

FIFE LAKE TOWNSHIP
GRAND TRAVERSE COUNTY, MICHIGAN

ZONING ORDINANCE
Ordinance No. 20-2 ZO

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Fife Lake Township Offices
Office of Planning and Zoning
134 Morgan Street
Fife Lake, MI 49633

Note: This Zoning Ordinance began subsequently modification in 2008 and 2009 by the Fife Lake Township Planning Commission: Leigh Ann Gifford, Chairperson, Lyle Spalding, Vice Chairperson, Lori Ann Rognlie, Secretary, Joanne Sommerfield, Barbara Joles & John Beason, Board Members; with assistance from the Fife Lake Township Supervisor, Fred Joles; and Fife Lake Township Zoning Administrators, Mack Erickson & Chuck Erickson.

Fife Lake Township
Zoning Ordinance #20-2 ZO
Effective Date: 11February 2010

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Title and Purpose

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**Fife Lake Township
Grand Traverse County
Ordinance No. 20-2 ZO**

**ZONING Ordinance
The Township of Fife Lake Ordains:**

**ARTICLE 1
TITLE AND PURPOSE**

- 1.1 SHORT TITLE.** This Article shall be known as the Fife Lake Township Zoning Ordinance and will be referred to herein as “this Ordinance.”
- 1.2 PURPOSE.** The purposes of this Ordinance are to protect the public health, safety and general welfare of the inhabitants of the Township; to provide for adequate light, air and convenience of access, to secure safety from fire and other dangers; to avoid undue concentration of population by regulating and limiting types and locations of buildings and regulating the location of trades, industries and buildings designated for specific uses; to provide for the orderly development of the Township; to encourage the use of lands and resources of the Township in accordance with their character and adaptability; to provide for safety in traffic, adequate parking and reduce hazards to life and property; to facilitate the development of adequate systems of fire protection, education, recreation, water supplies and sanitary facilities; and to conserve life, property, natural resources and the use of public funds for public services and improvements to conform with the most advantageous use of lands, resources and properties.
- 1.3 INTERPRETATION.** In their interpretation and application, any enforcement officer or agency, any court and any Zoning Board of Appeals members shall hold the provisions of this Article to be minimum acceptable standards and requirements adopted for the promotion of the health, safety, security, and general welfare of Fife Lake Township.
- 1.4 SCOPE.** This Ordinance shall affect and regulate the uses and occupancy of all land and every structure in the Township. Where this Ordinance imposes greater restrictions than those imposed or required by provisions of other laws, ordinances, private restrictions, covenants, deeds or other agreements, the provisions of this Ordinance shall control.

1.5 ZONING AFFECTS ALL STRUCTURES AND LAND AND THE USE THEREOF. No structure, land or premises shall hereafter be used or occupied and no building shall be erected, moved, reconstructed, extended, or altered except in conformity with the regulations and provisions of this Ordinance.

1.6 REPEAL, SAVINGS AND PERMITS IN PROCESS.

- A. Repeal of Prior Zoning Ordinance. See Section 22.2.
- B. Savings. The repeal of said Ordinances shall not release any penalty or liability incurred under said Ordinances, and such Ordinances shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action for the enforcement of such penalty or liability.
- C. Any structure for which a building permit has been issued and construction of the whole, or a part of which has been started, or for which a contract or contracts have been entered into pursuant to a building permit issued prior to the effective date of this Ordinance, may be completed and used in accordance with the plans and applications on which said building permit was granted, provided the construction permitted by such permit shall have been prosecuted and completed within one year from the date of issue of such building permit.

1.7 SEPARABILITY. If any clause, sentence, sub-sentence, paragraph, section or part of this Ordinance be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, sub-sentence, paragraph, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.

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ARTICLE 2

DEFINITIONS

2.1 DEFINITIONS. For the purpose of this Ordinance, certain terms are herein defined. When not inconsistent with the context, words appearing in the present tense shall include the future, words in the singular and plural shall include the plural and singular tenses respectively and the word “shall” is mandatory and not discretionary. Any word not defined herein shall have the meaning of common or standard use that is reasonable for the context in which the term is used herein.

2.2 A

- 1) Accessory Building: A building detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use.
- 2) Accessory Building, Major: An accessory building that is larger than 100 square feet, regardless of its height.
- 3) Accessory Building, Minor: An accessory building having a gross floor area of no more than 100 square feet and a height no greater than 8 feet from the floor to the highest peak.
- 4) Accessory Use: A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.
- 5) Adult Business: See: Sexually Orientated Business
- 6) Agricultural Service Establishment: Establishments primarily engaged in supplying soil preparation services, crop services, landscaping, horticultural services, veterinary and other animal services, and farm labor and management services.
- 7) Alteration of Building: A change in the supporting members of a building, an addition, diminution, change in use or conversion of a building, or the removal of a building from one location to another, or the alteration of windows and/or doors.
- 8) Alternative Tower Structure: Man-made trees, clock towers, bell steeples, light poles and other similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
- 9) Amusement Establishments: Any building, structure, premises or part thereof used solely or primarily for operation of amusement devices. Any building, structure, premises or part thereof containing six (6) or more amusement devices shall be considered an amusement establishment.
- 10) Animal Clinic: A place where animals are given medical care and the boarding of animals is limited to short term care incidental to clinical use.
- 11) Antenna: Any structure transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunication signals or other communications signals.

- 12) Aquaculture: Land devoted to raising and breeding of fish or other aquatic plants and animals for sale or personal use.
- 13) Automotive Repair Facility: See Vehicle Repair Shop.

2.3 B

- 1) 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.
- 2) Bed and Breakfast: A home occupation in an owner occupied dwelling unit wherein up to three bedrooms are used for transient guest use for compensation.
- 3) Billboard: An off-premise sign operated as an outdoor advertising facility to promote the products or services of the owner or for hire to promote the products or services of others.
- 4) Boarding House: A dwelling having one (1) kitchen and primarily used for the purpose of providing meals and/or lodging for transient guests staying for an indeterminate duration for compensation of any kind.
- 5) Buffer: Land area used to visibly separate one use from another or to shield or block noise, lights, or other nuisances. A buffer may include fences or burms, as well as shrubs and trees.
- 6) Building: Any structure, either temporary or permanent, having a roof and used or built for the enclosure of persons, animals, chattels or property of any kind. This shall include tents, awnings and vehicles situated on private property and used for purposes of a building, whether or not mounted on wheels.
- 7) Building Code: The Michigan Residential and Michigan Building Code and their appendices.

- 8) Building Height: The vertical distance from the average finished grade of the footprint of the building to the top

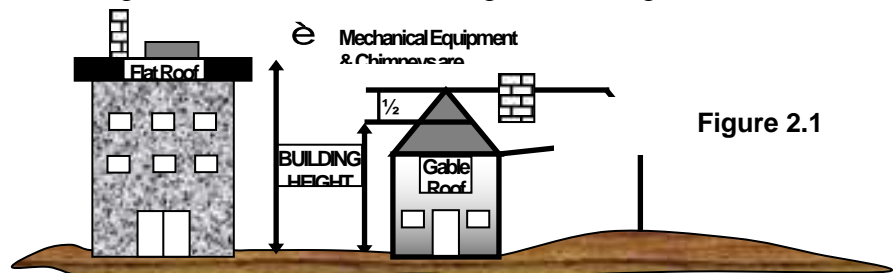


Figure 2.1

- of the highest roof beams on a flat roof, the deck level on a mansard roof, and the average distance between the eaves and the ridge level of gable, hip and gambrel roofs. Mechanical equipment, chimneys, air conditioners, church spires and steeples, water towers, and similar appurtenances shall not be included in this measurement. See Figure 2.1.
- 9) Building, Primary or Principal: A building in which the principal use of the lot on which it is located is conducted.

2.4 C

- 1) Camp or Campground: A plot of ground upon which two or more campsites are located, established, or maintained for occupancy by campsite units as temporary living quarters for recreation, education, or vacation purposes.
- 2) Car Wash: A building and equipment used for the commercial washing, waxing and detailed cleaning of the interior and exterior of automobiles and trucks for the general public. Such facilities shall include self-wash, automated and hand-wash facilities, as well as any combination thereof.
- 3) Cemetery: Property used by a business or public agency which guarantees perpetual care of grounds used solely for the interment of deceased human beings or customary household pets.
- 4) Church: A building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.
- 5) Clinic: An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists or similar professions.
- 6) Club Facilities, Social: A facility used to house the activities of a group of people organized for a common purpose or to pursue common goals, interests, or activities and usually characterized by membership qualifications, payment of fees and dues and with an organizing constitution and bylaws. By way of example, club facilities may include, but shall not be limited to, buildings and grounds to house fraternal organizations, sporting clubs, boat clubs, hunting clubs and racing clubs. Club facilities shall not include commercial recreation or entertainment facilities such as tennis or golf clubs or dance clubs nor shall it include churches or clubs organized for religious purposes.
- 7) Co-Location: The use of a wireless telecommunication tower by more than one wireless telecommunication provider.
- 8) Condominium Project: A plan or project consisting of not less than two condominium units established and approved in conformance with the provisions of the Condominium Act, Public Act 59 of 1978.
- 9) Condominium Subdivision: A division of land on the basis of condominium ownership, which is not subject to the provisions of the Land Division Act of 1967, Public Act 288 of 1967, as amended.
- 10) Condominium Subdivision Plan: The drawings and information attached to the master deed including, but not limited to, a survey plan, floodplain plan, site plan, utility plan, floor plans, description of the size, location, area, and horizontal boundaries of each unit, number assigned to each unit, vertical boundaries and volume of each unit, building sections, and description of the nature, location, and size of common elements.
- 11) Condominium Unit: That portion of a condominium project which is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. In condominium projects where a

condominium unit(s) will consist of a building envelope, the term "Condominium Unit" shall be equivalent to the term "lot," for purposes of determining compliance with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, maximum lot coverage, and the like.

- 12) Consolidating Master Deed: Means the final amended master deed for a contractible condominium project, and expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.
- 13) Construction Equipment, Sales or Supplier: Buildings and outdoor storage areas associated with the operation of a business storing and marketing materials and equipment to the general public and to construction companies, including the outdoor storage of equipment, vehicles, trailers, materials and machinery.
- 14) Convenience Store: Any retail establishment offering the sale of prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption.
- 15) Core Area: That portion of a dwelling unit consisting of one or more rooms intended for the purposes of food preparation, sleeping, sanitation and general living.

2.5 D

- 1) Day Care: An establishment where children are received for care and supervision for periods less than 24 hours a day, unattended by a parent or guardian, for more than 4 weeks during a calendar year.
- 2) Day Care, Family: Any private facility approved by the State in which day care services are regularly provided to no less than three and no more than six minor children for no less than 15 hours per week.
- 3) Day Care, Group: A private home in which 7 but not more than 12 minor children are received for care and supervision for periods less than 24 hours a day, unattended by a parent or guardian, except children related to an adult member of the family by blood, marriage, or adoption, including a home that gives care to an unrelated child for more than 4 weeks during a calendar year.
- 4) Day Care, Commercial: A facility, other than a private residence, providing supervisory care for 1 or more preschool or school age children for periods less than 24 hours a day, and where the parents or guardians are not immediately available to the child. The term includes any facility referred to as a child care center, day nursery, nursery school, drop-in center, or parent cooperative pre-school. A commercial day care center does not include a Sunday school, vacation bible school, or religious instructional class operated by a religious organization where children are in attendance for not greater than 3 hours per day for an indefinite period, or not greater than 8 hours per day for a period not to exceed 4 weeks during a 12 month period.
- 5) Density. The total number of dwelling units divided by the net area of a parcel or group of parcels.
- 6) District: A section or sections of the Township of Fife Lake, designated by boundary lines, where zoning regulations are common to all land contained within.

- 7) Drive Through Facility: A commercial business or establishment which offers any goods or services dispensed through a window, doorway or opening of any kind to patrons that remain in their personal vehicles while the transaction is taking place.
- 8) Dwelling: A building, or portion thereof, designed or used as the permanent residence for one or more persons, including one-family, two-family and multiple-family, apartment-hotels, and boarding and lodging houses, but not including hotels, motels, tourist cabins or trailers.
- 9) Dwelling, Earth Burm: A dwelling with the ground floor partly below grade but so located where the vertical distance from any grade point to the floor below is less than the vertical distance from grade to ceiling.
- 10) Dwelling, Earth Sheltered: A dwelling where more than fifty percent (50%) of the walls and/or roof are covered with earth to provide climatic, noise, or life safety protection.
- 11) Dwelling, Multiple-family: A dwelling occupied by three (3) or more families and so designed and arranged as to provide independent living, cooking, and sanitation accommodations for each family unit.
- 12) Dwelling, Single-family Detached: A detached building or structure designed for the occupancy of one (1) family.
- 13) Dwelling, Two-family: A dwelling occupied by two (2) families and so designed and arranged as to provide independent living, cooking, and sanitation accommodations for not more than two (2) families.
- 14) Dwelling Unit: A dwelling designed to be occupied by not more than one family, having permanent provisions for living, sleeping, eating, cooking and sanitation.

2.6 E

- 1) Educational Facility: Any buildings, facilities, grounds or portions thereof, routinely used for education or instruction in any branch of knowledge.
- 2) Essential Service: The erection, construction, alteration or maintenance of public utilities by a municipal corporation, public utility, or cable television company including gas, electrical, steam, communication, safety, water supply systems, or disposal systems, including equipment and accessories in connection therewith necessary for furnishing utility services for public health or safety or general welfare; but not including sanitary landfills, wireless communication antennas or wind energy conversion systems.
- 3) Existing Building: A building existing or for which the foundations are in place or upon which there has been substantial work done, prior to the effective date of this Ordinance or any amendment thereto.
- 4) Existing Use: A legal use of the premises or buildings or structures actually in operation, openly, visibly and notoriously, prior to the effective date of this Ordinance or an amendment thereto.

2.7 F

- 1) Fabrication and Assembly: The manufacturing from standardized parts of a distinct object differing from the individual components.

- 2) Family: One or more persons occupying a premise and living as a single housekeeping unit, whether or not related to each other by birth or marriage, as distinguished from person occupying a boarding house, lodging house or motel.
- 3) Farm: The production and keeping of plants and animals useful to humans, including forage and sod crops; grain and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing; bees and apiary products; fur animals; trees and forest products; fruits of all kinds; nursery and greenhouse products; and other similar uses.
- 4) Farm Animals: Livestock, including beef and dairy cattle, goats, hogs, horses, poultry, sheep, and other fur-bearing farm animals.
- 5) Farm Building: Any building or accessory structure other than a farm or a non-farm dwelling unit which is used for farm operations such as, but not limited to, a barn, grain bin, silo, farm implement storage building, and/or milk house.
- 6) Farm Operation: A condition or activity which occurs on a farm in connection with the commercial production of farm products and includes, but is not limited to, marketed produce at roadside stands or farm markets; noise; odors; dust; fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.
- 7) Farm Products: Those plants and animals useful to man and includes, but is not limited to, forages and sod crops, grains, and feed crops, dairy and dairy products, poultry and poultry products; livestock, including breeding and grazing, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine and other similar product; or any other product which incorporates the use of food, feed, fiber, fur or flora.
- 8) Fence: A structure or barrier, constructed of wood, metal or other durable parts, rails, boards, wire mesh, etc., and used to mark a boundary or to define and enclose a specific area for the purpose of protection, privacy or confinement. Railings, along or adjacent to front stoops, porches, steps, landings, culverts, or bridges, shall not be considered as fences under this definition.
- 9) Fence, Wall: A masonry or wood structure used as an enclosure, boundary marker or as a means of retention for either water or earth.
- 10) Fence, Decorative: A structure, composed of wood, metal or other durable parts and used in a manner which is designed to add to the aesthetics or attractiveness of the lot upon which it is placed, rather than as an enclosure or barrier. Railings, along or adjacent to front stoops, porches, steps, landings, culverts, bridges or sidewalks, shall not be considered as decorative fences under this definition.
- 11) Fence, Temporary: A fence of temporary nature, such as a snow fence, a fence erected around construction works.
- 12) Finished Siding: An exterior finished siding made of weather resistant and durable material designed to withstand the elements.
- 13) Floor Area: The area of all floors computed by measuring the dimensions of the outside walls of a building, excluding porches, patios, decks, terraces, breezeways, carports,

verandas, garages, unfinished attics, attic floor area with less than five feet vertical distance from the floor to finished ceiling and basements.

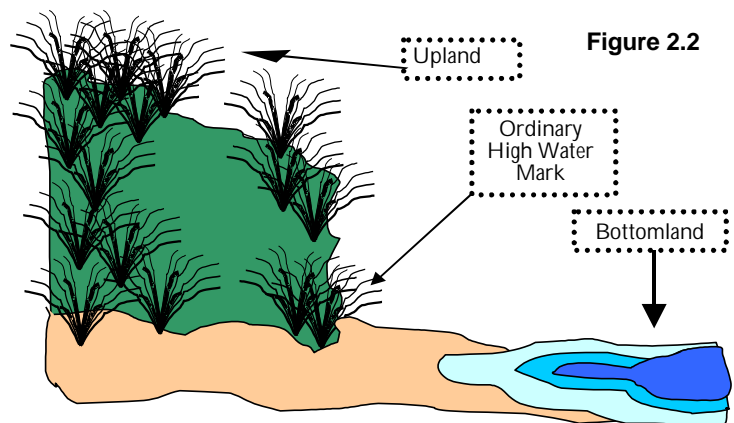
- 14) Foster Care: A home for the sheltered care of persons, either temporarily or on a long-term basis. Care may also include some combination of special needs, personal care, social or counseling services, and transportation.

2.8 G

- 1) Garage, Private: A building accessory to a residence or a portion of a dwelling used primarily for the storage of passenger vehicles owned by the occupant of the premises.
- 2) Garage, Public: See Parking Area – Public.
- 3) General Retail: Establishments providing services, entertainment, goods, or merchandise to the general public.
- 4) Golf Course: A tract of land laid out for at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards and that may include a club house.
- 5) Government Building: A building provided by or for the purpose of a government or municipality to care for a specified need or function essential to its existence or which would serve or benefit the public at large.
- 6) Government Park: A tract of land or area within the Township of Fife Lake set apart for the recreation of the public.
- 7) Grade: The average elevation of the land around a building.
- 8) Gravel Pit: A business involved in the excavation, processing, stockpiling and removal of sand, gravel, soil, minerals and other materials from the earth.
- 9) Greenhouse: A building or enclosure constructed chiefly of glass, plastic or other translucent materials used for the cultivation or protection of tender plants.
- 10) Ground Floor: That floor or level of a structure or building whose vertical distance is closest to grade of all floors or levels of the building or structure and is not a basement.
- 11) Group Housing: A boarding home for the sheltered care of persons with special needs.

2.9 H

- 1) Highway: See Road.
- 2) High Water Mark (or Ordinary High Water Mark): The line between upland and bottomland that persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation, or as defined by a regulatory authority. See Figure 2.2. *09
- 3) Home Based Business. Any activity conducted either



entirely within an accessory building or within an accessory building and a portion of a dwelling, including the exterior storage of materials or equipment related to the home-based business, which is clearly secondary to a residential use and carried out for economic gain. Provided, however, a home-based business shall not include an adult or sexually oriented business or a business conducting retail sales on site.

- 4) Home Occupation: An accessory use of a dwelling unit or accessory building for gainful employment by the resident(s) thereof, involving the provision of hand crafted goods and/or professional or repair services.
- 5) Hotel: A facility offering transient lodging accommodations to the general public and providing additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.

2.10 I

- 1) Industrial Subdivision: A tract of land that is planned, developed, and operated as an integrated facility for a number of individual industrial uses, with consideration to transportation facilities, circulation, parking, utility needs, aesthetics, and compatibility.
- 2) Institutional or Public Use: Churches, hospitals, commentaries, municipal buildings, parks, civic centers, libraries, or other public or quasi- public uses, but not including semi-public or private homes or facilities such as adult foster care facilities, nursing homes, convalescent homes, homes for the aged, sanitary landfills, schools or facilities for the treatment of mental or emotional illness.

2.11 J

2.12 K

- 1) Kennel: Any lot or premises used for the sale, boarding or breeding of dogs, cats, or other household pets. Kennel shall also mean the keeping of a total of six (6) or more dogs, cats, or other household pets over the age of six (6) months.
- 2) Keeping of Horses: The care, boarding, riding and related uses of horses and ponies owned by, and for the exclusive recreational use of, the residents of the parcel without any commercial activities, such as breeding, training, show activities, veterinary care, boarding for a fee of the horses of others, or related activities.

2.13 L

- 1) Landscaping: The planned and constructed improvement of lands or sites with lawns, trees, shrubbery, flowering plants, decorative pavements, ground cover, outdoor furniture, sculpture and other decorative natural materials and man-made features.
- 2) Land Division: Shall mean the partitioning or splitting of a parcel or tract of land by the proprietor thereof or his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, lease of more than one (1) year, or of building development that results in one (1) or more parcels of less than forty (40) acres or the equivalent and that satisfies the requirements of Section 108 of the Land Division Act, Act 288 of the Public Acts of 1967, as amended.

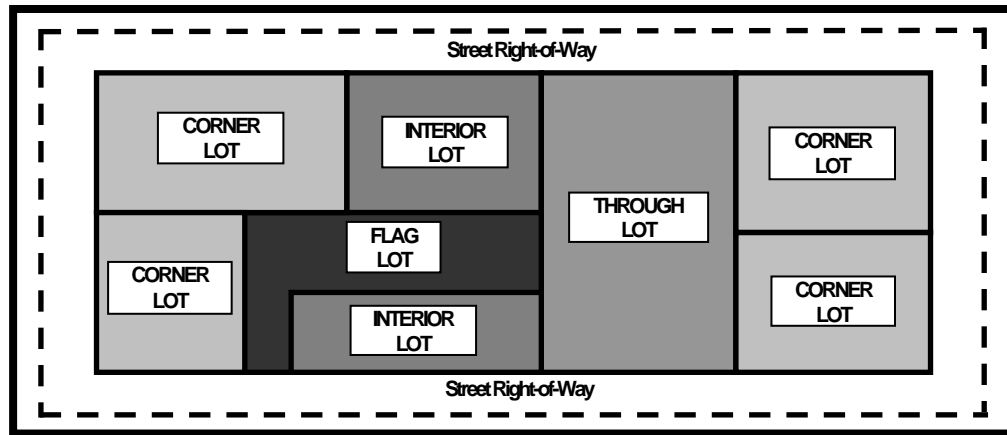


Figure 2.3

- 3) Land Use Permit: A document signed by the Zoning Administrator, as required in the Zoning Ordinance, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building.
- 4) Laundry and Dry Cleaning Establishments: A commercial establishment providing cleaning, dry cleaning and laundry services on-site for businesses and residents.
- 5) Living Area: The net floor area of a dwelling unit used, or intended to be used, for permanent habitation including, but not limited to sleeping, cooking, personal sanitation areas, but excluding storage space in attics, garages, and any below-grade room without a window or door affording egress to the outdoors.
- 6) Lodging House: See Boarding House
- 7) Lot (or Lot of Record): A portion of land, including a condominium unit, exclusive of any streets, separated from other parcels by a legal description as shown in a duly executed and recordable land contract or deed or by a subdivision of record or a recorded survey map, either of which is duly recorded with the Grand Traverse County Register of Deeds.
- 8) Lot Area: The total area within the boundaries of the lot, excluding private or public road rights-of-way or access easements. *09
- 9) Lot, Corner: A lot abutting upon two or more roads at their intersection or upon two parts of the same road forming an interior angle of less than 135 degrees. See Figure 2.3
- 10) Lot Coverage: The part or percent of a lot occupied by buildings and accessory buildings.

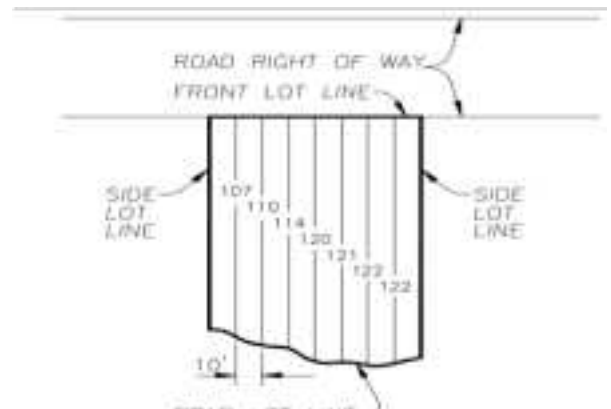


Figure 2.4

11) Lot Depth: The average distance measured from the front lot line to the rear lot line. In cases where the front and rear lot lines are not parallel or there is a change in bearing along a front or rear lot line, the lot depth shall be measured by drawing several evenly spaced perpendicular lines at ten foot intervals from the front to rear of the lot and averaging the length of these lines. See Figure 2.4.

12) Lot, Flag: A large lot not meeting minimum frontage requirements and where access to the public road is by narrow, private right of way. See Figure 2.3.

13) Lot, Interior: A lot other than a corner lot. See Figure 2.3.

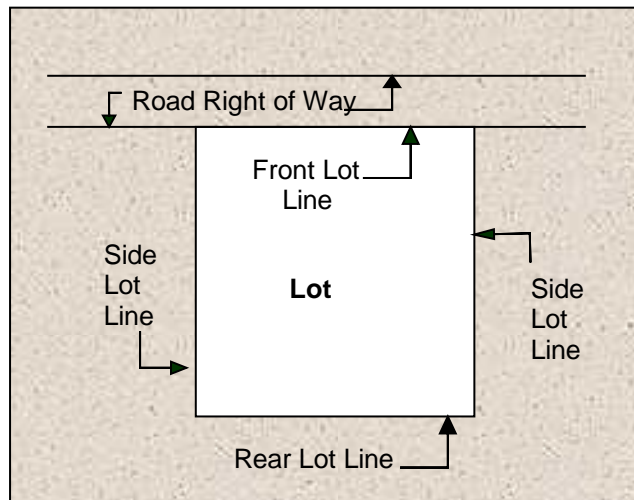


Figure 2.5

14) Lot Lines: (See Figure 2.5)

- a) Lot Line, Front: The boundary line of the lot immediately adjacent to the street right-of-way upon which the lot fronts. In the case of a new corner lot fronting on two or more streets, the front lot line shall be the shortest boundary line of the lot adjacent to a street right-of-way. For a corner lot in existence at the time of the adoption of this Ordinance, the front line shall be that which corresponds to the property's street address.
 - b) Lot Line, Rear: The boundary line which is opposite and most distant from the front lot line.
 - c) Lot Line, Side: Except for corner lots, any lot boundary which is neither a front lot line nor a rear lot line.
- 15) Lot, Nonconforming: A lot of record that does not meet the dimensional and area requirements of this Ordinance.
- 16) Lot, Through: A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot. See Figure 2.3.
- 17) Lot Width: The horizontal distance between side lot lines measured as provided in **Section 4.22** of this Ordinance.

2.14 M

- 1) Manufacturing: See Fabrication and Assembly.
- 2) Manufactured Housing: A structure, transportable in one (1) or more sections which is built on a chassis and designed to be used with or without a permanent foundation, to be used as a dwelling, or any other use when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems in the structure but does not include recreational vehicles or travel trailers or motor homes.

- 3) Manufactured Housing Community Home site (or Home Sites): The designated parcel of land within a manufactured housing community upon which one single-family manufactured home and accessory buildings, if any, are placed.
- 4) Manufactured Housing Community: A parcel of land consisting of not less than fifteen (15) acres designed and intended as a permanent residential community consisting of manufactured homes designed, sited, constructed, operated and maintained in accord with the requirements of this Zoning Ordinance, Act 96 of the Public Acts of 1987, as amended and the rules and regulations of the Michigan Manufactured Housing Commission.
- 5) Master Deed: The condominium document recording the condominium project to which are attached, as exhibits and incorporated by reference, the approved bylaws for the condominium project and the condominium subdivision plan for the project. The master deed shall include all the information required by the condominium Act, Public Act 59 of 1978.
- 6) Mini-Warehouse and Self-Storage Facility: A building, group of buildings or portions of buildings, divided and offered to the public for a fee on a monthly or yearly basis for the storage of goods.
- 7) Mobile Home: See Manufactured Housing.
- 8) Mobile Home Park: See Manufactured Housing Community.
- 9) Motel: A building or group of buildings, whether detached or in connecting units, used or designed as individual sleeping units for transient travelers and providing accessory off-street parking facilities. The term "motel" shall also include "auto courts," "tourist homes," "motor courts," "motel hotels," "summer resorts" and similar identifications of integrated units of individual rooms under common ownership.

2.15 N

- 1) Net Parcel Area: See Lot Area.
- 2) Nonconforming Use: A use which is lawfully exercised within a structure or on land at the time of adoption of this Ordinance, or any amendment, and which does not conform to the regulations of the district in which it is located.
- 3) Nonconforming Lot: Any lot, out lot, or parcel of land lawfully existing at the effective date of this Ordinance, or amendments thereto, which does not meet the land area or dimensional requirements of this Ordinance.
- 4) Nonconforming Structure: Any structure, or portion thereof, lawfully existing at the effective date of this Ordinance, or amendments thereto, which does not conform to the dimensional requirements of this Ordinance.
- 5) Nursery: A place where trees, shrubs, and plants are grown or raised for transplanting, for use as stocks, for budding and grafting, or for sale.
- 6) Nursing Home: Pursuant to Act 368 of the Public Acts of 1978 as amended, a Nursing or convalescent home shall mean a nursing care facility, including a county medical care facility, but excludes a hospital or a facility which provides organized nursing care and

medical treatment to 7 or more unrelated individuals suffering or recovering from illness, injury, or infirmity.

2.16 O

- 1) Office: A structure or portion of a structure which is primarily used for the execution of professional, executive, management or administrative services. These have relatively few on-premises customers and are relatively low traffic generator. Typical uses include legal, medical, dental, bookkeeping, architectural, engineering and psychiatrists offices.
- 2) One Family or Single-family Dwelling: See Dwelling (Single-family Detached)
- 3) Open Space: Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use and enjoyment or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space.
- 4) Outdoor Lighting: Artificial lighting intended to provide illumination for yards, signs, building facades and other outdoor features.
- 5) Outdoor Storage: The keeping of any goods, junk, material, merchandise, or vehicles in an open and unsheltered area for more than twenty-four hours.

2.17 P

- 1) Parking Area: An outdoor or enclosed space used for parking motor vehicles, including parking lots, garages, and private driveways, but excluding public right-of-way areas.
- 2) Parking Area - Private: A parking area for the private use of the owners or occupants of the lot on which the parking area is located.
- 3) Parking Area - Public: A parking area available to the public, with or without compensation, or used to accommodate clients, customers, or employees.
- 4) Parking Bay: The parking module consisting of one or two rows of parking spaces and the aisle from which motor vehicles enter and leave the spaces.
- 5) Parking Lot: An off-street, ground level area, usually surfaced and improved, for the temporary parking of motor vehicles.
- 6) Parking Space: A space for the parking of a motor vehicle within a public or private parking area.
- 7) Personal Services: Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel.
- 8) Principal Building: A building in which the principal use of the lot is conducted.
- 9) Principal Use: The primary or predominant use of any lot.
- 10) Public Areas: Parks, playgrounds, trails, paths, and other recreational areas and open spaces; scenic and historic sites; schools and other buildings and structures; and other places where the public is directly or indirectly invited to visit or permitted to congregate.
- 11) Public Assembly Areas: Any area where large or small numbers of individuals collect to participate or to observe programs of participation. Places of public assembly shall

include theaters, auditoriums, sports arenas, lecture halls and other similar facilities intended for entertainment, instruction, or similar activities involving assembled groups of people.

- 12) Public Safety Facilities: A building, structure, facility or complex used or intended to be used to advance the safety of the general public from physical harm, including police and fire protection facilities, corrections facilities, emergency response facilities and allied facilities.
- 13) Public Utility Facilities: A building, structure, facility or complex used or intended to be used to advance the safety of the general public from physical harm, including police and fire protection facilities, corrections facilities, emergency response facilities and allied facilities. *₀₆
- 14) Performance Guarantee: A cash deposit, certified check, irrevocable bank letter of credit, surety bond or other binding financial instrument in the amount of the estimate cost of the guaranteed actions or improvements, used to ensure completion of the guaranteed actions or improvements. The Township shall have the right to determine the form of the performance guarantee. *₀₆

2.18 Q Reserved

2.19 R

- 1) Recreation Area, Private: A parcel of property used as a summer camp for children; travel campgrounds; gun or hunting club; a winter resort used for tobogganing, cross-country skiing or down-hill skiing; a swimming club; a golf course, including miniature golf course; a golf country club; fields (indoor or outdoor) used for baseball, golf driving ranges, batting ranges, ice hockey rinks, softball, football, soccer, field hockey, volleyball, and/or field and track events; courts (indoor and outdoor) used for tennis, badminton, racquetball, squash, and basketball or combination of the uses stated.
- 2) Recreational Facility: A place designed and equipped for the conduct of sports and leisure time activities. *₀₉
- 3) Recreation Vehicle: A boat, all terrain vehicle, Recreational Unit, Jet Ski, snowmobile, provided the usage of the boat, all terrain vehicle, Recreational Unit, Jet Ski or snowmobile is solely for recreational purposes. *₀₉
- 4) Recreational Unit: Means as defined in Part 125 of Michigan Public Health Code.
- 5) Restaurant: An establishment where food and drink are prepared, served, and consumed primarily within the principal building. The term “restaurant” shall include taverns, bars, nightclubs, eateries, delicatessens and similar facilities.
- 6) Riding Stable: A commercial establishment where horses are boarded and cared for and where horses may be hired for recreational riding. Such facility may provide instruction in riding, jumping and showing horses.
- 7) Right-of-Way: A dedicated easement intended to provide passage of persons or vehicles or utilities.
- 8) Road: A right-of-way or access easement that provides direct access to one or more abutting properties.

- 9) Road, Public: A road, as defined herein, under the jurisdiction of a public agency.
- 10) Road, Private: A road, as defined herein, owned by a private individual, group of individuals or a corporate body.
- 11) Roadside Stand: A temporary or seasonal booth or stand for the display and sale of agricultural and related products typically grown or produced on site; such structure shall not have space for customers within the stand or booth itself.
- 12) Roof Over: A structure placed over a mobile home to extend the life of, or to provide improved insulation for, the mobile home.*₀₆

2.20 S

- 1) Sanitary Landfill Waste Disposal Facility: An approved designated area for non-hazardous waste including sanitary landfill, transfer station and recycling facility. *₀₆
- 2) Satellite Signal Receiving Antennae and Towers: Earth stations or ground stations for the receiving of telecommunications signals either from satellite broadcast or from other ground stations. This term also includes satellite dishes in excess of three (3) feet in diameter or with a total surface area in excess of nine (9) square feet.
- 3) Service Station or Filling Station: A place where operating fuels or lubrication oils for motor vehicles are offered for sale at retail to the public, including the sale of accessories installed by the proprietor thereof and minor adjustment services, but not including major automotive repairs, motor overhauling, body damage repairs, or bulk fuel distributing.
- 4) Setback: The minimum horizontal distance from an applicable lot line within which no building or structure, other than fences and accessory buildings, can be placed, except as otherwise provided in this Ordinance. See Figure 2.6.
- 5) Setback Line:

The required setback measured from the applicable lot line. See Figure 2.6.

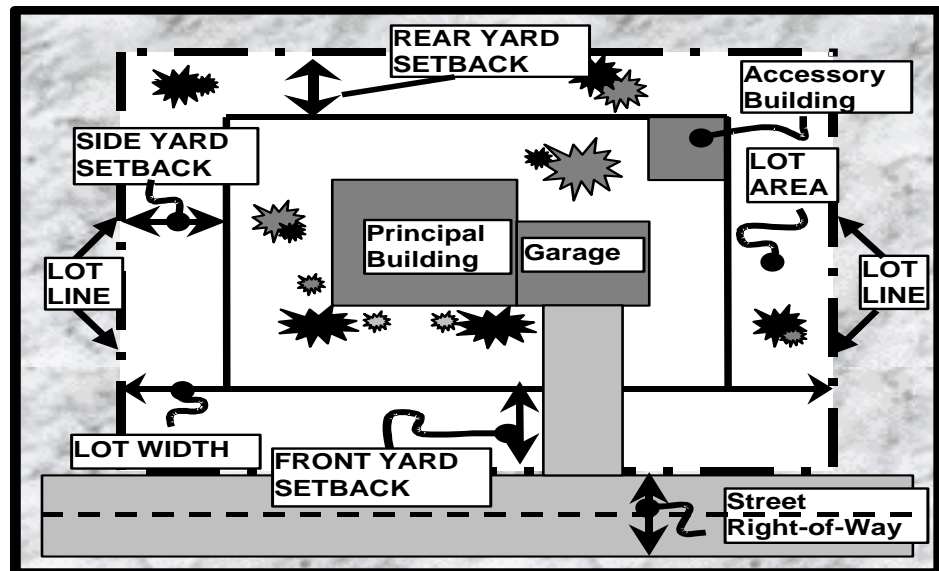


Figure 2.6

- 6) Sexually Oriented Businesses: Establishments, which include but are not limited to:
- a) **Adult Arcade**: Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion pictures machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.
 - b) **Adult Bookstore or Adult Video Store**: A commercial establishment that, as one of its principal business purposes, offers for any form of consideration any one or more of the following:
 - i) Books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, video cassettes or video reproductions, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or
 - ii) Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.
 - iii) A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it comprises thirty-five (35) percent or more of yearly sales volume or occupies more than thirty-five (35) percent or more of the floor area or visible inventory within the establishment.
 - c) **Adult Cabaret**: A nightclub, bar, restaurant or similar commercial establishment that regularly features persons who appear in a state of semi-nudity or nudity; Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities; Films, motion pictures, video cassettes or video reproductions, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities of Specified Anatomical Areas; or Persons who engage in lewd, lascivious or erotic dancing or performance that are intended for the sexual interests or titillation of an audience or customers.
 - d) **Adult Motel**: A hotel, motel or similar commercial establishment that:
 - i) Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes or video reproductions, slides, or other photographic reproductions or visual media that are characterized by the depiction or description of Specified

Sexual Activities or Specified Anatomical Areas and has a sign visible from the public road right-of-way that advertises the availability of any of the above.

- ii) Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
 - iii) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.
- e) **Adult Motion Picture Theater:** A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes or video reproductions, slides, or other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.
 - f) **Adult Theater:** A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Sexual Activities or Specified Anatomical Areas.
 - g) **Escort:** A person who, for any form of consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform striptease for another person.
 - h) **Escort Agency:** A person or a business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for any form of consideration.
 - i) **Nude Model Studio:** Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an education institution funded, chartered, or recognized by the State of Michigan.
 - j) **Sexual Encounter Center:** A commercial establishment that, as one of its principal business purposes, offers for any form of consideration physical contact in the form of wrestling or tumbling between persons of the opposite sex; or activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.
- 7) **Site Plan and Site Development Plan:** A print from an ink or pencil drawing on paper or Mylar, drawn to scale, which shows the intended and/or existing location and dimensions of improvements or structures upon a parcel of property including buildings, driveways, parking areas, parking spaces, landscaping, landscaped areas, sidewalks, signs, drainage facilities or similar physical improvements.
- 8) **Sign:** Any device or structure designed to inform or attract the attention of persons not on the premises on which the sign is located.
- 9) **Sign Area:** The area within a single continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the advertising copy (the wording, drawings, display, or message on the sign surface in either permanent or removable form), together with any frame, other materials, or color forming an integral part of the

copy or similar device used to differentiate the same from the background, against which it is placed, excluding necessary poles, pole covers, supports, braces, or uprights of the sign unless they bear advertising copy.

- 10) Sign, Off Premise: A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.
- 11) Single Ownership: A parcel of real property of record in separate and distinct ownership from adjacent parcels.
- 12) Social Clubs: See Club Facilities, Social.
- 13) Special Land Use: A use of land which by its nature and the potential impacts it may have on surrounding properties and the community as a whole, requires special consideration and individual review to avoid incompatibility with the character of the surrounding area, public services, facilities and adjacent uses of land.
- 14) Specified Anatomical Areas: Are defined as:
 - a) Less than completely and opaquely covered human genitals, pubic region, buttock, anus and female breast below a point immediately above the top of the areola; and
 - b) Human male genitals in a discernable turgid state even if completely and opaquely covered.
- 15) Specified Sexual Activities: Include any of the following:
 - a) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast;
 - b) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
 - c) Masturbation, actual or simulated; or
 - d) Excretory functions as part of or in connection with any of the activities set forth in a. through c., above.
- 16) Street: See Road.
- 17) Structure: Anything constructed or erected, the use of which requires more or less permanent location on the ground or attached to something having permanent location on the ground, including, but without limiting the generality of the foregoing, advertising signs, billboards, backstops for tennis courts, pergolas and antennas.
- 18) Subdivision: The division of a lot, tract, or parcel of land into two or more lots, tracts, parcels, or other divisions of land for sale, development or lease.
- 19) Subdivision, Cluster: A form of development that permits a reduction in lot area and bulk requirements, and the remaining land area is devoted to open space, active recreation, preservation of environmentally sensitive areas, or agriculture.
- 20) Swimming Pool: A constructed basin or structure for the holding of water for swimming and aquatic recreation. Swimming pool does not include plastic, canvas or rubber

portable pools temporarily erected upon the ground holding less than three hundred (300) gallons of water or decorative pools with less than two feet of water depth.

2.21 T

- 1) Telecommunication Towers and Facilities or Tower: All structures and accessory facilities, including Alternative Tower Structures, relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals; including, but not limited to, radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial mobile radio service facilities, personal communication service towers (PCS) and cellular telephone towers. Not included in this definition are: citizen band radio facilities, short wave receiving facilities; radio and television broadcast reception facilities; satellite dishes; federally licensed amateur (HAM) radio facilities and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.
- 2) Tree Harvesting: The periodic or seasonal harvesting of a forest product, including Christmas trees, pulpwood, and timber.

2.22 U

- 1) Use: Any purpose for which a structure or a parcel may be designed, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on, or intended to be carried on, in a structure or on land.

2.23 V

- 1) Vehicle Repair Shop: A garage, building or area used for the repair, repainting or refurbishing of motor vehicles, boats, trailers, farm equipment or similar mobile equipment, but not including minor part replacement and motor tuning services customary for a service station.
- 2) Vehicle Sales Area: An area or building used for the display, sale or rental of new or used motor vehicles, boats, trailers, farm equipment, or other similar mobile equipment in operable condition where no repair work is done.
- 3) Violation: Any act or omission by any person, partnership, limited liability company, corporation, or association which creates or maintains a nuisance per se as defined in this ordinance or which violates or fails to comply with any provision of this ordinance or any permit issued pursuant to this ordinance.

2.24 W

- 1) Warehousing: A building used primarily for the storage of goods and materials.
 - a) Public Warehouse: A building used primarily for the storage of goods and materials and available to the general public for a fee
 - b) Private Warehouse: A building used primarily for the storage of goods and materials by the owner of the goods or operated for a specific commercial establishment or groups of establishments in a particular industrial or economic field.
- 2) Wind Energy System: “Wind Energy System” shall mean all or

any combination of the following:

- a) A wind mill, mill or machine operated by wind acting on oblique vanes or sails that radiate from a shaft.
 - b) A surface area, either variable or fixed, for utilizing the wind for electrical or mechanical power.
 - c) A shaft, gearing, belt, or coupling utilized to convey the rotation of the surface areas into a form suitable for driving a generator, alternator or other mechanical or electricity producing device.
 - d) The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy.
 - e) The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.
 - f) A wind monitoring station. *09
- 3) Wind Energy System - Large: A wind energy system as defined herein, consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of more than 30 Kilowatts (kW). *09
- 4) Wind Energy System - Small: A wind energy system as defined herein, consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 30 Kilowatts (kW) and which is intended to primarily reduce on-site consumption of utility power. *09
- 5) Wind Energy System -Height: For purposes of this ordinance, the height of any Wind Energy System shall be measured from the median grade at the foundation to the top of the tower and shall not include the height of the blade.
- a) EXEMPTIONS FROM HEIGHT PROVISIONS The height provisions of this Ordinance shall not apply to any of the following uses: Fire training tower, or any use associated with a bona fide agricultural use including, but not limited to a barn, Barn, silo, drying elevator or tower, fire training tower, windmill, or grain elevator where associated with a bona fide agricultural use. *09
- 6) Wind Energy Monitoring Station: An instrument for measuring and indicating the force or speed of wind. Also known as an anemometer. *09
- 7) Wireless Telecommunication Antenna: The device through which wireless telecommunication signals, as authorized by the Federal Communications Commission, are transmitted or received. Not included is AM/FM radio antenna, television antenna, satellite dishes, and licensed amateur radio facilities.
- 8) Wireless Telecommunications Equipment: Including Wireless Telecommunication Antennae, Wireless Telecommunication Equipment Shelters, Wireless Telecommunication Facilities, Wireless Telecommunication Towers and Wireless telecommunication facilities and wireless telecommunication antennas mounted on alternative tower structures subject to **Section 17.24**

9) Wireless Telecommunication Equipment Shelter:

The structure in which the electronic receiving and transmitting equipment for a wireless telecommunications is housed

10) Wireless Telecommunication Facility: A facility consisting of all structures and equipment involved in transmitting and/or receiving telecommunication signals from mobile communication sources and transmitting those signals to a central switching computer which connects the mobile communication sources and transmitting those signals to a central switching computer which connects the mobile unit to the land-based telephone system. These facilities include but are not limited to private and commercial mobile radio service facilities, personal communication towers (PCS), and cellular telephone towers. Not included in this definition are AM/FM radio towers, television towers, satellite dishes, and federally licensed amateur radio facilities.

11) Wireless Telecommunication Tower: A structure intended to support equipment used to transmit and/or receive telecommunication signals including but not limited to monopoles, freestanding lattice structures and guyed lattice structures.

2.25 Y

1) Yard: An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the building line. See Figure 2.7.

a) Front Yard: An open unoccupied space unless occupied by a use specifically permitted, extending across the full width of the lot and lying between any street or access easement right-of-way line and the nearest foundation of any part of the building which is roofed or which is more than three feet in height. See Figure 2.7.

b) Side Yard: An open unoccupied space unless occupied by a use specifically permitted, on the same lot with the building between the foundation of any part of the building and the side lot line, extending from the front yard to the rear yard. See Figure 2.7.

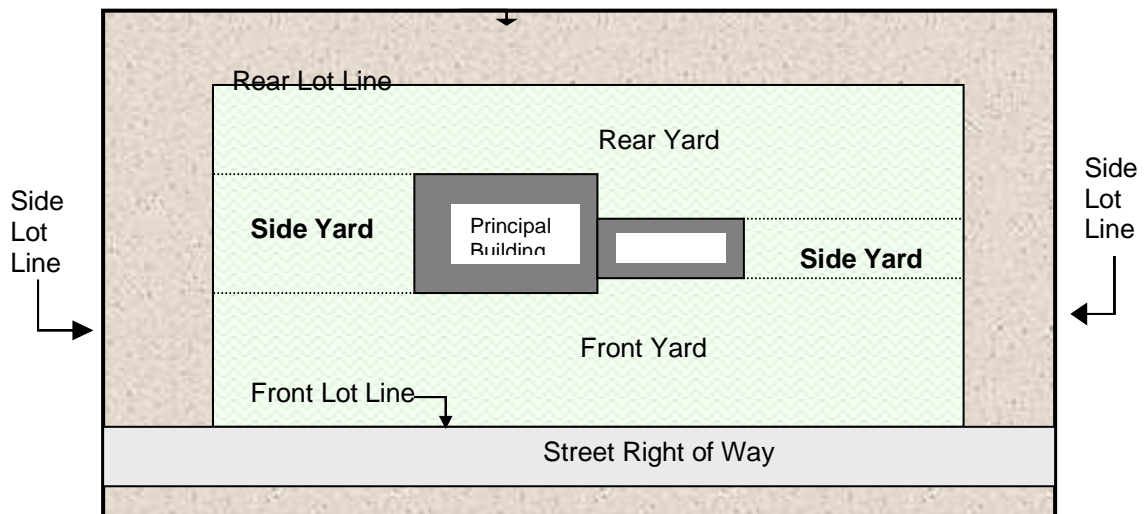


Figure 2.7

- c) **Rear Yard:** A space unoccupied except by an accessory building or use specifically permitted, extending across the full width of the lot between the rear foundation of any building other than an accessory building, and the rear lot line. See Figure 2.7.

2.26 Z

- 1) **Zoning Administrator:** An appointed official designated to administer the zoning ordinance and issue Land Use Permits.
- 2) **Zoning Density:** The maximum density of residential development allowable in any district *09
- 3) **Zoning Fees:** A dollar amount used to off-set the cost of investigating, reviewing and administrating zoning applications, appeals, and rezoning requests from individuals and property owners, and other types of decisions which result in extra costs to the township.
- 4) **Zoning Lot:** Two or more contiguous lots under single ownership and used or designated by its owner for treatment as one lot for the purposes of determining compliance with the requirements of this Ordinance. Once so designated or used, a zoning lot shall not be used or developed except in conformance with the requirements of this Ordinance.
- 5) **Zoning Permit:** A document signed by the Zoning Administrator, as required in the Zoning Ordinance, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building. *06

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ARTICLE 3
ZONE DISTRICTS AND DIMENSIONAL STANDARDS

3.1 DISTRICTS. For the purpose of this Ordinance, the Township of Fife Lake is hereby divided into the following Zoning Districts:

R-1 :	Lake Residential District	
R-2 :	Urban Residential District	
FR :	Forest Recreation District	
AG :	Agriculture District	
C-1 :	Commercial District	*09
I -1 :	Industrial District	*09
PD :	Planned Development District	*09

3.2 MAP. The boundaries of these districts are hereby established as shown on the map titled "Zoning Map of Fife Lake Township, Grand Traverse County, Michigan," which accompanies and is made a part of this Ordinance. Said map shall at all times be available for examination and shall be kept with the records of the Township Clerk.

3.3 LOT DIVIDED BY DISTRICT LINE. Where a district boundary line on the Zoning Map divides a lot, each use shall comply with the requirements of the district in which it is located, provided however, that no such lot shall contain more than one principal use.

3.4 District Boundaries Interpreted. When uncertainty exists with respect to the boundary lines of the various districts as shown on the Zoning Map, the Zoning Board of Appeals shall determine the boundaries according to the following rules:

- A. Boundaries indicated as approximately following the centerline of roads, highways, or alleys shall be construed to follow such centerlines.
- B. Boundaries indicated as approximately following recorded lot lines or the line bounding a parcel shall be construed as following such lot or parcel lines.
- C. Boundaries indicated as approximately following a municipal boundary line shall be construed as following such municipal boundary line.
- D. Boundaries indicated as approximately following the centerline of a stream, river, or other drainage-way shall be construed to follow such centerline. In the event of a change in shoreline, the boundary shall

be construed as following the shoreline existing at the time the interpretation is made.

- E. Boundaries indicated as parallel to or extensions of features indicated in subsections A through D above shall be so construed. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the zoning map.
- F. Where physical or natural features existing on the ground are at variance with those shown on the official Zoning Map, or in other circumstances not covered by subsections A through E above, the Zoning Board of Appeals shall interpret the district boundaries.
- G. Insofar as some or all of the various districts may be indicated on the Zoning Map by patterns or heavy lines that, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries shall extend to the center of any road right-of-way.

3.5 ZONING VACATED AREAS. Whenever any road, alley, or other public right-of-way within Fife Lake Township is vacated, such road, alley, or other public way or portion thereof, shall automatically be classified in the same zoning district as the property to which it attaches.

3.6 ZONING DISTRICT REGULATIONS. The Schedule of District Regulations provides an overview of the dimensional requirements of this Zoning Ordinance. It is provided for expeditious reference. However, it should not be substituted for a precise reference to the specific language of this Ordinance.

3.7 LAND USES. The Schedule of Land Uses summarizes the applicable regulatory standards for the land uses governed under this Zoning Ordinance. It is provided for expeditious reference. However, it should not be substituted for careful reference to the specific language of this Ordinance.



FIFE LAKE TOWNSHIP - ZONING DISTRICT MAP

Effective Date: February 11, 2010



Legend

Roads	Residential	Lake Residential
Lakes	Commercial	Agriculture
Forest Recreational	Industrial	Fife Lake Village
Planned Development		

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*Section 3.8 – Fife Lake Township
Schedule of Regulations*

District	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage	Minimum Yard Requirements (feet)			Maximum Height		Maximum Unit Density	Minimum Dwelling Unit Size	Minimum Core Area Dimension
	(Sq.Ft. or Acres)	(feet)	(%)	Front ^(a)	Side ^(a)	Rear ^(a)	Stories	Feet	Per Acre	(Sq.Ft.)	Feet
	R-1 ^(f)	20,000 Sq. Ft.	100	20	30	10	15 ^(b)	2 1/2	30	2.0	1,000
R-2	20,000 Sq. Ft.	100	20	30	15	15	2 1/2	30	2.0	1,000 ^(d)	20 x 20
FR	5 Acres	330	10	100	15	30	2 1/2	30	0.2	1,000	20 x 20
AG	5 Acres	330	10	100	15	30	2 1/2	30 ^(c)	0.2	1,000	20 x 20
C-1	10,000	100	50	30	10	25	2 1/2	30 ^(e)	n/a	n/a	n/a
I-1	1 Acre	200	30	80	30	25	2 1/2	30 ^(e)	n/a	n/a	n/a
PD	4 acres	200	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

Notes to Schedule of Regulations: *09

- a. Setback measurements shall be taken from the edge of the public or private road right-of-way. In the R-1 Lake Residential, R-2 Urban, FR Forest Recreation and AG Agriculture Districts, corner lots located on public or private roads with a right-of-way width of less than sixty-six (66) feet, shall be measured from a point located thirty-three (33) feet from the roadway centerline, regardless of actual lot dimensions.
- b. For properties with frontage on Fife Lake, the rear yard setback shall be fifty (50) feet measured from the ordinary high water mark.

- c. In the AG Agriculture District, there shall be no maximum structure height governing farm accessory buildings, such as silos, barns or elevator structures.
- d. For multifamily structures, the minimum floor area shall be 600 square feet per dwelling unit.
- e. Height restrictions shall not apply to Telecommunication towers and facilities and alternative tower structures located in accordance with this Ordinance.
- f. Setback standards for lots or parcels of record within the R-1 district legally established on or before August 1, 2002 and with total lot area and/or lot width less than the standards set forth in this Schedule of Regulations, shall be regulated pursuant to Section 5.5.

Section 3.9 LAND USE TABLE

Table of Land Uses summarizes the applicable regulatory standards for the land uses governed under this Zoning Ordinance. It is provided for expeditious reference. However, it should not be substituted for careful reference to the specific language of this Ordinance.

Fife Lake Township

Uses Permitted by Right and Special Land Use Permit

Legend: R=Use by Right SLU=Use Permitted as Special Land Use

* Indicates ADDITIONAL STANDARDS - uses that do not require site plan review by the Planning Commission

USES	R-1 Article 5	R-2 Article 6	FR Article 7	AG Article 8	C-1 Article 9	I-1 Article 10	PD Article 11
Accessory Bldg. ≤ footprint principal structure	R*	R*	R*	R*	R*	R	R
Accessory Bldg. > footprint principal structure	SLU	SLU	SLU	SLU	SLU	SLU	SLU
Accessory Uses, related to permitted uses (subject to Section 4.3)					R	SLU	SLU
Animal Clinics and Hospitals				R			
Bank, Credit Union, Savings & Loan					R		
Bed & Breakfast and Boarding House	SLU	SLU	SLU				
Billboard			SLU	SLU	SLU	SLU	SLU
Church	SLU	SLU			SLU		
Clinics		SLU			R		
Combination of Uses					R/SLU		SLU
Contractors' Facilities, Yards and Appurtenances					SLU	R	R
Day Care, Group for 7-12 children		SLU	SLU	SLU			
Day Care, Commercial for 13+ children					SLU		
Drive-Through Facilities					SLU		
Dwelling, Single-Family	R*	R*	R*	R*	SLU		SLU
Dwelling, Two-Family	R	R			SLU		SLU
Dwelling, Multiple-Family		SLU			SLU		SLU
Fabrication and Assembly Operations						R	R
Farms			R	R			
Gasoline Service Station					R		R
General Retail Establishments					R		R
Government Buildings and Parks		SLU	SLU	SLU			
Gravel and Sand Mines				SLU			
Home Based Businesses	SLU	SLU	SLU	R			
Home Occupations	R	R	R	R			
Kennels			R	R			
Manufactured Housing Community							
Mini-warehouse, Self-Storage					SLU		
Motels					SLU		

Section 3.9 LAND USE TABLE continued...

Fife Lake Township

Uses Permitted by Right and Special Land Use Permit

USES	R-1 Article 5	R-2 Article 6	FR Article 7	AG Article 8	C-1 Article 9	I-1 Article 10	PD Article 11
Nurseries and Greenhouses		R	R	R	R		
Nursing and Convalescent Homes		SLU			SLU		
Office					R	SLU	SLU
Personal Service Establishments					R		
Planned Unit Developments (PUD)	SLU	SLU	SLU	SLU	SLU	SLU	SLU
Public Garages					R		
Public Safety Facilities						SLU	SLU
Public Utility Facilities						SLU	
Recreational Units (on a temporary basis only)		R	R				
Recreational Vehicle Parks					SLU		
Research and Development Facilities						R	R
Restaurants					SLU		
Roadside Stands, less than 100 sq. ft.			R	R	R		
Roadside Stands, greater than 100 sq. ft.			SLU	SLU	SLU		
Sanitary Landfills and Waste Disposal Facilities						SLU	
Sexual Oriented Business					SLU		
Social Club Facilities				SLU		SLU	
Subdivision, Plat or Condominium	R	R	R	R		R	R
Telecommunications Facilities				SLU	SLU	SLU	
Trade Schools						R	R
Tree Harvesting	R	R	R	R			
Users similar to special land uses					SLU	SLU	
Vehicles Owned by Property Owners					R		
Vehicle Repair Shop					R	R	R
Vehicle Sales					R		
Warehouses						R	R

*09

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ARTICLE 4 GENERAL PROVISIONS

- 4.1 APPLICATION OF GENERAL PROVISIONS.** The general provisions of this Article shall apply in all districts unless specifically stated otherwise.
- 4.2 ACCESSORY BUILDINGS.** Accessory buildings, except for farms or other uses otherwise regulated by this Ordinance, shall be subject to the following regulations:
- A. Where an accessory building is structurally attached to a main building, it shall be deemed part of the building and shall be subject to, and must conform to, all regulations of this Ordinance applicable to a main building.
 - B. Accessory buildings shall not be erected in any required front yard setback.
 - C. No detached accessory building shall be located closer than ten (10) feet to any main building, nor shall it be located closer than ten (10) feet to any side or rear lot line. In no instance shall an accessory building be located within a dedicated easement or right-of-way.
 - D. A detached accessory building in any district shall not exceed the maximum permitted height for that district.
 - E. No accessory building shall be used as a dwelling, dwelling unit, or boarding house. No accessory building shall be used as a temporary residence of any kind, and no accessory building shall be rented out. Residential use only. *09
 - F. An accessory building with a total floor area in excess of that of the principal structure shall be so situated on a parcel and/or reasonably screened from view from an off-site vantage point that it shall not dominate either the principal structure on the site or principal structures on neighboring parcels.
 - G. The provisions of this Section 4.2 shall not apply to minor accessory buildings.
 - H. Accessory buildings designed and used for agricultural purposes in the FR and AG Districts shall not be subject to maximum area or height restrictions.
 - I. Except in the Agriculture (AG) district, an accessory building shall not be constructed prior to the construction of the principal structure. Provided, however, that the Zoning Administrator shall be permitted to issue a Temporary Activity Permit for an Accessory Building to be used for up to one (1) year prior to the construction of the principal building.

4.3 ACCESSORY USES.

- A. For purposes of interpreting this Ordinance, accessory uses shall be incidental to, and commonly associated with, the principal use. To be "commonly associated" with a principal use, the association of an accessory use with such principal use takes place with sufficient frequency that there is common acceptance of their relatedness. For example, a swimming pool/tennis court complex is customarily associated with and integrally related to a residential subdivision or multi-family development and would be regarded as accessory to such principal uses, even though such facilities, if developed apart from a residential development, would require a special land use approval.
- B. Interpretation of Accessory Uses: For purposes of interpreting accessory uses;
1. A use may be regarded as incidental or insubstantial if it is incidental or insubstantial in and of itself or in relation to the principal use.
 2. To be "commonly associated" with a principal use it is not necessary for an accessory use to be connected with such principal use more times than not, but only that the association of such accessory use with such principal use takes place with sufficient frequency that there is common acceptance of their relatedness.
 3. An accessory use shall not generate any effects on neighboring properties, including, but not limited to, noise, parking, traffic, glare, or dust, greater than or more burdensome than such impacts from the main use on the property.

4.4 ANIMALS. The housing and grazing of animals such as horse, goats, llamas and donkeys (or similar) exclusively for the private use of the residents of the property shall be a permitted accessory to the permitted residential use of the property in the FR and AG districts and no site plan approval shall be required, providing the requirements of this Section are met.

1. The minimum lot area (exclusive of right of way) shall be five (5) acres
2. All area accessible to grazing animals shall be properly fenced in accord with Sections 4.38 hereof, with fencing materials of sufficient design to properly contain grazing animals.

As to any specific property on which commercial farm products are produced within the meaning of MCL 286.472(a), if any applicable Generally Accepted Agricultural

Management Practice (GAAMP) approved by the Michigan Department of Agriculture conflicts with any standard listed above, the GAAMP shall control. *09

The number of animals per animal unit shall be defined as follows: Table 4.1

Types of Animals	Animal Units per Individual	Types of Animals	Animal Units per Animal
Cattle (dairy or beef)	1.00	Horses	1.00
Swine	.50	Sheep, Goats	.50
Poultry, Fowl	.02	Turkeys, Geese, Ducks	.04

The equivalency for types of livestock not specifically listed above shall be the stated equivalency for the type of animal which is most similar in terms of quantity of manure output, as determined by the Michigan Department of Agriculture or the Michigan State University Extension Service.

Where animals other than house pets of the owner or occupant of the premises are kept or allowed outside, a fence of such construction as to keep said animals from leaving the premises will be provided and regularly maintained. *03

4.5 AREA OR SPACE REQUIRED. No lot, yard, court, parking area or other space shall be so divided, altered or reduced to make it less than the minimum required under this Ordinance. If already less than the minimum required, it shall not be further divided or reduced.

4.6 BASEMENT DWELLINGS. The use of a basement as a dwelling unit is prohibited in all zones. Any portion of a basement used as sleeping quarters shall be provided with a secondary means of egress.

4.7 CONVERSION OF DWELLINGS. Where permitted, the conversion of any existing dwelling so as to accommodate an increased number of dwelling units shall be subject to all provisions of this ordinance relative to two-family or multiple-family dwellings.

4.8 CORNER LOTS. Where a lot is bounded by two streets, the front yard requirements shall be met for each street. In the case of a new corner lot fronting on

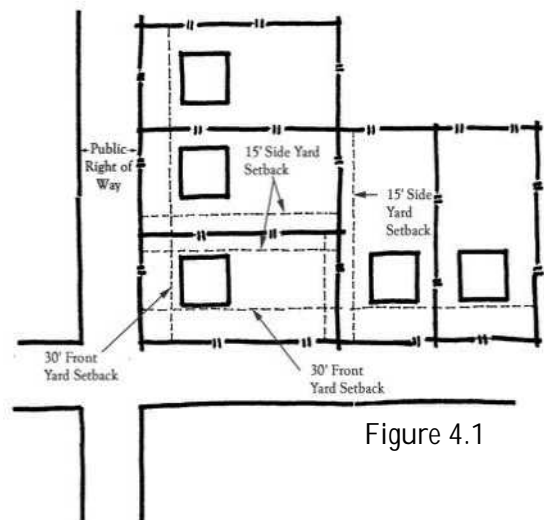


Figure 4.1

two or more streets, the front lot line shall be the shortest boundary line of the lot adjacent to a street right-of-way. For a corner lot in existence at the time of the adoption of this Ordinance, the front line shall be that which corresponds to the property's street address. See Figure 4.1.

4.9 & 4.10 RESERVED

4.11 DRIVEWAYS. Prior to issuance of a Land Use Permit, an approved driveway permit shall be submitted from the State Highway Department or the Grand Traverse County Road Commission. All lots that have access via a driveway with a suitable drivable surface able to withstand with weight of an emergency vehicle, or a drivable surface a minimum of four (4) inches deep of road gravel. The Zoning Administrator shall determine suitability of a proposed driveway surface. If a driveway is over five hundred (500) feet in length, a turnaround with a minimum fifty (50) foot turning radius shall be provided.

4.12 MANUFACTURED HOUSING COMMUNITIES. Manufactured Housing Communities have special characteristics which require full consideration of their locational needs, their site layout and design, their demand upon community services, and their relationship to surrounding uses of land. Compliance shall be had with all of the procedures and applicable requirements of the Mobile Home Commission Act, Act 96 of 1987, as amended. *09

4.13 ONE SINGLE FAMILY DWELLING PER LOT. No more than one (1) single family dwelling may be permanently established on a lot. Site Condominium developments, PUDs, Manufactured Housing Communities and approved multi family dwelling units are exempt from this. *09

4.14 ESSENTIAL SERVICES. Telecommunication Towers, alternative tower structures, antennas and wind energy conversion systems shall be regulated and permitted pursuant to this Ordinance and shall not be regulated or permitted as essential public services, public utilities or private utilities. *09

4.15 RESERVED

4.16 FLOOR AREA.

A. **One-Story Single-family Dwellings.** There shall be a minimum ground floor area of one thousand (1,000) square feet for each new one-story single-family dwelling erected, including manufactured housing units installed outside of manufactured housing communities.

Any two levels of bi-level, tri-level, or split-level type single-family dwelling shall be considered the same as a one story dwelling requiring the same floor area as a one story dwelling.

- B. **Multi-story Single-family Dwellings.** There shall be a minimum ground floor area of six hundred eighty (680) square feet and a total floor area of one thousand two hundred (1,200) square feet for each new two- or three-story single-family dwelling erected.
- C. **Multiple family structures** shall have a minimum floor area of six hundred (600) square feet per dwelling unit.
- D. For the purposes of this Ordinance, a basement shall not be counted as a story.

4.17 HEIGHT EXCEPTIONS. The height requirements of all zones may be exceeded by parapets not over four (4) feet in height and chimneys, silos and barns, cupolas, spires or other ornamental projections, or water towers.

4.18 HOME OCCUPATION.

- A. Home occupations shall be operated in their entirety with the dwelling or garage and not within any accessory building (garage must be attached to the house) located upon the premises, the space to be used therefore shall be limited to twenty-five (25%) percent of the square footage of the principal dwelling and garage.
- B. Only the person or persons occupying the premises as their principal residence shall be involved in the home occupation.
- C. There shall be no exterior evidence, other than a permitted sign, to indicate that the same is being utilized for any purpose other than that of a dwelling or garage.
- D. A home occupation shall be clearly incidental and subordinate to the principal use of the premises for residential purposes.
- E. Except for produce grown on site, retail sales shall not be conducted from a home occupation. For the purpose of this paragraph, retail sales shall include activities involving the purchase of goods of any kind at wholesale, the stocking and restocking of such goods on the premises for re-sale to the general public.
- F. No occupation shall be conducted upon or from the premises which would constitute a nuisance or annoyance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, night lighting, or the creation of unreasonable traffic to the premises. Noise, smoke, odor, electrical disturbance or the source of lighting shall not be discernible beyond the boundaries of the property from which the occupation is conducted.

4.19 HOME BASED BUSINESS.

- A. Where Permitted by Right. A Home Based Business as defined herein and proposed within the Agriculture District (AG) shall be considered a use permitted by right, subject to the requirements of Article 18, Site Plan review and the requirements of Subparagraph C, of this Section 4.19. *05
- B. Where Considered a Special Land Use. A Home Based Business as Residential District (R-2), and the Forest Recreation District (FR) shall be considered a Special Land Use and the Planning Commission shall authorize a Special Use Permit in accordance with the requirements of Article 17 for a home-based business if it finds, based on evidence presented at a public hearing, that the proposed home-based business meets all of the standards set forth in Subparagraph C of this Section 4.19 and the general approval requirements of Article 17. *05
- C. Review Requirements. The Planning Commission shall review an application for a proposed Home Based Business in accord with the following standards and shall approve said application if it finds that the proposal meets the following requirements and any other applicable requirements of this Zoning Ordinance. *05
1. The proposed home-based business will be conducted on the premises and/or the premises will serve as a base of operation from which to conduct the activity off-site.
 2. The proposed home-based business will be conducted in such a manner so as to retain the residential character of the property.
 3. There will be no more than two (2) nonresident employees.
 4. The proposed home-based business will not create a nuisance in fact for surrounding properties in terms of lighting, noise, fumes, odors, vibrations, or electrical interference.
 5. There shall be no exterior evidence, other than a permitted sign, to indicate that the same is being utilized for any purpose other than that of a dwelling or garage.
 6. Adequate off street parking will be provided for patrons, clients and all nonresident employees.
 7. Any exterior storage of materials or equipment related to the home-based business, including the temporary storage of waste and trash, will be screened from the view of neighboring residents and from view by the general public along public rights-of-way by vegetation, natural topographic features, fencing or other constructed visual barriers.
 8. No more than thirty-three percent (33%) of the floor area of the dwelling will be devoted to the home-based business.

4.20 RESERVED *09

4.21 RESERVED

4.22 LOT WIDTH.

Except as provided below, minimum lot widths in all districts shall be measured along the front lot lines, and such minimum lot width shall not be diminished throughout a given lot for the front seventy (70) feet of the depth of such lot.

The minimum lot width for lots fronting on cul-de-sac streets shall be throughout the depth of a given lot for the next seventy (70) feet. Such lots shall have a front lot line at least forty (40) feet in length and in no case shall the lot width within the required front yard be less than forty (40) feet.

4.23 RESERVED.

4.24 RECREATIONAL UNITS. When permitted within a zoning district, recreational units, including travel trailers, camping trailers, motor homes, truck campers, slide-in campers and chassis-mounted campers, may be used for primary temporary housing on a non-commercial, non-rental basis for a period not to exceed thirty (30) days in any one (1) year; provided, however, that a temporary permit for such use be first obtained from the Zoning Administrator.

4.25 RESERVED

4.26 RESERVED

4.27 SATELLITE DISH ANTENNA.

- A. The purpose of this section is to regulate the use of such dish antennas in excess of three (3) feet in diameter or with a surface area in excess of nine (9) square feet. Dish antennae of less than three (3) feet in diameter or surface area less than nine (9) square feet shall not be subject to the requirements of this section.
- B. Satellite dish antennae in excess of 3 feet in diameter or with a surface area in excess of nine (9) square feet shall be subject to the following requirements:
 - 1. Dish antennas exceeding ten (10) feet in height shall be prohibited in all zoning districts, except the I-1. In the I-1, the height limitations of the district shall apply.
 - 2. Such dish antennas shall not be placed on structures or buildings which are used as dwellings or areas designated as residential districts.
 - 3. Dish antennas shall not be located in required front yards or within eight (8) feet of property lines in all districts.

- C. Satellite dish antennae in excess of 3 feet in diameter or with a surface area in excess of nine (9) square feet shall be permitted in all zoning districts upon approval by the Zoning Administrator, provided the following provisions are satisfied:
1. The dish antenna shall be permanently anchored to a foundation.
 2. No portion of the dish antenna shall display any advertising, message, or other graphic representation other than the manufacturer's name.
 3. A dish antenna may be mounted on the roof of a principal or accessory building in the C-1, and I-1 districts, provided it shall not exceed a height of six (6) feet above the roof.
 4. The Zoning Administrator shall issue a land use permit for satellite dish antennae meeting the requirements of this section, the Zoning Administrator.

4.28 RESERVED

4.29 SEWER AND WATER. A building to be occupied by human beings shall be served by public water or public sanitary sewer facilities or on-site well and wastewater disposal systems approved by the Grand Traverse County Health Department.

4.30 SITE PREPARATION, EXCAVATION AND EXTRACTION. Site preparations involving the excavation, extraction, or removal of earth and material shall be prohibited unless it is for the customary and primary purpose of erecting an authorized building, roadway, or other authorized use or improvement on the site and Land Use Permits have been issued. Any use that must obtain special use approval pursuant to Article 17 of this Ordinance, must likewise meet the requirements for such special use approval.

4.31 SWIMMING POOLS. Prior to the issuance of a Land Use Permit for the construction of an outdoor swimming pool in any zoning district, the following provisions must be satisfied:

- A. An application for permit, accompanied by a complete and detailed set of plans and specifications of the swimming pool, fencing, and related equipment, meeting as a minimum the following standards:
- The swimming pool shall not be closer than ten (10) feet to any side or rear lot line and no part of any pool shall be constructed within a required front yard.
- The drain line for the pool shall be connected to a storm sewer if one is available. Where a storm sewer is not available, the pool drain may be drained in a manner approved by the County's Building Inspector. No

pools shall drain into public or private sanitary sewer or septic systems. All drain connections shall be approved by the County Building Inspector before final approval is given.

- B. The applicant shall document that the installation of a swimming pool will meet the provisions of The Regulations and Standards for swimming pools contained in the Michigan Building Code and National Electrical Code.

4.32 TEMPORARY ACTIVITY PERMITS. The Zoning Administrator may issue Land Use Permits for Temporary Activities for the following uses after determining that such uses will not be detrimental to adjacent conforming uses during the permitted period of use. A second Permit may be issued by Zoning Administrator at the end of such time limit for good cause shown. A third Permit may only be authorized by the Planning Commission as a special use.

- A. Mobile Homes. An individual mobile home or other temporary structure may be used as temporary living or working quarters for up to ninety (90) days while a dwelling or structure is being constructed on the same premises. A Temporary Activity Permit must be issued prior to any such use.
- B. Signs and Supplies. The storage of building supplies and machinery, temporary storage buildings, the assembly of materials and customary trade, contractor, architect and identification signs in connection with a construction project may be authorized by the Zoning Administrator for a period of up to twelve (12) months.
- C. Seasonal Uses. The Zoning Administrator may authorize a Temporary r up to thirty (30) days for seasonal or unusual non-recurrent temporary uses and signs.
- D. Parking Areas. Temporary Activity Permits may be issued by the Zoning Administrator for the use of unimproved parking areas for periods of up to seven (7) days.
- E. Reasonable conditions may be required with the approval of a Temporary Activity Permit by the Zoning Administrator. The conditions may include, but are not limited to, conditions 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. Conditions imposed shall meet all of the following requirements:
 - 1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will

- use the land use or activity under consideration, residents and land owners 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.
- E. The conditions imposed with respect to the approval of a Temporary Activity Permit shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the Zoning Administrator and the landowners, in writing. The Zoning Administrator shall maintain a record of conditions which are changed.
- F. A fee for such Temporary Activity Permit shall be paid as determined by the Township Board.

4.33 TRAFFIC VISIBILITY. On any corner lot, no fence, structure, wall, burms, or planting over twenty-four (24) inches in height above the surface elevation of the street, except deciduous trees, shall be erected or maintained within twenty (20) feet of the intersection of right-of-way lines so as to interfere with traffic visibility across the corner of said lot. No structure or planting which is deemed a traffic hazard shall be permitted in any zone. No unshielded light of more than seventy-five (75) watts may be located nearer than thirty (30) feet to a public street unless said light source is not visible from the public street. All light sources of more than seventy-five (75) watts used to illuminate signs, parking areas, or premises shall be diffused or shielded so that the direct source is not visible from any public street. All walls and fences shall comply with Section 4.37 of this Article.

4.34 TRAILER, TRUCK OR RECREATIONAL VEHICLE STORAGE.

- A. Residents Property Owners may store recreational vehicles on their their own property for an indefinite period of time, provided the vehicles are in operable condition. The maximum number of such vehicles stored outdoors on the property shall not exceed (4). *09
- B. Recreational Vehicle must be licensed or registered to the primary resident of the property on which they are stored. *09
- C. Vehicles may not be stored within any required yard setback. *09
- D. Vehicles may not be stored in any front yard area. Excepting in the Lake Residential district, one such vehicle may be located in the front yard area per lot. *09

4.35 SEXUALLY ORIENTED BUSINESSES.

- A. Definitions. Definitions associated with sexually oriented businesses are found in Article 2 of this Zoning Ordinance.
- B. Regulations and Conditions. Sexually Oriented Businesses shall be subject to the following standards:
 - 1. The proposed Sexually Oriented Business shall not be located within three hundred (300) feet of any residence, residentially zoned property, park, school, child care organization, place of worship or other Sexually Oriented Business. The distance between a proposed Sexually Oriented Business and any residence, residentially zoned property, park, school, child care organization, place of worship or other sexually oriented business shall be measured in a straight line from the nearest property line upon which the proposed Sexually Oriented Business is intended to be located to the nearest property line of the residence, residentially zoned property, school, child care organization, place of worship, or other Sexually Oriented Business.
 - 2. Entrances to the proposed Sexually Oriented Business shall be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that:
 - a) "Persons under the age of eighteen (18) are not permitted to enter the premises," and
 - b) "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
 - 3. No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift shall be displayed so as to be visible from the nearest adjoining road right-of-way or a neighboring property.
 - 4. Hours of operation shall be limited to 8:00 A.M. to 11:00 P.M., Mondays through Saturdays.
 - 5. All signs shall be in accordance with Section 4.47 of this Ordinance. Provided, however, that no sign visible from the nearest adjoining road right-of-way or a neighboring property shall display or depict any Specified Anatomical Areas or Specified Sexual Activities
 - 6. All parking shall be in accordance with Article 16 of this Ordinance. Provided, however that all off-street parking areas

shall be illuminated during all hours of operation of the Sexually Oriented Business, and until one hour after the business closes, such that the off-street parking areas are visible from the nearest adjoining road right-of-way.

7. As a condition of approval and continued operation of a Sexually Oriented Business, such business shall acquire and comply with all pertinent federal, state and local requirements governing its operation and licensing, including, but not limited to Section 3.2 of the Fife Lake Township General Law Ordinances.
8. Any booth, room or cubicle available in any Sexually Oriented Business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized as showing Specified Anatomical Areas or Specified Sexual Activities shall:
 - a) Be handicap accessible to the extent required by the Americans with Disabilities Act.
 - b) Be unobstructed by any door, lock or other entrance and exit control device.
 - c) Have at least one side totally open to a public lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant.
 - d) Be illuminated by a light bulb of wattage not less than sixty (60) watts, and
 - e) Have no holes or openings, other than doorways, in any side or rear walls. *09

4.36 UNCLASSIFIED USES. Where a proposed use of land or use of building is not contemplated or specified by this Ordinance or where the Zoning Administrator has a question as to the appropriateness of a use which, although permitted, involves other features which were not contemplated or specified by this Ordinance, the Zoning Administrator shall request a determination by the Planning Commission. If the Planning Commission determines that such use is not contemplated or specified by this Ordinance, or that it involves features which were not contemplated or specified herein, such use shall be prohibited.

4.37 LANDSCAPING, BUFFERING & FENCING.

- A. General Regulations.
 1. Landscaping shall be installed within 180 days of occupancy of the building or structure unless a longer period is permitted in writing by the Zoning Administrator, upon a showing of good cause.
 2. All landscaping shall be hardy plant materials and shall be maintained thereafter in a neat, healthy and orderly manner.

- Withered and/or dead plant materials shall be replaced within a reasonable period of time but not longer than one growing season.
3. Not more than 30% of the landscaping shall consist of cobble stones, crushed stones, or other non-organic material as ground cover.
 4. Trees and shrubs in a buffer zone and in required front yards shall be arranged in informal groupings and irregular spacing, to simulate a natural setting, unless site specific conditions are such that a more formal arrangement is preferred, as determined by the Planning Commission.
 5. All plant materials shall be installed so as not to alter drainage patterns on the site or on adjacent properties.

B. Buffer Zones.

1. As a part of the review of a site plan, the Planning Commission shall require a landscaped buffer zone on a lot or parcel along the boundary between differing zoning districts. Such landscaped buffer shall apply to the more intense of the two differing zoning districts. The following are the requirements to be met for each zone.
 - a) For Residential and Business Districts (R-1, R-2 and C-1), 1 Deciduous Tree + 4 Shrubs, or 1 Evergreen + 4 shrubs are to be planted for each 20 linear feet along the property line.
 - b) For the Light Industrial District (I-1), 1 Deciduous Tree + 1 Evergreen + 4 Shrubs, or 2 Deciduous Trees + 4 shrubs are to be planted for each 20 linear feet along the property line.
 - c) No such landscaped buffer shall be required where the Forest Recreation or Agriculture Districts abut other zoning districts.
2. Buffering requirements shall not apply where differing adjacent zoning districts are separated by a street. In such case, the front yard landscaping requirements of Section 4.37, A, shall apply.
3. Buffering shall be required, even if the abutting parcel is vacant land or open space.

4.38 FENCES.

- A. Fences are permitted in residential districts (R-1, R-2, FR and AG) subject to the following:
1. Fences on all lots of record which enclosed property and/or in height, measured from the surface of the ground, and shall not extend toward the front of the lot nearer than the front of the

house or the required minimum front yard, whichever fencing is a greater distance from the front lot line. Decorative fencing which does not exceed four (4) feet in height shall be permitted in the required front yard.

2. Recorded lots having a lot area in excess of two (2) acres and a frontage of at least two hundred (200) feet, and acreage or parcels not included within the boundaries of a recorded plat, in all residential districts, are excluded from the regulations of this Section 4.38.
3. Fences on lots of record shall not contain barbed wire, electric current or charge of electricity except when used as part of a farm operation.
4. Fences which enclose public or institutional parks, playgrounds, or public landscaped areas situated within an area developed with recorded lots shall not exceed eight (8) feet in height, measured from the surface of the ground, and shall not obstruct vision to an extent greater than twenty-five (25) percent of their total area.
5. Fences with a finished side shall be installed with such finished side exposed to surrounding properties.

B. Fences permitted in zoning districts other than residential are subject to the following:

1. All fences zoned or used for office or commercial purposes shall not exceed a height of eight (8) feet above grade level.
2. All fences in areas zoned or used for industrial purposes shall not exceed a height of eight (8) feet above grade level unless for security or safety purposes.
3. Fences shall be constructed of wood, metal or masonry, and other acceptable materials excluding plastic inter-woven designs. Only materials shall be used which have been manufactured and/or treated in a manner to prevent rust and corrosion and/or rot and decay.
4. All fences shall be constructed of a minimum of:
 - a) two (2) inch iron, galvanized or aluminum pipe or
 - b) two (2) inch angle iron or
 - c) four (4) inch wooden posts or
 - d) four (4) inch reinforced concrete posts or
 - e) Any other member having equal stability
5. No fence shall be erected beyond the required front yard setback.
6. All fences must be located entirely on the private property of the person constructing the fence, except if adjoining owner(s) consent, in writing, to the construction of a fence on the property

line, it may be so constructed. Such written consent shall be filed with the permit application. In the case of adjoining properties, only one (1) fence between the two properties may be erected.

7. Fences must be maintained in a neat and safe condition, so as not to endanger life or property. Any fence which, through lack of repair, type of construction or otherwise, endangers life or property, is deemed a nuisance. The Zoning Administrator shall notify the owner, agent or person in control of the property on which such fence is located of the existence of such nuisance and specify the time period in which repairs or modifications to be made to render the fence safe or require that the unsafe fence or any portion thereof to be removed.

4.39 ZONING DENSITY. The maximum density of residential development allowable in any district is set forth in Table 3.8. Uses such as hospitals, nursing homes, convalescent homes, migrant housing, or similar uses where humans are housed or care is given shall provide sufficient land to meet the density requirements of the district, assuming each four (4) persons so housed or to whom care is given is equivalent to one dwelling unit.

4.40 SITE CONDOMINIUMS OR CONDOMINIUM SUBDIVISIONS. A site condominium shall be a unit created on the basis of condominium ownership which is not subject to the provisions of the Land Division Act, Public Act 288 of 1967 as amended. It provides that a site condominium will comply with all provisions of Article 15 of the Zoning Ordinance.

4.41 GARAGES.

- A. Garages. Private: May either be attached or detached. An attached garage shall not be considered an accessory building.
- B. Attached Garage. An attached garage shall not exceed sixty percent (60%) of the ground floor area of the attached single-family dwelling with a maximum size not to exceed twelve hundred (1,200) square feet in area. Notwithstanding the above, each single-family dwelling is permitted an attached garage up to five hundred and seventy-six (576) square feet in area regardless of the ground floor area.
- C. Detached Garage. Detached garages shall be considered accessory buildings subject to Section 4.2. A detached garage shall not exceed sixty percent (60%) of the ground floor area of the principal single-family dwelling with a maximum size not to exceed twelve hundred (1,200) square feet in area. Notwithstanding the above, each single-family dwelling is permitted a detached garage up to five hundred and seventy-six (576) square feet in area, regardless of the ground floor area.

- D. Free-standing multiple garage structures will be allowed in an R-2 District subject to Site Plan approval by the Planning Commission. The size of the multiple garage structure shall be calculated at a maximum of one (1) stall (300 square feet) per dwelling unit.

4.42 OUTDOOR STORAGE. Yards for storage of heavy machinery, supplies and materials generally used by road builders, earth movers, and construction contractors, or unused motor vehicles, or parts thereof, which may or may not be owned by the property owner; and yards used for the commercial off-season storage boats and recreational units shall be only located in areas approved by the Planning Commission. Such storage yards shall be entirely screened from view from off the property and may be enclosed with approved evergreen landscaping or a solid fence not less than six (6) feet high and not more than eight (8) feet high constructed and maintained in such suitable manner in accordance with this Ordinance. In approving or disapproving such a fence to screen outdoor storage, the following standards shall be applied:

- A. The fence shall be constructed in accord with Section 4.38 of this Ordinance and of such materials and of such design as to reasonably prevent trespassers from entering the premises by scaling such fence.
- B. The fence shall be constructed of materials which totally obstruct the view of the premises enclosed.
- C. The fence shall be maintained in an attractive manner and shall not be in any way used as a sign or signboard.

4.43 COMBINATION OF USES. In the review of site plans and/or special land use permit applications for uses involving combinations of uses otherwise permitted by right or by special land use approval, the Planning Commission shall find that all such uses shall be mutually compatible with one another and that all special land use standards applicable to any such component use in a combined land use shall be met.

4.44 TELECOMMUNICATION FACILITIES.

- A. Purpose. The purpose of this Section is to establish general guidelines of the location of wireless telecommunication towers, alternative tower structures and antennas. The township recognizes that it is in the public interest to permit the location of wireless telecommunication towers, alternative tower structures and antennas within the Township. The Township also recognizes the need to protect the scenic beauty of Fife Lake Township from unnecessary and unreasonable visual interference, and that wireless telecommunication towers, alternative tower structures and antennas may have negative aesthetic impacts upon adjoining and neighboring uses. As such, this Ordinance seeks to:

1. Protect residential areas from potential adverse impact of towers and antennas;
2. Encourage the location of towers in non-residential areas;
3. Minimize the total number of towers throughout the community;
4. Encourage the joint use of new and existing tower sites rather than the construction of additional towers;
5. Encourage developers of towers and antennas to configure them in a way that minimizes their adverse visual impact;
6. Enhance the ability of providers of telecommunication services to provide such services to the community quickly, effectively and efficiently;
7. Consider the public health and safety of telecommunication towers and alternative tower structures, and
8. Avoid potential damage to adjacent property from tower failure.

B. Telecommunication Tower or Alternative Tower Structure Review and Approval.

1. Application. The applicant must demonstrate that no existing tower, alternative tower structure or alternative technology not requiring the use of towers or alternative tower structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other alternative towers or alternative technology. Evidence submitted to demonstrate that no existing tower, alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:
 - a) No existing towers or alternative tower structures are located within the geographic area which meet applicant's engineering requirements.
 - b) Existing towers or alternative tower structures are not of sufficient height to meet applicant's engineering requirements.
 - c) Existing towers or alternative tower structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - d) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or alternative tower structures, or the antenna on the existing towers or alternative tower structures would cause interference with the applicant's proposed antenna.

- e) The fees, costs, or contractual provisions required by the owner to share an existing tower or alternative tower structure or to adapt an existing tower or alternative tower structure for sharing are unreasonable.
 - f) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 - g) The applicant demonstrates that an alternative technology that does not require the use of towers or alternative tower structures, such as a cable micro cell network using multiple low-powered transmitter/receiver attached to a wire line system is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
2. Setbacks. The following setback requirements shall apply to all towers for which a special use permit is required; provided, however, that the Planning Commission may reduce the standard setback requirements if the goals of this Ordinance would be better served thereby:
- a) Towers must be set back a distance equal to one t (100%) of the height of the tower from any adjoining lot line. *09
 - b) Guys and accessory buildings must satisfy the minimum zoning district setback requirements.
3. Security Fencing. Towers and attendant accessory structures shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device.
4. Landscaping. The following requirements shall govern the landscaping surrounding towers for which a special use permit is required; provided, however, that the Planning Commission waive such requirements if the goals of this Ordinance would be better served thereby.
- a) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four feet (4') wide outside the perimeter of the compound.
 - b) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
 - c) Existing mature tree growth and natural land forms on the side shall be preserved to the maximum extent possible. In

some cases, such as towers sighted on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

5. State or Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standard and regulations are changed, then the owners of the towers and antennas governed by this Ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
6. Aesthetics. Tower and antennas shall meet the following requirements:
 - a) Towers shall either maintain a galvanized steel finish, or subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
 - b) At tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
 - c) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 - d) Where a feasible alternative exists, towers alternative tower structure and supporting structures shall not utilize a power source which generates noise able to be heard by a person of normal aural acuity at adjoining property lines or public property; however, this section shall not be construed as limiting the use of temporary generators or similar devices used to create power during periods of interruption of the primary power source.
7. Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required,

the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

8. Compliance with Codes. Antenna and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical connections and wiring and as to structural integrity with all applicable state and local building codes and the applicable standards for towers published by the Electronic Industries Association, as amended from time to time.
9. Interference with Residential Reception. Towers shall be located so that they do not interfere with television and radio reception to neighboring residential areas.
10. Signs. No signs other than signs required pursuant to federal, state, or local law or Ordinance shall be allowed on an antenna or tower.
11. Spacing – Towers. Towers shall be located no closer than one (1) mile from an existing telecommunication tower or alternative tower structure containing one or more antenna, as measured in a straight line between the base of the existing tower and the proposed base of the proposed tower.
12. Spacing – Residences. A tower shall not be located within two hundred feet (200') or two hundred percent (200%) percent of the height of the tower, whichever is greater, of a single-family or multiple-family dwelling unit, church, school, or other structure normally used and actually used for the congregation of persons. Distance for the purpose of this section shall be measured from the base of the tower structure to the lot line of the single-family or multiple-family dwelling unit, church, school, or other structure normally used and actually used for the congregation of persons.
13. Removal of Abandoned Antennas and Towers. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the Township notifying the owner of such abandonment. Along with said removal, said owner shall restore the site of said antenna or tower to its original condition prior to location of the antenna or tower subject to reasonable wear and tear. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. The Planning Commission may

require the applicant to file a bond equal to the reasonable cost of removing the tower, antenna, alternative tower structure or other supporting structure(s) as a condition of a special use permit given pursuant to this section.

4.45 OPEN SPACE PRESERVATION DEVELOPMENT. Residential Open Space Preservation Development, as defined herein, shall conform to the provisions of the Land Division Act, Act 267 of 1967, as amended, and the provisions of this Ordinance. A division of land on the basis of condominium ownership, which is not subject to the provisions of the Land Division Act, shall comply with the requirements of Article 15 of this Ordinance for review and approval of Condominium Subdivisions.

- A. The terms of this Section 4.45 are intended to offer an optional open space preservation approach to residential development patterns within areas of the Township zoned for two (2) or fewer dwelling units per acre, or if the land is served by a public sewer system, three (3) or fewer units per acre. In no event shall an Open Space Preservation Development result in more residential units on a site than would be permitted within the zoning district under conventional development patterns.
- B. Prior to submitting an application for site plan approval to develop lands within the Township for residential purpose, an applicant considering this Open Space Preservation Development option shall submit a pre-application therefore to the Township Zoning Administrator. Such pre-application shall
 1. State the intent to undertake an Open Space Preservation Development,
 2. Indicate the proposed method for the perpetual preservation of open space, and
 3. Indicate the proposed number of parcels, calculated as set forth in sub-paragraph D, of this section.
- C. Not less than 50% of the developable land area will remain perpetually in an undeveloped state by means of a recorded legal instrument which may include, but not necessarily be limited to, a conservation easement, plat dedication, master deed, restrictive covenant or other legal means that runs with the land. Such legal instrument shall be subject to the review and approval of the Township Attorney.
- D. The maximum number of lots that may be approved shall be computed by subtracting from the parcel's total gross developable acreage a fixed percentage of 15% for street right-of-way purposes, and multiplying the remaining area by the maximum dwelling unit density for the district in accord with the following table:

Maximum Density

<u>Zoning District</u>	<u>(Dwelling Units per Acre)</u>
R-1	2.0
R-2	.0
FR	0.2
AG	0.2

- E. To achieve the permitted density and preserve the required open space, the lot area may be reduced up to 50% of the required lot area for the district and lot width may be reduced up to 33% of the required lot width in the district. The minimum front, side and rear setbacks required by the underlying zoning district shall be met.
- F. The Zoning Administrator shall review the pre-application and determine compliance with the requirements of this section. Upon the approval of the Zoning Administrator, the applicant shall submit a request for the applicable land division process – land split, subdivision or site condominium in accordance with applicable standards and rules of the Township. A building permit shall only be issued after all approvals have been granted and a copy of the recorded documents preserving the open space has been filed with the Township Clerk.

4.46 PRIVATE ROADS.

- A. Intent. The Michigan Zoning Enabling Act (Public Act 11 of 2006) authorizes planning which includes the general location, character and extent of streets, roads, highways and recommendations for implementing any of its proposals. A Comprehensive Plan was adopted by Fife Lake Township on January 16, 2003 and thereafter no road shall be constructed or authorized in the Township until the location, character and extent thereof has been approved by the Planning Commission. It is the intent of this section not to regulate streets approved under the Land Division Act, since such streets are regulated by the Township's Subdivision Control Ordinance and County Road Commission provisions. *09
- B. Private Roads. No parcel of land or lot created after January 16, 2003 shall be issued a land use permit if such lot or parcel does not have access to a public road or private road. All private roads established after January 16, 2003 shall be developed according to the standards of this section. All private roads in existence as of January 16, 2003 shall not be extended or modified except that such extension or modification shall be completed according to the standards of this section.
- C. Maintenance Agreement. A maintenance agreement, easement agreement, and deed restrictions which provide for the perpetual private

(non-public) maintenance of the private road and easement to a necessary and reasonable standard to serve the several interests involved shall be provided. These documents shall be recorded and shall, at a minimum, contain the following provisions:

1. A method of initiating and financing of such road and/or easements in order to keep the road in a reasonably good and usable condition.
2. A workable method of apportioning the costs of maintenance and improvements.
3. A notice that no public funds of Fife Lake Township are to be used to build, repair, or maintain the private road, including road cuts, curbs and gutters that may be required at the entry of the private road onto a public road.
4. Easements to the public for purposes of public and private utilities, emergency and other public vehicles for whatever public services are necessary.
5. A provision that the owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting, or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, tradesmen, employees, and other bound to or returning from any of the properties having a right to use the road.
6. A method for apportioning any costs of road improvement required under this Ordinance occasioned by an extension of the private road.
7. A requirement that all future amendments to the maintenance agreement, easement agreement, master deed and/or deed restrictions shall be provided to the Township and shall be recorded with the Grand Traverse County Register of Deeds.
8. A provision placing on notice all future purchasers, others with possible interest in the property that development on the property is subject to the terms of the Fife Lake Township Zoning Ordinance and the issuance of building permits for development on the property may be contingent on full compliance with the terms of this section.
9. Applicant must provide parcel number and legal descriptions of all parcels that shall have legal access to the private road easement.

D. Special Assessment District An Applicant for approval of a private road in Fife Lake Township shall submit a completed petition for a special assessment district to support any future costs of road repair,

maintenance and /or reconstruction to be activated in the event that the abutting property owners fail to perform under the terms of the Joint Maintenance Agreement and the Township determines that such failure to perform has created, or is contributing to, an unsafe or detrimental situation in the community. Said petition for establishment of a special assessment district shall be submitted on forms prepared by the Township's attorney and shall be properly signed by 51% owners of record of the parcel or parcels to be served by the proposed private road. Said petition shall be accepted by the Township and held in abeyance for use only in the event the owners of the property fail to perform under the terms of the Joint Maintenance Agreement. *09

- E. Drainage Plans. A Drainage Plan with the approval of the Grand Traverse County Soil Erosion and Sedimentation Control Officer shall be provided with private road plan. The drainage plan shall conform to the requirements of all agencies having jurisdiction.
- F. Rights-of-Way Widths. The minimum width of private road rights-of-way shall be sixty-six (66) feet. The right-of-way may be a dedicated road, easement access, or common areas dedicated to lot owners. If not paved, shall not be paved except by Township. The right-of-way document shall include explicit utilities provisions and shall be recorded with the Grand Traverse County Register of Deeds, and it shall be a document running with the land. *09
- G. Design Requirements. The Private Road Plan shall be prepared by a Registered Professional Engineer. The road design and construction plan may be reviewed by the Township Engineers for compliance with the Township regulations. Unless expressly waived by the Planning Commission pursuant to paragraph H hereof, the design and construction of private roads shall comply with the requirements of the "Standards and Specifications for Subdivisions and Other development Projects with Public and Private Roads", promulgated by the Grand Traverse County Road Commission and as amended from time to time.
A private road which is to serve eight (8) or more residential lots, or condominium units shall be provided with a paved surface. A private road which will serve fewer than eight (8) residential lots shall consist of at least six (6) inches of aggregate base meeting MDOT 22-A specifications. Other construction specifications, such as depth of sub base, slopes, thickness and quality of bituminous mixture and requirements for drainage and /or valley gutters shall be based on the Standards and Specifications for Subdivision and Other Development Projects with Public and Private Roads as promulgated by the Grand Traverse County Road Commission, or similar successor regulations and

may be modified with the approval of the Zoning Administrator or the Township Engineer.

For private roads servicing eight (8) or more residential lots, the pavement width, pavement surface and sub base shall be constructed in conformance with the Standards and Specifications for Subdivision and Other Development Projects with Public and Private Roads as promulgated by the Grand Traverse County Road Commission or similar successor regulations. Provided that, upon the recommendation of the Zoning Administrator, the Township Board may grant a temporary waiver of the pavement requirement set for in this subparagraph for a proposed private road that would intersect with an unpaved public road.
*09

- H. Waivers. If, in the judgment of the Planning Commission, the implementation of a private road in accord with the Standards and Specifications for Subdivisions and Other Development Projects with Public and Private Roads as promulgated by the Grand Traverse County Road Commission, or similar successor regulations, will result in the loss or degradation of important natural features, upon the recommendation of the Zoning Administrator, the Planning Commission may approve a waiver of the strict application of such standards for a private road. An applicant for such a waiver shall identify the specific features that would be lost or degraded through the use of said Standards and alternative methodologies considered to mitigate such loss or degradation. The Zoning Administrator shall consult with the Grand Traverse County Rural Fire Department and may consult with experts as needed to evaluate such a request and the cost of such consultation shall be borne by the applicant. *09
- I. Emergency Services Review. The private road plan shall be reviewed and approved by the appropriate Emergency Services and Fire Protection agencies before approval is granted by the Township. *09
- J. Road Layout.
 - 1. The road layout shall conform to any adopted road plan of Fife Lake Township and shall also conform to the pattern established by adjacent roads.
 - 2. All existing roads that terminate at the boundaries of a proposed development shall be connected with the road system of the proposed development.
 - 3. Suitable access must be maintained for an isolated parcel previously dependent on the property to be served by the private road for sole access to existing public roads. Such access must be provided by easement or dedication.

4. The layout of roads shall provide as much as possible for a continuous circuit for travel. In special cases where the lands to be divided are limited in area or are subject to a natural barrier, the Township Planning Commission may approve a dedication which provides access to another road at one end only if an engineered designed cul-de-sac right-of-way is provided at the terminus of the road to permit turning in a continuous circuit. *09
- K. Road Names. All private roads intending to serve more than six residential properties shall have a road name approved by the Township Board. The proprietor shall furnish and erect road name signs at all intersections within the project and entrances thereto to assist in the location of the property by emergency vehicles. The design and color of the road name sign shall be in accordance with Grand Traverse County Ordinances. *09
- L. Signs. Traffic control signs shall be placed in accordance to the Michigan Manual of Uniform Traffic Control Devices. Signs marked "Private Road" shall be erected and maintained by the Proprietor at the entrance to all private roads in subdivisions and condominiums. *09
- M. Utilities. Adequate utility easements shall be provided within or adjacent to the right-of-way and dedicated to the public for sewer, water, gas, electric, telephone and cable use. *09
- N. Private Road Approval Process. The Private Road Plan approval shall be processed through the requirements of Site Plan Review as set forth in Section 18 of this Zoning Ordinance. In order to insure that the requirements of this section are met, the Registered Professional Engineer that designs the private road shall verify that the road was built in compliance with the approved plans, specifications and the Township's private road standards construction. *09
- O. Existing Non-conforming Private Roads. Roads existing and used as private roads as of January 16, 2003, may continue to be used, without the requirement of a recorded maintenance agreement as provided in Section 4.46, C.
- P. Home Construction. No land use permits shall be issued for homes to be accessed exclusively by a private road until the private road has been constructed, the as-built plans have been sealed pursuant to paragraph N hereof and the road has been approved by the Township, in accordance with this Section 4.46. *09

4.47 SIGNS. Except as hereinafter provided, no sign or other outdoor advertising media shall be erected or maintained on any property in Fife Lake Township that does not comply with the setback regulations for the Zoning District involved.

- A. General Standards.

1. Exempt Signs. The requirements of this section shall not apply to the following signs:
 - a) Real Estate Sale and For Rent or Lease Signs located on the premises for sale or lease and which do not exceed eight (8) square feet in display area when located within the Agriculture, Lake Residential, and Urban Residential zoning districts, or thirty-two (32) square feet in display area in all other zoning districts.
 - b) Building Construction Signs located on the site of construction and identifying contractors, architects, builders, or owners name during the period of construction not exceeding thirty-two (32) square feet in display area. Signs designating the future site of an establishment shall not be considered Building Construction Signs.
 - c) Political Campaign Signs not exceeding thirty-two (32) square feet in display area. Political campaign signs supporting or opposing a candidate for public office or a ballot proposition shall be removed seven (7) days following the election for the office in question. Political campaign signs expressing a viewpoint shall be treated as an exempt sign under this section provided they are removed after one hundred eighty (180) days.
 - d) No Hunting, No Trespassing, Garage Sale and On Premise Directional Signs not exceeding four (4) square feet in display area.
 - e) Signs identifying a building's address and/or the names of the occupants but not to exceed four (4) square feet in display area.
 - f) Historic Markers, signs identifying the name of a building or date of erection of a structure and official notices of any court or public agency not exceeding four (4) square feet in display area
 - g) Traffic Control, Directional, Warning, or Information Signs when authorized by a public agency having appropriate jurisdiction without display area limitations
 - h) Flags, Pennants, or Banner bearing the official insignia of a nation, state, county, municipality, or educational institution not to exceed thirty-two (32) feet in display area.
 - i) Temporary Directional signs for open houses or similar events provided such signs shall not be permitted to remain in place for more than twenty-four (24) hours.

- j) Home Occupation Signs Attached to a Mailbox located within the road right-of-way, provided that such sign does not exceed two (2) square feet in surface area nor obstruct the visibility of motorists or pedestrians.
 - k) Temporary signs provided total sign area does not exceed thirty-two (32) square feet and provided such temporary sign shall not remain on a parcel for more than seven (7) consecutive days or for more than thirty (30) days in any twelve (12) month period.
2. Prohibited Signs. The following signs are prohibited in any district of Fife Lake Township:
- a) A sign displaying intermittent lights resembling the flashing lights customarily used in traffic signals, or police, fire, ambulance, or rescue vehicles.
 - b) A sign using the words, "Stop," "Danger," or any other words, phrases, symbols, or characters, in such a manner as to interfere with, mislead, or confuse a vehicle driver.
 - c) Any sign which obstructs the ingress or egress from a required door, window, or other required exit
 - d) Billboards used for on premise advertising
 - e) Signs located in the right-of-way of public streets or highways
 - f) Window signs located on the face of windows which cover more than twenty-five percent (25%) percent of the total window area on any side of the building.
 - g) Off premise signs of any type, except for subdivision or condominium entry signs located within a recorded easement and approved by the Planning Commission as a part of a site plan review pursuant to Article 18 of this Zoning Ordinance.
3. Location. Signs shall not be erected within the required front yard as defined for each zoning district and no sign shall be located within a public or private right-of-way.
4. Maintenance. All signs will be well maintained and it shall be the responsibility of the landowner to see that all permits are obtained and zoning regulations are met.
5. Lighting. All externally lighted signs shall be illuminated from the top downward with full cut off shielding to direct the light on the sign or structure face only and shield the light source from view of vehicular and pedestrian traffic and adjacent property.
- *09

6. Double-faced Signs. For the purpose of determining sign face area, only one side of a double-faced sign shall be measured, if the sides of such double-faced sign are mounted not more than two (2) feet apart.
 7. All non exempt signs shall be reviewed and approved by the Zoning Administrator or the Planning Commission as a part of a site plan approval. The Township shall establish a Sign Permit which shall be issued by the Zoning Administrator for any sign meeting the requirements of this section.
 8. Sign area shall be determined as that area contained within the smallest four-sided geometric figure that can contain all of the elements of the sign face. The area of any sign supports which incorporate no message or identifying graphics or logo shall not be counted toward sign area.
- B. Dimensional Standards. All non-exempt signs other than Billboards erected after the effective date of this Ordinance shall meet the following dimensional and sign type standards set forth in Table 4.2. Provided, however, that the Planning Commission may specifically authorize departures from the standards of Table 4.2 as a part of the approval of a site plan, special land use application or Planned Unit Development.
- C. Billboards. Billboards shall be considered a special land use subject to the terms of Section 17.4 of this Ordinance.

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PERMANENT USE SIGN REQUIREMENTS
Table 4.2

ZONING DISTRICT and USE	MAXIMUM DISPLAY AREA	SIGN TYPE	MAXIMUM HEIGHT	SIGN PURPOSE	MAXIMUM NUMBER OF SIGNS
FR Forest Recreation and AG Agriculture – All uses except those set forth below:	4 square feet	Pole, Ground or Wall	8 feet	Identification or Business	One (1) per principal use
Animal clinics and hospitals Bed & Breakfast and Boarding House. Government buildings and parks Home Occupations Nurseries and Greenhouses Roadside Stands, Subdivisions	32 square feet	Ground	8 feet	Identification or business	One per principal use
R-1 Lake Residential and R-2 Residential – All uses except those set forth below:	4 square feet	Ground or Wall	8 feet	Identification or Business	One (1) per principal use
Bed & Breakfast and Boarding House. Group Day Care, Home Occupations Nurseries and Greenhouses Nursing and Convalescent Homes Office	16 square feet	Ground	8 feet	Identification or Business	One (1) per principal use
Churches, Clinics, Motel, Drive-through facilities Dwelling – Multiple-family Government buildings and parks Manufactured Housing Community	32 square feet	Ground or Wall	8 feet	Identification or Business	One (1) per principal use
C-1 Commercial and I-1 Light Industrial District	32 square feet per sign	Ground, Pole or Wall	30 feet	Identification or Business	Two (2) per principal use for single user buildings, or one (1) wall sign for each user in a multiple occupant building and one (1) ground or pole sign to identify the building or complex.
Directional signs in Commercial or Industrial developments	4 square feet	Ground	4 feet	Direction or traffic circulation	One (1) per driveway *09

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4.48 BUILDING REGULATIONS.

- A. No structure shall be erected, altered, or moved within or into the Township without having been issued previously a land permit authorizing such erection, alteration or movement in accordance with this Ordinance and the Building Code. *09
- B. No land permit shall be issued unless a site plan in conformance with Article 18 hereof has been approved by the appropriate approving authority, or in the case of an existing structure, a finding by the Building Official that the structure is in conformance with all existing ordinances and regulations, or the alteration or moving will permit compliance with all such ordinances and regulations. Provided, however, that nothing in this section shall prevent the issuance of a building permit following the approval of a variance duly granted by the Zoning Board of Appeals. *09
- C. No part of a yard, or other open space, or off-street parking or loading space, required for, or in connection with, any land use or structure for the purpose of compliance with this Ordinance, shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other land use or structure, except as otherwise specifically permitted under the provisions of this Ordinance.

4.49 DWELLING UNITS.

- A. The following general requirements are necessary to facilitate the orderly placement of new dwellings in all districts where such uses are permitted and in conjunction with existing dwellings; to assure adequate construction and health standards; to provide for the development of safe, economical housing in the community; and to maintain property values.
 - 1) All dwelling units, including attached additions, decks, terraces, and detached accessory structures, shall comply with the minimum lot size, floor area, and setback requirements, and height limitations for the district in which the dwelling is proposed. All dwelling units shall provide a minimum height between the floor and ceiling of seven feet six inches (7'-6").
 - 2) The minimum width of any single-family dwelling unit shall be twenty (20) feet for at least sixty-seven (67%) percent of its length, measured between the exterior part of the walls having the greatest length. All such dwellings shall provide a core area of living space with a minimum dimension of 20 feet by 20 feet.
 - 3) A single-family dwelling shall be constructed to meet or exceed the requirements of the Township Building Code or the current United States Department of Housing and Urban Development (HUD) Mobile Home Construction and Safety Standards, as may be amended,

- whichever is applicable. Each manufactured, modular or mobile home dwelling must bear an approved HUD certification label.
- 4) All dwellings shall be firmly anchored to a permanent, frost-free foundation, basement or crawl space to restrain potential displacement resulting from wind velocity. The foundation shall be designed to completely enclose the perimeter of the dwelling, and all attached additions, and shall be constructed in conformance with the Township Building Code. If the dwelling is a mobile or manufactured home, it shall, in addition, also comply with the manufacturer's pillar placement and load bearing capacity specifications, as may be applicable.
 - 5) All dwellings shall be connected to either municipal sanitary sewer and water service, to private on-site facilities, or to individual well and septic systems as may be approved by the Grand Traverse County Health Department.
 - 6) Prior to installation of a modular, manufactured or mobile home dwelling on the permanent foundation, as required herein, any wheels and towing mechanism, including tongue, hitch assembly, and any other towing apparatus, shall be completely removed. Axles may remain, although tires shall be removed.
- B. The following miscellaneous requirements shall apply to all dwellings constructed.
- 1) All dwellings shall provide steps or porch areas, permanently attached to the foundation where there exists an elevation differential of more than eight (8) inches between any door and the surrounding grade. Steps designed to provide safe, convenient access to each exterior door shall be provided to the door area, or to porches accessible to the door area. Steps, porches, and foundations shall be constructed in conformance with the Township Building Code, as amended.
 - 2) Additions attached to the dwelling shall be constructed in conformance with the requirements of the Fife Lake Township Zoning Ordinance, Township Building Code, HUD Mobile Home Construction and Safety Standards, and/or other laws and ordinances, as applicable. Additions involving permanent attachment to the principal structure shall include construction of a foundation, and no addition shall involve placing a bearing load on a mobile or manufactured home.
 - 3) The dwelling shall contain storage area whether in a basement located under the dwelling, in an attic area, in closet areas or in a separate structure being of standard construction similar to, or of better quality than, the principal dwelling. Such storage shall be in addition to the space for the storage of automobiles and shall be equal to not less than fifteen (15%) percent of the minimum square footage requirement. In

no case, however, shall more than two hundred (200) square feet of storage area be required by this provision.

- 4) All dwellings shall have a pitched roof of not less than four (4) feet of rise for each twelve (12) feet of run unless at least twenty (20) percent of the single-family dwellings within one-half (1/2) mile have a lesser pitched roof, then a pitch equal to an average of those twenty (20) percent single-family dwellings shall be provided, and the roof shall be covered by either asphalt, fiberglass, or shake shingles, installed in accordance with the Building Code.

4.50 EXTERIOR LIGHTING. All outdoor lighting fixtures shall have full cut-off shielding such that no light is emitted above an imaginary horizontal plane passing through the fixture below the light source regardless of type or wattage, EXCEPT small decorative fixtures such as porch lights, landscape lighting and temporary seasonal lighting. Floodlights shall be directed downward, shielded as necessary so that the light source is not visible from the roads or adjacent property. They should be located and directed so that light is neither unnecessarily reflected onto adjacent property or into the night sky. In addition to fixture design and shielding, architectural and landscape design features may be incorporated into an outdoor lighting plan to meet the above requirements. All outdoor fixtures, small or large, shall be designed as such to not create a nuisance per se to nearby residents or vehicular traffic.

4.51 BUILDING DEMOLITION. All building demolition and razing shall require a Zoning Permit pursuant to Section 21.3 and such demolition and razing shall be regulated in accord with the requirements of the Michigan Building Code including, but not limited to, requirements for the proper disconnection and capping of utility lines, appropriate clean backfilling of sites and the proper documented disposal of all debris in compliance with all applicable federal, state and local requirements. *05

4.52 UNLAWFUL LAND DIVISIONS. No Zoning Permit shall be issued for construction or other developments on any land divided in violation of any provision of this Zoning Ordinance or any other Ordinance of Fife Lake Township. The Township shall further have the authority to initiate injunctive or other relief to prevent any violation or continuance of any violation of this Section. Any unlawful land division or split shall also be void at the option of the purchaser and shall subject the seller to the forfeiture of all consideration received or pledged therefore, together with any damages sustained by the purchaser recoverable in an action at law. *05

4.53 LOT IDENTIFICATION.
Comply with County and State code. *09

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ARTICLE 5
R-1 LAKE RESIDENTIAL DISTRICT

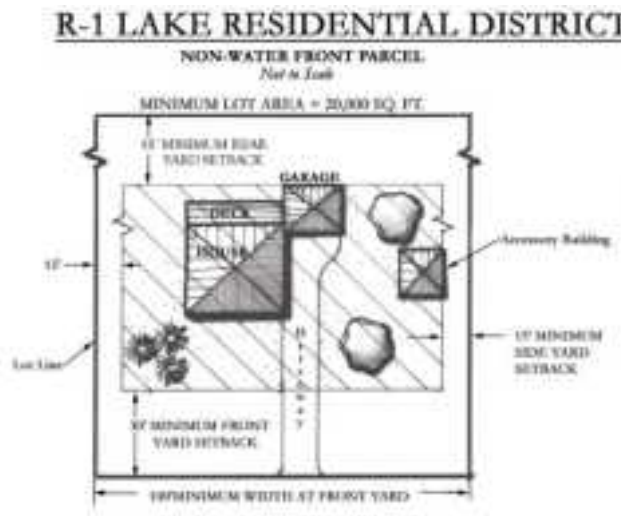
5.1 PURPOSE. This district is established to recognize the special environmental concerns pertaining to property adjacent to natural bodies of water with their delicate and complex ecological systems. These lands are uniquely invested with a public interest because of the potential which exists through high density development or shoreline encroachment. The Township recognizes that unusual economic pressures are generated which would effect a maximum utilization of the land; however, the burden resulting to the land and lakeshore caused thereby is not in the public interest, health, safety or welfare.

DISTRICT SUMMARY

<u>PERMITTED USES</u>	<u>DISTRICT REGULATIONS</u>
<ul style="list-style-type: none"> Ø <u>Accessory Buildings</u> of less area than the principal structure, subject to Section 4.2 Ø <u>Dwellings - Single-family</u> Ø <u>Dwellings - Two-family Dwelling</u> Ø <u>Home Occupations</u>, subject to Section 4.18 Ø <u>Subdivisions</u>, subject to Article 15 Ø <u>Tree Harvesting</u> 	<ul style="list-style-type: none"> Ø <u>Minimum Net Lot Area</u>:* 20,000 sq. ft. Ø <u>Minimum Lot Width</u>:* 100 ft. Ø <u>Minimum Width on the Water</u>: 75 ft. Ø <u>Maximum Building Height</u>: 30 ft. or 2½ stories (whichever is less), except for farm accessory buildings, such as silos, barns, elevators, for which there shall be no maximum height. Ø <u>Minimum Building Setbacks</u>: <ul style="list-style-type: none"> Front: 30 ft. Side: 10 ft. Rear: 15 ft. <p style="margin-left: 20px;">Except for properties on a <i>body of water</i>*09, where the rear yard setback shall be 50 ft. from the ordinary high water mark.</p> Ø <u>Maximum Lot Coverage</u>: 20% Ø <u>Minimum Dwelling Area</u>: 1,000 sq. ft. Ø <u>Maximum Density</u>: 2 units per acre <p>* Lots or parcels legally established on or before August 1, 2002, with lot area and/or width less than these standards shall be regulated under Section 5.5.</p>
<p style="text-align: center;"><u>ADDITIONAL STANDARDS</u></p> <ul style="list-style-type: none"> Ø <u>Site Plan Requirements</u>, subject to Article 18– all uses, except Single-Family Dwellings and accessory buildings with a floor are less than that of the principal structure, require Site Plan Review *03 Ø <u>Special Land Uses</u>, subject to Article 17 Ø <u>Fence Standards</u>, subject to Section 4.38 Ø <u>Open Space Preservation Developments</u>, subject to Section 4.45 	

SPECIAL USES

- Ø Accessory Buildings of greater area than the principal structure, subject to Section 17.2 and Section 4.2
- Ø Bed & Breakfast and Boarding House, subject to Section 17.3
- Ø Churches, subject to Section 17.18
- Ø Home Based Businesses, subject to Section 4.19
- Ø Planned Unit Development (PUD), subject to Article 14



5.2 PERMITTED USES. No building or structure, or any part thereof shall be erected, altered, or used, or land or premises used in whole or in part, for other than one or more of the following specified uses:

- A. **Accessory Buildings** provided the accessory building area is less than the foot print of the principal structure, and subject to Section 4.2.
- B. **Dwellings, Single-family**, subject to Section 4.49, with a lot size of 20,000 square feet or more, with a minimum width of one hundred (100) feet.

- C. **Dwellings, Two-family**, subject to Section 4.49, with a lot size of 20,000 square feet or more, with a minimum width of one hundred (100) feet.
- D. **Home Occupations**, subject to Section 4.18.
- E. **Subdivisions**, subject to Article 15.
- F. **Tree Harvesting**

5.3 SPECIAL USES. The following special land uses may be permitted after review and approval of the Township Planning Commission; provided, however, that any request for a special use permit shall be subject to the requirements for review and approval set forth in Article 17 and each pertinent subsection of this Ordinance.

- A. **Accessory Buildings with a total area greater than the footprint of the principal structure**, subject to **Section 4.2 and Section 17.2.**
- B. **Bed & Breakfast and Boarding Houses**, subject to **Section 17.3.**
- C. **Churches**, subject to **Section 17.18.**
- D. **Home Based Businesses**, subject to **Section 4.19.**
- E. **Planned Unit Developments**, subject to **Article 14.**

5.4 DISTRICT REGULATIONS.

- A. **Minimum Lot Area.** The minimum lot size in the R-1 Lake Residential District shall be 20,000 square feet. Refer to Section 5.5 *09
- B. **Minimum Lot Width.** The minimum lot width shall be one hundred (100) feet wide at the front lot line and shall not be diminished less than one hundred (100) feet throughout the depth of a lot for the next one hundred (100) feet. Except as provided in Section 5.5 of this Article, lots located on Fife Lake shall have a minimum water frontage of seventy-five (75) feet.
- C. **Maximum Building Height.** No dwellings, buildings, or structures, or parts thereof shall be hereafter erected, altered or moved on any land or premises in this district which shall exceed a height of two and one-half (2 1/2) stories or thirty (30) feet from the ground level, whichever is less. Provided, however, that farm accessory buildings, such as silos, barns, elevators, designed and used in farming operations shall not be subject to the maximum height standards for the R-1 Lake Residential District.
- D. **Minimum Building Setbacks.**
 - 1) **Measurement.** All setbacks shall be measured to the foundation, or to the face of the building if cantilevered.
 - 2) **Front.** Each lot shall have a required front yard of not less than thirty (30) feet in depth from the front lot line.
 - 3) **Side.** All lots shall maintain a ten (10) foot side yard along each side lot line.

- 4) Rear. Every dwelling or other principal building hereafter erected shall have a rear yard not less than fifteen (15) feet in depth.
- 5) Waterside Setback. No building or structure shall be built closer than fifty (50) feet from the ordinary high water mark excepting stairways and stairway landings of the same width as the stairway and pump enclosures of no greater size than three (3) feet high, three (3) feet wide and three (3) feet long. *09
- E. Minimum Floor Area. All dwellings shall contain a minimum of one thousand (1,000) square feet of floor area and a minimum core area of living space measuring at least twenty (20) feet by twenty (20) feet in size.
- F. Maximum Lot Coverage. In the R-1 Lake Residential District, lot coverage as defined herein shall not exceed twenty percent (20%) of the lot area.

5.5 ALTERNATIVE SETBACK REQUIREMENTS. Lots or parcels of record within the R-1 Lake Residential district, legally established on or before August 1, 2002 with total lot area of less than 20,000 square feet and/or lot width of less than 100 feet, shall be subject to the following alternate required yard standards:

<u>Front Yard</u>	20 Feet
<u>Side Yard</u>	
One Side	5 Feet
Aggregate	15 Feet
<u>Rear Yard</u>	
With Water Frontage *09	50 Feet
Without Water Frontage *09	10 Feet

In all other respects, the requirements of this Zoning Ordinance shall apply. Provided, however, that such alternate required yard standards shall not be applied to any lot or parcel which is not served or proposed to be served with public wastewater service.

5.6 GENERAL REQUIREMENTS & PROVISIONS. All uses of land in this District shall be subject to the general requirements and provisions contained in Article 4 of this Ordinance.

5.7 SPECIAL REQUIREMENTS OF the R-1 Lake Residential DISTRICT.

- A. The landscape and terrain shall be preserved in its natural state insofar as practicable, by minimizing tree and soil removal and any grade changes shall be in keeping with the general appearance of abutting developed areas. Building size, mass and scale shall be in balance and harmony with adjacent areas.
- B. All new development where available, must be connected to the wastewater collection and treatment system of the Fife Lake Area Utility Authority or an approved and property licensed community wastewater system. *09.

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ARTICLE 6
R-2 RESIDENTIAL DISTRICT *09

6.1 PURPOSE. This district is designed to encourage medium density residential development associated with logical growth of the area, together with such related facilities and uses as would serve the inhabitants of the area and would be compatible and appropriate with residential uses.

DISTRICT SUMMARY

<u>PERMITTED USES</u>	<u>DISTRICT REGULATIONS</u>
<ul style="list-style-type: none"> Ø <u>Accessory Buildings</u> of less area than the principal structure, subject to Section 4.2 Ø <u>Dwellings - Single-family</u> Ø <u>Dwellings - Two-family Dwelling</u> Ø <u>Home Occupations</u>, subject to Section 4.18 Ø <u>Nurseries and Greenhouses</u> Ø <u>Recreational Units (temporary)</u>, subject to Sections 4.24 and 4.34 Ø <u>Subdivisions</u>, subject to Article 15 Ø <u>Tree Harvesting</u> 	<ul style="list-style-type: none"> Ø <u>Minimum Net Lot Area:</u> 20,000 sq. ft. Ø <u>Minimum Lot Width:</u> 100 ft. Ø <u>Maximum Building Height:</u> 30 ft. or 2½ Stories (whichever is less) Ø <u>Minimum Building Setbacks:</u> <ul style="list-style-type: none"> Front: 30 ft. Side: 15 ft. Rear: 15 ft. Ø <u>Maximum Lot Coverage:</u> 20% Ø <u>Minimum Dwelling Area:</u> 1,000 sq. ft. Ø <u>Maximum Density:</u> 2 units per acre

<u>ADDITIONAL STANDARDS</u>
<ul style="list-style-type: none"> Ø <u>Site Plan Requirements</u>, subject to Article 18 – all uses, except Single-Family Dwellings and accessory buildings with a floor are less than that of the principal structure, require Site Plan Review *03 Ø <u>Special Land Uses</u>, subject to Article 17 Ø <u>Fence Standards</u>, subject to Section 4.38 Ø <u>Open Space Preservation Developments</u>, subject to Section 4.45

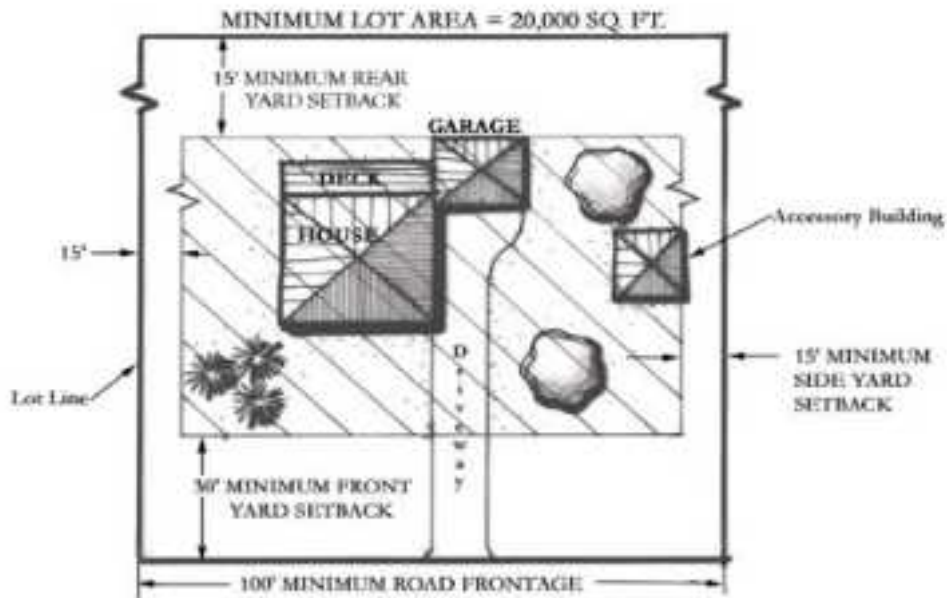
SPECIAL USES

- Ø Accessory Buildings of greater area than the principal structure, subject to Section 4.2 and Section 17.2
- Ø Bed & Breakfast and Boarding House, subject to Section 17.3
- Ø Churches, subject to Section 17.18
- Ø Clinics, subject to Section 17.6
- Ø Day Care, Group, subject to Section 17.8
- Ø Dwelling, Multiple, subject to Section 17.11
- Ø Government Buildings and Parks, subject to Section 17.12
- Ø Home Based Businesses, subject to Section 4.19
- Ø Nursing and Convalescent Homes, subject to Section 17.16
- Ø Planned Unit Development (PUD), subject to Article 14

6.2 PERMITTED USES. No building or structure, or any part thereof shall be erected, altered, or used, or land or premises used in whole or in part, for other than one or more of the following specified uses:

R-2 URBAN RESIDENTIAL DISTRICT

Not to Scale



- A. **Accessory Buildings** provided the accessory building area is less than the foot print of the principal structure, and subject to Section 4.2.
- B. **Dwellings, Single-family**, subject to Section 4.49, with a lot size of 20,000 square feet or more, with a minimum width of one hundred (100) feet.
- C. **Dwellings, Two-family**, subject to Section 4.49, with a lot size of 20,000 square feet or more, with a minimum width of one hundred (100) feet.
- D. **Home Occupations**, subject to Section 4.18.
- E. **Nurseries and Greenhouses**
- F. **Recreational Units (temporary)**, subject to Sections 4.24 and 4.34.
- G. **Subdivisions**, subject to Article 15.
- H. **Tree Harvesting**

6.3 SPECIAL USES. The following special land uses may be permitted after review and approval of the Township Planning Commission; provided, however, that any request for a special use permit shall be subject to the requirements for review and approval set forth in Article 17 and each pertinent subsection of this Ordinance.

- A. **Accessory Buildings with a total area greater than the footprint of the principal structure**, subject to **Section 4.2 and Section 17.2.**
- B. **Bed & Breakfast and Boarding Houses**, subject to **Section 17.3.**
- C. **Churches**, subject to **Section 17.18.**
- D. **Clinics**, subject to **Section 17.6.**
- E. **Day Care, Group**, subject to **Section 17.8.**
- F. **Dwellings - Multiple**, subject to **Section 17.11.**
- G. **Government Buildings and Parks**, subject to **Section 17.12.**
- H. **Home Based Businesses**, subject to **Section 4.19.**
- I. **Nursing and Convalescent Homes**, subject to **Section 17.16.**
- J. **Planned Unit Developments**, subject to **Article 14.**

6.4 DISTRICT REGULATIONS.

- A. **Minimum Lot Area.** The minimum lot size in the R-2 Residential District shall be 20,000 square feet. *09
- B. **Minimum Lot Width.** The minimum lot width shall be one hundred (100) feet wide at the front lot line and shall not be diminished less than one hundred (100) feet throughout the depth of a lot for the next one hundred (100) feet.
- C. **Maximum Building Height.** No dwellings, buildings, or structures, or parts thereof shall be hereafter erected, altered or moved on any land or premises in this district which shall exceed a height of two and one-half (2 1/2) stories or thirty (30) feet from the ground level, whichever is less.

- D. Minimum Building Setbacks.
- 1) Measurement. All setbacks shall be measured to the foundation, or to the face of the building if cantilevered.
 - 2) Front. Each lot shall have a required front yard of not less than thirty (30) feet in depth from the front lot line.
 - 3) Side. All lots shall maintain a fifteen (15) foot side yard along each side lot line.
 - 4) Rear. Every dwelling or other principal building hereafter erected shall have a rear yard not less than fifteen (15) feet in depth.
- E. Minimum Floor Area. All dwellings shall contain a minimum of one thousand (1,000) square feet of floor area and a minimum core area of living space measuring at least twenty (20) feet by twenty (20) feet in size.
- F. Maximum Lot Coverage. In the R-2 Residential District, lot coverage as defined herein shall not exceed twenty percent (20%) of the lot area. *09

6.5 GENERAL REQUIREMENTS & PROVISIONS. All uses of land in this District shall be subject to the general requirements and provisions contained in Article 4 of this Ordinance.

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ARTICLE 7
FR FOREST RECREATION DISTRICT

7.1 PURPOSE. The intent of this District is to establish uses which will encourage low density residential development; to preserve the land for recreation, conservation and agricultural use and to discourage unnecessary conversion of recreational land to urban and higher density type uses.

DISTRICT SUMMARY

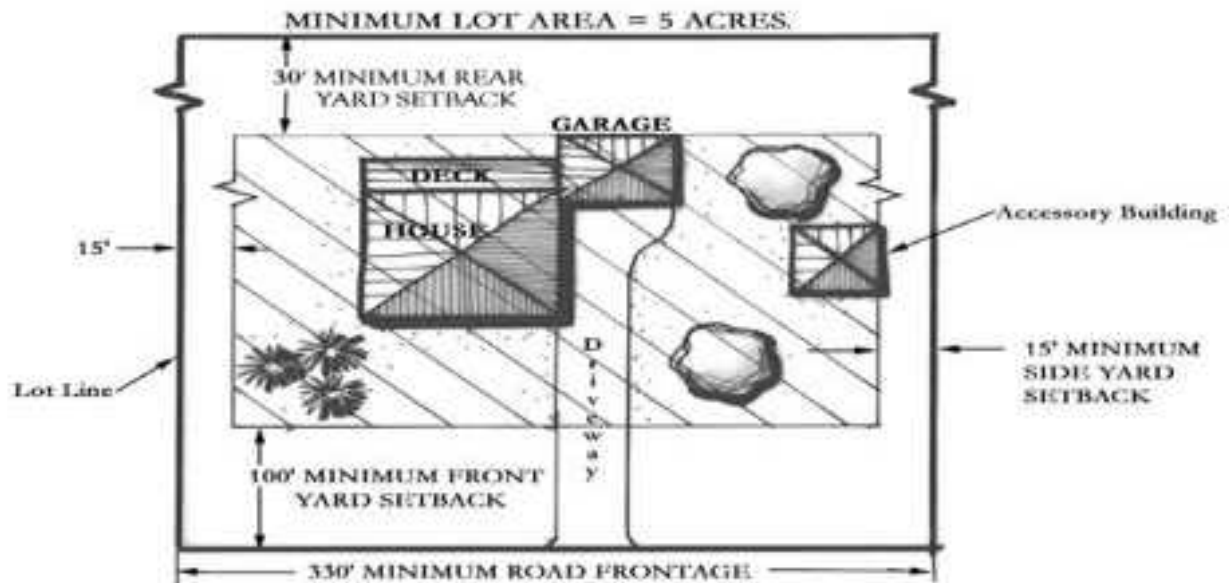
<u>PERMITTED USES</u>	<u>DISTRICT REGULATIONS</u>
<ul style="list-style-type: none"> Ø <u>Accessory Buildings</u> of less area than the principal structure, subject to Section 4.2 Ø <u>Dwellings - Single-family</u> Ø <u>Farms</u> Ø <u>Home Occupations</u>, subject to Section 4.18 Ø <u>Kennels</u> Ø <u>Nurseries and Greenhouses</u> Ø <u>Recreational Units (temporary)</u>, subject to Sections 4.24 and 4.34 Ø <u>Roadside Stands</u>, less than 100 sq. ft. Ø <u>Subdivisions</u>, subject to Article 15 Ø <u>Tree Harvesting</u> 	<ul style="list-style-type: none"> Ø <u>Minimum Net Lot Area:</u> 5 acre Ø <u>Minimum Lot Width:</u> 330 ft. Ø <u>Maximum Building Height:</u> 30 ft. or 2½ Stories (whichever is less), except for farm accessory buildings, such as silos, barns, elevators, for which there shall be no maximum height. Ø <u>Minimum Building Setbacks:</u> <ul style="list-style-type: none"> Front: 100 ft. Side: 15 ft. Rear: 30 ft. Ø <u>Maximum Lot Coverage:</u> 10% Ø <u>Minimum Dwelling Area:</u> 1,000 sq. ft. Ø <u>Maximum Density</u> 0.2 units per acre
<u>ADDITIONAL STANDARDS</u>	
<ul style="list-style-type: none"> Ø <u>Site Plan Requirements</u>, subject to Article 18 – all uses, except Single-Family Dwellings and accessory buildings with a floor are less than that of the principal structure, require Site Plan Review *03 Ø <u>Special Land Uses</u>, subject to Article 17 Ø <u>Fence Standards</u>, subject to Section 4.38 Ø <u>Open Space Preservation Developments</u>, subject to Section 4.45 	

SPECIAL USES

- Ø Accessory Buildings of greater area than the principal structure, subject to Section 4.2 and Section 17.2
- Ø Bed & Breakfast and Boarding House, subject to Section 17.3
- Ø Billboards, subject to Section 17.4
- Ø Day Care, Group, subject to Section 17.8
- Ø Government Buildings and Parks, subject to Section 17.12
- Ø Gravel and Sand Mines, subject to Section 17.13 *09
- Ø Home Based Businesses, subject to Section 4.19
- Ø Planned Unit Development (PUD), subject to Article 14
- Ø Roadside Stands, greater than 100 sq. ft., subject to Section 17.23
- Ø Social Club Facilities, subject to Section 17.25

FOREST RECREATION DISTRICT

Not to Scale



7.2 PERMITTED USES. No building or structure, or any part thereof, shall be erected, altered or used, or lands or premises used, in whole or in part, for other than one or more of the following specified uses, it being the express intent of the Township of Fife Lake to preserve and protect the existing forest character and quality of the lands located within this district:

- A. **Accessory Buildings** provided the accessory building area is less than the foot print of the principal structure, and subject to Section 4.2.
- B. **Dwellings, Single-family**, subject to Section 4.49, with a lot size of 20,000 square feet or more, with a minimum width of one hundred (100) feet.
- C. **Farms and the raising of livestock**, The housing and grazing of animals such as horse, goats, llamas and donkeys (or similar) exclusively for the private use of the residents of the property shall be a permitted accessory to the permitted residential use of the property in the FR and AG districts and no site plan approval shall be required, providing the requirements of this Section are met.
 - 1) The minimum lot area (exclusive of right of way) shall be five (5) acres
 - 2) All area accessible to grazing animals shall be properly fenced in accord with Sections 4.38 hereof, with fencing materials of sufficient design to properly contain grazing animals.

As to any specific property on which commercial farm products are produced within the meaning of MCL 286.472(a), if any applicable Generally Accepted Agricultural Management Practice (GAAMP) approved by the Michigan Department of Agriculture conflicts with any standard listed above, the GAAMP shall control. *09

- D. **Home Occupations**, subject to Section 4.18.
- E. **Kennels**
- F. **Nurseries and Greenhouses**
- G. **Recreational Units (temporary)**, subject to Sections 4.24 and 4.34.
- H. **Roadside Stands**, less than 100 square feet.
- I. **Subdivisions**, subject to Article 15.
- J. **Tree Harvesting**

7.3 SPECIAL USES. The following special land uses may be permitted after review and approval of the Township Planning Commission; provided, however, that any request for a special use permit shall be subject to the requirements for review and approval set forth in Article 17 and each pertinent subsection of this Ordinance.

- A. **Accessory Buildings with a total area greater than the footprint of the principal structure**, subject to **Section 4.2 and Section 17.2.**

- B. **Bed & Breakfast and Boarding Houses**, subject to **Section 17.3**.
- C. **Billboards**, subject to **Section 17.4**.
- D. **Day Care, Group**, subject to **Section 17.8**.
- E. **Government Buildings and Parks**, subject to **Section 17.12**.
- F. **Gravel and Sand Mines**, subject to **Section 17.13. *09**
- G. **Home Based Businesses**, subject to **Section 4.19**.
- H. **Planned Unit Developments**, subject to **Article 14**.
- I. **Roadside Stands, greater than 100 sq. ft**, subject to **Section 17.23**.
- J. **Social Club Facilities**, subject to **Section 17.25**.

7.4 DISTRICT REGULATIONS.

- A. **Minimum Lot Area.** The minimum lot size in the FR Forest Recreation District shall be Five (5) acres.
- B. **Minimum Lot Width.** The minimum lot width shall be three hundred thirty (330) feet wide at the front lot line and shall not be diminished less than three hundred thirty (330) feet throughout the depth of a lot for the next one hundred (100) feet.
- C. **Maximum Building Height.** No dwellings, buildings, or structures, or parts thereof shall be hereafter erected, altered or moved on any land or premises in this district which shall exceed a height of two and one-half (2 1/2) stories or thirty (30) feet from the ground level, whichever is less. Provided, however, that farm accessory buildings, such as silos, barns, elevators, designed and used in farming operations shall not be subject to the maximum height standards for the FR Forest Recreation District.
- D. **Minimum Building Setbacks.**
 - 1) **Measurement.** All setbacks shall be measured to the foundation, or to the face of the building if cantilevered.
 - 2) **Front.** Each lot shall have a required front yard of not less than one hundred (100) feet in depth from the front lot line.
 - 3) **Side.** All lots shall maintain a fifteen (15) foot side yard along each side lot line.
 - 4) **Rear.** Every dwelling or other principal building hereafter erected shall have a rear yard not less than thirty (30) feet in depth.
- E. **Minimum Floor Area.** All dwellings shall contain a minimum of one thousand (1,000) square feet of floor area and a minimum core area of living space measuring at least twenty (20) feet by twenty (20) feet in size.

- F. Maximum Lot Coverage. In the FR Forest Recreational District, lot coverage as defined herein shall not exceed ten percent (10%) of the lot area.

7.5 GENERAL REQUIREMENTS & PROVISIONS. All uses of land in this District shall be subject to the general requirements and provisions contained in Article 4 of this Ordinance.

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ARTICLE 8
AG AGRICULTURE DISTRICT

8.1 PURPOSE. It is the declared public policy of this Township that the lands situated in this District possess special qualities and attributes for agricultural purposes and that the same shall be preserved for such uses; to that end, a minimum parcel size is established to foster and promote agricultural enterprise in the public interest, health, safety and welfare.

DISTRICT SUMMARY

<u>PERMITTED USES</u>	<u>DISTRICT REGULATIONS</u>
<ul style="list-style-type: none"> Ø <u>Accessory Buildings</u> of less area than the principal structure, subject to Section 4.2 Ø <u>Animal Clinics/Hospitals</u> Ø <u>Dwellings Single-family</u> Ø <u>Farms</u> Ø <u>Home Based Businesses</u>, subject to Section 4.19 Ø <u>Home Occupations</u> subject to Section 4.18 Ø <u>Kennels</u> Ø <u>Nurseries and Greenhouses</u> Ø <u>Roadside Stands</u>, less than 100 sq. ft. Ø <u>Subdivisions</u>, subject to Article 15 Ø <u>Tree Harvesting</u> 	<ul style="list-style-type: none"> Ø <u>Minimum Net Lot Area:</u> 5 acre Ø <u>Minimum Lot Width:</u> 330 ft. Ø <u>Maximum Building Height:</u> 30 ft. or 2½ stories (whichever is less), except for farm accessory buildings, such as silos, barns, elevators, for which there shall be no maximum height. Ø <u>Minimum Building Setbacks:</u> <ul style="list-style-type: none"> Front: 100 ft. Side: 15 ft. Rear: 30 ft. Ø <u>Maximum Lot Coverage:</u> 10% Ø <u>Minimum Dwelling Area:</u> 1,000 sq. ft. Ø <u>Maximum Density:</u> 0.2 units per acre

ADDITIONAL STANDARDS

- Ø Site Plan Requirements, subject to Article 18– all uses, except Single-Family Dwellings and accessory buildings with a floor are less than that of the principal structure, require Site Plan Review *03
- Ø Special Land Uses, subject to Article 17
- Ø Fence Standards, subject to Section 4.38
- Ø Open Space Preservation Developments, subject to Section 4.45

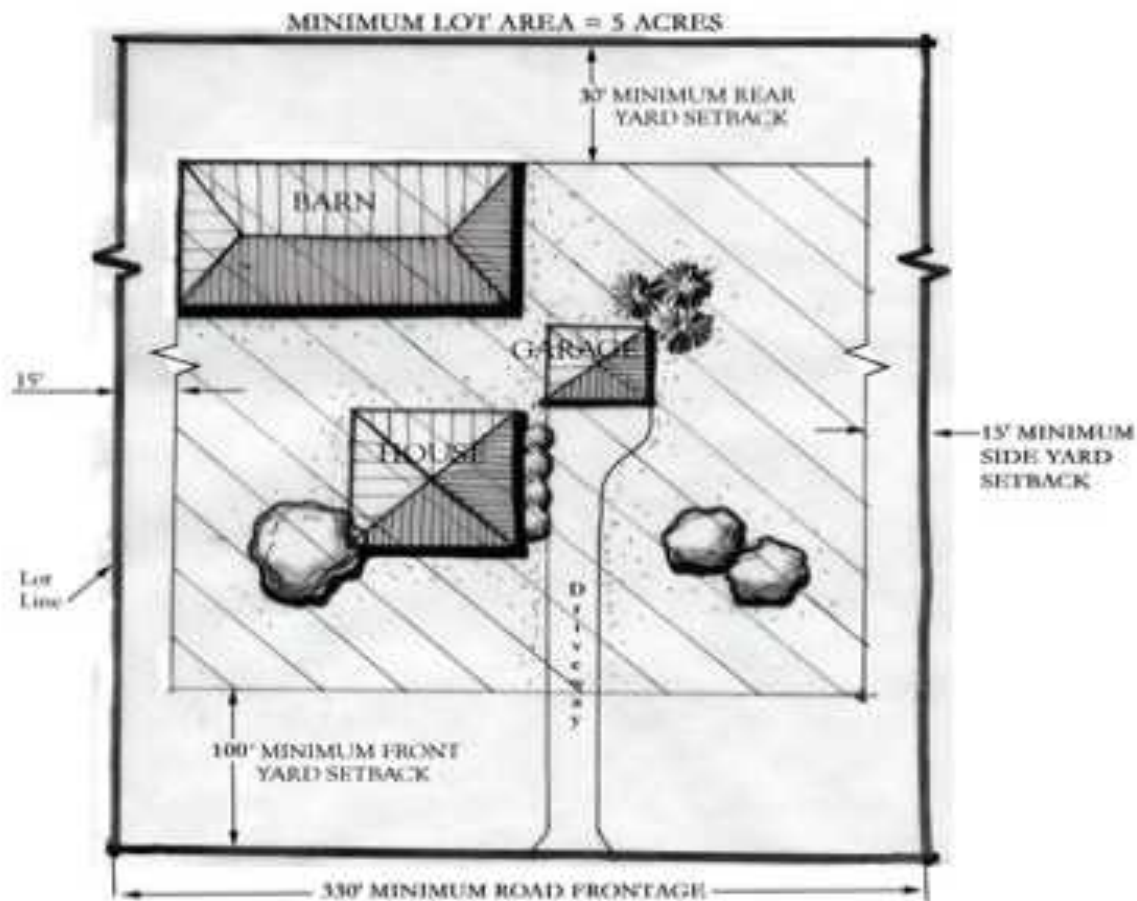
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SPECIAL USES

- Ø Accessory Buildings of greater area than the principal structure, subject to Section 4.2 and Section 17.2
- Ø Billboards, subject to Section 17.4
- Ø Day Care, Group, subject to Section 17.8
- Ø Government Buildings and Parks, subject to Section 17.12
- Ø Gravel and Sand Mines, subject to Section 17.13
- Ø Planned Unit Development (PUD), subject to Article 14
- Ø Roadside Stands, greater than 100 sq. ft., subject to Section 17.23
- Ø Social Club Facilities, subject to Section 17.25
- Ø Telecommunications Facilities, subject to Section 4.44

AGRICULTURE DISTRICT

Not to Scale



8.2 PERMITTED USES. No building or structure, or any part thereof, shall be erected, altered or used, or lands or premises used, in whole or in part, for other than one or more of the following specified uses:

- A. **Accessory Buildings** provided the accessory building area is less than the foot print of the principal structure, and subject to **Section 4.2.**
- B. **Animal Clinics and Animal Hospitals**
- C. **Dwelling, Single-Family**
- D. **Farms and the raising of livestock**, The housing and grazing of animals such as horse, goats, llamas and donkeys (or similar) exclusively for the private use of the residents of the property shall be a permitted accessory to the permitted residential use of the property in the FR and AG districts and no site plan approval shall be required, providing the requirements of this Section are met.
 - 1) The minimum lot area (exclusive of right of way) shall be five (5) acres.
 - 2) All area accessible to grazing animals shall be properly fenced in accord with Sections 4.38 hereof, with fencing materials of sufficient design to properly contain grazing animals.As to any specific property on which commercial farm products are produced within the meaning of MCL 286.472(a), if any applicable Generally Accepted Agricultural Management Practice (GAAMP) approved by the Michigan Department of Agriculture conflicts with any standard listed above, the GAAMP shall control. *09
- E. **Home Based Businesses**, subject to **Section 4.19.**
- F. **Home Occupations**, subject to **Section 4.18.**
- G. **Kennels**.
- H. **Nurseries and Greenhouses**
- I. **Roadside Stands**, less than 100 square feet.
- J. **Subdivisions**, subject to **Article 15.**
- K. **Tree Harvesting**

8.3 SPECIAL USES. The following special land uses may be permitted after review and approval of the Township Planning Commission; provided, however, that any request for a special use permit shall be subject to the requirements for review and approval set forth in **Article 17** and each pertinent subsection of this Ordinance.

- A. **Accessory Buildings** with a total area greater than the footprint of the principal structure, subject to **Section 4.2** and **Section 17.2.**
- B. **Billboards**, subject to **Section 17.4.**
- C. **Day Care, Group**, subject to **Section 17.8.**
- D. **Government Buildings and Parks**, subject to **Section 17.12.**
- E. **Gravel and Sand Mines**, subject to **Section 17.13.**

- F. **Planned Unit Developments**, subject to **Article 14**.
- G. **Roadside Stands**, greater than 100 sq. ft, subject to **Section 17.23**.
- H. **Social Club Facilities**, subject to **Section 17.25**.
- I. **Telecommunication Facilities**, subject to **Section 4.44**.

8.4 DISTRICT REGULATIONS.

- A. **Minimum Lot Area**. The minimum lot size in the AG Agriculture District shall be five (5) acres.
- B. **Minimum Lot Width**. The minimum lot width shall be three hundred thirty (330) feet wide at the front lot line and shall not be diminished less than three hundred thirty (330) feet throughout the depth of a lot for the next one hundred (100) feet.
- C. **Maximum Building Height**. No dwellings, buildings, or structures, or parts thereof shall be hereafter erected, altered or moved on any land or premises in this district which shall exceed a height of two and one-half (2 1/2) stories or thirty (30) feet from the ground level, whichever is less. Provided, however, that farm accessory buildings, such as silos, barns, elevators, designed and used in farming operations shall not be subject to the maximum height standards for the AG Agriculture District.
- D. **Minimum Building Setbacks**.
 - 1) Measurement. All setbacks shall be measured to the foundation, or to the face of the building if cantilevered.
 - 2) Front. Each lot shall have a required front yard of not less than one hundred (100) feet in depth from the front lot line.
 - 3) Side. All lots shall maintain a fifteen (15) foot side yard along each side lot line.
 - 4) Rear. Every dwelling or other principal building hereafter erected shall have a rear yard not less than thirty (30) feet in depth.
- E. **Minimum Floor Area**. All dwellings shall contain a minimum of one thousand (1,000) square feet of floor area and a minimum core area of living space measuring at least twenty (20) feet by twenty (20) feet in size.
- F. **Maximum Lot Coverage**. In the AG Agriculture District, lot coverage as defined herein shall not exceed ten percent (10%) of the lot area.

8.5 GENERAL REQUIREMENTS AND PROVISIONS. All uses of land in this District shall be subject to the general requirements and provisions contained in **Article 4** of this Ordinance.

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ARTICLE 9
C-1 COMMERCIAL DISTRICT *09

9.1 PURPOSE. The intent of the C-1 Commercial District is to provide areas of the Township wherein local service and convenience facilities can be optimally located to best serve the immediate neighborhood; further, to encourage those commercial activities of a nature that are compatible with the lot size of the District and unique character of the area. *09

DISTRICT SUMMARY

<u>PERMITTED USES</u>	<u>DISTRICT REGULATIONS</u>
<ul style="list-style-type: none"> Ø <u>Accessory Buildings</u> of less area than the principal structure, subject to Section 4.2 Ø <u>Accessory Uses</u> related to principal use, subject to Section 4.3 Ø <u>Bank, Credit Union, Savings & Loan</u> Ø <u>Clinics</u> Ø <u>Combinations of Uses</u>, subject to Section 4.43 Ø <u>Gasoline Service Station</u> Ø <u>General Retail Establishments</u> Ø <u>Nurseries and Greenhouses</u> Ø <u>Offices</u> Ø <u>Personal Service Establishments</u> Ø <u>Private Garages</u> Ø <u>Roadside Stands</u>, less than 100 sq. ft. Ø <u>Sexually Oriented Businesses</u>, subject to Section 4.35 *09 Ø <u>Social Club Facilities</u> Ø <u>Subdivisions</u>, subject to Article 15. Ø <u>Vehicle Repair Shop</u> Ø <u>Vehicle Sales, Vehicles owned by property owners</u> *09 	<ul style="list-style-type: none"> Ø <u>Minimum Net Lot Area:</u> 10,000 sq. ft. Ø <u>Minimum Lot Width:</u> 100 ft. Ø <u>Maximum Building Height:</u> 30 ft. or 2½ Stories (whichever is less) Ø <u>Minimum Building Setbacks:</u> Front: 30 ft. Side: 10 ft. Rear: 25 ft.
	<u>ADDITIONAL STANDARDS</u>
	<ul style="list-style-type: none"> Ø <u>Site Plan Requirements</u>, subject to Article 18– all uses, except Single-Family Dwellings and accessory buildings with a floor are less than that of the principal structure, require Site Plan Review *03 Ø <u>Special Land Uses</u>, subject to Article 17 Ø <u>Fence Standards</u>, subject to Section 4.38 Ø <u>Landscape Standards</u>, subject to Section 4.37 Ø <u>Parking Standards</u>, subject to Article 16 Ø <u>Signage Requirements</u>, subject to Section 4.47

SPECIAL USES

- Ø Accessory Buildings of greater area than the principal structure, subject to Section 4.2
- Ø Billboards, subject to Section 17.4
- Ø Church, subject to Section 17.18
- Ø Combinations of Uses, subject to Section 4.43
- Ø Contractors' Facilities, Yards and Appurtenances, subject to Section 17.7
- Ø Day Care, Commercial, subject to Section 17.9
- Ø Drive-Through Facilities, subject to Section 17.10
- Ø Dwellings, Single-family, subject to Section 17.11
- Ø Dwellings, Two-family, subject to Section 17.11
- Ø Dwellings, Multiple-family, subject to Section 17.11
- Ø Mini-Warehouse and Self-Storage Facility, subject to Section 17.14
- Ø Motels, subject to Section 17.15
- Ø Nursing and Convalescent Homes, subject to Section 17.16
- Ø Planned Unit Development (PUD), subject to Article 14
- Ø Recreational Vehicle Parks, subject to Section 17.21
- Ø Restaurants, subject to Section 17.22
- Ø Roadside Stands greater than 100 sq. ft., subject to Section 17.23
- Ø Subdivisions, subject to Article 15.
- Ø Telecommunication Facilities, subject to Section 4.44
- Ø Uses Similar to Other Special Land Uses, subject to Section 17.
- Ø Vehicle Sales, vehicles owned by property owner *09

9.2 PERMITTED USES. No building or structure, or any part thereof, shall be erected, altered or used, or lands or premises used, in whole or in part, for other than one or more of the following specified uses:

- A. Accessory Buildings provided the accessory building area is less than the foot print of the principal structure, and subject to Section 4.2.
- B. Accessory Uses related to the principal use, subject to Section 4.3
- C. Banks, Credit Unions and Savings & Loan Associations
- D. Clinics
- E. Combinations of Uses, subject to Section 4.43.
- F. Gasoline Service Stations
- G. General Retail Establishments
- H. Nurseries and Greenhouses
- I. Offices
- J. Personal Service Establishments
- K. Private Garages
- L. Roadside Stands, less than 100 square feet.
- M. Sexually Oriented Business, subject to Section 4.35. *09
- N. Social Club Facilities
- O. Vehicle Repair Shops
- P. Vehicle Sales, vehicles owned by property owners. *09

9.3 SPECIAL USES. The following special land uses may be permitted after review and approval of the Township Planning Commission; provided, however, that any request for a special use permit shall be subject to the requirements for review and approval set forth in Article 17 and each pertinent subsection of this Ordinance.

- A. **Accessory Buildings with a total area greater than the footprint of the principal structure**, subject to **Section 4.2 and Section 17.2.**
- B. **Billboards**, subject to **Section 17.4.**
- C. **Church**, subject to **Section 17.18.**
- D. **Combinations of Users**, subject to **Section 4.43.**
- E. **Contractors' Facilities, Yards and Appurtenances**, subject to **Section 17.7.**
- F. **Day Care, Commercial**, subject to **Section 17.9.**
- G. **Drive-Through Facilities**, subject to **Section 17.10.**
- H. **Dwellings, Single-Family**, subject to **Section 17.11.**

- I. **Dwellings, Two-Family**, subject to **Section 17.11.**
- J. **Dwellings, Multiple-Family**, subject to **Section 17.11.**
- K. **Mini Warehouses, Self-Storage**, subject to **Section 17.14.**
- L. **Motels**, subject to **Section 17.15.**
- M. **Nursing and Convalescent Homes**, subject to **Section 17.16.**
- N. **Planned Unit Development (PUD)**, subject to **Article 14.**
- O. **Recreational Vehicle Parks**, subject to **Section 17.21.**
- P. **Restaurants**, subject to **Section 17.22.**
- Q. **Roadside Stands, greater than 100 sq. ft.**, subject to **Section 17.23.**
- R. **Subdivisions**, subject to **Article 15.**
- S. **Telecommunication Facilities**, subject to **Section 4.44.**
- T. **Uses Similar to Other Special Land Uses**, subject to **Section 17.26.**
- U. **Vehicle Sales**, vehicles owned by property owners. *09

9.4 DISTRICT REGULATIONS

- A. **Minimum Lot Area.** The minimum lot size in the C-1 Commercial District shall be 10,000 square feet. *09
- B. **Minimum Lot Width.** The minimum lot width shall be one hundred (100) feet wide at the front lot line and shall not be diminished less than one hundred (100) feet throughout the depth of a lot for the next one hundred (100) feet.
- C. **Maximum Building Height.** No buildings, or structures, or parts thereof shall be hereafter erected, altered or moved on any land or premises in this district which shall exceed a height of two and one-half (2 1/2) stories or thirty (30) feet from the ground level, whichever is less.
- D. **Minimum Building Setbacks.**
 - 1) **Measurement.** All setbacks shall be measured to the foundation, or to the face of the building if cantilevered.
 - 2) **Front.** Each lot shall have a required front yard of not less than thirty (30) feet in depth from the front lot line.
 - 3) **Side.** All lots shall maintain a fifteen (15) foot side yard along each side lot line.
 - 4) **Rear.** Every dwelling or other principal building hereafter erected shall have a rear yard not less than twenty-five (25) feet in depth.
- E. **Maximum Lot Coverage.** In the C-1 Commercial District, lot coverage as defined herein shall not exceed fifty percent (50%) of the lot area. *09

9.5 GENERAL REQUIREMENTS & PROVISIONS. All uses of land in this District shall be subject to the general requirements and provisions contained in Article 4 of this Ordinance.

9.6 ADDITIONAL STANDARDS.

- A. Access and Loading. In addition to the standards of Article 16, a proposed use in the C-1 Commercial District shall provide proper access for the delivery of merchandise and supplies without impeding vehicular or pedestrian traffic in the vicinity. *09
- B. Outdoor Storage. In addition to the standards of Section 4.42, no goods, supplies, merchandise, parts, refuse, scrap or discarded equipment or machinery shall be stored out of doors, except as may be authorized by the Planning Commission upon application made to said Commission. The Planning Commission may approve such outside storage, subject to location and screening requirements and such other conditions as it deems necessary to protect adjacent property and to prevent conditions which would become hazardous or objectionable to a reasonable person.

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ARTICLE 10
I-1 INDUSTRIAL DISTRICT *09

10.1 PURPOSE. This District is intended to accommodate industrial uses, storage and related activities that generate a minimum of noise, glare, odors, dust, vibration, air, ground and water pollution, fire and safety hazards or any other potentially harmful or nuisance characteristics. It is designed to accommodate warehouse and industrial activities whose operational and physical characteristics do not detrimentally affect any of the surrounding districts. This district is established to permit the manufacturing, compounding, processing, packaging, assembly and/or treatment of finished or semi-finished products from previously prepared material. It is also intended to permit limited retail enterprises if they are directly related to the distribution of products manufactured or warehoused, which are not suitable for wholesale distribution. *09

DISTRICT SUMMARY

<u>PERMITTED USES</u>	<u>DISTRICT REGULATIONS</u>
Ø <u>Accessory Buildings</u> of less area than the principal structure, subject to Section 4.2	Ø <u>Minimum Net Lot Area:</u> 1 acre
Ø <u>Contractor' Facilities, Yards and Appurtenances</u>	Ø <u>Minimum Lot Width:</u> 200 ft.
Ø <u>Fabrication and Assembly</u>	Ø <u>Maximum Building Height:</u> 30 ft. or 2½ Stories (whichever is less)
Ø <u>Research and Development Facilities</u>	Ø <u>Minimum Building Setbacks:</u>
Ø <u>Subdivisions</u> , subject to Article 15	Front: 80 ft.
Ø <u>Trade Schools</u>	Side: 30 ft.
Ø <u>Vehicle Repair Shop</u>	Rear: 25 ft.
Ø <u>Warehouses</u>	Ø <u>Maximum Lot Coverage:</u> 30%

SPECIAL USES

- Ø Accessory Buildings of greater area than the principal structure, subject to Section 4.2 and Section 17.2
- Ø Accessory Uses related to uses permitted by right, subject to Section 4.3
- Ø Billboards, subject to Section 17.4
- Ø Office, subject to Section 17.17
- Ø Planned Unit Development (PUD), subject to Article 14
- Ø Public Safety Facilities, subject to Section 17.19
- Ø Public Utility Facilities, subject to Section 17.20
- Ø Sanitary Landfills and Waste Disposal Facilities, subject to Section 17.20
- Ø Social Club Facilities, subject to Section 17.25
- Ø Telecommunication Facilities, subject to Section 4.44
- Ø Uses Similar to Other Special Land Uses, subject to Section 17.26

ADDITIONAL STANDARDS

- Ø Site Plan Requirements, subject to Article 18– all uses, except Single-Family Dwellings and accessory buildings with a floor are less than that of the principal structure, require Site Plan Review *03
- Ø Special Land Uses, subject to Article 17
- Ø Fence Standards, subject to Section 4.38
- Ø Landscape Standards, subject to Section 4.37
- Ø Parking Standards, subject to Article 16
- Ø Signage Requirements, subject to Section 4.47

10.2 PERMITTED USES. No building or structure, or any part thereof, shall be erected, altered or used, or lands or premises used, in whole or in part, for other than one or more of the following specified uses:

- A. Accessory Buildings of less area than the principal structure, subject to Section 4.2.
- B. Contractor' Facilities, Yards and Appurtenances.
- C. Fabrication and Assembly.
- D. Research and Development Facilities.
- E. Subdivisions, subject to Article 15.
- F. Trade Schools.
- G. Vehicle Repair Shop.
- H. Warehouses.

10.3 SPECIAL USES. The following special land uses may be permitted after review and approval of the Township Planning Commission; provided, however, that any request for a special use permit shall be subject to the requirements for review and approval set forth in Article 17 and each pertinent subsection of this Ordinance.

- A. **Accessory Buildings of greater area than the principal structure**, subject to **Section 4.2 and Section 17.2.**
- B. **Accessory Uses related to uses permitted by right**, subject to **Section 4.3.**
- C. **Billboards**, subject to **Section 17.4.**
- D. **Office**, subject to **Section 17.17.**
- E. **Planned Unit Development (PUD)** subject to **Article 14.**
- F. **Public Safety Facilities**, subject to **Section 17.19.**
- G. **Public Utility Facilities**, subject to **Section 17.20.**
- H. **Sanitary Landfills and Waste Disposal Facilities**, subject to **Section 17.20.**
- I. **Social Club Facilities**, subject to **Section 17.25.**
- J. **Telecommunication Facilities**, subject to **Section 4.44.**
- K. **Uses Similar to Other Special Land Uses**, subject to **Section 17.26.**

10.4 DISTRICT REGULATIONS.

- A. **Minimum Lot Area:** The minimum lot size in the I-1 Industrial District shall be One (1) Acre. *09
- B. **Minimum Lot Width:** The minimum lot width shall be two hundred (200) feet wide at the front lot line and shall not be diminished less than two hundred (200) feet throughout the depth of a lot for the next one hundred (100) feet.
- C. **Maximum Building Height:** No buildings, or structures, or parts thereof shall be hereafter erected, altered or moved on any land or premises in this district

which shall exceed a height of two and one-half (2 1/2) stories or thirty (30) feet from the ground level, whichever is less.

D. Minimum Building Setbacks:

- 1) Measurement. All setbacks shall be measured to the foundation, or to the face of the building if cantilevered.
- 2) Front. Each lot shall have a required front yard of not less than eighty (80) feet in depth from the front lot line. The required front yard shall remain clear for landscape improvements and necessary drives and walks, except that off-street parking shall be permitted for automobiles, provided that not more than twenty-five (25) percent of such required front yard may be used to within a distance of fifteen (15) feet of the property line.
- 3) Side. All lots shall maintain a thirty (30) foot side yard along each side for a strip, ten (10) feet in width along the lot boundary, side yards may be used for parking and loading, but not for storage. The side yard may be eliminated where a railroad service to the site is obtained at the edge of the lot.
- 4) Rear. Every dwelling or other principal building hereafter erected shall have a rear yard not less than twenty-five (25) feet in depth. Except for a strip, ten (10) feet in width, the rear yard may be used for parking, loading and storage, provided that when required screening is located on the property line, the ten (10) foot strip may be used for parking, loading and storage. The rear yard may be eliminated when railroad service to the site is obtained at the edge of the lot.
- 5) Screening. Side and rear yard areas shall be effectively screened by a ten (10) foot wide solid evergreen planting, which would effectively screen parking, loading, unloading and servicing. Such planting shall be at least six (6) feet in height, but in no case shall planting be lower than the enclosed parking, loading or servicing activity being screened.

E. Maximum Lot Coverage. In the I-1 Industrial, lot coverage as defined herein shall not exceed thirty percent (30%) of the lot area. *09

10.5 GENERAL REQUIREMENTS AND PROVISIONS. All uses of land in this District shall be subject to the general requirements and provisions contained in Article 4 of this Ordinance.

10.6 CONTROL OF HAZARDOUS AND/OR TOXIC WASTES. Any industry with a potential for hazardous and/or toxic wastes must supply copies of necessary permits along with submitted building plans and specifications.

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**ARTICLE 11
PD – PLANNED DEVELOPMENT DISTRICT**

11.1 PURPOSE. This district is intended to permit the private or public development or redevelopment of areas throughout the Township which shall be substantially in accord with the goals and objectives of the Fife Lake Township master plan. Development shall provide for a balanced land use pattern for residential, business, industry, and community facilities, and shall be harmonious to the general surrounding uses. This district provides flexibility in overall development while ensuring adequate safeguards and standards for public health, safety, convenience, and general welfare. It is further the intent of this district to provide for development which will be carried out in such manner as to preserve natural resources such as forestland and open space and their accessibility to the public and to promote energy efficient development.

DISTRICT SUMMARY

PERMITTED USES	DISTRICT REGULATIONS
<ul style="list-style-type: none"> > Accessory Buildings of less area than the principal structure, Subject to Section 4.2 > Accessory Uses related to uses permitted by right, subject to Section 4.3 > Contractors Facilities, Yards, and Appurtenances > Fabrication and Assembly > Gasoline Service Stations > General Retail Establishments > Research and Development Facilities > Trade Schools > Vehicle Repair Shop > Warehouses 	<ul style="list-style-type: none"> > Minimum Lot Area: 4 acres > Minimum Lot Width: 200 ft. > Building Height, Setbacks, Bulk, Lot Coverage, Parking, Landscaping, Density: See Section 11.4

SPECIAL USES
<ul style="list-style-type: none"> > Accessory Buildings of greater area than the principal structure, subject to Section 4.2 and Section 17.2 > Accessory Uses related to special uses, subject to Section 4.3 > Billboards, subject to Section 17.4 > Combination of Uses, subject to Section 4.43 > Dwellings, Single-Family, subject to Section 17.11 > Dwellings, Two-Family, subject to Section 17.11 > Dwellings, Multiple-Family, subject to Section 17.11

- > **Office**, subject to Section 17.17
- > **Planned Unit Development**, subject to Article 14
- > **Public Safety Facilities**, subject to Section 17.19
- > **Public Utility Facilities**, subject to Section 17.20
- > **Sanitary Landfills and Waste Disposal Facilities**, subject to Section 17.20
- > **Social Club Facilities**, subject to Section 17.25
- > **Utility Scale Solar Energy Systems**, subject to Section 17.27
- > **Telecommunication Facilities**, subject to Section 17.23 and Section 4.44
- > **Uses Similar to Other Special Land Uses**, subject to Section 17.26

ADDITIONAL STANDARDS

- > **Site Plan Requirements**, subject to Article 18 – all uses require Site Plan Review
- > **Special Land Uses**, subject to Article 17
- > **Fence Standards**, subject to Section 4.38
- > **Landscape Standards**, subject to Section 4.37
- > **Parking Standards**, subject to Article 16
- > **Signage Requirements**, subject to Section 4.47

11.2 PERMITTED USES. No building or structure, or any part thereof, shall be erected, altered, or used, or lands or premises used, in whole or in part, for other than one or more of the following specified uses:

- A. **Accessory Buildings of less area than the principal structure**, subject to Section 4.2.
- B. **Accessory Uses** related to uses permitted by right, subject to Section 4.3.
- C. **Contractor's Facilities, Yards and Appurtenances.**
- D. **Gasoline Service Stations**
- E. **General Retail Establishments**
- F. **Fabrication and Assembly.**
- G. **Research and Development Facilities.**
- H. **Trade Schools.**
- I. **Vehicle Repair Shop.**
- J. **Warehouses.**

11.3 SPECIAL USES. The following special uses may be permitted after review and approval of the Township Planning Commission.

- A. **Accessory Buildings of greater area than the principal structure**, subject to Section 4.2 and Section 17.2
- B. **Accessory Uses** related to special uses, subject to Section 4.3
- C. **Billboards**, subject to Section 17.4

- D. **Combination of Uses**, subject to Section 4.43
- E. **Dwellings, Single-Family**, subject to Section 17.11
- F. **Dwellings, Two-Family**, subject to Section 17.11
- G. **Dwellings, Multiple-Family**, subject to Section 17.11
- H. **Office**, subject to Section 17.17
- I. **Planned Unit Development**, subject to Article 14
- J. **Public Safety Facilities**, subject to Section 17.19
- K. **Public Utility Facilities**, subject to Section 17.20
- L. **Sanitary Landfills and Waste Disposal Facilities**, subject to Section 17.20
- M. **Social Club Facilities**, subject to Section 17.25
- N. **Utility Scale Solar Energy Systems**, subject to Section 17.27
- O. **Telecommunication Facilities**, subject to Section 17.23 and Section 4.44
- P. **Uses Similar to Other Special Land Uses**, subject to Section 17.26

11.4 DISTRICT REGULATIONS.

- A. **Minimum Lot Area:** The minimum lot size in the Planned Development District shall be four (4) acres.
- B. **Minimum Lot Width:** The minimum lot width shall be two hundred (200) feet wide at the front lot line and shall not be diminished less than two hundred (200) feet throughout the depth of the lot for the next one hundred (100) feet.
- C. **Standards for building, density, height, bulk, setbacks from public streets and waterfront, and off-street parking** shall be equal to at least the minimum standards set forth for like uses in the schedule of regulations and off-street parking requirements of this ordinance, provided however, the Planning Commission and Township Board may modify these standards where the objectives of the district can be proved to be better served by such modifications.

11.5 REQUIRED CONDITIONS. The following are the required conditions of all uses of land within the Planned Development District.

- A. All uses of land in this District shall be subject to the general requirements and provisions contained in Article 4 General Provisions of this Ordinance.
- B. All uses of land in this District shall be subject to the requirements and provisions contained in Article 16 Parking and Loading of this Ordinance.
- C. All uses of land in this District shall require Stage 1 Concept Plan review as provided for in this Article 11 and Stage 2 Site Plan Review as provided in this Article 11 and Article 18 of this Ordinance. Approval of the Stage 1 Concept Plan shall be a condition precedent for Stage 2 Site Plan Review.
- D. All uses of land in this District with potential for hazardous and/or toxic wastes must supply copies of necessary permits along with submitted building plans and specifications.
- E. All dedications of public rights-of-way or planned public open spaces shall be made prior to any construction taking place on the site.
- F. The cost of installing all streets, necessary utilities and site amenities has been assured by a means satisfactory to the Township Board.

- G. In connection with the development of a Planned Development project, the Township Board may require the applicant to furnish Fife Lake Township with a performance guarantee in accordance with Section 21.10. The amount of the performance guarantee shall be 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 Planned Development or which the applicant has agreed to construct even though located outside the Planned Development. Site improvements mean landscaping, buffering, and the completion of conditions imposed by the Planning Commission which are located within the Planned Development. For purposes of this subsection, the costs covered by the performance guarantee shall include all of the following: (1) the purchase, construction, and/or installation of the improvements, (2) architectural and engineering design and testing fees and related professional costs, and (3) an amount for contingencies consistent with generally accepted engineering and/or planning practice.
- H. Fees for review of plans and for services required to supplement Township staff and contractors as may be required to provide background for decisions of the Planning Commission and the Township Board shall be established by resolution of the Township Board in accordance with Section 21.9.
- I. A change of occupancy, a change in type of use, or the alteration of a building or the site in a previously approved Planned Development District shall require the review of the Zoning Administrator or their designee. The Zoning Administrator or their designee may request a review by the Planning Commission where a question arises relative to whether such change falls within the intent of the previously approved Stage 1 Concept Plan.

11.6 STAGE 1 CONCEPT PLAN APPLICATION. The Stage 1 Concept Plan submittal shall include all of the following information and materials for the entire Planned Development site:

- A. Written statement of proposed uses, including permitted, special, and accessory uses.
- B. Stage 1 Concept Plan showing the location and arrangement of existing and proposed land uses, and proposed development stages for the entire Planned Development site, and uses and structures within 300 feet beyond the district boundary; location of public uses including but not limited to parks, schools, and trails; proposed entry monuments; existing and proposed locations of freeways, arterials, and collector streets.
- C. Gross and net area of site; maximum densities for residential and non-residential development, minimum densities where applicable; and maximum number of residential units or maximum non-residential square footage.
- D. A phasing plan shall show the boundaries, timing, and sequencing, gross and net areas and densities, and non-residential square footages, for development within the entire Planned Development site. It shall also include existing land uses and preliminary schematics for proposed land uses, major features of the circulation system including any existing and proposed freeways, arterials, and collector streets;

- other infrastructure requirements including water supply, wastewater collection, treatment and disposal, and drainage systems.
- E. Master landscaping plan showing parks, pedestrian circulation, landscaping, and hardscape proposed at the neighborhood level.
- F. Written statement addressing consistency with all elements of the master plan and any applicable specific plans.
- G. Aerial photo of the proposed Planned Development site and 300 feet beyond its boundary showing sufficient topographic data to indicate clearly the character of the terrain; the type, location, and condition of mature trees, and other natural vegetation; and the location of existing development.
- H. Other information as required by the Planning Commission as necessary for the substantive and environmental review of the proposed project.

11.7 STAGE 1 CONCEPT PLAN APPROVAL. The Stage 1 Concept Plan shall be referred to Township agencies, consultants, or contractors, as may be deemed necessary to provide guidance to the Planning Commission and the Township Board in their review of the project. The following procedures and conditions shall be followed:

- A. The Stage 1 Concept Plan shall be reviewed and a report with recommendation shall be made by the Planning Commission to the Township Board relative to:
 - 1) The plan meets the intent of the requirements of the master plan and zoning ordinance.
 - 2) The plan meets the purpose and intent of this Article 11.
 - 3) The subject site is physically suitable for the type and intensity of the development being proposed.
 - 4) Development proposed under the plan will be harmonious and compatible with existing and future development in the surrounding area.
 - 5) Development proposed under the plan will not be detrimental to the public health, safety, and welfare.
- B. Recommendation by the Planning Commission shall be given only after public hearing and notice of public hearing shall be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to which 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. Such notice and hearing shall be carried out in accord with requirements of Act 110 as amended.
- C. Approval of the Stage 1 Concept Plan by the Township Board shall not require a public hearing and shall not constitute approval of the Stage 2 Site Plan. It shall be deemed as approval of the Stage 1 Concept Plan submitted and shall serve as a guide in the preparation of the Stage 2 Site Plan.
- D. Approval of the Stage 1 Concept Plan by the Township Board shall be effective for a period of two (2) years.

11.8 STAGE 2 SITE PLAN APPLICATION. The Stage 2 Site Plan shall include the following detailed information and materials for all or a portion of the site, as applicable under any proposed or adopted phasing plan:

- A. Written statement demonstrating compatibility of the Stage 2 Site Plan with the Stage 1 Concept Plan.
- B. Written statement of proposed uses, including permitted, special, and accessory uses.
- C. A final overall site plan for the entire area shall be submitted, subject to the standards of this Article 11 and Article 18. This plan shall be worked out in detail showing specific uses, building location, off-street parking, street alignment changes, open spaces and other physical plan details being proposed. Supporting documentation in the form of building floor plans, building elevation drawings, type of building material, hours of operation, and number of employees per shift shall be submitted.

- 11.9 STAGE 2 SITE PLAN APPROVAL.** The Stage 2 Site Plan shall be referred to Township agencies, consultants, or contractors, as may be deemed necessary to provide guidance to the Planning Commission and the Township Board in their review of the project. In reviewing the final site plan, the following requirements shall be set forth:
- A. The Stage 2 Site Plan shall be reviewed and a report with recommendation shall be made by the Planning Commission to the Township Board relative to the plans meeting the intent of the requirements of the master plan and the requirements of the zoning ordinance.
 - B. Recommendation by the Planning Commission shall be given only after public hearing. Such hearing shall be carried out in accord with requirements of Act 110 as amended.
 - C. Approval of the Stage 2 Site Plan by the Township Board shall require a resolution of the Township Board determining that such Stage 2 Site Plan meets the intent of the requirements of the master plan and requirements of the zoning ordinance, is in compliance with the Stage 1 Concept Plan, and also meets the requirements set forth in Section 11.5. Final approvals may be granted in stages provided such stages are in keeping with the previously approved Stage 1 Concept Plan. Approval of the Stage 2 Site Plan by the Township Board does not require a public hearing.
 - D. Approval of the Stage 2 Site Plan shall be effective for a period of three (3) years; providing that development is commenced within one (1) year, as evidenced, at a minimum, by issuance of a building permit. If development is not commenced within one (1) year or not completed within three (3) years, the Planning Commission shall review progress to date and make a recommendation to the Township Board as to action relative to permitting continuation under original approval.
 - E. Upon issuance of a resolution of Stage 2 Site Plan approval, the municipality and developer shall execute an agreement which legally binds the developer to the terms of approval, including the site plan, building elevations, and other development proposals, including the proposed uses. For purposes of recordation the agreement shall be referred to as “Planned Development No. _____” and shall be filed with the Township Clerk.

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ARTICLE 12
WIND ENERGY SYSTEMS *09

12.1 WIND ENERGY SYSTEM - SMALL

- A. **Intent.** It is the purpose of this section to promote the safe, effective, and efficient use of small wind energy systems installed to reduce the on-site consumption of electricity supplied by utility companies.
- B. **Regulations.** A small Wind Energy System or any Wind Monitoring System may be established as an accessory use in any zoning district, if it meets the standards and requirements of this section.
- C. **Application Procedure.** An application for a Small Wind Energy System shall include a complete Site Plan containing all the applicable data required by Section 18.3, Data Required for Site Plans as well as the following:
- 1) Location of the proposed wind system tower.
 - 2) The right-of-way of any public road that is contiguous with the property.
 - 3) Any overhead utility lines.
 - 4) Wind system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed), and color.
 - 5) Tower foundation blueprints or drawing.
 - 6) Tower blueprint or drawing.
 - 7) Any other information necessary to demonstrate compliance with the standards and requirements of this Section.
- D. **Height.** For parcels of less than two (2) acres in area, the Small Wind Energy System height as defined in Article 2, Definitions, shall be limited to thirty-five (35) feet. For parcels with land area greater than two (2) acres, the tower height shall be limited to sixty (60) feet.

EXEMPTIONS FROM HEIGHT PROVISIONS:

The height provisions of this Ordinance shall not apply to any of the following uses:

- 1) Fire training tower, or any use associated with a bona fide Agricultural use including, but not limited to a barn, Barn, silo, drying elevator or tower, fire training tower, windmill, or grain elevator where associated with a bona fide agricultural use.

- E. **Location and Setbacks.** The tower shall maintain a minimum setback from any property lines and rights-of-way (public or private), of 1.25 times the combined height of the tower and blade. No part of the “v”, including guy wire anchors, may extend into any required setback area. A Small Wind Energy System shall not be located in any required or non-required front yard area.
- F. **Noise.** The applicant shall provide evidence that a small windmill will not cause sounds in excess of 50 dB, as measured at any property line.
- G. **Approval Required.** Small Wind Energy System shall bear an approval certificate from a certification program recognized by the American Wind Energy Association equally comparable to same Certification Program. The applicant shall demonstrate that all components of the proposed wind turbine meets all applicable safety standards and is UL certified. *09

Utility Notification. No Small Wind Energy System shall be installed until evidence has been given that the utility company has been informed of the customer’s intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

Abandonment. A Small Wind Energy System that is inoperable and has not functioned for at least twelve (12) months shall be deemed to have been abandoned and the Zoning Administrator may order the removal of the turbine and tower at the owner’s expense.

Additional Towers. A Small Wind Energy System may include more than one turbine and tower or a separate tower for a wind monitoring system if all other requirements are met including the setback requirements listed in this section, and the total of all turbines on the site does not exceed 30 kilowatts (kW).

Lighting. A Small Wind Energy System shall be not be artificially lighted unless such lighting is required by the Federal Aviation Administration.

12.2 WIND ENERGY SYSTEM - LARGE

- A. **Intent.** It is the purpose of this section to establish balanced regulations for the establishment of Large Wind Energy Systems in locations that will not be detrimental to the public health, safety, or welfare of neighboring property owners or occupants.

B. **Impact Analysis Required.** In addition to the special land use application, the applicant shall submit an evaluation of the likely impacts of the proposed facility in the following areas:

- 1) Analysis, measurements and projections of Large Wind Energy Systems noise propagation conforming to the International Electromechanical Commission (IEC) Standard 61400-1, Part 11.

An avian study based on the US Fish and Wildlife Service's "Interim Guidelines to Avoid and Minimize Wildlife Impacts from Wind Turbines".

Written documentation projecting the "shadow flicker" on any existing structures located off the property on which the Large Wind Energy Systems will be constructed, and the extent and duration of the shadow flicker on these existing structures.

C. **Required Information.** In addition to the site plan required for a special land use permit, the applicant shall include the following information on the site plan:

- 1) Location and elevation of all components of the proposed Large Wind Energy Systems.
- 2) Location and dimensions of all existing structures and uses on the lot within 300 feet of the systems.
- 3) Height of any structures or trees over thirty-five (35) feet within a five hundred (500) foot radius on-site or off-site of the proposed Large Wind Energy Systems.

EXEMPTIONS FROM HEIGHT PROVISIONS:

The height provisions of this Ordinance shall not apply to any of the following uses:

- a) Fire training tower, or any use associated with a bona fide agricultural use including, but not limited to a barn, Barn silo, drying elevator or tower, fire training tower, windmill, or grain elevator where associated with a bona-fide agricultural use.
- 4) Surrounding land use and all structures irrespective of height, within five hundred (500) feet of the Large Wind Energy Systems.

- 5) Location of any overhead utility lines on the parcel.
- 6) Any other information necessary to demonstrate compliance with the standards and requirements of this Section.

D. **Additional Required Information.** The applicant shall also submit the following information:

- 1) Wind system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed), and color.
- 2) Standard drawings of the structural components of the Large Wind Energy Systems, including structures, tower, base, and footings. A registered engineer shall certify drawings and any necessary calculations that the system complies with all applicable local, state, and federal building, structural and electrical codes.
- 3) Evidence from a qualified individual that the site is feasible for a Large Wind Energy Systems.
- 4) Certification from a registered engineer or qualified person that the rotor and over-speed control have been designed for the proposed use on the proposed site,
- 5) For Large Wind Energy Systems of 100 kW or greater, evidence that there is a substantial need for the proposed use,
- 6) Registered engineer's certification of the design and safety of the proposed tower to withstand winds of ninety (90) miles per hour.
- 7) Registered engineer's certification that if the wind turbine were to fall, no building or structure – existing or potential – would be damaged.

12.3 SET BACKS

- A. Large Wind Energy Systems shall maintain a minimum setback from any property line of 1.25 times the combined height of the tower and blade.
- B. Large Wind Energy Systems shall maintain a minimum setback from the light-of-way line of any public road or highway of at least two (2) times the combined height of the tower and blade.
- C. In all cases the Large Wind Energy System shall maintain a minimum distance of at least 1.25 times the tower and blade height from any habitable structure.
- D. In no case shall a Large Wind Energy System be located within any required setback area or in any front yard area.

12.4 DIMENSIONS

- A. Large Wind Energy System shall be located on a parcel at least five (5) acres in size.
- B. A Large Wind Energy System shall not exceed a height as defined in this ordinance of two hundred ninety-nine (299) feet.
- C. In all cases the minimum height of the lowest position of the Large Wind Energy System blade shall be at least thirty (30) feet above the ground.
- D. Additional Large Wind Energy Systems may be permitted where all requirements of this Section are met, including the setback requirements.

12.5 GENERAL SITING AND DESIGN STANDARDS

- A. Large Wind Energy Systems shall be designed and placed in such a manner to minimize, to the greatest extent feasible, adverse visual and noise impacts on neighboring areas. Noise shall be limited to no more than 10 decibels above the original ambient baseline sound level beyond the property line as reported in the noise study as required above.
- B. Colors and surface treatment of the Large Wind Energy System and supporting structures shall, to the greatest extent feasible, minimize disruption of the natural characteristics of the site and shall include no advertising of any kind.
- C. Large Wind Energy Systems shall be equipped with air traffic warning lights or other marking lights only if so required by the Federal Aviation Administration and in which event, such light should be positioned or shielded to avoid undue visual impact on neighboring properties, and shall, if possible, be a steady white light.

12.6 SAFETY MEASURES

- A. Each Large Wind Energy Systems shall be equipped with both manual and automatic controls to limit the rotational speed of the rotor blade so it does not exceed the design limits of the rotor.
- B. The Planning Commission shall determine the height, color, location and type of fencing for the Large Wind Energy Systems installation.
- C. Appropriate warning signs shall be posted. The Planning Commission shall determine the type and placement of the signs.
- D. Each Large Wind Energy Systems shall be properly grounded to safely sustain natural lightning strikes in conformance with the National Electrical Code.
- E. Any Large Wind Energy Systems facility shall be equipped with anti-climbing devices.
- F. The Large Wind Energy Systems operator shall maintain a current insurance policy which will cover installation and operation of Large Wind Energy Systems. The amount of said policy shall be established as a condition of approval.

- G. The applicant shall provide documentation or other evidence from the dealer or manufacturer that the Large Wind Energy Systems can be successfully operated in the climatic conditions found in Fife Lake Township.
- H. The Large Wind Energy Systems shall be warranted against any systems failures reasonably expected in severe weather operation conditions as condition of approval.
- I. Large Wind Energy Systems shall include no sign or advertising of any kind, except for one sign, not to exceed two (2) square feet posted at the base of the tower, and said sign shall contain the following information:
 - i. “Warning: high voltage.”
 - ii. Manufacturer’s name.
 - iii. Operator’s name.
 - iv. Emergency phone number.
 - v. Emergency shutdown procedures.

12.7 RADIO AND TELEVISION INTERFERENCE

Large Wind Energy Systems shall be designed and constructed so as not to cause radio and television interference.

Removal Required. If any Large Wind Energy Systems remains non-functional or inoperative for a continuous period of one (1) year, the permit tee shall remove said system at their expense. Removal of the system shall mean the entire structure, including foundations, transmission equipment, and fencing, from the property. If removal of towers and appurtenant facilities is required and the permit holder, or successors, fails to remove the towers and appurtenant facilities from the property within thirty (30) days from the date of notification by the Zoning Administrator, Fife Lake Township may proceed to remove the towers and appurtenant facilities; in which case, the salvage becomes property of the township; and costs of removing the facilities will remain the burden of the permit holder. To assure removal of an obsolete, inoperable or abandoned facility, the Township may require of the applicant a financial guarantee as defined in this Ordinance.

12.8 PRIMARY USE

A Large Wind Energy System may also be considered an accessory use if it is intended and used primarily to provide electricity to an on-site use. All other Large Wind Energy Systems shall be considered a principal use.

12.9 USE OF CURRENT TECHNOLOGY

- A. Large Wind Energy Systems shall be designed to the current state of the technology as of the date of application. Used, outdated or obsolete Wind Energy Systems equipment shall not be permitted to be constructed or installed.

12.10 ICE AND SNOW THROW

- A. Large Wind Energy Systems shall be designed such that potential snow and ice throw shall not cross any property lines or fall on any road right-of-way. *09

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ARTICLE 13 – RESERVED *09

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ARTICLE 14
PLANNED UNIT DEVELOPMENT (PUD)

14.1 Intent and Purpose. As used in this section, “planned unit development” (or PUD) means cluster zoning, planned development, community unit plan, planned residential development, and other planned development. The purposes of a PUD are:

- A. To accomplish the objectives of the zoning ordinance through a land development project review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.
- B. To permit flexibility in the regulation of land development.
- C. To encourage innovation in land use in variety and design, layout, and type of structures constructed.
- D. To achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities.
- E. To encourage useful open space and provide better housing, employment, and shopping opportunities particularly suited to the needs of the residents of the township.

14.2 Use and Area Regulations.

- A. Permitted Uses. Planned unit developments shall be permitted only in the following zoning districts under the terms and conditions specified below:
 - 1) Lake Residential, Residential, Agricultural and Forest Recreation Districts. Except as noted, PUD uses in the Lake Residential, Residential, Agricultural and Forest Recreation zoning districts shall be limited to the range of uses provided for within the underlying zoning district. Such uses may be placed either singularly or in combination. Uses permitted in the Business District that are determined by the Planning Commission to be compatible with the character of the PUD and surrounding neighborhood may also be permitted, provided the total area devoted to business uses shall not exceed twenty (20) percent of the PUD site area. *09
 - 2) Commercial District. Except as noted, PUD uses in the Commercial District may include any of the range of uses provided for within the underlying zoning district. Such uses may be placed either singularly or in combination. Residential uses determined by the Planning Commission to be compatible with the character of the PUD and surrounding neighborhood may also be permitted provided the total area devoted to residential uses shall not exceed forty (40) percent of the PUD site area. *09

- 3) Industrial District. Except as noted, PUD uses in the Industrial District shall be limited to the range of uses provided for within the underlying zoning district. Such uses may be placed either singularly or in combination. Uses permitted in the Commercial District determined by the Planning Commission to be compatible with the character of the PUD and surrounding area may also be permitted provided the total area devoted to business uses shall not exceed twenty (20) percent of the PUD site area. *09
- 4) Mixed Uses. In approving a PUD with mixed uses, the Planning Commission may stipulate the sequence in which said uses, or portions thereof, are constructed.

B. Area Regulations. Except to the extent that a PUD or a portion of a PUD is subject to area regulations mandated by a state agency, a PUD shall meet the following area regulations.

- 1) Perimeter Setbacks. The setback maintained along the perimeter of the PUD shall equal or exceed the required setback of the underlying zoning district, provided:
 - a) Any portion of a business or industrial use shall maintain a perimeter setback of not less than one hundred (100) feet from any adjoining or abutting property which is in a residential zoning district.
 - b) With the exception of access drives, parking areas, lighting, sidewalks and curbing, the perimeter setback shall be landscaped.
- 2) Open Space. A PUD project shall have open space of no less than twenty-five (25%) percent of the entire project area. This required open space shall be dedicated to the public or set aside for the common use of the owners and users within the PUD. Dedicated open space does not include parking lots, roads, and public rights-of-way, but 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. Dedicated open space shall remain perpetually in an undeveloped state by means of a recorded legal instrument which may include, but not necessarily be limited to, a conservation easement, plat dedication, master deed, restrictive covenant or other legal means that runs with the land. Such legal instrument shall be subject to the review and approval of the Township Attorney.

- 3) **Height Regulations.** The height of all buildings and structures within a PUD project shall not exceed the height limit of the underlying zoning district; provided, however, the Planning Commission may authorize an increase in height upon a finding that the proposed increase will not be detrimental to the public health, safety, or welfare of the PUD occupants, the area surrounding the PUD project site, and the township as a whole. This increase, however, shall not exceed fifty (50) percent of the underlying zoning district height limit. In authorizing an increase in height, the Planning Commission may require increased building setbacks and/or other conditions determined necessary to secure the public health, safety, or welfare and to ensure compatibility of the project with the surrounding area. In no case shall an increase in height be permitted if the increase will result in conditions beyond the service capability of the township pursuant to emergency fire suppression and other emergency services.

- 4) **Other Dimensional Regulations.** To promote creativity and flexibility in site design, the Planning Commission may, subject to the following limitations, adjust the dimensional regulations, as required by the underlying zoning district, including but not limited to minimum lot size, density, and setbacks within the PUD project, upon a finding that the proposed dimensional regulations will not be detrimental to the public health, safety, or welfare of future occupants of the PUD, the surrounding neighborhood, or the township as a whole. Any adjustments by the Planning Commission shall be limited as follows:
 - a) Residential density shall not be increased by more than thirty (30) percent of the underlying zoning district standard.
 - b) Setbacks shall not be reduced by more than fifty (50) percent of the underlying zoning district requirements. Perimeter setbacks as required by the PUD regulations may not be reduced.
 - c) Required parking shall not be reduced by more than sixty (60) percent of the parking normally required of the proposed use. In no case shall a single-family home, mobile or modular home, or other such detached single-family dwelling have less than two (2) on-site (off-street) parking spaces. In reducing the required parking, the Planning Commission may require the reservation of a portion of the PUD site for future parking.
 - d) Prior to approving a reduction in dimensional regulations, the Planning Commission may require the applicant to demonstrate through bonafide documentation, including but not limited to traffic impact studies, environmental impact studies, market

needs assessments, and infrastructure impact studies, that the reduction will not result in significant impacts to the PUD project and PUD occupants, the surrounding area, and the township as a whole.

- C. Planned Unit Development Eligibility Requirements. To be eligible for a planned unit development, a parcel shall meet all of the following:
- 1) The parcel shall be four (4) contiguous acres or more in area undivided by a public highway. Provided, however, if the proposed PUD will contain a mixture of residential and non-residential uses, the parcel shall be ten (10) acres or more in area. For purposes of this subsection, recreational amenities, such as health clubs and facilities providing swimming pools or tennis courts, and business activities customarily incidental to a residential use shall not be considered non-residential uses.
 - 2) The parcel on which the proposed PUD will be located shall be served r and sanitary sewer facilities.
 - 3) The parcel on which the proposed PUD will be located shall be under single ownership, or the PUD application shall be filed jointly by all property owners.
 - 4) The proposed uses within the PUD shall be consistent with the Fife Lake Township Comprehensive Master Plan for the subject parcel.
- D. Pre-application Conference.
- 1) A pre-application conference shall be held with the Planning Commission or its representative, unless waived by the applicant, for the purpose of determining the eligibility of the proposed PUD application and to review the procedures and standards for PUD approval. The goals of the pre-application conference are to acquaint the Planning Commission, or its representative, with the applicant's proposed development, assist the applicant in understanding new or additional information which the Planning Commission will need to effectively consider the application, confirm that the application and all supporting documentation is ready for a public hearing, and to acquaint the applicant with the Planning Commission's initial, but unofficial reaction to the application. In no case shall any representations made by the Planning Commission, or its representative, at the pre-application conference be construed as an endorsement or approval of the PUD.
 - 2) A request for a pre-application conference shall be made to the Zoning Administrator who shall schedule a date and time for the pre-application conference. As part of the pre-application conference, the applicant shall submit five (5) copies of a conceptual plan which shows

the property location, boundaries, significant natural features, vehicular and pedestrian circulation, and land use for the entire site.

E. PUD Application Requirements. An applicant seeking approval of a PUD shall submit a complete application to the Zoning Administrator. If the applicant fails to supply all information required by this Ordinance with his or her application, the PUD application shall be deemed to be incomplete and may be denied by the Zoning Administrator on that basis. The Zoning Administrator shall then forward the application to the Planning Commission for its review under the procedures of this section. The application shall include all of the following:

- 1) A completed application form, supplied by the Zoning Administrator.
- 2) Payment of a fee as established by resolution of the Township Board under Section 21.9 of this Ordinance.
- 3) A Narrative Statement Describing:
 - a) The objectives of the proposed PUD and how they relate to the intent of the zoning ordinance as described in subsection (A) above.
 - b) The relationship of the proposed PUD to the Fife Lake Township Comprehensive Master Plan.
 - c) Phases of development, if any, and the approximate time frame for the start and completion of construction of each phase.
 - d) Proposed master deed, deed restrictions, covenants or similar legal instruments to be used within the PUD.
 - e) Anticipated dates for the start and completion of the PUD construction.
 - f) The location, type and size of areas to be dedicated for common open space.
- 4) Six (6) copies of the development plan. If the PUD is to be developed in phases, the development plan shall show all phases. The development plan shall contain all of the following: *09
 - a) Applicant's name, address, and telephone and fax numbers.
 - b) Name, address, and telephone and fax numbers of the individual and firm who prepared the plan.
 - c) Name of development, scale of the plan drawing, and north arrow.
 - e) Location, shape, area and dimension of the lot, lots or acreage to be used, including a legal description of the property and the tax identification number(s) for the property.
 - f) Present zoning of the subject property and adjacent properties.
 - g) All public and private rights-of-way and easement lines located on and adjacent to the subject property which is proposed to be

- continued, created, relocated or abandoned, including the proposed use(s) and width(s) of all rights-of-way and easements.
- h) Location and total number of curb cuts, driveways, off-street parking spaces and loading spaces, including the dimensions of a typical parking space and the location(s) of barrier free parking spaces.
- i) Proposed exterior building dimensions (horizontal and vertical), gross floor area, number of floors and proposed uses.
- j) Location, dimensions, and uses of all existing and proposed structures, walks, malls, open areas, walls fences, screen plantings and/or other landscaping.
- k) Existing and proposed sewer, water and other utility lines, plus location and type of sewage treatment facility, water source, and fire hydrants.
- l) Required setbacks of the zoning districts.
- m) Area of subject property to be covered by buildings.
- n) Location, size, height and orientation of all signs.
- o) All major environmental features, such as major stands of trees and other vegetation, wetlands, flood plains, drainage ways, outcroppings, slopes of ten (10%) or more gradient, and/or other surface features.
- p) Proposed methods of surface water drainage, including surface and subsurface facilities.
- q) Location and type of proposed lighting on the site.
- r) Percentage of the total site devoted to open space and the proposed uses of that open space.
- s) Proposed PUDs that include residential uses shall include the following additional information:
 - i) Minimum floor area of dwelling units.
 - ii) Total number of dwelling units proposed.
 - iii) Number of bedrooms per dwelling unit.
 - iv) Areas to be used for open space and recreation.
- t) Such other information regarding the development area that may be required to determine conformance with this Ordinance.

F. Public Hearing on PUD Request; Notice.

- 1) Following receipt of a complete PUD application, the Planning Commission shall hold at least one (1) public hearing. Notice of the public hearing shall be given not less than five (5) or more than fifteen (15) days before the date the application for the planned unit development will be considered. The notice shall be sent via first class mail or personal delivery to all owners of the property for which approval is being considered, to all persons to whom real property is

assessed within 300 feet of the boundary of the property being considered for planned unit development action, and to the occupants of all structures within 300 feet of the property being considered for planned unit development action. Such notification need not be given to more than one (1) occupant of a structure; except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwellings units or other spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

- 2) The notice shall do all of the following:
 - a) Describe the nature of the planned unit development application;
 - b) Describe the property which is the subject of the planned unit development application;
 - c) State when and where the planned unit development application will be considered; and
 - d) Indicate when and where written comments will be received concerning the planned unit development application.

G. Planning Commission Review of PUD. Following the public hearing the Planning Commission shall review the PUD application and shall approve, deny, or approve with conditions the PUD application based on the standards for PUD approval contained in subsection (H) below. The Planning Commission's decision shall be in writing and shall include findings of fact, based on the evidence presented at the public hearing on each standard.

H. Standards for PUD Approval; Conditions; Waiver of PUD Standards.

- 1) General Standards. The Planning Commission shall approve, or approve with conditions, a PUD application if the Planning Commission finds that the proposed PUD meets all of the following:
 - a) The planned unit development shall be consistent with the Fife Lake Township Comprehensive Master Plan.
 - b) The planned unit development shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area. Landscaping shall ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property and will be consistent with outdoor pedestrian movement. Vegetation proposed by the developer or required by the Planning Commission shall be maintained in a healthy living condition and such vegetation if dead shall be replaced.

- c) 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.
- d) The planned unit development shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, ground vibration, water runoff odors, light, glare or other nuisance.
- e) The planned unit development shall not place demands on public services and facilities in excess of current capacity, unless planned improvements which will increase the capacity sufficient to service the development have already been scheduled for completion.
- f) The planned unit development shall be designed to preserve public vistas and existing important natural, historical, and architectural features of significance within the development.
- g) 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.
- h) The planned unit development shall provide that vehicular and pedestrian traffic within the site shall be safe and convenient and that parking layout will not adversely interfere with the flow of traffic within the site or to and from the adjacent streets. Safe and adequate access for emergency vehicles to or within the development and adequate space for turning around at street ends shall be provided.
- i) The planned unit development shall not result in any greater storm water runoff to adjacent property after development, than before. The open space shall be provided with ground cover suitable to control erosion, and vegetation which no longer provides erosion control shall be replaced.
- j) The design of the planned unit development shall exhibit a reasonably harmonious relationship between the locations of buildings on the site relative to buildings on lands in the surrounding area; and there shall be a reasonable architectural and functional compatibility between all structures on the site and structures within the surrounding area. It is not intended that contrasts in architectural design and use of facade materials is to be discouraged, but care shall be taken so that any such contrasts

will not be so out of character with existing building designs and facade materials so as to create an adverse effect on the stability and value of the surrounding area.

- k) The design of the planned unit development shall ensure that outdoor storage of garbage and refuse is contained, screened from view, and located so as not to be a nuisance to the subject property or neighboring properties.
 - l) 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.
 - m) The planned unit development shall meet the standards of other governmental agencies, where applicable.
- 2) Conditions. Subject to Section 21.8 of this Ordinance, the Planning Commission may impose conditions with the approval of a planned unit development. Such conditions shall be considered an integral part of the PUD approval and shall be enforced by the Zoning Administrator.
- 3) Waiver of PUD Standards. The Planning Commission may waive any of the standards for a PUD contained in subsection H, 1, 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.
- I. Planned Unit Development Permit. Following final approval of a PUD application, a permit may be obtained from the Zoning Administrator. The issuance of this permit, however, shall not relieve the applicant from complying with other applicable county, state, and federal permit requirements. The failure of the applicant to obtain any required county, state, or federal permit shall render the PUD permit issued under this subsection void.
- J. Continuing Adherence to Approved PUD Application. Any property owner who fails to develop and maintain an approved PUD according to the approved PUD application and conditions, if any, shall be deemed in violation of the provisions of this Ordinance and shall be subject to the penalties provided in this Ordinance.
- K. Recording of Action. The applicant shall record an affidavit acceptable to the Township Attorney with the Grand Traverse County Register of Deeds that

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

L. 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 the following:
 - a) Reduction of the size of any building and/or sign.
 - b) Movement of buildings and/or signs by no more than ten (10) feet.
 - c) Landscaping approved in the PUD plan that is replaced by similar landscaping to an equal or greater extent.
 - d) 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.
 - e) Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 - f) Changes related to items (a) through (e) above, required or requested by Fife Lake Township, Grand Traverse County, or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the PUD, nor any specified conditions imposed as part of the original approval.
- 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.
- M. Expiration of Approved PUD; Extension.
- 1) An approved PUD shall expire one (1) year following final approval by mission, unless substantial construction has begun on the PUD project prior to that time or the property owner applies to the Planning Commission for an extension prior to the expiration of the PUD. The Planning Commission may grant one (1) extension of an approved PUD for an additional one (1) year period if it finds:
 - a) The property owner presents reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the property owner; and
 - b) The PUD requirements and standards that are reasonably related to the development have not changed.
 - 2) If the PUD approval expires pursuant to subsection (1) above, no work UD plan may be undertaken on the project until a new PUD approval is obtained from the planning commission following the procedures for a new PUD application.
- N. Performance Guarantee. In connection with the development of a PUD project, the Planning Commission may require the applicant to furnish Fife Lake Township with a performance guarantee in accordance with Section 21.10. The amount of the performance guarantee shall be 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 PUD or which the applicant has agreed to construct even though located outside the PUD. Site improvements mean landscaping, buffering, and the completion of conditions imposed by the Planning Commission which are located within the PUD. For purposes of this subsection, the costs covered by the performance guarantee shall include all of the following: (1) the purchase, construction, and/or installation of the improvements, (2) architectural and engineering design and testing fees and related professional costs, and (3) an amount for contingencies consistent with generally accepted engineering and/or planning practice.
- O. Reapplication and Rehearing. A reapplication and rehearing concerning a PUD shall be governed by Sections 21.6 and 21.7 of this Ordinance, respectively.

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ARTICLE 15
CONDOMINIUM SUBDIVISIONS

- 15.1 INTENT AND PURPOSE.** The intent of this Article is to provide procedures and standards for the review and approval or denial of development subdivisions implemented under the provisions of the Condominium Act (Act 59 of 1978, as amended) and to insure that such developments are consistent and compatible with conventional platted subdivisions as provided for through the Land Division Act (P.A. 288 of 1967, as amended), and promote the orderly development of the adjacent areas. It is also intended that commercial or industrial condominium projects would also be included and reviewed or approved.
- 15.2 GENERAL PROVISIONS.** For the purpose of this Article, a Condominium Subdivision shall include any residential, industrial or commercial development proposed under the provisions of the Condominium Act (Act 59 of 1978, as amended).
- 15.3 PLAN APPLICATION.** Condominium Subdivision applications shall follow the provisions of **Article 18** for Site Plan Review and approval and proceed as per that Article. In addition to those provisions of **Article 18**, the following information shall also be required;
- A. Condominium Plan, Protective Covenants and Deed Restrictions. The condominium subdivision developer shall submit to the Township Zoning Administrator twelve (12) copies of the condominium subdivision plan, proposed protective covenants and deed restrictions, and master deed. The name of the proposed project shall be subject to the approval of the Township to eliminate duplicate names or names that are similar to existing developments.
 - B. Drawings shall be scaled at not more than 1 inch to 100 feet and drawn on plain paper of a size not less than 24 inches by 36 inches, with date and north arrow.
 - C. The name of the proposed condominium subdivision.
 - D. Legal description of the property.
 - E. Statement of intended use of the proposed condominium, such as, residential single-family, two-family and multiple housing. Also, any sites proposed for parks, playgrounds, schools, or other public uses shall be identified.
 - F. A map of the entire area scheduled for development and all contiguous land owned by the proprietor, if the proposed plan is a portion of a larger holding intended for subsequent development.
 - G. Contours shall be shown on the condominium subdivision plan at 5-foot intervals where slope is greater than 10%, and 2-foot intervals where slope is 10% or less.
 - H. If the condominium subdivision is not to be served by public water and sewer, a site report as described in the rules of the State Department of Public Health.

- I. The location and types of all significant existing vegetation, water courses and bodies, flood plains and water retention areas, and soil types.
- J. In the event soils or vegetation types indicate wetlands may be present, a wetlands determination by Michigan Department of Natural Resources as to the existence of any wetlands on the property may be required.
- K. Preliminary Engineering Plans. The applicant shall submit at least six_(6) sets of preliminary engineering plans for streets, water, sewers, and other required public improvements. The engineering plans shall contain enough information and detail to enable the Planning Commission to make a determination as to conformance of the proposed improvements to applicable Township regulations and standards. *09
- L. The volume of each condominium unit.
- M. A plan for Landscaping and Buffering prepared in accordance with **Section 4.37** of this Ordinance.

15.4 REVIEW PROCEDURES.

- A. The applicant shall provide copies of the proposed condominium subdivision plan to the following Grand Traverse County Agencies; Health Department, Drain Commission/Soil Erosion and Sedimentation Department, Planning Commission and Road Commission, and Metro Fire Department.
- B. The Planning Commission shall review the condominium subdivision plan and the reports of the County agencies and Staff before making their determinations.
- C. After preceding with **Section 18.3** the Site Plan Review process, the Planning Commission shall forward their findings to the Township Board.
- D. The Township Board shall not review, approve or reject a condominium subdivision plan until it has received from the Planning Commission its report and recommendations.
- E. The Township Board shall consider the condominium subdivision plan at its next meeting after receipt of the recommendations from the Planning Commission.
- F. The Township Board shall approve the condominium subdivision plan, reject the plan and give its reasons, or table the proceedings pending changes to the plan to make it acceptable to the Board.

15.5 CONDITIONS AND DURATION OF APPROVAL. The approval of the Township Board will indicate that the proposed condominium subdivision plan meets the provisions of Section 141(1) of the Condominium Act relating to the ordinances and regulations of Fife Lake Township, but such approval shall not be construed to address additional permits that may be required after the Master Deed has been recorded. Approval of the Condominium Subdivision Plan by the Township Board shall extend for a period of two (2) years from the date of final approval by all agencies. The Township Board may extend the two (2) year

period for an additional period of two (2) years upon written application therefore. Such application for extension shall specify the reasons and extension is needed.

15.6 PERFORMANCE GUARANTEE REQUIRED. As a condition of the approval of the condominium subdivision plan by the Township Board, a performance guarantee as provided pursuant to **Section 21.10** of this Ordinance shall be required.

15.7 STANDARDS AND DESIGN FOR CONDOMINIUM SUBDIVISION PROJECTS.

A. Condominium Lots. The Condominium Subdivision Plan shall indicate specific parcel dimensions with front, rear and side condominium lot lines allocated to each condominium dwelling unit. For the purpose of this section and to assure compliance with the provision herein, these parcels shall be referred to as condominium lots. The description, size, location and arrangement of the condominium lots shall conform to the requirements of a conventional platted subdivision. All condominium subdivision lots shall be deeded as limited common elements for the exclusive use of the owners of the condominium subdivision units. Each condominium dwelling unit shall be located within a condominium lot.

B. Design Standards and Improvements. Developments shall conform to those requirements of the Fife Lake Township Subdivision Control Ordinance, except for the following modifications.

- 1) All requirements of this Zoning Ordinance shall apply to condominium subdivision developments. Condominium lots shall be treated as lots within a conventional subdivision and shall meet all dimensional, setback and area standards of the zoning district.
- 2) Private Streets. If a condominium subdivision is proposed to have private streets, they shall conform to the **Section 4.46** of this Zoning Ordinance. Provided, however that all private streets or frontage roads in a condominium subdivision shall have a paved driving surface of asphalt or concrete.
- 3) Lighting Standards. Where street lighting is to be provided within the development, the lighting shall be designed, constructed and located so as to minimize light pollution and shall conform to the following standards:
 - a) All lighting shall be shielded and directed downwards; light sources shall be located and designed so as to prevent light from being directed outside the boundaries of the development.
 - b) Light poles and fixtures shall be located as low as practical: A greater number of low "area" lights are favored over higher lights. Incandescent lights are favored over sodium or mercury-type street lighting.

15.8 REAPPLICATION AND REHEARING. A reapplication and rehearing concerning a condominium subdivision shall be governed by Section 21.6 and 21.7 of this Ordinance, respectively.

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ARTICLE 16 PARKING AND LOADING

16.1 REQUIREMENTS.

In all districts, there shall be provided at the time any building or structure is erected or is enlarged or increased in capacity, off-street parking spaces for automobiles, in accordance with the following requirements:

A. Off-street parking spaces may be located within a rear yard or side yard. Off-street parking shall not be permitted within a required front yard except as provided in this Ordinance. Required off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve.

B. Off-street parking for other than residential uses shall be located either on the same lot or within 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. Ownership of all lots or parcels intended for use as parking by the applicant shall be shown on the site plan.

C. Two or more buildings or uses may jointly use off-street parking areas, provided the total number of parking spaces shall not be less than the sum of the requirements of the space requirements computed separately for each use or building. In those instances where the operating hours or parking needs of individual buildings or uses occur at distinctly different times, the Planning Commission may approve an exception to the requirements of this paragraph.

D. Fractional Spaces. When units of measurement determining the number of required parking spaces result in a fractional space, any fraction up to and including one half shall be disregarded and fractions over one-half shall require one parking space.

E. In cases of uses not specifically mentioned in Section 16.3 of this Zoning Ordinance, the required number of off-street parking spaces shall be determined by the Zoning Administrator based on the most similar use outlined in Section 16.3.

F. Off-street parking areas shall not be used for commercial repair work, storage of merchandise, or servicing or selling of trucks or motor vehicles.

16.2 FLOOR AREA.

The term "floor area," as applied in this section shall mean that area of a building used or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers, but excluding floor areas which are used or intended for use exclusively for storage, for housing of mechanical equipment integral with the building, hallways, or utilities or maintenance facilities. Measurement of floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

16.3 PARKING REQUIREMENTS.

The number of required off-street parking spaces in all districts shall be provided in accordance with the following minimum requirements:

<u>Use</u>	<u>Number of Parking Spaces Per Unit of Measure</u>
One family, two-family, multiple-family, mobile home	Two for each dwelling unit for one and two-family and mobile home, 1½ per dwelling unit for multiple-family
Housing for elderly	One for each two units, and one for each employee
Manufactured housing community	Two for each manufactured housing site and one for each employee
Bed & breakfast, boarding house	One for each sleeping room, and one for each employee

B. Institutional.

<u>Use</u>	<u>Number of Parking Spaces Per Unit of Measure</u>
Places of public assembly, including churches, temples and auditoriums	One for each three seats in the main gathering room, auditorium or sanctuary
Nursing, convalescent homes	One for each four beds
Clinics	Four for each doctor, plus one for each employee
Day care, group or commercial	One for each 350 square feet of floor area

C. Business and Commercial.

<u>Use</u>	<u>Number of Parking Spaces Per Unit of Measure</u>
General retail	One for each 300 square feet of floor area

<u>Animal clinics, hospitals and kennels</u>	<u>One for each 300 square feet of floor area</u>
<u>Use</u>	<u>Number of Parking Spaces Per Unit of Measure</u>
Gasoline service station	One for each service and repair stall, plus one for each worker on each shift, plus one for each pump together with the requirements for any provided general retail on site
Personal service establishments	Two for each professional providing services
Restaurants, cafeterias, taverns, bars	One for each 75 square feet of floor area
Furniture and appliance, household equipment, hardware, repair shops, shoe repair, and other similar uses	One for each 800 square feet of floor area
Vehicle repair shop	One for each service and repair stall, plus one for each worker on each shift
Laundromats and coin operated dry cleaners	One for each two washing or dry-cleaning machines
Mortuary establishments	One for each 50 square feet of floor area
Motel, hotel, tourist home	One for each sleeping unit, plus one for each one employee, plus restaurant requirements, if applicable
Trade schools	The greater of one for each two students plus one for each employee, or one for each 200 square feet of floor area
Vehicle sales	One for each 200 square feet of floor area, plus one for each auto service stall, if any

D. Offices.

<u>Use</u>	<u>Number of Parking Spaces Per Unit of Measure</u>
Banks, except drive ins	One for each 200 square feet of floor area

<u>Use</u>	<u>Number of Parking Spaces Per Unit of Measure</u>
Business or professional office, except doctors, dentists, or similar professionals	One for each 200 square feet of floor area
Professional offices of doctors, dentists, or similar professionals	One for each 200 square feet of floor area

E. Drive-in Establishments.

<u>Use</u>	<u>Number of Parking Spaces Per Unit of Measure</u>
Drive-in banks, cleaners, car laundries, and similar businesses	Storage space for five cars between the street right-of-way and the customer service area
Drive-in restaurants	One for each 100 square feet of floor area

F. Industrial.

<u>Use</u>	<u>Number of Parking Spaces Per Unit of Measure</u>
Industrial or manufacturing establishments, research and testing laboratories, and related accessory offices	Five, plus one for each one employee in the largest working shift
Warehouses or wholesale establishments, and related accessory offices	Five, plus one for every one employee in the largest working shift or one for each 1,000 square feet of floor area, whichever is greater

16.4 OFF STREET PARKING SITE DEVELOPMENT REQUIREMENTS.

All off-street parking areas shall be designed, constructed, and maintained in accordance with the following standards and requirements:

- A. No parking lot shall be constructed until a Land Use Permit therefore is issued by the Zoning Administrator.
- B. Before such permit is issued, plans and specifications shall be submitted to the Zoning Administrator showing the location, capacity, size, site design, surfacing, marking, lighting, drainage, curb cuts, entrances, exits, and any other detailed features essential to the design and construction of the proposed parking facility.
- C. Plans for the layout of off-street parking facilities shall be in accord with the following minimum dimensional requirements:

PARKING ARRANGEMENT	MANEUVERING	PARKING (width)	PARKING (length)
0 Degrees (parallel parking)	12 ft.	8 ft.	23 ft.
30 to 50 degrees	12 ft.	8 ft. - 6 in.	20 ft.
54 to 74 degrees	15 ft.	8 ft. - 6 in.	20 ft.
75 to 90 degrees	20 ft.	9 ft.	20 ft.

- D. All parking spaces shall be provided access by means of maneuvering lanes. Backing directly onto a public or street shall be prohibited.
- E. Ingress and egress to the parking lot by means of clearly defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.
- F. All off-street parking areas abutting the R-1 and R-2 districts shall be provided with an obscuring fence six (6) feet in height. Such fences shall be constructed of materials approved by the Zoning Administrator and shall be durable, weather resistant, and easily maintained.
- G. Except for single-family residential lots, all parking areas, including parking spaces and maneuvering lanes, shall be surfaced with a material that shall provide a durable, smooth, and dustless surface; and shall be graded and drained to dispose of all collected surface water. Acceptable surfaces include but are not limited to at least six (6) inches of aggregate base, meeting MDOT 22-A specifications of concrete, asphalt or similar material. The Township Planning Commission may waive this requirement if they determine the project is within a primitive area and/or consists of a passive recreational use or similar low intensity land use. *09

H. Except for single-family and two-family residential lots, all parking areas with a capacity of four or more vehicles shall provide adequate lighting throughout the hours when the parking area is in operation. All lighting shall be so installed as to be confined within and directed into the parking area only.

16.5 BARRIERS-FREE PARKING REQUIREMENTS. All required off-street parking shall include barrier free parking designed and constructed in accord with the requirements of the Americans with Disabilities Act (ADA) and the standards promulgated hereunder. The number of such barrier free parking spaces to be required shall be determined as follows:

Total Required Parking Spaces	<i>Barrier Free Spaces Required</i>
1 to 100	1 space for each 25 spaces or fraction thereof
101 to 300	1 space for each 50 spaces or fraction thereof
301 to 400	1 space for each 25 spaces or fraction thereof
401+	1 space for each 50 spaces or fraction thereof

16.6 OFF STREET LOADING AND UNLOADING REQUIREMENTS. Adequate space for standing, loading, and unloading shall be provided on the same premises with every building, structure, or part thereof involving the receipt or distribution by vehicles of materials or merchandise. Required loading space shall be in addition to the off-street parking space required in Section 16.3 of this Article.

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ARTICLE 17 SPECIAL LAND USES

17.1 Intent and Purpose.

The intent of this Article is to provide procedures and standards for the approval of special land uses that are permitted within a specified zoning district after meeting specific requirements of this Article. Due to the nature of the use, special land uses require special consideration in relation to the welfare of adjacent properties and to the community as a whole. It is the purpose of this Article to specify the procedure and requirements for the detailed review of certain specified types of land uses which, because of their particular and unique characteristics, require special consideration in relation to the welfare of adjacent properties and to the community as a whole. In addition, this Article describes any specific approval conditions and regulations applicable to individual special land uses.

A. Data Required for Special Land Use Applications. A special land use application shall be submitted and processed according to the following procedures:

- 1) Submission of Application. An application shall be submitted to the Zoning Administrator on a special land use permit application form. Upon receipt of a completed application, the Zoning Administrator shall place the request on the agenda for the next regularly scheduled Planning Commission meeting. A complete application under this section shall be one that specifically addresses the items set forth in Sections 17.1, A, 2 (a) and (b).
- 2) Data Required. A special land use application shall include the following information.
 - a) A complete Site Plan containing all the applicable data required by Section 18.3, Data Required for Site Plans.
 - b) Supporting statements, evidence, data, information and exhibits that address the standards and requirements for assessing special land use applications as provided in Section 17.1, C.
 - c) Any additional information deemed necessary for the Planning Commission to determine the impact of the proposed special land use on the adjacent properties, public infrastructure, and community as a whole. Such information may take the form of, but is not limited to, traffic impact analysis, environmental impact assessments, or reports and/or testimony by officials representing state, county or local departments of public safety (police and fire), health, highways or roads, and/or environment.

- 3) Concurrent Review. A special land use application and associated site plan may be reviewed concurrently with the mutual consent of the Planning Commission and applicant.
- B. Action on Special Land Use Applications.
- 1) Planning Commission Review. At the first regularly of a special land use application, the Planning Commission shall determine whether the application is complete. An application deemed to be incomplete by the Planning Commission may be denied on that basis.
 - 2) Public Hearing Procedures. Once the Planning Commission has determined that a complete special land use application has been received, the Planning Commission shall schedule a public hearing according to the following procedures:
 - a) Notice published in Newspaper. One notice of the public hearing on the special land use application shall be published in a newspaper of general circulation in the Township.
 - b) Notice to Affected Property Owners and Residents. Notice of the public hearing on the special land use application shall be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to which 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. The notice shall be given not less than five (5) and not more than fifteen (15) days before the application will be considered. If the name of the occupant is not known, the term occupant may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
 - c) Content of Public Hearing Notice. The required notices shall include the following information.
 - i) Description of the special land use request;

- ii) Description of the property which is the subject of the special land use application;
 - iii) The date, time, and location of the public hearing on the special land use application; and,
 - iv) The time and location for written comments to be received concerning the special land use application.
- 3) Planning Commission Action. After the public hearing and upon review of the merits of the special land use application, the Planning Commission shall deny, approve, or approve with conditions the special land use application. An application meeting all the standards of this Ordinance shall be approved or approved with conditions. The Planning Commission's decision shall be incorporated within a motion containing conclusions reached relative to the proposed special land use which specifies the basis for the decision and any conditions imposed.
- 4) Basis for Action. In arriving at its decision, the Planning Commission shall refer to and be guided by those standards set forth in this Article. If the facts regarding the special land use do not establish by preponderance of the evidence that the standards and requirements set forth in the Article cannot or will not be met by the proposed special land use, the Planning Commission shall deny the special land use application.
- 5) Attachment of Conditions. In connection with the approval of a special land use, the Planning Commission may attach reasonable conditions as provided in Section 21.8 of this Ordinance.
- 6) Issuance of a Land Use Permit. A Land Use Permit shall be issued by the Zoning Administrator upon approval of the special land use by the Planning Commission. The Land Use Permit shall list all the conditions of approval stipulated by the Planning Commission. The Zoning Administrator shall forward a copy of the Land Use Permit to the applicant and the Township Clerk. In addition, the Zoning Administrator shall record a copy of the Land Use Permit with the County Register of Deeds. A Site Plan approved in conjunction with a special land use shall be processed according to the procedures of Article 18.
- 7) Appeals. No decision or condition related to a special land use application shall be taken to the Zoning Board of Appeals. An appeal of a special land use decision or condition may be taken to the Circuit Court.

C. Standards for Granting Special Land Use Approval. The Planning Commission, before acting on a special land use application, shall employ and be

guided by standards which shall be consistent with and promote the intent and purpose of this Zoning Ordinance, and ensure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use. The Planning Commission shall review each application for the purpose of determining that each proposed use meets the following standards and, in addition, shall find adequate evidence that each use at its proposed location will be consistent with the public health, safety, and welfare of the Township and shall comply with the following standards, together with any specific regulations and conditions set forth for such use in this Article. The Planning Commission shall approve, or approve with conditions, an application for a special land use permit only upon a finding that the proposed special land use complies with the foregoing and all of the following standards:

- 1) Will be harmonious with and in accordance with the goals, objectives and policies of the Township Master Plan.
- 2) Will be designed, constructed, operated and maintained in harmony with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.
- 3) Will not be hazardous or disturbing to existing or future uses in the same general vicinity and in the community as a whole.
- 4) Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, storm water drainage, refuse disposal, water and sewage facilities and schools or persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services.
- 5) Will not create excessive additional requirements at public cost for facilities and services and will not be detrimental to the economic welfare of the community.
- 6) Will not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, vibration, smoke, fumes, glare or odors.
- 7) Will ensure that the environment shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and by topographic modifications that result in maximum harmony with adjacent areas.

D. Reapplication and Rehearing. A reapplication or rehearing concerning a special land use application shall be governed by Sections 21.6 and 21.7 of this Ordinance, respectively.

E. Site Plan Amendments in Conjunction with a Special Land Use. The Site Plan, as approved, shall become part of the record of special land use approval, and subsequent actions relative to the activity authorized shall be consistent with the approved Site Plan, unless a change conforming to this Ordinance receives the mutual agreement of the landowner and the Planning Commission. A Site Plan amendment shall be reviewed and considered in the same manner as the original special land use application, except as otherwise provided in this Ordinance.

F. Validity and Revocation of Land Use Permits for Special Land Uses.

- 1) An approved special land use shall expire one (1) year following final approval by the Planning Commission, unless the special land use has been established or substantial construction has begun on the special land use prior to that time, or the property owner applies to the Planning Commission for an extension prior to such expiration. The Planning Commission may grant one (1) extension of an approved special land use for an additional one (1) year period if it finds:
 - a) The property owner presents reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the property owner; and
 - b) The special land use requirements and standards that are reasonably related to the development have not changed.
- 2) If the special land use approval expires pursuant to subsection (1) above, no work implement the special land use may be undertaken on the project until a new special land use approval is obtained from the Planning Commission following the procedures for a new special land use application.
- 3) Once the special land use is established and the conditions of the permit fulfilled, the special land use permit shall be valid until such time that there is a change of conditions or use related to the permit.
- 4) Permit Revocation. The Planning Commission shall have the authority to revoke any special land use permit following a public hearing notice according to the procedures provided in Section Special Land Use, B, 2, if the holder of the permit has failed to comply with any of the applicable conditions specified in the permit.

G. Fees. In accordance with Section 21.9, an application fee and all related costs shall be paid prior to the issuance of a land use permit.

H. Amendments to a Special Land Use. Amendments to a special land use shall be reviewed and approved in the same manner as the original submittal and require the mutual consent of the property owner and the Planning Commission. Minor

amendments, as defined below may be made by the Planning Commission without requiring a public hearing.

I. Minor Amendments to a Special Land Use. Minor amendments to a special land use shall include

- 1) Minor Site Plan amendments as defined in Section 18.5.
- 2) Changes in the nature of the special land use which permanently decreases or mitigates impacts from such use on surrounding properties, the general public or public facilities or service.

J. Approval Regulations and Conditions for Specific Special Land Uses. In addition to compliance with the standards and requirements of this Section 17.2, the specific requirements for individual special land uses as set forth in the following sections shall be met.

17.2 Accessory Buildings with Floor Area Greater than the Principal Structure.

A. Definition. A building detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use with a first floor area greater than that of the principal structure on the parcel or lot.

B. Regulations and Conditions.

- 1) On parcels of less than one (1) acre, the floor area of an accessory building as defined in this section shall not exceed the ground floor area or building footprint of the principal building by more than fifty percent (50%).
- 2) On parcels of more than one (1) acre, but less than five (5) acres, the floor area of an accessory building as defined in this section shall not exceed the ground floor area or building footprint of the principal building by more than one hundred percent (100%).
- 3) On parcels of five (5) acres, or more, the floor area of an accessory building as defined in this section shall not exceed the ground floor area or building footprint of the principal building by more than two hundred percent (200%).
- 4) The floor area limitations of this section shall be applied cumulatively for all accessory buildings on a parcel.
- 5) Accessory buildings as defined in this section shall comply with all yard, setback and building height standards of this Zoning Ordinance.

17.3 Bed and Breakfast and Boarding House.

A. Definitions.

- 1) **Bed and Breakfast.** A home occupation in an owner occupied dwelling unit wherein up to three bedrooms are used for transient guest use for compensation.
- 2) **Boarding House.** A dwelling having one (1) kitchen and primarily used for the purpose of providing meals and/or lodging for transient guests staying for an indeterminate duration for compensation of any kind.

B. Regulations and Conditions.

- 1) **Intent.** It is the intent to establish reasonable standards for Bed and Breakfast Establishments and Boarding Houses to assure that:
 - a) The property is suitable for transient lodging facilities.
 - b) The use is not incompatible with other allowed uses.
 - c) Lands in these districts shall not be subject to increased trespass.
 - d) The impact of the establishment is no greater than that of a private home with house guests.
 - e) A bed and breakfast and boarding house shall maintain a smoke detector in proper working order in every sleeping room and a fire extinguisher in proper working order on every floor.
 - f) All signs shall be in accordance with Section 4.47 of this Ordinance.
 - g) All parking shall be in accordance with Article 16 of this Ordinance.
 - h) Landscaping and Buffering shall be provided in accordance with Section 4.37 of this Ordinance.
- 2) **Specific Standards.**
 - a) The minimum lot size shall be as pursuant to the District minimum for Single-family Dwellings.
 - b) The establishment shall have at least two (2) exits to the outdoors.
 - c) The establishment shall be the principal dwelling unit on the property and shall be owner-occupied at all times.
 - d) The rooms utilized for sleeping shall be a part of the primary residential use and not specifically constructed for rental purposes.
 - e) The rental sleeping rooms shall have a minimum size of one hundred (100) square feet for each two (2) occupants with an additional thirty (30) square feet for each occupant to a maximum of four (4) occupants per room.

- f) Use of snowmobiles, all-terrain vehicles or similar vehicles, boats, jet skis and other marine equipment, in conjunction with the operation of the establishment, shall be prohibited.
- g) The keeping of domestic pets of traveling tourists is prohibited.
*09
- h) Special land use approval shall not be granted if the essential character of the lot or structure in terms of traffic generation or appearance will be changed substantially.
- i) A site plan shall include a floor plan layout of the proposed structure drawn to a scale of not less than 1" = 16' that shows the specific layout of the proposed facility in accord with the provisions of this Zoning Ordinance.

17.4 Billboards.

- A. Definition. An off-premise sign operated as an outdoor advertising facility to promote the products or services of the owner or for hire to promote the products or services of others.
- B. Regulations and Conditions.
 - 1) A billboard shall be considered a principal use of a parcel of land. Billboards shall be restricted to properties fronting on federal aid primary trunk line highway located in the C-1 Commercial, FR Forest Recreation and I-1 Light Industrial zoning districts. Billboards shall conform to the following standards: *09
 - a) Size. The size of a single sign panel shall not exceed twelve (12) feet in height and twenty six (26) feet in width. The maximum surface display area of any side of a billboard may not exceed three hundred (300) square feet. Billboards may be, double-faced, configured back-to-back or V-shaped. Additional panels, faces or extensions of any size or shape located above, below or beside the permitted faces and panels shall not be permitted. Sign structures and the signs affixed to them shall not exceed thirty (30) feet in height. The height of the sign including decorative embellishments shall be measured from the surface grade of the ground beneath the sign.
 - b) Spacing and Location. Not more than three billboards may be located per linear mile of a federal aid primary trunk line highway regardless of the fact that such billboard may be located on different sides of the subject highway. The linear mile measurement shall not be limited to the boundaries of the Township of Fife Lake where particular street or highway extends beyond such boundaries. V-type structures shall be

considered as two billboards and double-faced (back-to-back) structures as one billboard.

Billboards and their sign structures shall be located not closer than one hundred (100) feet from any road right-of-way and not closer than two hundred (200) feet from any road rights-of-way which intersect or abut. No billboard shall be located within two hundred (200) feet of the R-1 Lake Residential or R-2 Urban Residential district or an existing residence, regardless of zoning district.

c) Lighting. Billboards may be illuminated only in accordance with this paragraph. Lighting of a billboard shall be of no greater wattage than necessary to make the sign visible at night and shall not reflect into adjacent properties, or into the sky. Lighting sources shall not be directly visible to passing vehicles or pedestrians and shall be concealed by a flush-mounted lens designed for similar performance construction, so that direct light does not shine through, under, over, or above any element of a billboard. Illumination of billboards shall be from the top and directed downward. Fixtures shall have full cut-off shielding such that no light shall go above the horizontal plane of the fixture regardless of type or wattage and also such that no light source shall be visible from any road right-of-way or any adjacent property.

d) Construction. The billboard must be constructed in such a fashion that it will withstand all wind and vibration forces that normally can be expected to occur in the vicinity. The billboard must be maintained so as to assure proper alignment of structure, continual structural soundness and continued readability of message.

e) Highway Advertising Act of 1972. A billboard established within a business, commercial or industrial area, as defined in the "Highway Advertising Act of 1972" (1972 PA 106, as amended) bordering interstate highways, freeways or primary highways as defined in said Act shall, in addition to complying with the above conditions, also comply with all applicable provisions of said Act and the regulations promulgated hereunder, as such may from time to time be amended.

- 2) Prohibited Billboards. The following types of billboards shall not be permitted:

- a) A billboard in the R-1 Lake Residential, R-2 Urban Residential and AG Agriculture districts.
 - b) A billboard in a shopping district or a historic district.
 - c) A billboard that is stacked, tiered, stepped or placed next to or along side of any other billboard or sign.
 - d) Billboards containing flashing, intermittent changing or moving lights, or sequential reflectoring lettering or parts and billboards with moving or revolving parts or messages.
 - e) Billboards affixed to trees, rocks, shrubs, fences, utility poles and/or natural features.
 - f) A billboard that would, by its erection, destroy significant natural vegetation and/or cause significant existing vegetation to be removed.
 - g) Billboards utilizing vehicles, trucks, vans or other wheeled devices or tripods, sandwich boards or changeable message boards.
 - h) Attached advertising devices such as banners, balloons, flags, pennants, pinwheels, windsocks, searchlights and/or other devices with similar characteristics.
 - i) A billboard mounted on or over the roof of a building.
 - j) Billboards which may otherwise be prohibited by any other laws, ordinances or regulations.
- 3) All billboards shall be maintained in good condition at all times and zoning Permits issued pursuant to Section 21.3 of this Zoning Ordinance shall be renewed annually by the Zoning Administrator only if the Zoning Administrator finds that all requirements of these Section has been, and continues to be met.

17.5 Church. See Public Assembly Areas.

17.6 Clinics.

- A. Definition. An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists or similar professions.
- B. Regulations and Conditions. The following requirements shall apply to clinics proposed within the R-2 district:
 - 1) The minimum parcel area shall be not less than one (1) acre and the parcel shall have not less than 150 feet of frontage on a public road.
 - 2) A clinic shall be setback not less than 15 feet from any adjoining property zoned or used for residential purposes.

- 3) All parking areas that abut property zoned or used for residential purposes shall be effectively screened with landscaping or an approved fencing and all landscaping and buffering shall be provided in accordance with Section 4.37 of this Ordinance.
- 4) One (1) non-illuminated sign identifying the establishment not to exceed four (4) square feet in area and not closer to the street line, than fifteen (15) feet shall be allowed.
- 5) All parking shall be in accordance with Article 16 of this Ordinance.

17.7 Contractors' Facilities, Yards and Appurtenances.

- A. Definition. A building or structure, or a portion thereof used to house the office and service facilities, to store and to service tools, trucks, equipment, supplies, and materials pertaining to construction contractors, subcontractors, builders and related businesses. May include enclosed, partially enclosed or outdoor storage of tools, equipment and supplies.
- B. Regulations and Conditions.
 - 1) The area of a site proposed for use as a construction supplier shall not be less than one (1) acre in size.
 - 2) The site shall be fenced on both sides and rear with chain link or similarly durable fencing not less than six (6) feet or more than eight (8) feet in height.
 - 3) Landscaping and buffering shall be provided in accordance with Section 4.37 of this Ordinance.
 - 4) No building materials, scrap, or equipment shall be stored outdoors in any configuration higher than the surrounding fencing or screening.
 - 5) All signs shall be in compliance with the provisions of Section 4.47 of this Ordinance.
 - 6) All off-street parking shall be in compliance with Article 16 of this Ordinance.

17.8 Day Care, Group.

- A. Definition. A private home in which 7 but not more than 12 minor children are received for care and supervision for periods less than 24 hours a day, unattended by a parent or guardian, except children related to an adult member of the family by blood, marriage, or adoption, including a home that gives care to an unrelated child for more than 4 weeks during a calendar year.
- B. Regulations and Conditions.
 - 1) Building and lot shall conform to the yard, setback and height standards of the zoning district in which it is located.

- 2) All required state and local licensing shall be maintained at all times.
- 3) All outdoor areas used for the care and supervision of patrons shall have appropriate fencing for the safety of the children in the group day-care home; consisting of a minimum 6-foot high privacy fence along the area adjoining another residence, and a minimum 4-foot high fence in the remaining area devoted to the day-care area.
- 4) Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate.
- 5) Such facilities shall be located at least 1,500 feet from any one of the following:
 - a) A licensed or pre-existing operating group day-care home or commercial day care.
 - b) An adult care small group home (1-12 adults).
 - c) An adult foster care large group home (13-20 adults).
 - d) A facility offering substance abuse treatment and rehabilitation service to 7 or more people.
 - e) A community correction center resident home halfway house or similar facility under jurisdiction of the Department of Corrections.
- 6) Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding neighborhood.
- 7) Hours of operation shall not exceed sixteen (16) hours during a 24-hour period. The Planning Commission shall not prohibit evening operations completely, but may establish limitations on hours of operation and/or activities between the hours of 10PM and 6AM.
- 8) All parking areas shall comply with the provisions of Article 16 of this Ordinance.
- 9) All signs shall comply with Section 4.47 of this Ordinance.
- 10) Landscaping and Buffering shall be provided in accordance with Section 4.37 of this Ordinance.

17.9 Day Care, Commercial.

- A. Definition. A facility, other than a private residence, providing supervisory care for 1 or more preschool or school age children for periods less than 24 hours a day, and where the parents or guardians are not immediately available to the child. The term includes any facility referred to as a child care center, day nursery, nursery school, drop-in center, or parent cooperative pre-school. A commercial day care center does not include a Sunday school, vacation bible school, or religious instructional class operated by a religious organization where children are in attendance for not greater than 3 hours per

day for an indefinite period, or not greater than 8 hours per day for a period not to exceed 4 weeks during a 12 month period.

B. Regulations and Conditions.

- 1) Building and lot shall conform to the yard, setback and height standards of the zoning district in which it is located.
- 2) All required state and local licensing shall be maintained at all times.
- 3) All outdoor areas used for the care and supervision of patrons shall have appropriate fencing for the safety of the children in the group day-care home; consisting of a minimum 6-foot high privacy fence along the area adjoining another residence, and a minimum 4-foot high fence in the remaining area devoted to the day-care area.
- 4) Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate.
 - 5) Such facilities shall be located at least 1,500 feet from any one of the following:
 - a) A licensed or pre-existing operating group day-care home or commercial day care.
 - b) An adult care small group home (1-12 adults).
 - c) An adult foster care large group home (13-20 adults).
 - d) A facility offering substance abuse treatment and rehabilitation service to 7 or more people.
 - e) A community correction center resident home halfway house or similar facility under jurisdiction of the Department of Corrections.
- 6) Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding neighborhood.
- 7) Hours of operation shall not exceed sixteen (16) hours during a 24-hour period. The Planning Commission shall not prohibit evening operations completely, but may establish limitations on hours of operation and/or activities between the hours of 10PM and 6AM.
- 8) All parking areas shall comply with the provisions of Article 16 of this Ordinance.
- 9). All signs shall comply with Section 4.47 of this Ordinance.
- 10) Landscaping and buffering shall be provided in accordance with Section 4.37 of this Ordinance.

17.10 Drive Through Facilities.

- A. Definition. A commercial business or establishment which offers any goods or services dispensed through a window, doorway or opening of any kind to patrons that remain in their personal vehicles while the transaction is taking place.

B. Regulations and Conditions.

- 1) All automobile queuing for a drive-through window shall be separated from other on-site traffic patterns.
- 2) Pedestrian areas shall be clearly marked.
- 3) The drive-through lane(s) shall be designed to accommodate a full-size passenger vehicle pulling a recreation-vehicle trailer.
- 4) The applicant shall demonstrate to the satisfaction of the Planning Commission that vehicle stacking areas for the drive-through facility are adequate to handle the highest volume likely at the facility without encroaching on the public right-of-way or the drive aisles, parking or pedestrian areas on site.
- 5) All parking areas shall comply with the provisions of Article 16 of this Ordinance.
- 6) All signs shall comply with Section 4.47 of this Ordinance.
- 7) Landscaping and Buffering shall be provided in accordance with Section 4.37 of this Ordinance.

17.11 Dwellings.

A. Definitions.

- 1) Single-family Dwelling. A detached building or structure designed for the occupancy of one (1) family.
- 2) Two-family Dwelling. A dwelling occupied by two (2) families and so designed and arranged as to provide independent living, cooking, and kitchen accommodations for not more than two (2) families.
- 3) Multiple-family Dwelling. A dwelling occupied by three (3) or more families and so designed and arranged as to provide independent living, cooking, and kitchen accommodations for each family unit.

B. Regulations and Conditions.

- 1) Dwellings shall be considered special land uses when proposed to be located in the Commercial (C-1) district. Refer to Permitted Uses. *09
- 2) The parcel area and width for such housing shall meet the requirements of the R-2 district.
- 3) The development shall include appropriate landscaping pursuant to Section 4.37 to effectively screen occupants from surrounding commercial land uses.

17.12 Government Buildings and Parks.

A. Definitions.

- 1) Government Building. A building provided by or for a government or municipality to care for a specified need or function essential to its

existence or which would serve or benefit the public at large. Township of Fife Lake set apart for the recreation of the public.

B. Regulations and Conditions.

- 1) A government building or park that includes access by the general public shall be located on a paved, all-season roadway.
- 2) A government building that includes meeting space to accommodate fifty (50) or more persons at one time shall comply with the requirements for Places of Public Assembly set forth in this Article.
- 3) All parking and travel lanes shall be provided with a smooth, dust-free surface.
- 4) All outdoor storage areas shall be enclosed with an opaque fence six (6) feet in height.
- 5) All exterior lighting shall be equipped with cut-off fixtures to prevent light from casting off the site.

17.13 Gravel and Sand Mines.

A. Definition. A business involved in the excavation, processing, stockpiling, and removal of sand, gravel, soil, minerals and other materials from the earth.

B. Regulations and Conditions.

- 1) In General. To provide for the prior approval by the Planning Commission of a special land use permit for earth removal, quarrying, gravel processing, mining and related mineral extraction businesses in the Township, the Planning Commission shall be satisfied the following conditions and limitations are, or shall be, strictly complied with, in addition to any other requirements contained in this Ordinance or in any other Township ordinance controlling such operations.
- 2) Location. All such operations shall be located on a primary road, as defined by the County, for ingress and egress thereto, or on a road, which does not create traffic through an area, developed primarily for residential purposes. Where necessary, the Planning Commission may require the applicant to repair any roads that are damaged by truck travel to the specifications of the Grand Traverse County Road Commission.
- 3) Setback. The following setback limits shall be observed.
 - a) Sufficient setbacks shall be provided from all property lines and public highways to assure adequate lateral support for adjacent public and private property.
 - b) No such excavation operation shall be permitted closer than one hundred fifty (150) feet from the boundary lines of the property or such larger setback as may be required by the Planning

Commission to adequately protect adjoining properties. However, if the adjoining property is also used for such mining and excavation operation, then the Planning Commission may reduce or eliminate the required setback from that interior boundary line. In addition, such setback may be temporarily reduced to 50 feet if reclamation of the land is promptly effected to increase the setback to at least 150 feet in accordance with the reclamation plan approved by the Planning Commission and adequate lateral support is at all times maintained.

- c) No excavation operation shall be permitted within fifty (50) feet of adjoining public rights-of-way except for the lowering of land adjoining said rights-of-way to the grade level of said rights-of-way. Such excavation businesses shall at no time be permitted where adequate lateral support for the maintenance of adjoining lands is not maintained.
 - d) Any permanent processing plant and accessory structures shall be located no closer than two hundred fifty (250) feet from the interior property lines and adjoining public rights-of-way and shall, where practicable, be located at a lower elevation than the surrounding terrain to lessen visual and noise impact. In addition, the foregoing shall apply to the digging or excavating apparatus and to the stockpiling or loading of materials and to the location of transportation equipment.
 - e) No such excavation operation shall be within one hundred (100) feet of the banks of any stream or waterway unless previously approved, in writing, by the Michigan Water Resources Commission, or such other state commission having jurisdiction thereof. No such mining operations shall interfere with the natural established flow of surface waters to the detriment or damage of adjoining public or private properties.
- 4) Screening. Sight barriers shall be provided along all boundaries of the site where quarrying, gravel processing, mining and related mineral extraction is proposed, which lack natural screening conditions through existing contours or evergreen growth. Such barriers shall consist of one or more of the following:
- a) Earth berms constructed to a height of six (6) feet above the mean elevation of the centerline of the adjacent public highway or six (6) feet above the general level of terrain along interior property lines, as the case may be. Such berms shall have slopes that are not in excess of one (1) foot vertical to three (3) feet horizontal and shall be planted with grass, trees or shrubs.

- b) Plantings of evergreen trees or shrubbery in rows parallel to the boundaries of the property, not less than four (4) feet in height at the time of planting and which grow to not less than six (6) feet in height at maturity sufficiently spaced to provide effective sight barriers when six (6) feet in height.
 - c) Masonry walls or attractive solid fences made of uniform new materials constructed to a height of not less than six (6) or more than eight (8) feet and maintained in good repair.
- 5) Nuisance Abatement. Noise and vibration shall be minimized in their effect upon adjacent properties by the utilization of modern equipment designed to accomplish such minimization and by the proper use of burms, walls, and natural planting screens. All equipment shall be maintained and operated in such a manner so as to eliminate, as far as practicable, excessive noise and vibrations which are not necessary in the operation of such equipment. Air pollution in the form of dust and dirt shall also be kept to a minimum by the use of modern equipment and methods of operation designed to avoid any excessive dust or dirt or other air pollution harmful or substantially annoying to adjoining property owners. Interior and adjoining roads used in the operations shall have their surface treated to minimize any such nuisance.
- 6) Hours. The operation shall be restricted to the hours of 7 o'clock a.m. and 7 o'clock p.m., and no operations shall be allowed on Sundays.
- 7) Fencing. All dangerous excavations, pits, and pond areas, banks or slopes shall be fenced and posted with signs around the perimeter thereof and maintained to prevent injury to children or others, and shall be eliminated as expeditiously as possible.
- 8) Reclamation of Mined Areas or Excavated Areas. Reclamation and rehabilitation of mined areas shall be accomplished as soon as practicable following the mining or excavation of an area. Rehabilitation and reclamation shall be commenced immediately upon the termination of the mining or excavation operations in any area consisting of one acre or more. Substantial completion of reclamation and rehabilitation shall be effected within one (1) year after termination of mining or excavation activity. Inactivity for a twelve (12) month consecutive period shall constitute, for this purpose, termination of mining activity. The following standards shall control reclamation and rehabilitation:
- a) All excavation shall be either to a water-producing depth of not less than five (5) feet below the average summer level of water in the excavation, or shall be graded or back-filled with non-noxious, non-flammable and non-combustible solids to insure:

- i) That the excavated areas shall not collect stagnant water and not permit the same to remain therein; or,
 - ii) That the surface of such area which is not permanently submerged is graded or backfilled as necessary to produce a gently rolling surface that will minimize wind and water erosion, and which will be generally compatible with the adjoining land area.
 - b) The banks of all excavations shall be sloped to the waterline in a water-producing excavation, and to the pit floor in a dry operation at a slope, which shall not be steeper than one foot vertical to three feet horizontal. Top soil 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 to be completed within a one-year period. Where used, topsoil shall be applied to a minimum depth of four inches sufficient to support vegetation.
 - c) Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface and to minimize erosion.
 - d) Upon cessation of mining operations by abandonment or otherwise, the operating company, within a reasonable period of time not to exceed twelve (12) months thereafter, shall remove all plant structures, foundations, buildings, stockpiles and equipment, provided that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which they will be located under such plan may be retained.
- 9) Performance Guarantee. A performance guarantee in the form of an, irrevocable bank letter of credit or cash shall be furnished to the Township Treasurer insuring the proper rehabilitation and reclamation of the mined and excavated areas prior to the commencement of any such mining or excavating operations. The amount of guarantee shall be not less than five thousand dollars (\$5,000) per acre proposed to be mined or excavated in the following twelve (12) months' period and which has previously been mined or excavated during any preceding period and not reclaimed and rehabilitated in accordance with this ordinance and the applicant's filed plan.
- 10) Submission of Operational and Reclamation Plans. No earth removal, quarrying, gravel processing, mining and related mineral extraction

businesses shall be allowed or commenced until a plan has been submitted to the Planning Commission and approved. Such plan shall set forth measures to be taken to assure compliance with all of the provisions of this section. Unless specifically waived by the Planning Commission as inapplicable in a particular instance, such plans shall include, among other things, the following:

- a) A contour map of the tract of land involved in the operations, including dimensions of the same, access thereto abutting public streets, and whether or not the same are "all weather" roads, additional roads, if any, to be constructed, and the location and nature of abutting improvements on adjoining property.
- b) The number of acres and the location of the same proposed to be operated upon within the following twelve (12) months' period after commencement of operations.
- c) The type of mining or processing proposed to be conducted and the nature of the equipment to be used.
- d) The location of the principal processing plant and the distance of any proposed excavation or mining from the boundaries of the site.
- e) Soil boring tests shall be made around the perimeter of the excavation site in the event excavation or activities are to be conducted closer than one hundred fifty (150) feet from the boundaries of the site, said boring tests shall disclose conditions satisfactory for lateral support of adjacent premises as determined by the Township Engineer.
- f) A map or plan disclosing the final grade elevations to be established following the completion of the mining operations, including the proposed uses then contemplated for the land, future lakes and roads and such other matters as may evidence the bona fide nature of the reclamation and rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed mining activities. Such plan shall be submitted to the Grand Traverse County office of the Drain Commissioner and the Soil Conservation District for recommendation to the Planning Commission.
- g) Soil boring tests shall be submitted to provide the depth of the groundwater table of the proposed site.
- h) An environmental impact statement, concerning the existing environmental conditions in the proposed area to be excavated, which should include statements concerning, but not limited to: land, vegetation, water, etc.

- i) A soil erosion and drainage plan shall be submitted as provided by the Grand Traverse County Soil Erosion Officer under Michigan Public Act No. 347 of 1972.
- 11) Conditions. In making any decision, the Planning Commission shall have the right and authority to impose such additional conditions and safeguards as it deems necessary for the protection of the health, safety and general welfare of the neighborhood and of the adjoining residents and property owners. It may also limit the length of time its special land use permit is to be effective and may provide for a periodic review of the proposed operations to ascertain compliance with the conditions and limitations imposed upon the same.
- 12) Extension, Renewal, Revocation. The Planning Commission shall be empowered to renew or extend a special land use permit issued under this section where all standards and conditions are complied with and may revoke or refuse to renew the same where noncompliance exists. No revocation or failure to renew or extend a permit shall release the applicant from the duty of rehabilitation and reclamation of said mined or disturbed area. No permit shall be revoked or not renewed until the operator has been given written notice of any violation forming the basis of such revocation or denial of renewal and not less than thirty (30) days have elapsed to correct the said violation. The Zoning Administrator shall review all permits annually and report to the Planning Commission. The operator shall be required to pay an annual fee to cover the cost of inspections and additional meetings of the Planning Commission as may be established by the Township Board.
- 13) Liability Insurance. All operators shall be required to carry personal injury and property damage insurance while any un-reclaimed or un-rehabilitated areas exist, in the amount of not less than one hundred thousand dollars (\$100,000) for each person or property injured or damaged and not less than three hundred thousand dollars (\$300,000) for injury or damage to more than one person or one person's property arising out of one occurrence. Such insurance shall cover injury or damage occurring upon the site of the operations as well as upon properties adjoining thereto, as a result of conditions or activities existing upon the site. A copy of the policy shall be filed with the Township Clerk.

17.14 Mini-warehouse Self Storage.

A. Definition. A building, group of buildings or portions of buildings, divided and offered to the public for a fee on a monthly or yearly basis for the storage of goods.

B. Regulations and Conditions.

The area of the proposed site shall be at least one (1) acre.

The use shall be established and maintained in accordance with all applicable local, state and federal laws. No hazardous, toxic, or explosive materials shall be stored in such facility except in accord with all required state and federal permitting and inspection standards. It shall be the responsibility of the applicant to satisfy the Township that appropriate procedures shall be maintained to assure compliance with such standards.

All storage shall be inside an enclosed building. No outdoor storage shall be allowed.

The cumulative area of the storage building(s) areas shall not exceed eight thousand (8,000) square feet.

Parking shall be provided as needed for the office uses as provided in Article 16.

All parking, maneuvering and drive lane areas shall be provided with a smooth, dust-free surface and all drive aisles shall be not less than thirty (30) feet in width.

All exterior lighting shall be equipped with cut-off fixtures to prevent light from casting off the site.

All signs shall be in compliance with the provisions of Section 4.47 of this Ordinance.

Landscaping and buffering shall be provided along any property boundary that abuts an area zoned or used for residential purposes and shall meet the requirements of Section 4.37.

17.15 Motels and Hotels.

A. Definitions.

1) Hotel. A facility offering transient lodging accommodations to the general public and providing additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.

2) Motel. A building or group of buildings, whether detached or in connecting units, used or designed as individual sleeping units for transient travelers and providing accessory off-street parking facilities. The term "motel" shall also include "auto courts," "tourist homes," "motor courts," "motel hotels," "summer resorts" and similar identifications of integrated units of individual rooms under common ownership.

B. Regulations and Conditions.

- 1) The minimum lot size for a hotel or motel shall be one (1) acre.
- 2) A hotel or motel that also includes a restaurant shall be required to meet the standards for both uses.
- 3) A hotel or motel shall have direct access to a paved, all-weather roadway.
- 4) A hotel or motel shall, at all times, maintain all required state and local licenses and permits.
- 5) Parking shall be provided pursuant to Article 16.
- 6) All parking, maneuvering and drive lane areas shall be provided with a smooth, dust-free surface.
- 7) All exterior lighting shall be equipped with cut-off fixtures to prevent light from casting off the site.
- 8) All signs shall be in compliance with the provisions of Section 4.47 of this Ordinance.
- 9) Landscaping and buffering shall be provided along any property boundary that abuts an area zoned or used for residential purposes and shall meet the requirements of Section 4.37.

17.16 Nursing and Convalescent Homes.

A. Definitions. Pursuant to Act 368 of the Public Acts of 1978 as amended, a Nursing or convalescent home shall mean a nursing care facility, including a county medical care facility, but excludes a hospital or a facility which provides organized nursing care and medical treatment to 7 or more unrelated individuals suffering or recovering from illness, injury, or infirmity.

B. Regulations and Conditions.

- 1) The minimum lot size for a nursing or convalescent home shall be one-half acre.
- 2) A nursing or convalescent home shall, at all times, maintain all required state and local licenses and permits.
- 3) Parking shall be provided pursuant to Article 16.
- 4) All exterior lighting shall be equipped with cut-off fixtures to prevent light from casting off the site.
- 5) Special land use approval shall not be granted for a nursing or convalescent home proposed to be located within an existing structure in the R-2 zoning district if the essential character of the lot or structure in terms of traffic generation or appearance will be changed substantially.
- 6) All signs shall be in compliance with the provisions of Section 4.47 of this Ordinance.

- 7) Landscaping and buffering shall be provided along any property boundary that abuts an area zoned or used for residential purposes and shall meet the requirements of Section 4.37.

17.17 Offices.

- A. Definition. Refers to office of private firms and organizations and certain government agencies which are primarily used for the execution of professional, executive, management or administrative services. These have relatively few on-premises customers and are a relatively low traffic generator. Typical uses include legal, medical, dental, bookkeeping, architectural, engineering and psychiatrists offices.
- B. Regulations and Conditions.
 - 1) The minimum parcel area shall be not less than one (1) acre and the parcel shall have not less than 150 feet of frontage on a public road.
 - 2) An office building shall be setback not less than 15 feet from any adjoining property zoned or used for residential purposes.
 - 3) All parking areas that abut property zoned or used for residential purposes shall be effectively screened with landscaping or an approved fencing and all landscaping and buffering shall be provided in accordance with Section 4.37 of this Ordinance.
 - 4) Special land use approval shall not be granted for an office building proposed to be located within an existing structure in the R-2 zoning district if the essential character of the lot or structure in terms of traffic generation or appearance will be changed substantially.
 - 5) All signs shall be in compliance with the provisions of Section 4.47 of this Ordinance.
 - 6) All parking shall be in accordance with Article 16 of this Ordinance.

17.18 Public Assembly Areas.

- A. Definition. Any area where large or small numbers of individuals collect to participate or to observe programs of participation. Places of public assembly shall include theaters, auditoriums, sports arenas, lecture halls and other similar facilities intended for entertainment, instruction, or similar activities involving assembled groups of people.
- B. Regulations and Conditions.
 - 1) A public assembly area shall have direct access to a paved, all-weather road.
 - 2) A public assembly area shall be located on a parcel of land with a minimum area of one (1) acre.

- 3) All signs shall be in compliance with the provisions of Section 4.47 of this Ordinance.
- 4) All off-street parking areas shall consist of a smooth, dust-free surface and shall be in compliance with Article 16 of this Ordinance.
- 5) Landscaping and buffering shall be provided in accordance with Section 4.37 of this Ordinance.

17.19 Public Safety Facilities.

A. Definition. A building, structure, facility or complex used or intended to be used to advance the safety of the general public from physical harm, including police and fire protection facilities, corrections facilities, emergency response facilities and allied facilities.

B. Regulations and Conditions.

- 1) A public safety facility that requires frequent access by the general public shall be located on a paved, all-season roadway.
- 2) A government building that includes meeting space to accommodate fifty (50) or more persons at one time shall comply with the requirements for Public Assembly Areas set forth in this Article.
- 3) All parking and travel lanes shall be provided with a smooth, dust-free surface.
- 4) A public safety facility that houses emergency response vehicles, such as fire fighting apparatus or ambulances, shall not be located closer than two hundred (200) feet to a property zoned for residential purposes.
- 5) All exterior lighting shall be equipped with cut-off fixtures to prevent light from casting off the site.

17.20 Public Utility Facilities.

A. Definition. A building, structure, facility or complex which houses equipment, personnel and other material to meet the public water, wastewater, transportation and communication needs of the community. This does not include cell towers. *09

B. Regulations and Conditions.

- 1) A public utility facility that requires frequent access by the general public shall be located on a paved, all-season roadway.
- 2) Public utility facilities that may present such objectionable impacts as noxious odors, noise or vibration shall incorporate site design features intended to minimize to the greatest extent practicable all such impacts upon adjoining properties.
- 3) All parking and travel lanes shall be provided with a smooth, dust-free surface.

- 4) All exterior lighting shall be equipped with cut-off fixtures to prevent light from casting off the site.

17.21 Recreational Vehicle Park.

- A. Definition. A facility intended and used for the transient location of Recreation Vehicles as temporary housing for vacationers.
- B. Regulations and Conditions.
 - 1) A recreation vehicle park shall be equipped with water and wastewater services approved by the Grand Traverse County Health Department.
 - 2) A recreation vehicle park shall provide land area equivalent to one thousand (1,000) square feet for each recreation vehicle site or campsite.
 - 3) All provisions for outdoor burning for campfires, bonfires, charcoal grilling or other burning shall be approved by the Township Fire Department.
 - 4) Any portion of a recreation vehicle park that adjoins property zoned or used for residential purposes shall be fenced with a six (6) foot high opaque fence. Provided, however, that the Planning Commission may waive the requirement for fencing if the site provides a substantial natural barrier between the recreation vehicle park and adjoining residential property.
 - 5) No recreation vehicle parking site or campsite shall be located closer than fifty (50) feet to the side or rear property line nor less than one hundred (100) feet from a public right-of-way.
 - 6) All exterior lighting shall be equipped with cut-off fixtures to prevent light from casting off the site.
 - 7) All signs shall be in compliance with the provisions of Section 4.47 of this Ordinance.

17.22 Restaurant.

- A. Definition. An establishment where food and drink are prepared, served, and consumed primarily within the principal building. The term “restaurant” shall include taverns, bars, nightclubs, eateries, delicatessens and similar facilities.
- B. Regulations and Conditions.
 - 1) A restaurant shall maintain, at all times, all required state and local licenses and permits.
 - 2) A restaurant that includes a hotel or motel shall be required to meet the standards for both uses.
 - 3) All parking and travel lanes shall be provided with a smooth, dust-free surface and the parking requirements of Article 16 shall be met.

- 4) All exterior lighting shall be equipped with cut-off fixtures to prevent light from casting off the site.
- 5) All signs shall be in compliance with the provisions of Section 4.47 of this Ordinance.

17.23 Roadside Stand.

- A. Definition. A temporary or seasonal booth or stand for the display and sale of agricultural and related products typically grown or produced on site; such structure shall not have space for customers within the stand or booth itself.
- B. Regulations and Conditions. Roadside Stands which exceed a floor area of one hundred (100) square feet and are operated for more than six (6) weeks in any twelve (12) month period shall be subject to the following requirements:
 - 1) The total floor area of the roadside stand shall not exceed two hundred (200) square feet.
 - 2) Only fruits, cut flowers and vegetables that have been grown on the premises shall be sold in a roadside stand.
 - 3) No part of the roadside stand, sales area or parking area shall be located within a road right-of-way.
 - 4) All structures associated with the roadside stand shall be portable and shall be removed when not in use.
 - 5) Only one roadside stand shall be permitted on any one parcel.
 - 6) The Planning Commission shall give due consideration to the nature of the proposed use and its potential impact on the surrounding land uses and may establish appropriate site conditions to assure that the use will generate no detrimental impacts on surrounding property.
 - 7) A roadside stand shall be permitted not more than two (2) signs with a combined surface area of thirty-two (32) square feet. Such signs shall not be lighted.

17.24 RESERVED *09

17.25 Social Club Facilities.

- A. Definitions. A facility used to house the activities of a group of people organized for a common purpose or to pursue common goals, interests, or activities and usually characterized by membership qualifications, payment of fees and dues and with an organizing constitution and bylaws. By way of example, club facilities may include, but shall not be limited to, buildings and grounds to house fraternal organizations, sporting clubs, boat clubs, hunting clubs and racing clubs. Club facilities shall not include commercial recreation or entertainment facilities such as tennis or golf clubs or dance clubs nor shall it include churches or clubs organized for religious purposes.

- B. Regulations and Conditions. Social Club Facilities shall be subject to the following standards:
- Social club facilities shall maintain, at all times, all required state and local licenses and permits.
- Social club facilities serving alcoholic beverages shall have direct access to a paved, all-weather road.
- Social club facilities serving alcoholic beverages shall also meet the requirements of Section 17.22 pertaining to restaurants.
- Social club facilities that include archery and or shooting ranges shall employ effective physical barriers and isolation distances to assure that no projectile shall carry beyond the property limit,
- Social club facilities shall be located and designed such that no objectionable noise shall be carried onto adjoining property zoned for, or occupied by residential uses.
- The Planning Commission may require that any or all of the property of a club facility be fenced to contain any debris or materials used or discarded on site and/or to prevent unauthorized access to the grounds.
- All exterior lighting shall be equipped with cut-off fixtures to prevent light from casting off the site.
- All signs shall be in compliance with the provisions of Section 4.47 of this Ordinance.

17.26 Uses Similar to Special Land Uses.

A determination of whether a proposed use is similar to uses permitted by special use permit shall be made by the Planning Commission upon the recommendation of the Zoning Administrator. In preparing such a recommendation, the Zoning Administrator shall evaluate the proposed use in terms of the potential generation of traffic, congestion, noise, odors, dust, litter and similar impacts. In addition, the proposed use shall be evaluated to determine the degree to which it may support or conflict with other uses permitted by special use permit. If the Zoning Administrator determines that such use is similar to the uses permitted by special use permit, a report outlining the determination shall be provided to the Planning Commission with a recommendation for approval of the required site plan.

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ARTICLE 18 SITE PLAN STANDARDS

18.1 Purpose and Intent.

It is the purpose of this Article to require site plan approval for buildings, structures and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels and land uses, and on the character of future development. It is further the purpose of this Article to achieve, through site plan review, safe and convenient traffic movement, harmonious relationships of buildings, structures and uses, and the conservation of natural features and resources.

18.2 Uses Requiring Site Plan Approval.

The following buildings, structures and uses require site plan approval by the Planning Commission:

- A. All special land uses and Planned Unit Developments in all zoning districts.
- B. All uses in the PD Planned Development District, I-1 Industrial District and in the C-1 Commercial District, all uses except accessory buildings with a floor area less than that of the principal structure. *09
- C. In the R-1 Lake Residential, R-2 Residential, FR Forest Recreation and AG Agriculture Districts, all uses except for single-family dwellings and accessory buildings with a floor area less than that of the principal structure. *09
- D. All platted subdivisions or condominium subdivisions or any proposed expansion thereof.

18.3 Site Plan Requirements.

Each site plan submitted shall include the following information, unless specifically waived by the Planning Commission, in whole or in part, as unnecessary for effective consideration of the project proposed:

- A. The plan preparation and revision dates, north arrow, and graphical and numeric scale. The scale shall be not less than one inch (1") = twenty (20) feet for property under three (3) acres and at least one inch (1") = one hundred (100) feet for those three (3) acres or more.
- B. A certified survey of the property showing all lot and/or property line dimensions and bearings; including easements of record, required setbacks and a written legal description. Provided, however, that upon a finding by the Zoning Administrator that a certified survey shall be unnecessary for the effective review of a site plan by the Planning Commission, the requirement for a survey may be waived by the Zoning Administrator with the approval of the Planning Commission. *09

The location and height of all existing, and proposed structures on property and within one hundred (100) feet of, the subject property's boundary. The location of natural features on and within one (100) feet of the property boundary including, but not limited to, woodlots, streams, lakes, ponds, floodplains, county drains, and the existing topography at two (2) foot intervals. The site plan shall include a notation of which, if any, of the existing structures are to be retained and which, if any, are to be removed.

The location and dimensions of all existing and proposed drives, sidewalks, curb openings, signs, exterior lighting, curbing, acceleration and deceleration lanes, parking areas, (the dimensions of a typical parking space), unloading areas, recreation areas, common use areas, and areas to be conveyed for public use and purpose.

The location and pavement width and right-of-way width of all existing and abutting roads, streets, alleys or easements and all proposed public and private roads and their proposed street names.

The name, telephone number and address of the individual or firm responsible for the preparation of the site plan. Prior to the issuance of a land use permit for any use requiring site plan approval, the final site plan approved by the Planning Commission shall bear the seal of the responsible licensed professional engineer, land surveyor or architect.

The name, address and telephone number of the property owner and applicant.
A location sketch showing the general area within a one half (1/2) mile radius of the boundaries of the development area including the respective zoning abutting the subject property.

The location, height and types of fences, walls and landscaping. Typical straight cross-sections including slope, height and width of any burms and type of ground cover and the height, location and type of all proposed plantings.

Size and location of existing and proposed utilities, including proposed connections to public sewer or water supply systems.

The location and size of all surface water drainage facilities.

Building elevations including floor plans and a site data chart which compares the existing and proposed improvements to the lot area, setback, and building height requirements of the zoning district and the off-street parking calculations.

A written statement describing the characteristics of the proposed development. For residential developments, the project statement shall describe the number of dwelling units,

bedroom mix, parking arrangements and the type and amount of recreational open space. For nonresidential developments, the project statement shall describe the intended use(s), hours of operation, the gross and useable floor areas, and the number of employees per shift. All project statements shall describe how the project will conform to all federal, state and local licenses and permits requirements.

18.4 Site Plan Review Procedures.

The proposed site plan shall be submitted in six (6) copies to the Zoning Administrator who shall keep one copy of the proposed site plan and deliver one set each to the members of the Planning Commission. Two additional copies may be used for review by any engineering or planning consultants retained by the Township. Upon the receipt of a complete site plan, the Zoning Administrator and any special consultants retained by the Township shall complete their review and report on the site plan and the site plan along with all such reports shall be submitted to the Planning Commission for consideration. The Planning Commission shall consider the site plan along with the review comments of the Zoning Administrator and any special consultants or specialists serving the Township. The Planning Commission shall review the site plan in accord with the provisions of Section 18.5 of this Article. Upon completing its review, the Planning Commission shall adopt a resolution to approve, deny or approve with conditions the proposed site plan. If the site plan is disapproved, the reasons for the disapproval shall be provided in writing to the applicant. Upon approval of a site plan, at least two copies of the site plan as finally approved shall be signed and dated by both the Chairman of the Planning Commission and the applicant. One copy of the signed site plan shall be filed in the Township's records and the other returned to the applicant. Appeals of the decision of a decision by the Planning Commission with regard to a site plan shall be made to the Circuit Court within twenty-one (21) days after such decision. *09

18.5 Site Plan Review Standards.

- A. In reviewing a site plan, the Planning Commission shall determine whether the site plan is consistent with this Ordinance and in accordance with the following requirements:
- 1) That the site plan and the land uses proposed are in conformance with the Township Master Plan.
 - 2) That the movement of vehicular and pedestrian traffic within the site and in relation to access streets will be safe and convenient.
 - 3) That the site plan is harmonious with existing and projected uses in the immediate area.
 - 4) That the site plan shows the use will be adequately served by necessary improvements, including but not limited to, sewage collection and treatment, potable water supply, storm drainage, lighting, roads and parking.

- 5) That the site plan provides adequate measures to protect the health, safety, and general welfare of the persons and property on the site and in the neighboring community.
- B. The Zoning Administrator shall not issue a Land Use Permit for an approved site plan until the applicant has submitted three copies of all permits which may be required by the county, township, federal or the state for the construction of the use and has complied with any and all conditions of approval.
- C. No grading, removal of trees or other vegetation, land filling, or construction of improvements shall commence for any development which requires a site plan approval, until the site plan has been approved by the Planning Commission and a Land Use Permit has been issued by the Zoning Administrator.

18.6 Site Plan Amendments.

Amendments to site plans shall be governed by this section.

- A. Minor Site Plan Amendments. Minor site plan amendments may be approved by the Zoning Administrator and shall be limited to the following site plan changes:
 - 1) Moving walls within the confines of the approved building footprint because of a natural impediment such as soil conditions or subsurface geology.
 - 2) Moving the ingress and egress drive a distance up to one hundred (100) feet, if required by the Grand Traverse County Road Commission or Michigan Department of Transportation.
 - 3) Substituting a landscape material provided a nurseryman or landscape architect certifies that the substituted species is of a similar nature and quality.
 - 4) Changing the location and/or design of exterior light fixtures provided that there will be no change in the intensity of site lighting and the location conforms to the requirements of this Ordinance.
 - 5) Changing the dimensions or location of approved signage provided that the sign conforms to the requirements of this Ordinance.
 - 6) Altering the location of an accessory structure that is less than one hundred (100) square feet in area provided that the location does not encroach on any approved parking, loading, or landscape areas and otherwise conforms to the requirements of this Ordinance.
 - 7) Changing the height and/or material of fencing provided that the height conforms to the requirements of the Ordinance and that any substituted material is similar in character and quality.
- B. Major Site Plan Amendments. With the exception of minor site plan amendments as provided in this section, site plan amendments shall be processed pursuant to Section 18.3. A Site Plan amendment shall be approved

if the Planning Commission finds that the change will not adversely affect the initial reasons for granting approval.

18.7 Performance Guarantees.

To ensure compliance with the Zoning Ordinance requirements and any conditions imposed hereunder, the Planning Commission or Zoning Administrator may require the deposit of a performance guarantee in accordance with Section 21.10.

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ARTICLE 19 NON-CONFORMING USES

19.1 Purpose and Intent.

It is the intent of this Ordinance to permit legal nonconforming lots, structures, or uses to continue until they are removed but not to encourage their survival. It is further the intent of this Ordinance that nonconforming lots, structures or uses shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same districts, except as provided as in this Article 19. Nothing in this Ordinance shall be deemed to require a change of plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which construction has been diligently conducted. Actual construction shall include the placing and attaching of construction materials in a permanent position.

19.2 Nonconforming Lots.

A principal building and customary accessory buildings may be erected on a nonconforming lot provided that all zoning requirements are met. If the variation of a setback or other zoning restriction is required in order to erect a structure on a nonconforming lot, then such structure shall only be permitted if a variance is granted by the Zoning Board of Appeals.

19.3 Nonconforming Structures.

A nonconforming structure may be continued provided it remains otherwise lawful. A structure which is nonconforming in relation to the dimensional requirements of this Ordinance may be enlarged or altered, provided such enlargement or alteration does not increase the degree of nonconformity of the structure. If a nonconforming structure is moved it shall thereafter conform to the regulations for the district in which it is located after it is moved.

19.4 Nonconforming Uses.

- A. Nonconforming Uses in General. Except as provided in Section 19.4, B, for nonconforming single-family residential uses, a nonconforming use may be continued provided it remains otherwise lawful.
 - 1) A nonconforming use shall not be enlarged or moved, in whole or in part, to any other portion of the lot or parcel that was not occupied by the use at the time the use became nonconforming. However, a nonconforming use may be extended throughout any part of a building, which was designed for such use, and which existed at the time the use became nonconforming.

- 2) A structure occupied by a nonconforming use shall not be structurally altered in any manner or moved except in connection with a change to a use permitted in the district in which it is located.
- B. Nonconforming Residential Uses. A nonconforming residential use may be expanded or enlarged as follows:
- 1) The principle building may be enlarged by a maximum of twenty (20) percent of the total square footage, which existed when the use became nonconforming, provided that all applicable yard and other zoning restrictions are met.
 - 2) An accessory building may be constructed in accordance with the applicable provisions of this Ordinance.
- C. Abandonment of Nonconforming Use. If a property owner has intent to abandon the nonconforming use of any parcel of land or structure and in fact, abandons the nonconforming use for a period of twelve (12) consecutive months, or more, then any subsequent use of the property shall conform to the requirements of this Ordinance. When determining the intent of the property owner to abandon a nonconforming use, the Zoning Administrator shall consider such factors as the following:
- 1) Whether the property, buildings and grounds have fallen into disrepair.
 - 2) Whether signs or other indications of the existence of the nonconforming use have been removed.
 - 3) Whether equipment or fixtures necessary for the operation of the nonconforming use have been removed.
 - 4) Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use.
- D. Substitution of Uses. A nonconforming use may be changed to another nonconforming use upon approval of the Planning Commission subject to the following conditions:
- 1) No structural alterations are required to accommodate the new use and that the proposed use is equally or more appropriate in the district than the existing use. In approving such a request, the Planning Commission may require appropriate conditions in accordance with the purposes and intent of this Ordinance.
 - 2) Once a nonconforming use is changed to a more restrictive classification, it shall not thereafter be changed to a less restrictive classification.
 - 3) When a nonconforming use is replaced by a permitted use, it shall thereafter conform to the regulations of the district in which the use is located and the nonconforming use may not thereafter be resumed.

19.5 Section 5.5 General Conditions.

The following general conditions apply to all nonconforming lots, nonconforming structures, and nonconforming uses.

A. **Change of Tenancy or Ownership.** The tenancy or ownership of nonconformity may be transferred or changed. However, in the case of a nonconforming use, there shall be no change in the nature or character of such nonconformity, except as permitted by this Ordinance.

B. **Maintenance and Repairs.** Normal maintenance and incidental repairs, including repair or replacement of non-bearing walls, fixtures, wiring or plumbing, may be performed on any nonconforming structure or structure containing a nonconforming use.

A nonconforming structure or structure that contains a nonconforming use the Zoning Administrator or County Building Official may be restored to a safe condition. Where enlargement or structural alteration is necessary to allow compliance with health and safety laws, the cost of such work shall not exceed forty percent (40%) of the replacement cost of the existing structure as determined by the Township Assessor.

C. **Termination by Destruction.** In the event that a nonconforming structure or structure containing a nonconforming use is destroyed by any means to an extent of more than sixty percent (60%) of the replacement cost of the existing structure, as determined by the Township Assessor, the structure shall not be restored or reconstructed except in conformity with the requirements of the Ordinance.

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ARTICLE 20
ZONING BOARD OF APPEALS

20.1 Creation.

There is hereby created and established a Zoning Board of Appeals, in accordance with Act 184 of the public Acts of 1943, as amended. The Zoning Board of Appeals shall perform its duties and exercise its powers as provided by said Act and in such a way that the objectives of this Ordinance may be equitably achieved; that there shall be provided a means for competent interpretation and controlled flexibility in the application of this Ordinance; that the health, safety and welfare of the public be secured and that substantial justice be secured.

20.2 Membership and Term of Office.

The Zoning Board of Appeals shall consist of five members appointed by the Township Board. The first member of such Board shall be a member of the Township Planning Commission. The remaining members of the Board shall be selected from the electors of the Township residing outside incorporated cities and villages. The members selected shall be representative of the population distribution and of the various interests present in the Township. One member may be a member of the Township Board, but he or she may not serve as chairman of the Board of Appeals. An employee or contractor of the Township Board may not serve as a member of an employee of the Zoning Board of Appeals. Not less than three (3) members shall constitute a quorum of the Zoning Board of Appeals.

- A. Compensation. The total amount allowed the Board of Appeals in any one year as per diem or as expenses actually incurred in the discharge of their duties shall not exceed a reasonable sum, which sum shall be appropriated annually in advance by the Township Board.
- B. Removal. Members of the Board of Appeals shall be removable by the Township Board for non-performance of duty or misconduct in office upon written charges and after public hearing. A member shall disqualify himself from a vote in which he has a conflict of interest. Failure of a member to disqualify himself from a vote in which he has a conflict of interest shall constitute misconduct in office.
- C. Term of Office. The term of each member shall be for three (3) years, except that of the members first appointed, two (2) shall serve for two (2) years, and the remaining members for three (3) years. A successor shall be appointed not more than one (1) month after the term of the proceeding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.

- D. **Alternate Members.** The Township Board may appoint not more than 2 alternate members to the Zoning Board of Appeals. Alternates shall not be a member of the Township Board or Planning Commission. Alternates may be called as needed to serve on a rotating basis:
- 1) If a regular member is absent from, or unable to attend meetings for a period of more than 30 consecutive days.
 - 2) For the purpose of reaching a decision in a case in which a regular member has abstained for reasons of conflict of interest.
 - 3) If a regular member is absent from, or unable to attend two (2) or more consecutive meetings.
 - 4) The alternate member shall serve in the case until a final decision regular member of the Zoning Board of Appeals.

20.3 Meetings and Powers.

Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such other times as the Board in its rules of procedure may specify. The Chairman or, in his absence, the acting Chairman may administer oaths and compel the attendance of witnesses. All meetings of the Zoning Board of Appeals shall be open to the public. The Board shall maintain a record of its proceedings which shall be filed in the office of the Township Clerk and shall be a public record. The Board shall not conduct business unless a majority of the members of the Board are present.

20.4 Duties, Rules, Hearings and Decision on Appeals, Right to and Grounds for Appeal.

The Zoning Board of Appeals shall act upon all questions as they may arise in the administration of this Ordinance, including the interpretation of the zoning map and may fix rules and regulations to govern its procedures. It shall hear and decide appeals from and review any order, requirements, decision or determination made by the Zoning Administrator. It shall also hear and decide all matters referred to it or upon which it is required to pass under this Ordinance. 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 any administrative official or to decide in favor of any applicant any matter upon which they are required to pass under this Ordinance. Such appeal may be taken by any person aggrieved, or by any officer, department, board or bureau of the Township, County or State. The grounds of every determination shall be stated for the record and a record of such decision shall be provided to the applicant.

20.5 Time to Appeal, Notice of Appeal and Transmittal of Record.

Such appeal shall be taken within such time as shall be prescribed by the Zoning Board of Appeals by general rule, by the filing with the Zoning Administrator a notice of appeal specifying the grounds thereof, together with a fee established by the Township Board, which shall be paid to the Township Clerk at the time the notice of appeal is filed. The

Zoning Administrator shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed was taken. The Zoning Board of Appeals may request any report, documentation, files or other materials upon which to base its decision.

20.6 Stay of Proceedings Pending Appeal.

An administrative appeal to the zoning Board of Appeals and an appeal of a decision of the Zoning Board of Appeals to the circuit court stays 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.

20.7 Hearings and Notices, Right to be Heard, Disposition of Appeals, Decision not Final.

The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties and decide the same within a reasonable time. Upon hearing, any party may appear in person or by agent or by attorney. The Board of Appeals may reverse or affirm wholly or in part, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises. The decision of the Board of Appeals shall be final and any person having an interest affected by this Ordinance shall have the right to appeal to the Circuit Court.

20.8 Prohibited Appeals.

The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms or intent of this Ordinance. The Zoning Board of Appeals shall have power to act on those matters where, by Statute or by the terms of this Ordinance, provision is made for an administrative review, interpretation or variance. The Zoning Board of Appeals shall not have authority to hear appeals related to any decision or conditions attached to any decision pertaining to a site plan, special land use or planned unit development.

20.9 Dimensional Variances.

The Zoning Board of Appeals shall have the power to authorize dimensional variances from site development requirements such as lot area and lot width, building height and bulk regulations, yard width and depth requirements, off-street parking and loading requirements, sign landscape requirements, and other similar requirements of this Ordinance.

- A. Approval Criteria. To obtain a dimensional variance, the applicant must demonstrate that a practical difficulty exists by showing that all of the following conditions exist:

- 1) That the need for the variance is due to unique circumstances or physical conditions, such as narrowness, shallowness, shape, water or topography, of the property involved and that the practical difficulty is not due to the applicant's personal or economic hardship.
 - 2) That the need for the variance is not the result of actions of the property owner (self-created) or previous property owners.
 - 3) That strict compliance with area, setback, frontage, height, bulk, density or other dimension requirement will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome. The fact that a property owner may incur additional costs in complying with this Ordinance shall not, in and of itself, be construed to make compliance unnecessarily burdensome.
 - 4) That the variance will do substantial justice to the applicant as well as to other property owners in the district, or whether the requested variance would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.
 - 5) That the variance will not cause adverse impacts on surrounding property, or the use and enjoyment of property in the neighborhood.
- B. Conditions. In accordance with Section 21.8 of this Ordinance, the Zoning Board of Appeals may impose conditions upon a dimensional variance approval.
- C. Effect of Approval. An approved dimensional variance shall expire at the end of twelve (12) months, unless a building permit authorizing the construction has been obtained and construction has started and proceeds to completion in accordance with the terms of the building permit.

20.10 Use Variances.

The Zoning Board of Appeals shall have the power to grant use variances to the zoning district use restrictions to the extent provided by the Township Zoning Act and applicable Michigan case law. A petition for a use variance may be reviewed by the Township Attorney to determine whether, in the opinion of the Township Attorney, statute or case law allows the petition.

- A. Approval Criteria. To obtain a use variance, the applicant must demonstrate that an unnecessary hardship exists by showing that all of the following conditions exist:
- 1) That the property as a whole cannot be reasonably used for any of the uses permitted by right or special land use approval in the zoning

district in which the property is located. The fact that a property owner may incur additional costs in complying with this Ordinance shall not, in and of itself, be construed to make compliance unnecessarily burdensome.

- 2) That the variance is needed due to unique circumstances peculiar to the property and not general to neighborhood conditions.
 - 3) That the need for the variance is not the result of actions of the property owner (self-created) or previous property owners.
 - 4) That the variance will not cause adverse impacts on surrounding property, or the use and enjoyment of property in the neighborhood.
- B. Conditions. In accordance with Section 21.8 of this Ordinance, the Zoning Board of Appeals may impose conditions upon a use variance approval.
- C. Effect of Approval. The use variance shall expire at the end of 12 months, permit authorizing the construction has been obtained and construction has started and proceeds to completion in accordance with the terms of the building permit, or the use is actually established if no building permit is required.

20.11 Appeal Procedure.

- A. Notice of Appeal. The following procedures shall be observed in filing of a notice of appeal:
- 1) Ordinance interpretation and variance requests may be made by any aggrieved persons or by any official of the Township on a form provided for that purpose.
 - 2) The appeal of a ruling of the Planning Commission or Zoning Administrator in the enforcement of this Ordinance shall be taken within 21 days of the date of the decision on a form provided for that purpose.
 - 3) Upon receipt of a notice of appeal, the official or Board from whom the appeal is taken shall transmit to the Zoning Board of Appeals all the papers constituting the record upon which the appealed action was taken.
- B. Hearing. Upon receipt of a request for ordinance interpretation, variance or notice of appeal, the chairperson of the Zoning Board of Appeals shall schedule a reasonable time and date for a public hearing.
- C. Hearing Notice Procedures. Where this Ordinance requires the Township to provide notice of a public hearing for any decision or action permitted, authorized or required by this Ordinance or under Act 110 of the Public Acts of 2006 as amended, notice of the public hearing shall be given as follows:

- 1) The notice shall be published once, at least 15 days prior to the date of the public hearing, in a newspaper of general circulation in the Township.
- 2) Except as provided in Subsection 4 of this Section, a notice of public hearing shall also be mailed or personally delivered to the following persons, at least 15 days prior to the date of the public hearing:
 - a) The applicant;
 - b) The owner or owners of the subject property;
 - c) All persons to whom real property is assessed within 300 feet of the property that is the subject of the application or request, even if the 300 feet extends outside of the Township's boundaries; and
 - d) The occupants of all structures within 300 feet of the property that is the subject of the application or request, even if the 300 feet extends outside of the Township's boundaries. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
- 3) The notice of public hearing shall include the following information:
 - a) A description of the nature of the proposed amendment, application or request.
 - b) An identification of the property that is the subject of the application or request, if applicable. Except as provided in Subsection 4 of this Section, the notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property and another means of identification of the property shall be used.
 - c) State when and where the application or request will be considered.
 - d) Identify when and where written comments will be received concerning the application or request. *09

Zoning Board of Appeals, Final Decisions and Rehearing. Except as provided in this section, a decision of the Zoning Board of Appeals shall be final. Reapplication and rehearing procedures of the Zoning Board of Appeals shall be governed by Sections 21.6 and 21.7 of this Ordinance.

20.12 Zoning Board of Appeals.

Final Decisions and Rehearing. Except as provided in this section, a decision of the Zoning Board of Appeals shall be final. Reapplication and rehearing procedures of the Zoning Board of Appeals shall be governed by Sections 21.6 and 21.7 of this Ordinance.

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ARTICLE 21 ADMINISTRATION AND ENFORCEMENT

21.1 Administration.

It shall be the duty of the Zoning Administrator, who shall be appointed by and on such terms determined by the Township Board, to administer this Ordinance and the Michigan Zoning Enabling Act (Public Act 11 of 2006) to enforce the provisions contained herein. *09

21.2 Zoning Administrator.

It shall be the duty of the Zoning Administrator to receive applications for land use permits and issue or deny same; to inspect buildings or structures; to determine compliance with the land use permits issued in compliance with this Ordinance; and to be in charge of the enforcement of this Ordinance. The Zoning Administrator shall perform such other duties as the Township Board may prescribe while in compliance with the Michigan Zoning Enabling Act (Public Act 11 of 2006). *09

21.3 Land Use Permits.

The Zoning Administrator shall be empowered to issue permits for conforming land uses, act as inspector to determine compliance with this Ordinance, maintain regular office hours, keep a file record of all permits, and prepare summary reports for the Township Board and Planning Commission at reasonable times or when requested. No land use permit will be issued until an application, site plan or plot plan is presented and approved. No erection, construction, reconstruction, restoration, alteration, conversion, or installation of a building or structure or authorized use shall commence until the Zoning Administrator issues a land use permit.

- A. It shall be unlawful to change the type of use of land, or to change the type of use, or type of occupancy of any building, or to extend any use on any lot on which there is a nonconforming use until the Zoning Administrator has issued a land use permit.
- B. All land use permit applications shall be made in writing to the Zoning Administrator on forms provided for that purpose. A record of all such applications shall be kept on file by the Zoning Administrator. Any land use permit issued under the provisions of this Ordinance shall be valid only for a period of one (1) year following the date of issuance thereof and shall be posted during said time on any existing building or lot and in such a manner as to be visible from the highway for inspection.
- C. When the Zoning Administrator receives a complete application for a land use permit which requires action by the Zoning Board of Appeals or Planning Commission, such application, along with all

supporting information shall be conveyed by the Zoning Administrator to the Zoning Board of Appeals or the Planning Commission.

- D. If any application for such permit is not approved, the Zoning Administrator shall state in writing the cause for such disapproval and deliver a copy to the applicant.
- E. The Zoning Administrator may, prior to or after issuance of a land use permit, require:
 - 1) Applicant to provide proof of ownership, including an abstract, deed or title insurance commitment or a title history search;
 - 2) A registered survey, if the proposed structure could violate the Zoning Ordinance, including staking for side, front and rear setbacks, ordinary high water mark and for the proposed site for the building or addition.
- F. The development or usage proposed by a land use permit shall be subject to an inspection by the Zoning Administrator after trenches are dug and prior to footing construction. Where a permit is issued for a use where a structure is not being constructed, an inspection shall be made prior to occupancy. The permit holder shall be responsible to notify the Zoning Administrator with at least a two (2) working-day notice regarding the time that the development/construction will be ready for inspection. Failure of the permit holder to make proper notification for inspection shall automatically void the permit, requiring the issuance of a new permit.
- G. The applicant shall bear the entire responsibility to provide the Zoning Administrator with all necessary supporting documentation required pursuant to the Ordinance including the applicants' and owners' address and telephone number, the address of the property proposed for development, a legal description of the property to be developed and the parcel's township tax number.
- H. Fees for land use permits, inspections and consultant review escrows as provided in Section 21.9 of this Ordinance shall be paid prior to the issuance of a land use permit.
- I. The Zoning Administrator shall not issue a land use permit for any proposed land use unless and until the road to serve the proposed land use has been constructed and approved either as a public road or as a private road pursuant to the Section 4.46 of this Ordinance.

21.4 Township Planning Commission.

- A. The Township Board shall maintain a Planning Commission composed of not less than five (5) or more than seven (7) members

under provisions of the Township Planning Commission Act 110 of 2006, the Michigan Zoning Enabling Act. *09

- B. The Township Board, by resolution, has transferred all powers and duties of a Zoning Board to the Planning Commission, as outlined in Act 110 of 2006, the Michigan Zoning Enabling Act. and as permitted in Section 11 of the Township Planning Commission Act, Act 168 of 1959, as amended. *09
- C. The Township Planning Commission may adopt rules, bylaws and regulations to govern its activities under the terms of this Ordinance.

21.5 Civil Infractions and Violations.

- A. Civil Infractions. Any person, partnership, limited liability company, corporation, or association who creates or maintains a nuisance per se as defined in this section or who violates or fails to comply with any provision of this Ordinance or any permit issued pursuant to this Ordinance shall be responsible for a municipal civil infraction. Every day that such violation continues shall constitute a separate and distinct offense under the provisions of this Ordinance. Nothing in this section shall exempt the offender from compliance with the provisions of this Ordinance.
- B. 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.
- C. Authorization. The Township Zoning Administrator is hereby designated as the authorized township official to issue municipal civil infraction notices and citations. Additional parties authorized to issue municipal civil infraction notices and citations may be designated by the Township Board from time to time.
- D. In addition to enforcing this Ordinance as a municipal civil infraction, the Township may initiate proceedings in the Circuit court to abate or eliminate the Nuisance per se or any other violation of this Ordinance.

21.6 Reapplication.

No application for a special land use, Site Plan Review, Planned Unit Development, or variance which has been denied, in whole or in part, by either the Planning Commission or the Zoning Board of Appeals may be resubmitted for a period of twelve (12) months from the date of the denial, except on the grounds of newly discovered evidence.

21.7 REHEARING.

- A. 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:
- 1) The applicant who brought the matter before the Planning Commission or Zoning Board of Appeals made misrepresentations concerning a material issue which was relied upon by the Planning Commission or Zoning Board of Appeals in reaching its decision.
 - 2) There has been a material change in circumstances regarding the Planning Commission's or Zoning Board of Appeals' findings of fact which occurred after the public hearing.
 - 3) The Township Attorney by written opinion states that in the Attorney's professional opinion the decision made by the Planning Commission or Zoning Board of Appeals or the procedure used in the matter was clearly erroneous.
- B. 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, pursuant to the following procedure:
- 1) 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.
 - 2) A request for a rehearing made by the Zoning Administrator or a rehearing granted by the Planning Commission or Zoning Board of Appeals on its own motion may be granted at any time as long as the applicant has not been prejudiced by any delay.
 - 3) Whenever the Planning Commission or Zoning Board of Appeals considers granting a rehearing, it shall provide written notice to the applicant that a rehearing will be considered. The notice may be served upon the applicant by first class mail at the applicant's last known address, or may be served personally on the applicant. The notice must be served at least nine (9) days before the time set for the hearing if served by mail, or at least seven (7) days before the time set for the hearing if served by personal service. Service by mail shall be complete upon mailing. In addition to serving the above notice on the applicant, all other notice requirements for the type of

decision being heard shall be completed before the Planning Commission or Zoning Board of Appeals holds a hearing at which it considers whether to grant a rehearing.

- 4) If the Planning Commission or Zoning Board of Appeals grants a rehearing, then the rehearing on the merits shall not be held until all notice requirements for the type of decision being reheard have been satisfied.

21.8 CONDITIONS.

The Zoning Administrator, Planning Commission, and Zoning Board of Appeals may attach reasonable conditions with the approval of special land uses, uses requiring site plan approval in the PD Planned Development District, planned unit developments, site plans, variances, and other discretionary zoning decisions. These conditions may include those necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all of the following requirements:

- A. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- B. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- C. 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.

21.9 ZONING FEES - ESCROW ACCOUNT.

- A. To assist in defraying the costs of investigating, reviewing and administering zoning applications, appeals, rezoning requests from individual property owners, and other types of decisions which result in extra costs to the Township, the Township Board may from time to

time adopt by resolution a fee schedule establishing basic zoning fees related to the following:

- 1) Land use permits.
- 2) Special land use approvals.
- 3) Appeals to or requests for interpretations by the Zoning Board of Appeals. Appeals and requests for interpretations initiated by the Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
- 4) Classification of unlisted property uses.
- 5) Requests for variances from the Zoning Board of Appeals.
- 6) Requests for rezoning of property by individual property owners. Rezoning of property initiated by the Township Board or the Planning Commission shall not be subject to a zoning fee.
- 7) Site plan reviews.
- 8) Uses requiring site plan review in the PD Planned Development District.
- 9) Requests for a planned unit development (PUD).
- 10) 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 are non-refundable, even when an application or appeal is withdrawn by the applicant.

- B. 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, 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.

21.10 Performance Guarantees.

To ensure compliance with the Zoning Ordinance requirements and any conditions imposed hereunder, the Planning Commission or Zoning Administrator may require the deposit of a performance guarantee.

- A. Form of Guarantee. A performance guarantee shall be in the form of a cash deposit, certified check, irrevocable bank letter of credit or surety bond in the amount of the estimated cost of the approved site improvements. The Township shall have the right to determine the form of the performance guarantee.
- B. Deposit. The performance guarantee shall be deposited with the Township prior to the issuance of a Land Use Permit. Upon receipt of the performance guarantee, the Township shall deposit the performance guarantee, if in the form of a cash deposit or certified check, in an interest bearing account.
- C. Rebate. In the event the performance guarantee is a cash deposit or certified check, the Township shall rebate fifty (50) percent of the deposited funds when sixty (60) percent of the required improvements are completed and the remaining fifty (50) percent when one hundred (100) percent of the required improvements are completed as confirmed by the Zoning Administrator. If a request is made by the applicant, pending completion of the exterior improvements, the performance guarantee may be applied by the applicant to assure compliance with the standards of the Zoning Ordinance and the specifications of the Site Plan.
- D. Return. Upon satisfactory completion of the improvements for which the performance guarantee was required, as determined by the Zoning

Administrator, the Township shall return to the applicant the performance guarantee deposited and any accrued interest.

- E. Completion of Improvements. In the event the applicant fails to make the improvements for which the performance guarantee was required within the time period established by the Township, the Township shall have the right to use the performance guarantee and any accrued interest to complete the improvements. If the performance guarantee is not sufficient to allow the Township to complete the improvements for which it was posted, the applicant shall be required to pay the township the amount by which the cost of completing the improvements exceeds the amount of the performance guarantee deposited. Should the Township use all or a portion of the performance guarantee to complete the required improvements, any amounts remaining after the improvements are made shall be applied first to cover the Township's administrative costs related to the completion of the improvements, with the balance being refunded to the applicant.
- F. Performance Guarantees Required by Other Agencies. If the applicant has been required to post a performance guarantee with another governmental agency other than the Township to ensure the completion of an improvement associated with the approved Site Plan, the applicant shall not be required to deposit with the Township a performance guaranteed for that specific improvement, providing the Township shall have access to such guarantee as if deposited in the custody of the Township.

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**ARTICLE 22
AMENDMENTS AND ADOPTION**

22.1 Amendments.

Amendments or supplements to the Zoning Ordinance may be made in the same manner as provided in Act 184 of 1943, as amended, for the enactment of the original ordinance. If an individual property or several adjacent properties are proposed for rezoning, the Township Planning Commission shall give a notice of the proposed rezoning to the owner of the property in question, to all persons to whom any real property within three hundred (300) feet of the premises in question is assessed, and to the occupants of all dwellings, within three hundred (300) feet.

The notice shall be delivered personally or by mail to the respective owners and tenants at the address given in the last assessment roll. If the tenant's name is not known, the term "occupant" may be used. If the notice is delivered by mail, an affidavit of mailing shall be filed with the Planning Commission before the hearing. The notice shall be made not less than eight (8) days before the hearing, stating the time, place, date, and purpose of the hearing. An amendment for the purpose of conforming a provision of the Zoning Ordinance to the decree of a court of competent jurisdiction as to any specific lands may be adopted by the Township Board and the notice of the adopted amendment published without referring the amendment to any other board or agency.

22.2 Repeal of Prior Zoning Ordinance.

The Fife Lake Township Zoning Ordinance originally adopted May 2, 1994 and, as amended periodically through February 3, 2010, is hereby repealed as of the effective date of this Ordinance.

22.3 Effective Date.

This amended Ordinance shall be effective eight (8) days after publication of notice of adoption in a newspaper of general circulation within the Township.

DATED: **March 28, 2019**

[Signature on file](#)
Linda Forwerck, Supervisor

I, Terry Street, Clerk of the Township of Fife Lake, hereby certify that the foregoing Ordinance was introduced and adopted at a session of the Fife Lake Township Board, convened in the Township of Fife Lake on March 28, 2019, a majority of members present, voting in the affirmative therefore.

[Signature on file](#)
Terry Street, Clerk

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