signs and devices listed in this subsection may be used without permit or approval when not in violation of any law or safety standard or any other portion of this Ordinance.

- A. Signs erected by an official governmental body or agency and deemed necessary for the protection of the public health, safety and welfare.
- B. Holiday decorations and greetings in season.
- C. Signs required by law to be displayed.
- D. Exempt signs or nonresidential establishments shall be limited to the following:
  - (1) Temporary window signs not to occupy more than twenty-five (25) percent of the window space.
  - (2) Wall signs and behind the window signs with lettering or symbols of three (3) inches or less may be permitted in addition to the permitted signs per establishment.
  - (3) One (1) gasoline changeable price sign no larger than twelve (12) square feet for each establishment selling gasoline or diesel fuel as part of its principal permitted use.

**5. Penalties:** See Section 9.07 Violations and Penalties.

**6. Application:**

Any application for any sign(s) shall be submitted to the Zoning Administrator.

**Section 3.07 – Fences, Walls and Screening:**

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

- 1. Fences in or adjacent to any platted subdivision lot or site condominium unit shall not contain barbed wire or be electrified.
- 2. No fence shall obscure the vision of drivers of vehicles at any driveway, entrance or exit street,

intersection or other pedestrian vehicle property access point.

3. For non-residential uses (except farms), which abut permitted residential use, or which are adjacent to a Residential District boundary, a fence, wall or screening as shall be provided and maintained. These requirements do not apply whenever the use storage area, etc., is more than 200 feet from an adjacent residential district boundary. Residential fences shall be a maximum of 6 feet in height.
4. All plans for fences, walls or screening must be approved by the Zoning Administrator to ensure the desired protective, screening, and/or obscuring functions will be accomplished. Note fencing for agricultural purposes shall be exempt from this requirement.

### **Section 3.08 – 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.

### **Section 3.09 – Outdoor Speakers and Sound Devices:**

Outdoor speakers, outdoor public-address systems or similar sound devices shall not be operated, without the written consent of the ZA upon determination that no public nuisance will be established, and a noise level of 55 dBA as measured at the property line shall not be exceeded.

### **Section 3.10 – Water Supply and Sewage Disposal Facilities:**

For any building, which requires water supply and/or sanitary sewage disposal, which is hereafter erected, altered or moved upon any premises, documentation of receipt of applicable permits from the local Health Department and any other applicable county, regional, state and/or federal agency shall be filed with the application for a Zoning Permit.

### **Section 3.11 – Home Business:**

While Pleasantview Township recognizes that many residents feel the necessity to work at home, the Township also recognizes the rights of all residents to be free from actual or potential nuisance which may be caused by non-residential activities conducted in a residential district. The intent of this section is to provide standards to ensure home occupations and cottage industries are compatible with other allowed uses in residential districts, and thus to maintain and preserve the residential character of the neighborhood.

1. Home Occupations
  - A. Home occupations shall be permitted in all Zoning Districts in which single-family dwellings are permitted as a matter of right, provided the standards of this Ordinance are met. A zoning permit is required.
  - B. Home Occupations shall be operated in their entirety within the dwelling or an attached garage.
  - C. Home Occupations shall be conducted primarily by the person or persons occupying the premises as their principal residence. Not more than one non-resident person shall be employed at the given premises to assist with the business.

- D. Additions to a dwelling for the purpose of conducting a Home Occupation shall be of an architectural style that is compatible with the architecture of the dwelling and shall be designed so that the addition can be used for dwelling purposes if the home occupation is discontinued.
- E. Home Occupations shall be incidental and subordinate to the principal use of the dwelling for residential purposes and shall not detract from the residential character of the premises or neighborhood.
- F. Home Occupations shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and the Township as a whole. Any machinery, mechanical devices, or equipment employed in the conduct of a Home Occupation shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other condition not typically associated with the use of the dwelling for residential purposes.
- G. Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses.
- H. The outdoor storage of goods and/or materials of any kind is prohibited. No goods or materials shall be sold that are not produced through the conduct of the Home Occupation.
- I. There shall be no parking permitted within any setback areas.
- J. No process, chemicals, or materials shall be used which are contrary to any applicable state or federal laws.

2. Cottage Industry

- A. Cottage industries may be permitted in the specified Zoning District subject to review and approval by the Planning Commission. Cottage industries shall be allowed on the basis of the proposed use, a periodic review of each cottage industry shall be performed to ensure the conditions of approval are adhered to. If a premise is sold, leased, or rented to a party other than the applicant, the permit shall be reviewed for compliance with the original permit by the Zoning Administrator. If any changes are necessary, the request will be reheard by the Planning Commission.
- B. Cottage industries shall be incidental and subordinate to the use of the premises for residential purposes and shall not detract from the residential character of the premises or neighborhood.
- C. A cottage industry shall occupy not more than one building. The floor area of such a building shall not exceed the allowed maximum floor area size for an accessory building in the applicable district, unless approved by the Planning Commission based on Zoning District parcel size and adjacent uses.
- D. The outdoor storage of goods and/or materials of any kind is prohibited unless screened (by a tight-board wood fence, landscaped buffer, landscaped berm, etc.) from view from neighboring property and road rights-of-way. If required, the type of screening shall be determined at the discretion of the Planning Commission.

- E. Cottage industries shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and surrounding Zoning District. Any machinery, mechanical devices or equipment employed in the conduct of a Cottage Industry shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other conditions not typically associated with the use of the premises for residential purposes.
  - F. Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses.
  - G. Cottage industries shall be conducted only by the person or persons residing on the premises. Up to two (2) additional non-resident employees or assistants shall be allowed.
  - H. To ensure that the cottage industry is compatible with surrounding residential use, a "not-to-exceed" number of vehicles that may be parked at any given time during business operations shall be established by the Planning Commission during the review and approval process.
  - I. Hours of operation shall be approved by the Planning Commission.
3. Termination, Extensions, Revisions, and Inspections
- A. Upon written application by the owner, the Planning Commission may, for just cause, grant a time extension for compliance with the conditions of this Section. The extension can be for no more than one (1) year.
  - B. Any home occupation or cottage industry shall be subject to periodic review by the Zoning Administrator.

**Section 3.12 – Mobile Homes:**

Mobile homes sited on individual lots shall meet the standards for yard set-backs, minimum floor area and minimum dwelling unit width for the district in which they are located and shall meet the following additional standards:

- 1. Mobile homes shall be attached to an approved permanent foundation or basement and shall be anchored using a system that meets the Michigan Mobile Home Commission requirements.
- 2. Mobile homes shall be installed according to manufacturer's set up requirements, and the construction of the unit shall comply with the National Mobile Home Construction and Safety Standards Act of 1974, as amended.
- 3. Mobile homes shall have manufacturer's certified minimum roof load of 30 pounds per square foot.
- 4. The wheels, axles and towing assembly shall be removed from a mobile home before the unit is attached to the foundation. Additionally, no mobile home shall have any exposed undercarriage or chassis.
- 5. Mobile homes shall not be used as an accessory building.

**Section 3.13 – Temporary Occupancy during Construction of a Dwelling:**

For the express purpose of promoting the health, safety and general welfare of the inhabitants of the Township, and of reducing hazards to health, life and property, camper, travel trailer, or recreational vehicle or other substandard structure shall not hereafter be erected or moved upon any premises and used for dwelling purposes except under the following applicable conditions:

1. The location shall conform to the provisions governing yard requirements of standard dwellings in the district where located.
2. The use shall be for the sole purpose of providing dwelling facilities for the owner of the premises during the period in which a dwelling conforming to the provisions of this Ordinance is in process of erection and completion, but not to exceed twelve (12) months. One (1) additional twelve (12) month extension may be obtained from the Zoning Administrator beginning with the date of issuance of the zoning permit. Upon completion of the principal dwelling, the temporary dwelling shall be removed from the property, or utilized in compliance with the remainder of this Ordinance.
3. Installation of septic system and water well shall be constructed and maintained in accordance with the standards of materials and installation recommended by District Health Department, and shall precede occupancy of the substandard dwelling.
4. Application for the erection and use of a substandard dwelling shall be made at the time of zoning permit application for the permanent dwelling. On approval and delivery of the zoning permit, the applicant shall certify in a space allotted for that purpose, and on the copy retained for filing by the Township, that he has full knowledge of the limitations of the permit and the penalty pertaining thereto. No such permit shall be transferable to any other person.
5. No annexes shall be added to temporary substandard dwellings.

#### **Section 3.14—Recreational Vehicle Camping:**

1. Recreational vehicles or travel trailers shall be allowed to be located in FFR-2 and FFR-3 Districts provided occupancy of such does not exceed ninety (90) days in a calendar year, and with approved sanitary facilities.
2. Recreational vehicles shall be allowed to be stored in the rear yard of any lot with a principal dwelling, in any zoning district.

#### **Section 3.15—Storage:**

Unusable or discarded equipment, materials, or the storage of inoperative and/or unlicensed vehicle, any salvage, rubbish, waste or junk shall be allowed only in enclosed structures.

#### **Section 3.16 –Medical Use of Marihuana:**

1. Intent and Purpose. The purpose of this section is to implement land use regulations to address medical marihuana in Pleasantview Township only to the extent specifically authorized by the enactment of the Michigan Medical Marihuana Act (hereinafter referred to as the “MMMA”, Initiated law 1 of 2008, MCL 333.26423, et seq, and its administrative rules, R333.101.et seq.
2. Regulations for a Qualifying Patient. The medical use of marihuana by a qualifying patient in that qualifying patient’s dwelling or an accessory building is hereby recognized as an accessory use to the principal residential use of the property and can be established without a zoning permit in any zoning district, but shall be subject to the following regulations:

- A. The qualifying patient must be issued and maintain a currently valid Michigan medical marihuana registry identification card, as issued by the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency under the provisions of the MMMA, or must be issued and maintain a currently valid registry identification card, or its equivalent, that is issued under laws of another state, district, territory, commonwealth or insular possession of the United States that allows the medical use of marihuana for the qualifying patient to whom it is issued.
  - B. All marihuana plants or products must be contained within the dwelling or accessory building in an enclosed, locked facility that permits access only by the qualifying patient.
  - C. If a room with windows within the dwelling or accessory building is utilized to grow marihuana for medical use, any artificial lighting shall be shielded to prevent glare, must not be visible from neighboring properties, and must not be visible from adjacent streets or public ways.
3. Regulations for Primary Caregivers. A primary caregiver shall be permitted the medical use of marihuana as a primary caregiver as defined and in compliance with the General Rules of the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency, Michigan Admin Code, R 333.101 through R 333.133 (the General Rules), the Michigan Medical Marihuana Act, PA 2008, Initiated Law 1, MCL 333.26421 et seq (“the Act”) and the requirements of this section. No zoning permit shall be required, but primary caregivers shall be subject to the State regulations and the additional requirements of this Ordinance.

Since federal law is not affected by the Act or the General Rules, nothing in this section or in any companion regulatory section adopted in any other provision of this Ordinance is intended to grant, nor shall they be construed as granting immunity from criminal prosecution under federal law, except as superseded by the State regulations and associated rules or by the additional requirements of this section. The following additional requirements for a Primary Caregiver shall apply:

- A. The primary caregiver must be issued and at all times must maintain a valid registry identification card by the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency under the provisions of the MMMA.
- B. Except when being transported as provided in subsection ‘D’ below, all marihuana plants or products must be contained within the dwelling or accessory building in an enclosed, locked facility that permits access only by the primary caregiver.
- C. If a room with windows within the dwelling or accessory building is utilized to grow marihuana for medical sue, any artificial lighting shall be shielded to prevent glare, must not be visible from neighboring properties, and must not be visible from adjacent streets or public ways.
- D. No more than one (1) primary caregiver per dwelling unit shall be permitted. The dwelling unit shall be the principal dwelling of the primary caregiver. The medical use of marihuana shall comply at all times with the MMMA and General Rules of the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency, as they may be amended from time to time.
- E. Medical marihuana shall be delivered to the qualifying patient where the qualifying patient resides. Pick up of medical marihuana from the primary caregiver’s home occupation is prohibited. Transactions relating to compensation of costs associated with assisting a qualifying patient are prohibited from occurring at the primary caregiver’s dwelling.
- F. Except for any qualifying patients who reside with the primary caregiver at the dwelling, no qualifying patients may be present at a dwelling or accessory building in which a primary caregiver of medical marihuana is providing primary caregiver services to qualifying patients



for any purpose directly related to primary caregiver services. This subsection, however, shall not be construed to prohibit the presence of qualifying patients at a dwelling or accessory building in which a primary caregiver of medical marihuana is providing primary caregiver services for purposes unrelated to primary caregiver services.

- G. No qualifying patients under the age of 18 (eighteen) shall be permitted at any time at a dwelling or accessory building in which a primary caregiver is providing primary caregiver services to qualifying patients, except in the presence of his/her parent or guardian, except when the qualifying patient resides with the primary caregiver at the dwelling, and except when the qualifying patient visits are for purposes unrelated to primary caregiver services.
- H. A dwelling at which a primary caregiver of medical marihuana shall have no sign related to the use as a primary caregiver, including but not limited to any symbol portraying or representing a marihuana plant or portion thereof, may be visible from outside the dwelling.
- I. No marihuana for medical use shall be consumed, smoked, or ingested by a qualifying patient by any method at a dwelling or accessory building in which a primary caregiver is providing primary caregiver services to qualifying patients, except by a qualifying patient who resides with the primary caregiver at the dwelling.

**Section 3.17—Noncommercial Storage Building:**

- 1. One (1) building for noncommercial storage shall be allowed per lot in R-2, FFR-2 and FFR-3 without a dwelling, provided the subject lot is a conforming lot (see Section 4.09) of 10 acres or greater, and the proposed noncommercial storage building meets the following dimensional requirements:
  - A. Setbacks:
    - 1) Front and Rear One hundred fifty (150) feet
    - 2) Side One hundred (100) feet
  - B. Minimum size - 400 sq. ft.
  - C. Maximum size – 1000 sq. ft.
- 2. A statement by the applicant, acceptable to the Township, shall be recorded with Emmet County Register of Deeds specifying the noncommercial storage building shall not be used as a dwelling unit.
- 3. No outside storage shall be allowed on parcels with noncommercial storage buildings.
- 4. The noncommercial storage building shall meet applicable building code requirements including applicable snow load standards.

## ARTICLE IV: ZONING DISTRICTS AND MAP

### Section 4.01 Classification of Zoning Districts:

For the purpose of this Ordinance, the following Zoning Districts shall be established in Pleasantview Township:

R-1	Residential
R-2	Residential Rural
FFR-2	Farm Forest Residential-2
FFR-3	Farm Forest Residential-3
FRP	Forest Recreation Preserve
LB	Local Business
RR	Recreation Resort

### Section 4.01.2 - Zoning Map:

The areas assigned to each Zoning District and the boundaries thereof shown on the map entitled "Pleasantview Township Zoning Map, Emmet County, Michigan" are hereby established, and said map and all proper notations and other information shown thereon are hereby made a part of this Zoning Ordinance.

### Section 4.01.3 - Boundaries of Districts:

Unless otherwise specified, the boundary lines of the Zoning Districts shall be interpreted as following along section lines, or customary subdivisions of sections, or centerlines of highways or streets, or the shoreline of waterways, or property lines of legal record at the office of the Emmet County Register of Deeds on the date of the enactment of the Zoning Ordinance. The official Zoning Map shall be the final authority in any dispute concerning district boundaries. The official map shall be kept up to date, with any amendments to the Ordinance involving changes to the official map noted and portrayed on said map.

The official zoning map, including legally adopted amendments, shall be designated as such by the signature of the Township Clerk. Where uncertainty exists as the exact district boundaries, the following shall prevail:

1. Where boundary lines are indicated as approximately following streets, alleys, or highways; the center lines of the said streets, alleys, or highways shall be considered to be exact boundary lines.
2. Boundaries indicated as approximately following lot lines shall be considered to follow said lot lines.
3. Where the application of the above rules leave a reasonable doubt as to the exact location of a district boundary, the provisions of the more restrictive district shall govern the entire parcel in question, unless determined otherwise by the Zoning Board of Appeals.

### Section 4.01.4 - Zoning of Vacated Areas:

Whenever any street, alley, highway, or other public right-of-way within the Township has been abandoned by official government action, such right-of-way lands attach to and become part of the land adjoining. Such right-of-way property shall automatically acquire and be subject to the provisions of the Zoning District of the abutting property. In the case of an abandoned right-of-way which also serves as the district boundary, the centerline of the right-of-way shall be the district boundary.

**Section 4.01.5 - Zoning of Filled Areas:**

Whenever, after appropriate permits are obtained, any fill material is placed in any lake, stream, or wetland so as to create a usable or buildable space, such fill area shall take on the Zoning District and accompanying provisions of the land abutting said fill area. No use on any lake or stream shall be allowed which does not conform to the Ordinance provisions on the property from which said property emanates. No fill material shall be placed in any lake or stream within the Township unless all appropriate permits are obtained from any local, County, State and Federal agency, as required by law.

**Section 4.01.6 - Zoning District Changes:**

When district boundaries change, any non-conforming use may continue subject to all other applicable provisions of this Ordinance.

## **Section 4.02 RESIDENTIAL DISTRICT (R-1)**

The following provisions shall apply to the Residential-1 District

### **Section 4.02.1 Intent:**

The **R-1** District is designed to provide for single family and planned multi-family residential developments at densities suited to the higher demand, higher land value areas, adjacent to the major resorts in the Township.

### **Section 4.02.2 Permitted Uses:**

The uses permitted by right in the **R-1** Zoning District shall be limited to the following specified uses.

1. A Single Family dwelling.
2. Two-family dwelling.
3. Multiple family dwellings.
4. Home occupations.
5. Accessory Buildings and uses customarily incidental to the above permitted uses, except home occupations shall not be allowed in accessory buildings.

### **Section 4.02.3 Uses Subject to Special Use Permit:**

Special approval of the lands and premises, and the erection and use of buildings and structures shall be limited to the following uses subject to the provisions of this section and Special Use Permit requirements as presented in (**ARTICLE VI**).

1. Places of Worship.
2. Planned Unit Developments, subject to the provisions of **Section 7.09**.
3. Public and private owned recreation lands and facilities except golf courses, ski resorts and other large land consuming recreational uses.
4. Accessory buildings and uses customarily incidental to the above special approval uses.

### **Section 4.02.4 Dimensional Regulations:**

Structures and uses in the Residential-1 District are subject to the area, height, bulk and placement requirements of Section 4.09 Schedule of Regulations.

### **Section 4.03 RESIDENTIAL RURAL DISTRICT (R-2)**

The following provisions shall apply to the Rural Residential-2 District

#### **Section 4.03.1 Intent:**

The **R-2** District is designed to provide for low density residential uses in transition areas from forest and vacant to scattered residential, where land divisions have created many existing smaller undeveloped parcels and where development pressure is creating a demand for low density single family residential uses.

#### **Section 4.03.2 Permitted Uses:**

The uses permitted by right in the **R-2** Zoning District shall be limited to the following specified uses.

1. A single family dwelling.
2. Agriculture, including both general and specialized farming, tree farms and forestry.
3. Public and private recreational lands and facilities except golf courses and downhill ski areas.
4. Noncommercial storage building on 10 acres or greater, per **Section 3.17**.
5. Home Occupations.
6. Accessory Buildings and uses customarily incidental to the above permitted uses, except home occupations shall not be allowed in accessory buildings.

#### **Section 4.03.3 Uses Subject to Special Use Permit:**

Special approval of the lands and premises, and the erection and use of buildings and structures shall be limited to the following uses subject to the provisions of this section and Special Use Permit requirements as presented in (**ARTICLE VI**).

1. Rooming houses, and group quarters (foster care serving more than 6).
2. Places of Worship.
3. Planned Unit Developments, subject to the provisions of **Section 7.09**.
4. Commercial Television, Radio Towers, Cellular Communication Towers, Public Utility microwaves and Public Utility T.V. Transmitting Towers.
5. Riding Academies or Stables.
6. Recreation Camps, Recreation Lodges and Resorts.
7. Hospitals and Nursing Homes.
8. Veterinarian Hospitals and Commercial Kennels.
9. Cottage Industries.
10. Accessory buildings and uses customarily incidental to the above special approval uses.

#### **Section 4.03.4 Dimensional Regulations:**

Structures and uses in the Rural Residential-2 District are subject to the area, height, bulk and placement requirements of Section 4.09 Schedule of Regulations.

## **Section 4.04 FARM FOREST RESIDENTIAL-2 DISTRICT (FFR-2)**

The following provisions shall apply to the Farm Forest Residential-2 District

### **Section 4.04.1 Intent:**

The **FFR-2** District is designed to promote the wise use of wooded and agricultural areas of the Township in a manner that will retain the areas remote attractiveness and the usefulness of its natural resources. The intent of the District is to discourage division of property into lots, which restrict the proper management of forest, game and agricultural resources in that portion of the Township (privately held in large parcels), which is currently in low demand for development. Single-family residential use would be allowed only at a very low density.

### **Section 4.04.2 Permitted Uses:**

The uses permitted by right in the **FFR-2** Zoning District shall be limited to the following specified uses.

1. A single family dwelling.
2. Public parks, playgrounds and recreation areas.
3. Cabins, summer houses and/vacation cottages maintained to building department standards with approved sanitary facilities.
4. Recreational vehicle camping.
5. Agriculture, including both general and specialized farming, tree farms and forestry.
6. Camping grounds, hunting grounds, fishing sites and wildlife preserves.
7. Noncommercial Storage building on 10 acres or greater, per **Section 3.17**.
8. Home Occupations.
9. Accessory Buildings and uses customarily incidental to the above permitted uses, except home occupations shall not be allowed in accessory buildings.

### **Section 4.04.3 Uses Subject to Special Use Permit:**

Special approval of the lands and premises, and the erection and use of buildings and structures shall be limited to the following uses subject to the provisions of this section and Special Use Permit requirements as presented in (**ARTICLE VI**).

1. Private and semi-private recreation uses.
2. Construction and contractor related uses.
3. Commercial Television, Radio Towers, Cellular Communication Towers, Public Utility microwaves and Public Utility T.V. Transmitting Towers.
4. Riding Academies or Stables.
5. Recreation Camps, Recreation Lodges and Resorts.
6. Veterinarian Hospitals and Commercial Kennels.
7. Cottage Industries.
8. Accessory buildings and uses customarily incidental to the above special approval uses.

**Section 4.04.4 Dimensional Regulations:**

Structures and uses in the Farm Forest Residential-2 District are subject to the area, height, bulk and placement requirements of Section 4.09 Schedule of Regulations.

## **Section 4.05 FARM FOREST RESIDENTIAL-3 DISTRICT (FFR-3)**

The following provisions shall apply to the Farm Forest Residential-3 District

### **Section 4.05.1 Intent:**

The **FFR-3** District is designed to promote the wise use of wooded and agricultural areas of the Township in a manner that will retain the areas remote attractiveness and the usefulness of its natural resources. The intent of the District is to discourage division of property into lots, which restrict the proper management of forest, game and agricultural resources in that portion of the Township (privately held in large parcels), which is currently in low demand for development. Single-family residential use would be allowed only at a very low density.

### **Section 4.05.2 Permitted Uses:**

The uses permitted by right in the **FFR-3** Zoning District shall be limited to the following specified uses.

1. A Single Family dwelling.
2. Public parks, playgrounds and recreation areas.
3. Cabins, summer homes and/or vacation cottages, maintained to building department standards with approved sanitary facilities.
4. Recreational vehicle camping.
5. Agriculture, including both general and specialized farming, tree farms and forestry.
6. Camping grounds, hunting grounds, fishing sites and wildlife preserves.
7. Noncommercial Storage building on 10 acres or greater, per **Section 3.17**.
8. Home Occupations.
9. Accessory Buildings and uses customarily incidental to the above permitted uses, except home occupations shall not be allowed in accessory buildings.

### **Section 4.05.3 Uses Subject to Special Use Permit:**

Special approval of the lands and premises, and the erection and use of buildings and structures shall be limited to the following uses subject to the provisions of this section and Special Use Permit requirements as presented in (**ARTICLE VI**).

1. Private and semi-private recreation uses.
2. Construction and contractor related uses.
3. Commercial Television, Radio Towers, Cellular Communication Towers, Public Utility microwaves and Public Utility T.V. Transmitting Towers.
4. Riding Academies or Stables.
5. Recreation Camps, Recreation Lodges and Resorts.
6. Veterinarian Hospitals and Commercial Kennels.



7. Cottage Industries
8. Accessory buildings and uses customarily incidental to the above special approval uses.

**Section 4.05.4 Dimensional Regulations:**

Structures and uses in the Farm Forest Residential-3 District are subject to the area, height, bulk and placement requirements of Section 4.09 Schedule of Regulations.

## **Section 4.06 FOREST RECREATION PRESERVE DISTRICT (FRP)**

The following provisions shall apply to the Forest Recreation Preserve District

### **Section 4.06.1 Intent:**

The **FRP** District is intended to provide a classification for large tracts of land (typically publicly owned) currently used for forest and game management and low density non-commercial recreation activities.

### **Section 4.06.2 Permitted Uses:**

All lands in this classification are public owned and restricted to low density public purpose uses such as forest, game and game habitat management, and low density recreation uses such as camping, hunting, hiking, snowmobile and off road vehicles trails and natural areas.

The uses permitted by right in the **FRP** Zoning District shall be limited to the following specified uses.

1. Forestry and Forest Management Practices.
2. Non-commercial Recreational Uses.
3. Temporary accessory buildings and uses customarily incidental to the above permitted uses.

### **Section 4.06.3 Uses Subject to Special Use Permit:**

1. Recreation related permanent structures.

## **Section 4.07 LOCAL BUSINESS DISTRICT (LB)**

The following provisions shall apply to the Local Business District

### **Section 4.07.1 Intent:**

The **LB** District is designed to give the Township a Business District, to provide for the establishment of neighborhood shopping and personal services, primarily for Township resident uses. Tourist use of facilities and services provided in the District would be secondary.

### **Section 4.07.2 Permitted Uses:**

The uses permitted by right in the **LB** Zoning District shall be limited to the following specified uses.

1. Professional Office.
2. Medical and dental offices and clinics.
3. Banks and financial institutions without drive-up window.
4. Retail Sales within an enclosed building without drive through service.
5. Business and Personal Services.
6. Places of Worship.
7. Residential Dwelling on second floor of commercial structures.
8. Accessory Buildings and uses customarily incidental to the above permitted uses.

### **Section 4.07.3 Uses Subject to Special Use Permit:**

Special approval of the lands and premises, and the erection and use of buildings and structures shall be limited to the following uses subject to the provisions of this section and Special Use Permit requirements as presented in (**ARTICLE VI**).

1. Small mixed retail, service and office commercial centers.
2. Automobile service stations and related uses.
3. Business schools or private schools.
4. Offices and show rooms of plumbers, electricians, decorator of similar trades.
5. Nursing Homes.
6. Any business with a drive-up window.
7. Restaurants and bars.
8. Motel or Hotel.
9. Accessory buildings and uses customarily incidental to the above special approval uses.

### **Section 4.07.4 Dimensional Regulations:**

Structures and uses in the Local Business District are subject to the area, height, bulk and placement requirements of Section 4.09 Schedule of Regulations.

## **Section 4.08 RECREATION RESORT DISTRICT (RR)**

The following provisions shall apply to the Recreation Resort District

### **Section 4.08.1 Intent:**

The **RR** District is designed to recognize diverse land uses to support the recreation activities areas in the Township and provide for continued recreation related development.

### **Section 4.08.2 Permitted Uses:**

The uses permitted by right in the **RR** Zoning District shall be limited to the following specified uses.

1. Commercial recreation, related facilities, and related education facilities.
2. Commercial services, including hotels, motels, restaurants, bars club houses, financial institutions and other related commercial facilities.
3. Retail sales primarily oriented to the resort visitors, such as pro shops, personal necessities shops and gift shops.
4. Personal service establishments, including but not limited to: personal equipment repair and maintenance, medical facilities, personal care (such as barber and beauty) shops and recreational education.
5. Dwellings, single and multi-family related to existing and planned **RR** District resort recreation uses.
6. Facility service centers specifically for the repair and maintenance of all aspects of the resort complex.
7. Accessory Buildings and uses customarily incidental to the above permitted uses.

### **Section 4.08.3 Uses Subject to Special Use Permit:**

Special approval of the lands and premises, and the erection and use of buildings and structures shall be limited to the following uses subject to the provisions of this section and Special Use Permit requirements as presented in (**ARTICLE VI**).

1. Private schools, not including recreation schools.
2. Planned Unit Developments, subject to the provisions of **Section 7.09**.
3. Accessory buildings and uses customarily incidental to the above special approval uses.

### **Section 4.08.4 Dimensional Regulations:**

Structures and uses in the Recreation Resort District are subject to the area, height, bulk and placement requirements of Section 4.09 Schedule of Regulations.

**Section 4.09 – Schedule of Regulations**

*Note: A Zoning Permit is REQUIRED prior to any excavation*

Zoning District	District Name	Min. Lot		Min. Dwelling Width	Max. Ht of Structure		Minimum Yard Setbacks (k)			Max % Lot Coverage	Minimum Floor Area Sq. feet (f)
		Area	Width		Stories	Feet	Front	Side	Rear		
R-1 (SF)	Residential (Single family)	14,500sf (l)	100' (m)	24'	2.5	30' (a)	30'	10' (b)	35'	35%	960 (1 story), 1000 (1.5 stories) 1200 (2+ stories)
R-1 (2-family)	Residential (2-family)	1 acre (l)	125'	24'	2.5	30' (a)	30'	10' (b)	35'	35%	960 (1 story),1000 (1.5 stories) 1200 (2+ stories)
R-1 (MF)	Residential (Multi family)	4 acres (l)	300'	NA	2.5	30' (a)	30'	10' (b)	35'	35%	500 sf/d.u. average
R-2	Residential Rural	2 acres (l)	150'	24'	2.5	30' (a)	30'	25' (c)	50'	15%	960 (1 story), 1200 (>1 story)
FFR-2	Farm Forest Residential-2	5 acres	330'	24'	2.5	30' (d)	50' (e)	100'	100'	5%	960 (1 story), 1200 (>1 story) Except cabins: 500 w/ sanitary
FFR-3	Farm Forest Residential-3	10acres	660'	24'	2.5	30' (d)	50' (e)	100'	100'	5%	960 (1 story) 1200 (>1 story) Except cabins: 500 w/ sanitary
FRP	Forest Recreation Preserve	-----	-----	24'	-----	-----	-----	-----	-----	-----	-----
LB-1	Local Business	1 acre	100'	NA	2.0	30'	20'	20' (g)	40'	50%	500 sf –for 2 or more units
RR	Recreation Resort	14,500sf (l)	100'	24'	3.5 (h)	35 (h)	30'	15' (b) (i)	50' (j)	35%	700 single family 500 multi-family

- a. Church steeples or other decorative towers shall be permitted to a maximum height of fifty (50) feet, provided the space above a height of thirty feet (30) shall not be designed, intended or used for human habitation.
- b. For a corner parcel or lot, the side yard adjacent to the side road, the setback shall be increased to thirty (30) feet.
- c. For a corner parcel or lot, the side yard adjacent to the side road, the setback shall be increased to fifty (50) feet.
- d. Except Agricultural structures may exceed the height limit.
- e. For all non-residential structures the setback shall be increased to one hundred (100) feet.
- f. Floor area requirements do not apply to accessory structures, seasonal structures or recreational vehicles, provided such units meet applicable building code requirements and health department requirements.
- g. The two side setbacks shall total to not less than one hundred (100) feet.
- h. With a State Fire Marshall approved Fire Suppression system and a minimum setback of two thousand (2,000) feet from all lot lines, a maximum building height of fifty five (55) feet shall be allowed.
- i. When two (2) or more structures are located on the same lot, a minimum building separation of twenty (20) feet or the height of the taller building, whichever is greatest, shall be required.
- j. When parking is provided in the rear yard, the rear setback between the parking area and the lot shall be reduced to thirty five (35) feet.
- k. All buildings and/or structures shall be setback at least one hundred (100) feet from the ordinary high water mark of a stream, lake or water course, except for portable docks or water pumping facilities which do not exceed three (3) feet in height above finished grade.
- l. When both approved central water and State approved central septic/sewer facilities serve the **PUD** development, the allowable density shall be double that allowed by the underlying district, provided the minimum setback requirements are met.
- m. Required road frontage shall also be 100', but may be reduced to not less than 40' by the PC due to road curvature, such as on a cul-de-sac, or the road forming a right angle (90 degrees).



## **ARTICLE V – SITE PLAN REVIEW**

### **Section 5.01 – Purpose:**

The purpose of this article is to specify the documents and/or drawings required, to ensure that a proposed land use or development activity is in compliance with this Ordinance, other local Ordinances, and state and federal statutes and regulations. Furthermore, its purpose is to ensure that development taking place within the Township is properly designed, safe, efficient, environmentally sound, and designed in such manner as to protect adjacent properties from substantial adverse impacts.

### **Section 5.02 – Simple Site Plan:**

The Zoning Administrator shall require that all applications for Zoning Permits, which do not require a detailed site plan, be accompanied by plans and specifications including a Simple Site Plan. A single family dwelling or a single two-family dwelling, the associated accessory structures to a single-family dwelling or a two family dwelling shall require a Simple Site Plan. A Simple Site Plan shall show the following:

1. Location of lot or parcel, address, tax identification number and Zoning District.
2. A sketch showing the shape, location and dimensions of the lot. The scale shall be of such size as deemed adequate by the Zoning Administrator to make a judgment that the application meets the requirements of this Ordinance. When deemed necessary by the Zoning Administrator, a scaled drawing or survey may be required.
3. The location, shape and size of all buildings or other structures to be erected, altered or moved onto the lot and of any building or other structure already on the lot. In addition, an elevation drawing of the proposed building(s) may be required by the Zoning Administrator in order to measure the height of the proposed structures.
4. The location and configuration of the lot access and driveway, shown on sketch and associated permit provided.
5. 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.
6. Setback distances from all lot lines of all structures on and proposed for lot or parcel and distance between structures.
7. Other information concerning the lot or adjoining lots that may be essential for determining whether the provisions of this Ordinance are being observed.

### **Section 5.03 – Detailed Site Plan Review (All Districts):**

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

1. Circumstances Requiring a Detailed site plan: Detailed site plans are required for the following uses:
  - A. All new uses and/or structures except single-family dwelling or a single two-family dwelling, associated accessory structures to a single family dwelling or two family dwelling, and accessory buildings as a principal use provided all requirements are met
  - B. Expansion or renovation of an existing use, other than one-family or two-family residential use, which increases the existing floor space more than twenty five (25) percent.

- C. Changes of use for an existing structure or lot.
  - D. Any special use permit.
  - E. Any use requiring off-street parking, as stated in the off-street parking schedule of this Ordinance.
  - F. Other uses as required by this Ordinance.
2. Pre-application Conference: A pre-application conference may be requested by the developer. The Township representation may include any of the following Zoning Administrator, Planning Commission Chair, Planning Commission members and other Township representatives as deemed appropriate by the Township. The purpose of a pre-application meeting with the applicant/developer is to assist them in understanding the Detailed site plan review process, and other Ordinance requirements; and to provide insight as to what portions of their proposed development may be of special concern to the Planning Commission.

This conference shall not be mandatory, but is highly recommended for small and large projects alike. It is recommended for large projects that a pre-application conference be held several months in advance of the desired start of construction. Such an advance conference will allow the applicant/developer time to prepare the needed information for the Planning Commission to make a proper review. In no case, however, shall any representations made at the pre-application conference be construed as expressing a position on whether the detailed site plan should be denied, approved, or approved with conditions.

3. Detailed Site Plan Data Required: Each detailed site plan submitted shall contain the following information unless specific items are waived, in whole or in part by the Township Planning Commission. The Planning Commission can waive, by motion, any of the below requirements for a detailed site plan, when it finds those requirements are not applicable to the proposed development.
- A. The name and address of the property owner.
  - B. The date, north arrow, scale and name of the individual or firm responsible for preparing said plan. The scale must be at least one (1) inch = fifty (50) feet for parcels under three (3) acres and not less than one (1) inch = one hundred (100) feet for parcels three (3) acres or more.
  - C. A certified survey of the property prepared and sealed by a professional licensed surveyor, showing at a minimum the boundary lines of the property, to include all dimensions and legal description.
  - D. The location of all existing structures and all proposed uses or structures on the site, including proposed drives, walkways, signs, exterior lighting, adequate parking for the proposed uses (show the dimensions of a typical parking stall and parking lot), loading and unloading areas, if necessary, common use areas and recreational areas and facilities. An elevation drawing of the proposed building(s) shall be required in order to review the proposed building bulk and verify height.
  - E. The location and width of all abutting rights-of-way, easements and utility lines within or bordering the subject project.
  - F. The location of existing environmental features, such as watercourses, wetlands, shorelines, man-made drains, mature specimen trees, wooded areas or any other unusual environmental features.
  - G. The location and identification of all existing structures, lighting, signs, ingress drives, roads, and parking within a two hundred (200) foot radius of the site, including road names.



- H. The existing Zoning District in which the site is located and the zoning of adjacent parcels.
  - I. The location of all existing and proposed landscaping as well as all existing and proposed fences or walls.
  - J. The location, size and slope of all surface and subsurface drainage facilities.
  - K. Summary tables, cross-sections and/or floor plans should be included with detailed site plans for proposed structures, giving the following information:
    - 1) The number of units proposed, by type, including a typical floor plan for each unit.
    - 2) The area of the proposed units in square feet, as well as area dimensions of driveways and staging areas.
    - 3) Typical elevation drawings for each sides of proposed building.
  - L. The topography of the existing and finished site shall be shown by contours or spot elevations. Where the existing slope on any part of the site is ten percent (10%) or greater, contours shall be shown at height intervals of two (2) feet or less. For sites with slopes of less than ten percent (10%), topography shall be shown with contours at not more than five (5) foot height interval.
  - M. Generalized soil analysis data, which may include data prepared by the Emmet County Soil Conservation District regarding the soils and their adaptability to the use. More detailed information may be required where the Planning Commission determines that the site and use warrant a more critical review of soils.
  - N. All detailed site plans shall comply with the terms of all locally applicable Soil Erosion Sedimentation and/or Stormwater Runoff Control regulations. It shall be the applicant's responsibility to provide documentation of compliance of this county Ordinance.
  - O. Anticipated hours of operation for proposed use. The Planning Commission may impose reasonable limits to hours of operation as a condition of detailed site plan approval when warranted to assure compatibility with surrounding land uses.
  - P. Impact Statement:
 

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

    - 1) A complete description of the proposed development including: areas of the site, the number of lots or units; and the number and characteristics of the population impact such as density, elderly persons, school children, tourists, family size, income, and related information as applicable.
    - 2) Expected demands on community services, and how these services are to be provided, to specifically include: school classroom needs, volume of 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.
    - 3) Statements relative to the impact of the proposed development on soil erosion, shoreline protection, wildlife habitat, air pollution, water pollution (ground and surface), noise and the scale of development in terms of the surrounding environment.
4. Application Submittal Procedures:
- A. Ten (10) copies of the proposed detailed site plan, including all required additional or related information, shall be presented to the Zoning Administrator by the petitioner or property owner or his designated agent at least thirty (30) days prior to the Planning Commission meeting at which the detailed site plan will be considered. The Zoning Administrator shall review the application and information submitted to determine if all required information

was supplied. If the Zoning Administrator determines that all required information was not supplied, he or she shall send written notification to the Applicant of the deficiencies. The application for detailed site plan approval shall not proceed until all required information has been supplied. Once a complete application meeting the requirements of this Ordinance has been submitted, the Zoning Administrator shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting.

- B. The Planning Commission may distribute the detailed site plan to the following agencies or any other agency deemed appropriate for comment prior to consideration for approval.
  - 1) The Emmet County Planning Department
  - 2) The Emmet County Soil Erosion and Sedimentation Control Officer
  - 3) The Emmet County Drain Commissioner
  - 4) The Emmet County Road Commission and, if appropriate, the Michigan Department of Transportation
  - 5) District Health Department
  - 6) Local fire and ambulance service providers
- C. Application fees as determined pursuant to Section 9.05 of this Ordinance shall be paid when the application and detailed site plan are submitted to cover the estimated review costs.
- D. Where the applicant is dependent upon the grant of any variances by the Zoning Board of Appeals, said favorable action by the Zoning Board of Appeals shall be necessary before the detailed site plan approval can be granted, or the detailed site plan may be approved subject to favorable action by the Zoning Board of Appeals.
- E. The applicant or his/her representative shall be present at each scheduled review or the matter shall be tabled for a maximum of two consecutive meetings due to lack of representation.

5. Standards for Granting Detailed Site Plan Approval:

- A. The Planning Commission shall approve, or approve with conditions, an application for a detailed site plan only upon a finding that the proposed detailed site plan complies with all applicable provisions of this Ordinance and the standards listed below, unless the Planning Commission waives a particular standard upon a finding that the standard is not applicable to the proposed development under consideration and the waiver of that standard will not be significantly detrimental to surrounding property or to the intent of the Ordinance. The Planning Commission's decision shall be in writing and shall include findings of fact, based on evidence presented on each standard. These standards are listed in subsection 1-12 listed below.
  - 1) All elements of the detailed site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
  - 2) The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas.

- 3) Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.
  - 4) The detailed site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
  - 5) All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.
  - 6) Every structure or dwelling unit shall have access to a public street, private road, walkway or other area dedicated to common use.
  - 7) Walkways shall be provided, separate from the road system, where feasible.
  - 8) All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened, by a vertical screen consisting of structural or plant materials no less than six feet in height.
  - 9) Exterior lighting shall be arranged as follows:
    - a) It is deflected away from adjacent properties.
    - b) It does not impede the vision of traffic along adjacent streets.
    - c) It does not unnecessarily illuminate night skies.
  - 10) The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way.
  - 11) All streets shall be developed in accordance with any applicable private road standards, or if a public road, the County Road Commission specifications.
  - 12) Detailed site plans shall conform to all applicable requirements of state and federal statutes and the Pleasantview Township Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits before the actual zoning permit authorizing the special land use is granted.
- B. The Planning Commission may seek the recommendations of the Fire Chief, the Emmet County Road Commission, the County Health Department, and the Michigan Department of Natural Resources, where applicable.
6. Approval Detailed Site Plan: If approved by the Planning Commission, three (3) copies of the detailed site plan shall be signed and dated by both the applicant and Zoning Administrator or Planning Commission Chair. One signed and dated detailed site plan shall be provided to the applicant; one shall be retained by the Zoning Administrator as part of the Township's permanent zoning file, and; one copy shall be made part of the Planning Commission's permanent record of proceedings on the detailed site plan.
  7. Conformity to Approved Detailed Site Plan Required: Following approval of a detailed site plan by the Planning Commission, the applicant shall construct the detailed site plan improvements in complete conformity with the approved detailed site plan. Failure to do so shall be deemed a violation of this Ordinance.

8. Amendment of Approved Detailed Site Plan:  
Amendment of an approved detailed site plan shall be permitted only under the following circumstances:
- A. The owner of property for which a detailed site plan has been approved shall notify the zoning administrator of any desired change to the approved detailed site plan. 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 detailed site plan, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
    - 1) Reduction of the size of any building and/or sign.
    - 2) Movement of buildings and/or signs by no more than ten (10) feet.
    - 3) Landscaping approved in the Detailed Site Plan that is replaced by similar landscaping to an equal or greater extent.
    - 4) Changes in floor plans that do not exceed five (5%) percent of the 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 item 1) through 5) above, required or requested by Pleasantview 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 detailed site plan, nor any specified conditions imposed as part of the original approval.
    - 7) All amendments to a detailed site plan approved by the zoning administrator shall be in writing. After approval by the zoning administrator, the Applicant shall prepare a revised detailed site plan showing the approved amendment. The revised detailed site plan shall contain a list of all approved amendments and a place for the zoning administrator to sign and date all approved amendments.
  - B. An amendment to an approved detailed site plan that cannot be processed by the zoning administrator under subsection (A) above shall be processed in the same manner as the original detailed site plan application.
9. Expiration of Detailed Site Plan:
- A. The detailed site plan shall expire unless substantial construction of an approved detailed site plan improvement has begun within two years of approval. Thirty days prior to expiration of an approved final detailed site plan, an applicant may make application to the Planning Commission for a one year extension of the detailed site plan at no fee. The Planning Commission shall grant the requested extension for an additional one year, if it finds good cause for the extension and that the zoning regulations governing the detailed site plan approval have not changed since the approval.
  - B. Any subsequent re-submittal shall be processed as a new request with new fees.
10. Conditional Approvals: The Planning Commission may impose reasonable conditions with the approval of a detailed site plan, pursuant to Section 9.03 of this Ordinance.

11. Performance Guarantee Required: The Planning Commission may require an applicant to provide a performance guarantee in connection with the approval of a detailed site plan, pursuant to Section 9.06 of this Ordinance.
12. As-Built Detailed Site Plan: Upon completion of the installation of any underground improvements as shown on the approved detailed site plan, the property owner shall submit to the Zoning Administrator two (2) copies of an "as-built" plans showing the actual location of any underground improvements, certified by the engineer or surveyor, if such professional prepared the original detailed site plan, at least one week prior to the anticipated occupancy of any building. The Zoning Administrator shall circulate the as built plans to the officials listed in Section 5.03.4B that provided comments to the planning commission during the initial review process for review and further comments. Any further comments shall be submitted to the Zoning Administrator within seven (7) days of sending the as built plans. After receiving the comments or the expiration of the seven (7) day comment period, whichever comes first, the Zoning Administrator may make the final inspection of the project to determine whether the project conforms to the approved detailed site plan.

## ARTICLE VI – SPECIAL USE PERMIT

### Section 6.01 – Purpose:

It is the purpose of this Article to specify the procedure and requirements for the review of special land uses, as specified in this Ordinance. Uses classified as special land uses are recognized as possessing unique characteristics (relative to location, design, size, public infrastructure needs, and other similar characteristics), which require individual review and approval standards in order to safeguard the general health, safety, and welfare of the Township.

### Section 6.02 – Uses Subject to Special Use Permit:

Uses requiring special use permit shall be subject to the general provisions and supplemental site development standards of this Ordinance and the provisions of the Zoning District where located in addition to applicable provisions of this Article to prevent conflict with or impairment of the other uses or uses permitted by right of the district. Each use shall be considered an individual case.

1. Application:

Application shall be submitted through the office of the Zoning Administrator, to the Planning Commission, on a special form provided for that purpose, and shall include the following:

- A. Site plan prepared under the requirements of *Article V – Site Plan Review*.
- B. Name and address of applicant and owner of the premises.
- C. Anticipated description of proposed use, including parking facilities, if required, and any exceptional traffic situations.
- D. A statement by applicant appraising the effect on the neighborhood.
- E. The application shall be accompanied by the fee established by the Township Board of Trustees.
- F. A detailed written statement, with supporting evidence, demonstrating how the proposed special land use will comply with the applicable general provisions, supplemental site development standards, and the standards for special use permit of this Ordinance.

2. Zoning Administrator’s Review:

- A. The Zoning Administrator shall review the application and information submitted under *Section 6.02.1* above to determine if all required information was supplied. If the Zoning Administrator determines that all required information was not supplied, he or she shall send written notification to the Applicant of the deficiencies. The application for the special use permit cannot proceed until all required information has been supplied.
- B. Once all required information is submitted, the Zoning Administrator shall forward the application to the Planning Commission for its review under the procedures of this Article.

3. Notice Requirements for Planning Commission Public Hearings: The notices for all public hearings before the Planning Commission concerning requests for special use permits and planned unit developments shall comply with all of the following:

- A. The content of the notice shall include all of the following information:
  - 1) A description of the nature of the proposed special use or planned unit development request.
  - 2) A description of the property on which the proposed special use or planned unit development will be located. The notice shall include a listing of all existing street addresses within the property. Street addresses, however, do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used, such as using tax parcel identification numbers or including a map showing the location of the property.
  - 3) The time, date, and place the proposed special use or planned unit development request will be considered.
  - 4) The address where written comments will be received concerning the proposed special use or planned unit development request and the deadline by which such comments must be received.
  
- B. The notice shall be published in a newspaper of general circulation within the Township not less than 15 days before the scheduled public hearing.
  
- C. The notice shall be sent by first-class mail or personal delivery to the owners of the property on which the proposed special use or planned unit development will be located not less than 15 days before the scheduled public hearing.
  
- D. The notice shall also be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the property on which the proposed special use or planned unit development will be located and to the occupants of all structures within 300 feet of the property on which the proposed special use or planned unit development will be located not less than 15 days before the scheduled public hearing, regardless of whether the property or occupant is located in the Township. If the name of the occupant is not known, the term “occupant” may be used in making notification under this subsection.
  
- E. After providing the notice required under this section and without further notice, except that as required under the Open Meetings Act, the Planning Commission may adjourn from time to time a duly called public hearing by passing a motion specifying the time, date, and place of the continued public hearing.
  
- 4. Standards for granting Special Use Permit:  
 The Planning Commission shall approve, or approve with conditions an application for a special land use permit only upon finding that the proposed special land use complies with the following standards:
  - A. Allowed Special Land Use:  
 The property subject to the application is located in a Zoning District in which the proposed special land use is allowed.

- B. Compatibility with Adjacent Land Uses:
- 1) The proposed use subject to a special use permit shall be designed, constructed, operated and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned.
  - 2) The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public road or seen from any adjacent land owned by another person.
  - 3) If deemed necessary by the Planning Commission, the hours of operation that the special use is allowed to operate, be open or otherwise occur, shall be imposed as a condition of approval to ensure compatibility with the surrounding land uses.
- C. Public Services:
- 1) The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity.
  - 2) The proposed special land uses will be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services.
- D. Economic Well-Being of the Community:  
The proposed special land use shall not be detrimental to the economic well-being of the surrounding residents, businesses, landowners, and the community as a whole.
- E. Compatibility with Natural Environment:  
The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the Township or the natural environment as a whole.
- F. Compliance with Specific Standards:  
The proposed special land use complies with all applicable specific standards required under this Ordinance.
- G. Conditional Approvals:  
The Planning Commission may impose reasonable conditions with the approval of a special use permit, pursuant to **Section 9.03** of this Ordinance.
- H. Performance Guarantee Required:  
The Planning Commission may require an applicant to provide a performance guarantee in connection with the approval of a special use permit, pursuant to **Section 9.06** of this Ordinance.
- I. Amendment of Approved Special Use Permits:  
Amendment of an approved special use permit shall be permitted only under the following circumstances:
- 1) The owner of property for which a special use permit has been approved shall notify the Zoning Administrator of any desired change to the approved special use. 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 special land use, nor any specified conditions imposed as part of the original approval. Minor



changes shall include those listed as minor changes for site plan review, per Section 5.03.8A. No minor change shall encroach on any required setback.

- 2) An amendment to an approved special use permit that cannot be processed by the Zoning Administrator under subsection I.1 above shall be processed in the same manner as the original special land use application.

J. Expiration of Special Use Permit:

- 1) An approved special use permit shall expire two (2) years following approval by the Planning Commission, unless substantial construction has begun pursuant to the permit prior to the expiration, or the property owner applies to the Planning Commission for an extension prior to the expiration of the special use permit. The Planning Commission shall grant the requested extension for an additional one year, if it finds good cause for the extension and that the zoning regulations governing the special use permit approval have not changed since the approval.
- 2) If the special use permit expires pursuant to subsection J.1 above, no work pursuant to the special use permit may be undertaken until a new special use permit is obtained from the Planning Commission following the procedures for a new special use permit.

K. Reapplication:

No application for a special use permit which has been denied, wholly or in part, by the Planning Commission shall be re-submitted for a period of one (1) year from the date of such denial, unless a rehearing is granted pursuant to this Ordinance.

L. Jurisdiction of the Zoning Board of Appeals:

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

M. Inspection:

The Zoning Administrator shall have the right to inspect any special use permit use, to ensure continued compliance with the conditions of the special use permit.

## **ARTICLE VII – SUPPLEMENTAL SITE DEVELOPMENT STANDARDS**

### **Section 7.01- Commercial Television, Radio Towers, Cellular Communication Towers, Public Utility Microwaves, and Public Utility T.V. Transmitting Towers:**

Radio, television, cellular communication towers, public utility microwaves and public utility T.V. transmitting towers shall be located on a parcel of not less than one (1) times the height of the tower measured from the base of said tower to all points on each property line.

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

### **Section 7.02- Riding Academies or Stables:**

Commercial facilities for horseback riding shall locate animal housing facilities at least three hundred (300) feet from any off premises residential structure and a minimum site area of forty (40) acres.

### **Section 7.03- Recreation Camps, Recreation Lodges, and Resorts:**

Recreation camps, recreation lodges, and resorts shall be subject to the following conditions:

1. The use is established on a minimum site area of forty (40) acres.
2. All outdoor activity areas, parking lots, main buildings and accessory buildings are located at least two hundred (200) feet from the property lines. The resulting yards (**side, front and rear**) shall be maintained as buffer area, wherein all natural tree-shrub cover is retained in a healthful growing condition. A planted greenbelt may be required by the Planning Commission as deemed necessary.
3. The use does not locate within the confines of platted subdivision intended for single residential occupancy, or parcels which are deemed by the Planning Commission to be logical extensions of such a platted area.

### **Section 7.04- Hospitals and Nursing Homes:**

General hospitals, nursing and convalescent homes, medical care facilities and similar uses shall be on sites of at least ten (10) acres.

### **Section 7.05- Veterinary Hospitals and Commercial Kennels:**

Veterinary Hospital and Commercial Kennels shall be located on sites of at least twenty (20) acres, provided all facilities for housing, treating and keeping of animals are located at least three hundred (300) feet from the nearest side lot lines, 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 AM.

## **Section 7.06- Resource Mining, Extraction or Fill:**

The location of mining and extractive operations are dependent in large part, upon the sites which contain natural deposits of material having economic value, particularly to the construction industry. Sites nearest to the built-up areas are generally more viable economically, but they would be more sensitive environmentally, because of their close proximity to homes and smaller building sites. The treatment of extractive operations as a special use (conditional) is necessary to build-in the flexibility needed to permit these activities where the resources are found, and at the same time, to afford protection to adjoining properties to the extent necessary with each particular site. Public agencies, government units, and private operations are included.

1. Site Plan Requirements – Site plans for Special Use Permits shall be in accord with the site plan requirements of Article V, as applicable to the particular site, and shall in addition show:
  - A. Proposed location, area, extent and depth of excavation or fill.
  - B. Pertinent time schedules for starting and concluding dates of the proposed operation per Permit.
  - C. Location of spoils dumps, sediment basins, earth stockpiled and any permanent or temporary machinery or buildings to be used.
  - D. Roads to be used by any hauling equipment and show all planned ingress/egress points to the excavated area, stockpiled resources, and on-site equipment.
  - E. A statement on general ground water conditions, including levels and any possible impact on wells in the area.
  - F. A statement outlining the type of material to be extracted or deposited, the type of mining operation and processing equipment to be used and measures to control noise, pollution, run-off and any steps to relieve any adverse effects to adjoining properties and the environment.
  - G. Plans and statements outlining all work to be done on site reclamation, assuring that sufficient steps are taken to blend into the surrounding landscape or neighborhood as applicable.

The map scale of the site plan shall be commensurate with the size of the excavation on site, but shall be sufficient to show the site operating details as required by each Permit.

2. Site Plan Review Levels Required – The site Plan Review or Permit shall be required if:
  - A. Level I: No Site Plan Review or Permit shall be required if:
    - 1) The intended fill/extraction is for earth materials to be used on the same parcel, by tax description.
    - 2) The operation involves minor or incidental earth work in connection with a building construction project, i.e. berms, regarded slopes, retention ponds, and/or similar work.
  - B. Level II: Site plan approval shall be sought from the Zoning Administrator if:
    - 1) Intended or projected extraction/fill areas are three (3) acres or less, and the operation is not located in a Residential District.
    - 2) At least one hundred (100) feet separates the edge of the earth disturbance area from the nearest property line.
    - 3) There are no buildings or on-site structures related to the operation. Crushing equipment, batch plants and related processing equipment shall not operate or occupy the site for a period longer than 45 days.
    - 4) The total extraction and site reclamation operation will be completed within a 12 month period,

- except stockpiled material which can stand for a longer period not to exceed 24 months
- 5) The extraction is not visible from a public road and the side slopes are to be restored to a safe angle of repose, and there are no unsafe/unprotected standing water conditions.
- C. Level III: Site Plan approval by the Planning Commission if:
- 1) Intended or projected extractive/fill sites are larger than three (3) acres and any sites other than those included in Level I and Level II reviews.
  - 2) Operations expected to run longer than (12) twelve months, including long term access to stockpiled resources.
  - 3) Includes on-site processing machinery, batch plants and other equipment that will be used for periods longer than 45 days.
  - 4) Questionable, unusual or special site conditions where the Zoning Administrator determines that Planning Commission review would be appropriate.
3. Performance Standards – The following shall apply to all proposed extraction, mining, fill operations:
- A. All excavations or extractive work shall maintain a minimum perimeter setback of 50 feet from road right-of-way and all property lines. Controlled work in the 50 feet setback area may be permitted if spoils, over burden, or other earth fill material replaces the resources removed as the work progresses (in cases of a pit).
  - B. The working face of an excavation shall maintain slope angles sufficient to prevent sloughing, erosion or earth disturbances of any kind of adjoining properties.
  - C. Leave sufficient native topsoil on the site as a ready resource to be used in reclamation work following excavation/extraction activity, unless a guaranteed replacement plan is approved.
  - D. Fences, berms, walls and visual screening devices may be required, if necessary, to protect adjoining properties and/or persons in the vicinity of the site. Factors of safety and aesthetics shall be addressed.
  - E. The operation of mechanical equipment of any kind may be limited by the day and/or the hour if the site is in a location that directly impacts homes, by creating and operating nuisance.
  - F. All structures, equipment, and machinery of any kind shall be considered temporary and shall be removed from the site upon completion of the terms of the Special Use Permit. This item shall not apply to industrially zoned sites.
  - G. Air pollution, noise, and vibration factors shall be controlled within the limits governed by State and/or Federal regulations applicable to the facility.
  - H. If necessary to protect the area, access routes serving the site may be limited as stated on the Permit or as illustrated on the site plan, it being the intent to minimize the exposure of residential street to earth moving vehicles.
  - I. The location of earth stockpiles, machinery, equipment and any buildings shall be approved by Permit but only in terms to protect adjoining properties, and obtain the optimum use of the site. Topography, vegetation, screening devices, and physical isolation from residential properties shall be considered in locating site facilities and earth stockpiles.
4. Site Reclamation – The final grading and land reclamation plan for each permitted excavation shall be in general accordance with the character of uses and natural features on adjoining lands to the extent practical.

Excavations shall be finished with evenly contoured grades to blend in with the adjoining terrain. In Residential Districts, the final grade of an excavation may be required to be brought back to a level determined reasonable to continue future residential development, i.e. as along a common street or road with adjoining residential land.

- A. Reclamation and rehabilitation of mined areas shall be accomplished as soon as practicable following the mining or excavation of an area. Where possible, such rehabilitation and reclamation shall be accomplished concurrently with the mining or exaction operations. An alternate reclamation plan may be filed for cases where continuous reclamation is not practiced or feasible, and surety bond is provided therewith.
  - B. Excavations which encounter ground water or trap surface water, shall be treated in one or more of the following, as applicable to a particular situation:
    - 1) Stagnate water conditions shall not be permitted to continue and back filling with approved materials may be required.
    - 2) Where water is to remain, either by planned re-use or because no other option exists, the depth shall be sufficient to avoid stagnation, and the shoreline and bottom land grade shall be uniform at one ft. vertical to five ft. horizontal (1:5). The water depth shall be posted.
    - 3) Depending on the nearness of residential neighborhoods, and access by children, the created water body may be required to be safety fenced, posted for no trespassing, or similar safety precautions deemed appropriate for the site.
  - C. The final banks of all excavation shall be sloped at a grade which is not steeper than one (1) ft. vertical to three (3) ft. horizontal (1:3) from the top of the pit bottom or otherwise be established to blend in with the adjacent terrain and/or stabilize at the soils natural angle of repose.
  - D. Topsoil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches, or other planned improvements are desired. Where used topsoil shall be applied to a depth sufficient to support vegetation.
  - E. Vegetation may be required to be restored by seeding of grasses or sodding and/or the planting of trees and shrubs.
  - F. Upon cessation of mining operations within a reasonable period of time not to exceed 24 months thereafter, all structures, buildings, and equipment shall be removed, except for that necessary to manage on-site stockpiled materials. This does not preclude a restart at another time upon permit renewal.
  - G. Specific reclamation requirements may vary somewhat depending on the location of the site in terms of its exposure to view, physical isolation, influence on residential areas, sensitivity to the natural environment and/or re-use potential (or plan). The Planning Commission shall rule on such variations with reasons stated.
5. Special Use Permit- Nonconforming mining operations, those which are active or have been active within the last 24 months, and established as a business operation, shall not require a permit, provided such operations do not increase their nonconformity relative to the performance standards of this Ordinance, and now hazardous site conditions are maintained. No such operation, however, shall extend into the required 50 foot setback area and precautions shall be taken to avoid leaving hazardous conditions.

To avoid duplication, the Zoning Administrator may accept documents required for permits under part 91 of Act 451 of 1994, Soil Erosion and Sedimentation Control, provided the terms, standards, and review requirements of the Zoning Ordinance are complied with. Any extraction or fill operation subject to regulations and licensing under state law, shall be exempt from zoning laws where such exemption is extended by state law.

The full extent of the operation as specified and included in each permit, and any deviation or enlargement of the scope of operation shall require a separate permit.

6. Performance Guarantee- In those instances, where in the opinion of the Planning Commission or Zoning Administrator, a resource excavation/fill operation entails extensive reclamation work and/or safety precautions, financial guarantees or assurances provided for in **Section 9.06 Performance Guarantee** of this Ordinance may be required as a condition of issuing a Special Use Permit under the terms of this Ordinance.

In lieu of a bond requirement or financial guarantee, the Planning Commission may substitute a staged or phased excavation program wherein performance on reclamation shall be substantially completed prior to undertaking the next phase.

**Section 7.07 – Sanitary Landfills:**

Any sanitary landfill shall comply with all applicable regulations, including but not limited to regulations by Emmet County and State of Michigan.

**Section 7.08 – Single Family Dwelling Regulations:**

It is the intent of this section to establish minimum standards for all single-family dwellings placed in the Township, whether constructed on a lot or a manufactured home. Construction and/or placement of a single-family dwelling on any lot or parcel shall be permitted only if the dwelling complies with all the following standards.

1. If the dwelling unit is a manufactured home, the manufactured home either be:
  - A. New and certified by the manufacturer and/or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards Of the U.S. Department of Housing and Urban Development of 1976, as Amended, or any similar successor or replacement standards, which may be promulgated; or
  - B. Used and certified by the manufacture and/or appropriate inspection Agency as meeting the standards referenced in subsection (1) above, and found, on inspection by the Building Inspector or his designee, to meet the appropriate building code as required for residential occupancy.
2. The dwelling unit shall be firmly attached to a permanent continuous foundation which complies with applicable provisions of the building code adopted by the Township and/or Emmet County.
3. If the dwelling unit is a manufactured home, the manufactured home shall be installed with the wheels and towing mechanism removed.
4. The dwelling unit shall be connected to public sewer and water supply systems, or to private facilities for potable water and disposal of sewage approved by the Northwest Michigan Community Health Agency.

5. The foregoing standards shall not apply to a manufactured home located in a manufactured home park licensed by the Michigan Mobile Home Commission and approved by the Township according to the provisions of this Ordinance, except to the extent required by state or federal law.

**Section 7.09 - Planned Unit Development (PUD):**

1. Intent:

The intent of the Planned Unit Development is to allow design and use flexibility on a given site while at the same time protecting present and future residents and public facilities from the adverse effects of unplanned or unregulated development. This approach allows the applicant to utilize innovative designs and methods to control the effects of development rather than having rigid numerical zoning standards dictate design parameters. The burden of proving a Planned Unit Development is within the parameters and intent of this Ordinance is completely upon the applicant. The Township Planning Commission is to determine whether or not the design contains sufficient safeguards as to make the effects of the development compatible with the intent of this Ordinance. It is the expressed intent of this section to allow such items as setbacks, yards, parking spaces, type of dwelling unit and use to be regulated on an overall impact or gross development basis rather than individually for each lot, use, or structure.

2. Criteria:

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

- A. Size: Project specific – no minimum size requirement other than minimum lot size per district.
- B. Unified Control: Ownership shall be under one proprietor and shall be developed and administered as an integral unit. ("Proprietor to be defined as a person, firm, association, partnership, corporation or combination of any of them which may hold any interest of ownership in the Planned Development").
- C. Density: Base residential density shall be calculated using the buildable area (excluding surface water and regulated wetlands) and the minimum lot size allowed in the Zoning District where the project is proposed. The maximum allowed density shall not exceed twice the base residential density and shall be at the discretion of the Planning Commission in consideration of the combined public benefits of the project such as providing affordable housing, connections to trails or open space, availability of sewer and water.
- D. Consistent with Master Plan: The proposed uses within the PUD shall be consistent with the Pleasantview Township Master Plan for the subject parcel.
- E. Permitted Uses and Structures:  
Only structures to be used, erected, converted or altered externally in whole, or in part, in accordance with the intent of this section and as permitted in Zoning District in which the Planned Development is located, shall be permitted.
- F. Height Regulations: The height of all buildings and structures within a PUD project shall not exceed the height limit of the applicable Zoning District.
- G. Access and Parking:

Access Drive - There shall be hard-surfaced access drives, public or private, which shall provide unrestricted access to a Public road or highway from the Planned Development site. Two access drives shall be provided in developments with sixty (60) or more dwelling units.

Parking - There shall be hard-surfaced, well-drained off street parking areas within the Planned Development which conform to the parking requirements in **(Section 3.05)** of this Ordinance. Where mixed uses occur on the same site the sum of requirements for the individual uses computed separately will apply, unless a reduction is specifically granted by the Planning Commission.

- H. Open Space: A PUD project shall have open space totaling no less than thirty (30%) percent of the entire project area. The PUD project required open space is encouraged to be contiguous, and the open space shall have a minimum width of thirty (30) feet and is subject to approval by the Planning Commission. At the developer's discretion, this required open space shall be either dedicated to the public or set aside for the common use of the owners and users within the PUD, and shall remain perpetually in an undeveloped state. Required open space shall not include parking lots, roads, and public rights-of-way. Open space may include flood plain areas and wetlands up to a maximum of twenty-five (25%) percent of the required open space and landscape area devoted to perimeter setbacks. Recreational uses, such as a pedestrian walkway or non-motorized trail, shall be allowed to be located in the required open space.

The required open space shall be protected by the developer in a conservation easement, or other legal means acceptable to the township. Said conveyance placed on the property shall specify that the open space is an integral component in the overall development for the use and enjoyment of the public or the residents within the Planned Unit Development.

Such conveyance shall:

- a) Provide for the privately owned open-space to be maintained and the provisions of the conservation easement or deed restriction to be enforced by the private property owners.
  - b) Provide maintenance standards and a maintenance schedule.
  - c) Grant the Township the right, but not the obligation, to enforce the provisions of the conservation easement or other legal means, if in the Township's opinion such provisions are not adequately enforced by the property owners.
  - d) Be held by an entity acceptable to the Pleasantview Township Board of Trustees, such as the landowner's association of the development, local land conservancy, Pleasantview Township or other entity found acceptable.
- I. Perimeter Setbacks: The setback maintained along the perimeter of the PUD shall equal or exceed the required setback of the underlying Zoning District.
  - J. Other Regulations: The proposed Planned Development shall meet or exceed all minimum standards of this Ordinance, as well as State, County, and Township Laws or Ordinances including the provisions except as specifically exempted. Where there is a conflict in regulations the most restrictive shall apply.



3. Procedure:
- A. Application. Planned Unit Developments shall be submitted for special use permit approval, including site plan review, according to the guidelines set forth in this Ordinance. Additional submittal materials shall include:
- 1) A copy of the master deed and any other restrictive covenants concerning the project.
  - 2) A copy of any easements, leases or other agreements involving the project.
- B. Review Process. The review procedure shall consist of the following three steps:
- 1) **Preliminary Plan Review by Township Planning Commission:** - In the preliminary review phase, the Township Planning Commission (PC) shall conduct a public hearing on the proposed PUD and then shall review the overall plan for the site including basic road and unit configurations and the consistency of the plans with all applicable provisions of the Pleasantview Township Zoning Ordinance. Plans submitted for preliminary review shall include information specified in Section 7.10.3A above.
  - 2) **Final Plan Review by Township Planning Commission:** - Upon receipt of the preliminary plan approval, the applicant shall prepare the appropriate engineering plans for final plan review by the Township Planning Commission. The final plans shall include the condominium subdivision plan. The plans and information shall also be reviewed by the Township attorney, planner, and engineer, where applicable. Following its review of the site plan, the Township Planning Commission shall prepare a written report of its findings, including its recommendations whether the site plan should be approved, approved with conditions, or denied, and forward it to the Township Board for final action.  
**Note-** Preliminary approval and Final PC Review may occur at the same meeting, but is not guaranteed.
  - 3) **Final Decision by Township Board:** - After receiving the recommendation from the Planning Commission, the Township Board shall place the request for approval of the proposed PUD on the agenda for the next scheduled Township Board meeting. The Township Board shall review the record compiled before the Planning Commission, the findings of fact made by the Planning Commission concerning the proposed PUD, any conditions recommended by the Planning Commission, and the Planning Commission's recommended action. The Township Board shall grant final approval of the proposed PUD if all of the standards for PUD approval specified in subsection D below are met. In rendering its decision, the Township Board may adopt as its own the findings of fact made by the Planning Commission, may modify the findings of fact made by the Planning Commission based on the evidence presented to the Planning Commission, may remand the matter to the Planning Commission for consideration of additional evidence the Township Board considers relevant and further recommendations by the Planning Commission, or may itself gather any additional evidence it considers relevant and make its own findings of fact concerning whether the standards for granting PUD approval in subsection D below have been met.
- C. Public Hearing; Notice Requirements:  
See Section 6.02.3

- D. Standards for PUD Approval; Conditions; Waiver of PUD Standards:
- 1) *General Standards.* The Township Board shall approve, or approve with conditions, a PUD application if the Township Board finds that the proposed PUD meets the Site Plan standards of **Section 5.03.5**, the Special Use Permit standards of **Section 6.02.4** and all of the following:
    - a) The planned unit development shall not change the essential character of the surrounding area, unless such change is consistent with the Township's current master plan.
    - b) The planned unit development shall be designed to preserve existing important natural features and vistas, historical, and architectural features of significance within the development.
    - c) 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.
    - d) 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.
    - e) The planned unit development shall provide for underground installation of all utilities.
  - 2) *Conditions.* The Planning Commission may impose reasonable conditions with the approval of a final site plan, pursuant to **Section 9.03** of this Ordinance.
  - 3) *Waiver of PUD Standards.* The Planning Commission may waive any of the standards for a PUD contained in subsection 5. above where all of the following findings are documented along with the rationale for the decision:
    - a) No good public purpose will be achieved by requiring conformance with the standards sought by the applicant to be waived.
    - b) The spirit and intent of the PUD provisions will still be achieved.
    - c) No nuisance will be created.
- E. *Continuing Adherence to Approved PUD Application.* Any applicant and/or subsequent land owner's association 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.
- F. *Recording of Action.* The applicant shall record an affidavit acceptable to the Township with the Emmet County Register of Deeds that contains the full legal description of the project site, specifies the date of final Township approval, including any approved amendments, which 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. Finally, all deed restrictions and easements shall be duly filed with the Emmet County Register of Deeds and copies of all recorded documents filed with the Zoning Administrator, prior to issuance of a zoning permit.
- G. *Amendment of an Approved Planned Unit Development.* Amendments to an approved PUD

shall be permitted only under the following circumstances:

- 1) The owner of property for which a PUD has been approved shall notify the Zoning Administrator of any desired change to the approved PUD. 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 those items specifically listed in Section 5.03.8A (Amendment of an Approved Detailed Site Plan).
- 2) 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 to sign and date all approved amendments.
- 3) An amendment to an approved PUD that cannot be processed by the Zoning Administrator under subsection 1) above shall be processed in the same manner as the original PUD application.

## **ARTICLE VIII - ZONING BOARD OF APPEALS**

### **Section 8.01 – Creation and Membership:**

The Zoning Board of Appeals (ZBA) shall perform its duties and exercise its powers as provided in the Michigan Zoning Enabling Act 110, of Public Acts of 2006, as amended, and in such a way that the objectives of this Ordinance shall be observed, public safety secured, and justice done. The Board shall consist of three (3) members, appointed by the Township Board.

1. The first member shall be a member of the Township Planning Commission for the terms of his/her office.
2. The remaining members must be selected from the electors of the Township residing outside of incorporated cities and villages and shall be representative of the population distribution and of the various interests present in the Township. One (1) member may be a member of the Township Board.
3. An elected officer of the Township shall not serve as chairman. An employee or contractor of the Township Board may not serve as a member or an employee of the Board of Appeals.
4. The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called as specified to serve as a member of the Zoning Board of Appeals in the absence of a regular member if the regular member will be unable to attend 1 or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

### **Section 8.02 – 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 rules 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. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance or to effect any variation of this Ordinance.

The Board of Appeals shall not conduct business unless a majority of the regular Board of Appeals members are present.

**Section 8.03 – Jurisdiction:**

1. An appeal concerning the administration of the provisions of this Ordinance may be taken to the Board of Appeals within the timeframe defined in the general rules and procedures adopted by the Zoning Board of Appeals. If such a timeframe is not specified, appeals shall be filed within thirty (30) days of the decision of the Zoning Administrator from which the appellant seeks relief.
2. The ZBA may hear appeals made by any person who alleges he or she has been aggrieved by a decision of the Zoning Administrator.
3. The ZBA may grant variances as provided for in *Section 8.05 –Dimensional Variances*.
4. The ZBA may also interpret the location of Zoning District boundaries and may hear and decide the following interpretation matters:
  - A. To determine the meaning of Zoning Ordinance provisions when ambiguity exists in those provisions.
  - B. To classify a proposed use of land or use of a structure that is not expressly provided in this Ordinance (an unlisted property use). In determining the proper classification of an unlisted property use, the Zoning Board of Appeals shall consider the characteristics of the proposed unlisted property use in relation to similar and comparable uses listed in any Zoning District and in relation to the requirements of the township master plan. Once classified, the unlisted property use shall be subject to all applicable regulations pertaining to similar uses in the Zoning District in which placed, including the regulations pertaining to uses subject to special use permit approval, if classified as such a use by the Zoning Board of Appeals.
5. An appeal may be made by any person, firm or corporation, or by any Officer, Department or Board of the Township. 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 for the appeal.
6. The Zoning Administrator shall transmit to the Board of Appeals 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 reversing, modifying or affirming, wholly or partly, the decision or determination appealed from. Reasons for the decision must be stated.
7. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney.
8. The ZBA has no jurisdiction to hear appeals from Planning Commission decisions concerning special approvals or planned unit developments.

**Section 8.04 – Stay:**

An administrative appeal to the Zoning Board of Appeals stays (or suspends) all proceedings of the action appealed from, including the effectiveness of any zoning permit issued, unless the Zoning Administrator certifies to the Zoning Board of Appeals after such appeal has been filed that a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed, unless ordered stayed by the Zoning Board of Appeals or the circuit court. Provided, however, this section shall not apply to an administrative decision to take enforcement action for alleged violations of this Ordinance.

**Section 8.05 – Dimensional Variances:**

The ZBA may grant dimensional variances when the applicant demonstrates in the official record of the hearing that the strict enforcement of this Ordinance would result in practical difficulty. To establish practical difficulty, the applicant must establish all of the following:

1. The need for the requested variance is due to unique circumstances or physical conditions of the property involved that do not apply generally to other properties in the surrounding area, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant’s personal or economic hardship.
2. The need for the requested variance is not the result of action of the property owner or previous property owners (self-created).
3. That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.
4. Whether granting the requested variance would do substantial justice to the applicant as well as to other property owners in the district, or whether granting a lesser variance than requested would give a substantial relief to the property owner and be more consistent with justice to other property owners.
5. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or Zoning District.

**Section 8.06 – Zoning Board of Appeals submittal:**

The applicant is required to submit eight (8) copies of surveys, plans and data as required under Article V: Site Plan Review, or other information deemed reasonably necessary for making any informed decision on his or her appeal.

**Section 8.07 – Conditions of Approval:**

The ZBA may impose such conditions or limitations in granting a variance as deemed necessary to protect the character of the area, as provided for in *Section 9.03 – Conditions*.

**Section 8.08 – 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, requirement, 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 8.09 – Public Hearing, Notice Requirements:**

Following receipt of a written request concerning an appeal of an administrative decision, a request for an interpretation of the Zoning Ordinance or a request for a variance, the Zoning Board of Appeals shall hold a public hearing, after giving the following applicable notice:

1. For an appeal of an administrative decision, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the township and shall be sent to the person filing the appeal and to the zoning administrator or other administrative agency or official whose decision is being appealed no less than fifteen (15) days before the public hearing.
2. For a request seeking an interpretation of the Zoning Ordinance, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the township and shall be sent to the person requesting the interpretation no less fifteen (15) days before the public hearing.
3. For a variance request, a notice stating the nature of the variance being requested and the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the township and shall be sent to the person requesting the variance no less than fifteen (15) days before the public hearing.
4. In addition to the above notice requirements, when the matter before the Zoning Board of Appeals involves a specific parcel, a notice stating the nature of the appeal, interpretation request, or variance being requested and the time, date, and place of the public hearing shall be sent by first class mail or personal delivery to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question and to the occupants of all structures within three hundred (300) feet of the boundary of the property in question, not less than fifteen (15) days before the public hearing.

**Section 8.10 – 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 substantial construction has occurred.

No order of the Board of Appeals permitting the 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 use 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 is obtained within such period of erection or alteration is started and substantial construction has occurred.

## **ARTICLE IX- ADMINISTRATION AND ENFORCEMENT OF ORDINANCE**

### **Section 9.01 – Zoning Administrator:**

The provisions of this Ordinance shall be administered and enforced by a Township Zoning Administrator, appointed by the Township Board of Trustees for such term and subject to such conditions and at such rate of compensation as said Board shall determine as reasonable.

The Zoning Administrator shall have the power to grant Zoning 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 the excavation or construction until such plans have been inspected in detail and found to conform to this Ordinance.

The Zoning Administrator shall under no circumstances be permitted to make changes to this Ordinance or to vary the terms of this Ordinance in carrying out the duties of 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 that may occur upon the granting of said Permit.

### **Section 9.02 – Zoning Permit:**

1. No building or structure subject to the provisions of this Ordinance shall hereafter be erected, structurally altered, reconstructed, used, or moved, nor shall any excavation or filling of land commence until a Zoning Permit application has been filed with the Township Zoning Administrator and a Zoning Permit has been issued by the Zoning Administrator, except as otherwise provided for in this Ordinance. No Zoning Permit shall be required for any lawful use of any building or structure in existence as of the adoption date of this Ordinance.
2. The application shall be signed by the owner of the premises or his agent and shall certify compliance with all provisions of this Ordinance and other applicable laws and requirements. Any application requiring approval from the Planning Commission must be submitted not less than thirty (30) days prior to a scheduled meeting for consideration at that Planning Commission meeting. The application shall be accompanied by:
  - A. A simple or detailed site plan, if required, or a sketch in duplicate, in a scale sufficient to clearly detail– as determined by the Zoning Administrator, the location and dimensions of the premises including the boundary lines of all parcels of land under separate ownership contained therein; the size, dimensions, location on the premises, and height of all buildings, structures or other impervious surfaces in existence, to be erected and/or altered; the width and alignment of all abutting streets, highways, alleys, utility locations, easements and public open spaces; the front yard dimensions of the nearest building on both sides of the proposed building or structure-if applicable; the location and dimensions of sewage disposal facilities on the lot under consideration; and the location of all wells on the lot under consideration.
  - B. Properties two (2) acres in size or less may be required to submit a legal survey, sealed by a professional surveyor (not a mortgage survey). The Zoning Administrator shall have the authority to require such a survey in the cases where there may be encroachment on the setbacks by the proposed structures or when the exact locations of lot lines are not known.
  - C. Copies of permits or waivers of permits by other agencies as may be required by statute and/or by the Zoning Administrator of this Ordinance.



- D. Such other information as may be required to determine compliance with the Ordinance.
3. A Zoning Permit may not be issued until all other necessary permits required by statute have been obtained or waived with exception of those permits issued by the Emmet County Building Department.
  4. The Zoning Administrator may require the location of the property boundaries and all structures to be staked on the ground for approval prior to the issuance of the Zoning Permit.
  5. Any Zoning Permit under which no construction has occurred or no substantial construction has been done in the furtherance of the zoning permit, the zoning permit will expire after twenty-four (24) months from date of issuance.
  6. The Zoning Administrator shall have the power to revoke or cancel any Zoning Permit in case of failure or neglect to comply with the provisions of the Ordinance, or in the case of a false statement or misrepresentation made in the application. The owner shall be notified of such revocation in writing.
  7. No Zoning Permit shall be valid until the required fees have been paid, except for specified signs which do not require a zoning permit pursuant to **Section 3.06.1B** of this Ordinance. Applications and petitions filed pursuant to the provisions of this Ordinance shall be accompanied by the filing fees as specified by the Township Board of Trustees.

**Section 9.03 – Conditions:**

The Planning Commission and Zoning Board of Appeals may attach reasonable conditions on discretionary zoning decisions under their jurisdiction. These conditions may include those necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all of the following requirements:

1. Be designed to protect natural resources, the health, safety, and welfare and social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

**Section 9.04 – Rehearing Process:**

1. Final Decisions: Except as provided in this section, a decision of the Planning Commission or Zoning Board of Appeals shall be final. The Planning Commission or Zoning Board of Appeals may grant a rehearing under exceptional circumstances for any decision made by it. Exceptional circumstances shall mean any of the following:
  - A. The applicant who brought the matter before the Planning Commission or Zoning Board of Appeals made misrepresentations concerning a material issue, which was relied upon by the Planning Commission or Zoning Board of Appeals in reaching its decision.
  - B. There has been a significant material change in circumstances regarding the Planning

Commission or Zoning Board of Appeals' findings of fact, which occurred after the public hearing.

- C. The Township attorney by written opinion states that in the attorney's professional opinion the decision made by the Planning Commission or Zoning Board of Appeals or the procedure used in the matter was clearly erroneous.
2. Rehearing Procedure: A rehearing may be requested by the applicant or by the Zoning Administrator, or a rehearing may be granted by the Planning Commission or Zoning Board of Appeals on its own motion.
- A. A request for a rehearing which is made by an applicant must be made within twenty-one (21) days from the date of approval of the Planning Commission's or Zoning Board of Appeals' minutes regarding the decision for which the rehearing is being requested.
  - B. A request for a rehearing made by the Zoning Administrator or a rehearing granted by the Planning Commission or Zoning Board of Appeals on its own motion may be granted at any time as long as the applicant has not been prejudiced by any delay.
  - C. Whenever the Planning Commission or Zoning Board of Appeals considers granting a rehearing, it shall provide written notice to the applicant that a rehearing will be considered. The notice may be served upon the applicant by first class mail at the applicants' last known address, or may be served personally on the applicant. The notice must be served at least nine (9) days before the time set for the hearing if served by mail, or at least seven (7) days before the time set for the hearing if served by personal service. Service by mail shall be complete upon mailing. In addition to serving the above notice on the applicant, all other notice requirements for the type of decision being heard shall be completed before the Planning Commission or Zoning Board of Appeals holds a hearing at which it considers whether to grant a rehearing.
  - D. If the Planning Commission or Zoning Board of Appeals grants a rehearing, then the rehearing shall not be held until all notice requirements for the type of decision being reheard have been satisfied.

**Section 9.05 – Fees:**

- 1. To assist in defraying the costs of investigating, reviewing and administering zoning applications, appeals, rezoning requests from individual property owners, and other types of decisions which result in extra costs to the Township, the Township Board may from time to time adopt by resolution a fee schedule establishing basic zoning fees, such as those fees related to the following:
  - A. Zoning permits
  - B. Special land use permits
  - C. Ordinance interpretations by the Zoning Board of Appeals: appeals of administrative interpretation or request for interpretation. Appeals and requests for interpretation initiated by the Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
  - D. Classification of unlisted property uses.
  - E. Requests to change a non-conforming use to another non-conforming use.
  - F. Requests for variances from the Zoning Board of Appeals.
  - G. Requests for rezoning of property by individual property owners or amendments to the zoning Ordinance text. Rezoning of property or text amendments initiated by the

Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.

- H. Site plan reviews.
- I. Requests for a planned unit development (PUD).
- J. Any other discretionary decisions by the Planning Commission or Zoning Board of Appeals.

The amount of these zoning fees shall cover the costs associated with the review of the application or appeal, including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by zoning staff, and time spent by the members of the Planning Commission and/or Zoning Board of Appeals. The basic zoning fees shall be paid before any application required under this Ordinance is processed. The basic zoning fees are non-refundable, even when an application or appeal is withdrawn by the applicant.

2. If the Planning Commission or Zoning Board of Appeals determines that the basic zoning fees will not cover the actual costs of the application review or appeal, or if the Planning Commission or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary or advisable, then the applicant shall deposit with the Township Treasurer such additional zoning fees in an amount determined by the Planning Commission or Zoning Board of Appeals equal to the estimated additional costs. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Planning Commission or Zoning Board of Appeals may require the applicant to deposit additional fees into escrow in an amount determined by the Planning Commission or Zoning Board of Appeals to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective thereby justifying the denial of the application or the dismissal of the appeal. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the Township in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or the release of a final decision on an appeal.

#### **Section 9.06 – Performance Guarantee:**

In connection with the construction of improvements through site plan approval, special land use approval, or a PUD project the Planning Commission may require the applicant to furnish the township with a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the township in an amount equal to the estimated costs associated with the construction of public and site improvements. Public improvements mean by way of example and not limitation: roads, parking lots, and water and sewer systems which are located within the development or which the applicant has agreed to construct even though located outside the development. Site improvements mean landscaping, buffering, and the completion of conditions imposed by the Planning Commission which are located within the development. For purposes of this section, the costs covered by the performance guarantee shall include all of the following: (1) the purchase, construction, and/or installation of the improvements, (2) architectural and engineering design and testing fees and related

professional costs, and (3) an amount for contingencies consistent with generally accepted engineering and/or planning practice. The performance guarantee shall be deposited with the township clerk at or before the time the township issues the permit authorizing the development, or if the development has been approved in phases, then the performance guarantee shall be deposited with the township clerk prior to the commencement of construction of a new phase. The performance guarantee shall ensure completion of the public and site improvements in accordance with the plans approved by the Planning Commission. Any cash deposit or certified funds shall be refunded for the development or each phase of a multi-phase development in the following manner:

1. One-third of the cash deposit after completion of one-third of the public and site improvements;
2. Two-thirds of the cash deposit after completion of two-thirds of the public and site improvements; and
3. The balance at the completion of the public and site improvements.

Any irrevocable bank letter of credit or surety bond shall be returned to the applicant upon completion of the public improvements. If a development is to be completed in phases, then the Planning Commission may require the applicant to furnish a performance guarantee as provided in this section for each phase of the development. If an applicant has contracted with a third-party to construct the public and site improvements and the third-party has provided a bond meeting the requirements described above and the bond also names the township as a third-party beneficiary of the bond, then the Planning Commission may accept that bond as meeting all or a portion of the performance guarantee required by this section.

#### **Section 9.07 – Violations and Penalties:**

##### **Section 9.07.1 – Nuisance per se:**

Any land, dwellings, buildings or structures, including tents and trailer coaches, used, erected, altered, razed or converted in violation of this Ordinance or in violation of any regulations, conditions, permits or other rights granted, adopted or issued pursuant to this Ordinance are hereby declared to be a nuisance per se.

##### **Section 9.07.2 – Inspection:**

The Zoning Administrator shall have the duty to investigate each alleged violation and shall have the right to inspect any property for which a zoning permit has been issued to ensure compliance with the plans and conditions of the zoning permit or approved site plan. The Zoning Administrator may exercise this right to inspection by consent of the person having the right to possession of the land, building or structure or any part thereof, or by an administrative search warrant issued by a court of competent jurisdiction.

##### **Section 9.07.3 – Penalties:**

1. Any person, partnership, limited liability company, corporation, association or other entity who creates or maintains a nuisance per se or who violates or fails to comply with this Ordinance or any permit issued pursuant to this Ordinance shall be responsible for a municipal civil infraction and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Every day that such violation continues may constitute a separate and distinct offense under the provisions of this Ordinance. Nothing in this section shall exempt the offender from compliance with provisions of this Ordinance or prohibit the Township from seeking additional and/or equitable relief from any court to ensure compliance with the provisions of this Ordinance.
2. The Township Zoning Administrator is hereby designated as the authorized Township official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in

court. The Township Board may also designate from time to time other officials to issue municipal infraction citations on behalf of the Township in connection with alleged violations of this Ordinance.

3. In addition to or in lieu of enforcing this Ordinance, as a municipal civil infraction, the Township may initiate proceedings in the any court of competent jurisdiction to abate, eliminate, or enjoin the nuisance per se or any other violation of this Ordinance.

**Section 9.07.4 – Stop Work Order:**

If construction or land uses are being undertaken contrary to a zoning permit, the zoning enabling act, or this Ordinance, the zoning administrator or deputy of the zoning administrator or any other official authorized by the Township Board is authorized to post a stop work order on the property at a suitable location, such as at an entrance, in order to prevent the work or activity from proceeding in violation of the Ordinance.

A person shall not continue, or cause or allow to be continued, construction or uses in violation of a stop work order, except with permission of the enforcing agency to abate a dangerous condition or remove the violation, or except by court order. If an order to stop work is not obeyed, the enforcing agency may apply to the circuit court for an order enjoining the violation of the stop work order. This remedy is in addition to, and not in limitation of, any other remedy provided by law or Ordinance, and does not prevent criminal or civil prosecution for failure to obey the order.

**Section 9.08 – Conflicting Regulations:**

In the interpretation of this Ordinance, this Ordinance shall control unless there exists a conflict with any other township Ordinances, in which case the more stringent regulations will control.

## ARTICLE X: ADOPTION AND AMENDMENTS

### Section 10.01 – Amendment to this Ordinance:

1. The Township Board is authorized and empowered to cause this Ordinance to be amended, supplemented, or changed, pursuant to the authority and according to the procedures set forth in the Michigan Zoning Enabling Act, Act 110 of the Public Acts 2006.
  - A. The regulations and provisions stated in the text of this Ordinance and the boundaries of Zoning Districts shown on the Pleasantview Township Zoning Map may be amended, supplemented or changed by action of the Township Board following a recommendation from the Township Planning Commission.
  - B. Proposals for amendments, supplements or changes may be initiated by the Township Board on its own motion, by the Township Planning Commission or by petition of one (1) or more owners of property to be affected by the proposed amendment.
  - C. The procedure to be followed for initiating and processing an amendment shall be as follows:
    - 1) Each petition by one (1) or more persons for an amendment shall be submitted by application to the Zoning Administrator on a form provided and shall be accompanied by the fee as prescribed by the Township Board. No part of such fee shall be returnable to a petitioner if the public hearing is held.
    - 2) The Zoning Administrator shall notify, in writing, the Township Clerk and Chair of the Planning Commission at or before the time s/he transmits the amendment request to the Planning Commission.
    - 3) The Planning Commission shall consider each proposal for amendment on particular factors related to the individual proposal and in terms of the likely effect on the community's physical development. The Planning Commission may recommend any additions or modifications to the original proposal.
    - 4) Before ruling on a proposed amendment the Planning Commission shall conduct at least one (1) public hearing, the notice of which shall comply with the following applicable requirements:
      - a) For a proposed amendment to the text of the Zoning Ordinance, the notice shall comply with all of the following:
        - 1) The content of the notice shall include all of the following information:
          - a) A description of the nature of the proposed Zoning Ordinance amendment.
          - b) The time, date, and place the proposed Zoning Ordinance will be considered.
          - c) The places and times at which the proposed Zoning Ordinance amendment may be examined.
          - d) The address where and the deadline when written comments will be received concerning the proposed Zoning Ordinance amendment.
        - 2) The notice shall be published in a newspaper of general circulation within the township not less than fifteen (15) days before the scheduled public hearing.

- 3) The notice shall be given by first-class mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing with the township clerk for the purpose of receiving the notice of public hearing.
- b) For a proposed Zoning Ordinance amendment rezoning ten (10) or fewer adjacent properties, the notice shall comply with all of the following:
  - 1) The content of the notice shall include all of the following information:
    - a) A description of the nature of the proposed Zoning Ordinance amendment.
    - b) A description of the property or properties proposed for rezoning. The notice shall include a listing of all existing street addresses within the property or properties. Street addresses, however, do not need to be created and listed if no such addresses currently exist within the property or properties. If there are no street addresses, other means of identification may be used, such as using tax parcel identification numbers or including a map showing the location of the property or properties.
    - c) The time, date, and place the proposed Zoning Ordinance will be considered.
    - d) The places and times at which the proposed Zoning Ordinance amendment may be examined.
    - e) The address where and the deadline when written comments will be received concerning the proposed Zoning Ordinance amendment.
  - 2) The notice shall be published in a newspaper of general circulation within the township not less than fifteen (15) days before the scheduled public hearing.
  - 3) The notice shall be sent by first-class mail or personal delivery to the owners of the property or properties proposed for rezoning not less than fifteen (15) days before the scheduled public hearing.
  - 4) The notice shall also be sent first-class mail or personal delivery to all persons to whom real property is assessed within three hundred (300) feet of the property or properties proposed for rezoning and to the occupants of all structures within three hundred (300) feet of the property or properties proposed for rezoning not less than fifteen (15) days before the scheduled public hearing, regardless of whether the property or occupant is located in the township. If the name of the occupant is not known, the term “occupant” may be used in making notification under this subsection.
  - 5) The notice shall be given by first-class mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the township clerk for the purpose of receiving the notice of public hearing.
- c) For a proposed Zoning Ordinance amendment rezoning eleven (11) or more

adjacent properties, the notice shall comply with all of the following:

- 1) The content of the notice shall include all of the following information:
  - a) A description of the nature of the proposed Zoning Ordinance amendment.
  - b) A description of the property or properties proposed for rezoning.
  - c) The time, date, and place the proposed Zoning Ordinance will be considered.
  - d) The places and times at which the proposed Zoning Ordinance amendment may be examined.
  - e) The address where and the deadline when written comments can be sent concerning the proposed Zoning Ordinance amendment.
- 2) The notice shall be published in a newspaper of general circulation within the township not less than fifteen (15) days before the scheduled public hearing.
- 3) The notice shall be given by first-class mail to each electric, gas and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the township clerk for the purpose of receiving the notice of public hearing.
- d) After providing the notice required under this section and without further notice, except that as required under the Open Meetings Act, the planning commission may adjourn from time to time a duly called public hearing by passing a motion specifying the time, date, and place of the continued public hearing.
- 5) The Planning Commission shall review and apply the following standards and factors in the consideration of any re-zoning request.
  - a) Is the proposed rezoning consistent with the Pleasantview Township Master Plan?
  - b) Is the proposed rezoning reasonably consistent with surrounding uses? -- i.e. Are all permitted uses and special uses for the proposed district consistent with the surrounding uses?
  - c) Will there be an adverse physical impact on surrounding properties?
  - d) Will there be an adverse effect on property values in the adjacent area?
  - e) Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?
  - f) Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations?
  - g) Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?
  - h) Are there substantial reasons why the property cannot be used in accordance with its present zoning classifications?
  - i) Is the rezoning in conflict with the planned use for the property as reflected in the master plan?
  - j) Is the site served by adequate public facilities or is the petitioner able to



- provide them?
- k) Are there sites nearby already properly zoned that can be used for the intended purposes?
  - l) The community should evaluate whether other local remedies are available.
- 6) Following the public hearing the Planning Commission shall submit the proposed amendment including any zoning map changes to the County Planning Commission. If the recommendation of the County Planning Commission has not been received within thirty (30) days after the receipt of the Ordinance by the County, it shall be conclusively presumed that the County has waived its right for review.
  - 7) The Planning Commission shall submit a final report/recommendation to the Township Board along with a summary of the comments received at the public hearing.
  - 8) The Township Board may hold additional public hearings if they decide it is necessary. Notice of such hearing shall be published in a newspaper, which circulates in the Township not less than fifteen (15) days before the hearing. The Township Board may adopt or reject any proposed amendment, or refer back to the Planning Commission for further review as prescribed by the Michigan Zoning Enabling Act, Act 110 of Public Acts of 2006.
  - 9) Once adopted by the Township Board, amendments to this Ordinance shall be filed with the Township Clerk, and one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. Any amendments to this Ordinance shall take effect eight (8) days after publication or at a later date as may be specified by the Township Board at the time of adoption.
  - 10) No application for a rezoning which has been denied by the Township shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Township Planning Commission to be valid.

**Section 10.02 – Enactment and Effective Date**

1. This Ordinance was adopted on October 22, 2012 by the Pleasantview Township Board of Trustees and will be effective November 7, 2012. The foregoing Zoning Ordinance and Zoning Map were presented at public hearings before the Planning Commission on November 17, 2011.
2. Amendments or revisions to this Ordinance or Map of Zoning Districts shall become effective eight (8) days, or a specified later date, after publication of a notice of adoption of said amendments.