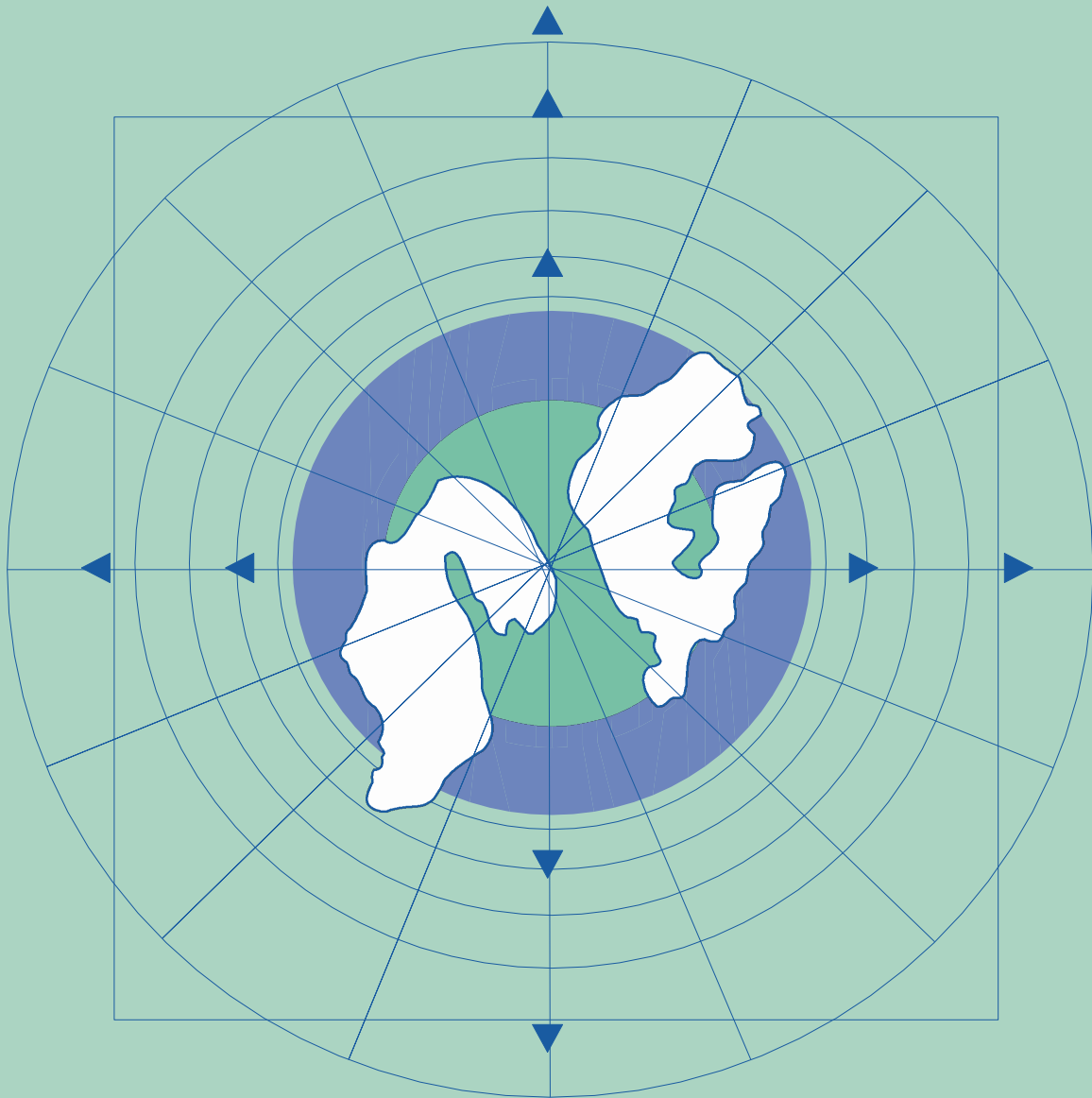


# Green Lake Township Zoning Ordinance



Amended through March 27, 2022  
Adopted September 18, 2006  
Effective October 3, 2006

# Green Lake Township Zoning Ordinance Grand Traverse County, Michigan

## Table of Contents

### Article 1 Title and Scope

Title.....	1
Scope.....	1
Defined Area.....	1
Application.....	1
Continued Conformance with Regulations.....	1
Relationship to Other Documents.....	1

### Article 2 Interpretations, Zones and Zoning Map

Rules of Interpretation .....	2
Interpretation of Provisions.....	2
Interpretation of Words.....	2
Changes in Legislation.....	2
Captions, Headings and Titles .....	2
Zones.....	3
Establishment of Districts.....	3
Interpretation of Zoning District Boundaries.....	3
Zoning Map.....	5
Official Zoning Map .....	5
Identification of Official Zoning Map .....	5
Authority .....	5
Changes.....	5
Replacement.....	6
Zoning Map.....	7

### Article 3 Definitions

Defined Words and Terms.....	8
Undefined Words and Terms.....	29

### Article 4 General Provisions

Uses Permitted in All Districts .....	30
Adverse Affect.....	31
Standards for All Dwellings.....	31
Alteration of Dwellings.....	33
Bulk Regulations.....	33
Projections into Yards.....	34
Exemptions from Height Provisions.....	34
Basement Dwellings .....	35

Number of Dwellings..... 35

Temporary Dwellings .....35

Accessory Buildings and Structures ..... 35

Decks..... 37

Fences ..... 38

Water Supply and Sewage Facilities..... 38

Home Occupations..... 39

Residential Care Facilities ..... 39

Clear View Area ..... 40

Access to Public Roads..... 40

Private and Undeveloped Roads ..... 40

Driveway and Curb Cuts..... 43

Grade Changes..... 44

Lighting Standards..... 45

Waste Accumulation and Outside Storage ..... 45

Storage of Vehicles and Equipment..... 46

Recreational Vehicles ..... 46

Water Protection ..... 46

The Keeping of Animals..... 47

The Recreational Keeping of Horses ..... 47

    Definitions..... 47

    Standards..... 47

    Compliance with Health Regulations ..... 48

The Keeping of Livestock Other than Horses..... 48

    Minimum Land Area..... 48

    Regulations and Standards..... 48

    Regulations and Standards for Keeping Mature Fowl.....48

    Compliance with Health Regulations ..... 49

    Non-application to Farms ..... 49

Wireless Communication Facilities ..... 49

    Purpose and Intent..... 49

    Definitions..... 49

    Permitted Uses and Uses Permitted After Special Land  
    Use Approval ..... 50

    Application Requirements for All Wireless Communication  
    Facilities..... 50

    General Regulations..... 51

    Colocation..... 53

    Effect of Approval ..... 55

    Removal ..... 55

Shared Frontage Roads ..... 56

    Applicability and Intent ..... 56

    Design Standards ..... 56

    Exceptions..... 56

Special Events ..... 57

Application Procedure ..... 57

Standards and Requirements..... 57

Small Wind Energy Sytems..... 58

    Intent ..... 58

    Regulations ..... 58

    Permit Requirements..... 58

    Height..... 58

    Location and Setbacks ..... 58

    Noise ..... 58

    Approval Required..... 59

    Utility Notification..... 59

    Abandonment..... 59

    Additional Towers ..... 59

    Lighting..... 59

    Anemometer..... 59

Specific Requirements and Standards ..... 60

    Accessory Dwelling Unit..... 60

    Agricultural/Land Preservation Uses in the Rural Residential (R-5)  
        District and Conservation (C-10) District..... 60

    Auction Center..... 61

    Automotive Uses.....61

    Bed and Breakfast..... 62

    Bed and Breakfast in the Village Commercial (VC) District.....66

    Boat and Recreational Vehicle Sales .....62

    Bungalows ..... 63

    Campgrounds ..... 63

    Contractors Shop/Contractors Yard..... 64

    Dormitories ..... 64

    Drive-Through Facilities..... 64

    Dwellings ..... 65

    Emergency Services in the C District..... 65

    Entertainment, Place of ..... 65

    Equipment Rental Establishment..... 65

    Farm Product Warehousing and Storage ..... 65

    Finance, Insurance and Real Estate Services, Health Services, Personal  
        Services and Business Services in the  
        Village Commercial (VC) District .....66

    Financial Institution ..... 68

    Food Truck .....68

    Fruit and Vegetable Market ..... 68

    Furniture and Appliance Store ..... 68

    Golf Courses ..... 69

    Kennels and Veterinary Hospital/Clinics..... 69

    Landscaping/Snow Plowing Contractor ..... 69

    Library..... 69

Lumber Yard and Building Supply Establishments.....	69
Manufactured Housing Community .....	70
Mini-Warehouse/Storage .....	77
Museums .....	77
Nursery, Retail .....	78
Nursing Home/Assisted Living .....	78
Place of Lodging.....	78
Printing and Publishing Establishments .....	78
Public Administration .....	78
Public Administration Uses in the Village Residential (VR) District..	78
Public Assembly and Performance Spaces .....	79
Recreation Facilities.....	79
Recreational Vehicle Storage.....	79
Restaurant in the Commercial (C) District .....	79
Retail Store in the Institutional (I) District .....	80
Retail Stores in the Village Commercial (VC) District.....	80
Retirement Home/Assisted Living .....	80
Retreat or Conference Facility .....	80
School in the Residential and Commercial Districts .....	80
Scrap and Waste Materials .....	81
Sexually Oriented Business .....	81
Shooting Range.....	85
Solar, Large Utility .....	85
Storage .....	86
Swimming Pools/Spa Sales .....	87
Tourist Cabin .....	87
Warehouse/Wholesale Outlets and Wholesale Trade.....	87
Wind Energy, Large Utility.....	87

**Article 5 Parking and Loading Facilities**

Parking.....	92
Access .....	92
Prepared Surface .....	92
Parking Space Dimensions .....	92
Parking Aisle Requirements .....	93
Lighting.....	93
Location of Parking on a Lot .....	93
Visitors Parking Spaces for Multiple Family Dwellings .....	93
Parking Spaces for the Disabled .....	93
Use of Parking Areas and Spaces .....	93
Parking of Vehicles in Residential Districts .....	94
Required Parking Spaces .....	94
Fractional Spaces .....	94
Ingress and Egress Approval .....	94
Parking Spaces Defined	
Residential.....	94

Retail.....	94
Service Facilities.....	95
Recreation Facilities.....	95
Manufacturing & Processing Plants.....	96
Transportation & Communication Facilities.....	97
Loading Spaces.....	97
<b>Article 6 Signs</b>	
General Provisions.....	99
Definitions.....	99
Exempt Signs.....	103
Maintenance.....	105
Prohibited Signs.....	105
Signs Allowed with Permit.....	107
Electrical Regulations.....	111
Table of Sign Regulations.....	113
Setbacks.....	114
Non-Conforming Signs.....	114
Permits.....	115
Revocation.....	116
<b>Article 7 Landscaping</b>	
Application.....	117
General Standards.....	117
Foundation Plantings.....	118
Parking Lot Plantings.....	118
Interior Parking Lot Landscaping.....	118
Other Parking Lot Landscaping.....	118
Buffers.....	119
Greenbelts.....	119
<b>Article 8 Zoning Districts</b>	
Uses Permitted.....	120
Uses Permitted by Special Land Use Permit.....	120
Regulations.....	120
District Provisions.....	120
Rural Residential R-5.....	120
Intent & General Standards.....	120
Special Regulations.....	120
Low / Moderate Density Residential R-1.....	120
Intent & General Standards.....	120
Special Regulations.....	121
Village Residential VR.....	121
Intent & General Standards.....	121
Special Regulations.....	121
Lake Residential LR.....	121

Intent & General Standards.....	121
Special Regulations.....	121
Conservation C-10 .....	121
Intent & General Standards.....	122
Special Regulations.....	122
Commercial C .....	122
Intent & General Standards.....	122
Special Regulations.....	122
Village Commercial VC .....	122
Intent & General Standards.....	122
Special Regulations.....	123
Village Commercial J Maddy Pkwy .....	123
Intent & General Standards.....	123
Special Regulations.....	123
Industrial M.....	123
Intent & General Standards.....	123
Special Regulations.....	123
Institutional I.....	124
Intent & General Standards.....	124
Special Regulations.....	124
Table of Uses .....	125 through 128
Table of Regulations.....	129 through 130

**Article 9 Special Land Uses and Special Use Permits**

Authority.....	131
Construction Code Permit.....	131
Application Procedure .....	131
Application.....	131
Application Contents .....	131
Review for Completeness .....	133
Public Hearing .....	133
Notice of Public Hearing .....	133
Review and Approval Standards.....	133
Length of Review Period .....	133
Decision .....	134
Conditions.....	134
Record of Special Use Permit.....	135
Recording of Special Use Permit.....	135
General Requirements and Standards .....	135
Relationship to Site Plan.....	136
Required Compliance.....	136
Violation of Special Use Permit .....	136
Amendments .....	137
Amendments Prior to Occupancy.....	137
Amendments to Existing Special Uses .....	137
Transfer of Special Use Permit.....	137

Expiration of Special Use Permit..... 137  
Reapplication ..... 138  
Pre-existing Special Use ..... 138

**Article 10 Reserved Formerly Conditional Uses** [amended by ZOA 20-003 approved 8/24/2020, adopted 9/14/2020, effective 9/28/2020]

**Article 11 Development Options**

Base Density ..... 140  
Open Space Preservation Residential Developments ..... 140  
    Purpose..... 140  
    Eligibility ..... 140  
    Standards..... 140  
Planned Residential Developments..... 140  
    Purpose..... 140  
    Eligibility ..... 140  
    Standards..... 140  
Procedure ..... 143  
    Open Space Preservation Developments ..... 143  
    Planned Unit Developments ..... 143  
Amendments ..... 143

**Article 11A Removed Formerly Gateway Overlay** [amended by ZOA 20-007, approved 10/26/20, adopted 11/9/20, effective 11/26/20]

**Article 12 Condominium Development**

Legal Authority..... 145  
Procedure ..... 145  
Consultation ..... 145  
General Requirements..... 145  
    Compliance with Federal, State and Local Laws..... 145  
    Required Content ..... 145  
    Utility Easements ..... 146  
    Private Roads ..... 146  
    Relocation of Boundaries..... 146  
    Condominium Units..... 146  
    Performance Guarantee..... 146  
Condominium Subdivisions..... 146  
    Compliance of Condominium Lot ..... 146  
Condominium Development Without Subdivision of Land ..... 147  
Condominium Conversions ..... 147  
    Review Not Required..... 147  
    Township Attorney Review ..... 147  
Mobile Home Condominium Project..... 147  
Additional Filings Required..... 147



**Article 13 Site Plan Review**

Authority ..... 148  
Requirement..... 148  
Permits ..... 148  
Optional Sketch Plan Review ..... 148  
Types of Site Plans..... 148  
Site Plan Detail Requirements ..... 149  
Exceptions..... 151  
Application Procedure ..... 151  
    Application..... 151  
    Application Contents ..... 151  
    Required Copies..... 152  
    Review for Completeness ..... 152  
    Review and Approval ..... 153  
    Simultaneous Review..... 153  
    Decision ..... 153  
    Conditions ..... 154  
    File Copies ..... 154  
General Requirements and Standards ..... 154  
Security Requirements ..... 155  
Required Compliance..... 156  
Expiration of Site Plan Approval..... 156  
Amendments ..... 156  
Reapplication ..... 156

**Article 14 Planning Commission**

Duties ..... 157  
Reports ..... 157

**Article 15 Zoning Board of Appeals**

Establishment..... 157  
Duties ..... 157  
Rules of Procedure..... 157  
    Meeting Schedule..... 157  
    Quorum ..... 157  
    Majority Vote..... 158  
    Meeting Minutes ..... 158  
    Transmittal of Resolutions..... 159  
Variances..... 159  
    Dimensional Variances ..... 159  
    Use Variances ..... 159  
    Conditions of Approval..... 160  
    Voiding of Variance..... 160  
    Extension of Approval ..... 160  
    Reapplication ..... 160  
Interpretations ..... 160

Standards.....	160
Precedent.....	161
Appeals .....	161
Appeal from Ruling .....	161
Who May Appeal.....	161
Fee for Appeal.....	161
Effect of Appeal.....	161
Appeals on Special Uses, Planned Unit Developments and Open Space Preservation Development Options .....	162
Hearings .....	162
Hearing by the Board of Appeals.....	162
Notice of Hearing.....	162
Representation at Hearing.....	162
Decisions of Board of Appeals and Appeals to the Circuit Court...	162
<b>Article 16 Non-Conformities</b>	
Nonconforming Uses .....	163
Nonconforming Structures.....	163
Nonconforming Lots of Record.....	163
Contiguous Nonconforming Lots of Record.....	164
Pre-Existing Special Uses .....	164
Repairs and Maintenance.....	164
Completion of Previously Permitted Construction.....	165
Change of Tenancy or Ownership .....	165
<b>Article 17 Amendments</b>	
General.....	166
Initiating Applications .....	166
Contents of Application .....	166
Contents of Development Plan .....	166
Procedure .....	167
Resubmittal .....	168
Conformance to Court Decree .....	168
<b>Article 18 Administration and Enforcement</b>	
Administration .....	169
Land Use Permits.....	169
Land Use Permit Applications.....	169
Permit Exemptions.....	170
Start Work Deadline .....	171
Void Permits .....	171
Annual Report.....	172
Required Fees.....	172
Enforcement.....	172

Removal of Hazards..... 172  
Violations and Penalties..... 173

**Article 19 Legal Basis and Effective Date**

Legal Basis..... 174  
Validity and Severability ..... 174  
Effective Date ..... 174  
Repeal of Existing Ordinance ..... 174  
Period of Effectiveness ..... 174

## **ARTICLE 1 TITLE AND SCOPE**

### **1.1 TITLE**

This Ordinance shall be known as the “Green Lake Township 2006 Zoning Ordinance”, hereinafter referred to as this Ordinance.

### **1.2 SCOPE**

#### **A. Defined Area**

The provisions of this Ordinance shall apply to all lands within the boundaries of Green Lake Township.

#### **B. Application**

No parcel, building, structure, use or part thereof shall hereafter be located, erected, altered, occupied or used except in conformity with this Ordinance.

#### **C. Continued Conformance with Regulations**

The maintenance of yards, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision areas, parking and loading spaces and all other requirements, including the proper maintenance and repair of screening arrangements, for a building or use specified within this Ordinance shall be a continuing obligation of the owner of such building or property on which such building or use is located.

#### **D. Relationship to Other Documents**

This Ordinance is not intended to repeal, abrogate, annul or in any way impair or interfere with existing provisions of: deed restrictions; subdivision regulations; private restrictions placed upon property by covenants; condominium rules; ownership association rules; ordinances, laws, or regulations of any federal, state or county agency. However, when this Ordinance has more restrictive regulations, limitations or requirements, then this Ordinance shall control.

## **ARTICLE 2 INTERPRETATION, ZONES AND ZONING MAP**

### **2.1 RULES OF INTERPRETATION**

#### **A. Interpretation of Provisions**

In the interpretation and application of the provisions of this Ordinance, the provisions shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.

#### **B. Interpretation of Words**

For the purposes of this Ordinance:

1. Words used in the present tense shall be deemed to include the future;
2. Words in the singular number shall be deemed to include the plural and words in the plural shall be deemed to include the singular;
3. Words of gender shall include all genders;
4. The word “person” shall include a firm, partnership, association, organization, trust, company or corporation, as well as an individual. [amended by ZOA #19-02, approved 10/28/19, adopted 11/11/19, effective 11/22/19]
5. The words “use” or “used” shall be deemed to include the words “intended, arranged or designed for use” or “intended, arranged or designed to be used” or “intend and arrange or design for use”;
6. The word “shall” is mandatory and not discretionary; and
7. The word “may” is permissive.

#### **C. Changes in Legislation**

Where the provisions of this Ordinance refer to specific legislation, such provisions shall be deemed to also refer to any legislation that is a successor thereto.

#### **D. Captions, Headings and Titles**

The captions, headings and titles used in this Ordinance shall not be deemed to be part of this Ordinance and shall not be construed to enlarge or restrict the rights and obligations otherwise contained herein.

## 2.2 ZONES

### A. Establishment of Districts: [amended by ZA #10-01, adopted 5/12/14, effective 5/31/14]

The following Zoning Districts are hereby established within Green Lake Township. Such districts are shown on the Official Zoning Map. Each district may be known by and may be referred to by its symbol.

#### 1. Residential Districts:

- a. Rural Residential District R-5
- b. Low / Moderate Density Residential District R-1
- c. Village Residential District VR
- d. Lake Residential District LR

#### 2. Conservation-Recreation Districts

- a. Conservation District C-10

#### 3. Commercial Districts

- a. Commercial District C
- b. Village Commercial District VC/Village Commercial J MADDY PKWY

#### 4. Industrial Districts

- a. Industrial District M

#### 5. Institutional Districts

- b. Institutional District I

### B. Interpretation of Zoning District Boundaries

1. Where uncertainty exists with respect to boundaries of any of the Zoning Districts indicated on the Zoning Map, the following rules of interpretation shall apply:
2. A district boundary indicated as approximately following the corporate boundary line of the Township shall be construed as following such line;
3. A district boundary indicated as following along a section line, quarter- section line, platted lot line, or other survey line, shall be construed as following such line;

*Article 2 – Interpretation, Zones and Zoning Map*

4. A district boundary indicated as following a property line shall be construed as following such property line;
5. A district boundary indicated as approximately following a highway, street, alley or easement shall be the centerline of such highway, road, alley or easement;
6. Whenever any road, alley, or other public right-of-way or railroad right-of-way is vacated by official action, the property formerly within such road, alley or right-of-way shall be included within the Zoning District of the adjacent property to which it is adjoined. In the event that the road, alley or right-of-way was a zoning district boundary between two or more Zoning Districts, the new district boundary shall be the boundary of the new property formed by the joining of the closed road, alley or right-of-way to the adjacent properties. Where no joining takes place, the new district boundary shall be the former center of such road, alley or right-of-way;
7. A district boundary indicated as following the right-of-way of a railway or an electrical, gas or oil transmission line shall be the centerline of such right-of-way;
8. A district boundary indicated as following the shoreline of any lake, river, stream, or other body of water, shall be construed as following such shoreline and, in the event of change in a shoreline, shall be construed as following the actual shoreline;
9. A district boundary indicated as approximately parallel to a street or highway center line, or to section lines, quarter-section lines or other survey lines, shall be construed to be parallel thereto and at such distance as indicated on the Zoning Map. If no distance is given, such distance shall be determined by the use of the scale shown on the Zoning Map;
10. A boundary indicated as parallel to, or an extension of, a feature indicated in interpretation rules 1 through 8. above shall be so construed;
11. A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
12. Where the provisions of 1 through 10 above are not applicable in determining the location of a district boundary, its location shall be determined by measuring the distance from the nearest definable geographic reference point as indicated on the Zoning Map;
13. Where a physical or cultural feature existing on the ground is at variance with that shown on the Official Zoning Map, or where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between Zoning Districts, the regulations of the more restrictive Zoning District shall govern the entire parcel in question, unless otherwise determined by the Board of Appeals after recommendation from the Planning Commission.

## **2.3 ZONING MAP**

### **A. Official Zoning Map**

The boundaries of the Zoning Districts are hereby established as shown on the map entitled “Green Lake Township Zoning Map” that accompanies this Ordinance. The Zoning Map, along with all notations, references and other explanatory information, is hereby made as much a part of this Ordinance as if fully described herein. The Zoning Map shall at all times be available for examination and a copy of it shall be kept with the records of the Township Clerk.

### **B. Identification of Official Zoning Map**

1. The Official Zoning Map shall be identified by the signature of the Township Supervisor, attested to by the Township Clerk, under the following words: “This is to certify that this is the Green Lake Township Zoning Map referred to in Article 2 of the Green Lake Township Zoning Ordinance, adopted on (date of adoption)”, together with the most recent effective date of any amendment to the Official Zoning Map.
2. If the Official Zoning Map is replaced for reasons other than amendment to the location of district boundaries, the new Official Zoning Map shall be identified by the signature of the Township Supervisor, attested to by the Township Clerk, under the following words: “This is to certify that this is the Green Lake Township Zoning Map referred to in Article 2 of the Green Lake Township Zoning Ordinance adopted on (date of adoption of Ordinance). This Official Zoning Map replaces and supersedes the Official Zoning Map that was adopted by the Green Lake Township Board on (date of previous Zoning Map adoption).”

### **C. Authority**

Regardless of the existence of copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map and the digital records of zoning classification by parcel, maintained under the supervision of the Township Clerk, both of which shall be located in the Green Lake Township Hall, shall be the final authority as to the location of all Zoning Districts and any overlay boundaries.

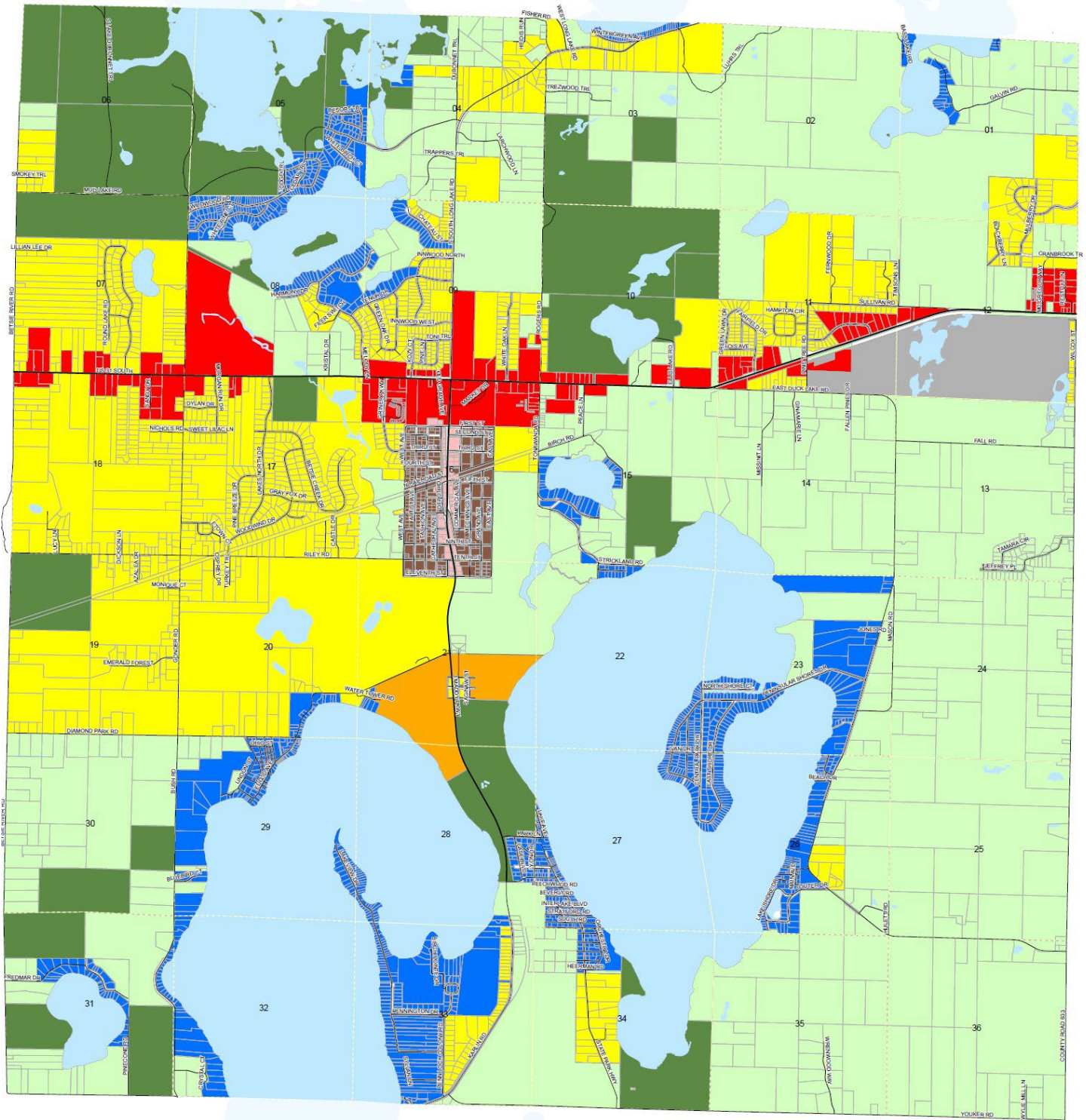
### **D. Changes**

In the event of an amendment to this Ordinance that has the effect of changing the location of a district boundary, the Township Clerk shall promptly make, or cause to be made, such change on the Official Zoning Map. The Township Supervisor shall affix his signature on the Official Zoning Map, attested to by the Township Clerk, under the following words: “This is to certify that this is the Green Lake Township Zoning Map referred to in Article 2 of the Green Lake Township Zoning Ordinance, adopted on (date of adoption of Ordinance), as amended by the Green Lake Township Board on (date of amendment).”



**E. Replacement**

The Official Zoning Map shall be replaced upon amendment to the location of a district boundary, in accordance with Section 2.3.D above. The Official Zoning Map may be replaced from time to time if same becomes damaged, destroyed, or lost. The new Official Zoning Map may correct drafting or other errors or omissions on the prior Official Zoning Map, but no such correction shall have the effect of amending this Ordinance or the prior Official Zoning Map unless it shall have been adopted in accordance with the Michigan Zoning Enabling Act, as amended.



# Zoning Map

## Green Lake Township

### Grand Traverse County

- |  |  |
|--|--|
| <span style="color: red;">■</span> C- Commercial         | <span style="color: yellow;">■</span> R-1 Low/Moderate Residential |
| <span style="color: green;">■</span> C-10 Conservation   | <span style="color: lightgreen;">■</span> R-5 Rural Residential    |
| <span style="color: orange;">■</span> I- Institutional   | <span style="color: pink;">■</span> VC- Village Commercial         |
| <span style="color: blue;">■</span> LR- Lake Residential | <span style="color: brown;">■</span> VR- Village Residential       |
| <span style="color: grey;">■</span> M- Industrial        | <span style="color: lightblue;">■</span> Lakes                     |



Amended by ZMA 21-002 approved  
11/22/21, adopted 12/13/22, effective  
12/26/21

## **ARTICLE 3 DEFINITIONS**

### **3.1 DEFINED WORDS AND TERMS**

Unless otherwise specified herein, the words and terms used in this Ordinance shall have the following meanings:

**ABANDON** means to give up, or relinquish a claim or right to zoning status by ceasing to operate or maintain and shall be further characterized by a clear intent to abandon as evidenced by:

1. Whether utilities, such as water, gas and electricity to the property have been disconnected.
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 have been removed.
4. Other information or action that evidence an intention on the part of the property owner to abandon.
5. Whether specific indications of abandonment as specified elsewhere within this ordinance exists.

For purposes of this ordinance, “abandon” shall have the preceding meaning when referring to such things including but not limited to abandoned uses and abandoned structures.

**ACCESSORY BUILDING** means a supplementary building on the same parcel as the main building, which is naturally and normally incidental and clearly subordinate in use to the primary building.

**ACCESSORY DWELLING** means a dwelling which is secondary in nature to a primary residential unit or permitted commercial use in the Village Commercial district. An accessory dwelling unit provides complete, independent living facilities for one or more persons, including permanent facilities for living, sleeping, eating, cooking and sanitation on the same lot as the primary residence or as permitted within a commercial building.

[amended by ZOA 19-01, approved 10/28/2019, adopted 1/13/2020, effective 1/23/2020]

**ACCESSORY USE** means a use naturally and normally incidental, clearly subordinate in use and devoted exclusively to the principal use of the parcel.

**ACCESSORY STRUCTURES** means a structure, which is naturally and normally incidental, clearly subordinate and devoted exclusively to the principal use on the same parcel. Accessory structures include, but are not limited to, the following: playground equipment, sports courts, children’s playhouses, domestic animal shelters, fallout

shelters, swimming pools, gazebos, barbecue stoves, septic systems, parking lots, loading docks, sheds, storage buildings, radio and television antennas and structures which are temporary/portable or permanent/fixed and may or may not be easily removed. [amended ZOA #21-001, approved 07/26/2021, adopted 8/09/2021, effective 8/23/2021]

**ADULT** means any person eighteen (18) years or older.

**ADULT BOOKSTORE OR ADULT VIDEO STORE** means a commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

1. Books, magazines, periodicals, or photographs, films, motion pictures, video cassettes, or video reproductions, slides, or other visual representations which depict or describe “specified sexual activities” or “specified anatomical areas” as defined herein, or
2. Instruments, devices, or paraphernalia which are designed for use in connection with “specified sexual activities” as defined herein.

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 may still be categorized as an adult bookstore or an adult video store. The sale or rental of those items described in 1 and 2 above, shall be deemed to constitute a principal business purpose of an establishment if it comprises 15% or more of sales volume or more of the floor area or visible inventory within the establishment.

**ADULT MOTION PICTURE THEATER** means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas” as defined herein.

**ADULT MINI THEATER** means a commercial establishment where, for any form of consideration, in an enclosed area with a capacity of less than ten (10) persons, films, motion pictures, video cassettes, slide, or similar photographic reproductions are shown which are characterized by an emphasis of “specified sexual activities” or “specified anatomical areas” as defined herein.

**ADULT ENTERTAINMENT ESTABLISHMENT** means a nightclub, bar, restaurant, café, theater, concert hall, auditorium, or similar commercial establishment which regularly, commonly, habitually, or consistently features:

1. Persons who appear in a state of nudity or semi nudity as described herein, or
2. Live performances that are distinguished or characterized by the exposure of “specified anatomical areas” or “specified sexual activities” as defined herein, or

3. Films, motion pictures, video cassettes, slides, photographic reproductions, or other image producing devices that are distinguished or characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas” as defined herein, or
4. Persons who engage in “exotic” or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

**AGRICULTURE:** See FARM

**ALTERED/ALTERATION** means any construction, modification, remodeling, repair, improvement, relocation, or replacement of any structure, building, or use requiring a permit under the provisions of this Ordinance.

**ANCILLARY SOLAR EQUIPMENT** shall mean any accessory part or device of a solar energy system that does not require direct access to sunlight, such as batteries, electric meters, converters, or water heater tanks. [amended by ZA #18-03, adopted 5/7/18, effective 5/17/18]

**APPROVED SITE PLAN** means a site plan approved by the Planning Commission or other approving authority under the provisions of Article 13 of this Ordinance or the site plan approval provisions of a previous Township Zoning Ordinance. [amended by ZA #07-02, adopted 4/14/08, effective 5/25/08]

**ART GALLERY** means a room or building for the display or sale of works of art. [amended by ZA #20-002, adopted 7/27/20, effective 8/22/20]

**ARTICLE** means the main divisions of this Ordinance.

**AUTOMOTIVE REPAIR** means a facility used for the repair of automobiles, including as accessory uses the sale and installation of lubricants, tires, batteries and similar automotive products.

**AUTOMOBILE SALES AND RENTAL ESTABLISHMENT** means a facility having as its main use the storage and display of vehicles for sale, lease or rent.

**AUTOMOBILE SERVICE STATION** means a facility used for the retail sales of motor fuels or the servicing and repair of automobiles, including as accessory uses the sale and installation of lubricants, tires, batteries and similar automotive products.

**AUTOMOTIVE WASHING FACILITY** means a building containing one (1) or more stalls where the customer either washes the vehicle using high pressure water or drives the vehicle through an automatic washing device. Vacuum cleaners are also often available for customer use.

**BASEMENT** means that portion of a building which is partly below and partly above the finished grade, having at least fifty percent (50%) of its height below grade.

**BEACH** means the area between the existing water line, where the water and land meet and the landward most point where there is not permanent vegetation. The beach is generally,

but not always, characterized as sandy with no vegetation or only open sun- exposed dependent sand dune ground cover vegetation.

**BED AND BREAKFAST BUSINESS** is a use, which is subordinate to the principal use of a dwelling unit as a single-family dwelling unit and a use in which transient guests are provided a sleeping room and board in return for payment.

**BILLBOARD** means an outdoor sign, display, painting, drawing, message, placard, poster, or other device used to advertise, promote, direct, provide information or identification for a service, business, or industrial use of product located on another site. Off premise directional signs and real estate signs shall not be construed to be billboards.

**BOARD OF APPEALS** means the Green Lake Township Board of Appeals.

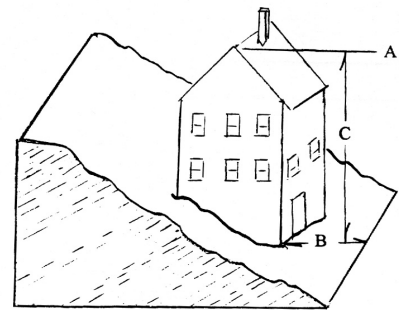
**BUFFER AREA** means an area which is designed to buffer noise, light, visual and other impacts of incompatible land uses by use of distance, setbacks greater than otherwise required, berms, walls, fences or vegetation. (See also VEGETATION BELT)

**BUILDING** means any structure, either temporary/portable or permanent/fixed, having a roof and built or used for the shelter, enclosure or protection of persons, animals, chattel, or property of any kind. Buildings shall include eaves to the drip line; attached decks and porches, with or without a roof; and trailers, with or without wheels and situated on a parcel and used for purposes of a building. (See also ACCESSORY BUILDING) [amended ZOA #21-001, approved 07/26/2021, adopted 8/09/2021, effective 8/23/2021]

**BUILDING AREA** means the total exterior foundation or framing area measured on a horizontal plane at the largest floor level exclusive of any unroofed porches, terraces, patios and steps and of awnings and nonpermanent canopies. Building area includes eaves to the drip line and any other permanent building extensions or appurtenances.

**BUILDING ENVELOPE** means a portion of a parcel remaining after excluding setbacks required by this Ordinance.

**BUILDING HEIGHT** means the vertical distance (Distance C), measured from grade at the first floor level above the basement next to the building (Point B), to the highest point of the roof (to the deck line, for flat roofs) (Point A), but not including chimneys, antennas, steeples and other similar un-inhabitable structures and portion of structures. [amended by ZOA #19-02, approved 10/28/19, adopted 11/11/19, effective 11/22/19]



**BUSINESS SERVICES** include establishments primarily engaged in rendering services, not elsewhere classified, to business establishments on a contract or fee basis, such as advertising, credit reporting, collection of claims, mailing, reproduction, stenographic, news syndicates, computer programming, photocopying, duplicating, data processing, services to buildings and help supply services.

**CAMPGROUND** means a use on a parcel licensed by the State pursuant to Part 125 of Public Act 368 of 1978, as amended, being the Public Health Code MCL 333.12501 to

333.12516 under the control of a person in which sites are offered for use of the public or members of an organization either free of charge or for a fee, for the establishment of temporary living quarters, or for three (3) or more recreational units which includes trailers as defined in the Ordinance.

**CIVIC AND SOCIAL ORGANIZATIONS** are membership organizations engaged in civic or social activities.

**CLEAR VIEW AREA** means the triangular space formed by the street lines of a corner lot and a line drawn from a point on one of the said street lines to a point on the other said street line, each such point being measured a distance specified by Section 4.17 of this Ordinance.

**COMMERCIAL PARKING LOT** An off-street area not associated with a specific building or use used for parking of private vehicles for compensation.

**COMMUNITY CENTER** Public gathering hall including, but not limited to a senior center, youth activity center, or meeting hall.

**CONDOMINIUM** Individually owned unit in multi-unit development with shared ownership/use of certain common property services. [amended by ZOA #19-02, approved 10/28/19, adopted 11/11/19, effective 11/22/19]

**CONDOMINIUM ACT** means Michigan Public Act 59 of 1978, as amended.

**CONDOMINIUM BYLAWS** means the required set of bylaws for the condominium project attached to the master deed.

**CONDOMINIUM DEVELOPMENT** means a form of ownership that includes ownership of a dwelling unit (or nonresidential unit, in the case of a nonresidential condominium project) in a multi-unit building or development and ownership of a proportionate interest in the common elements of the development. Condominium owners generally pay a monthly maintenance fee or charge for the cost of administering and maintaining the common elements. Condominiums are established and approved in conformance with the Michigan Condominium Act, Act 59 of the Public Acts of 1978, as amended.

**CONDOMINIUM COMMON ELEMENTS** means the portions of the condominium project other than the condominium units.

1. **General Common Elements.** The common elements other than the limited common elements.
2. **Limited Common Elements.** The portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.

**CONDOMINIUM DOCUMENTS** means a set of documents consisting of a master deed, recorded pursuant to the Condominium Act, any other instruments referred to in the master deed or bylaws which affect the rights and obligations of a co-owner in the condominium project.

**CONDOMINIUM LOT(S)** means that portion(s) of a single-family residential site designed and intended for separate ownership interest and/or exclusive use, to function similarly to a platted subdivision lot for the purposes of determining minimum yard setback requirements and other requirements set forth within this Ordinance. The condominium lot may include the condominium unit and additional limited common element, but does not include any general common elements, including easements for roadways.

**CONDOMINIUM MASTER DEED** means the condominium document establishing the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project.

**CONDOMINIUM MOBILE HOME PROJECT** is a condominium project in which mobile homes are intended to be located upon separate sites which constitute individual condominium units.

**CONDOMINIUM UNIT** means that portion of the condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, business, industrial, recreational, use as a time-share unit, or any other type of use.

**CONSERVATION USE** a non-intensive land use including, but not limited to, such uses as passive recreation areas, open space, State parkland and trail-ways.

**CONTRACTOR SHOP** means a building or part of a building used by a building trade, such as sheet metal, plumbing, heating, electrical, dry-wall, carpentry or masonry, for the assembly, fabrication, repair or storage of building components or for the repair or storage of machinery, equipment and materials used in the building trade.

**CONVENIENCE COMMERCIAL USE** means an establishment wherein groceries, beverages and packaged foodstuffs are offered for sale to serve the day to day convenience needs primarily of the residents of the immediate area.

**COUNTY** means Grand Traverse County.

**COUNTY PLANNING COMMISSION** means the Grand Traverse County Planning Commission.

**DECK** means an unroofed structure used for outdoor activities which may or may not be attached to a structure.

**DEPENDANT CARE FACILITY** means a governmental or nongovernmental facility licensed by the State of Michigan to care for individuals on a short term or long term, ongoing basis. Such facilities include a nursing home, home for the aged, hospital, hospital for the mentally ill or developmentally disabled, or an adult foster care large or small group home. Dependent care facilities do not include residential care facilities.

**DEPTH** The distance from the nearest to the farthest point of something or from the front to the back. [amended by ZOA #19-02, approved 10/28/19, adopted 11/11/19, effective 11/22/19]



**DEVELOPMENT SIGN** A sign that displays the developer, development, contractor or agent of the proposed development area. [amended by ZOA #19-02, approved 10/28/19, adopted 11/11/19, effective 11/22/19]

**DORMITORY** means housing for the students of a school.

**DWELLING** means a building containing one (1) or more residential unit/s. [amended by ZOA #19-02, approved 10/28/19, adopted 11/11/19, effective 11/22/19]

**DWELLING, APARTMENT** means a self-contained housing unit that occupies only part of a building usually on one floor of a large building of similar units stacked and divided by shared walls, floors and ceilings, designed for multiple units, each in their own respective dwelling unit. [amended by ZOA #19-02, approved 10/28/19, adopted 11/11/19, effective 11/22/19]

**DWELLING, DUPLEX** means a residence designed for or occupied by two (2) families, each in their own respective dwelling unit, divided by a shared vertical wall which complies with the standards given in the Ordinance. [amended by ZOA #19-02, approved 10/28/19, adopted 11/11/19, effective 11/22/19]

**DWELLING, MULTIPLE FAMILY** means a residence designed for or occupied by three (3) or more families, each in their own respective dwelling unit, divided by a shared vertical wall or floor/ceiling, which complies with the standards given in this Ordinance. [amended by ZOA #19-02, approved 10/28/19, adopted 11/11/19, effective 11/22/19]

**DWELLING, SINGLE-FAMILY** means a residence designed for or occupied by only one (1) family, which complies with the standards given in the Ordinance.

**DWELLING UNIT** means a group of rooms located within a building and forming a single habitable unit having facilities which are used or intended to be used for living, sleeping, cooking and eating purposes. A dwelling unit shall contain bathroom facilities. [amended by ZOA #19-02, approved 10/28/19, adopted 11/11/19, effective 11/22/19]

**EASEMENT** means a private irrevocable agreement of record between landowners, public utilities or persons, for a specific purpose such as, but not limited to, utilities, driveways, pipelines, pedestrian ways or roads.

**EMERGENCY SERVICES** means police, fire, ambulance and other similar services intended to respond to emergency service needs within the Township.

**ENVIRONMENTAL REVIEW STATEMENT** means a summary review of environmental impacts of a project and the intended use of such project.

**ENVIRONMENTAL IMPACT STATEMENT** means a document which is a detailed review of the impacts on the environment by a proposed project and the intended use of such project.

**EXISTING BUILDING** means a building existing in whole or, for which foundations are complete and construction is being diligently pursued on the effective date of the Ordinance.

**FAMILY** means an individual or a collective number of individuals living together in one residence, whose relationship is of a permanent and distinct familial character and operating as a single economic unit.

**FARM** means a business enterprise (and known as farm, ranch, dairy, nursery, orchard) engaged in agricultural production of crops, livestock or trees and:

1. Includes forty (40) or more acres of land in one ownership which is primarily devoted to agricultural use, or
2. Has five (5) or more acres of land in one ownership, but less than forty (40) acres, devoted primarily to agricultural use, which has produced a gross annual income from agriculture of two-hundred dollars (\$200.00) per year or more per acre of cleared and tillable land, or
3. Has been designated by the Michigan Department of Agriculture as a specialty farm in one ownership which has produced a gross annual income from an agricultural use of two thousand dollars (\$2,000.00) or more.

**FENCE** means a structure serving as a constructed barrier (including gates) which is designed to do any one, or more, of the following [amended by ZOA 22-001 approved 2/28/22, adopted 3/14/22, effective 3/27/22]:

1. Restrict passage through it regardless of whether the fence has a gate,
2. Prevent viewing through it, or
3. Be decorative.

**FINANCE, INSURANCE AND REAL ESTATE SERVICE** means businesses operating primarily in the fields of finance, insurance and real estate. Finance includes depository institutions, non-depository credit institutions, holding (but not predominantly operating) companies, other investment companies, brokers and dealers in securities and commodity contracts and security and commodity exchanges. Insurance covers carriers of all types of insurance and insurance agents and brokers. Real estate includes owners, lessors, lessees, buyers, sellers, agents and developers of real estate.

**FINANCIAL INSTITUTION** includes banks, credit unions, savings and loans associations and similar uses.

**FLOOR AREA** means the sum of the area of all stories of a building measured from the exterior faces of the exterior walls, but not including unfinished basements and attics, unenclosed porches, attached garages, unheated breezeways and/or enclosed porches. For the purposes of computing required parking: the area used for or intended to be used for the sale of merchandise or services; or patron, client or customer service area. Such floor area that is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded from this computation of Floor Area for calculation of parking.

**FOOD TRUCK** [amended by ZOA 20-004 approved 9/28/2020, adopted 10/12/20, effective 10/24/20] any motorized or non-motorized vehicle, such as a van or trailer, equipped to cook, prepare, serve and/or sell food designed to be portable and not permanently attached to the ground from which food is vended, served, or offered for sale.

**FRONTAGE** the portion of the site abutting the street [amended by ZOA 19-004, approved 12/18/19, adopted 1/13/2020, effective 1/22/2020]

**GARAGE** a building for housing a motor vehicle or vehicles, not less than 12'x20' with a with a minimum seven (7) foot door height, eight (8) foot door width. [amended by ZA #20-002, adopted 7/27/20, effective 8/22/20]

**GAZEBO** A detached accessory structure that offers an open view of the surrounding area, not intended for habitation. [amended by ZOA #19-02, approved 10/28/19, adopted 11/11/19, effective 11/22/19]

**GOLF COURSE** means an area of land laid out for the game of golf with a series of nine (9) or more holes, including tees, greens, fairways, practice/driving ranges, clubhouse and often one or more natural or artificial hazards.

**GREENBELT** means a landscaped area with grass, shrubs and/or other plantings used to achieve the goals of this Ordinance. It may include berms and although it may be used as a screening measure, it is not necessarily intended to screen.

**GROWER** means a licensee that is a commercial entity located in this state that cultivates, dries, trims or cures and packages marijuana for sale to a processor, provisioning center or another grower.

**HEALTH SERVICES** means establishments primarily engaged in furnishing medical, surgical and other health services (excluding Marijuana uses) to persons. Establishments of associations or groups, such as Health Maintenance Organizations (HMOs), primarily engaged in providing medical or other health services to members are included. [amended by ZOA #18-07, adopted 10/16/2018, effective 11/18/2018]

**HEIGHT** The measurement from base to top (vertical measurement). [amended by ZOA #19-02, approved 10/28/19, adopted 11/11/19, effective 11/22/19]

**HEIGHT, WIND ENERGY SYSTEMS:** 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. [amended by ZA #08-02, adopted 10/13/08, effective 10/28/08]

**HIGH WATER MARK** means the line between the upland and bottomland of a lake or waterway at the level of water which is ordinarily the high-water level which 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, configuration of the surface of the soil and the vegetation.

**HOBBY** means an activity carried out by a person primarily for pleasure and self-entertainment.

**HOME OCCUPATION** means a use which includes any activity carried out for gain by a resident and conducted in significant part as an accessory use in the person’s home, but not a hobby.

**IMPERVIOUS SURFACE** means the ground area relatively impenetrable to storm water including rooftops, concrete, asphalt, compacted gravel and other hard surface materials.

**JUNK** means as defined by the Green Lake Township Junk Ordinance 03-02-05.

**KENNEL** refers to 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 five (5) or more dogs, cats or other household pets over the age of six (6) months.

**LICENSEE** means a person holding a state operating license.

**LIVESTOCK** means cattle, sheep, swine, fowl and other farm animals, but not domestic house pets.

**LENGTH** The measurement of something from end to end (the longest measurement of something). [amended by ZOA #19-02, approved 10/28/19, adopted 11/11/19, effective 11/22/19]

**LOT, PARCEL** any tract of land as identified by one property tax parcel number in the Green Lake Township assessment roll except where lots have been combined by the Green Lake Township assessor only for tax purposes. Lot may also refer to land which is described and fixed in a recorded plat or site condominium. [amended by ZA #07-02, adopted 4/14/08, effective 5/25/08]

1. **LOT, CORNER** means a lot which has frontage on two (2) intersecting streets for their full length. [amended by ZOA #19-02, approved 11/28/19, adopted 11/11/19, effective 11/22/19]
2. **LOT, INTERIOR** means any lot other than a corner lot or a through lot.
3. **LOT, THROUGH** means a lot having two (2) opposite lot lines abutting upon a road for their full length.

**LOT AREA** means the total horizontal area encompassed by the property lines, including any combination of lots or parcels of record or portions thereof, but in no case shall include easement for road right-of-way’s, or an area of a public road which is there by historic use.

**LOT COVERAGE** means the percentage of the net lot area covered by all buildings, including accessory buildings, on the lot, including all projections. [amended by ZOA 20-001, approved 1/27/2020, adopted 2/10/2020, effective 2/23/2020]

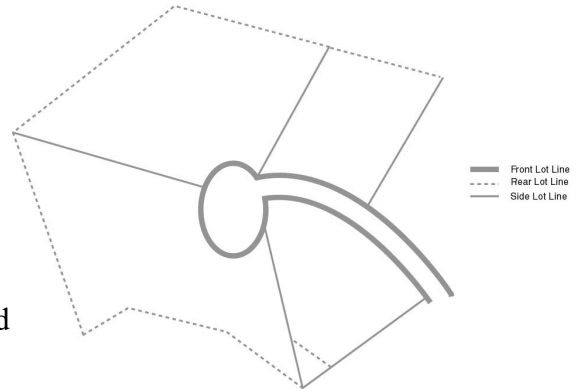
**LOT DEPTH** means the distance between the midpoints of the front property line and the midpoint of the rear property line.

**LOT LINE** means any boundary of a lot herein described.

**LOT LINE, EXTERIOR** means the lot line abutting a street other than the front lot line of a corner lot or the rear lot line of a through lot.

**LOT LINE, FRONT** means the boundary of a lot bordering on a street from which the front setback line is measured [amended by ZOA 19-004, approved 12/18/19, adopted 1/13/2020, effective 1/22/2020]:

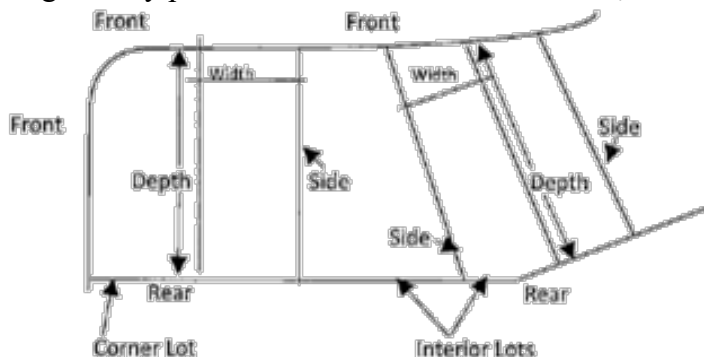
1. In the case of an interior lot, the line dividing the lot from the street;
2. In the case of a corner lot or a through lot, the lot line dividing the lot from the street and which is designated as the front street in the plat and/or in the request for a building permit.
3. In the case of a flag lot, the front lot line for determining setbacks and lot depth will be considered an imaginary line parallel to the end (top) of the “pole”. [amended by ZA #07-02, adopted 4/14/08, effective 5/25/08]



**LOT LINE, REAR** means:

1. In the case of a lot having four (4) lot lines or a flag lot (where a flag lot is defined as a parcel of land shaped like a flag; the staff is a narrow strip of land providing vehicular and pedestrian access to a street, with the bulk of the property lying to the rear of other lots), the lot line farthest from and opposite to the front lot line;
2. In the case of a lot having more than four (4) lot lines, all lot lines generally opposite but not intersecting with the front lot line.
3. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary straight line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot. *See graphic above.* [amended by ZA #07-02, adopted 4/14/08, effective 5/25/08]

**LOT LINE, SIDE** means any lot line other than a front or rear lot line. In the case of a flag lot, the side lot lines are all lines other than the front lot line and the line furthest from and generally parallel the front lot line. [amended by ZA #07-02, adopted 4/14/08, effective 5/25/08]



**LOT OF RECORD** means a platted lot of a recorded subdivision, or parcel or which the deed, land contract, or memorandum of land contract was recorded with the Grand Traverse County Register of Deeds, prior to the adoption of this Ordinance or subsequent amendment thereto.

**LOT WIDTH** is the shortest distance between the side lot lines measured at the front setback line.

**LUMBER YARD AND BUILDING SUPPLY ESTABLISHMENT** means a retail business selling lumber and/or building supplies including roofing, masonry, plumbing, heating, electrical, paint and similar items. The sale of tools and equipment used in the building trade may be permitted as accessory to the main retail use

**MANUFACTURED HOME** means, per Section 2 (g) of the Mobile Home Commission Act, Act 96 of 1987, as amended, a structure transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained in the structure.

**MANUFACTURED HOUSING COMMUNITY HOMESITE (OR HOMESITE)** means the designated parcel of land within a manufactured housing community upon which one single-family manufactured home and accessory buildings, if any, are placed.

**MANUFACTURED HOUSING COMMUNITY** means 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, licensed 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.

**MANUFACTURING** means establishments engaged in the Mechanical, physical or chemical transformation of materials or substances into new products. These establishments are usually described as plants, factories, or mills and characteristically use power driven machines and materials handling equipment. Establishments engaged in assembling component parts of manufactured products are also considered manufacturing if the new product is neither a structure nor other fixed improvement.

**MICHIGAN MEDICAL MARIHUANA ACT** means the Michigan medical marihuana act, 2008 IL 1, MXL 333.26421 to 333.26430

**MICHIGAN ZONING ENABLING ACT** means Michigan Public Act 110 of 2006 and any subsequent amendments thereto.

**MOBILE HOME** See Manufactured Home.

**NONCONFORMING BUILDING or STRUCTURE, LEGAL** means a building or structure that does not conform to the requirements of this Ordinance but was in compliance in the District in which it was located, constructed and existing prior to the effective date of this Ordinance.

**NONCONFORMING LOT, LEGAL** means a lot described in a deed, land contract, memorandum of land contract, or a master deed for a site condominium legally recorded and lawfully existing prior to the effective date of this Ordinance, which does not meet the minimum lot area, lot width/lot depth ratio standards, or lot width requirements of the district in which it is located.

**NONCONFORMING USE, LEGAL** means a use that existed at the time of enactment of this Ordinance or a subsequent amendment thereto, which does not conform to the regulations of the district in which it is located.

**NUDITY OR STATE OF NUDITY** means the appearance of a human bare buttock, anus, male genitals, female genitals, or female breast without a fully opaque complete covering of the breast below a point immediately above the top of the areola, or human male genitals in a discernible state even if completely and opaquely covered.

**OWNER** means the person(s) owning legal title to a parcel, or the heirs, executors, administrators, legal representatives, successors, or assigns of such person(s).

**PARCEL** See Lot, Parcel [amended by ZOA #19-02, approved 10/28/19, adopted 11/11/19, effective 11/22/19]

**PARK** means uses which are public or private playgrounds, vest pocket parks, nature area, natural areas, ball fields, open space preserves, arboretums, gardens, beaches but not including facilities designed for overnight or camping use. [amended by ZA #20-002, adopted 7/27/20, effective 8/22/20]

**PARKING AREA** means parking spaces and access aisles but does not include driveways to such areas.

**PARKING SPACE** means one (1) unit of area provided for the parking of one (1) vehicle. [amended by ZOA #19-02, approved 10/28/19, adopted 11/11/19, effective 11/22/19]

**PERMANENT** Lasting or intended to last unchanged or remain indefinitely. [amended by ZOA #19-02, approved 10/28/19, adopted 11/11/19, effective 11/22/19]

**PERFORMANCE GUARANTEE** means any of the following financial sureties acceptable to the Township required by an applicant or property owner. Such guarantee is intended to cover the cost of an improvement based on an estimate provided by the applicant and prepared by a contractor or supplier. Such may include administrative costs up to 10% of the full cost of the improvement.

1. A cash deposit with the Township;
2. A certified check payable to the Township;
3. An irrevocable bank letter of credit in favor of the Township;
4. A surety bond in favor of the Township, in such amount and with such conditions as are permitted by law;
5. Any other performance guarantee acceptable to the Township.

**PERSONAL PROPERTY SALES** means events such as garage sales, yard sales, basement sales, auctions or other similar events where personal property is offered for sale on a limited basis and not for a duration of more than three (3) days within any three (3) month period.

**PERSONAL SERVICES** A use that provides a personal service that is non-medical and may include accessory retail sales of products related to the services that are provided. Examples of personal services include, but are not limited to the following: hair salon or barber shop, dry cleaners, shoe repair, Laundromat, tailor or garment repair, tanning salon, nail salon, video rental, photography studio, caterer, photocopying and printing and travel agency. [amended by ZA #07-02, adopted 4/14/08, effective 5/25/08]

**PLACE OF ENTERTAINMENT** means an establishment wherein facilities are provided for entertainment or amusement which may include a pool hall, a bowling alley, an arcade, a theater, a music or dance hall, or other cultural activity.

**PLACE OF LODGING** means commercial establishments, known to the public as hotels, motor hotels, motels, inns or tourist courts, primarily engaged in providing lodging, or lodging and meals, for the general public.

**PLACE OF WORSHIP** means a church, temple, mosque, synagogue, or other building or part of a building used for public worship.

**PLANNED UNIT DEVELOPMENT** means a special use which encompasses more than one (1) residential unit and/or more than one (1) commercial use.

**PLANNING COMMISSION** means the Green Lake Township Planning Commission.

**PLAYGROUND** An outdoor area provided for children to play, often equipped with facilities for recreation by children. [amended by ZOA #19-02, approved 10/28/19, adopted 11/11/19, effective 11/22/19]

**PORTABLE SIGN** A sign that is movable or capable of being moved easily, not fixed. [amended by ZOA #19-02, approved 10/28/19, adopted 11/11/19, effective 11/22/19]

**PROCESSOR** means a licensee that is a commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center or another processor.

**PROPERTY LINE** means the outside lines making up the perimeter of a legally described parcel.

**PROVISIONING CENTER** means a licensee that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a registered primary caregiver to assist a qualifying patient connected to the caregiver through the department's marihuana registration process in accordance with the Michigan medical marihuana act is not a provisioning center for purposes of this act.



**PUBLIC ADMINISTRATION** includes the executive, legislative, judicial, administrative and regulatory activities of Federal, State, local and international governments.

**PUBLIC ASSEMBLY AND PERFORMANCE SPACE** means an establishment where facilities are provided for meetings, banquets, assembly and performance purposes and may include an auditorium, assembly hall, or banquet hall.

**PUBLIC UTILITY** means any person, firm, corporation, municipal department or Board fully authorized to furnish, under federal, state, or municipal laws and regulations, electricity, gas, steam, communications, telegraph, transportation, water or sanitary or storm water sewerage facilities to the public.

**OPEN SPACE PRESERVATION DEVELOPMENT** means a development approved under Section 11.2 of this Ordinance.

**RECREATION FACILITY** means an establishment where or wherein facilities are provided for sports and/or recreation which may include an arena, a skating rink, racquet sports, a gymnasium, a swimming pool, tennis courts, indoor golf facilities or fitness facilities.

**REQUIRED** means required by the provisions of this Ordinance.

**RESIDENCE** A place where someone lives. [amended by ZOA #19-02, approved 10/28/19, adopted 11/11/19, effective 11/22/19]

**RESIDENTIAL CARE FACILITIES** are defined as follows:

1. **Child Care Organization.** A facility for the care of children under 18 years of age, as licensed and regulated by the State under Michigan Public Act 116 of 1973 and the associated rules promulgated by the State Department of Social Services. Such organizations shall be further defined as follows:
  - a. Foster family care is a private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage or adoption, are given care and supervision for 24 hours a day, for four (4) or more days in a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
  - b. Foster family group home means a private home in which more than four (4) but fewer than seven (7) children, who are not related to an adult member of the household by blood, marriage or adoption, are provided care for 24 hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
  - c. Family day care home means a private home in which at least one (1) but fewer than seven (7) minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

- d. Group day care home means a private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.
2. **Adult Foster Care.** A facility for the care of adults, 18 years of age and older, as licensed and regulated by the State of Michigan Public Act 218 of 1979 and rules promulgated by the State Department of Social Services. Such organizations shall be defined as follows: [amended by ZA #07-02, adopted 4/14/08, effective 5/25/08]
- a. Adult foster care facility means a governmental or nongovernmental establishment that provides foster care to adults. It includes facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care.
  - b. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers, or a residential center for persons released from or assigned to a correctional facility.
  - c. Adult foster care family home means a private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
  - d. Adult foster care large group home means an adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.
  - e. Adult foster care small group home means an adult foster care facility with the approved capacity to receive 12 or fewer adults to be provided with foster care.

**RESTAURANT** means an establishment where food is offered for sale or sold to the public for immediate consumption either within the building or elsewhere.

**RETAIL NURSERY, LAWN AND GARDEN SUPPLY STORE** includes establishments primarily engaged in selling trees, shrubs, other plants, seeds, bulbs, mulches, soil conditioners, fertilizers, pesticides, garden tools and other garden supplies to the general public. These establishments primarily sell products purchased from others but may sell some plants which they grow themselves.

**RETREAT OR CONFERENCE FACILITY** A facility used for planned retreats or conferences which may include lodging, food service and conference or educational facilities. Retreat or conference facilities do not include lodging for the general public or banquet or event facilities for weddings or other similar public events.

[amended by ZA #08-02, adopted 10/13/08, effective 10/28/08]

**RETAIL STORE** means establishments engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of the goods.

**RIGHT-OF-WAY** means a public or private way for road purposes.

**RIPARIAN** means of, pertaining to, or living on the banks of a river, of a lake, or a tidewater.

**ROAD** A prepared surface which vehicles can use, leading from one place to another. [amended by ZOA #19-02, approved 10/28/19, adopted 11/11/19, effective 11/22/19]

**ROAD, PRIVATE** means a road which is part of a recorded subdivision and shown as a private road on the plat, or a road which is not public which services more than one dwelling and/or business. Private road shall not include driveways or easement to a dwelling, business or accessory buildings thereto when the driveway is located on the same parcel as the serviced structure; a United States Forest Service road; a state highway, a county road as shown on maps certifying the same to the Michigan Department of Transportation; two track trails which have been in common use for fifteen (15) or more years and which provide the only access to a parcel.

**ROAD, PUBLIC** means a dedicated or accepted public thoroughfare including state highways and county roads.

**SAFETY COMPLIANCE FACILITY** means a licensee that is a commercial entity that takes marihuana from a marihuana facility or receives marihuana from a registered primary caregiver, tests the marihuana for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.

**SCRAP AND WASTE MATERIALS** includes establishments primarily engaged in assembling, breaking up, sorting and wholesale distribution of scrap and waste materials. This industry includes auto wreckers engaged in dismantling automobiles for scrap.

**SCHOOL** means a public or private educational institution providing an elementary or secondary academic curriculum, including pre-schools, kindergartens, elementary schools, middle schools and secondary schools but excluding profit-making private trade or commercial schools.

**SECTION** means a part of this Ordinance, being the next division under an Article. A section is cited by article number and section number, “xxx”, with the last two digits being the section number and the remaining digits to the left being the article number. Sections may be further divided into subsections “A.”, divisions “1”, paragraphs “a.” and subparagraphs “(i)”, for example.

**SECURE TRANSPORTER** means a licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.

**SETBACK** means a line parallel to a property line which is a specified distance toward the center of a parcel from the property lines or waterfront. Side, front, rear and waterfront setbacks correspond to the respective yards.

**SEXUALLY ORIENTED BUSINESS** means an adult bookstore or adult video store, adult motion picture theater, adult mini-theater, or adult entertainment establishment.

**SIGN** means any structure, wall or other object used for communication or visual display of any information including Billboards. [amended by ZOA #19-02, approved 10/28/19, adopted 11/11/19, effective 11/22/19]

**SITE CONDOMINIUM SUBDIVISION** means a single-family detached condominium project developed under Public Act 59 of 1978, as amended, comprised of no less than two (2) condominium units which are not subject to the provisions of the Land Division Act, Public Act 288 of 1967, as amended.

**SITE PLAN A** detailed drawing of proposed improvements to a given lot. [amended by ZOA #19-02, approved 10/28/19, adopted 11/11/19, effective 11/22/19]

**SOLAR COLLECTOR SURFACE** shall refer to any part of a solar energy system that absorbs solar energy for use in the system's transformation process. The collector surface does not include frames, supports, and mounting hardware. [amended by ZA #18-03, adopted 5/7/18, effective 5/17/18]

**SOLAR ENERGY** shall mean radiant energy received from the sun that can be collected in the form of heat or light by a solar energy system. [amended by ZA #18-03, adopted 5/7/18, effective 5/17/18]

**SOLAR ENERGY SYSTEM (SES)** shall mean a system (including solar collectors and ancillary equipment) either affixed to a permanent principal or accessory building or functioning as a freestanding structure, that collects, stores, and distributes solar energy for heating or cooling, generating electricity, or heating water. Solar Energy Systems include, but are not limited to, photovoltaic (PV) power systems and solar thermal systems. [amended by ZA #18-03, adopted 5/7/18, effective 5/17/18]

**SPECIAL USE** means a use that is allowed in specific zoning districts provided they meet certain conditions and require Planning Commission approval [amended by ZOA 22-001 approved 2/28/22, adopted 3/14/22, effective 3/27/22].

**SPECIFIED ANATOMICAL AREAS** includes:

1. Less than completely and opaquely covered human genitals, pubic regions;
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES** includes:

1. Acts of human masturbation, sexual intercourse, or sodomy;
2. Fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts;
3. Human genitals in a state of sexual stimulation or arousal.

**STATE CONSTRUCTION CODE ACT** means P.A. 230 of 1972, as amended, being the State Construction Code Act, MCL 125.1501.

**STORAGE, OPEN** means the outdoor storage or display of equipment, materials or things not within an enclosed building. Enclosure of an area by a fence, canopy, or roofed structure without walls shall not be construed as enclosed storage.

**STORY** means that portion of a building located between the surface of any floor and the surface of the floor next above it, or if there be no floor above it then the space between the floor and the ceiling next above it.

**STREET** means a dedicated or accepted public thoroughfare or a permanent, unobstructed private easement of access on a right-of-way.

**STRUCTURE** means anything constructed or erected, the use of which requires a fixed or unfixed location or attachment to something having a fixed or unfixed location on the ground including portable / temporary sheds and other similar coverings meant to house things and belongings. [amended ZOA #21-001, approved 07/26/2021, adopted 8/09/2021, effective 8/23/2021]

**TEMPORARY** Lasting for a limited period of time not to exceed 30 days. Not permanent. [amended by ZOA #19-02, approved 10/28/19, adopted 11/11/19, effective 11/22/19]

**TOURIST CABIN** means a cottage or cabin as part of a tourist camp, that is used, designed, maintained or held out for the accommodation of transient guests, whether or not a charge is made.

**TOWNSHIP** means the Township of Green Lake of Grand Traverse County.

**TOWNSHIP BOARD** means the Green Lake Township Board of Trustees.

**TOWNSHIP CLERK** means the elected Green Lake Township Clerk.

**TOWNSHIP SUPERVISOR** means the elected Green Lake Township Supervisor who shall be the chief elected official.

**TOWNSHIP TREASURER** means the elected Green Lake Township Treasurer.

**TRAILER** means a vehicle which can be drawn on a highway and is used for recreational or camping purposes. Includes the terms motor home, pole-trailer, trailer coach, trailer and including camping units, tents, trailers, or any other temporary housing units.

**TRANSPORTATION DEPOT** means a building or place where trucks or transports are rented, leased, kept for hire, stored, parked, or dispatched for hire as common carriers.

**TRELLIS** A framework of light wood or metal bars chiefly used as a support for trees or climbing plants. [amended by ZOA #19-02, approved 10/28/19, adopted 11/11/19, effective 11/22/19]

**USE** means the purpose for which land or a building thereon is designed, arranged or intended to be occupied or used, or for which it is maintained.

**USED MOTOR VEHICLE PARTS BUSINESS** means an establishment primarily engaged in the distribution at wholesale or retail of used motor vehicle parts. This industry includes establishments primarily engaged in dismantling motor vehicles for the purpose of selling parts.

**UTILITY-SCALE SES** shall mean a solar energy system, greater than 20 kilowatts, that is primarily used for generating electricity for sale and distribution into the electrical grid.

[amended by ZA #18-03, adopted 5/7/18, effective 5/17/18]

**VARIANCE** means a relaxation of the terms of this Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this Ordinance would result in unreasonable and unnecessary hardship or difficulty.

**VETERINARY CLINIC/HOSPITAL** means an establishment in which animals are examined and treated for medical problems by one (1) or more veterinarians, including keeping animals overnight for medical purposes.

**WALL HEIGHT** The vertical measurement of a wall at grade. [amended by ZOA #19-02, approved 10/28/19, adopted 11/11/19, effective 11/22/19]

**WAREHOUSING** means the indoor storage of goods and materials. [amended by ZOA 20-001, approved 1/27/2020, adopted 2/10/2020, effective 2/23/2020]

**WATER BODIES** means surface water, lakes, wetlands, rivers, streams, ponds, springs but does not include man-made farm ponds, storm water retention ponds, sediment ponds or impromptu or uncontrolled collection of storm water.

**WATER'S EDGE** means the line where the water and shore meet when the water level is static. For fluctuating water bodies, it shall be the line where the water and shore meet when the water is at its high-water mark, as defined in this ordinance. For Duck Lake and Green Lake, the water's edge shall be determined by the set water elevation of 837.3 feet above sea level and 826 feet above sea level, respectively, when the water's edge cannot be determined by visual indicators.

**WETLAND** means land characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does support, wetland vegetation or aquatic life and is classified as forested or non-forested emergent flats in the Grand Traverse County Land Use Cover Classification system prepared under the Michigan Resource Inventory Act and characterized by a soil type which is alluvial land, undifferentiated, variably textured flood plain sediments.

**WHOLESALE TRADE** means businesses primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm, construction contractors, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies.

**WIDTH** The measurement of something from side to side. [amended by ZOA #19-02, approved 10/28/19, adoptive 11/11/19, effective 11/22/19]

**WIND ENERGY SYSTEM:** “Wind Energy System” shall mean all, or any combination of the following:

1. A windmill, mill or machine operated by wind acting on oblique vanes or sails that radiate from a shaft;
2. A surface area, either variable or fixed, for utilizing the wind for electrical or mechanical power;
3. 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;
4. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy;
5. The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted and
6. A wind monitoring station. [amended by ZA #08-02, adopted 10/13/08, effective 10/28/08]

**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. [amended by ZA #08-02, adopted 10/13/08, effective 10/28/08]

**WIND ENERGY CONVERSION 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). [amended by ZA #08-02, adopted 10/13/08, effective 10/28/08]

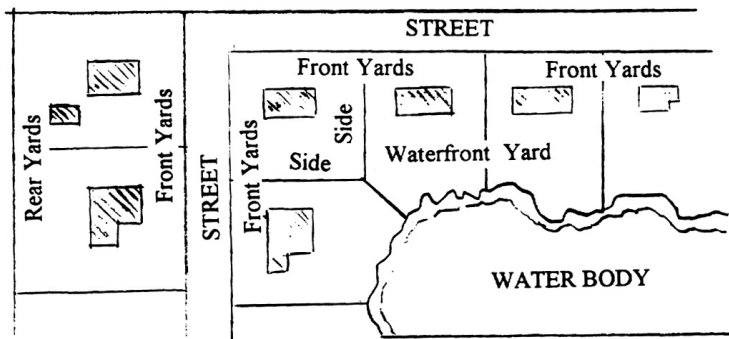
**WIND MONITORING STATION:** An instrument for measuring and indicating the force or speed of wind. Also known as an anemometer. [amended by ZA #08-02, adopted 10/13/08, effective 10/28/08]

**WIRELESS COMMUNICATION FACILITIES** shall mean and include all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. Not included within this definition are citizen band radio facilities; short wave facilities; amateur radio facilities; satellite dishes; and, governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

**WIRELESS COMMUNICATION SUPPORT STRUCTURES** shall mean structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure (such as a decorative tower or pole, or a structure mimicking natural vegetation).

**YARD** means an open space extending the full width of a parcel or extending from the front property line to the rear property line. Designations of side, rear, front, waterfront yards and side, rear, front, waterfront setbacks shall have a direct correlation.

1. Front yard means a yard between the front property line, which is adjacent to a road right-of-way and the nearest building.
2. Rear yard means a yard between the property line on the opposite side of the parcel from the property line adjacent to a road right-of-way and the rear of the building.
3. Side yard means the remaining yard(s) between the front and rear of the lines and the side property line(s) of the parcel.
4. Water’s edge yard means a yard between the water’s edge and a building line. It may be situated in what would be a side or rear yard if the water body was not present.
5. A parcel may have any combination of yards, so that it may not have a rear yard, it may have two (2) front yards, etc.



**ZONING ADMINISTRATOR** means the Green Lake Township Zoning Administrator, appointed pursuant to Article 18 of this Ordinance.

### 3.2 UNDEFINED WORDS AND TERMS

Any word or term not defined herein shall be interpreted within its common and approved usage.



## **ARTICLE 4 GENERAL PROVISIONS**

### **4.1 USES PERMITTED IN ALL DISTRICTS**

The following uses may be permitted in any Zoning District and shall be subject only to the specified provisions of this Article:

- A. Streets, traffic signs and traffic signals
- B. Facilities essential to the operation of any public utility such as sewers and watermains and including any accessory utility service building or structure
- C. Water and sewer treatment plant including any accessory public utility yard
- D. Gas, oil or water pipeline, powerline, telephone line, cable television line, or any similar utility service line including any substation, transformer or similar utility service building or structure associated therewith
- E. Railway line excluding any accessory station, depot or yard
- F. Public park
- G. Buildings, structures and uses accessory to any permitted use subject to the provisions of Section 4.11
- H. Public washroom
- I. Construction camp, work camp, tool shed, scaffold, or other buildings and structures accessory to and necessary for construction work on a premise, but only until such construction work is completed or abandoned. For the purposes of this subsection, failure to proceed expeditiously with the construction work shall constitute abandonment of such work
- J. Any building or structure accessory to exploration, drilling or pumping of petroleum or natural gas, but only until such work is completed or abandoned. For the purposes of this subsection, failure to proceed expeditiously with any work shall constitute abandonment of such work
- K. Aids to navigation, directional aids [amended by ZOA #19-02, approved 10/28/19, adopted 11/11/19, effective 11/22/19]
- L. Mailboxes
- M. Temporary sales and rental office for the sale, rental or promotion of land and development in the immediate surrounding area.

## 4.2 ADVERSE AFFECT

No parcel, building or structure in any Zoning District shall be used or occupied in a manner that creates dangerous, injurious, noxious elements or conditions that may adversely affect persons using the surrounding area or adjoining premises. Any use permitted by this Ordinance may be undertaken and maintained provided acceptable measures and safeguards are employed to limit dangerous and objectionable elements and conditions to acceptable levels, as established by the following performance requirements:

- A. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate on-site firefighting and fire suppression equipment and by safety devices that are normally used in the handling of such material. Such hazards shall be isolated from adjacent activities in a manner compatible with the potential danger involved and as required by the State Fire Marshall and/or applicable provisions of the State Construction Code and rules promulgated thereunder.
- B. No audible noise, vibration, pollution of air or water by fly-ash, dust, vapors, malodorous gas, matter, or other substances, shall be permitted in excess of the applicable Federal or State Statutes and Regulations, or County or Township Ordinances, or rules promulgated thereunder.
- C. No storm water runoff, resulting from site development, design or other manmade alterations, shall be allowed to collect or stand on the surface, except in a natural wetland, or properly managed and maintained storm water retention system or sediment pond. The amount of runoff leaving a parcel at any location after use or development shall not exceed that of the parcel in its original natural state. The Zoning Administrator shall enforce this section by cooperating with and reporting suspected violations to the appropriate governmental enforcement agency(s) responsible for enforcement of the statutes, rules or ordinances cited above. The Township Board may take direct enforcement action only after a finding that cooperation by the Zoning Administrator with other agencies has not been successful in achieving compliance with this Ordinance.

## 4.3 STANDARDS FOR ALL DWELLINGS

No person shall use, occupy, permit the use or occupancy of a structure as a dwelling which does not comply with the dwelling standards of this Ordinance and with the standards of the State of Michigan and the United States Department of Housing and Urban Development, whichever is applicable, within any Zoning District, except as hereinafter provided.

All dwellings shall comply with the following minimum standards:

- A. It complies with the minimum bulk, density, height, area, square footage and width requirements of this Ordinance for the Zoning District in which it is located, unless it is legally nonconforming and complies with the provisions of this ordinance for nonconforming structures. Where a dwelling is required by law to comply with any federal or state standard or regulation for construction different from those imposed by the building code, then and in that event, such federal or state standard or regulation shall apply.

- B. It complies in all respects with the Michigan State Construction Code Act as promulgated by the Michigan State Construction Code Commission under the provisions of PA 230 of 1972, as amended. For existing dwellings, it shall comply with any building or construction code restrictions applicable at the time of construction and, to the extent required under the Act, any upgrades or alterations.
- C. It is firmly attached to a permanent foundation constructed on the site in accordance with the Michigan State Construction Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a manufactured home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device and shall be set on a concrete footing with a masonry wall extending from perimeter to ground or on a concrete footing with fireproof supports and shall have a continuous skirt extending from perimeter to ground. Such skirt shall be of commercial quality or equivalent complying with the rules and regulations of the Michigan Mobile Home Commission and shall be installed within thirty (30) days of dwelling placement.
- D. In the event that the dwelling is a manufactured home as defined herein, each mobile home shall be installed with the towing mechanism and wheels removed. No mobile home shall have any exposed undercarriage or chassis.
- E. All dwellings shall be connected to a public sewer and water supply or to such private facilities approved by the local health department.
- F. The dwelling contains no additions or rooms or other areas that are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
- G. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to the mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, as from time to time amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and other strength requirements.

The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in this Ordinance pertaining to such parks.

All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable construction code provisions and requirements.

These standards shall not apply to a seasonal trailer park otherwise meeting the requirements of this Ordinance.

#### 4.4 ALTERATION OF DWELLINGS

Except as specified in this Ordinance, no building, structure, premises, or piece and parcel of land in and throughout the Township shall hereafter be used or occupied and no building or part thereof or other structure shall be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with the regulations and provisions herein specified for the Zoning District in which it is located.

#### 4.5 BULK REGULATIONS

- A. The continuing compliance with required spatial relationships and physical requirements of this Ordinance for the permitting of a use, structure, building, or parcel shall be the obligation of the owner of the use, structure, building or parcel.
- B. Required spatial relationships and physical requirements of this Ordinance shall be deemed to be in connection with only one (1) use, structure, building, or parcel and are not transferable, not to be split or divided in any manner, unless specifically permitted elsewhere in this Ordinance.
- C. Required spatial relationships and physical requirements of this Ordinance shall apply uniformly within each respective Zoning District to all uses, structures, buildings and parcels except that the following can be located anywhere on a parcel:
  - 1. Those parts of a building which are grade level patios, steps, awnings and nonpermanent canopies;
  - 2. Flag poles;
  - 3. Hydrants;
  - 4. Clothes lines;
  - 5. Arbors, trellises, trees, plants, shrubs;
  - 6. Playground equipment, outdoor cooking equipment;
  - 7. Sidewalks, private driveways and walkways.
- D. As used in this section:
  - 1. "Required spatial relationships" means all the requirements of this Ordinance dealing with minimum or maximum size, area or space required for an approved use, structure, building or parcel, including but not limited to, buffer areas, greenbelt, building area, buildable envelope, parcel area, parcel measurements (width, setback), parking space, greenbelt, yard;
  - 2. "Physical Requirements" means all the requirements of this Ordinance dealing with designated areas for specific physical (tangible) improvements of uses/functions

required for an approved use, structure, building or parcel, including but not limited to placement of accessory structures, improvements within buffer areas, building height, easement, floor area, improvements within a greenbelt, all requirements found in Article 4 of this Ordinance, access drive, drives, loading areas, solid waste storage areas, service drives, parking areas.

#### **4.6 PROJECTIONS INTO YARDS**

- A. Architectural features including eaves, overhangs, canopies and chimneys and unenclosed roof structures may not extend or project into any required side, rear or front yard setback area. [amended by ZOA #19-02, approved 10/28/19, adopted 11/11/19, effective 11/22/19]
- B. Patios and similar structures above grade level may not extend into a required setback area, except as otherwise permitted in the waterfront yard by Section 4.26.
- C. Fences are subject to the provisions of Section 4.13.
- D. Barrier free access ramps may extend into any required yard area.

#### **4.7 EXEMPTIONS FROM HEIGHT PROVISIONS**

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

- A. Ornamental structures such as a church steeple, belfry, spire, clock tower, dome, cupola, or flagpole
- B. Structural or mechanical elements such as chimney or smokestacks, elevator and stairwell penthouses, ventilators, bulkheads and cooling towers, provided that such structures do not exceed twenty percent (20%) of the roof area
- C. Radio, television or telecommunication tower and antennae, including amateur radio towers and antennae are not subject to height restrictions except as required under Section 4.30
- D. Aids to navigation
- E. Electrical transmission tower
- F. Water storage structure
- G. Fire training tower, or any use associated with a bona fide agricultural use including, but not limited to a barn, silo, drying elevator or tower, windmill, or grain elevator [amended by ZA #08-02, adopted 10/13/08, effective 10/28/08]
- H. Machinery for the moving of industrial and extractive materials and housing frames and structures for such machinery
- I. Hospital.

**4.8 BASEMENT DWELLINGS**

Basement dwellings shall comply with all State Construction Code requirements.

**4.9 NUMBER OF DWELLING UNITS**

Where this ordinance permits a dwelling, not more than one (1) dwelling unit shall be permitted per lot, except as may otherwise be permitted by the provisions of the VR, C and VC Districts and the provisions of Articles 11 and 12.

**4.10 TEMPORARY DWELLINGS** [amended by ZA #07-02, adopted 4/14/08, effective 5/25/08]

No person shall use or permit the use of any garage, basement, or any temporary structure as a principal or seasonal dwelling on any parcel, except:

- A. As temporary quarters during the construction or installation of a dwelling for which all required permits have been issued conforming to Section 4.3 of this Ordinance and then only if all of the following conditions are met:
  - 1. The location of the temporary structure shall comply with all setback requirements of this Ordinance;
  - 2. Adequate provision is made for temporary public or private water supply and sewage disposal to and from said structure;
  - 3. The structure is constructed so as to meet the minimum requirements for the health, safety and welfare of those occupants and the surrounding neighborhood;
  - 4. The use of the temporary structure shall not exceed six (6) months, beginning with the issuance of the permit contemplated by Section 18.1.B of this Ordinance;
  - 5. A permit for such temporary dwellings is issued by the Zoning Administrator. The permit may be renewed for not more than six (6) months upon approval of the Zoning Administrator for good cause shown.
- B. When used on a campground licensed by the Michigan Department of Public Health.
- C. As temporary recreation on a non-commercial/no rental basis by tourists, campers and sportsmen on public land where such activity is allowed by state or federal regulations or one's own land for a period which does not exceed a period of sixty (60) days in a calendar year, or if there are no sanitary disposal facilities on site, thirty (30) days in a calendar year, also see additional standards under Section 4.34.

**4.11 ACCESSORY BUILDINGS AND STRUCTURES** [amended by ZA #07-02, adopted 4/14/08, effective 5/25/08]

- A. An accessory building or structure shall only exist or be constructed where there exists a primary structure on the same parcel. The following are exceptions to this restriction:

1. When a permit for construction of a primary structure has been approved, a permit for construction for an accessory structure on the same parcel may also be approved.
  2. Where the demolition of a building is proposed which would result in a situation where an accessory structure exists on a parcel without a primary structure, the demolition shall be conditioned on a performance guarantee as defined in this ordinance ensuring removal of the accessory structure in two (2) years if no primary structure has been constructed, or if no satisfactory progress in the construction of a primary structure has occurred.
  3. Any accessory structure without a primary structure built before the adoption of this ordinance may legally exist and be altered if in conformance with the dimensional standards of B, below
  4. Accessory structures without a primary structure may be newly established where a through d below are met: [amended by ZOA #19-02, approved 10/28/19, adopted 11/11/19, effective 11/22/19]
    - a. The parcel is actively in bona fide agricultural use (as defined in the Michigan Right to Farm Act, Public Act 93 of 1981, as amended); and
    - b. Such agricultural use is the primary use on the parcel; and
    - c. The parcel is at least five (5) acres in area and
    - d. The parcel is located in the R-5 or C-10 zoning districts.
  5. In the R-1, Village Residential, or the Lake Residential zoning districts, an accessory structure may be established without a primary structure provided that the accessory structure does not exceed 300 square feet in area.
  6. In the R-5 and C-10 zoning districts, an accessory structure may be established without a primary structure provided that the accessory structure does not exceed 1,200 square feet in area.
- B. The following dimensional restrictions shall apply to all accessory structures having a floor area equal to or greater than two hundred (200) square feet.

Dimensional Restrictions for Accessory Structures

<b>Dimensional Restriction</b>	<b>R-5 and C-10 Zoning Districts</b>	<b>C and M Zoning Districts</b>	<b>All other Districts</b>
Setbacks	As required for primary	As required for primary structures	As required for primary structures
Total Number of Accessory Buildings Permitted per Parcel (does not include structures not herein defined as buildings)	No limit	No limit	Maximum of 1 for parcels under 2 net acres, Maximum of 2 for parcels over 2 net acres, Maximum of 3 for parcels over 10 net acres
Maximum Permitted Height	35 feet	25 feet	25 feet
Maximum Permitted Size	No limit	No limit	Parcels 2 acres and over: 1,200 square feet or 100% of the footprint of the primary
			Parcels under 2 acres: maximum 1,200 square feet

\*The above table is for where there exists a primary structure on the same parcel [amended by ZOA #19-02, approved 10/28/19, adopted 11/11/19, effective 11/22/19]

- C. An accessory building attached to the principal building on a parcel shall be structurally integrated therewith and shall comply in all respects with the requirements applicable to the principal building and be of like, or better, quality construction on the exterior.
- D. An accessory structure not attached to a primary structure shall be located no less than 10 feet from the primary structure to allow access for emergency services.
- E. Accessory buildings having a floor area less than two hundred (200) square feet shall comply with the front yard setback required for primary structures but shall only require minimum side and rear yard setbacks of two (2) feet. A minimum of 10 feet is required between any structure. All standards and requirements of Section 4.26 shall, however, apply to such structures. Limit two (2) detached accessory structures under 200 square feet. [amended ZOA #21-001, approved 07/26/2021, adopted 8/09/2021, effective 8/23/2021]

**4.12 DECKS**

- A. For the purposes of this Ordinance, decks, including any attached steps, shall be considered a primary structure, even when detached from the primary structure and all setback requirements therefore shall apply.
- B. Each waterfront lot may have a deck within the waterfront yard if all of the following are met:
  - 1. No part of the deck structure shall ever be more than three (3) feet above the deck's floor surface; and
  - 2. The gross deck floor area in the waterfront yard shall not exceed two hundred (200) square feet.



**4.13 FENCES**

A. Applicability: The standards and requirements of this Section shall apply to all fences in the Township, in all zoning district, except the following:

1. Fences four (4) feet in height, or less, may be located anywhere on a parcel [amended by ZOA #19-02, approved 10/28/19, adopted 11/11/19, effective 11/22/19] [amended by ZOA 22-001 approved 2/28/22, adopted 3/14/22, effective 3/27/22].
2. Fences erected for bona fide agricultural operations.

B. Dimensional Standards [Amended by ZA #20-002, adopted 7/27/20, effective 8/22/20]

	<b>Dimensional Restriction</b>	<b>R-5 and C-10 Zoning Districts</b>	<b>All other Districts</b>
<b>Over 4 /under 6’ 6”</b>	Front setback	No minimum	Equal to setback for primary building or the front building line, whichever is less
	Side and Rear setbacks	No minimum	
	Waterfront Setback	50 feet	
<b>6’ 6” and Over</b>	Front setback	Equal to setback for primary building or the front building line, whichever is less	
	Side and Rear setbacks	Equal to setback for primary building	
	Waterfront Setback	50 feet	

C. General Regulations

1. Barbed wire fences and electric fences shall not be permitted.
2. Fences shall be installed professionally, or in a professional workmanlike manner.

**4.14 WATER SUPPLY AND SEWAGE FACILITIES**

- A. Any structure used for human occupancy shall be connected to a public sewer and water supply or to private facilities which comply with the Grand Traverse County Sanitary Code, as amended.
- B. The Zoning Administrator shall enforce this section by cooperating with and reporting suspected violations to the appropriate governmental enforcement agency(s) responsible for enforcement of the statutes, rules or ordinances cited above.

#### **4.15 HOME OCCUPATIONS**

Home occupations shall be permitted in any residence located within a zoning district where single-family residential uses are permitted. Any home occupation(s) shall be subject to the following conditions and limitations:

- A. The home occupation is clearly incidental and subordinate to the principal use of the premises for residential purposes.
- B. The home occupation shall be confined in its entirety within the principle dwelling or attached garage and not within any accessory building located upon the premises, except that outdoor activities by daycare providers are permitted.
- C. The proposed use will not generate noise, odors, or illumination noticeable outside the confines of the residence or garage or otherwise constitute a nuisance to adjoining residents.
- D. Automotive repair, or any auto-related work including, but not limited to, detailing, washing, painting, or auto sales shall not be permitted as a home occupation.
- E. No process or activity shall be permitted which is hazardous to public health, safety, or welfare.
- F. The space allowed to be used by the home occupation is limited to twenty five percent (25%) of the square footage of the main dwelling and shall be accessory to the residential use of the property. A floorplan shall be provided to the township. [amended by ZOA #19-02, approved 10/28/19, adopted 11/11/19, effective 11/22/19]
- G. There shall be no alteration of the residential appearance of the premises or other exterior evidence, other than a sign, to indicate that the premises are being utilized for any purpose other than that of a dwelling.
- H. There shall be no separate entrance to the dwelling or utilization of an existing entrance exclusively for the business.
- I. Signs are limited to one (1) non-illuminated sign per premises no greater than eight (8) square feet in area and six (6) feet in height, see Section 6.
- J. There shall be no outside operations, storage, or display or materials or products of any aspect of the home occupation.
- K. The use shall not result in any truck traffic (except ground delivery service) and shall not require off-street parking areas in addition to that required for the single-family use unless sufficient parking areas have been approved by site plan.

#### **4.16 RESIDENTIAL CARE FACILITIES** [amended by ZA #07-02, adopted 4/14/08, effective 5/25/08; amended by ZA #10-01, adopted 5/12/14, effective 5/31/14]

A. Residential care facilities are permitted in compliance with the table below:

Type of Facility	Permitted Use	Permitted After Special Land Use Approval	Not Permitted
Family Day Care (1-6 children, less than 24 hours)	R-5, R-1, VR, LR, C-10, C		
Group Day Care (7-12 children, less than 24 hours)	R-5, C-10, C	R-1, VR	LR
Foster Family Care (4 or fewer children, 4 or more days)	R-5, R-1, VR, LR, C-10, C		
Foster Family Group Home (5 or 6 children, 4 or more days)	R-5, R-1, VR, LR, C-10, C		
Adult Foster Care Family Home	R-5, R-1, VR, LR, C-10, C		

B. Residential care facilities must be licensed by the State of Michigan.

C. Residential care facilities required to obtain special land use approval shall be subject to the requirements of Article 9 and shall meet all standards of Section 206(4) of the Michigan Zoning Enabling Act.

**4.17 CLEAR VIEW AREA**

No use, building, structure or plant material, including without limitation parking spaces, fences, signs, berms, hedges, or planting of shrubs, shall be located, erected or maintained which obstructs clear vision at a road corner within the triangle formed by the point of intersection of the right-of-way lines and the two points extending along such lines a distance of sixty (60) feet from the point of intersection.

**4.18 ACCESS TO PUBLIC ROADS**

In any Zoning District, every use, building or structure established after the effective date of this Ordinance shall be located on a parcel which abuts a public road or a private road or an easement which provides safe, convenient access for serving fire protection and any required off-street parking.

**4.19 PRIVATE AND UNDEVELOPED ROADS**

When private and undeveloped platted road development occurs in the Township, the following minimum standards shall apply. No person, firm, or corporation shall hereafter divide any land or develop any pre-platted parcels without providing for public or permanent private easements and/or roads for access to such divided lands with said private easements and/or roads to conform to these minimum requirements:

A. Road Standards All roads and access easements in the Township shall meet the following minimum requirements:

<b>Property Development Type</b>	<b>Minimum Right-of-way Easement or General Common Area Easement Width</b>	<b>Minimum Road Surface Width (Paved)</b>	<b>Other Design Standards</b>
Roads serving four or less parcels	30 feet	19 feet	In accordance with current Grand Traverse County Road Commission standards for public and private roads
Roads serving four or more parcels with any parcel served less than five acres in area	In accordance with current Grand Traverse County Road Commission standards for public and private roads		
Roads serving four or more parcels with all parcels served more than five acres in area	In accordance with current Grand Traverse County Road Commission standards for public and private roads		In accordance with current Grand Traverse County Road Commission standards for public and private roads, except that roads may be unpaved with approval of the Planning Commission and satisfactory guarantees that the parcels will remain a minimum of five acres in
Pre-platted, undeveloped roads within the Village of Interlochen plat	As platted	22 feet	Designed for 25 MPH speeds, 7% maximum grade, otherwise in accordance with current Grand Traverse County Road Commission standards for public and private roads
Commercial and Industrial roads	In accordance with current Grand Traverse County Road Commission standards for public and private roads		

B. Approval Process:

1. Application Submittal: An application for road construction shall be made at the same time as a building permit for a lot without road frontage on an existing public road or private road. Prior to review by the Zoning Administrator, the applicant will prepare and provide three (3) sets of:
  - a. Engineered road construction plans
  - b. Drainage plan.
  - c. Road maintenance agreement and deed restrictions as specified in D, below and satisfactory to the Township Attorney, signed by applicant/owner.
  
2. Review:

- a. A Licensed Civil Engineer secured by the Township Board shall review plans for the private road.
  - b. If necessary, the Zoning Administrator shall refer the application to the Planning Commission for approval of an unpaved road.
  - c. Upon recommendation of the Engineer and if applicable, approval by the Planning Commission, the Zoning Administrator shall approve tentatively approve the private road.
  - d. Following tentative approval of a private road, a Land Use Permit shall be issued by the Zoning Administrator.
  - e. The Engineer will inspect and review the road during construction.
  - f. Upon completion of construction of the road, a site inspection of the road will be made by the Engineer who shall forward his/her recommendation to the Zoning Administrator who shall then grant final approval.
  - g. A preconstruction checklist will be provided to the applicant by the Zoning Administrator. The applicant shall be subject to all inspections and required meetings on the checklist. Final approval of the private road shall be conditioned on completion of the checklist.
- C. Fees An application fee is to be established by the Township Board. The Applicant / Developer shall pay all review and inspection costs, including the costs of the Zoning Administrator, Township Attorney and the Licensed Civil Engineer, prior to final approval.
- D. Private Road Maintenance Agreement Continued maintenance of private roads shall be the responsibility of the property owner(s) served by the private road. Prior to the issuance of any land use permit for parcels abutting a private road, said property owner(s) shall enter into a legally binding Private Road Maintenance Agreement. The agreement shall include, but not be limited to the following:
1. Majority vote rules regarding road maintenance and improvement decision.
  2. The owner of each parcel will be responsible for payment of the share of costs apportioned and assessed to his or her parcel.
  3. The owners shall have standing and the right to commence legal or equitable action against a delinquent parcel owner or parcel owners to foreclose a lien or otherwise collect the sums owed.
  4. The agreement shall be recorded and shall run with the land and bind and benefit the parcels and the owners thereof, in perpetuity.
  5. The owner or owners of the land served by the road shall provide for the requirement to grade, drain and otherwise maintain the private road including the

road name sign and emergency service access, in accordance with public agency requirements.

6. A statement that the owners have not asked to Grand Traverse County Road Commission or Michigan Department of Transportation to accept the road as a public road. As such, the roadway will be private and the Road commission or Department of transportation will have no obligation to maintain the road in any manner.
7. A statement that the Township may intervene to repair or maintain the road if the owners fail to do so and then assess the owners for the cost of doing so. It should state further that if the Township exercises discretion to intervene, that there is, nevertheless, no further obligation to maintain or repair the road on the part of the Township.
8. As statement that the owners will hold the township harmless from liability and indemnify the Township from liability associated with any repair or maintenance or approval of the private road by the Township.
9. The easement and road maintenance agreement may be reviewed and approved by the Township Attorney, at the township’s discretion for compliance with the Township regulations. Following approval of the township Attorney, when required, the agreement shall be recorded with the Grand Traverse County Registrar of Deeds before issuance of a Land Use Permit.
10. The agreement shall be recorded as part of the master Deed of a condominium project and as a general deed restriction to be recorded against subdivision parcels and metes and bounds parcels created by a land division.

**4.20 DRIVEWAY AND CURB CUTS** [amended by ZA #07-02, adopted 4/14/08, effective 5/25/08; amended by ZA #10-01, adopted 5/12/14, effective 5/31/14]

- A. Driveway entrances and exits to a parcel shall comply with the following standards unless superseded by County, State or Federal statute or rule:
- B. The location of a driveway curb cut to any road shall be at least:
  1. Seventy (70) feet from the nearest point of intersection of any two roads; and
  2. Forty (40) feet from any other driveway, regardless of which side of the road the driveway is located on, as measured from points located on a line drawn parallel to the centerline of the road, except for parcels wider than one hundred (100) feet, whose driveway shall have as its centerline at least fifty (50) feet from any other driveway; or
  3. If two driveways of adjacent parcels are both next to the parcel boundary between such parcels and share the same driveway access to the road, they shall be allowed

to have zero distance between them but shall otherwise comply with required distances from intersections and other driveways in this section.

4. No more than two (2) driveways shall be permitted for any parcel, unless otherwise approved by Township Official. [amended by ZOA 20-001, approved 1/27/2020, adopted 2/10/2020, effective 2/23/2020]
- C. The pavement width of any driveway shall be no less than ten (10) and no greater than twenty (20) feet on a parcel used for a dwelling or duplex; and shall be no less than thirty-five (35) feet wide for a driveway used as an exit and entrance driveway for parcels used other than as a dwelling or a duplex. The maximum width shall in no case exceed forty (40) feet.
- D. Upon application, the Board of Appeals may grant variances to the above, or the Planning Commission or other approving authority may approve a site plan that does not comply with the above driveway requirements if the following conditions are met:
1. The parcel is nonconforming under this Ordinance and adjacent parcels cannot be purchased for fair market value by the applicant to enlarge the applicant's parcel, or the parcel has less than sixty (60) feet of road frontage. Fair market value is defined as the value of the parcel on the Township Tax Assessment rolls;
  2. A reasonable effort to jointly use an adjacent driveway for access has been made by the applicant and was not successful;
  3. Each distance between the proposed driveway and road intersections and other driveways is the greatest possible, or such proposed driveway is directly across the road from another driveway;
  4. The proposed driveway connects with a local road rather than a primary road or highway, as shown on the respective certified road maps required pursuant to P.A. of 1951, as amended, being MCL 247.651 et. seq., when there is a choice; and
  5. The distance between the road edge and the nearest point of a parking space is the maximum possible.
- E. The maximum grade of any commercial driveway serving any commercial, industrial, or multiple family use shall be 8% unless approved by the Planning Commission and with recommendation of the Township engineer and upon review of the Green Lake Township Emergency Services or successor. [amended by ZOA #19-02, approved 10/28/19, adopted 11/11/19, effective 11/22/19]

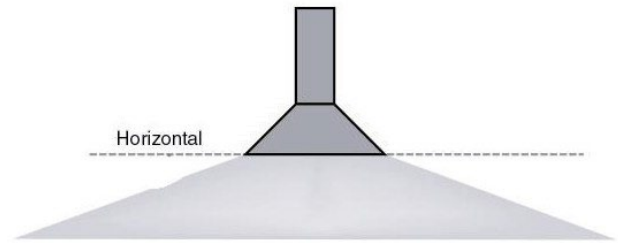
#### **4.21 GRADE CHANGES**

Where changes to the natural grade are made on any parcel in the Township, the final grade shall provide for retention of stormwater on the same parcel and shall otherwise not impact the neighboring properties through uncontrolled soil erosion. This regulation is not designed to supersede the authority of the County Drain Commission office, but to apply to properties where a soil erosion permit is not required.

#### 4.22 LIGHTING STANDARDS [amended by ZA #07-02, adopted 4/14/08, effective 5/25/08]

A. Lighting shall be designed, constructed and located to minimize light pollution and shall conform to the following standards:

1. All exterior lighting shall be shielded and directed downwards with non-projecting lenses. Light sources shall be located and designed so as to prevent light from being directed outside the boundaries of the development.



2. Light poles and fixtures shall be located as low as practical. A greater number of low "area" lights are favored over higher lights. Light poles shall not exceed twenty-five (25) feet in height.
3. Building lighting shall be restricted to eave lighting only.
4. Wattage for any lamp used for outdoor lighting shall be limited to 100 watts and 2,000 lumens. For commercial development, a maximum 25,000 initial raw lamp lumens/net acre average over the project site shall be permitted.
5. All pole-mounted lighting of parking or display areas shall be shielded but in no case shall the light be permitted to extend above the horizontal plan (90 degrees), See graphic
6. Lamp fixtures shall be of a design and color to eliminate light reflection onto adjacent property. Light reflection from any outdoor lighting shall not otherwise cause a nuisance to drivers or other site users.

B. The provisions of this section shall not apply to flag poles or to any single-family residence.

#### 4.23 WASTE ACCUMULATION AND OUTSIDE STORAGE

- A. It shall be unlawful for any person to accumulate junk on any parcel except in a licensed junkyard or licensed sanitary landfill and allowed by this Ordinance or Township Ordinance.
- B. No sewage, wastewater or water containing foreign substances shall be deposited or drained into any water bodies.
- C. The provisions of this Section shall not be deemed to prohibit storing or spreading of manure, fertilizers, or other soil conditioners as part of a permitted farm, forestry operation or home garden or lawn, botanical or zoological garden, or parks.

#### 4.24 STORAGE OF VEHICLES AND EQUIPMENT



Open space storage may be permitted when authorized by a special use permit according to the requirements of Article 9 of this Ordinance.

**4.25 RECREATIONAL VEHICLES** [amended by ZA #07-02, adopted 4/14/08, effective 5/25/08; amended by ZA #20-002, adopted 7/27/20, effective 8/22/20]

The parking of recreational vehicles, as well as other such vehicles or craft (including, but not limited to boats, all-terrain vehicles, personal watercraft, etc.) in a residential Zoning District is permissible if the following standards are met.

- A. The vehicle is owned by the landowner or occupant of the land upon which it is stored;
- B. The vehicle is not used as a dwelling for more than sixty (60) days on said parcel in any twelve (12) month period; or if there are no sanitary disposal facilities on site, thirty (30) days in a calendar year; and
- C. Such storage or use shall not under any circumstances be undertaken on a commercial or rental basis.
- D. The vehicle is not located in any front yard area. Excepting that in the LR and R1 districts, one such vehicle may be located in the front yard area per lot.

**4.26 WATER PROTECTION**

- A. No structure shall be built, located or constructed closer than fifty (50) feet measured on a horizontal plane to the water's edge except as noted below. In the event the water's edge moves landward, the setback line shall also be construed as to have moved landward a distance equal to the movement of the water's edge. In cases where parcels are smaller than the minimum size allowed in a particular district resulting in a buildable envelope less than twenty-eight (28) by forty (40) feet, if granting a variance, the Board of Appeals shall grant side yard and/or front yard setback variances prior to reducing the required waterfront yard setback.
- B. Recognizing the need for some structures to locate in the Waterfront Yard, the following are permitted:
  - 1. Stairways and walkways six (6) feet or less in width to water's edge, including decks, no larger than 200 square feet and landings no larger than six (6) feet by six (6) feet at each vertical six (6) feet of rise.
  - 2. Retaining walls, boat ramps and bulkheads at or to water's edge.
  - 3. In some cases, lots have high steep banks and /or wetland near water's edge causing it to be desirable to have a small storage shed or gazebo down near the water's edge. In such cases, a medium site plan review will be held by the Planning Commission.

- C. Keyholing or funneling, the use of privately-owned riparian or littoral land for the purpose of providing access to the water's edge for a select membership, property owners' association, or property owners within a development project, shall be prohibited.
- D. Docks and launch ramps for use by more than the resident of the privately-owned riparian or littoral parcel on which the dock and launch ramps are located shall be prohibited. Whenever other provisions of this Ordinance conflict with provisions of this Section, the provisions of this Section shall apply. Whenever other provisions of this Ordinance and provisions of this Section have similar regulations but which differ in how restrictive they are, the more restrictive of the two shall apply.
- E. Also see Section 4.12.B.

#### **4.27 THE KEEPING OF ANIMALS**

All animals kept on premises are limited to domestic animals, household pets, farm livestock subject to the provisions of Sections 4.28 and 4.29 below and, with proper Michigan Department of Natural Resources approval, animals native to Michigan only.

#### **4.28 THE RECREATIONAL KEEPING OF HORSES** [amended by ZA #11-02, adopted 3/12/12, effective 3/24/12]

Recreational keeping of horses is permitted in Zoning Districts C-10 and R-5 and subject to the standards included in this section.

##### **A. Definition**

Recreational keeping of horses means that it is required that a single-family dwelling must be established on the parcel of land before a land use permit is issued for the keeping of horses by the resident of the dwelling. The use of horses and ponies is by the resident, for pleasure only.

##### **B. Standards**

1. The minimum acreage required, consisting of contiguous land under the same ownership of the resident, is five (5) acres for the first two horses plus one (1) acre for each additional horse over two.
2. Minimum fence and housing setbacks shall comply with the setback requirements for the respective Zoning District.
3. Running water will be provided and each animal will have access to fresh water. Wells and facilities will comply with County Health Department standards.
4. Every corral to be provided shall have a minimum dimension of not less than twelve (12) feet and shall contain not less than two hundred forty (240) square feet of area.
5. Cold or warm housing is required. Open housing is not permitted. Box stalls shall be a minimum of twelve (12) feet in width and length.

6. Fences shall be a minimum of four and one-half (4 1/2) feet in height, shall be constructed of suitable materials and shall be maintained to ensure containment.

### **C. Compliance with Health Regulations**

The keeping of horses as provided for in this section shall comply with all regulations and provisions of the County Health Department and the United States Department of Agriculture, including the applicable standards from the “Right to Farm” act. [amended by ZOA #19-02, approved 10/28/19, adopted 11/11/19, effective 11/22/19]

## **4.29 THE KEEPING OF LIVESTOCK OTHER THAN HORSES** [amended by ZA #11-02, adopted 3/12/12, effective 3/24/12]

The keeping of livestock for personal use, including domestic animals other than domestic pets such as dogs and cats which are kept for companionship and customarily reside within the dwelling shall be limited to the C-10, R-5, R-1 and VR and shall also be subject to the provisions of this Section. No land use permit shall be required prior to keeping livestock under this Section.

### **A. Minimum Land Area**

No minimum land area is required for the keeping of livestock other than horses in the C-10, R-5, R-1 and VR Districts.

### **B. Regulations and Standards for Livestock other than Horses or Fowl**

1. The keeping of livestock shall comply with all Generally Accepted Agricultural and Management Practices manuals as produced by the Michigan Department of Agriculture to deter any noxious odor, noise or other nuisance.
2. Minimum fence and housing setbacks shall comply with the setback requirements for the respective Zoning District except that all fencing and housing in the R-1 and VR Districts shall maintain a minimum setback of fifty (50) feet from all lot lines.
3. Fencing shall be constructed of suitable materials and shall be maintained to ensure containment.
4. The keeping of livestock in the R-1 and VR Districts shall be limited to personal use only. The keeping of livestock for farming or commercial purposes shall be prohibited in these districts.

### **C. Regulations and Standards for Keeping of Mature Fowl in the R-5, R-1 or VR Districts** [amended ZOA #21-001, approved 07/26/2021, adopted 8/09/2021, effective 8/23/2021]

1. Fowl, including chickens, ducks, turkeys and geese, shall be limited to six (6) on a single land parcel under 1 acre in gross lot area. For single land parcels over 1 acre in gross lot area, up to twelve (12) mature fowl are permitted.
2. No roosters shall be permitted.

3. Keeping of fowl shall be for personal use only; no sales of eggs shall be permitted.
4. Fowl shall not be permitted in a residence, porch, or garage. Fowl shall be confined to or coop with a minimum of 1 square foot of area per bird housed. [amended by ZOA #19-02, approved 10/28/19, adopted 11/11/19, effective 11/22/19]
5. A run shall be allowed and shall be fully enclosed with fencing and shall be no larger than 8 feet by 8 feet.
6. Any facility or run housing fowl shall be a minimum of 10 feet from any property line and a minimum of 20 feet from any neighboring residence.
7. Waste, including feed, manure and litter, shall be composted or bagged and disposed of in the trash. Piling waste material on the property shall not be permitted.
8. These restrictions shall only apply to mature fowl.
9. The keeping of fowl of any kind is prohibited in any district unless otherwise permitted in this article.

#### **D. Compliance with Health Regulations**

The keeping of any livestock as provided for in this Section shall comply with all regulations and provisions of the County Health Department and the United States Department of Agriculture and the Right to Farm Act. [amended by ZOA #19-02, approved 10/28/19, adopted 11/11/19, effective 11/22/19]

#### **E. Non-application to Farms**

The provisions of Subsection A, B and C above shall not apply to a farm. [amended by ZOA #19-02, approved 10/28/19, adopted 11/11/19, effective 11/22/19]

### **4.30 WIRELESS COMMUNICATION FACILITIES**

#### **A. Purpose and Intent**

It is the general purpose and intent of the Township to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. However, it is the further purpose and intent of the Township to provide for such authorization in a manner which will retain the integrity of neighborhoods and the character, property values and aesthetic quality of the community at large. In fashioning and administering the provisions of this section, an attempt has been made to balance these potentially competing interests.

#### **B. Definitions**

All definitions relating to this Section are found in Article 3.

### **C. Permitted Uses and Uses Permitted After Special Land Use Approval**

1. Category A Proposal: In the following circumstances, a proposal to establish a new wireless communication facility shall be deemed a permitted use in any zoning district:
  - a. An existing structure which will serve as an Attached Wireless Communication Facility, where the existing structure is not, in the discretion of the Zoning Administrator or the Townships Planning Consultant, proposed to be either materially altered or materially changed in appearance.
  - b. A proposed colocation upon an Attached Wireless Communication Facility which had been pre-approved for such colocation as part of an earlier approval by the Township.
  - c. An existing structure which will serve as an Attached Wireless Communication Facility consisting of a utility pole located within a right-of-way, where the existing pole is not proposed to be modified in a manner which, in the discretion of the Zoning Administrator or the Townships Planning Consultant, would materially alter the structure and/or result in an impairment of sight lines or other safety interests.
2. Category B Proposal: Subject to the standards and requirements in this Section, wireless communications facilities not specified in Subsection 1, above, shall be a use permitted only after Special Land Use Approval only in the C-10 and R-5 zoning districts.
3. Category C Proposal: If it is demonstrated by an applicant that a wireless communication facility may not be reasonably established as a permitted use under Subsection 2, above and is required to be established outside of the C-10 and R-5 zoning districts in order to operate a wireless communication service, then wireless communication facilities may be permitted elsewhere in the community as a special land use.

### **D. Application Requirements for All Wireless Communications Facilities**

1. A full site plan prepared in accordance with Article 13 shall be submitted, showing the location, size, screening and design of all buildings and structures, including fences and the location and size of outdoor equipment and the location, number and species of proposed landscaping.
2. The site plan shall also include a detailed landscaping plan where the support structure is being placed at a location which is not otherwise developed, or where a developed area will be disturbed. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure. In all cases, there shall be shown on the plan fencing which is required for protection of the support structure and security from children and other persons who may otherwise access facilities.

3. The application shall include a signed certification by a State of Michigan licensed professional engineer with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities.
4. The application shall include a description of the financial security to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in Subsection 4.30.H below.
5. The application shall include a map showing existing and known proposed wireless communication facilities within the Township and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the Township in the location and in the area, which are relevant in terms of potential colocation or in demonstrating the need for the proposed facility.
6. The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.

## **E. General Regulations**

### **1. Standards and Conditions Applicable to All Facilities**

All applications for wireless communication facilities shall be reviewed in accordance with the following standards and conditions and, if approved, shall be constructed and maintained in accordance with such standards and conditions. In addition, if the facility is approved, it shall be constructed and maintained with any additional conditions imposed by the Planning Commission in its discretion:

- a. Facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.
- b. Facilities shall be located and designed to be harmonious with the surrounding areas.
- c. Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
- d. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs that might result in lower heights.
- e. The maximum height of the new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to collocate on the structure). The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective district.

- f. The setback of the support structure from any residential district shall be at least the height of the highest point of any structure on the premises. The setback of the support structure from any existing or proposed rights-of-way or other publicly traveled roads shall be no less than the height of the structure.
- g. Where the proposed new or modified support structure abuts a parcel of land zoned for a use other than residential, the minimum setback of the structure and accessory structures, shall be in accordance with the required setbacks for main or principal buildings as provided in the schedule of regulations for the zoning district in which the support structure is located.
- h. There shall be unobstructed access to the support structure, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and the type of equipment which will need to access the site.
- i. The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met on the newly created parcels.
- j. Where an attached wireless communication facility is proposed on the roof of a building, if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform with all district requirements for principal buildings, including yard setbacks.
- k. The Planning Commission shall, with respect to the color of the support structure and all accessory buildings, review and approve so as to minimize distraction, reduce visibility, maximize aesthetic appearance and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.
- l. The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission and Michigan Aeronautics Commission shall be noted.
- m. A maintenance plan and any applicable maintenance agreement shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be

designed to ensure the long term, continuous maintenance to a reasonably prudent standard.

## **2. Additional Standards and Conditions Applicable to Special Land Use Facilities (Category B and C Proposals)**

Applications for wireless communication facilities which may be approved as special land uses, shall be reviewed and if approved, constructed and maintained in accordance with the standards and conditions in Subsection 4.30.D and in accordance with the following standards.

- a. The applicant shall demonstrate the need for the proposed facility to be located as proposed based upon the presence of one or more of the following factors:
  - i. Proximity to an interstate or major thoroughfare.
  - ii. Areas of population concentration.
  - iii. Concentration of commercial, industrial and/or other business centers.
  - iv. Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.
  - v. Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
  - vi. Other specifically identified reason(s) creating facility need.
- b. The proposal shall be reviewed in conformity with the colocation requirements of this Section.
- c. For Category C proposals, at the time of the submittal, the applicant shall demonstrate that a location within the C-10 and R-5 zoning district cannot reasonably meet the coverage and/or capacity needs of the applicant.
- d. Category C proposals shall be permitted only on the following sites (not stated in any order of priority):
  - i. Municipally owned site.
  - ii. Other governmentally owned site.
  - iii. Religious or other institutional site.
  - iv. Public park and other large permanent open space areas when compatible.
  - v. Public or private school site.
  - vi. Other locations if none of the above are available.



## **F. Colocation**

### **1. Statement of Policy**

It is the policy of the Township to minimize the overall number of newly established locations for wireless communication facilities and Wireless Communication Support Structures within the community and encourage the use of existing structures for Attached Wireless Communication Facility purposes.

### **2. Feasibility of Colocation**

- a. Colocation shall be deemed to be "feasible" for purposes of this section where all of the following are met:
- b. The wireless communication provider entity under consideration for colocation will undertake to pay market rent or other market compensation for colocation.
- c. The site on which colocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
- d. The colocation being considered is technologically reasonable, e.g., the colocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas and the like.
- e. The height of the structure necessary for colocation will not be increased beyond a point deemed to be permissible by the Township, taking into consideration the several standards contained in Subsections 4.30.E and 4.30.F.2 of this Section, above.

### **3. Requirements for Colocation.**

- a. A special land use permit for the construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that a feasible colocation is not available for the coverage area and capacity needs.
- b. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate colocation.
- c. The policy of the community is for colocation. Thus, if a party who owns or otherwise controls a wireless communication facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible colocation, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use and shall not be altered, expanded or extended in any respect.
- d. If a party who owns or otherwise controls a wireless communication facility shall fail or refuse to permit a feasible colocation and this requires the construction and/or

use of a new facility, the party failing or refusing to permit a feasible collocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the Township and, consequently such party shall take responsibility for the violation and shall be prohibited from receiving approval for a new wireless communication support structure within the Township for a period of five (5) years from the date of the failure or refusal to permit the collocation. Such a party may seek and obtain a variance from the Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five (5) year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.

#### **4. Offer of Colocation Required.**

An application for a new wireless communication support structure shall include a letter from the applicant to all potential users offering an opportunity for collocation. The list of potential users shall be provided by the Township based on those entities who have requested approval of a wireless communication facility, current Federal Communications Commission license holders and other entities requesting to be on the list. If, during a period of thirty (30) days after the notice letters are sent to potential users, a user requests, in writing, to collocate on the new support structure, the applicant shall accommodate the request(s), unless collocation is not feasible based on the criteria of this Section.

#### **G. Effect of Approval.**

1. Subject to subparagraph 2 below, final approval for a wireless communication support structure shall be effective for a period of six (6) months.
2. If construction of a wireless communication support structure is commenced within two (2) miles of the land upon which a facility has been approved, but upon which construction has not been commenced during the six (6) month period of effectiveness, the approval for the support structure that has not been commenced shall be void thirty (30) days following written notice from the Township of the commencement of the other support structure. Such voiding shall apply when the applicant granted approval of the support structure which has not been commenced demonstrates that it would not be feasible to collocate on the support structure that has been newly commenced.

#### **H. Removal**

1. A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:
  - a. When the facility has not been used for one hundred eighty (180) days or more. For purposes of this section, the removal of antennas or other

equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use.

- b. Six (6) months after new technology is available at reasonable cost, as determined by the Township Board, which permits the operation of the communication system without the requirement of the support structure.
2. The situations in which removal of a facility is required, as set forth in Subsection a above, may be applied and limited to portions of a facility.
  3. Upon the occurrence of one or more of the events requiring removal, specified in Subsection a above, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Zoning Administrator or the Townships Planning Consultant.
  4. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected and/or enforced from or under the security posted at the time application was made for establishing the facility.

#### **4.31 SHARED FRONTAGE ROADS**

**A. Applicability and Intent.** For any non-single-family use located along US 31, the Township may require establishment of a shared frontage roadway. Such roadway, located parallel and adjacent to the US 31 right of way, is intended to provide a secondary means of vehicular access between adjacent properties, to reduce traffic conflicts and congestion and to enhance access to businesses and services.

#### **B. Design Standards**

1. A shared frontage road shall be located within an access easement permitting traffic circulation between properties recorded with the Grand Traverse County Register of Deeds. A draft of the access easement shall be provided to the Township for review prior to filing.
2. The access easement shall be sixty-six (66) feet wide. The Planning Commission may approve an easement as narrow as forty (40) feet where conditions dictate.
3. The access drive pavement shall be located a minimum of thirty (30) feet from the US 31 right-of-way.
4. The access drive shall be an improved surface no less than twenty-four (24) feet wide and no more than thirty-five (35) feet wide.

5. Each property owner shall be responsible for the maintenance of the access drive and its easement so it remains usable as a means of getting from one property to another.

C. **Exceptions.** The Planning Commission may allow recording of an access easement as provided for in this Section without construction or development of a shared frontage road subject to the following:

1. The Planning Commission determines that adjacent properties are undeveloped, in single-family residential use, or otherwise in very limited use.
2. The property owner agrees to participate in the development and maintenance of the shared frontage road in the future at such time that adjacent properties are developed or redeveloped and the shared frontage road is deemed necessary by the Planning Commission. A statement to this effect shall be included in the easement recorded with the Grand Traverse County Register of Deeds.

**4.32 SPECIAL EVENTS** [amended by ZA #14-01, adopted 4/9/15, effective 2/20/15; amended by ZA #20-002, adopted 7/27/20, effective 8/22/20]

A. **Special events** including, but not limited to, roadside seasonal produce stands, lot sales of Christmas trees, flea markets or swap meets, art fairs, rodeos, circuses, auto shows, outdoor sales as part of an existing retail business or grand opening, or public parades or other public ceremony or non-profit events, may be allowed upon approval of the Planning Commission.

**B. Definitions**

1. Special Event For purposes of this Section, a special event is a short-term (30 days or less occurrence such as a parade, tent sale, civic event, outdoor seasonal tree sales, farmer's markets and flea markets, produce stands and seasonal fireworks sales.

**C. Application Procedure**

Applicants for a special event shall make application through the Zoning Administrator. An application shall include a Basic Site Plan as described under Section 13.6 and any associated fees as required by the Township Board. The request shall be considered at the next available Planning Commission meeting.

**D. Standards and Requirements.**

1. All applicants for special events shall demonstrate that there is adequate off-street turn around, circulation and parking areas.
2. Adequate waste disposal, sanitary facilities or water supply (if necessary) shall be provided on the site.

3. Special Events: Any single place of business may be issued a maximum of three special event permits per calendar year. No single place of business shall have special events totaling more than 90 days per calendar year. No single event shall exceed 30 consecutive days.
4. A produce stand or Christmas tree lot sales or other similar event, shall not operate in excess of two cumulative months in any calendar year; with the following exceptions:
  - a. A farmer’s market located within the Commercial zoning district; such farmer’s market shall not operate in excess of six months during any calendar year.
  - b. The Township Planning Commission may extend the time period for a produce stand beyond two months based on the growing season of the produce sold.
  - c. Special Events uses may include a temporary building or structure to be immediately removed after the use is terminated.
  - d. Any special event may only have outdoor lighting or speakers if detailed on the site plan and specifically approved by the Township Planning Commission. Any such lighting or speakers shall be designed to have minimal impact on neighboring uses and be necessary to the operation of the use or event.
  - e. Special events may have a sign or banner in conformance with the requirements of Section 6.
  - f. At the Township Planning Commission’s request, any special event shall be required to post a performance guarantee as defined under this Ordinance to ensure proper cleanup of the site, removal of buildings or structures, or compliance with other condition of approval.
  - g. Any special event shall be required to submit proof of liability insurance, approvals by other agencies such as the Health Department, operator’s license, proof of non- profit status, or other documentation.

**4.33 SMALL WIND ENERGY SYSTEMS** [amended by ZA #08-02, adopted 10/13/08, effective 10/28/08]

- 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. **Permit Requirements:** A land use permit request filed under Section 18.1 for a Small

Wind Energy System shall include a Basic Site Plan as required under Article 13 for accessory structures and additional supporting information with the following information at a minimum:

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 drawings;
  6. Tower blueprint or drawing; and
  7. Any other information necessary to demonstrate compliance with the standards and requirements of this Section.
- D. **Height:** For parcels of less than 2 acres in area, the Small Wind Energy System height as defined in Article 3 shall be limited to 35 feet. For parcels with land area greater than 2 acres and located in the C-10, R-5, or M districts, the tower height shall be limited to 60 feet.
- E. **Location and Setbacks:** The tower shall be set back from all adjoining property lines and rights-of-way (public or private), the greater of the setback requirements of the zoning district or the combined height of the tower and the turbine blade in its vertical position. No part of the Small Wind Energy System, including guy wire anchors, may extend into any required yard. A Small Wind Energy System shall not be located in any required or non-required front yard area.
- F. **Noise:** The Small Wind Energy System shall not exceed 50 dB at the property line; the system's manufacturer shall guarantee that the noise emissions shall not exceed this limit.
- G. **Approval Required:** Small Wind Energy System shall bear an approval certificate from a certification program recognized by the American Wind Energy Association. The applicant shall demonstrate that all components of the proposed wind turbine meets all applicable safety standards and is UL certified.
- H. **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.
- I. **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.

- J. **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 of E., above and the total of all turbines on the site does not exceed 30 kilowatts (kW).
- K. **Lighting:** A Small Wind Energy System shall be not be artificially lighted unless such lighting is required by the Federal Aviation Administration.
- L. **Anemometer.** Any anemometer shall be removed within one year of installation. The Township may require a financial guarantee to ensure removal.

**4.34 SPECIFIC REQUIREMENTS AND STANDARDS** [amended by ZOA #19-02, approved 10/28/19, adopted 11/11/19, effective 11/22/19]

Every application shall be evaluated to ensure that the special use meets the following specific requirements and standards [amended by ZOA 20-001, approved 1/27/2020, adopted 2/10/2020, effective 2/23/2020]

**A. Accessory Dwelling Unit** [amended by ZOA 19-01, approved 10/28/2019, adopted 1/13/2020, effective 1/23/2020]

1. An accessory dwelling unit shall be accessory to a detached single-family residential unit or as a part of a building with a permitted commercial use in the Village Commercial district and shall not be accessory to any multiple family or duplex unit.
2. An accessory dwelling unit shall not be sold separately from the primary unit.
3. The property owner must occupy either the primary residence or the accessory dwelling. In the case of a commercial accessory dwelling unit, the owner / operator of the business shall occupy the accessory dwelling unit.
4. No more than one accessory dwelling shall be permitted in conjunction with any single-family dwelling or commercial use.
5. The accessory dwelling unit to a detached single-family residential unit may be attached to or within the primary dwelling or incorporated into a garage. An accessory dwelling may not be detached from the primary dwelling unless incorporated into a detached garage. In the case of a commercial accessory dwelling unit, the accessory dwelling unit shall be attached to or within the commercial building or incorporated into an attached garage.
6. The accessory dwelling unit may not exceed seven hundred and fifty (750) square feet in area.
7. There shall be a minimum of one (1) and a maximum of two (2) designated off-street parking spaces for the accessory dwelling unit.

**B. Agricultural/Land Preservation Uses in the Rural Residential (R-5) and Conservation (C-10) District**

1. No such use shall be located within three hundred (300) feet of a residential district.
2. Such use shall be located on a minimum five (5) acre parcel.
3. On-site parking and maneuvering space shall be provided for the use
4. No parking area shall be located within fifty (50) feet of a road right of way.
5. All parking areas shall have landscaping installed around the perimeter of the parking area so as to minimize the view of the parking area from the road.
6. All external mechanical equipment shall be screened from view and appropriate noise attenuation measures shall be put in place to protect the residential amenity of adjacent residential properties.

### **C. Auction Center**

1. There shall be no outdoor storage of goods, wares, merchandise, substances, articles or things except as permitted by 2 below.
2. Outdoor storage of goods, wares, merchandise, substances, articles or things shall be permitted on the day of an auction sale if permitted by the special use permit and provided that only those goods, wares, merchandise, substances, articles or things intended for sale by auction are stored or displayed.
3. No land shall be used for auction center purposes until or unless a building intended for auction center purposes has been established on the lot.
4. The provisions of this section shall not apply to temporary one day auctions on any parcel provided that such auctions are conducted not more than once per year on such parcel.

### **D. Automotive Uses** (including automobile sales and rental establishments, automobile services stations, automotive fueling station and automotive washing facility) [amended by ZA #10-01, adopted 5/12/14, effective 5/31/14]

1. Automotive repair shall be conducted within an enclosed building.
2. Any automotive washing facility shall not discharge untreated water onto the ground. A water recycling system or other means of containing and treating used water shall be employed.
3. Any automotive washing facility shall be located a minimum of fifty (50) feet from a property line. If adjacent to a residential zoning district, a landscaped buffer shall be planted to provide an effective screen. A detailed planting plan shall be provided by the owner and approved by the Planning Commission. At the discretion of the Planning Commission, a fence may also be required, or may be substituted for the required landscaping, where landscaping alone will be insufficient to mitigate the impacts of the proposed washing facility.



4. Convenience commercial use accessory to an automobile service station shall be limited to two thousand (2,000) square feet unless specifically approved otherwise by the Planning Commission. Automobile sales establishments shall provide sufficient off-street parking to accommodate patrons. Such parking areas shall not be used for the display and sale of automobiles.
5. Display areas for the sale of automobiles shall not be located closer than sixty (60) feet to any public street.
6. Any glare from site lighting shall not extend past the property line or otherwise interfere with the normal use and enjoyment of adjacent uses.
7. Permitted hours for site lighting may be determined by the Planning Commission.

**E. Bed and Breakfast** [amended by ZOA 22-001 approved 2/28/22, adopted 3/14/22, effective 3/27/22]

Location on a paved or black top surface county road, state trunk-line, or county primary road shall be required.

1. The minimum lot size shall be one (1) acre.
2. The premise shall have no exterior evidence, other than a sign, indicating its use as a bed and breakfast operation.
3. The dwelling shall be owner-occupied at all times.
4. Parking shall be provided in accordance with Article 5.
5. Not more than three (3) sleeping rooms in the dwelling shall be used for rental accommodation.
6. Not more than eight (8) overnight guests shall be accommodated at any time.
7. The length of stay for each guest shall not exceed seven (7) days within any thirty (30) day period.
8. The owner shall provide written proof that the well and septic systems have been evaluated by the County Health Department and have been found to conform to the standards of the Health Department for operation as a bed and breakfast establishment.
9. Rental of snowmobiles, ATVs, motorized boats, or similar vehicles, in conjunction with the operation of the establishment, shall be prohibited unless authorized by the Planning Commission as a special land use.

**F. Boat and Recreational Vehicle Sales**

1. Outdoor storage and display shall not be located within any required setback or buffer area unless storage products are fully screened by a fence. Such areas shall be delineated on the approved site plan and shall comply with the storage standards of this Section. Outdoor storage shall be limited to boat and other vehicles. Any boats or vehicles stored or displayed outdoors shall be in good repair and shall not constitute a visual nuisance.
2. No boat or vehicle repair or service shall be conducted outside of a fully enclosed building.
3. Any automotive washing facility shall not discharge untreated water onto the ground. A water recycling system or other means of containing and treating used water shall be employed.
4. Any potentially hazardous materials shall be properly stored and disposed of in accordance with applicable state and federal regulations.

**G. Bungalows** [amended by ZA #10-01, adopted 5/12/14, effective 5/31/14]

1. Bungalow courts shall be an allowed special use in the VR, VC and C districts. Bungalow courts shall include free-standing buildings centered on a pedestrian courtyard and accessed from the rear by an alley entrance.
2. The Planning Commission may allow bungalow courts to include retail businesses and offices.
3. Bungalows in any district shall have a minimum 400 square foot building footprint.
4. Minimum setbacks for the zoning district shall apply to individual bungalows. Bungalow courts shall include minimum internal building spacings of 10 feet and shall observe district setbacks from all property lines.

**H. Campground**

1. The location of a campground shall front or have access to a public road, constructed to County Road Commission standards, or the developer shall agree to upgrade an existing private road to a public road, constructed to County Road Commission standards.
2. The campground shall conform to all applicable regulations of any rules promulgated by the Michigan Department of Health under authority of the Michigan Health Code.
3. Each individual campsite shall not be less than two thousand (2,000) square feet in area.

4. Campsites may only be rented on a daily, weekly or monthly basis and not on a permanent basis.
5. Management offices and storage facilities, recreation facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to the operation of a campground are permitted as accessory uses provided:
  - a. Such facilities and the parking area primarily related to their operations shall not occupy more than ten percent (10%) of the campground;
  - b. Such facilities shall be restricted to use only by occupants of the campground and their guests and management; and
  - c. Such facilities shall present no visible evidence of their commercial character that would attract customers other than occupants of the campground and their guests.
6. No individual campsite shall be located within one hundred (100) feet of the right-of-way line of any street. This setback distance may be reduced by the Planning Commission if occupied by plant material and/or a berm but, in no case, shall the setback be less than forty (40) feet. The forty (40) foot setback shall only be permitted where the screening is an opaque fence or berm sufficient to provide full screening of the campground from adjacent roads and properties. In all cases, plant materials shall be of sufficient size when installed to assure immediate and effective screening of the campground from adjacent roads and properties. The plans and specifications for a campground shall include the proposed specifications and arrangement of such plantings.
7. Impervious surface area shall be limited to the extent possible.
8. Existing vegetation shall be maintained to the extent possible.
9. In the Commercial district, this use shall be located on a minimum five (5) acre parcel.

**I. 1. Contractor Shop**

- a. Use shall be located on a minimum of one (1) acre parcel.
- b. Any outdoor storage of equipment or materials must be specifically approved by the Planning Commission and must be full screened from any roadway and from any adjacent residential use.

**2. Contractor Yard**

- a. Use shall be located on a minimum of two (2) acre parcel.
- b. Any outdoor storage of equipment or materials must be specifically approved by the Planning Commission and must be full screened from any roadway and from any adjacent residential use.

## **J. Dormitories**

1. Dormitories shall only be permitted as an accessory use to a school

## **K. Drive-Through Facilities**

1. Any use having a drive-through facility shall comply with the following:
2. No drive-through lane or stacking area shall be located within ten (10) feet of a property line.
3. Where a drive-through lane or stacking area is adjacent to a residential zoning district, a landscaped buffer shall be planted to screen the residential use from noise and headlight glare associated with the use. A detailed planting plan shall be provided by the owner and approved by the Planning Commission. At the discretion of the Planning Commission, a fence may also be required, or may be substituted for the required landscaping, where landscaping alone will be insufficient to mitigate the impacts of the proposed drive-through facility.
4. Drive-through lanes and stacking areas shall be defined by landscaped islands and/or curbing, as determined by the Planning Commission.
5. Sufficient stacking space shall be provided to service the proposed use without interfering with parking areas or driveway access.
6. Outdoor speakers shall not interfere with the normal use and enjoyment of adjacent properties.

## **L. Dwellings**

1. In considering applications for residential dwellings requiring special use approval, the Planning Commission shall consider the following factors:
  - a) Proximity to existing low-density residential development;
  - b) Compatibility with the existing built form of the neighboring properties;
  - c) Need for buffering between the proposed residential development and existing development on adjacent parcels; and
  - d) The ability of the site to accommodate necessary amenities and on-site parking.

## **M. Emergency Services in the C District**

1. The use shall have direct access to a county road or state trunk-line.

**O. Place of Entertainment**

1. Any place of entertainment use shall be subject to the detailed site plan requirements of Article 12.
2. Places of entertainment shall be located a minimum of three hundred (300) feet from any residential district. Provisions shall be incorporated into the site design to ensure that adjacent residential land uses are not negatively impacted by the proposed use.
3. Site plan review shall include a review to ensure that all noise shall be contained within the property limits and not interfere with the normal use and enjoyment of adjacent properties.

**P. Equipment Rental Establishments**

1. Any associated outdoor storage or display areas shall conform to the storage standards of this Section. Further, any outdoor storage or display shall be located outside of any required setback or buffer area and shall be located only where specifically approved and delineated on a site plan.

**Q. Farm Product Warehousing and Storage**

1. No outdoor storage shall be permitted in association with this use.
2. Unless specifically approved by the Planning Commission, no processing shall be permitted in association with this use.

**R. Finance, Insurance and Real Estate Services, Health Services, Offices, Personal Services and Business Services in the Village Commercial (VC) District**

- a. Finance, Insurance and Real Estate Services, Health Services, Offices, Personal Services and Business Services within the Village Commercial District shall be limited to office use only. Such offices shall not exceed five thousand (5,000) gross square feet.

**S. Financial Institution**

Drive-through standards above shall apply.

**T. Food Truck** [amended by ZOA 20-004 approved 9/28/2020, adopted 10/12/20, effective 10/24/20]

To be use permitted by right for parcels in the commercial district immediately adjacent to 137 as well as parcels in the village commercial district immediately adjacent to 137 from the four corners to Riley Road as well as in the Institutional district.

No food truck shall engage in mobile food vending without a permit from the Zoning Administrator authorizing such food sales. The Zoning Administrator shall prescribe the form of such permits and application for such permit. All permits shall be prominently displayed on the mobile food truck. No vending through a mobile food truck of food and/or other human consumables shall be permitted unless it meets the definition of a mobile food truck as defined by this ordinance.

1. Duration; non-transferability.

Permits may be issued by the Zoning Administrator for a calendar year from the date of issuance. Any permit issued under this chapter is non-transferable.

2. Application.

Every food truck desiring to engage in mobile food sales shall make a written application to the Zoning Administrator for a permit under this chapter. The applicant shall truthfully state, in full, all information requested by the Zoning Administrator and be accompanied by the appropriate fee. Additionally, the applicant shall provide all documentation, such as insurance, as required by the Township. Food Truck Courts require Detailed Site Plan Approval.

3. Fees.

An application for a permit under this chapter shall be accompanied by a fee in the amount established by resolution of the Board of Trustees. There shall be no proration of fees. Fees are non-refundable.

4. Investigation by the Zoning Administrator.

No mobile food truck will be permitted within residential zoning districts.

5. Requirements.

Any vendor engaging in mobile food truck sales shall comply with the following requirements:

- a. Provide appropriate waste receptacles at the site of the unit and remove all litter, debris and other waste attributable to the vendor on a daily basis.
- b. Not use any flashing or blinking lights or strobe lights; all exterior lights over 60 watts shall contain opaque, hood shields to direct the illumination downward.
- c. Not use loud music, amplification devices or "crying out" or any other audible methods to gain attention.
- d. Comply with the Township's Noise Ordinance, Sign Ordinance and all other Township ordinances.
- e. Comply with all applicable federal, state and county regulations.
- f. Shall be located on a paved or gravel surface, not lawn, yard or grass.
- g. Shall provide handwashing / sanitizing stations.

- h. Shall provide restroom facilities or alternative arrangements. If such facility is a portable unit, that unit will be cleaned and emptied at least one (1) time per week.
- i. May have one portable sign that is six square feet, with no dimension greater than two feet by three feet, located within five feet of the unit; and under no circumstances shall such sign be placed upon the sidewalk or impede pedestrian and/or vehicle safety.
- j. A mobile food truck may only operate between the hours of 7:00 a.m. and 10:00 p.m. Other restrictions regarding hours of operation may be established by resolution of the Board of Trustees.
- k. Not represent the granting of a permit under this chapter as an endorsement by the Township.
- l. Shall not utilize any electricity or power without the prior written authorization of the power customer; no power cable or similar device shall be extended at or across any street, alley, or sidewalk.
- 6. Impoundment.  
Any equipment associated with food vending that are not in compliance with this chapter and left on public property may be impounded at the owner's expense.
- 7. Other permits.  
A permit obtained under this chapter shall not relieve any vendor of the responsibility for obtaining any other permit, or authorization required by any other ordinance, statute or administrative rule.
- 8. Revocation.  
The Zoning Administrator may revoke the permit of any vendor engaged in mobile food vending who ceases to meet any requirement of this chapter or violates any other federal, state or local regulation, makes a false statement on their application, or conducts activity in a manner that is adverse to the protection of the public health, safety and welfare.
- 9. Immediately upon such revocation, the Zoning Administrator shall provide written notice to the permit holder by certified mail to their place of business or residence as indicated on the application. Immediately upon such revocation, the permit shall become null and void.

**Single Food Truck to be permitted with Land Use Permit and site plan.**

Application to include

- 1. The location with written and signed permission from property owner
- 2. Verification of compliance with the Zoning Ordinance (including any proposed signage)
- 3. Insurance naming Green Lake Township as additionally insured
- 4. Food license
- 5. All state requirements
- 6. A site plan showing placement of unit, parking and all safety measures (Detailed site plan to Planning Commission for Food Truck Court)

**U. Fruit and Vegetable Market**

1. Outdoor storage and display shall be permitted only as specifically approved by the Planning Commission and as delineated on the approved site plan.
2. Parking areas shall not be located in the required front setback area.
3. Advertising or display for third party or auxiliary services and products shall not be permitted unless specifically approved by the Planning Commission.

**V. Furniture and Appliance Store**

1. Any outdoor display areas shall not be permitted in association with this use except as permitted below.
2. Outdoor sales and display in association with this use may be permitted as a temporary special event with approval from the Township Board.

**W. Golf Courses**

1. Location on a paved or black top surface county road, state trunk-line, or county primary road shall be required.
2. A turf management plan, detailing fertilizer and pesticide use, including amounts and types, frequency of application and impact on ground water, shall be provided.
3. Normal accessory uses, including but not necessarily limited to, driving ranges, pro shops and restaurants, may be approved by the Planning Commission.

**X. Kennels and Veterinary Hospitals/Clinics** (Kennels, small Removed [amended by ZOA 20-003 approved 8/24/2020, adopted 9/14/2020, effective 9/26/2020])

1. All kennels shall provide indoor containment areas within which all animals shall be kept overnight.
2. Specific hours for outdoor containment shall be set by the Planning Commission.
3. Noise mitigation measures shall be taken to limit off-site noise impacts.
4. Landscaping and fencing around the perimeter of the kennel area shall be provided to the satisfaction of the Planning Commission.

**Y. Landscaping/Snow Plowing Contractor** [amended by ZA #07-02, adopted 4/14/08, effective 5/25/08]

1. Such use shall be located on a parcel of land no less than five (5) acres in area.
2. No more than five vehicles shall be stored on site in association with this use. Such vehicles shall be licensed and in good repair and shall be located in an area as approved by the Planning Commission.



3. Materials associated with this use may be stored or stockpiled on site if such areas are not visible from adjoining property or the road right of way and located in the rear yard area.

#### **Z. Library in the Low / Moderate Density Residential R-1 District**

1. Any library shall be subject to the detailed site plan requirements of Article 13.
2. A landscaped buffer shall be provided where any library site abuts a property used for residential purposes. Such landscaped buffer shall be a minimum of twenty (20) feet in width. Such buffer shall also be planted such that a minimum of fifty percent (50%) of the buffer is covered with planted material other than grass, rock, stone, wood chips, or other similar groundcover material.

#### **AA. Lumber Yard and Building Supply Establishment**

1. Any associated outdoor storage or display areas shall conform to the storage standards of this Section. Further, any outdoor storage or display shall be located outside of any required setback or buffer area and shall be located only where specifically approved and delineated on a site plan.
2. Equipment rental associated with this use may be permitted provided that such equipment is stored in an enclosed building or, if stored outside, complies with 1. above.
3. An open-air garden sales and supply component may be included in the use provided that the sales and display area is completely enclosed with fencing that is a combination of decorative materials such as wrought iron and masonry, not including cyclone fencing.

Merchandise Service Shop Removed [amended by ZOA 20-003 approved 8/24/2020, adopted 9/14/2020, effective 9/26/2020]

#### **BB. Manufactured Housing Community**

1. Controlling Standards. The regulations established by Michigan Public Act 96 of 1987, as amended, the Michigan Manufactured Housing Commission Rules and the Green Lake Township Zoning Ordinance shall govern all manufactured housing communities in the Township. The controlling standards in this Section are not designed to generally exclude mobile homes or persons who engage in any aspect pertaining to the business of mobile homes and mobile home parks.
2. Site Plan Review: Pursuant to Section 11 of PA 96 of 1987, as amended, a preliminary plan shall be submitted to the Township for review by the Planning Commission. The preliminary plan shall include the location, layout, general design and general description of the project. The preliminary plan shall not include detailed construction plans but shall include the following materials:

- a. The applicant's name, address and telephone number and the property owners name, address and telephone number, if different than that of the applicant.
  - b. Notation of all federal, state and local permits required.
  - c. The location of the project including the permanent parcel number(s) of the property upon which the project is proposed to be located.
  - d. The layout of the project including an illustration of the internal roadway system proposed and typical homesite layout.
  - e. The general design of the proposed project including the proposed location and design of signs, trash receptacles, light fixtures and any accessory structures, open lands and recreation areas and accessory uses.
  - f. The location, spacing, type and size of proposed plant materials.
  - g. A general description of the proposed project including the number of homesites proposed and the anticipated phasing of project development.
3. Preliminary Plan Process: In preparing a preliminary plan and when reviewing such a plan, the following procedures and requirements shall apply, except where these procedures and requirements are superseded by the requirements in PA 96 of 1987, as amended, or the Manufactured Housing Commission Rules.
  4. Application: Any person(s) requesting action or review under the provisions of this Section shall file an application on the forms provided by the Township.
  5. Pre-application Conference: An applicant may meet with Township staff to review an application prior to filing. This pre-application conference is intended to assist the applicant and facilitate the future review and approval of the application. However, no suggestions, recommendations, or other comments made by Township officials, staff or consultants at such conference shall be relied on by the applicant as any indication of approval of an application or any portions thereof.
  6. Process and Review: Completed applications accepted by the Township shall be submitted to the appropriate Township staff for written review and recommendation. The application, along with all recommendations, shall be submitted to the Planning Commission. The staff and consultants may advise and assist the applicant in meeting the requirements of this Section but shall have no power to approve or deny any application, or in any way restrict an applicant's right to seek formal approval thereof. A complete application must meet the requirements of this Section.
  7. Planning Commission Action: The Planning Commission shall review all applications at a public meeting. Following the review of the application and consideration of public comments and all recommendations of the staff and consultants and pursuant to Section 11 of PA 96 of 1987, as amended, the Planning Commission shall take action on the preliminary plan within sixty (60) days after

the Township officially receives a completed application with a complete plan. All applications which the Planning Commission is charged with authority to approve under the provisions of this Ordinance, shall be approved, denied, or approved subject to conditions. The Planning Commission may table an application for further study or to obtain additional information, provided that final action on such application is taken within the sixty (60) day review period. Provided, further, that the Planning Commission may extend its consideration of an application beyond said sixty (60) day limitation, at the request of the applicant, or at the decision of the Planning Commission if they provide the reasons for the extension in writing to the applicant.

8. Fees and Deposits: All applications submitted to the Township for review and approval shall be accompanied by a filing fee to cover the cost of processing and reviewing the application. The fee shall be established by resolution of the Township Board, in accordance with Section 406 of the Michigan Zoning Enabling Act.
9. Disclosure of Interest: The full name, address, telephone number and signature of the applicant shall be provided on the application. The applicant must be the fee owner, have identified legal interest in the property, or be an authorized agent of the fee owner. A change in ownership after the application is filed shall be disclosed prior to the public hearing or the final decision on the application. One of the following applicable disclosures shall be required:
  - a. When Applicant is not Fee Owner: If the applicant is not the fee owner, the application must indicate the applicant's interest in the property and the name, address and telephone number of the fee owner(s). An affidavit of the fee owner(s) shall be filed with the application stating that the applicant has authority from the owner to make the application.
  - b. When Applicant is a Corporation or Partnership: When the applicant is a corporation, partnership, limited liability company, or other legal entity and if the applicant or fee owner is an entity other than a sole proprietorship, the following information must be provided:
    - i. The name, address and telephone numbers of all corporate officers and the resident agent of the corporation.
    - ii. The name, address and telephone numbers of all limited liability company members and managers.
    - iii. The name, address and telephone numbers of all partners of any type of the partnership.
    - iv. As to all other legal entities, besides a sole proprietorship, the name, address and telephone numbers of individuals having legal control and authority to make decisions for a legal entity.

- c. When Applicant or Owner is a Land Trust: If the applicant or fee owner is a trust or trustee thereof, the name, address, telephone number and extent of interest of the trustees, co-trustees or successor trustees must be provided.

10. Records: The Township shall keep accurate records of all decisions on all applications submitted.

11. Operation Requirements.

- a. Permit: It shall be unlawful for any person(s) to operate a manufactured housing community unless that individual obtains a license for such operation in compliance with the requirements of Michigan Public Act No.96 of 1987, as amended. The Township shall communicate its recommendations regarding the issuance of such a license to the Director of the Michigan Department of Consumer and Industry Services, Corporation and Land Development Bureau, Manufactured Housing and Land Development Division, or any successor thereto. The applicant shall provide the Township with a copy of its application for a license to operate a Manufactured Housing Community in the Township and the operator of the Manufactured Housing Community shall provide the Township with copies of licenses issued by the Manufactured Housing Commission pertaining to facilities within the Township.
- b. Violations: If and when, upon inspection of any manufactured housing community, the Township finds that there are existing conditions or practices which violate provisions of this Ordinance or other regulations referenced herein, it shall give notice in writing by certified mail to the Director of the Michigan Manufactured Housing Commission, including the specific nature of the alleged violations and a description of possible remedial action necessary to effect compliance with the ordinance or other regulations. The notification shall include such other information as is appropriate in order to fully describe the violations and potential hazards to the public health, safety and welfare resulting from the violation. A copy of such notification shall be sent by certified mail to the last known address of the owner of the manufactured housing community or his or her agent.
- c. Inspections: The County Building Inspector or another authorized Township agent is granted the authority, as specified in PA 96 of 1987, as amended, to enter upon the premises of any manufactured housing community for the purpose of determining compliance with the provisions of this Ordinance or other regulations referenced herein.
- d. Operation: A manufactured housing community shall not be operated until a license has been issued by the State of Michigan. Buildings which are constructed on-site shall require a Building Permit prior to construction and a Certificate of Occupancy prior to use, as applicable under the ordinances of the Township.

12. Development Standards: Manufactured housing communities shall be subject to all the rules and requirements as established and regulated by PA 96 of 1987, as amended and the Manufactured Housing Commission rules and shall satisfy the following minimum requirements:

- a. **Minimum Parcel Area:** Each manufactured housing community shall be not less than fifteen (15) acres in area and shall be owned and operated as one (1) “person” as defined in PA 96 of 1987, as amended.
- b. **Minimum Homesite Area:** The manufactured housing community shall be developed with homesites averaging fifty-five hundred (5,500) square feet per manufactured home unit. This five thousand-five hundred (5,500) square feet for any one site may be reduced by up to twenty percent (20%) provided that the individual site shall be equal to at least forty-four hundred (4,400) square feet. For each square foot of land gained through the reduction of a site below fifty-five hundred (5,500) square feet, at least an equal amount of land shall be dedicated and maintained as open space for the use and benefit of the manufactured community. This open space shall be in addition to that required under R125.1946, Rule 946 and R125.1941 and R125.1944, Rules 941 and 944 of the Michigan Administrative Code and set out in subsection 9414.5n of this Article.
- c. **Home Placement:** It is the intent of this Section to encourage placement of homes parallel to perimeter roadways whenever possible, to maintain consistency of standards and aesthetic quality with other residential districts and adjacent land uses in the Township.
- d. **Obstructing Roads and Walks.** It shall be unlawful to permanently or temporarily locate or park a manufactured home so that any part of such home will obstruct any roadway or walkway within a manufactured housing community
- e. **Occupancy Prior to Siting.** It shall be unlawful to occupy a manufactured home or for any manufactured home to be occupied in a manufactured housing community unless the manufactured home is situated on a home site.
- f. **Building Permit Required.** A building permit shall be issued before a manufactured home may be placed on a homesite in a manufactured housing community.
- g. **Minimum Living Area:** A manufactured home in any manufactured housing community shall contain not less than seven hundred (700) square feet of living area as measured by its outside dimensions.
- h. **Maximum Building Height:** The maximum height of a building shall not exceed the lesser of two (2) stories or thirty-five feet. The height of storage sheds shall not exceed the lesser of fifteen (15) feet or the height of the manufactured home they are intended to serve.
- i. **Accessory and Site-built Structures:** Accessory and site-built structures constructed for use as management offices, public works facilities, storm shelters, storage buildings, laundry facilities, recreation or community centers and other similar facilities shall be designed and operated for use by residents of the manufactured housing community only. Site-built structures within a manufactured housing community shall be constructed in compliance with the building codes and shall require all applicable permits.

- j. Canopies and Awnings: Canopies and awning may be attached to any manufactured home and may be enclosed for use as a sunroom or recreation room. Canopies and awnings shall comply with the setback and distance requirements set forth in this Section and shall require a building permit.
- k. Storage Sheds: One (1) storage shed may be permitted for each homesite. Each storage shed shall comply with all Township regulations and requirements, provided, however, the distance and setback standards of Rule 941 and 944 of the Michigan Administrative Code shall apply.
- l. Recreation Vehicle Storage Common areas for the storage of boats, motorcycles, recreation vehicles and similar equipment may be provided by the owner of the manufactured housing community but shall be limited to use by residents of the manufactured housing community only. If proposed, the location of such storage areas shall be shown on the preliminary site plan. No part of any such storage area shall be located in any required yard on the perimeter of the manufactured housing community. Such storage area shall be screened from view from adjacent residential properties and roadways with an opaque wooden fence or a masonry wall measuring six (6) feet in height above average grade, or a landscaped greenbelt. The landscaped greenbelt, if used, shall consist of closely spaced evergreen plantings, no less than fifteen (15) feet apart and shall provide a complete visual barrier at least six (6) feet in height above the average grade within two (2) years of planting.
- m. Landscaping: The following minimum landscaping standards shall be met:
  - i. Perimeter: Perimeter screening shall be provided for any manufactured housing community that abuts an existing residential, industrial or commercial land use. No screening shall be required along any perimeter side that abuts vacant and undeveloped lands. The perimeter screening shall consist of deciduous or evergreen shrubs and/or trees, which are planted so as to form a continuous, uninterrupted wall of vegetation, which in summer, blocks all views through the vegetation so as to be a solid hedge at maturity, in the alternative, the landscaped area can be planted in the form of a single line of deciduous or evergreen trees of a type suitable to survive in the local climate and spaced no more than five (5) feet apart. The landscaped area, whether planted in shrubs or trees, must be at least three (3) feet in height at planting.
  - ii. Public Road Frontage: Landscaping of the public road frontage shall include one (1) deciduous tree for every forty (40) lineal feet of road frontage and one (1) deciduous or evergreen shrub at least three (3) feet in height at planting spaced so as to provide a complete screen at maturity.
  - iii. Homesite Landscaping shall consist of one (1) deciduous or evergreen tree for every two (2) homesites.
- n. Open Space: Each manufactured housing community that contains fifty (50) or more homesites shall include an open space area equal in size to the greater of two percent

(2%) of the site, or twenty-five thousand (25,000) square feet. All open space areas shall be centrally located, well drained, maintained and accessible to all residents of the manufactured housing community. Provided, however that up to twenty-five percent (25%) of the required open space may consist of wetlands, swamps and similar areas.

- o. **Internal Roads:** All internal roads shall have hard surface and may be constructed with curbs and gutters. Internal roads shall be constructed of materials suitable for sub grades and hard surface in compliance with the standards of the American Association of the State Highway and Transportation Officials (AASTO). All internal roads, walkways and driveways, shall be maintained in such a manner that they are of a sound and reasonably smooth surface for either walking or driving. Surfaces shall be maintained reasonably free of cracks, holes, upheavals, buckling, depressions, rutting, or channeling of the wearing surface, or shifting of the pavement base and sub-base, or both. An adequate clear vision area shall be provided at intersections. An offset at an intersection or an intersection of more than two (2) internal roads is prohibited. All entrances to the manufactured housing community shall be a minimum of thirty (30) feet in width and shall have access to a public road.
- p. **Parking:** All homesites shall be provided with two (2) parking spaces in accordance with the Manufactured Housing Commission Rules. One (1) additional parking space for every three (3) home sites shall be provided for visitor parking. Said visitor parking area may be provided on the individual home site or may be provided off site provided that it shall be located convenient to the area served. Visitor parking shall be counted separately from those parking spaces required for employees or community facilities. Parking shall not be permitted in any required landscaped area. All parking spaces are to be hard surface.
- q. **Lighting:** Sufficient lighting, according to Rule R125.1929 of the Mobile Home Commission Act shall be provided along the internal roads within a manufactured housing community in order to promote safe and convenient movement, from all homesites to principal destinations within the manufactured housing community and connections to public thoroughfares and walkways. No exterior light fixture shall cast light off the property of the manufactured housing community.
- r. **Mailbox Clusters:** The United States Postal Service may require that manufactured housing communities be served by clusters of mailboxes serving several homesites rather than individual mailboxes. If mailbox clusters are required, they shall be located at least two hundred (200) feet from any intersection of a manufactured housing community internal road and a public road.
- s. **Sale of Manufactured Homes:** The business of selling new or used manufactured homes as a commercial operation from within the manufactured housing community shall be prohibited after complete occupancy of a new or expanded manufactured housing community has been achieved. Thereafter, new or used manufactured homes located on homesites within the manufactured housing community to be used

and occupied on that site may be sold by a licensed dealer or broker. This section shall not prohibit the sale of a used manufactured home by a resident of the manufactured housing community provided the manufactured housing community regulations permit such activity.

- t. **School Bus Stops:** School bus stops, if provided, shall be located within the manufactured housing community in an area that is acceptable to the school district.
- u. **Signs:** Any and all signs, other than traffic signs subject to state law, provided within the manufactured housing community shall not exceed a height of five (5) feet measured from the average grade and shall be set back (5) feet from any property line or road right-of-way.
- v. **Primary entrance:** One (1) sign not to exceed an area of sixteen (16) square feet, shall be permitted at the primary access of the manufactured housing community.
- w. **Identification:** One (1) identification sign not to exceed an area of six (6) square feet shall be permitted for management offices and community buildings.
- x. **Trash Dumpsters:** Trash dumpsters, if provided, shall be placed in a location that is clearly accessible to the servicing vehicle. Each dumpster shall be set back a minimum of fifty (50) feet from the perimeter of the manufactured housing community and shall be placed at least fifteen (15) feet from any building within the manufactured housing community. Dumpsters shall be screened on three (3) sides with a decorative masonry wall or wood fencing not less than six (6) feet in height. The fourth side of the dumpster screen shall be equipped with an opaque, lockable gate not less than six (6) feet in height.
- y. **Utilities:**
  - i. **Fuel for Heating and Cooking:** Fuel for heating and cooking shall be provided by natural gas provided by underground gas transmission mains or liquid propane gas stored in approved containers. All fuel lines servicing homesites shall be placed underground and designed in conformance with the Manufactured Housing Commission Rules and other applicable local county and state regulations.
  - ii. **Telephone and Electric Service:** All telephone, electric, cable TV and other lines within the manufactured housing community shall be placed underground.
  - iii. **Water and Sewer Service:** All manufactured housing communities shall be served by an approved water and sewage systems which shall meet the requirements of the Michigan Department of Environmental Quality. The plumbing connections to each homesite shall be constructed so that all lines are protected from freezing, accidental bumping, or from creating any nuisance or health hazard.



- iv. **Storm Drainage:** The drainage of all exposed ground surfaces in a manufactured housing community shall, at a minimum, conform with and meet the standards of the Grand Traverse County Drain Commissioner as promulgated in the Grand Traverse County Drain Commissioner’s standards pursuant to the requirements of MCLA 125.2311 contained in the Mobile Home Commission Act and in conjunction with the MDEQs Mobile Home Park Health Standards, being Part IV, R325.3341 -R325.3349.
- z. **Skirting and Anchoring:** Skirting and anchoring of the manufactured home shall comply with sections R125.1604 Rule 604 and R 125.1605 Rule 605 of 1987 PA 96, as amended

**CC. Mini-Warehouse/Storage**

- 1. No storage of dangerous or flammable materials shall be permitted.
- 2. Storage units shall not be provided with individual water supply or sewer hook-up.
- 3. No product sales or service shall be associated with the use of the mini- warehouse or storage units.
- 4. All storage shall be completely enclosed within a building.

**DD. Museums** [amended by ZA #10-01, adopted 5/12/14, effective 5/31/14]

- 1. Museums may be permitted in the R-5, VR, O [amended by ZOA #19-02, approved 11/28/19, adopted 11/11/19, effective 11/22/19], C and C-10
- 2. Districts only if it can be demonstrated to the Planning Commission that the proposed location is related to the purpose of the museum or is necessary to demonstrate principles which are central to the function of the museum.
- 3. Parking shall be located to the side or rear of the main building.
- 4. Pedestrian access shall be provided between the parking area and the main building and to any existing or proposed sidewalks along the primary road.
- 5. Building orientation shall be reviewed and approved by the Planning Commission. Unless specifically waived by the Planning Commission, the main building shall face and be parallel to the primary road.

**EE. Nurseries (Retail), Lawn and Garden Supply Stores**

- 1. Location on a paved or black top surface county road, state trunkline, or county primary road shall be required.
- 2. Outdoor storage of nursery materials shall not be permitted closer than sixty (60) feet to any public right-of-way.

3. Any glare from site lighting shall not extend past the property line or otherwise interfere with the normal use and enjoyment of adjacent uses.

**FF. Nursing Home/Assisted Living** [amended by ZA #10-01, adopted 5/12/14, effective 5/31/14]

1. Such facility shall have direct access to a county road or state trunk-line.
2. Screening for the parking area shall be provided for any adjacent residential uses at the Planning Commission's discretion.

**GG. Place of Lodging**

1. Parking shall be located to the side or rear of the building.
2. Normal accessory uses, including but not limited to restaurants, banquet rooms and meeting facilities, may be approved by the Planning Commission.

**HH. Printing and Publishing Establishments**

1. Such use shall be designed and operated to comply with the standards of Section 4.2 of this ordinance and otherwise not create a nuisance or danger because of noise, odors, or exhaust.

**II. Public Administration**

1. Parking shall be located to the side or rear of the building to the extent possible.
2. Pedestrian access shall be provided between the parking area and the main building and to any existing or proposed sidewalks along the primary road.
3. Building orientation shall be reviewed and approved by the Planning Commission. Unless specifically waived by the Planning Commission, the main building shall face and be parallel to the primary road.

**JJ. Public Administration Uses in the Village Residential (VR) District**

1. Any public administration use shall be subject to the detailed site plan requirements of Article 12.

**KK. Public Assembly and Performance Spaces**

1. Any public assembly and performance space use shall be subject to the detailed site plan requirements of Article 12.
2. Public assembly and performance spaces shall be located a minimum of three hundred (300) feet from any residential land use. Provisions shall be incorporated into the site design to ensure that adjacent residential land uses are not negatively impacted by the proposed use.

3. Public assembly and performance spaces shall only be permitted in the Institutional (I) District as an accessory use to a school.

**LL. Recreation Facilities**

1. Location on a paved or black top surface county road, state trunk-line, or county primary road shall be required.
2. Parking shall be screened from adjacent residential districts.
3. Parking shall be located to the side or rear of the building.
4. Pedestrian access shall be provided between the parking area and the main building and to any existing or proposed sidewalks along the primary road.
5. The use shall be designed such that noise associated with the use shall not interfere with the normal use and enjoyment of adjacent properties.
6. Building orientation shall be reviewed and approved by the Planning Commission.
7. Unless specifically waived by the Planning Commission the main building shall face and be parallel to the primary road.

**MM. Recreation Facilities, Private and Commercial, in the Institutional (I) District**

1. Private and commercial recreation facilities shall only be permitted as an accessory use to a school.

**NN. Recreational Vehicle Storage**

1. Storage shall be located within a completely enclosed building unless otherwise approved by the Planning Commission.
2. No sales or service of vehicles shall be associated with this use.
3. No hazardous or flammable materials shall be stored on site.

**OO. Restaurant in the Commercial (C) District**

1. Restaurants shall be located a minimum of two hundred (200) feet from any residential district. Provisions shall be incorporated into the site design to ensure that adjacent residential land uses are not negatively impacted by the proposed use. All external mechanical equipment shall be screened from view and appropriate noise abatement measures shall be put in place to protect the residential amenities of adjacent residential uses.

**PP. Retail Store in the Village Commercial (VC) District** [amended by ZA #10-01, adopted 5/12/14, effective 5/31/14]

1. Individual businesses shall not exceed two thousand (2,000) gross square feet unless authorized as a special use by the Planning Commission.

**QQ. Retail Store in the Institutional (I) District**

1. A retail store shall only be permitted as an accessory use to a public or private educational facility.
2. No retail store shall front or face onto J MADDY PKWY or Diamond Park Road.

**RR. Retirement Home/Assisted Living**

1. Such facility shall be duly licensed by the state department of Social Services.
2. Outdoor activity areas must be fully fenced, walled, or otherwise secured.
3. Assisted living facilities shall be limited to caring for no more than fifteen (15) adults.

**SS. Retreat or Conference Facility** [amended by ZA #08-02, adopted 10/13/08, effective 10/28/08]

1. Such facility may include lodging designed for use by attendees, but not for use by the general public.
2. This use may include living quarters for an on-site manager or caretaker.
3. This use may also include food service or banquet facility for exclusive use attendees. This shall not include a restaurant open to the general public.
4. This use shall be located on a parcel that is a minimum of five acres in area.

**TT. School in the Residential Districts and the Commercial District**

1. Any school shall be subject to the detailed site plan requirements of Article 12.
2. The minimum lot size shall be two (2) acres.
3. No building or structure shall be located closer than fifty (50) feet to any lot line.
4. When a school use is adjacent to a residential district, there shall be established along that lot boundary a landscaped buffer. Such buffer may be located within the required fifty (50) foot setback. At a minimum, the landscaped buffer shall include one (1) tree for every twenty-five (25) feet of horizontal distance.

**UU. Scrap and Waste Materials**

1. Shall have a Michigan Sales Tax license.

2. Shall have records of sales and other transactions which are required by and whose business falls under the jurisdiction of the Secondhand Junk Dealers Act.
3. Shall be designed to comply with all of the following:
  - a. Be setback from the property line at least one hundred (100) feet. Shall be set back one hundred (100) feet from a road right-of-way or one-hundred thirty-three (133) feet from the centerline of a road, whichever is greater, or
  - b. Have a buffer area to screen it from view from a road and from adjacent parcels by means of an opaque fence, vegetation, earth berm, or another form of screening, or a combination of the above; or
  - c. Not be visible from a road or from adjacent parcels.
  - d. Shall comply with the Control of Junk Yards Adjacent to Highways Act; the Secondhand Junk Dealers Act; the Solid Waste Management Act; and if applicable, Township licensing of junk yards.
  - e. Shall not operate a landfill, as defined in the Solid Waste Management Act.

## **VV. Sexually Oriented Businesses**

1. Additional Information Required. In addition to the information requirements for all Special Land Uses under 9.3.A and 9.3.B, any application for a Sexually Oriented Business shall include the following:
  - a. Site plan, plot plan, or development plan, drawn to scale (no larger than 1" = 50') of total property involved showing the location of all abutting streets, the location of all existing and proposed signage and exterior elevations of the proposed Sexually Oriented Business depicting it, to the extent feasible, in what will become its "as – built" condition, all in legible form.
  - b. The name under which the establishment is to be operated.
  - c. A complete, detailed description of the proposed use and services to be provided.
  - d. The telephone number of the establishment or, if unavailable, the operator.
  - e. The name and street address (and mailing address, if different) and driver's license number of the intended operator if he/she has such a driver's license.
  - f. A fully dimensioned floor plan of the premises, drawn to scale and prepared by a licensed professional. Such plan shall indicate the proposed:
    - i. Location(s) of the manager's stations and

- ii. The location of all overhead lighting fixtures, indicating the type of illumination intensity of each such fixture and
  - iii. Locations or portion of the premises in which patrons will not be permitted and
  - iv. Location where the special use permit, if granted, will be conspicuously posted.
- g. Written certification that the applicant, operator, or manager has not been convicted of any one or more of the following criminal offenses:
- i. Prostitution, procuring a prostitute, or solicitation of a prostitute
  - ii. Sale, distribution or display of obscene material
  - iii. Soliciting, procuring or aiding and abetting an unlawful sexual performance by a minor
  - iv. Possession, sale or distribution of child pornography
  - v. Public lewdness
  - vi. Indecent exposure
  - vii. Indecent conduct with a child
  - viii. Sexual assault or rape
  - ix. Incest
  - x. Sexual solicitation of a child

## 2. Standards

- a. A Sexually Oriented Business may not be operated on a parcel whose property line is within 750 feet of
- i. The property line of any church, synagogue or regular place of religious worship,
  - ii. The property line of any public or private elementary or secondary school,
  - iii. The boundary of any residentially zoned district
  - iv. The property line of any residential structure regardless of zoning designation,
  - v. The property line of any public park,

- vi. The property line of a licensed day care center, or
  - vii. The property line of another Sexually Oriented Business.
- b. A Sexually Oriented Business may not be operated in the same building, structure, or portion thereof containing another Sexually Oriented Business.
- c. Manager's Station(s):
- i. A manager's station shall not exceed thirty (30) square feet of floor area.
  - ii. No alteration in the configuration or location of a manager's station may be made without prior approval and amendment of the special use permit.
  - iii. At least one employee shall be on duty and situated in each manger's station at all times that any patron is present inside the premises.
  - iv. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding rest rooms. Rest rooms may not contain video reproduction equipment. If the premises have two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is admitted access for any purpose from at least one of the manager's stations. The view must be by direct line of sight from the manager's station.
  - v. It shall be the duty of the owners and operator and it shall also be the duty of any agents and employees present in the premises to ensure that the view area specified in (iv). above, remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application.
- d. Lighting.
- i. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one (1.0) foot-candle as measured at the floor level.
  - ii. It shall be the duty of the owners and operator and it shall also be the duty of any agents and employees present in the premises to ensure that the illumination described above is maintained at all times that any patron is present in the premises.

- e. Exterior.
  - i. No merchandise or activities of the establishment shall be visible from a point outside the establishment.
  - ii. The exterior portion of the Sexually Oriented Business shall not have any words, lettering, photographs, silhouettes, drawings, or pictorial representations of a sexual or explicit manner except to the extent otherwise permitted by the provisions of this Ordinance.
  - iii. No exterior signs shall contain photographs, silhouettes, drawings or pictorial representations of any manner and may contain only the name of the enterprise.
- f. Age Restrictions.
  - i. No person who is younger than eighteen (18) years of age shall enter or be on the premises of a Sexually Oriented Business at any time that the Sexually Oriented Business is open for business.
  - ii. It shall be the duty of the operator of any Sexually Oriented Business to ensure that an attendant is stationed at each public entrance to the Sexually Oriented Business at all times during such business's regular business hours.
  - iii. It shall be the duty of the attendant to not allow any person under the age of eighteen (18) years to enter the Sexually Oriented Business.
  - iv. The attendant shall confirm every patron's age by inspecting each patron's valid operator's, commercial operator's or chauffeur's license or valid personal identification certificate reflecting that such person is eighteen (18) years of age or older.
  - v. The applicant shall be at least eighteen (18) years of age.
- g. The premises to be used as a Sexually Oriented Business shall have preliminary approval by the health department for the use intended, if applicable.
- h. A special use permit for a Sexually Oriented Business shall be withheld or revoked if the applicant, operator, or manager has been or is convicted of any of the criminal offenses listed under EE.1. g, above.
- i. Exceptions. A person appearing in a state of nudity as defined in this ordinance for a modeling class shall not be considered a Sexually Oriented Business or subject to the rules and standards of this section. Such modeling class shall be operated by
  - i. A proprietary school, licensed by the State Michigan, a college, junior college, or university supported entirely or partly by taxation, or



- ii. A private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.
- j. Inspections. The applicant shall agree in writing to allow the Zoning Administrator or other designated Township official to inspect the premises of the Sexually Oriented Business for the purpose of insuring compliance with the special use permit at any time it is occupied or open for business.

**WW. Shooting Range** [amended by ZA #10-01, adopted 5/12/14, effective 5/31/14]

1. Shooting ranges shall be sited in a location with minimal noise impact on neighboring residences.
2. The applicant shall demonstrate safety measures to protect the general public and users of the shooting range.

**xx. Solar - Utility-Scale Solar Energy Systems** [amended by ZA #18-03, adopted 5/7/18, effective 5/17/18]

Utility-scale SES shall be permitted as a Special Use in the Rural Residential (R-5) zoning district subject to the following standards:

1. Setbacks: All structures and equipment related to the SES shall be set back a minimum of 50 ft. from any property line.
2. Minimum Lot Area: Minimum lot area for a utility-scale solar energy system shall be five (5) acres.
3. Signage: Utility-scale solar energy system installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar energy system. All signage shall conform to the requirements of Article 6 of this Ordinance.
4. Utility Collection: All utility collection lines from the solar energy system shall be placed underground. Interconnection to the electric grid shall meet the requirements of the transmission owner.
5. Screening: When a utility-scale solar energy system is adjacent to an institutionally zoned or used lot, or residentially zoned or used lot, screening may be required at the discretion of the Planning Commission to address specific site needs. Such screening may be by a natural buffer, wall or structure.

Solar panels shall be placed such that concentrated radiation or solar glare shall not be directed onto nearby properties or roadways.

6. Operation and Maintenance Plan: The applicant shall submit a plan for the operation and maintenance of the utility-scale system, which shall include measures for maintaining safe access to the installation.

The utility-scale SES owner/operator shall maintain the facility in good condition. Site access shall be maintained to a level acceptable to local emergent response personnel. The owner/operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s).

7. Abandonment or Decommissioning: Any utility-scale solar energy system which has reached the end of its useful life or has been abandoned consistent with this section of the Zoning Ordinance shall be removed and parcel owners shall be required to restore the site. The owner/operator shall physically remove the installation no more than one-hundred and fifty (150) days after the date of discontinued operations.

- a. A Decommissioning Plan shall be submitted at the time of Special Use Application and shall consider at minimum:
  - i. Physical removal of all aboveground utility-scale solar energy systems, structures, equipment, security barriers, and transmission lines from the site.
  - ii. Disposal of all solid and hazardous waste in accordance with local, state and federal waste disposal regulations.
  - iii. Stabilization or re-vegetation of the site as necessary to minimize erosion.
  - iv. Cost associated with the removal and disposal of the SES.
  - v. The Decommissioning Plan shall be created by a qualified engineer.
- b. The utility-scale SES shall be considered abandoned when it fails to operate continuously for more than one year. If the owner/operator fails to remove the installation in accordance with the requirements of this Section, Green Lake Township is permitted to enter the property and decommission the SES.
- c. Financial Surety: The applicant for a utility-scale solar energy system shall provide a form of surety, either through escrow account, bond or similar financial instrument, to cover the cost of removal of the SES in the event Green Lake Township must remove the installation. The amount and form of financial surety is to be determined in the Decommissioning Plan. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer, and must be reviewed and approved by the Township's Engineer of record. The amount shall include a mechanism for calculating increased removal costs due to inflation.

## **YY. Storage**

1. Open storage shall be fully fenced and screened as required by the Planning Commission.

2. No open storage shall be permitted within three hundred (300) feet of a residential land use.
3. The storage of hazardous or flammable materials beyond household use shall not be permitted unless specifically authorized by the Planning Commission.

**ZZ. Open Storage as accessory to any allowed use in the Industrial (M) District**

1. No open storage shall be located within three hundred (300) feet of a residential property line.
1. All open storage shall be screened from the view of adjacent residential parcels and from all road rights of way.

**AAA. Swimming Pool/Spa Sales**

1. Any associated outdoor storage or display areas shall conform to the storage standards of this Section. Further, any outdoor storage or display shall be located outside of any required setback or buffer area and shall be located only where specifically approved and delineated on a site plan.

**BBB. Tourist Cabin**

1. The maximum number of tourist cabins that shall be permitted on a single parcel shall be twelve (12).
2. Guest stays in tourist cabins shall be limited to two (2) weeks.
3. No tourist cabin shall be more than eight hundred (800) square feet in usable living space.
4. The decision of the Planning Commission to approve a tourist cabin development shall be based, in part, on the on-site location, minimum cabin size, maximum cabin size and exterior appearance of the tourist cabins, having due regard to the surrounding land uses.

**CCC. Warehouse/Wholesale Outlets and Wholesale Trade**

1. This use shall not include any outdoor storage.

**DDD. Large Wind Energy Systems** [amended by ZA #08-02, adopted 10/13/08, effective 10/28/08]

1. 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.

2. 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:
  - a. Analysis, measurements and projections of Large Wind Energy Systems noise propagation conforming to the International Electromechanical Commission (IEC) Standard 61400-11 Part 11; and
  - b. An avian study based on the US Fish and Wildlife Service’s “Interim Guidelines to Avoid and Minimize Wildlife Impacts from Wind Turbines”; and
  - c. 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; and
3. 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:
  - a. Location and elevation of all components of the proposed Large Wind Energy Systems
  - b. Location and dimensions of all existing structures and uses on the lot within 300 feet of the systems,
  - c. 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
  - d. Surrounding land use and all structures irrespective of height, within five hundred (500) feet of the Large Wind Energy Systems
  - e. Location of any overhead utility lines on the parcel;
  - f. Any other information necessary to demonstrate compliance with the standards and requirements of this Section.
4. Additional Required Information. The applicant shall also submit the following information:
  - a. Wind system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed) and color;
  - b. 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,

- c. Evidence from a qualified individual that the site is feasible for a Large Wind Energy Systems
- d. Certification from a registered engineer or qualified person that the rotor and overspeed control have been designed for the proposed use on the proposed site,
- e. For Large Wind Energy Systems of 100 kW or greater, evidence that there is a substantial need for the proposed use,
- f. Registered engineer's certification of the design and safety of the proposed tower to withstand winds of ninety (90) miles per hour and
- g. Registered engineer's certification that if the wind turbine were to fall, no building or structure – existing or potential – would be damaged

#### 5. Setbacks

- 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 right-of-way line of any public road or highway of at least 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.

#### 6. Dimensions.

- a. A Large Wind Energy System shall be located on a parcel at least two and one-half (2-1/2) acres in size.
- b. A Large Wind Energy System shall not exceed a height as defined in this ordinance of one hundred ninety-nine (199) 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.

7. Additional Large Wind Energy Systems may be permitted where all requirements of this Section are met, including the setback requirements.

## 8. 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.

## 9. 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 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 Green 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.
10. Radio and Television Interference. Large Wind Energy Systems shall be designed and constructed so as not to cause radio and television interference.
11. Removal Required. If any Large Wind Energy Systems remains non- functional or inoperative for a continuous period of one (1) year, the permittee 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 30 days from the date of notification by the Zoning Administrator, Green 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. An anemometer and related tower shall be removed within one year of installation; the Township may require a financial guarantee to ensure removal.
12. 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.
13. Use of Current Technology: 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.
14. Ice and Snow Throw: 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.

## ARTICLE 5 PARKING

[amended by ZOA 20-006, approved 10.26.20, adopted 11.9.20, effective 11.26.20]

No building shall be erected, altered, or used and no land shall be used unless adequate off-street parking spaces are provided for the needs of the owners, tenants, personnel, visitors and patrons, together with means of ingress and egress. Such parking spaces may be provided in a building or in the open and in accordance with the provisions of this Article.

### A. Access

1. Each parking space shall have direct access to a highway, street, alley, or easement, except for any residential unit, in which case only one (1) parking space per dwelling unit shall be required to have direct access.
2. All parking spaces shall be accessed by means of maneuvering lanes. Backing directly onto a street shall be prohibited for any non-residential use.
3. Adequate ingress and egress to the parking area by means of clearly defined drives shall be provided for all vehicles.
4. Ingress and egress to any off-street parking lot lying in an area zoned for other than single-family residential use shall not be across lots zoned for single-family residential use.
5. Ingress and egress to any off-street parking lot located in an area zoned for other than single-family residential use shall be at least twenty-five (25) feet distant from adjacent lots located in any single-family residential district.
6. Ingress and egress to any off-street parking lot serving non-residential uses, which are adjoining or opposite property zoned for residential purposes, shall not exceed thirty-five (35) feet in width.

### B. Prepared Surface

Any required parking space, parking aisle, or parking lot shall have a prepared, dust-free surface consisting of gravel, concrete, asphalt, or similar material and shall be so graded and drained to dispose of all surface water accumulated within the area without harming neighboring property or public streets or highways.

### C. Parking Space Dimensions

Each parking space shall be a minimum of ten (10) feet wide by twenty (20) feet deep.

### D. Parking Aisle Requirements

All center and cross aisles within a parking area shall have a minimum perpendicular width of twenty (20) feet.



### **E. Lighting**

All required parking spaces, other than those required for residential dwelling units, shall be illuminated when the establishment to which they are accessory is open to the public and/or employees. Lighting shall comply with the standards of Section 4.22.

### **F. Location of Parking on a Lot**

1. No parking area shall be located within a clear view area.
2. Parking areas shall not be located within any required yard area on a parcel zoned or used for non-residential purposes.
3. Parking areas for residential use may be located in any yard except as follows: [amended by ZOA #19-02, approved 10/28/19, adopted 11/11/19, effective 11/22/19]
  - a. For apartment dwellings, required parking spaces shall not be permitted within the required front yard, except where a dwelling unit has a private garage in which case the driveway leading to the private garage may be used as one (1) of the required parking spaces.
  - b. For apartment dwellings, no parking space shall be located nearer than ten (10) feet of a side lot line or rear lot line abutting a residential zone.

### **G. Parking Spaces for the Disabled**

All parking areas shall conform to the requirements of the Americans with Disabilities Act and any other accessibility requirements in effect. Such spaces shall be included in the calculations for meeting the standards of this Ordinance under Section 5.1.N.

### **H. Use of Parking Areas and Spaces**

1. The parking spaces required in this Article shall be used only for the parking of vehicles used by employees, owners, customers or visitors to the establishment to which it is accessory.
2. No required parking space, or any publicly owned parking lot, shall be used for repair, display or storage purposes, for the permanent parking of any motor vehicle, recreational vehicle or trailer, or for the location of any sign or light standard.

### **I. Parking of Commercial Vehicles in Residential Districts**

Not more than one (1) vehicle per dwelling unit shall be a vehicle used for commercial purposes.

### **J. Required Parking Spaces**

Any building, structure, or use, shall have parking spaces provided and maintained in accordance with the following, however, the Planning Commission may discretionally approve fewer parking spaces in individual cases where circumstances dictate.

**K. Fractional Spaces**

When units of measurement determining the number of required parking spaces result in fractional space, any fraction of one-half (1/2) or more shall require one (1) parking space.

**L. Ingress and Egress Approval**

Approval for the location of all ingress and egress shall be obtained from the Planning Commission in conjunction with the County Road Commission and/or the Michigan Department of Transportation (MDOT), as applicable, for all streets. Such approval shall also include the design and construction thereof in the interest of safety and other public requirements.

<b>Residential Land Uses</b>	<b>Number of Parking Spaces Required</b>
Single Family	2 spaces per dwelling unit
Duplex	2 spaces per dwelling unit
Multi family	2 spaces per dwelling unit
Mobile home parks	2 parking spaces for each mobile home site plus 1 parking space for each employee
Residential care homes	1 per each 2 persons cared for

<b>Retail Trade Land Uses</b>	<b>Number of Parking Spaces Required</b>
Auto, mobile home, vehicle and parts sales	1 per 1,500 sq. ft. of use area
Building material and hardware stores	1 per 1,500 sq. ft. of use area
Farm equipment and supplies sales	1 per 700 sq. ft. of use area
Furniture, furnishings and equipment stores	1 per 1,500 sq. ft. of use area
Grocery and liquor stores	1 per 300 sq. ft. of floor area
Greenhouse / Nursery products	1 per 1,500 sq. ft. of use area
Outdoor retail sales	As required by subsection for seasonal sales As required for principal use for other outdoor sales
Restaurants and bars	1 per 100 sq. ft. of floor area
Restaurants, outdoor eating areas	1 per 100 sq. ft. of outdoor eating area, or 1 per 4 seats within an outdoor eating area, whichever is more restrictive*
Retail stores, general merchandise	1 per 300 sq. ft. of floor area
Roadside stands for agricultural products	1 per 100 sq. ft. of use area
Secondhand stores	1 per 300 sq. ft. of floor area
Shopping centers	1 per 200 sq. ft. of floor area

\*Seasonal outdoor eating areas established by relocating seating from the interior of the restaurant to the exterior of the restaurant that do not change the total possible number of patrons to be served shall not be required to provide additional parking required by this standard.

<b>Service Land Uses</b>	<b>Number of Parking Spaces Required</b>
Banks and financial services	1 per 300 sq. ft. of floor area
Bed and breakfast	2 spaces plus 1 space per guest room
Business support services	1 per 300 sq. ft. of floor area

<b>Service Land Uses</b>	<b>Number of Parking Spaces Required</b>
Child day care	1 per employee; plus 1 for each 4 students on the premise at one time
Construction contractors	1 per 1,500 sq. ft. of use area
Gas station	1 per gas nozzle plus 1 per employee
Hotels and motels	1 per guest room plus 1 per employee
Kennels and animal boarding	1 per 300 sq. ft. of floor area
Laundries and dry-cleaning plants	1 per each 2 machines
Medical services - Doctors' offices and clinics	1 per 175 sq. ft. of floor area
Medical services - Hospitals and extended care	1 per bed plus 1 per employee per peak shift
Medical services - Laboratories	1 per 200 sq. ft. of floor area
Medical services - Veterinary clinics and hospitals	1 per 300 sq. ft. of floor area
Offices	1 per 300 sq. ft. of floor area
Personal services	1 per 300 sq. ft. of floor area
Public safety facilities	As required by GLT
Public utility facilities	1 per 1,500 sq. ft. of use area
Repair and maintenance - Consumer products	1 per 300 sq. ft. of floor area
Repair and maintenance - Vehicle	1 per 300 sq. ft. of floor area
Service stations	1 per service bay, plus 1 per employee
Storage yards and sales lots	1 per 1,500 sq. ft. of site area
Storage, accessory	As required for principal use
Warehousing/mini-storage facilities	1 per 1,500 sq. ft. of use area plus 1 per employee
Waste disposal sites	As required by GLT

<b>Recreation, Education and Public Assembly Land Uses</b>	<b>Number of Parking Spaces Required</b>
Campgrounds	2 per campsite
Cemeteries (see also Mortuaries, columbariums)	As provided by the internal circulation system
Community center	1 per 100 sq. ft.
Commercial event center	1 per each 2 persons allowed with maximum occupancy plus 1 space for each employee.
Agricultural event center	1 per 100 sq. ft. of floor space plus 1 space for each employee
Houses of worship	1 per 4 fixed seats; 1 per 40 sq. ft. of multi-use floor area if no fixed seats; 1 per office or classroom
Libraries	1 per 500 sq. ft. of public use area
Membership organization facilities	1 per 100 sq. ft. of building area
Mortuaries, columbariums	1 per 1,500 sq. ft. of building area, 1 per 4 seats of assembly area
Museums	1 per 400 sq. ft. of use area

<b>Recreation, Education and Public Assembly Land Uses</b>	<b>Number of Parking Spaces Required</b>
Outdoor commercial recreation	Determined by GLT
Golf driving range separate from course	1 per tee
Parks and playgrounds	1 per 10,000 sq. ft. of use area
Golf courses	4 per hole
Recreation and fitness centers	1 per 300 sq. ft. of floor area
Bowling alleys	4 per bowling lane
Health and athletic clubs	1 per 2 exercise machines, 1 per game court, 1 per 50 sq. ft. of open exercise area
Rural recreation	Determined by GLT
Schools - College and university	Determined by GLT
Schools – Elementary	1 per classroom and office, 1 per 10 assembly seats
Schools – Secondary	Determined by GLT
Schools - Specialized education and training	1 per 300 sq. ft. of floor area
Sport facilities and outdoor public assembly	1 per 4 seats
Temporary events	Determined by GLT
Theaters and meeting halls	1 per 4 seats

<b>Manufacturing &amp; Processing Land Uses</b>	<b>Number of Parking Spaces Required</b>
Clothing products	1 per 500 sq. ft. of use area
Concrete, gypsum & plaster products	1 per 1,500 sq. ft. of use area
Electric generating plants	1 per 1,500 sq. ft. of use area
Electrical & electronic equipment, instruments	1 per 500 sq. ft. of use area
Food products	1 per 500 sq. ft. of use area
Furniture and fixtures manufacturing	1 per 500 sq. ft. of use area
Glass products	1 per 500 sq. ft. of use area
Industrial subdivisions	See specific uses
Lumber and wood products	1 per 1,500 sq. ft. of use area
Machinery manufacturing	1 per 1,500 sq. ft. of use area
Metal products fabrication	1 per 1,500 sq. ft. of use area
Motor vehicles & transportation equipment	1 per 1,500 sq. ft. of use area
Paper products	1 per 1,500 sq. ft. of use area
Paving materials	1 per 1,500 sq. ft. of use area
Plastics and rubber products	1 per 1,500 sq. ft. of use area
Printing and publishing	1 per 500 sq. ft. of use area
Recycling, scrap and wrecking yards	1 per 500 sq. ft. of use area
Small scale manufacturing	
Stone and cut stone products	1 per 1,500 sq. ft. of use area
Structural clay and pottery products	1 per 1,500 sq. ft. of use area
Textile and leather products	1 per 1,500 sq. ft. of use area
Weapons manufacturing	1 per 1,500 sq. ft. of use area
Wholesaling and distribution	1 per 1,500 sq. ft. of use area

<b>Transportation and Communications Land Uses</b>	<b>Number of Parking Spaces Required</b>
Airfields and landing strips	1 per private hanger space, 2 per tie-down for based aircraft, 5 per regular commercial flight, 1 per 1,500 sq. ft. of site area
Broadcasting studios	1 per 500 sq. ft. of floor area
Communications facilities	1 per full-time employee
Harbor facilities and marinas	As required by GLT
Pipelines and transmission lines	None required
Transit stations and terminals	As determined by GLT
Truck stops	1 per 1,500 sq. ft. of use area
Vehicle and freight terminals	2 per loading bay
Vehicle storage	1 per 300 sq. ft. of office area As needed for stored vehicles
Wholesaling and distribution	1 per 1,500 sq. ft. of use area

1. Uses having high employee parking requirements shall be required to provide additional parking to satisfy the needs of such employees. Such additional parking shall be determined through the review of a site plan application and/or during the review of a Special Use Permit application.
2. Where not specifically provided for, the number of parking spaces required shall be determined by the Zoning Administrator, or for a special use, during the process of review of the Special Use Permit application.

**5.2 LOADING SPACES**

On the same parcel with every building, structure, or part thereof, occupied by a use requiring the receipt or distribution of vehicles or materials or merchandise, there shall be provided and permanently maintained adequate space for standing, loading and unloading operations as follows:

1. Accessory off-street loading spaces shall each be not less than twelve (12) feet in width, twenty (20) feet in length and fourteen (14) feet in height, open or enclosed.
2. All off-street loading spaces shall be located to the side or rear of the building.
3. Where any off-street loading space is located closer than fifty (50) feet to any parcel used for residential, educational, recreational or religious purposes, or abuts a residential zone, there shall be provided a masonry wall, having a height of not less than four (4) feet nor more than eight (8) feet, between the off-street loading space and said residential, educational, recreational or religious premises or residential zone.
4. Loading spaces shall be provided for all permitted uses in conformity with the following table:

REQUIRED OFF-STREET LOADING SPACE TABLE		
Type of Use	For Floor Area (sq. ft.) *	**Required Berths
Commercial establishments not specifically listed below	First 2,000	None
	Next 15,000 or fraction thereof	1
	Next 15,000 or fraction thereof	1
	Next 20,000 or fraction thereof	1
	Each additional 40,000 or fraction thereof	1
Hotels and other lodging places Offices	First 2,000	None
	Next 50,000 or fraction thereof	1
	Each additional 40,000 or fraction thereof	1
Wholesale trade establishments Construction establishments Manufacturing	First 20,000 or fraction thereof	1
	Each additional 20,000 or fraction thereof	1
Funeral service and crematories	First 5,000 or fraction thereof	1
	Each additional 10,000 or fraction thereof	1
Hospitals Education services Membership organizations Motion picture theaters Amusement and recreation services	First 10,000	None
	Each additional 200,000 or fraction thereof	1

\* Whenever any use specified in the table is operated on an open lot, the requirements set forth in the table for floor area shall apply to the lot area used for such operations

\*\* Requirements in this table are in addition to area utilized for ambulance parking

## ARTICLE 6 SIGNS

[amended by ZOA 20-003 approved 8/24/2020, adopted 9/14/2020, effective 9/26/2020]

### 6.1 GENERAL PROVISIONS

- These regulations balance the need to protect the public safety and welfare, the need for a well maintained and attractive community, and the need for adequate identification, communication and advertising.
- Protect the public right to receive messages, including religious, political, economic, social, philosophical and other types of information protected by the First Amendment of the U.S. Constitution.
- Maintain and improve the image of the Township by encouraging signs of consistent size which are compatible with and complementary to related buildings and uses, and harmonious with their surroundings.
- Recognize that the proliferation of signs is unduly distracting to motorists and non-motorized travelers, reduces the effectiveness of signs directing and warning the public, causes confusion, reduces desired uniform traffic flow, and creates potential for accidents.
- Recognize that the principal intent of commercial signs, to meet the purpose of these requirements and serve the public interest, should be for identification of an establishment on the premises, and not for advertising special events, brand names or off-premise activities, as these can be advertised more appropriately by other methods.
- No sign, either advertising or otherwise, shall display any obscene, indecent or immoral matter.
- All signs shall comply with all local, state and federal regulations.
- A sign permit shall be required for the erection, or alteration, or placing of all permanent signs, unless otherwise noted. Repainting or repair of a sign shall not be considered an alteration.
- To ensure that all signs are professionally designed and installed.

### 6.2 DEFINITIONS

**ABANDONED SIGN** – A sign that no longer identifies or advertises an ongoing business, product, location, service, idea or activity conducted on the premises on which the sign is located after a period of six (6) months.

**ALTERATION** – A change in the size or shape of an existing sign. Copy or color change of an existing sign is not an alteration. Changing or replacing a sign face or panel is not an alteration.

**ANIMATED SIGN** – A sign employing actual motion, the illusion of motion, or light and/or color changes achieved through mechanical, electrical or electronic means. Animated signs, which are differentiated from Changeable signs as defined and regulated by this Ordinance, include the following types:

1. Environmentally Activated: Animated signs or devices motivated by wind, thermal changes or other natural environmental input. Includes but not limited to spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.
2. Mechanically Activated: Animated signs characterized by repetitive motion and/or rotation activated by mechanical system powered by electric motors or other mechanically induced means.
3. Electrically Activated: Animated signs producing the illusion of movement by means of electronic, electrical or electromechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:
  - a. Flashing: Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. For the purposes of this ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds three (3) seconds.
  - b. Patterned Illusionary Movement: Animated signs or animated portions of signs whose illumination is characterized of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

**AWNING / CANOPY** – An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable.

**AWNING SIGN / CANOPY SIGN** – A sign displayed on or attached flat against the surface or surfaces or an awning. An awning that contains a “sign” section of copy area shall comply with the applicable sign area requirements for parallel signs contained in this Ordinance. Only the sign or copy area displayed on an awning shall be used to determine the permitted sign area – the entire awning shall not be included in a Sign Area calculation.

**BACK LIT AWNING** – An awning comprised of covering material exhibiting the characteristic of luminosity obtained by means of a source of illumination contained within its framework.

**BANNER** – A flexible substrate on which copy or graphics may be displayed.

**BANNER SIGN** – A sign utilizing a banner as its display surface.



**BENCH SIGN** – A sign applied or affixed to the seat or back of a bench.

**BILLBOARD** means an outdoor sign, display, painting, drawing, message, placard, poster, or other device used to advertise, promote, direct, provide information or identification for a service, business, or industrial use of product located on another site. Off premise directional signs and real estate signs shall not be construed to be billboards.

**BUILDING FACADE** – That portion of any exterior elevation of a building extending vertically from grade to the top of a parapet wall or eaves and horizontally across the entire width of the building elevation  
**Building Sign** – A sign that is applied or affixed to a building.

**CHANGEABLE SIGN** – A sign with the capability of content change by means of manual or remote input includes the following types:

- 1) Manually Activated: Changeable sign whose message copy or content can be changed manually on a display surface.
- 2) Electrically Activated: Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display.

**COMMEMORATIVE SIGN** – A sign, tablet or plaque commemorating or memorializing a person, event, structure or site.

**CONSTRUCTION SIGN** – A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located, erected after site plan approval and removed not later than two (2) business days after issuance of a Certificate of Occupancy.

**DIRECTIONAL SIGN** – Any sign that is designated and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic provided that such sign does not exceed 4 feet in height and the sign area not exceed six (6) square feet per side.

**DISPLAY TIME** – The amount of time a message and/or graphic is displayed on an Electronic Message Sign.

**DRIVE THROUGH MENU BOARD** – A structure primarily designed for the display of menu items and prices for the purpose of placing orders for such items in conjunction with a restaurant utilizing drive-through or curbside service.

**ELECTRIC SIGN** – Any sign activated or illuminated by means of electrical energy.

**ELECTRONIC MESSAGE CENTER OR SIGN (EMC)** – A changeable message sign whose informational content can be changed or altered by means of electronically controlled electronic impulses. Also known as an EMC. EMCs typically use light emitting diodes (LEDs) as a lighting source.

**EXTERNALLY ILLUMINATED SIGN** – See Illuminated Sign.

**FLASHING SIGN** – See Animated Sign, Electrically Activated.

**FREESTANDING SIGN** – A sign principally supported by one or more columns, poles or braces placed in or upon the ground. Shall be limited to one (1) per property and shall not exceed 24 square feet, unless other permitted in this article. [amended ZOA #21-001, approved 07/26/2021, adopted 8/09/2021, effective 8/23/2021]

**HEIGHT OF SIGN** – The maximum vertical distance from the uppermost extremity of a sign or sign support to the average grade at the base of the sign

**HOME OCCUPATION SIGN** – A sign for home occupations are limited to eight (8) square feet in area per side, a maximum of six (6) feet in height and shall be unlighted.

**IDENTIFICATION SIGN** – A sign designating a house number and/or the name of the resident, or for commercial properties, the street number, are exempt, however, lettering shall not exceed 12 inches in height for non-residential properties.

**ILLUMINATED SIGN** – A sign characterized by the use of artificial light, either projecting through its surface(s) [Internally or trans-illumination]; or reflecting off its surface(s) [Externally illuminated].

**INFLATABLE SIGN** – A tethered sign consisting of an envelope inflated with pressurized or heated air, or a lighter-than-air gas, and displayed for the purpose of advertising or attracting attention.

**INFORMATIONAL SIGN** – A sign with lettering under three inches (3”) in height displaying information such as, but not limited to, hours of operation, door operating information, credit card information and menus, provided that such signs are not illuminated.

**MARQUEE** – See Canopy (Attached).

**MARQUEE SIGN** – See Canopy Sign.

**MURAL** – A painting or other work of art executed directly on a wall

**POLITICAL SIGN** – A temporary sign intended to advance a political statement, cause, or candidate for office.

**PORTABLE SIGN** – Any cord-connected sign not permanently attached to the ground and can be removed without the use of tools.

**PRIVATE DRIVE SIGNS** – On-premises private drive signs are limited to one (1) per driveway entrance, not exceeding two (2) square feet in area.

**PROJECTING SIGN** – A sign other than a Wall Sign that is attached to or projects more than eighteen (18) inches from a building face or wall or from a structure whose primary purpose is other than support of a sign.

**REAL ESTATE SIGN** – A temporary sign advertising the sale, lease, or rental of the property or premises upon which it is located.

**ROOF SIGN** – A sign mounted on the main roof portion of a building or on the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such building. Signs mounted on mansard facades, pent eaves and architectural projections such as canopies or marquees shall not be considered to be roof signs.

**SCROLL** – A mode of message transition on an Electronic Message Sign in which the message appears to move vertically across the display surface.

**SANDWICH BOARD SIGN** – A temporary sign structure placed on the ground that consists of two (2) back-to back sign faces that are hinged together at the top and separated at the base a sufficient distance to solidly support the structure in an upright position

**SPECIAL EVENT SIGN** – A temporary sign pertaining to any civic, patriotic, or special event of general public interest.

**TEMPORARY SIGN** – A sign intended to display either commercial or noncommercial messages of transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground or not permanently affixed to a building are considered temporary signs.

**WALL OR FASCIA SIGN** – A sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than twelve (12) inches from the building or structure wall. Also includes signs affixed to architectural projections that project from a building provided the copy area of such signs remains on a parallel plane to the face of the building façade or to the face or faces of the architectural projection to which it is affixed.

**WAYFINDING SIGN** – A sign, frequently off-premise, specifically designed to provide directional or destination information.

**WINDOW SIGN** – A sign affixed to the surface of a window with its message intended to be visible to the exterior environment.

### **6.3 EXEMPTIONS**

The following signs are allowed without a permit, provided any conditions and standards listed below or elsewhere in this Article are met.

1. Memorial sign, tablet or plaque.
2. Construction sign.
3. Directional Signs. A sign directing traffic to a retail or other commercial business may be allowed on the same property provided that such sign not exceed 4 feet in height and the sign area not exceed six (6) square feet per side. Such sign may be illuminated and may display the name or logo of more than one business, provided that there not be more than one (1) directional sign per driveway entrance.

4. Flags. State of Michigan, United States, or other local municipal or non-profit organization flag are not considered signs and are exempt under this section.
5. Fuel Price Signs. Signs advertising the price of gasoline or other fuel, attached to the fuel pump, are exempt provided that such signs are limited to one per fuel pump and four (4) square feet in sign area per pump.
6. Garage/Yard Sale Signs. Signs for personal property sales may be located off site, must be removed within 24 hours of the completion of the sale and may not be posted earlier than 48 hours prior to the sale or for more than three (3) consecutive days and not more than twelve (12) days in any three hundred and sixty-five (365) day period. Such signs shall not be located within the right-of-way and may only be installed with the property owner's consent.
7. Handicapped Parking Space – Signs not exceeding two (2) square feet in area reserving parking for handicapped individuals.
8. Holiday decorations.
9. Identification signs designating a house number and/or the name of the resident, or for commercial properties, the street number, are exempt, however, lettering shall not exceed 12 inches in height for non-residential properties.
10. Informational Signs. Signs with lettering under three inches (3”) in height displaying information such as, but not limited to, hours of operation, door operating information, credit card information and menus may be displayed on or near a commercial pedestrian entranceway without a permit provided that such signs are not illuminated. A menu board for a drive-through restaurant may be illuminated but must be located behind the front building line
11. On-premise directional signs of two (2) square feet or less.
12. Political Signs. A temporary sign intended to advance a political statement, cause, or candidate for office. Signs indicating a political party or candidate for public office, provided that said signs do not exceed twelve (12) square feet in area on each side, are not displayed under this exemption more than forty-five (45) days prior to the scheduled election and shall be removed within ten (10) days after the election date.
13. Private Drive Signs – On-premises private drive signs are limited to one (1) per driveway entrance, not exceeding two (2) square feet in area.
14. Public Signs – Signs erected by government agencies or utilities, including traffic, utility, safety, railroad crossing and identification signs for public facilities and any signs erected by Green Lake Township.
15. Public signs or notices, or any sign relating to an emergency.
16. Real Estate Signs. Temporary, non-illuminated, on-premises signs advertising the sale, rent

or lease of the premises, not exceeding eight (8) feet square in area on each side and located on the premises. No off- premises real estate signs shall be permitted in the Township, except those directing traffic, to an open house.

17. Security and Warning Signs – On-premise signs regulating the use of the premises, such as “no trespassing”, “no hunting” and “no soliciting” signs that do not exceed one (1) sign two (2) square feet in area
18. Signs carved into a building or raised in integral relief on a building.
19. Signs required by federal or state law.
20. Signs required by municipal authority.
21. Traffic, Municipal and Private Traffic Control Signs. When located within a right-of-way or road easement.

#### **6.4 MAINTENANCE REQUIRED**

All signs shall be properly maintained. Exposed surfaces shall be clean and painted, if paint is required. Defective or damaged parts shall be replaced.

#### **6.5 PROHIBITED SIGNS**

1. A-framed/Wheeled Signs – Any portable “A” frame or similar portable sign is prohibited except as described under Temporary Signs.
2. Exterior String Lights – String lights used in connection with a commercial enterprise, other than holiday decorations which are strung no more than sixty (60) days before the holiday and removed within ten (10) days following the holiday for which they were erected.
3. Flashing Signs – For the purposes of this Ordinance, a sign that has changed rate or dwell time of three (3) seconds or longer does not fit within the prohibition noted herein.
4. Fluttering ribbons, pennants and other similar devices and lighted signs that blink off and on, rotate, flash or otherwise draw attention to the sign by means of the movement of light are prohibited.
5. Inflatable sign – a tethered sign consisting of an envelope inflated with pressurized or heated air, or a lighter-than-air gas, and displayed for the purpose of advertising or attracting attention.
6. Mechanically Moving Signs – An environmentally activated sign or other display with actual mechanical motion powered by natural, manual, mechanical, electrical or other means, including but not limited to propellers and search lights.
7. Mirrors. No mirror device shall be used as part of a sign.

8. Moving or scrolling electronic messages or images. Steady electronic message signs (using LED or similar technology) may be permitted with the approval of the Planning Commission upon determination that the design will not pose a nuisance or traffic hazard. Although such message shall not scroll, it may be changed intermittently.
9. No pediment, parasite or accessory signs shall be secured to any other sign.
10. No sign may be illuminated by flashing, oscillating or intermittent lighting.
11. No sign or other advertising structure as regulated by this Ordinance shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision of motorists.
12. No sign shall be erected, relocated, or maintained so as to prevent free ingress or egress from any door, window, or fire escape. No sign of any kind shall be attached to a standpipe or fire escape.
13. No sign, which by reason of its position, shape, or color, shall interfere with, obstruct the view of, or imitate, any authorized traffic sign, signal, or device.
14. No signs, either advertising or otherwise, shall be permitted to be placed or painted upon trees or rocks.
15. Off-premise advertising signs except billboards as allowed under this Article.
16. Pennant flags, streamers, balloons, over-the-street banners, or other such material used for advertising purposes, unless otherwise permitted in this Article.
17. Posters and Handbills – Any signs affixed to any structures, trees, or other natural vegetation, rocks or poles.
18. Product signs located outdoors, advertising products or brand names sold at a commercial establishment, are prohibited. Such prohibited product signs include temporary or permanent signs, free-standing or attached to a building, another permitted sign, a light pole, awning, or other structure. Exception are fuel price sign as permitted under this Article.
19. Roof Signs – Roof signs, except as allowed under this Article.
20. Sign Emissions – No sign which emits smoke, visible vapors, particles, sound or odor shall be permitted. Open flames used to attract public attention to place of business or to an advertising sign shall not be permitted.
21. Signs Adversely Affecting Safety. Signs which prevent free ingress or egress from any door, window, fire escape, or that prevent free access from one part of a roof to any other part. No sign other than a safety sign shall be attached to a stand-pipe or fire escape.
22. Signs containing strobe lights

23. Signs placed on or painted on a motor vehicle or trailer parked with the primary purpose of providing signage not otherwise allowed by the Ordinance; Prohibited is any sign displayed on a parked trailer or truck or other vehicle where the primary purpose of the vehicle is to advertise a product, service business, or other activity. This regulation shall permit the use of business logos, identification or advertising on vehicles primarily and actively used for business purposes and/or personal transportation.
24. Signs that imitate or resemble official traffic lights, signs or signals or signs that interfere with the effectiveness of any official traffic light, sign or signal.
25. Signs which make use of the words “stop”, “look”, “drive-in”, “danger”, or any other words, phrases, symbols, or characters which may interfere with, mislead, or confuse traffic, are prohibited.
26. Signs, either advertising or otherwise, which are animated or project an animated picture.
27. Signs, either advertising or otherwise, which include a sequence of flashing lights, or create a flashing effect.
28. Simulated Traffic Signs and Obstructions – Any sign which may be confused with, or obstruct the view of, any authorized traffic sign or signal, obstruct the sight-distance triangle at any road intersection or extend into the public right-of-way.

## **6.6 SIGNS ALLOWED WITH PERMIT**

### **Awning Sign / Canopy Sign**

- a. Not to exceed 10% of the wall area.
- b. Only one (1) canopy or one (1) wall sign permitted per business.

### **Billboards**

- a. One (1) billboard shall be permitted as the principal use on a vacant parcel of land in the Commercial District (C) fronting on US-31.
- b. Such billboard shall be setback a minimum of fifty (50) feet from any property line, five hundred (500) feet from any residential district, park, school, church, hospital, retirement home, cemetery, or government building and shall be non-illuminated.

### **Commercial Development Sign**

- a. At each driveway entrance one (1) group sign may be placed to identify the commercial establishment(s) located close to that driveway.
- b. Commercial development signs may only be monument- style signs.
- c. Information included on the individual business signs shall be limited to business name, business address and/or business logo. The commercial development sign may also include the name of the commercial development.

- d. Each business sign shall be limited to not more than two (2) feet by four (4) feet in size.

**Drive through Menu** board for a drive-through restaurant may be illuminated but must be located behind the front building line.

- a. One (1) per business
- b. Not to exceed 32 square feet

**Electronic** signs shall be a free-standing sign. Shall not exceed 24 square feet and meet the following:

1. A changeable sign may not allow the display or message to change more frequently than once every one (1) minute. Transitions from one static image to the next shall appear instantaneously without the appearance of animation, flashing or movement of any kind.
2. A changeable sign must have an ambient light monitor, which shall continuously monitor and automatically adjust the brightness level of the display based on ambient light conditions consistent with the terms of this article.
3. A changeable sign shall not exceed a brightness level of 0.3-foot candles above ambient light as measured using a foot candle (Lux) meter at a preset distance depending on sign area.
4. Certification must be provided to the township demonstrating that the changeable sign has been preset to automatically adjust the brightness to the stated levels or lower. Re-inspection and recalibration may be periodically required by the township to ensure that the specified brightness levels are maintained at all times. The recalibration shall be done at the township's discretion and at the sign owner's expense, and the brightness of changeable signs shall be measured as follows:
  - a. At least 30 minutes following sunset, a foot candle meter shall be used to obtain an ambient light reading for the location. This is done while the sign is off or displaying black copy. The reading shall be made with the meter aimed directly at the center of the sign area from a distance determined with the following formula: The square root of the product of the sign area multiplied by one hundred (100). Example using a twelve (12) square foot sign.
  - b. Measurement Distance =  $\sqrt{(12 \text{ Sq. Ft.} \times 100)} = 34.6$  as the determined setback.
  - c. The sign shall then be turned on to full white copy to take another reading with the meter at the same location.
  - d. If the difference between the readings is 0.3-foot candles or less, the brightness is properly adjusted and the sign is in compliance.
5. A sign lighting device shall employ only lights emitting a light of constant intensity and no sign shall be illuminated by or contain flashing, intermittent rotating or moving light or lights. No sign or lighting device shall be placed or directed to cast the beams and



illumination upon a public road, highway, sidewalk or adjacent premises causing a traffic hazard or nuisance. Signs shall not have light sources or reflect brightness in a manner which constitutes a hazard or nuisance. This includes signs with fluorescent text, graphics or background, as well as holographic signs.

6. The use, size and location of ECM signs must comply with all other relevant regulations and ordinances of the Township.

**Freestanding Signs** – shall be limited to one (1) per property and shall not exceed 24 square feet.

- a. Free-standing signs include pole signs and monument style signs. A monument style sign is one that is permanently installed directly on the ground or mounted on a low base.
- b. Free-standing signs shall not be located in any right-of-way and pole style signs shall be set back from any right-of-way a minimum distance equal to the height of the sign.

**Home Occupation Sign** – A home occupation sign is limited to eight (8) square feet in area per side, a maximum of six (6) feet in height and shall be unlighted, *see Section 4.15*.

**Institutional Identification/Informational Signs.**

- a. Such signs include bulletin boards or message boards for churches, schools, libraries, hospitals, museums and other public buildings.
- b. Such signs may be only a monument-style or other ground sign (not a pole sign).

**Residential Development Sign.**

- a. A residential development sign is a sign marking the entranceway of a single-family or multiple family residential development.
- b. Residential development signs may only be monument- style signs.
- c. Residential development signs may include only the name of the development and/or a street address.
- d. Such signs may be illuminated only by a spotlight or backlight opaque letters and may not include an internally illuminated translucent panel.

**Roof sign**

- a. Not to exceed three (3) feet in total height
- b. Not to exceed 15 square feet.
- c. May not project above roof line.

**Temporary Signs** Allowed with Permit.

- a. **Portable Signs.** Portable signs, also called pull-on signs, with or without internal illumination are permitted only as a temporary. A portable sign shall not be used as a permanent sign anywhere in the Township.
  - i. Portable signs include portable signs and sandwich board signs
  - ii. Portable / temporary signs be permitted at the start of the business day and removed at close. Portable / temporary signs shall be defined as a sandwich sign or pull on ground sign.
  - iii. Not to exceed 2' x 3'
  - iv. Permit one portable sign per business, to be located within 10 feet of the entrance and out of the right of way and shall not obstruct free and clear vision.
  - v. Permit one flag that says open or welcome on the building at the immediate entrance to the business at the start of the business day and removed at close
- b. **Special Event Signs.**
  - i. Special event signs, including portable signs, banners and sandwich board signs, advertising a grand opening, a sale, a public event, or similar commercial or non-profit event shall be allowed only with a permit on a temporary basis not to exceed 30 days and not to exceed 12 square feet, up to three (3) times per year not to exceed 90 days in a calendar year.
  - ii. For temporary uses such as carnival, circus, fair, rodeo or special event will only be permitted upon proof that all needed health department regulations have been met.
  - iii. A special event sign may be granted for temporary open lot sales such as Christmas trees, fruit and/or vegetable stands, art fairs, antique automobile or vehicles.
  - iv. Special Event signs for special events or special events open lot sales detailed in iv. and v. above, shall not be erected more than thirty (30) days in advance of the event and shall be removed no later than three (3) days after the event. Signs shall be removed by the owner or responsible person(s) of the sponsoring event.

### **Wall Signs**

- a. Not to exceed one (1) per business.
- b. Not to exceed 10% of wall area.
- c. Only one (1) wall sign or canopy sign permitted per business.

**Window Sign** – not to exceed 10% of total window area.

## 6.7 ELECTRICAL REGULATIONS APPLYING TO ALL SIGNS

**Unless otherwise specified by this Ordinance**, Signs may be illuminated consistent with the following standards (Unless a different light source is permitted by the Township Planning Director, low pressure sodium lighting may be used as a light source to minimize light emission).

No sign regulated by this Ordinance may utilize:

- a. An exposed incandescent lamp \* with an external reflector and without a sunscreen or comparable diffusion device.
- b. Any exposed incandescent lamp \* in excess of 160 watts unless a screen or shield is installed so that no light rays are emitted by the installed fixture at angles above the signs highest horizontal plane.
- c. Any revolving beacon light.

\*For the purpose of this Ordinance, quartz lamps shall not be considered an incandescent light source

1. Metal halide lighting, fluorescent lighting and quartz lighting may be used for outdoor advertising signs but shall be installed in enclosed luminaries.
2. Glass tubes filled with Neon, Argon or Krypton may be used provided they do not flash intermittently or create a visual effect of movement.
3. Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure whenever practical or mounted so that no light rays are emitted by the installed fixture at angles above the sign's highest horizontal plane.
4. The operating of lighting fixtures on or in signs from midnight to sunrise is prohibited unless the premise is open for business.
5. Light sources to illuminate signs shall be shielded from all adjacent residential districts, buildings and streets and shall not be of such brightness as to cause glare that is hazardous to pedestrians or drivers.
6. Lighted signs shall not be allowed in any Residential District.
7. No sign may be illuminated by flashing, oscillating or intermittent lighting.
8. All electrical signs shall fall under the regulations of the Grand Traverse County Construction Codes Department.

**6.8 TABLE OF SIGN REGULATIONS**

Sign Type	Zoning District				
	R-1, R-5, LR, VR, C-10	VC	C	M	I
<b>Free-standing sign, see note 1</b>	Not permitted unless otherwise permitted in this Article	a. 1 per premises b. NTE 8 feet in ht* c. NTE 24 sf in sign area	a. 1 per premises b. NTE 12 feet in ht* c. NTE 60 sf in sign area	a. 1 per premises b. NTE 12 feet in ht* c. NTE 60 sf in sign area	a. 1 per premises b. NTE 6 feet in ht* c. NTE 40 sf in sign area
<b>Development Sign</b>	a. 1 per entrance b. NTE 6 feet in ht c. NTE 16 sf in total sign area	a. 1 per entrance b. NTE 12 feet in height c. NTE 24 sf in total sign area (not including individual business signs)	a. 1 per entrance b. NTE 12 feet in ht c. NTE 40 sf in total sign area (not including individual business signs)	a. 1 per entrance b. NTE 8 feet in ht c. NTE 40 sf. in total sign area (not including individual business signs)	a. 1 per entrance b. NTE 12 feet in ht c. NTE 40 sf in total sign area (not including individual business signs)
<b>Institutional bulletin board</b>	a. NTE 8 feet in ht b. NTE 40 sf in total sign area (including changeable message area)	a. NTE 8 feet in ht b. NTE 40 sf in total sign area (including changeable message area)	a. NTE 8 feet in ht b. NTE 60 sf in total sign area (including changeable message area)	a. NTE 8 feet in ht b. NTE 60 sf in total sign area (including changeable message area)	a. NTE 8 feet in ht b. NTE 40 sf in total sign area (including changeable message area)
<b>Wall sign, see note 2</b>	Not permitted	a. 1 per business b. NTE the greater of 10% of adjacent wall area, or 40 sf	a. 1 per premises b. NTE the greater of 10% of adjacent wall area, or 60 sf	a. 1 per premises b. NTE the greater of 10% of adjacent wall area, or 60 sf	a. 1 per premises b. NTE the greater of 10% of adjacent wall area, or 60 sf
<b>Projecting sign</b>	NTE 4 sf in area	a. 2 per premises b. each NTE 4 sf in area	Not permitted	Not permitted	Not permitted
<b>Window sign</b>	Not permitted	NTE 10% of total window area	NTE 10% of total window area	Not permitted	NTE 10% of total window area
<b>Billboard sign</b>	Not permitted	Not permitted	Not permitted	a. NTE 300 sf in total sign area b. NTE 20 feet in height c. Minimum 150 ft. road frontage required	Not permitted

Note: "NTE" = Not to Exceed

Note 1: No free-standing sign shall be permitted in a commercial shopping center where a development sign is proposed/existing.

Note 2: For a commercial establishment with frontage on two roadways

## 6.9 SETBACKS

1. No sign shall be placed in a location where it causes a hazard to vehicular or pedestrian traffic by depriving the driver or pedestrian of a clear and unobstructed view of approaching, intersecting or merging traffic.
2. All permanent signs, unless otherwise provided for, shall be set back a minimum of ten (10) feet from any public road right-of-way line in all non-industrial districts and setback twenty (20) feet from any public road right-of-way in the industrial district.
3. Municipal Signs may be allowed in the public right-of-way with the approval from the appropriate governmental agency or on private property with the approval from the property owner.
4. Development/Building Identification signs and Subdivision Identification signs may be placed in boulevard median strips if approved by the County Road Commission and Green Lake Township as part of a Planned Unit Development.
5. Subdivision Identification signs may be located a minimum of 25 feet from the pavement of the adjacent roadway(s) and in any event, no closer than five (5) feet to any lot line(s).
6. Subdivision Identification signs, Development/ Building Identification signs and Municipal signs shall be ground mounted and shall not exceed five (5) feet in height
7. No sign shall be located within, project into, or overhang a public right-of-way

## 6.10 NONCONFORMING SIGNS

1. Any nonconforming sign now or hereafter existing which advertises a business which has been abandoned as defined in this ordinance out, shall be considered conclusive evidence of an intention to legally abandon the nonconforming sign. This shall not apply to seasonal businesses routinely closed for a portion of the year.
2. Any abandoned nonconforming sign, or other sign that has lost its legal nonconforming status under this Article, shall be removed or made conforming by the owner, agent, or person having the beneficial use of the lot, building or structure upon which such sign may be found, within thirty (30) days after written notification from the Zoning Administrator.
3. The Zoning Administrator is hereby authorized to cause removal of any nonconforming sign that has lost legal nonconforming status under this Article and any expense incident thereto shall be paid by the owner of the lot, building or structure to which such sign is attached.
4. Nothing herein shall prohibit the repair, reinforcement, alteration, improvement, or modernizing of a lawful nonconforming sign, provided that such repair does not exceed a cost of thirty percent (30%) of the appraised replacement costs for a comparable sign.

5. The repainting, refinishing or resurfacing of a legal nonconforming sign shall not cause the sign to lose legal nonconforming status.

## 6.11 PERMITS

### A. Required

A sign permit shall be obtained from the Zoning Administrator for all signs except those specified under Subsection 6.3.

### B. Approval

1. Application forms for sign permits are provided by the Zoning Administrator and shall contain or have attached thereto the following information at a minimum:
  - a. Name, address and telephone number of applicant.
  - b. Written consent of the owner of the building, structure, or lot to which or on which the sign is to be erected.
  - c. Name of person, firm, corporation, or association erecting the structure.
  - d. Location of building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected.
  - e. If proposed to be attached to a building, proposed location on a building.
  - f. Position of the sign or other advertising structure in relation to nearby buildings, structures, signs or other advertising structures.
  - g. Two (2) prints, sketches or scale drawings with dimensions of the plans and specifications and method of construction and attachment to the building, or in the ground.
  - h. Any electrical permit required and issued for said sign.
  - i. For temporary signs, the specific period of time that the sign is proposed to be displayed.
  - j. Such other information as the Zoning Administrator shall require to establish conformance with this section.
2. It shall be the duty of the Zoning Administrator, upon the filing of an application for a sign permit, to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign, and if it shall appear that the proposed structure meets all Ordinance and zoning requirements, she/he shall then issue the sign permit.
3. The Zoning Administrator shall act on the request within fifteen (15) days of receipt of a fully completed application.

4. Administrative decisions on a sign permit may be appealed to the Zoning Board of Appeals per the procedures of Article 15.

## **6.12 REVOCATION**

1. The Zoning Administrator is hereby authorized and empowered to revoke any sign permit issued upon failure of the holder thereof to comply with any provision of this Ordinance or upon finding that the permit was issued based on false information.
2. If the Zoning Administrator shall find that any sign or other advertising structure regulated herein is unsafe or insecure, or is a menace to the public, or has been constructed or erected, or is being maintained in violation of the provisions of this Ordinance, the permittee shall be given written notice thereof. If the permittee fails to remove or alter the structure so as to comply with the standards herein set forth within ten (10) days after such notice, such sign or other advertising structure may be caused to be removed or altered to comply with this Ordinance by the Zoning Administrator at the expense of the permittee or owner of the lot upon which it is located.
3. The Zoning Administrator may cause any sign or other advertising structure that is an immediate peril to persons or property to be removed summarily and without notice.
4. If the work authorized under a sign permit is not completed within six (6) months after the date of issuance, the said permit shall become null and void.

## **ARTICLE 7 LANDSCAPING**

### **7.1 APPLICATION** [amended by ZA #07-02, adopted 4/14/08, effective 5/25/08]

- A. The standards in this Article shall apply to all proposals coming before the Planning Commission or other approving authority for site plan review except single-family and duplex residential developments.
- B. For redevelopment of existing sites, the Planning Commission or other approving authority shall require compliance with these standards to the extent possible considering current site conditions. For such redevelopments, compliance with these standards shall be required only in reasonable proportionality to the improvements proposed on the site.

### **7.2 GENERAL STANDARDS** [amended by ZA #07-02, adopted 4/14/08, effective 5/25/08]

- A. Landscape plantings shall be limited to species native to Northwestern Michigan or other species as approved by the Planning Commission. Factors to be considered in determining species shall include ability to thrive in proposed location, expected full size of the species and whether it is poisonous to humans.
- B. Deciduous trees installed to meet the minimum requirements of this Article shall be a minimum of two (2) inches caliper at breast height (d.b.h.) or the equivalent.
- C. Coniferous trees installed to meet the minimum requirements of this Article shall be at least six (6) feet in height when planted.
- D. Landscaping shall be neatly maintained. Diseased or dead materials shall be replaced within the current or next planting season, as appropriate.
- E. The Planning Commission or other approving authority may require an applicant to place a performance guarantee as defined in this ordinance to ensure the full installation or replacement of landscaping as required under this Article. The value of the performance guarantee shall be based on a current estimate from a local nursery to install landscaping per the approved landscape plan, plus ten percent (10%). Such estimate shall be provided by the applicant prior to final site plan approval.
- F. Any berms installed in the Township shall meet the following standards:
  - 1. Berms shall be no higher than five (5) feet in height as measured from the average grade along the primary roadside or along the perimeter of the site (depending on proposed location).
  - 2. Berms shall have a minimum width of three (3) feet at the crown and shall have a maximum side slope of 2:1.



3. Berms shall undulate or otherwise be designed to avoid an unnatural appearance.
4. Berms shall be landscaped with the minimum plantings required herein for a greenbelt, parking lot perimeter planting or buffer. Landscaping shall be in naturalized groupings planted along the slopes of the berm.

### **7.3 FOUNDATION PLANTINGS**

- A. For uses regulated under this Article, there shall be installed a minimum four (4) foot wide vegetative strip around the primary building. Such strip shall be planted with a mixture of ground cover, ornamental trees and shrubs.
- B. The Planning Commission may grant exceptions to A above for the rear and sides of the building where:
  1. The building is in industrial or warehouse use; or
  2. There are vehicle loading/delivery areas along that portion of the building; or
  3. The building is screened from the view of adjacent streets and/or properties by a berm in accordance with 7.2.F above.

### **7.4 PARKING LOT PLANTINGS**

#### **A. Interior Parking Lot Landscaping**

1. For parking lots with thirty (30) or more parking spaces, there shall be provided trees in interior parking lot islands in a ratio of one (1) tree for each ten (10) parking spaces, or portion thereof, over thirty (30).
2. Said required trees shall be located in parking lot islands with a minimum dimension of twelve (12) feet and a minimum area of one hundred and eighty (180) square feet.
3. Such islands shall be curbed with four (4) inch concrete or bituminous curbing.
4. Where interior parking lot islands containing required trees have a minimum dimension of twenty-four (24) feet, a fifteen percent (15%) reduction in the required number of parking lot trees shall be granted.

### **7.5 OTHER PARKING LOT LANDSCAPING**

- A. Non-residential parking lot areas shall be screened from any alley and from neighboring residentially zoned parcels.
- B. In addition to the required interior parking lot landscaping, the perimeter of parking lot areas shall be planted with:

1. Ground cover; and
  2. Trees in a ratio of one (1) per twenty (20) linear feet.
- C. Such perimeter landscaping shall be installed in naturalized groupings except where the landscape design is intended to be of a more formal appearance.

## 7.6 BUFFERS

- A. Where a non-residential use is adjacent to a residential district, a buffer shall be required along the perimeter(s) of the site adjacent to the residential district.
- B. Such buffer shall be a minimum of fifty (50) feet in width.
- C. A buffer, at the discretion of the Planning Commission, may consist of any combination of the following:
1. Existing natural vegetation, providing substantial screening year-round; [amended by ZOA #19-02, approved 10/28/19, adopted 11/11/19, effective 11/22/19]
  2. Existing natural vegetation augmented with additional evergreen plantings to provide substantial screening year-round;
  3. A “living wall” of upright evergreen shrubs with a minimum mature height of five (5) feet; or
  4. Naturalized groupings of planted vegetation with a minimum of one (1) tree per twenty (20) linear feet.
- D. The Planning Commission may reduce or waive the requirement for the buffer, require a fence in lieu of the buffer, or any combination thereof if, after public hearings and notice, the Planning Commission finds that there would be no adverse effects upon the neighboring properties resulting from the reduction, omission, or substitution.

## 7.7 GREENBELTS

- A. For uses regulated under this Article, there shall be provided a greenbelt along the right-of-way of any street frontage.
- B. Greenbelts shall be a minimum of ten (10) feet in width.
- C. Greenbelts shall be planted with a minimum of one (1) tree per thirty (30) lineal feet of road frontage. Landscaping shall be planted in naturalized groupings with natural ground cover.
- D. Greenbelts may include a berm meeting the standards of Section 7.2.F of this Article, but such berm shall not replace the other landscaping requirements in this Section.
- E. Where existing natural vegetation (wooded area, understory scrub, native grasses, wildflowers, etc.) exists in the greenbelt area, it may be retained in place of the requirements above.

## **ARTICLE 8 ZONING DISTRICTS**

No building, structure or parcel in any Zoning District shall be used or occupied except for uses that are identified in the Zoning District as permitted, permitted subject to special regulations, or permitted by special land use permit.

### **8.1 USES PERMITTED**

Refer to Section 8.5, Table of Uses.

### **8.2 USES PERMITTED BY SPECIAL LAND USE PERMIT**

Refer to Section 8.5, Table of Uses. Subject to the provisions of Section 8.4, District Provisions and Article 9.

### **8.3 REGULATIONS**

Refer to Section 8.6, Table of Dimensional Regulations.

### **8.4 DISTRICT PROVISIONS** [amended by ZA #10-01, adopted 5/15/14, effective 5/31/14]

#### **A. RURAL RESIDENTIAL R-5**

##### **1. Intent & General Standards**

The Rural Residential R-5 District is located in rural lands in the Township. The intent of the District is to provide for low density residential uses within a predominantly rural environment. Single-family residential development, either stand alone or in planned residential development form, is permitted within the area at a density not to exceed one (1) dwelling unit per five (5) acres. Land uses consistent with the rural environment, including agriculture, conservation, forestry and rural based recreation facilities, are also permitted.

##### **2. Special Regulations**

See Articles 9

Low Density Residential District R-2 combined with Moderate Density Residential R-1 {amended by ZOA 21-002 approved 11/22/21, adopted 12/13/21, effective 12/26/21}

#### **B. LOW / MODERATE DENSITY RESIDENTIAL R-1**

##### **1. Intent & General Standards** [amended by ZOA 20-001, approved 1/27/2020, adopted 2/10/2020, effective 2/23/2020; ZOA 21-002 approved 11/22/21, adopted 12/12/21, effective 12/26/21]

The Low / Moderate Density Residential R-1 District is designed to allow single-family residential and related uses in restricted and compact areas of the Township. In-fill residential development that is compatible with existing suburban-style neighborhoods is

intended within this District. A residential development density of one (1) dwelling unit per acre is permitted.

Allows for the development of manufactured housing communities within the Township, in accordance with the provisions of the Michigan Public Act 96 of 1987, as amended and the Michigan Manufactured Housing Commission Rules.

**2. Special Regulations**

See Article 9

**C. VILLAGE RESIDENTIAL VR**

**1. Intent & General Standards** [amended by ZOA 20-001, approved 1/27/2020, adopted 2/10/2020, effective 2/23/2020]

The Village Residential VR District is located on platted lands within the Village of Interlochen. The District is designed to provide appropriate locations for a variety of housing types in a village setting and densities, ranging from single-family dwellings to multiple family dwellings, as well as other neighborhood-oriented service uses. A residential development density of three (3) dwelling units per acre is permitted in the VR District.

- a. Every single-family home in the VR district shall have its front generally facing the front lot line. For corner lots, every single-family home must generally face one of the two front lot lines.

**2. Special Regulations**

See Article 9

**D. LAKE RESIDENTIAL LR**

**1. Intent & General Standards** [amended by ZOA 20-001, approved 1/27/2020, adopted 2/10/2020, effective 2/23/2020]

The Lake Residential LR District is located on or near the shoreline of the lakes in the Township, including Cedar Hedge Lake, Duck Lake, Green Lake, Long Lake and Bass Lake and is designed to allow single-family residential and related uses with regulations designed to protect and enhance the enjoyment of these inland waters. In-fill residential development that is compatible with existing neighborhoods is intended within this District. A residential development density of one (1) dwelling unit per acre is permitted.

**2. Special Regulations**

See Article 9

**E. CONSERVATION C-10**

**1. Intent & General Standards**

Included within the limits of the Township are tracts of state forestland, large landholdings adjacent to those forestlands, developed land uses that depend on large tracts of land and environmental features that need to be preserved from intense development. The provisions of the Conservation C-10 District are intended to prohibit the alteration of these areas except where such alterations can contribute to the overall use and enjoyment of the areas by the people and/or the preservation of such areas and where such alterations have no substantial negative impacts upon the natural environment. Residential development, although permitted within the District, is limited to an average residential development density of one (1) dwelling unit per ten (10) acres.

**2. Special Regulations**

See Article 9

**F. COMMERCIAL C**

**1. Intent & General Standards**

The Commercial C District is located in distinct areas along US-31 in locations identified by the Green Lake Township Master Plan. These locations are intended to provide locations for small businesses to meet the day to day convenience shopping and service needs of residents and to provide for automobile-oriented commercial sites. [amended by ZOA 20-001, approved 1/27/2020, adopted 2/10/2020, effective 2/23/2020]

In particular, shared access and signage and landscape screening of parking and loading areas, shall be encouraged wherever practical. Commercial structures shall be designed to be compatible in scale and proportion to adjoining residential areas. Parking areas and driveways shall be paved with asphalt or concrete and include concrete curbing or other materials satisfactory to the Planning Commission to provide a dust free surface [amended by ZOA 22-001 approved 2/28/22, adopted 3/14/22, effective 3/27/22].

**2. Special Regulations**

See Article 9

**G. VILLAGE COMMERCIAL VC**

**1. Intent & General Standards**

The Village Commercial VC District applies to the commercial core of Interlochen. It is the intent of this Zoning District to provide areas for a mix of commercial and office uses serving the needs of the area residents, visitors and tourists. Public offices are encouraged to locate within this District. New development within the District will match the scale of existing development. It is expected that major commercial needs and the needs for comparison shopping will be provided for outside of the Township.

In particular, shared access and parking, landscape screening, rear and side parking and pedestrian amenities shall be encouraged wherever practical. Building design should blend into the existing residences.

## 2. Special Regulations

See Article 9

## H. VILLAGE COMMERCIAL J MADDY PKWY (VC137)

### 1. Intent & General Standards

The Village Commercial J MADDY PKWY (VC137) District applies to those parcels immediately adjacent to J MADDY PKWY. Residential uses are not permitted in this district. Parcels not immediately adjacent shall still be permitted to be residential uses by right consistent with the requirements of the Green Lake Township Zoning Ordinance. Article 3 Definitions, 3.1 Defined Words and Terms.

### 2. Special Regulations

See Article 9

## I. INDUSTRIAL M

### 1. Intent & General Standards [amended by ZOA 20-003 approved 8/24/2020, adopted 9/14/2020, effective 9/26/2020]

The Industrial M District is designed to apply to lands lying south of US- 31 near Grawn and an additional area south of US-31 near the Benzie County border as identified in the Green Lake Township Master Plan. These areas are intended to provide locations for industrial and certain business-related used that do not require either public water or public sewer for their operations.

### 2. Special Regulations

- a. **Water and Sewer Needs.** No use shall be permitted that has a high requirement for water and/or sewer or would require the provision of public water and/or sewer to support their operations unless public water or sewer becomes available to the site or unless a hydro-geologic study prepared by a qualified professional is provided. Such hydro-geologic study shall demonstrate that the impacts on the area’s ground water (especially aquifers that are the source for existing wells) will not be compromised due to over withdrawal and that there will be no other extensive impacts on groundwater under the proposal.

- b. Open Storage

See Article 9

- c. The area between the industrial establishment and road surface shall be a landscaped lawn and shrub area with walkways for pedestrian movement that is separated from roads, access drives and parking areas. The Planning Commission may require landscaped berms, fences, walls and/or other screening and they shall be provided and maintained as a condition of the establishment and continued maintenance of any use to which they are appurtenant.

- d. All utilities (electric, gas, water, sewer, cable television, etc.) shall be consistent with the area utility services. All utility pad fixtures, meters, shall be shown on the site plan and integrated with the architectural elements of the site plan.
- e. All exterior lights shall be arranged and installed so that direct illumination is shielded from direct view at, or further from, the property line of any adjoining parcel and be subject to the "Night Sky" lighting provision.
- f. All access drives, service drives, driveways, parking areas and sidewalks, shall be an improved surface (graveled, paved, etc.)
- g. Landscaping of the yard and grounds area of the parcel shall meet the following standards:
  - i. The owner shall be responsible for maintenance of all landscaping. Plant materials (including grass) shall be kept in a healthy growing condition, except for watering during periods of water shortage or drought and free from refuse and debris.
  - ii. The site plan shall show use of trees, bushes, shrubs, etc. on each side, front and rear yard, either by preserving such plants which exist prior to development or by planting them upon completing construction.

3. See also Article 9

## J. INSTITUTIONAL I

### 1. Intent & General Standards

The Institutional I District applies to lands developed or under the control of academic institutions. The District is intended to provide for the continued development of the existing school, together with requisite faculty and student housing and recreational land uses, in a land use pattern consistent with the predominant low to moderate density development pattern of the Township.

Limited private single-family residential development, either stand alone or in planned residential development form, is permitted in this District at a density not to exceed one (1) dwelling unit per acre. It is intended that commercial uses in this District will not compete against commercial activities in the Village of Interlochen.

### 2. Special Regulations

See Article 9

## 8.5 Table of Uses

See following pages

**8.5 TABLE OF USES** [amended by ZA #10-01, adopted 5/12/2014, effective 5/31/2014; ZA #18-03, adopted 3/12/2018, effective 4/2/2018; ZA #18-04, adopted 7/9/2018, effective 7/18/2018; ZA #18-05, adopted 10/16/18, effective 10/25/18; ZOA #18-07, adopted 10/8/2018, effective 10/17/2018; ZOA 19-01, approved 10/28/2019, adopted 1/13/2020, effective 1/23/2020; ZOA 20-001, approved 1/27/2020, adopted 2/10/2020, effective 2/23/2020; ZOA 20-003 approved 8/24/2020, adopted 9/14/2020, effective 9/26/2020; ZOA 20-007, approved 10/26/20, adopted 11/9/2020, effective 11/26/20] [amended by ZOA 22-001 approved 2/28/22, adopted 3/14/22, effective 3/27/22]

USES	LR	R-1	R-5	VR	C-10	C	VC	VC-137	M	I
Dwelling, new multiple family		SU				SU				SU
Dwelling, new single family	P	P	P	P			P			P
Dwelling, new duplex		P	P	SU		SU	P			P
Accessory Dwelling Unit	SU	SU	SU		SU		SU	SU		
Manufactured housing community		P								
Open Space Preservation Development	See Art. 11	See Art. 11	See Art. 11		See Art. 11					See Art. 11
Planned unit development	See Art. 11									
Resident Care Facility	See Art. 4.16									
Agricultural Related Commercial Enterprises (when associated with a bona fide agricultural operation; Agri-tourism, winery, brewery, distillery, interpretive farm, commercial hunting grounds, agricultural processing, riding stables and similar uses)			SU							
Agriculture			P							
Art Gallery						P	P	P		P
Auction center						SU			SU	
Automobile sales and rental establishment						P				
Automobile service / fueling station						SU	SU	SU		
Automotive washing facility						SU	SU	SU		
Bed and breakfast	SU	SU	SU	SU			SU	SU		
Boat & recreational vehicle sales						P				
Business services						P	P	P		
Campground			SU			SU				
Civic and Social Organizations						P	P	P		
Commercial parking lot							P	P		
Community Center						P	P	P		



USES	LR	R-1	R-5	VR	C-10	C	VC	VC-137	M	I
Conservation uses			P							
Contractor shop / yard						SU			P	
Distribution center									P	
Dormitories										P
Drive-through associated with any use permitted by right, special use [amended by ZA#07-02, adopted 4/14/08, effective 5/25/09]						SU	SU	SU		
Dry cleaning distribution center							P	P		
Dry cleaning establishment						P	P	P	P	
Emergency Services	P			P		P	P	P	P	
Equipment rental establishment						P			P	
Farm product warehousing and storage			SU						P	
Finance, insurance and real estate service						P	P	P		
Financial institution						P	P	P		
Food processing						P			P	
Forestry			P							
Funeral home						P	P	P		
Golf course			SU			SU				
Health services						P	P	P		
Kennel						SU				
Landscaping / Snow Plowing Contractor [amended by ZA #07-02, adopted 4/14/08, effective 5/25/08]			P			P			P	
Large Wind Energy Systems [amended by ZA #07-02, adopted 4/14/08, effective 5/25/08]			SU			SU			SU	SU
Laundromat						P	P	P		
Library	P	P		P			P	P		P
Licensed Marihuana Growers						SU			SU	
Licensed Marihuana Processors						SU			SU	
Licensed Marihuana Provisioning Centers						SU				
Licensed Marihuana Safety Compliance Facilities						P	SU	SU	P	
Licensed Marihuana Secure Transporters						P			P	

USES	LR	R-1	R-5	VR	C-10	C	VC	VC-137	M	I
Lumber yard and building supply establishment						SU				
Manufacturing									P	
Mini warehouse / storage			SU							
Museum	SU		SU	SU		P	P	P		P
Nursing home or convalescent home			SU			P				
Office only (not part of another use)						P	P	P		
Other Uses	See PUD									
Outdoor recreational vehicle storage			SU						P	
Packaging facility									P	
Parks and playgrounds	P	P	P	P	P	P	P	P	P	P
Parts assembly						P			P	
Personal services						P	P	P		
Place of entertainment						P	P	P		
Place of lodging						SU	SU	SU		
Place of Worship	P	P	P	P	P	P	P	P	P	P
Printing and publishing establishment						P			P	
Private and commercial recreation facilities	SU	SU	SU			P				P
Public Administration				P		P	P	P		
Public assembly and performance spaces						P	P	P		P
Public recreation facility	SU	SU	SU		SU	P	P	P	P	
Refrigerated warehousing and storage			SU						P	
Restaurant						P	P	P	P Adj to 31	
Retail nurseries, lawn and garden supply stores			P			P	P	P		
Retail store						P	P	P	P Adj to 31	P
Retirement home / assisted living						P	P	P		
Retreat / Conference Facility [amended by ZA #08-02, adopted 10/13/18, effective 10/28/08]			SU			SU				

USES	LR	R-1	R-5	VR	C-10	C	VC	VC-137	M	I
School			SU		P	P	P	P		P
Scrap and waste materials									SU	
Sexually oriented business						SU				
Shooting range			SU							
Signs	See Art. 6									
Storage, open and / or enclosed associated with any other use						SU			SU	
Telecommunications and data processing						P	P	P	P	
Tourist Cabin			SU							
Transportation depot							P	P	P	
Used motor vehicle parts									SU	
Utility Scales SES [amended by ZA 18-03, adopted 5/7/18, effective 5/17/18]			SU						SU	
Vehicle related parts									P	
Veterinary hospital / clinic [amended by ZA #07-01, adopted 7/14/07, effective 7/22/07]			SU			P	P	P		
Warehouse						P			P	
Warehouse / wholesale outlets						SU			P	
Wholesale fresh fruits and vegetables			SU						P	
Wholesale trade						SU			P	
Wireless communication facility	See Art. 4.30									

**8.6 TABLE OF DIMENSIONAL REGULATIONS** [amended by ZA #10-01, adopted 5/12/14, effective 5/31/14; ZA # 18-09, adopted 12/10/18, effective 12/25/18]

ZONING DISTRICT	Minimum Lot Area See Note G	Minimum Lot Width See Note G	Minimum Lot Width at Water's Edge	Minimum Setback See Notes H, I & J				Maximum Building Height See Notes K & L	Maximum Lot Coverage
				Front	Sides	Rear	Water's Edge		
Rural Residential R-5	5 acres	330'	220'	35'	See Note N	15'	50'	35'	
Low / Moderate Density Residential R-1	1 acre	150'	150'	35'	See Note N	15'	50'	35'	25%
Village Residential VR	12,000 sq ft	See Note M	150'	35'	See Note N	15'	50'	35'	30%
Lake Residential LR	1 acre	150'	150'	35'	See Note N	15'	50'	35'	25%
Conservation C-10	10 acres	330'	150'	35'	15'	15'	50'	35'	
Commercial C	1 acre	150'	150'	35'	15'	15'	50'	35'	50%
Village Commercial VC	See Note O	See Note O	150'	35'	5'	10'	50'	35'	25%
Industrial M	5 acres	250'	150'	100'	15'	15'	50'	35'	
Institutional I	1 acre	150'	150'	35'	15'	15'	50'	35'	

\* [amended by ZA #08-03, adopted 1/17/09, effective 1/25/09; ZOA 20-001, approved 1/27/2020, adopted 2/10/2020, effective 2/23/2020]

**Footnotes to the Table of Dimensional Regulations** [amended by ZOA 22-001 approved 2/28/22, adopted 3/14/22, effective 3/27/22]

**General Notes:**

Note A: Existing Parcels – All existing parcels legally created of any size may be developed for uses permitted in the zoning district. Unless otherwise stated in this Ordinance, setbacks of the district shall apply to all parcels in this District, even those with nonconforming width or area.

Note B: Accessory Buildings and Structures – Accessory buildings and structures are subject to the provisions of Section 4.11. Unless otherwise stated, the provisions of this table shall not apply to such accessory buildings or structures.

Note C: Alternative Development Choices – For alternative development choices, refer to Article 11.

Note D: Minimum Dwelling Unit Area – The minimum dwelling unit area shall be five hundred (500) square feet, habitable space except for a mobile home located in a licensed mobile home park. [amended by ZA #20-002, adopted 7/27/20, effective 8/22/20; ZOA 21-002 approved 11/22/21, adopted 12/13/21, effective 12/26/21]

Note E: Minimum Dwelling Unit Width – The minimum dwelling unit width shall be twenty (20) feet except for a mobile home located in a licensed mobile home park.

Note F: Manufactured Housing Community – All dimensional standards under the Michigan Department of Consumer and Industry Services' Manufactured Housing Commission rules (adopted February 12, 1998 or as amended or replaced with alternative rules) shall be observed.

**Specific Notes (referenced in table 8.6 above):**

Note G: Parcel Width to Depth Ratio – A parcel less than thirty (30) acres created after the effective date of this Ordinance shall not have a depth which is more than three (3) times its width.

Note H: Corner Lots – For corner lots, the minimum required front setback shall be observed from both the front and exterior side lot lines except that a twenty (20) foot setback shall be observed from the exterior side lot line in the VR district and where such lot line adjoins the road right-of-way of a road that ends at the shoreline of a body of water.

Note I: Through Lots – For through lots, the front setback requirement shall be observed from both the rear and the front lot lines.

Note J: Minimum Front Setback – The minimum front setback shall be applied from all lot lines contiguous with a road, subject to Notes H and I above.

Note K: Exemptions from Height Provisions – For exemptions from the height provisions of this table, refer to Section 4.7.

Note L: Height Variation – Any building or structure or part thereof may be erected or altered to any height if approved by the Board of Appeals, pursuant to its power to grant variances, or by the Planning Commission in connection with a Special Use Permit application approval.

Note M: Minimum Lot Width Requirement in the VR District – The minimum lot width in the VR District shall be as platted, except for combined lots in which case a minimum of one and one-half (1-1/2) times the width of the platted lots is required.

Note N: Minimum Side Setback Requirement in the Residential Districts – The minimum side yard setback in the Residential Districts shall be fifteen (15) feet or ten percent (10%) of the lot width, whichever is less, provided that no side yard shall be less than seven (7) feet. Parcels zoned Lake Residential (LR) under one half acre, may have a side yard setback of no less than seven (7) feet, no matter the lot width. [amended by ZOA #21-001, approved 07/26/2021, adopted 8/09/2021, effective 8/23/2021]

Note O: Minimum Lot Area and Lot Width Requirements in the VC District – The minimum lot area and lot width in the VC District shall be as platted. For unplatted land zoned VC, minimum lot area shall be 12,000 square feet and minimum lot width shall be 100 feet.

Note P: Setbacks are measured from the furthest projection of a structure to a property line. When a front yard setback, measurements are to the Road Right of Way if the property line is within the Road Right of Way.

## **ARTICLE 9 SPECIAL LAND USES AND SPECIAL USE PERMITS**

### **9.1 AUTHORITY**

The Township Planning Commission shall have the authority to deny, approve, or approve with conditions, an application for a Special Use Permit in accordance with the provisions set forth in this Article. If approved by the Planning Commission the Zoning Administrator shall issue the Special Use Permit.

### **9.2 CONSTRUCTION CODE PERMIT**

A Special Use Permit shall be required prior to the issuance of a Michigan State Construction Code Permit, issued pursuant to the State Construction Code Act.

### **9.3 APPLICATION PROCEDURE**

#### **A. Application**

If a use is listed as a special use in any Zoning District, anyone with an interest in a parcel within such Zoning District may apply for a Special Use Permit for such parcel. A Special Use Permit application shall be made on the form provided by the Zoning Administrator.

#### **B. Application Contents**

1. Every application for a Special Use Permit shall be accompanied by the following information and materials:
  - a. The Special Use Permit application form, filled out in full by the applicant, including the following:
    - i. The applicant's name and address;
    - ii. An affidavit signed by the applicant stating that he or she is the owner or has a possessor interest in the parcel, or is acting as the authorized agent of one of the foregoing;
    - iii. The street address and legal description of the property;
    - iv. A specific and concise statement of the special use proposed, together with information supporting compliance with the standards required for the Special Use Permit, as stated in Sections 9.4 and 9.5;
  - b. A detailed site plan as specified in Section 13.6;

- c. A complete description of the proposed development including:
  - i. Areas of the site which are proposed to be developed;
  - ii. The number of parcels and/or units;
  - iii. The number and characteristics of the population impact such as density, elderly persons, school children, tourists, family size and related material as applicable.
  - iv. Expected increased demands on community services and how these services are to be provided, including without limitation, expected number of elementary, middle and high school students, volume of sewage for treatment, volume of water consumption related to groundwater reserves, change in traffic volume on nearby streets, road and highways, together with other factors that may apply to the proposed special use;
  - v. An initial environmental review statement relative to the impact of the proposed development on soil erosion, shoreline protection, wildlife habitat, air pollution, ground and surface water pollution, noise and the scale of development in terms of each surrounding environment;
  - vi. Evidence that any other necessary permits required prior to issuance of a Construction Code Permit have been received from, or committed to by, the issuing governmental entity.
2. The applicant may be required to furnish:
  - a. Front, side and rear elevations of each building proposed for construction or alteration;
  - b. An environmental impact statement if the initial environmental review statement reveals a likelihood that the proposed development will pollute, degrade, impair, or destroy any environmentally sensitive resource and no mitigation is proposed. The environmental impact statement must be prepared by a qualified environmental engineer or other professional acceptable to the Township. The statement shall include a description of those measures that will be undertaken to minimize soil erosion, improve shoreline protection, avoid excessive noise and other adverse physical impacts of the proposed special use on nearby properties and a presentation of alternative development configurations, densities, uses, or construction methods. The impact statement shall also include an evaluation of likely short and long term effects upon the following:
    - i. Soils, geology and topography
    - ii. Adjacent parcels
    - iii. Historic and cultural resources
    - iv. Land use patterns

- v. Waterways and hydrologic systems and wetlands
  - vi. Vegetation, wildlife and fisheries
  - vii. Recreational resources
  - viii. Infrastructure and utility requirements.
3. The applicant shall certify in writing that the information included is correct to the best of his knowledge and that the efforts proposed to mitigate any adverse physical impacts will be completed in a timely fashion, should the Special Use Permit be approved.

C. Review for Completeness

1. All Special Use applications shall be reviewed for completeness by the Zoning Administrator and/or the Township’s Planning Consultant.
2. If the application is determined to be incomplete, the Zoning Administrator shall return the submittal to the applicant with a written list of items needed to make the submittal complete.
3. If the application is determined to be complete, the Zoning Administrator shall place the request on the next available Planning Commission agenda.

D. Public Hearing

1. The Planning Commission shall hold a public hearing to receive input on the Special Use Permit application from the applicant and other interested persons.
2. All persons shall be afforded an opportunity to provide input on the Special Use Permit application at the public hearing before the Planning Commission.

E. Notice of Public Hearing

1. The Zoning Administrator shall provide notice of the public hearing as required under the Michigan Zoning Enabling Act.
2. The notice of public hearing shall include all information required under the Michigan Zoning Enabling Act.

F. Review and Approval Standards

All applications for a Special Use Permit shall be reviewed against the standards and requirements of this Article, including all discretionary and non-discretionary standards. Only when satisfied that the application meets all such standards and requirements shall the application for Special Use Permit be approved or approved with conditions.

G. Length of Review Period



1. The Planning Commission shall hear and consider all Special Use Permit applications within sixty (60) days following the receipt of a completed application.
2. Where a decision is not made on the Special Use Permit application within the sixty (60) day period described in 1. above, the Planning Commission shall advise the applicant of the reasons, in writing and shall set a date for further consideration of the application.

#### H. Decision

The Planning Commission shall deny, approve, or approve with conditions, any application for a Special Use Permit based on compliance with non-discretionary standards of this Ordinance. The decision shall be incorporated in a written statement containing, at a minimum, the following:

1. A summary of public comments made at the hearing;
2. The findings and conclusions that specify the basis for the decision;
3. The findings and conclusions that specify the basis for any conditions imposed;
4. The decision.

#### I. Conditions

Special Use Permits can be granted with conditions, limitations, or additional requirements imposed by the Planning Commission. Any conditions, limitations or requirements upon which approval is based shall be:

1. Reasonable and designed to protect natural resources and/or the health, safety and welfare of the public;
2. Relevant to the social and economic well-being of the owners and occupants of the parcel in question, of adjacent parcels and the community as a whole;
3. A valid exercise of the Township police power;
4. Related to the purposes which are affected by the proposed use or activity;
5. Consistent with the intent and purpose of this Ordinance, generally and specifically for the district where such special use is to be permitted;
6. Designed to ensure compatibility with adjacent uses of land and the natural environment;
7. Designed to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by such special use

8. Designed to be compatible with spirit of the goals and policies outlined in the Township Master Plan.

J. Record of Special Use Permit

The Special Use Permit shall be placed in the Township files by the Zoning Administrator. The Zoning Administrator shall file the application and all other information relating to the Special Use Permit with the Township.

K. Recording of Special Use Permit

The Zoning Administrator shall prepare a notice of the Special Use Permit, in recordable form as provided for by law. Said notice shall be recorded in the office of the County Register of Deeds. This filing and any associated fees shall be the responsibility of the applicant.

#### **9.4 GENERAL REQUIREMENTS AND STANDARDS**

Every application for a Special Use Permit shall be evaluated by the Planning Commission to ensure that the special use meets the following general requirements and standards. Special land uses not having specific requirements and standards identified in Section 9.5 below shall be required to comply only with the provisions of this Section:

- A. The use conforms to all regulations of the Zoning District in which it is located.
- B. The use is designed and will be constructed, operated and maintained so as to be harmonious, compatible and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the area in which it is proposed.
- C. Hours of operation shall be set in consideration of adjacent land uses.
- D. The use will not be hazardous or disturbing to existing or future uses in the general vicinity. [amendment 19-03, effective 11/02/19]
- E. The use will be a substantial improvement to property in the immediate vicinity and to the community as a whole. [amendment 19-03, effective 11/02/19]
- F. The use will be adequately served by essential facilities and services such a highways, streets, police, fire and other emergency services, storm drainage, refuse disposal, water and sewage facilities and schools.
- G. The use will not create excessive additional requirements at public cost for public facilities and services.
- H. The use will not generate traffic levels beyond that normally anticipated for the area in which it is proposed or that will exceed the capabilities of the street system.

- I. The use meets the standards of other governmental agencies, where applicable and that the approval of these agencies has been obtained or is assured.
- J. Natural resources are protected to the extent feasible, including floodways and flood plains.
- K. The use does not involve activities, processes, materials, equipment, or conditions of operations that will be detrimental to any persons, property, or the general welfare by reason of dust, fumes, odors, glare or other objectionable impact.
- L. Storage shall be subject to the provisions of Section 4.34.FF.

## **9.5 RELATIONSHIP TO SITE PLAN**

- A. A detailed site plan required in Section 9.3.B above shall form part of the Special Use Permit application. Any approval of a Special Use Permit shall include reference to the site plan. Such plan shall be incorporated into and made a part of the Special Use Permit as if fully included therein. All representations, depictions and notations included on the site plan shall be considered conditions of approval, as if set out fully in writing by the Planning Commission.
- B. Notwithstanding A, above, a Special Use Permit may be conditionally approved by the Planning Commission based on a basic site plan with information provided as detailed in Section 13.6. Final Special Use Permit approval will not be issued until a detailed site plan has been approved following such conditional approval.
- C. Any change to an approved site plan referenced in a Special Use Permit shall require a new or amended Special Use Permit.

## **9.6 REQUIRED COMPLIANCE**

The Special Use Permit and the site plan referenced in the Special Use Permit approval shall be fully complied with at the time of development and from that time forward. Any changes to the approved site plan shall require written approval from the Planning Commission in accordance with Section 13.13 of this Ordinance. Failure to maintain compliance with the approved site plan shall constitute a material violation of the Special Use Permit and shall be cause for revocation or suspension of such permit, pursuant to Section 9.7 below.

## **9.7 VIOLATION OF SPECIAL USE PERMIT**

Any violation of the terms, conditions or limitations of a Special Use Permit shall be cause for revocation or suspension of such permit. The Planning Commission may either revoke or suspend the permit pending correction of any violation of a Special Use Permit after the notice and hearing provided for below. An action to revoke or suspend the permit shall occur only after giving written notice to the permit holder, specifying the violation(s) alleged to exist and the time and place for a hearing on the matter. The notice shall be delivered by certified mail, return receipt requested. Any interested party may appear in person or by attorney at the hearing. Before revoking or suspending the permit, the

Planning Commission shall make a finding that a material violation of the Special Use Permit exists. The permit holder shall be given a reasonable opportunity to correct the violation(s) before a permit may be revoked.

## **9.8 AMENDMENTS**

- A. Amendments Prior to Occupancy.** Amendments to Special Use Permits shall be handled in the same manner as the initial Special Use Permit application. Minor non-substantive changes may, however, be made to an existing Special Use Permit by mutual agreement between the Township and applicant without further public hearing, if done prior to the issuance of an occupancy permit. Whether a change is non-substantive shall be determined by the Zoning Administrator.
- B. Amendments to Existing Special Uses.** Any proposed expansion, change in use, building addition, new use, or addition of a use on any site operating under a special use permit or a pre-existing special use as detailed under 9.12, below, shall be subject to special land use review. Only those portions of the site proposed for expansion or changes shall be subject to review and subject to conditions as allowed under this Article.

## **9.9 TRANSFER OF SPECIAL USE PERMIT**

A Special Use Permit, with any and all associated benefits, conditions and required security, may be transferred to a new owner. The responsibility for effecting the transfer shall be with the original owner. If not transferred, the original owner shall continue to be held responsible for any conditions, security, etc., required by the Special Use Permit. The original owner, upon transferring the Special Use Permit, shall advise the Zoning Administrator within thirty (30) days, in writing, acknowledged and accepted by the new owner of said transfer, in order to ensure the continued validity of the permit, compliance with security and other conditions.

## **9.10 EXPIRATION OF SPECIAL USE PERMIT**

- A.** A Special Use Permit shall be valid for a period of one (1) year from the date of Planning Commission approval. If construction or the permitted use has not commenced and proceeded meaningfully toward completion by the end of this one (1) year, the Special Use Permit shall expire. The Planning Commission may, at its discretion, extend the Special Use Permit for up to one (1) additional year if requested to do so in writing by the applicant and if there is good reason to believe that the applicant will in fact commence construction or the permitted use and proceed meaningfully toward completion by the end of the second year.
- B.** Once construction has been completed and the special use has been established, a Special Use Permit shall be valid for as long as the approved special use continues in accordance with the terms and conditions of the approved permit. The Special Use Permit will expire on the occurrence of any one of the following conditions:
1. If replaced or superseded by a subsequent Special Use Permit.
  2. If replaced or superseded by a permitted use.

3. If the applicant requests that the Special Use Permit be rescinded.
  4. If the use is moved, is not used, or is abandoned for a period of twelve (12) continuous months.
- c. In its discretion, the Planning Commission may approve a Special Use request but direct the Zoning Administrator to withhold issuance of a Special Use Permit until all or some conditions or preconditions of approval have been satisfied. In such circumstances, the applicant shall have one (1) year from the date of approval to meet these conditions or preconditions prior to receipt of a Special Use Permit, upon which the approval shall expire. If the approval expires under this provision, the applicant may resubmit an application following the procedures of Section 9.3. [amended by ZA #11-02, adopted 3/12/12, effective 3/24/12]

### **9.11 REAPPLICATION**

No application for a Special Use Permit which has been denied wholly or in part by the Planning Commission shall be re-submitted for a period of one (1) year after such denial, except on grounds of new evidence or proof of changed conditions.

### **9.12 PRE-EXISTING SPECIAL USE**

- A. There are uses that were permitted as a special use under the Green Lake Township Zoning Ordinance in effect immediately prior to the effective date of this Ordinance that are not permitted uses under this Ordinance. Those that are listed as potential special uses in this Ordinance shall be designated as "Pre-existing Special Uses" and shall not be considered nonconforming uses.
- B. A Pre-existing Special Use shall be considered to be an approved, existing, special use and its configuration shall be shown on a site plan drawn to reflect how such use existed on the effective date of this Ordinance. Parts of parcels that are nonconforming immediately prior to the adoption of this Ordinance shall continue to be nonconforming under this Ordinance. A permit issued pursuant to this subsection shall be known as a Pre-existing Special Use Permit.
- C. An owner or operator of a Pre-existing Special Use may obtain from the Planning Commission, without charge, certification of a site plan reflecting how the use existed on the effective date of this Ordinance and identifying any nonconforming parts.
- D. When a special use owner or operator applies to amend a Pre-existing Special Use Permit for expansion or change, a written Special Use Permit shall be prepared for the entire use and parcel. The review of a Pre-existing Special Use Permit amendment application for expansion or change by the Planning Commission shall include only a review and action upon the expansion or changed portion of the Pre-existing Special Use Permit requested by the applicant. Any action by the Planning Commission on such application shall not change or alter those parts of the Pre-existing Special Use that are shown on the Pre-existing Special Use Permit.

**ARTICLE 10**  
**This Article left blank for future use.**

Formerly Criteria for Conditional Uses Removed [amended by ZOA 20-003 approved 8/24/2020, adopted 9/14/2020, effective 9/26/2020]

## **ARTICLE 11 DEVELOPMENT OPTIONS**

### **11.1 BASE DENSITY**

The maximum permitted density of an Open Space Preservation Development or Planned Unit Development shall be based on the underlying Zoning District. The gross parcel area shall be divided by the minimum parcel size of the underlying Zoning District(s) to determine the maximum permitted density.

### **11.2 OPEN SPACE PRESERVATION DEVELOPMENTS**

#### **A. Purpose**

The open space preservation zoning provisions of the Michigan Zoning Enabling Act are intended to encourage the grouping of dwellings on smaller lots, on a smaller portion of an undeveloped tract of land, in order to preserve the remainder of the tract as open space. This Section is intended to implement the open space zoning provisions in certain Zoning Districts as a permitted use, subject to appropriate qualifying conditions.

#### **B. Eligibility**

Open space preservation developments are a permitted use within the R-5, R-1, LR, C-10 and I Districts, subject to compliance with the standards of this Section.

#### **C. Standards**

1. The development proposed is a single-family planned residential development as defined by this Ordinance.
2. The property under consideration shall be under single ownership or control. [amended by ZA #08-02, adopted 10/13/08, effective 10/28/08]
3. The residential density of a single-family planned residential development shall not exceed the base residential density calculated in accordance with Section 11.1 above.
4. Developed lands shall occupy no more than fifty percent (50%) of the parent parcel's buildable area.
5. A minimum of fifty percent (50%) of the parent parcel shall be set aside as permanently protected open space. This area shall include at least fifty percent (50%) of the parent parcel's buildable area.
6. The provisions of this Section may be implemented by reducing the minimum lot

area and lot width standards of Section 8.6 provided that the standards of the Grand Traverse County Health Department have been satisfied.

7. The minimum setback provisions of Section 8.6 shall continue to apply to all parcels created under the provisions of this Section.
8. Development under this option shall not be dependent upon the establishment of a public sewer or public water supply system.
9. Grand Traverse County Health Department standards relating to the suitability of groundwater for on-site water supply and the suitability of soils for on-site sewage disposal shall apply.
10. Restrictions for shared water access specified under Section 4.26 apply to Open Space Preservation Developments.

### **11.3 PLANNED UNIT DEVELOPMENTS**

#### **A. Purpose**

This section recognizes that it may be desirable to modify certain restrictions of this Ordinance in the context of an innovative, efficient, planned development. The rationale for this departure from normal policy is that this Ordinance is drafted primarily to regulate discrete, individually proposed uses. Whenever it can be demonstrated that the needs of the community will be better served by a private plan which combines multiple structures or uses on one or more contiguous parcels, it may be desirable to allow implementation of such a plan without formal amendment of this Ordinance.

#### **B. Eligibility**

Planned unit developments may be permitted within any Zoning District, as a special use, in accordance with the provisions of Article 9 and subject to compliance with the objectives and standards of this Section.

#### **C. Standards**

1. The application proposed is a planned unit development as defined by this Ordinance.
2. A planned unit development may be permitted when a landowner, or group of owners acting jointly, can plan and develop a tract of land as an entity and thereby qualify for regulation of that tract of land as one complex land use unit, rather than an aggregation of individual buildings located on separate, unrelated lots.
3. The proposed planned unit development is on a parcel which is at least five (5) acres in gross area and the area available for development (net acreage) shall not be less than one-half (1/2) the gross acreage.
4. The development will be compatible with adjacent land uses and the natural environment.



5. The development is warranted by the design of open space and/or additional amenities made possible by the proposal, or it can be demonstrated that the needs of the community will be better served by a private plan which combines multiple structures or uses on one or more contiguous parcels.
6. Each use contemplated in the planned unit development is listed as a permitted use or a special use in the Zoning District in which the planned unit development is located or a permitted or conditional land use in the Village Commercial zoning district.
7. The density proposed represents the maximum number of housing units or principal structures which would otherwise be permitted by the underlying Zoning District.
8. The provisions of this Section may be implemented by reducing the minimum lot area and lot width standards of Section 8.6 provided that the standards of the Grand Traverse County Health Department are met.
9. In addition to altering minimum lot area and lot width standards of the underlying zoning district, the Township may also waive, wholly or in part, any usable floor area requirement, setback, or maximum height, specified by the restrictions of the respective Zoning District, if doing so results in:
  10. Additional public property in the development and/or public easement on property in the development that is acceptable to the Township and/or
  11. Public park land developed in or near the development and/or
  12. Some other public value to the Township.
13. If a proposed use in a planned unit development is a retail trade, finance, insurance or real estate service, or service and is not listed as a permitted use or a special use in the respective district in which the planned unit development is proposed, the use may still be a part of the planned unit development if the following conditions are met:
  14. Operation of the use will be conducted entirely within an enclosed building except for parking, signs, arrival and departure of merchandise or supplies and other activities incidental thereto which are not permanent in nature.
  15. All outside accessory and work areas will be enclosed by a solid wall.
  16. The principal structure will be six hundred (600) square feet in building area or larger.
  17. The total interior floor area of all principal and accessory structures does not exceed three thousand (3,000) square feet.
18. Development under this option shall not be dependent upon the establishment of a public sewer or public water supply system.

19. Grand Traverse County Health Department standards relating to the suitability of groundwater for on-site water supply and the suitability of soils for on-site sewage disposal shall apply.
20. Restrictions for shared water access specified under Section 4.27.C apply to Planned Unit Developments.

#### **11.4 PROCEDURE**

##### **A. Open Space Preservation Development**

Open space preservation developments are permitted uses within the R-5, R-1, LR, C-10 and I Districts.

##### **B. Planned Unit Development**

1. A planned unit development is permitted as a special use in any Zoning District. The review and approval of a planned unit development shall take place in accordance with the provisions of Article 9, subject also to the provisions of this Article.
2. Any Planned Unit Development may be approved for phased development. [amended by ZA #08-02, adopted 10/13/08, effective 10/28/08]
  - a. Planned Unit Developments proposed to be phased shall include a phasing plan to be approved by the Planning Commission and a Conceptual Plan meeting the requirements of a Medium Site Plan under the requirements of Section 13.6 in lieu of the detailed site plan required in accordance with B.1, above. The Conceptual and Phasing Plan shall, however, otherwise be processed in accordance with the provisions of Article 9, Special Land Uses.
  - b. Each phase of the phased Planned Unit Development must be subsequently approved by the Planning Commission. Each phase must comply with the approved Conceptual Plan and Phasing Plan and any other conditions of conceptual approval. Each phase will be processed as a Detailed Site Plan under the provisions of Article 13.
  - c. If any phase of a phased Planned Unit Development includes a use that is listed as a special land use under Table 8.5 and such use was not specifically approved as part of the conceptual plan, final approval shall be processed as a special land use under the provisions of Article 9.

#### **11.5 AMENDMENTS** [amended by ZA #08-02, adopted 10/13/08, effective 10/28/08]

Significant amendments to an open space preservation development or a planned unit development as determined by the Zoning Administrator, including a change to the conceptual plan or phasing as part of a phased planned unit development, shall be handled in the same manner as the initial application. Minor, non-substantive changes may, however, be made to the special use permit by

mutual agreement between the Township and the applicant without further public hearing, if done prior to the issuance of an occupancy permit for the use affected by such change.

## **ARTICLE 12 CONDOMINIUM DEVELOPMENT**

### **12.1 LEGAL AUTHORITY**

These Regulations are enacted by authority of the Condominium Act and the Michigan Zoning Enabling Act, as amended. All developments utilizing any form of condominium subdivision of land shall be reviewed and approved or disapproved by the Planning Commission. Developments otherwise requiring Township Board approval shall also be reviewed by the Township Board.

### **12.2 PROCEDURE**

Prior to recording of the master deed, required by Section 72 of the Condominium Act, the condominium development shall undergo site plan review and approval by the Township in accordance with Article 13 of this Ordinance. Approval under this Ordinance shall be required as a condition to the right to construct or expand a condominium project in the Township.

### **12.3 CONSULTATION**

In determining whether to approve a condominium development plan, the Township shall consult with the Zoning Administrator, the Township Planning Consultant and the Township Attorney regarding the adequacy of the master deed, deed restrictions, utility systems and streets, site layout and design and compliance with all requirements of the Condominium Act.

### **12.4 GENERAL REQUIREMENTS**

#### **A. Compliance with Federal, State and Local Laws**

All condominium projects shall comply with all applicable Federal, State and local laws and ordinances.

#### **B. Required Content**

All condominium development plans shall include the information required by Section 66 of the Condominium Act and the following:

1. a survey plan of the condominium development
2. a flood plain plan, when appropriate
3. a detailed site plan showing the location, size, shape, area and width of all condominium units
4. a utility plan showing all sanitary sewer, water and storm sewer lines and easements for the installation, repair and maintenance of all utilities

5. a street construction, paving and maintenance plan for all private streets within the proposed condominium subdivision
6. a storm drainage and stormwater management plan, including all lines, swales, drains, basins and other facilities, when appropriate.

C. Utility Easements

The condominium development plan shall include all necessary easements for the purpose of constructing, operating, inspecting, maintaining, repairing, altering, replacing and/or removing pipelines, mains, conduits and other installations of a similar character providing public utilities, including conveyance of sewage, water and storm water runoff across, through and under the property subject to said easement and excavating and refilling ditches and trenches necessary for the location of said structures

D. Private Roads

All private roads in a condominium subdivision shall comply with the specifications of the County Road Commission and the Township Private and Undeveloped Roads regulations, Section 4.19

E. Relocation of Boundaries

The relocation of boundaries, as described in Section 48 of the Condominium Act, shall conform to all setback requirements of this Ordinance for the Zoning District in which the project is located, shall be approved by the Zoning Administrator, and this requirement shall be made part of the condominium bylaws and recorded as part of the master deed.

F. Condominium Units

Individual condominium units shall comply with all regulations of the Zoning District in which it is located and shall be approved by the Zoning Administrator.

G. Performance Guarantee

As a condition of approval, the Township may require placement of a performance guarantee as defined in this ordinance to ensure completion of all improvements shown on the site plan.

## **12.5 CONDOMINIUM SUBDIVISIONS**

A. Compliance of Condominium Lot

For the purposes of these Regulations, each condominium lot in a condominium subdivision shall be considered as a single lot and shall comply with all regulations of the Zoning District in which it is located. In a condominium development containing single-family detached dwelling units, not more than one (1) dwelling unit shall be located on a condominium lot, nor shall a dwelling unit be located on a condominium lot with any other

principal structure or use. Required yards shall be measured from boundaries of a condominium lot. These requirements shall be made part of the bylaws and recorded as part of the master deed.

- B. Nothing in this section shall be construed as requiring a condominium subdivision to obtain plat approval under the Green Lake Township Subdivision Control Ordinance.

## **12.6 CONDOMINIUM DEVELOPMENT WITHOUT SUBDIVISION OF LAND**

Condominium development not involving condominium lots within a condominium subdivision shall comply with all regulations of the Zoning District in which it is located.

## **12.7 CONDOMINIUM CONVERSIONS**

- A. Review Not Required

The conversion of existing lands, buildings or structures into a condominium form of ownership shall not require site plan review and the approval of the Planning Commission or the Township Board.

- B. Township Attorney Review

All condominium conversions shall be reviewed by the Township Attorney regarding the adequacy of the master deed and deed restrictions.

## **12.8 MOBILE HOME CONDOMINIUM PROJECT**

Mobile home condominium developments shall conform to the requirements of this Ordinance, in accordance with the Condominium Act and other applicable Local and State laws, ordinances and regulations. Such developments shall be located only in a Zoning District that provides for Manufactured Housing Communities.

## **12.9 ADDITIONAL FILINGS REQUIRED**

Subsequent to the recording of the master deed, bylaws and deed restrictions and subsequent to the construction of improvements, the developer shall file the following information with the Township Clerk:

- A. Five (5) prints of the as-built condominium plans. [amended by ZOA #19-02, approved 10/28/19, adopted 11/11/19, effective 11/22/19]
- B. Two (2) of the recorded master deed, bylaws and deed restrictions with all pertinent attachments.
- C. Certification from the developer's engineer that improvements have been installed in conformance with the approved construction drawings and monuments.
- D. Upon fulfillment of all requirements, the developer shall apply to the Township Clerk for release of performance guarantees.

## **ARTICLE 13 SITE PLAN REVIEW**

### **13.1 AUTHORITY**

An application for approval of a site plan may be denied, approved, or approved with conditions, in accordance with the provisions set forth in this Article.

### **13.2 REQUIREMENT**

A site plan shall be submitted with all applications for a Land Use Permit, permitted uses, a Special Use Permit, a Planned Unit Development, or an Open Space Preservation Development. An appeal to the Board of Appeals shall also include a site plan prepared according to the specifications of this Article.

### **13.3 PERMITS**

No Land Use or Special Use Permit or Michigan Construction Code building permit, issued pursuant to the State Construction Code Act, shall be issued or otherwise authorized until after any required site plan has been approved, any conditions have been fulfilled and any security requirement has been complied with.

### **13.4 OPTIONAL SKETCH PLAN REVIEW**

Prior to submitting an application for a permit or site plan approval, an applicant may choose to submit a site plan sketch for review by the Zoning Administrator, the Township’s Planning Consultant and/or the Planning Commission. The sketch plan shall be superimposed on an air photo of the parcel or shall be a scaled drawing of the parcel showing the location of each existing and proposed parcel, property line, structure, improvement, street, sidewalk, easement and drainage system. The review shall be informal and advisory only and shall not constitute approval, authorization or granting any type of permit. The review shall be done without cost to the applicant but must be scheduled as an item of business on the Planning Commission's agenda if the site plan sketch is to be reviewed by the Planning Commission.

### **13.5 TYPES OF SITE PLANS** [amended by ZA #07-02, adopted 4/14/08, effective 5/25/08; ZOA 20-001, approved 1/27/2020, adopted 2/10/2020, effective 2/23/2020]

There shall be three types of site plans required, depending on the complexity of the land use(s) proposed in the application:

- A. Basic Site Plan required for a completed application for:
  - 1. construction of a dwelling
  - 2. addition to or alteration of a dwelling
  - 3. construction of an accessory structure in any residential zoning district

B. Medium Site Plan required for a completed application for any permitted use not listed in A above, or any matter before the Board of Appeals which does not need a Detailed Site Plan. A Medium Site Plan shall be submitted for the required conceptual plan as part of a phased Planned Unit Development as allowed under Section 11.4 [amended by ZA #08-02, adopted 10/13/08, effective 10/28/08]

C. Detailed Site Plan required for a completed application for:

1. any Special Use
2. any Multiple Family Dwelling
3. any use in the C, VC, M or I Districts
4. any Open Space Preservation or final submittal for a Planned Unit Development [amended by ZA #08-02, adopted 10/13/08, effective 10/28/08]

**13.6 SITE PLAN DETAIL REQUIREMENTS**

The following information shall be provided with full and partial site plans, as indicated. All site plans shall be drawn at a scale of 1"=100' or less.

Required Site Plan	Basic Site Plan	Medium Site Plan	Detailed Site Plan
<b>A. <u>Basic Information</u></b>			
1. Applicant's name, address, telephone number and signature	●	●	●
2. Property owner's name, address, telephone number and signature	●	●	●
3. Proof of property ownership	●	●	●
4. Whether there are any options or liens on the property	●	●	●
5. A signed and notarized statement from the owner of the property that the applicant has the right to act as the owner's agent	●	●	●
6. The address and/or parcel number of the property, property lines, location and size	●		
7. The address and/or parcel number of the property, complete legal description and dimensions of the property, setback lines, monument locations, gross and net acreages and frontage		●	●
8. A vicinity map showing the area and road network surrounding the property		●	●
9. Name, address and phone number of the preparer of the site plan	●	●	●
10. Project title or name of the proposed development	●	●	●
11. Statement of proposed use of land, project completion schedule, any proposed development phasing	●	●	●
12. Land uses and zoning classification on the subject parcel and adjoining parcels			●



Required Site Plan	Basic Site Plan	Medium Site Plan	Detailed Site Plan
13. Seal of the registered engineer, architect, landscape architect, surveyor, or planner who prepared the plan, as well as their name, address and telephone number			●
<b>B. <u>Site Plan Information</u></b>			
1. North arrow, scale, and date of original submittal and last revision	●	●	●
2. Natural features such as woodlots, water bodies, wetlands, high risk erosion areas, slopes over twenty-five (25%), beach, sand dunes, drainage, and similar features	●	●	●
3. Boundary dimensions of natural features		●	●
4. Proposed alterations to topography and other natural features *		●	●
5. Existing topographic elevations at two-foot intervals except shown at five-foot intervals where slopes exceed 18% *			●
6. The location and type of existing soils on the site and any certifications of borings *			●
7. Soil erosion and sediment control measures as required by the Grand Traverse County Soil Erosion Department			●
8. The location, height and square footage of existing and proposed main and accessory buildings, and other existing structures	●	●	●
9. Location and specifications for any existing or proposed (above or below ground) storage facilities for any chemicals, salts, flammable materials, or hazardous materials. Include any containment structures or clear zones required by county, state or federal government authorities	●	●	●
10. Proposed finish floor and grade line elevations of any structures			●
11. Residential density schedule showing the number of dwellings or housing units per acre, unit type(s), and number of each unit type			●
12. Existing and proposed driveways, including parking areas	●	●	●
13. Neighboring driveways and other vehicular circulation features adjacent to the site		●	●
14. Location, size and number of parking spaces in the on-site parking areas		●	●
15. Identification and dimensions of service lanes and service parking, snow storage areas, loading and unloading and docks		●	●
16. Proposed roads, access easements, sidewalks, bicycle paths, and other vehicular and pedestrian circulation features within and adjacent to the site			●
17. Location of and dimensions of curb cuts, acceleration, deceleration and passing lanes		●	●
18. Location of neighboring structures that are close to the parcel line or pertinent to the proposal		●	●
19. Location of water well and on-site sewage disposal systems	●		

Required Site Plan	Basic Site Plan	Medium Site Plan	Detailed Site Plan
20. Location, specifications, and access to a water supply in the event of a fire emergency		●	●
21. Location of water supply lines and or wells, and the location and design of storm sewers, retention or detention ponds, waste- water lines, clean out locations, connection points and treatment systems, including septic system if applicable		●	●
22. Location of all other utilities on the site including but not limited to natural gas, electric, cable TV, telephone and steam		●	●
23. Location, size and specifications of all signs and advertising features, including cross sections		●	●
24. Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used		●	●
25. Proposed location of any open spaces, landscaping and buffering features such as buffer areas, greenbelts, fences, walls, trash receptacle screening, and other screening features with cross sections shown		●	●
26. The proposed sizes of landscape materials not previously existing. All vegetation to be retained on site must also be indicated, as well as its typical size by general location or range of sizes as appropriate			●
27. Statements regarding the project impacts on existing infrastructure (including traffic capacity, schools, and existing utilities, and on the natural environment on and adjacent to the site)			●
28. Changes or modifications required for any applicable regulatory agencies' approvals			●

\*More detailed information may be required where the Township determines that the site and use warrant a more critical review.

**13.7 EXCEPTIONS** [amended by ZA #07-02, adopted 4/14/08, effective 5/25/08]

The Planning Commission or other approving authority may grant exceptions to the requirements of Section 13.6 during the review of any site plan where the application of such provisions is not reasonable for the parcel and provided such exceptions are consistent with the general intent and objectives of this Article.

**13.8 APPLICATION PROCEDURE** [amended by ZA #07-02, adopted 4/14/08, effective 5/25/08]

A. Application

Anyone with an interest in a parcel may apply for approval of a site plan affecting such parcel. An application for approval of a site plan shall be made on the form provided by the Zoning Administrator. The application shall be submitted to the Zoning Administrator.

B. Application Contents

Every application for approval of a site plan shall be accompanied by the following information and materials:

1. The site plan application form, filled out in full by the applicant, including, at a minimum, all information required under 13.6.A, Basic Information.
2. A site plan as specified in Sections 13.5 and 13.6 above.

C. Required Copies

1. Applications for a Land Use Permit shall be accompanied by one (1) copy of the Basic Site Plan.
2. Applications for review by the Planning Commission shall be accompanied by eleven (11) copies of the Medium or Detailed Site Plan.
3. Appeals to the Board of Appeals shall be accompanied by seven (7) copies of the Medium Site Plan.
4. Whenever additional copies of the site plan are required by the Zoning Administrator, the Township’s Planning Consultant, the Board of Appeals, or the Planning Commission, the applicant shall provide such additional copies as are determined to be necessary

D. Review for Completeness

1. All site plan applications shall be reviewed for completeness by the Zoning Administrator and/or the Township’s Planning Consultant.
2. If the site plan is determined to be incomplete, the Zoning Administrator shall return the site plan to the applicant with a written list of items needed to make the site plan complete.
3. If the site plan is determined to be complete, the applicant shall:
  - a. As applicable, forward copies of the site plan to the County Road Commission, County Drain Commissioner, County Health Department and Michigan Department of Highways, for their review and comments; and
  - b. Forward all copies of the review comments to the Zoning Administrator.
4. If the site plan is determined to be complete, the Zoning Administrator shall:
  - a. Determine if the site plan is to be reviewed and acted upon by the Zoning Administrator, in which case the Zoning Administrator shall do so;
  - b. Determine whether any outside reviewer including the Township Engineer, Planning Consultant, Attorney, or others will be asked to review the plan and provide written comments for the approving body’s consideration.

- c. Determine if the site plan is to be reviewed and acted upon by the Planning Commission and, if so, forward a copy of the site plan(s) to each member of the Planning Commission at least one (1) week prior to the Planning Commission's meeting when the site plan is on its agenda;
- d. Determine if the site plan is to be reviewed and acted upon by the Board of Appeals and if so, forward a copy of the site plan to each member of the Board of Appeals at least seven (7) days prior to the Board of Appeal's meeting when the site plan is on its agenda.

#### E. Review and Approval

All applications for site plan approval shall be reviewed for compliance with the standards and requirements of this Ordinance, including all discretionary and non- discretionary standards. Only when satisfied that the application meets all such standards and requirements shall the Zoning Administrator, or Planning Commission, as applicable, approve or approve with conditions, such application for site plan approval.

#### F. Simultaneous Review

Whenever possible, site plan review by the Zoning Administrator, or Planning Commission, shall be conducted simultaneously with other reviews on the same application.

#### G. Decision

1. The Zoning Administrator may deny, approve, or approve with conditions, any application for site plan approval of a Basic Site Plan.
2. The Planning Commission, or when applicable, the Zoning Administrator may deny, approve, or approve with conditions, any application for site plan approval of a Medium or Detailed Site Plan.
3. In cases where the Zoning Administrator reviews the site plan, such review shall occur within ten (10) business days of the site plan being found complete.
4. In cases where the Planning Commission reviews the site plan, such review shall occur within sixty (60) days of the site plan being found complete.
5. Where a decision is not made on the site plan application within the times allowed above, the Zoning Administrator, or Planning Commission, as applicable, shall advise the applicant of the reasons, in writing and shall set a date for further consideration of the application.
6. The decision of the Zoning Administrator, or Planning Commission, shall be incorporated in a written statement containing, at a minimum, the following:
  - a. The findings and conclusions that specify the basis for the decision.

- b. The findings and conclusions that specify the basis for any conditions imposed.
- c. The decision.
- d. The conditions of approval, if applicable.

#### H. Conditions

Site plan approval may be granted with conditions, limitations, or additional requirements imposed by the Zoning Administrator, or Planning Commission. Any conditions, limitations or requirements upon which approval is based shall be:

1. Reasonable and designed to protect natural resources and/or the health, safety and welfare of the public;
2. Relevant to the social and economic well-being of the owners and occupants of the parcel in question, of adjacent parcels and the community as a whole;
3. A valid exercise of the Township police power;
4. Related to the purposes which are affected by the proposed use or activity;
5. Consistent with the intent and purpose of this Ordinance, generally and specifically for the Zoning District where such use is to be permitted;
6. Designed to ensure compatibility with adjacent uses of land and the natural environment;
7. Designed to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by such use.

#### I. File Copies

1. At least two (2) copies of the site plan, all accompanying documents, record of approval and list of conditions shall be kept by the Township for its record.

### **13.9 GENERAL REQUIREMENTS AND STANDARDS**

The Planning Commission shall make a finding that the following general standards are met prior to approving a site plan:

- A. All required site plan and application information has been provided as specified in this Article.
- B. All required permits and approvals from outside agencies have been secured or have been made a condition of site plan approval.

- C. Adequate essential facilities and services, including highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities and schools, are available.
- D. All applicable standards of agencies including, but not limited to, the Township Fire Department, Michigan Department of Transportation, County Road Commission, Drain Commission and the Department of Environmental Quality, have been met.
- E. The spirit and intent of all ordinances and standards adopted by the Township, including this Ordinance, have been complied with.
- F. All buildings and structures shall be designed, constructed, operated and maintained so as to be harmonious, compatible and appropriate in appearance, with the existing or intended character of the general vicinity.
- G. The proposed use will not change the essential character of the area in which it is proposed.
- H. The buildings, structures and entryway thereto proposed are so situated, designed and screened/buffered as to minimize any adverse effects upon owners and occupants of adjacent properties and the neighborhood.
- I. Complete and safe pedestrian and vehicular circulation is provided.
- J. All buildings and structures are accessible to emergency vehicles.
- K. The percentage of impervious surface has been limited on the site to the extent practical.
- L. Efforts have been made to protect the natural environment to the greatest extent possible.
- M. The proposal is not in conflict with the goals and objectives of the Township Master Plan.

### **13.10 SECURITY REQUIREMENTS**

- A. To ensure compliance with the site plan and Ordinance and any conditions, limitations or requirements imposed by the Zoning Administrator, or Planning Commission as necessary to protect natural resources or the health, safety and welfare of the residents of the Township and users or inhabitants of the proposed project or project area, the approving body may require that the applicant deposit a performance guarantee as defined in this ordinance with the Township.
- B. Such performance guarantee shall be deposited with the Township Clerk at the time of the issuance of the permit authorizing the commencement of such project. Where the project will take more than ninety (90) days to be completed, the Planning Commission may authorize a rebate of any cash deposit in reasonable proportion to the ratio of the work completed as the work progresses.
- C. Such performance guarantee shall not exceed one hundred ten percent (110%) of the estimated cost of the required conditions, limitations and requirements for which the security is designed to ensure compliance with.

### **13.11 REQUIRED COMPLIANCE**

Property that is the subject of an approved site plan shall be developed in full compliance with the approved site plan and any approved amendments thereto. Failure to conform with the approved site plan shall constitute a violation of this Ordinance.

### **13.12 EXPIRATION OF SITE PLAN APPROVAL** [amended by ZA #07-02, adopted 4/14/08, effective 5/25/08]

- A. An approved site plan shall be valid for a period of one (1) year from the date of approval. If construction of the permitted use has not commenced and proceeded meaningfully toward completion by the end of this one (1) year, the site plan approval shall expire. The Planning Commission or other approving authority, may, at its discretion, extend the approved site plan for one (1) additional year if requested to do so in writing by the applicant and if there is good reason to believe that the applicant will in fact commence construction of the permitted use and proceed meaningfully toward completion by the end of the second year.
- B. Once construction has been completed and the site plan has been complied with, an approved site plan shall be valid for as long as the approved site plan continues to be complied with in accordance with the terms and conditions of the approval. The site plan will remain in full force and effect until replaced or superseded by a subsequent site plan.

### **13.13 AMENDMENTS**

An application to amend an existing site plan may be filed with the Zoning Administrator and shall be handled in the same manner as the initial site plan review prescribed by this Ordinance. By mutual agreement between the Township and applicant, minor non-substantive changes may be made to an existing approved site plan if such change is sought prior to the issuance of an occupancy permit.

### **13.14 REAPPLICATION**

No application for site plan approval which has been denied wholly or in part shall be re- submitted for a period of one (1) year after such denial, except on grounds of new evidence or proof of changed conditions.

## **ARTICLE 14 PLANNING COMMISSION**

### **14.1 DUTIES**

- A. The Planning Commission shall hear and decide such matters as the Planning Commission is specifically authorized to pass on as provided in this Ordinance and such matters as may be provided by law, including, but not limited to, site plans, special use approvals and planned unit developments.
- B. The Planning Commission shall also be responsible for the holding of public hearings on applications and proposals as required by the provisions of this Ordinance and as may be required by law.

### **14.2 REPORTS**

Based on input from the Zoning Administrator and the Township's Planning Consultant, the Planning Commission shall prepare for the Township Board a report on the operations of the Zoning Ordinance at least once per year. Such report shall include recommendations as to the enactment of amendments or supplements to the Zoning Ordinance.



## **ARTICLE 15 BOARD OF APPEALS**

### **15.1 ESTABLISHMENT**

There is hereby established a Board of Appeals, which shall perform its duties and exercise its powers as provided in the Michigan Zoning Enabling Act, in such a way that the objectives of this Ordinance shall be enforced, the health, safety and welfare of the public shall be promoted and substantial justice shall be secured.

### **15.2 DUTIES**

The Board of Appeals shall hear and decide such matters as the Board of Appeals is specifically authorized to pass on as provided in this Ordinance and such matters as may be provided by law, including, but not limited to, variances, interpretation of Ordinance text and interpretation of the Zoning Map. This shall not apply where the Board of Appeals is specifically prohibited within this Ordinance from acting on an appeal.

### **15.3 RULES OF PROCEDURE**

The Board of Appeals shall adopt rules of procedures. These rules shall be available for public inspection at the Office of the Township Clerk.

#### **A. Meeting Schedule**

The Board of Appeals shall annually establish a regular schedule of Board of Appeals meetings and the time and place of each. The schedule shall be posted within ten (10) days of setting the schedule as required under the Open Meetings Act. All such meetings and hearings shall be open to the public.

#### **B. Quorum**

The presence of three (3) members shall constitute a quorum.

#### **C. Majority Vote**

The Board of Appeals shall act by resolution. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which it is required to pass by this Ordinance, or to grant variations from the requirements of this Ordinance.

#### **D. Meeting Minutes**

1. The Board of Appeals shall keep minutes of its proceedings, all of which shall be filed promptly with the Township Clerk and shall be a public record, showing:

2. The action of the Board of Appeals;
3. The reasons on which the Board of Appeals bases its action;
4. The vote of each member upon each question, or, if absent or failing to vote, indicating such fact; and
5. Any other official action.

E. Transmittal of Resolutions

A copy of each resolution passed upon by the Board of Appeals shall be submitted to the Township Clerk and to the Secretary of the Planning Commission.

## 15.4 VARIANCES

The authority to grant variances shall be exercised in accordance with the following standards:

- A. The Zoning Board of Appeals may grant a requested "non-use" variance only upon a finding that practical difficulties exist. A finding of practical difficulties must be based upon the applicant's demonstration of all of the following:
  1. Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.
  2. The variance will do substantial justice to the applicant, as well as to other property owners in the district.
  3. The Board must consider whether a grant of a lesser relaxation than applied for would give substantial relief to the applicant and be more consistent with justice to other properties.
  4. The need for the variance is due to unique circumstances specific to the property.
  5. The problem and resulting need for the variance has been created by strict compliance with the Zoning Ordinance, not by the applicant or the applicant's predecessors.

B. Use Variances

The Board of Appeals shall not grant a use variance or take any action that would effectively grant a use variance. Further the Board of Appeals shall not otherwise allow a use that is not in keeping with the spirit of the Ordinance or with the Zoning District in question.

C. Conditions of Approval

In authorizing a variance, the Board of Appeals may, in addition to the specific conditions of approval called for in this Ordinance, attach thereto such other conditions regarding location, character, landscaping or treatment as are reasonably necessary to the furtherance of the intent and spirit of this Ordinance and the protection of the public interest. Violations of such conditions, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 18.2.B.

D. Voiding of Variance

Each variance granted under the provisions of this Ordinance shall become null and void unless:

1. The construction authorized by such variance or permit has begun within one (1) year after the granting of such variance and pursued diligently to completion; or
2. The occupancy and operation of land or buildings authorized by such variance has taken place within one (1) year after the granting of such variance.

E. Extension of Approval

The Board of Appeals may, at its discretion, extend the approved variance for one (1) additional year if requested to do so in writing by the applicant and if there is good reason to believe that the applicant will in fact commence construction of the permitted use and proceed meaningfully toward completion by the end of the second year.

F. Reapplication

No application for a variance which has been denied wholly or in part by the Board of Appeals shall be re-submitted for a period of one (1) year after such denial, except on grounds of new evidence or proof of changed conditions.

## 15.5 INTERPRETATIONS

A. Interpretation

Pursuant to the requirements the Michigan Zoning Enabling Act, nothing contained herein shall be construed as prohibiting the Board of Appeals from interpreting the text of this Ordinance in such a fashion that will allow in a land use district buildings, uses and structures which are sufficiently similar to the specifically permitted or special uses in that land use district, under the same permitted or special use regulations. Such interpretation shall not have the effect of granting a variance but rather shall be deemed only to be an interpretation of this Ordinance text.

B. Standards

In determining whether a proposed building, use or structure is sufficiently similar to a specifically identified permitted or special use, the Board of Appeals shall consider the relevant policies for the Land Use District in question as set forth in the Master Plan.

#### C. Precedent

An earlier determination under this section shall be considered a precedent for other applications proposing an identical building, use or structure in the same Land Use District, provided the earlier determination was made with respect to a building, use or structure sufficiently similar to a specifically identified permitted use in the Land Use District and not with respect to a specifically identified special use.

### 15.6 APPEALS

#### A. Appeal from Ruling

An appeal from a ruling of the Zoning Administrator or the Planning Commission or the Township Board concerning the enforcement, administration and interpretation of this Ordinance text and Zoning Map may be made to the Board of Appeals, by the applicant filing with the Zoning Administrator a demand for appeal specifying the grounds thereof within thirty (30) days of the date a decision is received by the applicant. The date of receipt shall be presumed to be five (5) days after the date shown on the decision. The demand for appeal shall be on a form prepared by the Township for that purpose and shall also include a site plan. The Zoning Administrator shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken.

#### B. Who May Appeal

Any person aggrieved, or any officer, department, Board, agency, or bureau of the Township, County or State may take an appeal to the Board of Appeals.

#### C. Fee for Appeal

A fee prescribed by the Township Board shall be paid to the Zoning Administrator at the time of filing the demand for appeal. If the Township Board finds an applicant to be indigent, the fee may be waived by the Township Board.

#### D. Effect of Appeal

An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Appeals, after the demand for appeal is filed, that by reason of facts stated in the certificate, a stay would in the Zoning Administrator's opinion, cause imminent danger of harm to persons or property. The proceedings shall not be stayed except by a restraining order granted by the Board of Appeals or by the Circuit Court, on application.

E. Appeals on Special Uses, Planned Unit Developments and Open Space Preservation Development Options

Decisions on Special Uses as detailed in Article 9, Planned Unit Developments or Open Space Developments as detailed in Article 11 are final. The Zoning Board of Appeals shall not hear appeals on such decisions.

**15.7 HEARINGS**

A. Hearing by the Board of Appeals

When a demand for an appeal, variance, or interpretation in proper form has been filed with the Zoning Administrator, the Zoning Administrator shall immediately place such matter on the Board of Appeal's calendar for hearing and cause notice to be given in accordance with the Michigan Zoning Enabling Act. Interested parties, at a minimum, shall include, Board of Appeals members, the Township's attorney, the appellant, the property owner and resident, adjoining property owners and residents.

B. Notice of Hearing

Notice of hearing shall be given as specified under the Michigan Zoning Enabling Act.

C. Representation at Hearing

Upon the hearing, any party or parties may appear in person or by agent or by attorney.

D. Decisions of Board of Appeals and Appeals to the Circuit Court

The Board of Appeals shall decide upon all matters appealed within sixty (60) days of the receipt of a demand for appeal and fee paid to the Zoning Administrator, unless mutually agreed to by both parties to extend the time. The Board of Appeals may reverse or affirm wholly or in part, or may modify the order, requirement, decision or determination appealed. Decision of such appeals shall be in the form of a resolution containing a full record of the findings and determination of the Board of Appeals in each particular case. Any person having an interest affected by such decision shall have a right to appeal such a decision to Circuit Court as provided by law.

## **ARTICLE 16 NON-CONFORMITIES**

### **16.1 NONCONFORMING USES**

- A. No nonconforming use of land shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied on the effective date of this Ordinance.
- B. No nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use on the effective date of this Ordinance.
- C. No additional structure shall be erected in connection with a nonconforming use of land.
- D. Any nonconforming use changed to a conforming use shall not thereafter revert to any nonconforming use.
- E. The determination of when a nonconforming use may be replaced, extended or substituted shall be determined in the first instance by the Zoning Administrator in writing. Any determination concerning nonconforming use status may be appealed to the Board of Appeals.
- F. If the nonconforming use is abandoned as defined in this ordinance, the right to resume such use shall terminate and no use shall be made of such building or land, except in conformity with this Ordinance. An extension of such one (1) year period may be granted by the Board of Appeals.

### **16.2 NONCONFORMING STRUCTURES**

- A. A nonconforming structure containing a conforming use may be replaced, repaired, altered or enlarged provided such changes do not further the manner in which it fails to conform. Therefore, any enlargement shall be wholly located within the setbacks for the Zoning District, shall not exceed the height limitations for the Zoning District and shall in no way increase any nonconformity on the site.
- B. A nonconforming foundation and structure may be expanded only if the expansion is in conformity with the provisions of this Ordinance and where the expansion in no way increases any nonconformity on the site.
- C. A new structure may be placed on an existing nonconforming foundation as long as the new structure does not in any way increase any existing nonconformities.

### **16.3 NONCONFORMING LOTS OF RECORD** [amended by ZA #07-02, adopted 4/14/08, effective 5/25/08]

In any Zoning District, a nonconforming lot of record may be developed, subject to the following conditions:

- A. The use is permitted in the Zoning District;
- B. All setbacks and other dimensional requirements are met;
- C. All outside agency requirements are met, including, but not limited to, the Health Department, the Grand Traverse County Road Commission and the Michigan Department of Transportation;
- D. The lot is in separate ownership and not of continuous frontage with other lots in the same ownership as of the date of adoption of this Ordinance except as provided for under 16.4.B;
- E. The nonconforming parcel was not created by division which did not comply with both:
  - 1. the Zoning Ordinance in effect at the time of such division and
  - 2. this Ordinance.

**16.4 CONTIGUOUS NONCONFORMING LOTS OF RECORD** [amended by ZA #07-02, adopted 4/14/08, effective 5/25/08]

- A. Individual Use of Nonconforming Lots of Record: Where a nonconforming lot of record is under contiguous ownership with other nonconforming lots of record, each such nonconforming lot of record may be developed separately, provided that each has a minimum area of 8,500 square feet and such use complies with section 16.3 above.
- B. Use of Combined Nonconforming Lots of Record: Nonconforming lots of record may be officially combined with contiguous nonconforming lots of record and subsequently developed in accordance with section 16.3 above, provided that no remaining lots or combination of lots are less than 8,500 square feet in area.
- C. Division and Recombination of Nonconforming Lots of Record: Nonconforming lots of record may be divided and joined under the provisions of the Green Lake Township Subdivision Control Ordinance or the Green Lake Township Land Division Ordinance with contiguous nonconforming lots of record or divided portions thereof provided the remaining lot from the division shall have a lot area of not less than eight thousand five hundred (8,500) square feet. Development of any nonconforming lots remaining after such division shall be permitted in accordance with section 16.3 above.

**16.5 PRE-EXISTING SPECIAL USES**

Uses that were permitted as special uses under the previous Green Lake Township 1995 Zoning Ordinance, as amended and are permitted only as special uses in this Ordinance shall be designated as "Pre-existing Special Uses" and shall not be considered nonconforming uses. Such uses shall not be subject to the provisions of this Article but shall be subject to the provisions of Article 9.

**16.6 REPAIRS AND MAINTENANCE**

- A. Nothing in this Ordinance shall prevent the repair, reinforcement, improvement or

rehabilitation of any nonconforming use, building, structure, or any part thereof, which results from wear and tear, deterioration, fire, windstorm, snowstorm, rainstorm, flood or other casualty damage, nor shall it prevent compliance with the provisions of the State Construction Code Act, relative to the maintenance of buildings or structures, subject to the following conditions:

1. The owner shall have a period of one (1) year in which to commence the rebuild
2. Setbacks that formerly were nonconforming shall not change, or shall become more nonconforming
3. The structure must conform in all other ways to the requirements of the Zoning District

### **16.7 COMPLETION OF PREVIOUSLY PERMITTED CONSTRUCTION**

Nothing in this Ordinance shall require any change in the construction or intended use of a building or structure, the construction of which has been fully permitted and commenced, has been diligently undertaken prior to the effective date of this Ordinance or any amendment thereto and the construction of which is completed within twelve (12) months after such effective date.

### **16.8 CHANGE OF TENANCY OR OWNERSHIP**

Nothing contained in this Ordinance shall be construed to prevent a change of tenancy, ownership or management of an existing nonconforming use, building or structure, provided there is no change in the nature or character of such nonconforming use, building or structure.



## **ARTICLE 17 AMENDMENTS**

### **17.1 GENERAL**

Amendments or supplements to this Ordinance may be made from time to time in the manner provided by law.

### **17.2 INITIATING APPLICATIONS**

- A. The Township Board and/or the Planning Commission may, from time to time, initiate an action to amend, modify, supplement or revise the district boundaries or the provisions and regulations herein established whenever it determines that the public necessity and convenience or the general health, safety or welfare of the public would benefit from such an amendment.
- B. Any resident or landowner of the Township may bring before the Planning Commission a proposed amendment or change, by filing a petition signed by all persons having an interest in such premises, requesting the adoption of any specified amendment or change or regulation under this Ordinance. If the proposed amendment pertains to rezoning, such application or petition shall be accompanied by a development plan as provided for in this Article.

### **17.3 CONTENTS OF APPLICATION**

Any resident or landowner-initiated application requesting a proposed amendment or change shall contain the following:

- A. The legal description of the premises involved;
- B. The Zoning District in which such premises are presently situated;
- C. The Zoning District into which the applicant(s) desire such premises to be situated;
- D. The signatures of all persons having an interest in such premises.

### **17.4 CONTENTS OF DEVELOPMENT PLAN**

If the proposed amendment pertains to rezoning, the petition shall be accompanied by a development plan that shall include the following:

- A. A topographic map showing existing and proposed contour lines at five (5) foot intervals;
- B. A plot plan that shall show the following:

1. Location of all existing buildings;
2. Drawings showing the elevations and architectural style thereof;
3. All existing non-enclosed uses;
4. All drainage;
5. Existing Parking;
6. Loading and traffic handling facilities;
7. Existing Screening and other landscaping;
8. All existing exterior lighting and signs;
9. Sewage disposal systems;
10. Water supply systems.
11. Such other information, or more detailed information, determined by the Planning Commission to be necessary for a full and proper review of the application
12. Any portion(s) of the development plan may be waived by the Planning Commission if, due to the nature of the proposed use, such information would be unnecessary and serve no useful purpose.

#### **17.5 PROCEDURE**

- A. Before submitting its recommendation of a tentative rezoning plan to the Township Board, the Planning Commission shall hold a public hearing in compliance with the provisions of the Michigan Zoning Enabling Act.
- B. When an application for rezoning has been filed in proper form and with the required data, the Secretary of the Planning Commission shall place the said application upon the next available Planning Commission agenda.
- C. The Planning Commission shall recommend to the Township Board modification, rejection, or the adoption of said proposal either in its original or changed form.
- D. Following the public hearing, the Planning Commission shall submit the proposed amendment or supplement to the Grand Traverse County Planning Commission for its review.
- E. The Township Board may, on its own initiative or as otherwise required under the Michigan Zoning Enabling Act, hold one (1) or more further public hearings on the proposed amendment. If the Township Board holds an additional hearing, the Planning Commission members may be required to attend, at the discretion of the Township Board.

- F. The Township Board shall adopt or deny the proposed amendment, with or without any amendments or recommendations that have been previously considered and/or recommended by the Township or County Planning Commissions.
- G. Within fifteen (15) days of adoption, a notice to that effect shall be published in a newspaper that circulates in the Township and a copy of the amendment filed with the Township Clerk.

#### **17.6 RESUBMITTAL**

No application for a rezoning that has been denied by the Township Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on the grounds of newly discovered evidence or proof of changed conditions.

#### **17.7 CONFORMANCE TO COURT DECREE**

Any amendment initiated by the Township Board or Planning Commission for the purpose of conforming a provision of this ordinance to the decision of a court of competent jurisdiction may be adopted by the Township Board and amendments published without referring the same to any other board or agency.

## **ARTICLE 18 ADMINISTRATION AND ENFORCEMENT**

### **18.1 ADMINISTRATION** [amended by ZA #07-02, adopted 4/14/08, effective 5/25/08]

#### A. Land Use Permits

1. It shall be the duty of the Zoning Administrator to receive applications for land use permits and issue or deny the same. No land shall be occupied or used and no building or structure shall be erected, structurally altered, or relocated under the provisions of this Ordinance until a land use permit authorizing the same has been issued by the Zoning Administrator.

#### 2. Land Use Permit Applications

- a. Any person owning an interest in a parcel may apply for a land use permit. A land use permit application shall be made on a form supplied by the Zoning Administrator.
- b. The application shall include the completed form, copies of the building and site plans, a complete legal description of the parcel, specifications and other such information as may be necessary to determine that that use applied for complies with this Ordinance. Such other information shall include, but not be limited to:
  - i. Three (3) copies of the site plan, drawn to comply with the specifications of Section 13.6 of this Ordinance;
  - ii. The maximum seating and/or sleeping capacity of all buildings and structures, according to applicable governmental regulations;
  - iii. A concise statement of all operations and uses which are proposed to be conducted on the premises;
  - iv. A concise statement of the services, if any, to be offered to the public;
  - v. Any other information required by this Ordinance;
  - vi. A non-refundable fee, the amount to be established from time to time by the Township Board.
- c. The Application and all the supporting documents shall be kept by the Zoning Administrator as part of the Township's permanent records.
- d. The application and site plan shall describe the proposed use and each structure

proposed to be constructed or altered and show that the same will be in compliance with this Ordinance.

- e. Upon receipt of a land use permit application, the Zoning Administrator shall review the application to determine whether it is complete, shall coordinate its review by other interested governmental entities as may be required and shall act on the application within ten (10) business days.
  - i. If the application is not complete, the Zoning Administrator shall return the application to the applicant with a letter that specifies what additional information or documents are required to make it complete.
  - ii. If the application is complete but the proposed use does not conform to a permitted or special use for the parcel under this Ordinance, the permit shall be denied in writing, sent to the applicant and list which section(s) of this Ordinance it does not conform with and what changes would be required to make the proposed use conform, if any simple changes could be made to achieve conformance of the proposed use.
  - iii. If the application is complete and the proposed land use and structures are determined to meet the requirements for a basic site plan, a land use permit shall be issued by the Zoning Administrator.
  - iv. If the application is complete and the project requires review by the Planning Commission or other approving authority pursuant to Section 13.5 and policy adopted thereunder, the site plan shall be forwarded by the Zoning Administrator to the approving authority for review and:
    - a) approval of the site plan before the permit is issued by the Zoning Administrator, or
    - b) denial, if found not to conform, in which case the Zoning Administrator shall send a written permit denial to the applicant which lists each violation of this Ordinance and what changes would be necessary to obtain a permit, if any simple changes made would make the proposed use conform.
- f. A land use permit shall be required prior to the issuance of a Michigan State Construction Code permit, issued pursuant to the State Construction Code Act.

## **B. Permit Exemptions**

Nothing in this section shall be construed to exempt or require construction permits, other than those required by the State Construction Code Act. Section 18.1.B.1 notwithstanding, neither a land use permit nor a fee is required under this section for the following alteration or uses:

1. Exterior or interior repair and improvement that does not structurally alter the premises or change the exterior shape or form of any building or structure in any manner.

2. Relocation or replacement of machinery or equipment within a building which conforms to the provisions of this Ordinance and is used for commercial or industrial purpose; and any modification to such building required in connection with said relocation or replacement, provided said modification does not structurally alter the premises or changes the exterior shape or form in any manner.
3. The erection, construction, alteration, or maintenance by public utilities or Township departments or commissions of over ground or underground gas, electrical, water, communications, or sewer systems, for the local distribution and/or collection systems via pipes, drains, sewers, wires, cables, traffic signals, hydrants, towers, pools and accessories used in connection therewith and reasonably necessary for furnishing adequate service to their individual customers and clients, but not including regional, long distance, interstate distribution or collection systems.
4. Open space.
5. Individual recreation uses such as boating, hiking, hunting, fishing and trapping.
6. Plowing and planting of cash crops, row crops, orchards, or use of land as pasture or fallow when part of a permitted agricultural operation of one (1) or more parcels of land.
7. Harvesting of timber.
8. Sidewalks, driveways to dwellings and duplexes.
9. Domestic animal shelters used solely for an occupant's pet dog, rabbit or cat.
10. Personal property sales permitted by this Ordinance.

### **C. Start Work Deadline**

A land use permit issued under this Article is void if the use is not commenced within one (1) year after the permit is issued and any construction diligently pursued to completion. A renewal may be granted by the Zoning Administrator after a re-study of the permit at no cost to the applicant, provided the applicant continues to meet all requirements for a permit.

### **D. Void Permits**

1. A violation of any condition or specification in a land use permit issued under this Article shall render the permit void.
2. Any improper or incorrect information contained in the application for a land use permit issued under this Article shall void the permit until properly corrected upon the permit application; provided that, as corrected, the applicant continues to meet all requirements for a permit.

### **E. Annual Report**

The Zoning Administrator shall submit to the Planning Commission by June 30th of each year, an annual report fully explaining the nature and extent of violations of this Ordinance and the resolution of such violations.

### **F. Required Fees**

1. The fees for land use permits and other applications shall be established by the Township Board. Any required fee shall be paid to the Township Treasurer before any application is considered complete and before any action shall be taken on the application. Said fee shall be retained whether the requested relief or action is granted or not and shall be used as provided by law. The Township Board at any regular meeting may change fees which change shall be effective thirty (30) days from the date of publication of such change.
2. In connection with any application for a special use permit, site plan approval, zoning amendment, planned residential development review, planned unit development review, appeal, or similar application, the reviewing board or official may require the applicant to pay in advance into an escrow fund established to cover the reasonable costs of reviewing such application. Such costs may include staff costs or consultant fees covering planning, engineering, environmental analysis, wetland delineation, legal review and other professional and technical services required for a proper and thorough review of the application. No application shall be considered complete and no permit shall be issued until all costs have been paid. The Township shall account for the expenditure of all such funds and shall promptly refund any unexpended funds within sixty (60) days of final action by the reviewing board or official. See the Township Board's Resolution Establishing Fees for Reimbursable Expenses adopted September 12, 2005 or subsequent resolutions or ordinances.

## **18.2 ENFORCEMENT**

### **A. Removal of Hazards**

1. When the Zoning Administrator finds a clear and present hazard that threatens the health and safety of persons and property the Zoning Administrator shall immediately contact the owner of such hazard in person or by phone, advising the owner of such hazard and shall inform the owner what and when such remediation shall take place. This discussion shall be confirmed by letter, certified mail, receipt requested.
2. If the owner fails to remedy the hazard as agreed, the Township Board may do so and charge all costs to the owner. Failure to pay said charges by the next tax due date shall require the Township to add these charges to the violators tax bill as permitted by law.

## **B. Violations and Penalties**

1. Any land, dwelling, building or structure, including any tent or mobile home, used, erected, altered, raised or converted in violation of this Ordinance or in violation of any regulation, condition, permit or other right granted, adopted or issued pursuant to this Ordinance is hereby declared to be a nuisance per se. The Owner of the property on which the nuisance per se is located and any person, partnership, limited liability company, corporation, or association, whether the applicant for a land use permit or other approval granted under this ordinance, who created or maintains a nuisance per se 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 any such violation continues shall constitute a separate and distinct offense. Nothing in this Section shall exempt such person from compliance with the provisions of this Ordinance. [amended by ZA #11-02, adopted 3/12/12, effective 3/24/12]
2. The fine for a Municipal Civil Infraction shall be not less than fifty (\$50) dollars plus costs for each infraction and two hundred fifty (\$250) dollars plus costs for any repeat offense.
3. The Township Supervisor, Zoning Administrator and the Grand Traverse County Sheriff or his/her deputies are hereby designated as the authorized Township officials to issue Municipal Civil Infraction citations directing the alleged violators of this Ordinance to appear in court.
4. In addition to enforcing this Ordinance as a Civil Municipal 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.



## **ARTICLE 19 LEGAL BASIS AND EFFECTIVE DATE**

### **19.1 LEGAL BASIS**

This Ordinance is enacted pursuant to the Michigan Zoning Enabling Act.

### **19.2 VALIDITY AND SEVERABILITY**

If any clause, sentence or provision of this Ordinance is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the clause, section or provision so declared to be invalid. All the remaining clauses, sections and provisions of this Ordinance shall remain in full force and effect until repealed notwithstanding that one (1) or more provisions of this Ordinance shall have been declared to be invalid.

### **19.3 EFFECTIVE DATE**

This Ordinance shall become effective from and after the date of passing hereof.

### **19.4 REPEAL OF EXISTING ORDINANCE**

The Green Lake Township 1995 Zoning Ordinance and all amendments thereto are hereby repealed as of the effective date of this Ordinance.

### **19.5 PERIOD OF EFFECTIVENESS**

This Ordinance shall remain in full force and effect henceforth unless repealed.