

Article 1

Miscellaneous Provisions

Township of Alabaster Rural Zoning Ordinance

Adopted November 2006

and Amended in 2013

by the

Alabaster Township Board of Trustees

Article 1: Miscellaneous Provisions

Enacting Clause

The Township of Alabaster, Iosco County, Michigan ordains:

Section 101. Short Title

This Ordinance shall be known as the “Township of Alabaster Rural Zoning Ordinance” and may be cited as such.

Section 102. Purpose

It is the general purpose of this Ordinance to provide for the establishment of zoning districts within which the proper use of land and natural resources may be encouraged and regulated, and further to:

- A. Promote public health, safety and welfare;
- B. Encourage the use of the lands in accordance with their character and adaptability and to limit the improper use of land;
- C. Conserve natural resources and energy;
- D. Meet the needs of residents for food, fiber and other natural resources, places of residence, recreation, industry, trade, service and other uses of the land;
- E. Insure that uses of the land shall be situated in appropriate locations and relationships;
- F. Avoid overcrowding of the populations;
- G. Provide adequate light and air;
- H. Minimize congestion on public roads and streets;
- I. Minimize hazards to life and property;
- J. Facilitate adequate provision for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements;

- K. Conserve the expenditure of funds for public improvements and services to conform to the most advantageous uses of land, resources and properties;
- L. Adopt provisions for each designated zoning district that shall control: the use of land and property; the use , size and location of buildings; the minimum yard, courts and other open spaces; and the maximum number of families to be housed in buildings or structures.

Section 103. Conflict with Other Acts, Ordinances or Regulations

Whenever any provision of this Ordinance imposes requirements for lower heights of buildings, or a lower percentage of lots that may be occupied, or requires wider or larger courts or deeper yards than are imposed or required by existing provisions of Acts, Ordinances or Regulations of the Township of Alabaster, the provisions of this Ordinance shall govern. Whenever such other existing provision imposes requirements for lower height of buildings, lower percentage of lots that may be occupied, or wider or larger courts or deeper yards than are required by this Ordinance, the provisions of the other Act, Ordinance or Regulation shall govern. In the interpretation and application of this Ordinance, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit, nor repeal, any other powers granted under State statutes.

It is not the intent of this Ordinance to repeal, abrogate, annul, impair or interfere with existing provisions of other laws or ordinance, except those repealed by this Ordinance. Nor is it the intent of this Ordinance to remove any private restrictions placed upon property by covenant, deed, or other private agreement; provided, however, that any provisions of this Ordinance that imposes more stringent requirements or limitation upon the use of land or erection of buildings than are imposed or required by the provisions of any other law or ordinance, or any said rules, regulations, permits or easements, then the provisions of this Ordinance shall govern.

Section 104. Severability

It is the legislative intent that this Ordinance be liberally construed and should any provision or section of this Ordinance be held unconstitutional or invalid, such ruling shall not be construed as affecting the validity of remaining portions of the Ordinance; it being the intent that this Ordinance shall stand notwithstanding the invalidity of any provision or section therein.

Section 105. Repeal

The Township of Alabaster Rural Zoning Ordinance, including zone district classifications enacted and amended, is hereby repealed and all other Ordinances, or parts of Ordinance, inconsistent or in conflict herewith, are also hereby repealed; provided, however, said repeal shall not abate any action now pending under, or by virtue of, the Ordinance herein repealed, nor shall said repeal discontinue, abate, modify, or alter any penalty accrued to or to occur, or affect the rights of any person, firm or corporation or waive any right of the Township of Alabaster under any section or provision of the Ordinance herein repealed at the time of the passage of this Ordinance.

Section 106. Effective Date

The Rural Zoning Ordinance, as presented in Articles 1-10, was originally adopted in 1994, was corrected, consolidated and clarified in May, 1998 and is most recently amended and corrected in 2013.

This Ordinance, as revised, shall take effect immediately upon approval by the Township Board.

Article 2

Definitions

Township of Alabaster Rural Zoning Ordinance

Adopted November 2006

and Amended in 2013

by the

Alabaster Township Board of Trustees

Article 2: Definitions

Section 201. Rules Applying to the Definitions

For the purposes of this Ordinance, certain rules of construction apply to the text as follows:

- A. The particular shall control the general.
- B. In the case of any difference of meaning and implication between the text of this Ordinance and any caption, preamble or illustration, the text shall control.
- C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- D. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural shall include the singular, unless the context clearly indicates the contrary.
- E. The word "lot" includes the words "plot," "tract," or "parcel."
- F. A "building" or "structure" includes any part thereof.
- G. A "dwelling" includes the word "residence."
- H. The phrase, "used for" may include "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
- I. The word "person" includes an individual, a corporation, a partnership, and an incorporated association, or any other similar entity.
- J. Unless the context clearly indicates the contrary, where regulation involves two or more items, conditions, provisions, or events connected by the conjunctions, "and," "or," "either...or," the conjunction shall be interpreted as follows:
 - 1. "and" indicates that all the connected items, conditions, provisions, or events shall apply.
 - 2. "or" indicates that the connected items, conditions, provisions, or events may apply singly or in combination.
 - 3. "either...or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
- K. Any word or term not herein defined shall be used with the meaning and definition as contained in the Official Alabaster Township Dictionary (Webster's New World

Dictionary, Third College Edition, Copyright 1988 By Simon & Schuster Inc.) located in the Alabaster Township Hall and the same shall be available for public review during regular Township business hours.

Section 202. Definitions

Accessory Structure: An accessory structure is a building or other structure that is clearly incidental to, customarily found in connection with, and located on the same lot as the principal structure to which it is related. In the case of a residential building, an accessory structure is not intended for occupation or habitation, and in the case of the high-risk erosion area, it shall be constructed to be readily moveable.

Accessory Lot: A lot that is owned by the same party/parties as own a principal lot, but is a separate legal description or is a part of the same description but is separated by a public right-of-way, and has uses that are normally accessory to the land use on the principal lot.

Adult Business/Entertainment: Any commercial activity, whether conducted intermittently or full time, that involves one or more of the following;

- A. **Adult Book Store.** An establishment having as a portion of its stock-in-trade books, magazines or other periodicals, video tapes, photographs or motion picture films that are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” or an establishment with a segment or section devoted to the sale or display of such material.
- B. **Adult Mini Motion Picture Theater.** An enclosed building with the capacity for less than fifty (50) persons used for the presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specific sexual activities” or “specific anatomical areas” for observation by patrons therein.
- C. **Adult Motion Picture Theater.** An establishment, whether in a completely enclosed building or not, with the capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or specific anatomical areas” for observation by the patrons therein.
- D. **Massage Parlors.** See definition.
- E. **Spas.** See definition.

Adult-Related Business: Any activity described in any of the above paragraphs commencing with “Adult Business/Entertainment,” and any other business having an employee or entertainer, in person or by motion picture, television, video tape, hologram, magazine or other type of image displaying any “specified anatomical areas” or engaging in any “specified sexual activity”.

Adjacent Lot: The parcel or parcels of land sharing a common boundary.

Agriculture: See definition of Farm.

Airport: A place where aircraft can land and takeoff, including attendant facilities for handling aircraft, cargo and passengers. For the purpose of these zoning regulations, an airport shall include both general aviation airports open to the public and to private landing strips.

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

Amusement Park: A tract of land or area used as a permanent location for multiple carnival-amusement rides, entertainment, games of skill or chance and/or permanent shows and displays. These may or may not include sale of food on the premises.

Animals: See definitions of Pets, Exotic Animals and Farm Animals.

Animation (as used in signs): Includes any wind or motor driven moving parts or spinning fixtures, and/or blinking, flashing, or sequential light programs of any kind.

Apartments: A residential structure containing three (3) or more single-family dwellings. Also see definitions of Dwelling Unit and Dwelling Types.

Appeal: A request to a recognized authority for proof or decision. To have a case heard before the Zoning Board of Appeals, a higher court or a judge.

Architectural Features: External architectural features include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornament.

Auto Repair Garage: A place where auto body repair, engine rebuilding, or repair, undercoating, painting, tire-capping, upholstery work, or auto glass replacement is conducted for profit and where more than two customer vehicles are stored in the open on the property.

Auto Service Station: A building or structure designed or used for the retail sale of pre-packaged food and drinks and other convenience store items and/or supply of fuels (stored only in conformance with state and federal regulations), lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for facilities for the storage, minor repair, or servicing of vehicles, but not including bumping, painting, refinishing, major repairs and overhauling, steam cleaning, rust-proofing, where the primary use of the premise is such.

Auto-Wash Establishment: A building, or portion thereof, the primary purposes of which is that of washing motor vehicles, whether by the owner or driver, attendants or mechanical devices.

Barn: A building, usually a large accessory structure, for the storage of farm products, feed, farm equipment or the housing of animals.

Base Flood: See Flood, Base.

Basement: Is that portion of a building that is partly, or wholly, below grade, but so located that the vertical distance from average grade to the floor is greater than the vertical distance from the average grade to the ceiling. If the vertical distance from grade to the ceiling is over five (5) feet, such floor shall be deemed a first-story rather than a basement.

Bed and Breakfast Inn: Any dwelling used or designed in such manner that certain rooms, in excess of those used by the permanent occupants, and occupied as a dwelling unit by those occupants, are rented to the public for compensation and caters primarily to the transient public interested in touring, vacation, business, or pleasure. Said inn may provide a light breakfast for renting itinerants, but may not serve any food for compensation to those other than renting a room for the evening.

Billboard or Outdoor Advertising: A billboard shall mean any structure or portion thereof designed or intended to be used for posting, painting, or otherwise affixing any advertising sign that does not pertain to the premises or to the use of the premises on which the billboard is located or to goods and services rendered or activities conducted on such premises.

Blind: A temporary, uninhabitable structure constructed without regard to any building codes or requirements stipulated in this Ordinance and used for concealment when hunting.

Block: The property abutting one side of a street and lying between the two nearest intersecting streets, or between one intersecting street and railroad right-of-way, unsubdivided acreage, river or live stream, or between any of the foregoing and any other barrier to the continuity of the development.

Bluff Line: The line that is the edge or crest of the elevated segment of the shoreline above the beach, which normally has a precipitous front inclining steeply on the lakeward side. Where there is no precipitous front indicating the bluff line, the line of continuous perennial vegetation or the seawall may be considered the bluff line. (See graphic on following page.)

Boat: Any type of watercraft or vessel used on or operated upon a lake or river.

Buildable Area: The area of a lot or parcel remaining after all of the minimum setbacks and open space requirements of this Ordinance have been considered and satisfied.

Building: Any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter or enclosure of persons, animals, chattels, or property of any kind. This shall include tents, awnings, or vehicles situated on private property and used for such purposes.

Building Permit: A permit issued by appropriate authority allowing the construction of a building or structure under a State-approved building code.

Building, Height: The vertical distance measured from the “average finished grade” (AFG) to the “highest point at the top of the building” (TOB). All Building Height measurements will be made from the AFG point. The AFG point will be established by, first measuring the shortest height distance between the finished grade and the highest point of the building, and second by measuring the longest height distance between the finished grade and the highest point of the building, and then divide the total combined distance by two (2) so as to calculate the average height distance between the finished grade and the TOB. The resulting measurement will be used as the “Building Height” to determine compliance with this Ordinance. Cupola’s with a height of less than 60” inches above the ridge line of any roof (weather vanes and/or lightning rods notwithstanding) and lateral side measurements of less than 48” inches per side shall be considered decorative items and the same shall be excluded from the measurements to determine building height.

Business: Any trade, occupation, profession, work, commerce or other activity owned or operated for profit.

Cabin: A small, one-story dwelling usually of simple construction and few amenities that is used for recreational purposes on a seasonal basis.

Campground: A plot of land on which two or more campsites are located, established or maintained for occupancy by the general public as temporary living quarters for vacation or recreation purposes. Campgrounds must meet all other requirements of the State of Michigan and Iosco County in addition to this ordinance.

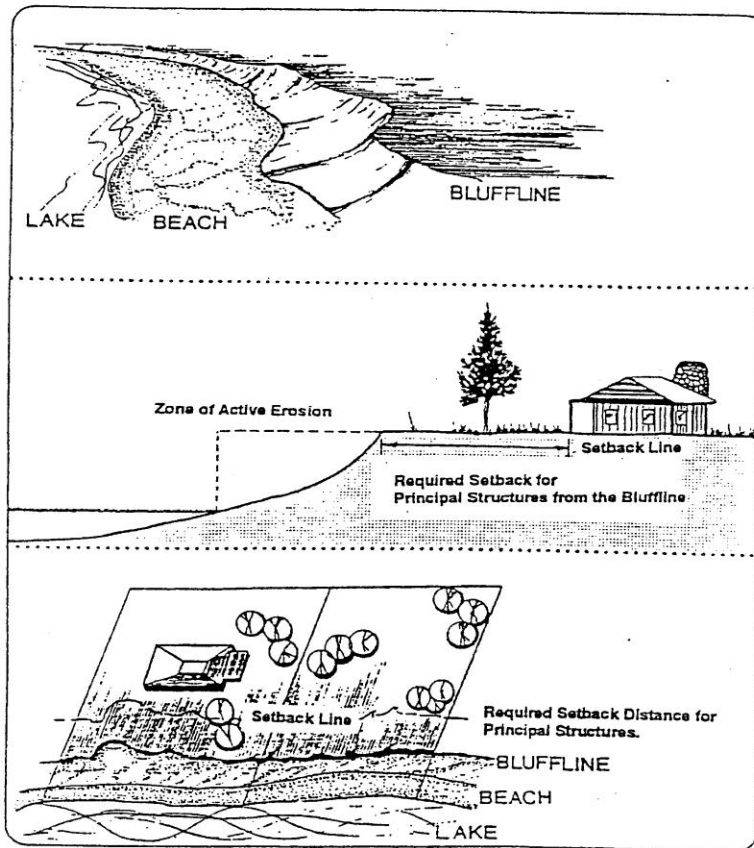
Carnival: An enterprise, frequently seasonal or temporary, devoted to amusement and entertainment to the public by providing amusement rides, devices or temporary structures in any number of combinations, whether or not associated with other structures or forms of public attraction.

Certificate of Zoning Compliance: A certificate issued by the Zoning Administrator to allow application for a building permit or occupancy of land or structure pursuant to this Ordinance.

Clinic: An establishment constructed to conform to all applicable local and state regulatory requirements and where human patients are admitted for examination and treatment by physician(s), dentist(s), or other health care worker(s), but where said patients are not lodged overnight.

Article 2: Definitions:

**Township of Alabaster
Bluff Line
High Risk Erosion Area Overlay Zone**



Club: An organization of persons for special purposes or promulgation of sports, agriculture, recreation, arts, science, literature, politics or the like, but not for profit.

Cluster Housing: A number of individual single family residential dwellings, and/or housing units specifically designed to be grouped together on a single lot or parcel.

Cluster Development: The process of planning and submitting site plans and obtaining permits so as to comply with this ordinance prior to construction of any cluster housing units.

Common Use Lot or Parcel: A lot or parcel used or intended for the use of multiple persons or parties who are not residents of the property; commonly meant to provide waterfront access for those who do not reside on the waterfront. Also referred to as a Keyhole.

Condominium: A form of ownership in which several parties own, administer and maintain common areas.

Conservation Area: An undeveloped space set aside to preserve existing natural environments or to facilitate the restoration of natural environments. Non-destructive access is considered compatible with preservation or restoration.

Convalescent or Nursing Home: A home for the care of children, the aged, the infirm or a place of rest for those suffering bodily disorders, wherein three or more persons are cared for. This does not include group homes otherwise regulated by the State of Michigan through preemption of local zoning. All such homes must also meet licensure requirements of the State of Michigan.

Cottage(s): A building used for seasonal residential purposes, but not necessarily weatherized or designed for year-round occupancy.

Covenant: A legal agreement between two or more people or entities regulating personal use of specified properties. Covenants are not adopted by or enforced by the Township of Alabaster.

Day Care Home:

Family Day Care Home - a private home in which 1 but fewer than 7 minor children are provided care and supervision for periods of less than 24 hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year. A Family day care home is not subject to a special (land) use or conditional use permit or a procedure different from those required for other dwellings of similar density in the same zone.

Group Day Care Home - a private home in which more than 6 but not more than 12 minor children are provided care and supervision for periods of less than 24 hours per day unattended by a parent or guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home in which care is

given to an unrelated minor child for more than 4 weeks during a calendar year. A Group day care home shall be required to obtain a special (land) use permit subject to certain requirements as stipulated in Article 9, under “Group Day Care Home” of this Ordinance.

dB(A): The sound pressure level in decibels measured on the "A" scale of a standard sound level meter having characteristics defined by the American National Standards Institute, Publication ANSI s1.4-1971.

Decibel: A unit used to express the magnitude of sound pressure and sound intensity. The difference in decibels between two sound pressures is twenty (20) times the common logarithm of their ratio. In sound pressure measurements, the sound pressure level of a given sound is defined to be 20 times the common logarithm of the ratio of that sound pressure to a reference pressure of 2×10^{-5} N/m² (Newtons per square meter). As an example of the effect of this formula, a 3-decibel change in the sound pressure level corresponds to a doubling or halving of the sound intensity, and a 10-decibel change corresponds to a 10-fold increase in, or to a decrease to 1/10th of, the former intensity.

Deck: Flooring that is an open extension or attachment to a building or structure that is unenclosed and unroofed, and that projects out from the main wall of said building or structure and is used for outdoor activities associated with the principal building or structure to which it is attached. Also seawalls, whose primary purpose is control of literal drift or lake action, are exempt. Flooring (decking) that is associated with a seawall falls under the provisions of this ordinance.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Dish Antenna: An earth-based station whose purpose is to receive communications or other signals from orbiting satellites or other extraterrestrial sources together with such other equipment related to such purpose. Generally, such facility shall include the dish antenna, low-noise amplifier, coaxial cable, and mounting structure.

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

Docks or Piers: A structure built out into the water to serve as a landing place for boats or water access for persons.

Docked or Docking: The mooring of a boat directly to a pier or structure, including but not limited to a platform, hoist, or other permanent or seasonal fixture or structure extending from the shore or place in the water off the shore, and directly accessible to a water frontage; and shall also mean the regular anchoring of a boat adjacent to a water frontage; and shall also mean the placement or storage of a boat, temporarily or permanently, upon the shoreline or at the lake/river frontage of lot or parcel of land.

Docking Facilities: A structure built to receive and service ships and boats.

Drive: A private road or pathway by which persons gain access to their property.

Drive-In or Drive-Thru Structure: A business establishment developed so that its retail or service character is dependent on providing a driveway approach to a pick-up window or parking space for motor vehicles so as to serve patrons while in the motor vehicle, or within a building on the same premises and to the same purpose as the drive-in or drive thru service. Drive-thru facilities of financial institutions are not subject to limitations on drive-thru facilities because of their lower frequency and intensity of business.

Dwelling Unit: A building, or a portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities. All dwelling units shall have a foundation and shall be aesthetically compatible with their environment.

Dwelling Types: For the purpose of this Ordinance dwellings are separated into the following categories and herewith defined accordingly:

- A. **Single family, mobile, modular, constructed or pre-manufactured dwelling** - a detached, residential dwelling unit designed for and occupied by one family, having cooking facilities and used exclusively for residential use and meeting all local and state fire codes.
- B. **Two-family dwelling** - a detached residential building containing two dwelling units, each with a separate entrance, and designed for occupancy by not more than two families. These may also be known as duplexes.
- C. **Multiple family dwelling** - a residential building designed for and occupied by three or more families with the number of families in residence not exceeding the number of dwelling units provided.
- D. **Efficiency apartment** - a dwelling unit consisting of only one room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off that room.

Earth (Berm) Homes: A residential structure that is built into or protected with, or insulated by, earth on one or more sides.

Easement: A legal right held by one person or entity to use the property owned by another person or entity or a corridor or parcel dedicated to use by designated property-owners.

Erected: The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for building. Excavations, fill, drainage and the like shall be considered part of erection.

Erosion Control Device(s): Any structural or physical method used to control shoreland erosion processes. Erosion control devices include, but are not limited to, structures such as groins, seawalls, revetments or beach walls, and may also include any type of beach nourishment by filling.

Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electric, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and accessories in connection therewith (reasonably necessary for adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare), but not including buildings, other than such buildings as are primarily enclosures or shelters of the above essential service equipment.

Excavation: Excavation is the removal of sand, stone, gravel, minerals or fill-dirt below the average grade of the surrounding land and/or road grade, whichever shall be highest.

Extraction: Extraction is the act of removing resources from the ground by physical effort.

Exotic Animal: Any living animal that is not native to the State of Michigan.

Family: An individual or two or more persons related by blood, marriage or adoption, living together as a housekeeping unit in a dwelling unit, or a group of not more than four persons, who need not be related, living together as a single housekeeping unit.

Farm: A tract of land that is directly devoted to agricultural purposes for growing of cash crops, for greenhouses, for plant nurseries, orchards, aviaries, raising farm animals or farm fowl and being at least ten (10) acres in area. Provided further, that greenhouses, nurseries, orchards, apiaries, chicken hatcheries, poultry farms and similar specialized agricultural enterprises may be considered as farms; but keeping or operating game, fish hatcheries, dog kennels, fur-bearing animals, stock yards, slaughter houses, stone quarries, or commercial sand and gravel pits shall not be considered farms. Nor shall fertilizer works, bone yards, or establishments for reduction of animal matter, or for the disposal of garbage, sewage, rubbish, offal, or junk constitute a farm.

Farm Animals: Farm animals are those animals that are commonly used for utilitarian or productive purposes. Such animals typically include beef cattle, dairy cattle, horses, ponies, goats, sheep, swine, donkeys, mules, oxen, rabbits, or any similar animal.

Farm Fowl: Farm fowl are defined as including chickens, ducks, turkeys, geese, peacocks, and guinea hens, or any fowl to be raised for resale or to be sold for profit.

Fence: A structure built of customary fencing material of definite height, as measured from the ground, excluding posts and finials, and location to serve as an enclosure. Dense, obscuring planted hedges may also be defined as fences, as determined by the Zoning Administrator.

Fence, Obscuring: A structure built of customary fencing material of definite height, as measured from the ground, excluding posts and finials, and location to serve as an obscuring screen. Dense, obscuring shrubbery may be considered an obscuring fence, as determined by the Zoning Administrator.

Finished Grade: is the term used to describe the end result and permanent level of soil and earthen materials as it relates to the completion of any construction project permitted by and subject to this ordinance where the earth and soil are disturbed and/or redistributed to accommodate the construction of a building, foundation, access road, driveway, ditches, etc.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from either (1) the overflow of inland or tidal waters, or (2) the unusual and rapid accumulation of runoff of surface waters from any source.

Flood, Base: Is a flood having a one-percent chance of being equaled or exceeded in any given year, e.g., a flood sufficiently large to have a probability of occurring once every hundred years.

Flood, Areas of "Harmful Increase:" An unnaturally high state on a river, stream, or lake which causes, or may cause damage to property, threat to life, personal injury, or damage to land or water resources.

Flood Hazard Boundary Map: An official map of a community, issued by the Federal Insurance Administration, where the boundaries of a flood hazard area zone have been designated as Zone A.

Flood Plains: Areas subject to periodic inundation by flood conditions with a 100-year probability.

Floor Area, Gross: The floor area of a residential dwelling unit is the sum of the horizontal living areas of each story of the building as measured from the exterior walls; exclusive of the basements, unfinished attics, attached garages, breezeways and enclosed and unenclosed porches.

Floor Area, Useable (For the purpose of computing parking requirements): All ground and non-ground floor area used for or intended to be used for, the sale of merchandise or services or for use to serve patrons, clients, or customers. Such floor area, which is used or intended to be used principally for the storage or processing of merchandise, or for utilities, shall be excluded from this computation. For the purpose of computing parking for those uses not enclosed within a building, the area used for the sale of merchandise, display of merchandise, and/or area used to serve patrons or clients shall be measured to determine necessary parking spaces.

Funneling: See Keyhole or Common Use Lot.

Garage, Auto Repair: See Auto Repair Garage.

Garage, Community: Any premises used for the storage for the residents of dwelling units on the same or adjacent block or blocks, and providing only incidental services to such vehicles as stored therein.

Garage, Private: An accessory building or an accessory portion of a principal building designed or used solely for the storage of non-commercial motor vehicles larger than pick-up trucks or vans, boats or other watercraft, house trailers, and similar vehicles owned and used by the occupants of the building to which it is an accessory use.

Garage, Storage: Any premises except those therein defined as private garage used exclusively for the storage of self-propelled vehicles and boats, but not a place where such vehicles are repaired.

Gasoline Service Station: A place for the dispensing, sale or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and the routine servicing, and minor repair of automobiles.

Grade: The surface of the ground contacting any portion of the basement or foundation of a dwelling. Also, see finished grade.

Greenbelt: A strip of land of definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen, buffer strip, or decorative treatment in carrying out the requirements of the Ordinance.

Hazardous Substances: Chemicals as defined by the Michigan Departments of Public Health, Labor, Natural Resources and other state and federal regulatory agencies; flammable and combustible liquids as defined by the Michigan Department of State Police; other hazardous substances as defined by state or federal agencies, including hazardous waste and polluting materials.

Heliport: Any area regularly used for the landing, storage, repair or take-off of a helicopter to be used for transportation of persons or goods.

High-Risk Erosion Area: An area of shoreline that is determined by the Department of Natural Resources on the basis of studies and surveys to be subject to erosion and that is designated as such pursuant to the Shorelands Protection and Management Act, being Act 245 of 1970, as amended.

Home Occupation: An occupation or profession customarily carried on by an occupant of a dwelling unit as a secondary use, which is clearly subservient to the use of the dwelling for residential purposes. (Note: restrictions on home occupation uses are included in Article 3, General Requirements, under Home Occupations.)

Junk: Any discarded or scrapped property or material, including any property or material that may or may not be salvaged for reuse, resale, reduction or similar disposition, or which is processed, transported, accumulated, dismantled, or sorted for any such reason. The term shall include used and salvaged metals, paper, glass, rubber, rope, machinery, or any motor vehicle, that is intended for dismantling or salvaging. One or more vehicles that are inoperative or unlicensed for four (4) months shall be construed as junk.

Junk Yard: Any open area where waste, used, or second-hand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A "junk yard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping, or abandonment of junk, but does not include such uses established entirely within enclosed buildings.

Kennel, Private or Commercial: Any lot or premises on which three (3) or more dogs, cats, or other domestic pets are either permanently or temporarily boarded for compensation.

Keyhole: A lot or parcel, including water frontage owned by a person or persons, that provides or is intended to provide common use access to a lake or river to: non-owners of the common use lot, multiple owners of common use lot, owners or occupants of non-riparian lots or parcels, owners or occupants of more than one dwelling unit, the public, or members of an association. Also referred to as a Common Use Lot.

Laboratory: A facility devoted to research, experimentation, basic studies and application studies, including but not limited to, designing, testing, analyzing and prototype manufacturing of products, but not including production manufacturing.

Lake: A body of water, either manmade or natural, surrounded by land and being five (5) acres or more in area. Bodies of water less than 5 acres are ponds.

Land Use Permit: A document issued by the Alabaster Township Zoning Administrator certifying that an individual is operating in accord with the zoning ordinance and permitting them to proceed with securing a building permit consistent with documentation on the land use permit

Landfill: A parcel of land designated by a Special Land Use Permit for the sole purpose of disposing of solid waste by burying it beneath a shallow layer of earth.

Legal Description: A description of any parcel or lot consisting of those legal terms and phrases developed specifically for, and accepted by, and commonly used by the land surveying industry. Provided, however, such descriptions must also be in a form that can be recognized and enforced in and by any court of law having jurisdiction over matters of land ownership, and property boundary line disputes.

Livestock: Farm animals and farm fowl; see definitions of them.

Loading Space: An off-street space on the same lot with a building or group of buildings and used for temporary parking of a commercial vehicle while loading or unloading merchandise, materials, or passengers.

Lot: Is a parcel of land registered in the Office of Register of Deeds for Iosco County and occupied, or that could be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such open spaces as are required under the provisions of this Ordinance. A lot normally shall have its frontage located upon a public right-of-way or thoroughfare. In the event that a parcel does not front on a road right-of-way, it shall meet all minimum lot requirements as if it were fronting on the road and shall have a minimum thirty feet (30') wide frontage on a road right-of-way for access through fee simple ownership, easement or long-term (40 years or more) leases on a fronting lot. Contiguous lots under common ownership may be considered a single parcel, providing they are not thereafter split or arranged to any additional size of lot not conforming to this ordinance. Unless otherwise noted, Lot and Parcel are used synonymously in this Ordinance.

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

Lot Coverage: The part or percent of the lot occupied by buildings, including accessory buildings, hard surface drives and other similar impervious surfaces.

Lot Depth: The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines. The front lot line shall be measured from the road right-of-way to determine depth and area.

Lot, Double Frontage (through-lot): Is any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.

Lot, Interior: Any lot other than a corner lot.

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

- A. **Front lot line:** In the case of an interior lot, the line separating said lot from the street or road right-of-way. In the case of a corner lot, the front lot line is that line separating said lot from the right-of-way designated as the front street in the plat or in the application for a building or zoning permit. In the case of a double frontage lot, both lot lines abutting on streets shall be treated as front lot lines. In the case of a lot with a designated 30'

access right-of-way, the front lot line shall be that lot line which is, or is most nearly, parallel to the street or road right-of-way from which the access right-of-way originates.

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

C. **Side lot line:** Any lot lines other than the front lot line or the rear lot line shall be side lot lines. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior lot line.

Lot of Record: A plot of land, the dimensions of which are clearly defined by a legal description that has been properly filed and recorded along with proper maps and drawings, as may be required, in the Office of the Iosco County Register of Deeds.

Lot Width: The horizontal distance between the side lot lines measured at the two points where the front setback line intersects the side lot lines. See drawing on following page.

Marina: A boat basin or commercial business offering dockage and other service for small watercraft.

Marine Terminal: A structure or facility constructed in a harbor or lakeside for the purpose of loading or unloading commercial shipping vessels

Massage Parlor: An establishment wherein a substantial or significant portion of its business involves the administration of non-therapeutic massage, erotic touching or fondling, including but not limited to, fondling of or touching of human genitals, pubic region, buttock or breasts. A massage parlor does not include medical or therapeutic massage business, such as state licensed chiropractors and physical therapists or other state licensed, medically related practitioners. All practitioners employed by such businesses must be licensed.

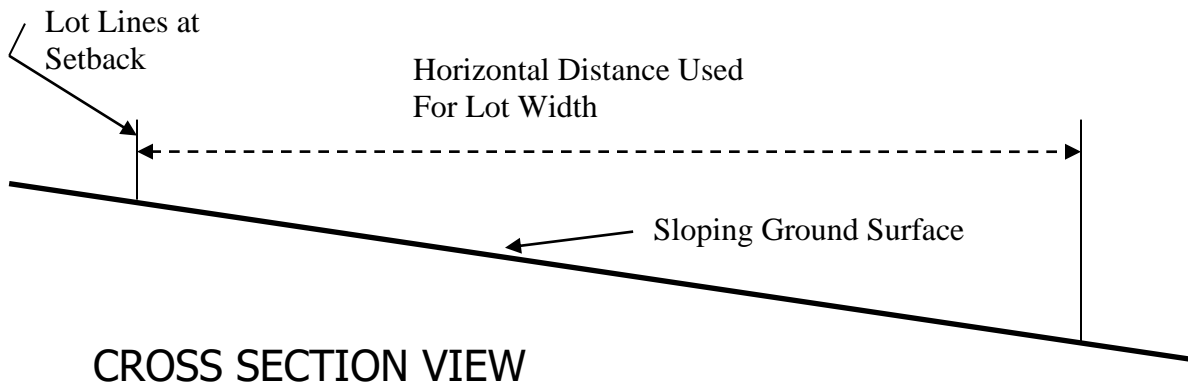
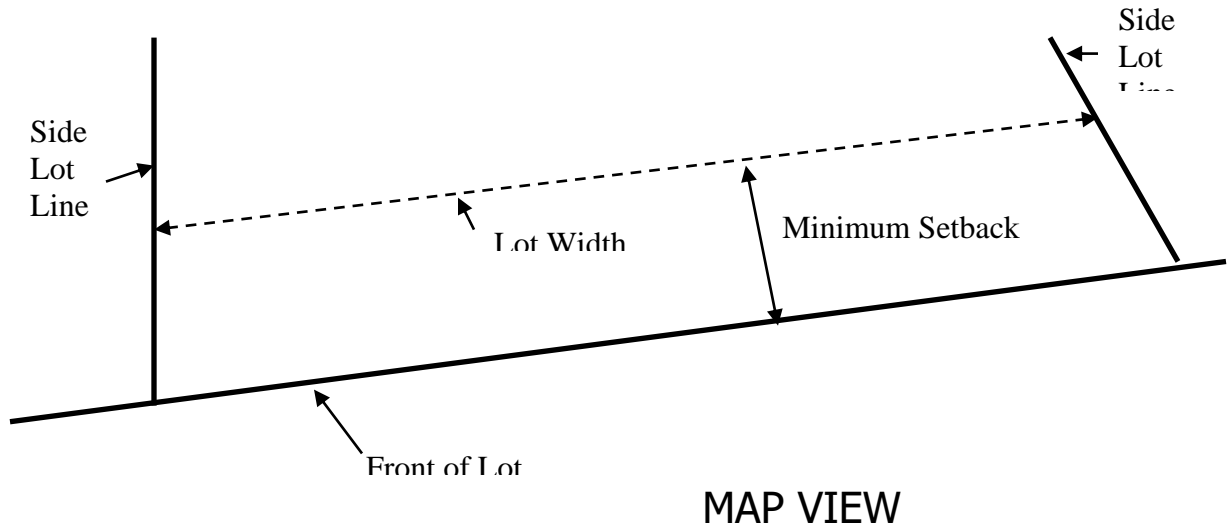
Master Plan: A comprehensive development plan, and any amendment to such plan or parts thereof, that presents the intended development of Alabaster Township in the form of a written document and a Future Land-Use Map. Said plan has been formally adopted by the Township after public input and public hearing. The Plan may or may not show current or planned specific details, such as the general location for streets, parks, schools, public buildings, and physical development of the community.

MDNR: Michigan Department of Natural Resources.

MDOT: Michigan Department of Transportation.

MDEQ: Michigan Department of Environmental Quality.

Township of Alabaster Schematic Drawing Illustrating Lot Width



Mobile Home: A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers. See also the definition for Dwelling.

Modular Housing: A dwelling constructed off-site and made of one or more major, semi-finished building components that conform to the Michigan State Construction Code and regulations thereto, pursuant to Act 230 of the Public Acts of 1972, as amended.

Motel: A series of attached, semi-detached or detached rental units containing bedroom, bathroom, and closet space. Units shall provide overnight lodging and are offered to the public for compensation and shall cater primarily to the traveling public with motor vehicles as a facility for overnight residence.

Moveable Structure, Easily: An accessory structure that is smaller than two hundred twenty-five (225) square feet, is not built on a slab, does not have a permanent foundation, and is easily removable.

Moveable Structure, Readily: A small permanent structure (greater than two hundred twenty-five square feet and less than three thousand five hundred square feet) that is designed, sited, and constructed to accomplish relocation at a reasonable cost relative to other structures of the same size and construction. Access to and from the site shall be of sufficient width and acceptable grade to permit the structure to be relocated. New construction and installations shall meet the following criteria to be considered readily moveable structures:

- A. The buildings shall be on pilings, a basement, or crawl space. Except as noted below, a slab-on-grade foundation does not meet this criterion.
- B. Above-grade walls shall be stud wall construction. Above-grade walls that are constructed of masonry, including stonewalls, concrete poured or concrete block walls, and brick veneer walls do not meet this criterion.

Existing permanent structures shall be considered readily moveable structures if the cost of relocation landward of the required setback distance is not more than 25% of the replacement cost of the structure (including any added cost of land) or if the existing structure meets the criteria for new construction in this subdivision. A 1- or 2-car garage that is bolted to a slab foundation, which does not have living space within or above the structure, and which does not have plumbing or interior walls shall be considered a readily moveable structure if it meets the remainder of the requirements specified in this subdivision. Septic systems, tile fields, or other waste-handling facilities are not readily moveable structures.

Multiple Family Residential: A district or lot that allows for the development of Multiple Family Dwelling(s), single story and/or multi-story (high-rise) condominiums or apartments in accordance with the restrictions and requirements contained in this Ordinance.

New Construction: Structures for which the "start date of construction" commenced on or after the effective date of this Ordinance.

Nonconforming Lot or Parcel: Any parcel or lot-of-record that does not conform to existing zoning standards for lot width, depth or area; number of permitted structures; or one that has dimensions insufficient to meet setback requirements for a permanent structure.

Nonconforming Structure: A permanent structure that does not conform to existing construction standards or zoning requirements.

Nonconforming Use: A use, which lawfully occupied a building at the effective date of this Ordinance, or amendments thereto, that does not conform to the use regulations of the district in which it is located.

Non-profit Organization (Institution): A religious, charitable, public or equivalent organization, as recognized by the U. S. Internal Revenue Service as such and as tax-exempt.

Nuisance: See the section in Article 3 for nuisances, such as visual distractions, noise and vibration, odor and gaseous discharges, light and glare control, and waste and rubbish dumping.

Nursery School: A facility for teaching or day care of children under age six as either a non-profit or profit service except for a family day care home licensed or registered by the State of Michigan.

Occupied: Includes the intent, design, or arrangement of a site, structure or building for occupancy.

Official: A government employee accountable in the subject and/or geographical area in which he/she is making recommendations, issuing orders or commenting.

Off-Street Parking: A facility or lot providing vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of automobiles.

Opaque: Not pervious to light.

Open-Air Business Uses: Businesses not conducted within a wholly enclosed building. Open-air businesses may include the following:

- A. Bicycle, trailer, motor vehicle, boats or home equipment sale or rental.
- B. Outdoor display and sale of garages, swimming pools and similar uses.
- C. Retail sale of trees, fruit, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellis, lawn furniture, playground equipment, and other home garden supplies and landscape equipment.

D. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving-range, child's amusement park or similar recreation uses.

Open Front Store: A business establishment designed and developed so that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter said structure.

Open Space: Any unoccupied space open to the sky on the same lot with a building.

Open Space Residential: A district or lot of specific size that allows for the development of single-family dwellings, as well as clustered single-family developments, that require a certain amount of open space and may or may not require Special Land Use Permit(s).

Ordinary High-Water Mark: The line between upland and bottomland that persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself and in the configuration of the surface of the soil and vegetation. Consistent with the Great Lakes Submerged Lands Act, Public Act of 247 of 1955, as amended, the ordinary high-water mark shall be deemed to be the elevation established by the International Great Lakes Datum of 1955 for Lakes Michigan and Huron 580.5 feet. (See graphic on following page)

Parcel: Synonymous with Lot.

Parking Space: An area of definite length and width, exclusive of drives, driveways, aisles, or entrances giving access thereto, and fully accessible for the storage or parking of permitted motor vehicles. (See Article 7 for size requirements.)

Permanent Foundation: A foundation for a structure that includes all frost-free foundations as regulated by the building code, as well as concrete block, poured concrete, and slabs or other materials used to support the walls of a building, even if they do not extend below the frost-free line.

Permanent Structure: Any one (1) of the following structures that is erected, installed, or moved on a parcel of property: residential building; business (commercial) building; industrial (manufacturing) building; institutional building; mobile home; accessory and related buildings; septic systems, tile fields and other waste handling facilities; and any structure with solid walls.

A permanent structure shall be considered small if it has a foundation size of three thousand five hundred (3,500) square feet or less and less than five (5) individual living units. All other permanent structures shall be considered large. The term does not include recreational vehicles or travel trailers. The term also does not include accessory structures that have less than two hundred and twenty five (225) square feet that are used for picnicking or storing of recreational or lawn equipment and that are constructed in a manner that facilitates easy removal. Such an accessory structure shall not have a permanent foundation and shall not be used as a residential facility.

Pet: A domesticated animal kept for amusement and/or companionship rather than for utilitarian or productive purposes. Animals shall be considered pets only if they are commonly considered as such, including cats, dogs, rabbits, and similar animals that can be demonstrated as having characteristics, temperament, and domestic qualities of animals commonly considered to be pets. (See Article 3, section on Pets, for limitations.)

Planned Unit Development: An area of minimum contiguous size, as specified by ordinance, to be planned and developed as a single entity containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial or industrial areas in such ranges of ratios of nonresidential uses to residential uses as shall be specified. (See Article 6, Open Space Residential.)

Pond: An artificially or naturally confined body of water less than five (5) acres in area (smaller than a lake), excluding swimming pools.

Porch, Enclosed: A covered entrance to a building or structure which is totally enclosed and projects from the main wall of the said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached. An enclosed porch is not weatherized or connected to the heating or utility systems of the primary building.

Porch, Open: An open extension or attachment to a building or structure which is unenclosed except for columns supporting a roof, either integrated with the principal roof or has a separate roof, and which projects out from the main wall of said building or structure and is used for outdoor activities associated with the principal building or structure to which it is attached.

Pornographic: The visual, written or oral depiction of specific anatomical areas or specific sexual activities (see definitions of these below).

Portable Building or Structure: The method of building that allows for the movement of a structure or building from one location to another.

Principal Structure: The main building or structure on a lot or parcel and serving the use for which the parcel is primarily designated, including but not limited to, residential, business (commercial), manufacturing (industrial), institutional structures and mobile homes. In the high-risk erosion areas described in this Ordinance, principal structures also includes septic systems, tile fields, any on-site waste handling facility, garages and any other building designed and intended for permanent use.

Property Lines: The boundary line of any lot or parcel of land where the deeded ownership stops and adjoins the boundary of another.

Public Service: Public service facilities within the context of this Ordinance shall include such uses and services as voting booths, township offices, pumping stations, fire halls, police

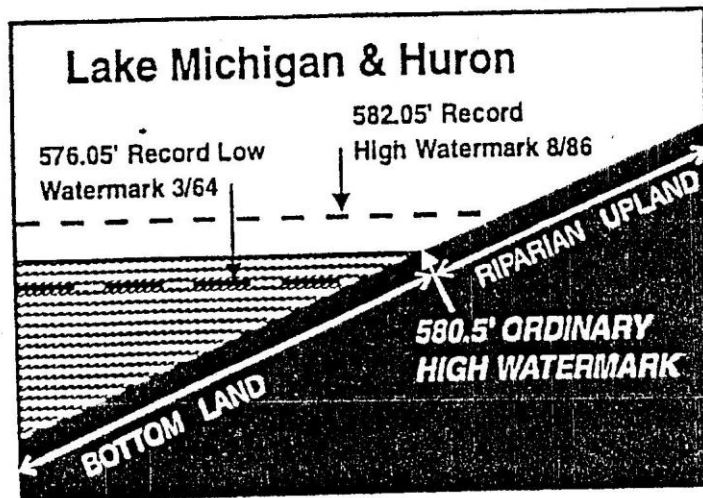
Township of Alabaster

Ordinary High Watermark

Pursuant to Act 247 of the Public Acts of 1955, as Amended

for

Lakes Michigan and Huron



stations, and temporary quarters for welfare agencies, public health activities, and similar uses, including essential services.

Public Utility: Any person, firm, or corporation, municipal department, board, or commission duly authorized by law to furnish, under federal, state, or local regulations, gas, steam, electricity, sewage disposal, water supply, communications, telegraph, or transportation.

Recession Rates: A quantitative measure of the landward movement of the zone of active erosion, determined on the basis of the shoreland erosion studies conducted under Public Act 245 of 1970, as amended, and expressed in terms of an annual average rate.

Recreation, Public: Any recreational space or structure owned by the public or any space and structure or combination thereof, privately owned, and publicly used, consisting primarily of the utilization of natural physical features as the basis for said use and such structures and apparatus being secondary to the primary outdoor use.

Recreation Vehicle: See Travel Trailer/Recreation Vehicle.

Refuse Facility: Sites at which containers or structures, usually metal, are located for the collection and/or processing of solid waste.

Religious Land Use: Churches, synagogues, temples, mosques or other buildings used for worship, as recognized by the Internal Revenue Service as tax exempt for that purpose; also associated buildings used for religious meetings, instruction or fellowship.

Rental Unit: Any building, dwelling unit (excluding motels), shelter, temporary or otherwise, and including mobile homes and modular housing, occupied from time to time by persons other than the owner(s), resulting in financial gain and/or other goods and services accruing to the owner's benefit.

Required Setback Distance: The least distance a permanent structure can be constructed from the bluff line or property/right-of-way line without a special exception.

Required Yard: The area between the property boundary or right-of-way and the setback line.

Residential: Pertaining to areas where people live and reside on a regular basis.

Riparian Rights: The rights of those who own lake or river waterfront property to use that waterfront.

Roadside Stand: A structure, erected on a farm, adjacent to a public road for the sale of products produced chiefly on the farm, provided such use shall be seasonal (open four consecutive months or less) and is constructed and operated according to other provisions of this Ordinance.

Rooming House/Tourist Home: A building or part thereof, other than a motel or bread and breakfast inn, where sleeping accommodations are provided for hire and where meals may be regularly furnished.

Seawall: A type of erosion control device whose primary purpose is to control literal drift or lake action. Such structures are controlled by Federal and State regulations and are exempt from this ordinance. Flooring (decking) associated with a seawall falls under the provisions of this Ordinance.

Self-Storage Facilities: Free-standing, commercial structures intended for additional storage needs for businesses, dwellings and other principal uses, but which storage is rented at an off-site location on a self-service basis.

Separate Ownership: Ownership of a parcel or property wherein the owner does not own the adjoining vacant property. Owner of a property may include dual or multiple ownership by a partnership, corporation or other group, provided that the owner of any number of contiguous lots of record may be considered as a single lot of record for the purpose of this Ordinance as the owner(s) so elects, and in such case the outside perimeter of said group of lots shall constitute the front, rear and side lot lines thereof.

Service Establishment, Business: An establishment operated to serve the needs of businesses in a community, including as examples: printing, office products, consulting services, accounting, banking and similar uses.

Service Establishment, Personal: An establishment operated to serve consumers for personal services, including hair styling, grooming, laundry and similar uses.

Service Station: See Gasoline Service Station.

Setback Lines: The line established by using the existing adjacent lines to determine the front, side, or rear yard open space provisions of this Ordinance. A front setback is measured from the edge of the right of way of any abutting roadway. A rear setback is measured from the rear property line. A side setback is measured from any other abutting property line. Corner lots shall require two front setbacks but only one rear setback. In the case of lake or river front property and high-risk erosion areas, it is the line that is the required setback distance landward of the bluff line that is the lakeside or riverside limit for construction of permanent structures without a special exception. Also see Front Lot Line, Rear Lot Line, Side Lot Line, Nonconforming Lot or Parcel and Property Lines.

Shed: An accessory structure as an addition to a principal structure or other accessory structure, without a permanent foundation or attachment, without access to the principal structure, and used for storage purposes only.

Shore Protection Structure: Any structural or physical method used to control shoreland erosion processes. Shore protection structures include, but are not limited to, structures such as

seawalls, revetments or bulkheads, and may also include any type of beach nourishment by filling.

Shoreland: That land, water, and land beneath the water that is in close proximity of the shoreline of Lake Huron.

Shoreline: That area of the shorelands where land and water meet.

Signs: Any words, numerals, figures, devices, designs, or other trademarks by which anything is made known (other than billboards, defined separately herein), such as are used to show an individual, firm, profession, or business, and are visible to the general public. Accessory signs pertain to uses or activities conducted on the premises where located.

Soil Removal: The removal of any soil or earth matter, including topsoil, sand, gravel, clay, rock or similar materials to a depth not greater than twelve inches, except for common household gardening and routine farming operations. Also see Excavation and Extraction.

Solar Panel: A device designed to convert solar radiation into useable thermal, mechanical or electrical energy.

Spa: An establishment wherein a substantial or significant portion of its business involves the provision of individual and/or group bathing which may/or may not include steam rooms and/or the administration of non therapeutic massage, erotic touching or fondling, including but not limited to fondling or touching of human genital, pubic region, buttock or breast.

Special Land Use: The term applied to a use, which may be permitted by the application for and issuance of a Special Land Use Permit by the zoning board/planning commission. Specified procedures and requirements pursuant to state law, as outlined in Article 9, Special Land Use Permits, must be complied with prior to issuance of said permit. A Special Land Use Permit may be issued only for those uses specifically cited in this Ordinance or as interpreted by the Zoning Board of Appeals.

Specified Anatomical Area. (1) Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola. (2) Human genitals in a discernable turgid state, even if completely and opaquely covered.

Specified sexual activities. (1) Human genitals in a state of stimulation or arousal. (2) Acts of human or animal masturbation, sexual intercourse (homosexual or heterosexual), or sodomy. (3) Fondling of, or erotic touching of human genitals, pubic region, buttock or female breast. (4) Bestiality. (5) Fellatio and cunnilingus. (6) Human excretory functions.

State Equalized Valuation: The value shown on the township and county assessment roll as equalized through the process of state and county equalization.

State Licensed Residential Facility: A structure constructed for residential purposes that is licensed by the State pursuant to Act 287 of 1972, as amended, which provides for residential

services for six or less persons under 24-hour supervision or care for persons in need of same, and being defined as a single family dwelling for the purposes of this ordinance without further control by the township.

Street or Road: A public, dedicated right-of-way, that affords access to abutting property or provides for circulation of vehicular traffic.

Structure: A walled and roofed building or other fabricated, constructed or erected object that requires fixation or placement in or on the ground or to another structure that is affixed or placed in or on the ground. This also includes mobile homes, septic fields and other items under Principal Structures, but excludes decorative items placed in/on the ground and non-building, utilitarian items commonly found in a yard and that are portable by hand. All structures must meet setback requirements.

Subdivision: The partitioning or dividing of a parcel or tract of land so as to create an altered legal description, describing two or more smaller tracts of land separate from the first. All such subdivision activity shall be subject to each and every provision of any applicable Township Ordinance that pertains to such subdivision, and must first address and satisfy all prerequisites and minimum requirements so established, prior to filing any such altered legal description with the Iosco County Register of Deeds.

Substandard Lot or Parcel: See Nonconforming Lot or Parcel.

Substantial Improvement: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, building, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Temporary Building or Use: A structure or use permitted by the Zoning Board of Appeals to exist for a defined period of time, such as for construction of a main building or use for special events.

Tent: A temporary shelter, usually for overnight occupancy, of canvas, nylon or other material supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of tents used solely for children's daytime recreational purposes.

Thoroughfares: A system of functional classifications of high traffic volume streets according to the character of transportation service they provide. The basic categories are:

- A. **Major arterial:** An arterial street that is intended to serve as a large volume traffic-way for both the immediate community area and the region beyond and that may be designated as a major thoroughfare, state highway, parkway, freeway, expressway, or equivalent term.
- B. **Secondary arterial:** An arterial street that is intended to serve as a traffic-way serving primarily the immediate community area and serving to connect with major thoroughfares.
- C. **Collector:** A lower volume street that is designed to collect traffic from local streets and to carry such traffic to major or secondary arterial thoroughfares.

Toilet, Outdoor: An outdoor sanitary facility accepting human waste that is designed, constructed and operated in conformance with state and local public health and sanitation codes.

Toilet, Temporary: A portable sanitary facility accepting human waste that is operated for temporary purposes, such as at public events, construction sites and similar purposes that are operated in conformance with state and local public health and sanitation codes.

Tourist Home: See definition for Bed and Breakfast Inn.

Townhouse: Two or more single-family dwelling units contained in one structure and connected by a common wall. Also, a single dwelling unit within such a structure.

Travel Trailer/Recreational Vehicle: A towable unit or self-propelled motor vehicle designed and used as temporary living quarters for recreational, camping or travel purposes, or any vehicle or trailerable apparatus intended for providing recreation, such as a boat, snowmobile, or all-terrain vehicle.

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

Use, Accessory: See definition of Accessory.

Variance: See Zoning Variance.

Water Frontage or Water Front: That portion of a lot or parcel of land of record, as documented by an instrument duly recorded with the Iosco County Register of Deeds, that abuts or intersects with the normal high water mark of a lake, whether the lot or parcel is owned by one or more persons, or commonly owned by several persons, or combination of persons. The water rights of waterfront lot and parcels are referred to as "Riparian rights".

Well Head: The surface structure of a well, which may or may not include a cap, pumping apparatus or similar device.

Well Head Protection Plan: A specific plan created to identify and describe in detail the efforts and procedures required, as determined by a Well Head Protection Study, so as to protect against surface pollution infiltrating the intake area for the well's water source.

Well Head Protection Study: A written conclusion developed by a study conducted by a qualified person(s) having knowledge in this field to determine the vertical and horizontal hydraulic conductivity of all surface material down to the intake stratum of a well and to determine the flow rates and direction of subsurface fluid movement.

Wind-Powered Generator: A device mounted on a permanent structure, which is used to provide direct power to such devices as pumps and wheels or for the creation of electrical or other forms of energy for consumption and use; such devices are frequently described as windmills.

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

- A. **Front yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between front lot line and nearest line of the main building. As further defined in D. and E. below, the front yard is that yard facing the water for a waterfront lot.
- B. **Rear yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and nearest line of the main building. Accessory buildings are permitted in this yard subject to other regulations regarding accessory buildings.
- C. **Side yard:** An open space between a main building and side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building. Accessory buildings are permitted in this yard subject to other regulations regarding accessory buildings.
- D. **Waterfront yard:** The open, unoccupied space situated between the structure and the water on a lot located on a lake, pond, river or stream.
- E. **Water-lot rear yard:** The open unoccupied space situated between the access structure and the access road on a lot located on a lake, pond, river or stream.

Zoning Administrator: The Zoning Administrator is the official charged with administering this Ordinance. The Zoning Administrator is appointed by the Township Board of Trustees with the advice of the Planning Commission. The Zoning Administrator may be compensated at a rate or amount determined by the Township Board of Trustees.

Zone of Active Erosion: The area of the shoreland where the disturbance or loss of soil and substrate has occurred with sufficient frequency to cause unstable slopes or prevent vegetation from growing in the area.

Zoning District: A portion of the township within which, on a uniform basis, certain uses of land and building are permitted and within which certain yards, open spaces, lot areas, and other

requirements are established by this Ordinance. The land area covered by each of the zoning districts is defined on a zoning map, which is an integral part of this Ordinance.

Zoning Variance: A modification of the literal provisions of this Zoning Ordinance, granted by the Zoning Board of Appeals when strict enforcement of the Zoning Ordinance would cause undue hardship owing to **circumstances unique to the specific parcel of property** on which the variance is granted. Variances may only be permitted by the Zoning Board of Appeals pursuant to an application for a variance and pursuant to the requirements and limits in Article 10, Administration, of this Ordinance.

Article 1

Miscellaneous Provisions

Township of Alabaster Rural Zoning Ordinance

Adopted November 2006

and Amended in 2013

by the

Alabaster Township Board of Trustees

Article 1: Miscellaneous Provisions

Enacting Clause

The Township of Alabaster, Iosco County, Michigan ordains:

Section 101. Short Title

This Ordinance shall be known as the “Township of Alabaster Rural Zoning Ordinance” and may be cited as such.

Section 102. Purpose

It is the general purpose of this Ordinance to provide for the establishment of zoning districts within which the proper use of land and natural resources may be encouraged and regulated, and further to:

- A. Promote public health, safety and welfare;
- B. Encourage the use of the lands in accordance with their character and adaptability and to limit the improper use of land;
- C. Conserve natural resources and energy;
- D. Meet the needs of residents for food, fiber and other natural resources, places of residence, recreation, industry, trade, service and other uses of the land;
- E. Insure that uses of the land shall be situated in appropriate locations and relationships;
- F. Avoid overcrowding of the populations;
- G. Provide adequate light and air;
- H. Minimize congestion on public roads and streets;
- I. Minimize hazards to life and property;
- J. Facilitate adequate provision for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements;

- K. Conserve the expenditure of funds for public improvements and services to conform to the most advantageous uses of land, resources and properties;
- L. Adopt provisions for each designated zoning district that shall control: the use of land and property; the use , size and location of buildings; the minimum yard, courts and other open spaces; and the maximum number of families to be housed in buildings or structures.

Section 103. Conflict with Other Acts, Ordinances or Regulations

Whenever any provision of this Ordinance imposes requirements for lower heights of buildings, or a lower percentage of lots that may be occupied, or requires wider or larger courts or deeper yards than are imposed or required by existing provisions of Acts, Ordinances or Regulations of the Township of Alabaster, the provisions of this Ordinance shall govern. Whenever such other existing provision imposes requirements for lower height of buildings, lower percentage of lots that may be occupied, or wider or larger courts or deeper yards than are required by this Ordinance, the provisions of the other Act, Ordinance or Regulation shall govern. In the interpretation and application of this Ordinance, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit, nor repeal, any other powers granted under State statutes.

It is not the intent of this Ordinance to repeal, abrogate, annul, impair or interfere with existing provisions of other laws or ordinance, except those repealed by this Ordinance. Nor is it the intent of this Ordinance to remove any private restrictions placed upon property by covenant, deed, or other private agreement; provided, however, that any provisions of this Ordinance that imposes more stringent requirements or limitation upon the use of land or erection of buildings than are imposed or required by the provisions of any other law or ordinance, or any said rules, regulations, permits or easements, then the provisions of this Ordinance shall govern.

Section 104. Severability

It is the legislative intent that this Ordinance be liberally construed and should any provision or section of this Ordinance be held unconstitutional or invalid, such ruling shall not be construed as affecting the validity of remaining portions of the Ordinance; it being the intent that this Ordinance shall stand notwithstanding the invalidity of any provision or section therein.

Section 105. Repeal

The Township of Alabaster Rural Zoning Ordinance, including zone district classifications enacted and amended, is hereby repealed and all other Ordinances, or parts of Ordinance, inconsistent or in conflict herewith, are also hereby repealed; provided, however, said repeal shall not abate any action now pending under, or by virtue of, the Ordinance herein repealed, nor shall said repeal discontinue, abate, modify, or alter any penalty accrued to or to occur, or affect the rights of any person, firm or corporation or waive any right of the Township of Alabaster under any section or provision of the Ordinance herein repealed at the time of the passage of this Ordinance.

Section 106. Effective Date

The Rural Zoning Ordinance, as presented in Articles 1-10, was originally adopted in 1994, was corrected, consolidated and clarified in May, 1998 and is most recently amended and corrected in 2013.

This Ordinance, as revised, shall take effect immediately upon approval by the Township Board.

Article 2

Definitions

Township of Alabaster Rural Zoning Ordinance

Adopted November 2006

and Amended in 2013

by the

Alabaster Township Board of Trustees

Article 2: Definitions

Section 201. Rules Applying to the Definitions

For the purposes of this Ordinance, certain rules of construction apply to the text as follows:

- A. The particular shall control the general.
- B. In the case of any difference of meaning and implication between the text of this Ordinance and any caption, preamble or illustration, the text shall control.
- C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- D. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural shall include the singular, unless the context clearly indicates the contrary.
- E. The word "lot" includes the words "plot," "tract," or "parcel."
- F. A "building" or "structure" includes any part thereof.
- G. A "dwelling" includes the word "residence."
- H. The phrase, "used for" may include "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
- I. The word "person" includes an individual, a corporation, a partnership, and an incorporated association, or any other similar entity.
- J. Unless the context clearly indicates the contrary, where regulation involves two or more items, conditions, provisions, or events connected by the conjunctions, "and," "or," "either...or," the conjunction shall be interpreted as follows:
 - 1. "and" indicates that all the connected items, conditions, provisions, or events shall apply.
 - 2. "or" indicates that the connected items, conditions, provisions, or events may apply singly or in combination.
 - 3. "either...or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
- K. Any word or term not herein defined shall be used with the meaning and definition as contained in the Official Alabaster Township Dictionary (Webster's New World

Dictionary, Third College Edition, Copyright 1988 By Simon & Schuster Inc.) located in the Alabaster Township Hall and the same shall be available for public review during regular Township business hours.

Section 202. Definitions

Accessory Structure: An accessory structure is a building or other structure that is clearly incidental to, customarily found in connection with, and located on the same lot as the principal structure to which it is related. In the case of a residential building, an accessory structure is not intended for occupation or habitation, and in the case of the high-risk erosion area, it shall be constructed to be readily moveable.

Accessory Lot: A lot that is owned by the same party/parties as own a principal lot, but is a separate legal description or is a part of the same description but is separated by a public right-of-way, and has uses that are normally accessory to the land use on the principal lot.

Adult Business/Entertainment: Any commercial activity, whether conducted intermittently or full time, that involves one or more of the following;

- A. **Adult Book Store.** An establishment having as a portion of its stock-in-trade books, magazines or other periodicals, video tapes, photographs or motion picture films that are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” or an establishment with a segment or section devoted to the sale or display of such material.
- B. **Adult Mini Motion Picture Theater.** An enclosed building with the capacity for less than fifty (50) persons used for the presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specific sexual activities” or “specific anatomical areas” for observation by patrons therein.
- C. **Adult Motion Picture Theater.** An establishment, whether in a completely enclosed building or not, with the capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or specific anatomical areas” for observation by the patrons therein.
- D. **Massage Parlors.** See definition.
- E. **Spas.** See definition.

Adult-Related Business: Any activity described in any of the above paragraphs commencing with “Adult Business/Entertainment,” and any other business having an employee or entertainer, in person or by motion picture, television, video tape, hologram, magazine or other type of image displaying any “specified anatomical areas” or engaging in any “specified sexual activity”.

Adjacent Lot: The parcel or parcels of land sharing a common boundary.

Agriculture: See definition of Farm.

Airport: A place where aircraft can land and takeoff, including attendant facilities for handling aircraft, cargo and passengers. For the purpose of these zoning regulations, an airport shall include both general aviation airports open to the public and to private landing strips.

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

Amusement Park: A tract of land or area used as a permanent location for multiple carnival-amusement rides, entertainment, games of skill or chance and/or permanent shows and displays. These may or may not include sale of food on the premises.

Animals: See definitions of Pets, Exotic Animals and Farm Animals.

Animation (as used in signs): Includes any wind or motor driven moving parts or spinning fixtures, and/or blinking, flashing, or sequential light programs of any kind.

Apartments: A residential structure containing three (3) or more single-family dwellings. Also see definitions of Dwelling Unit and Dwelling Types.

Appeal: A request to a recognized authority for proof or decision. To have a case heard before the Zoning Board of Appeals, a higher court or a judge.

Architectural Features: External architectural features include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornament.

Auto Repair Garage: A place where auto body repair, engine rebuilding, or repair, undercoating, painting, tire-capping, upholstery work, or auto glass replacement is conducted for profit and where more than two customer vehicles are stored in the open on the property.

Auto Service Station: A building or structure designed or used for the retail sale of pre-packaged food and drinks and other convenience store items and/or supply of fuels (stored only in conformance with state and federal regulations), lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for facilities for the storage, minor repair, or servicing of vehicles, but not including bumping, painting, refinishing, major repairs and overhauling, steam cleaning, rust-proofing, where the primary use of the premise is such.

Auto-Wash Establishment: A building, or portion thereof, the primary purposes of which is that of washing motor vehicles, whether by the owner or driver, attendants or mechanical devices.

Barn: A building, usually a large accessory structure, for the storage of farm products, feed, farm equipment or the housing of animals.

Base Flood: See Flood, Base.

Basement: Is that portion of a building that is partly, or wholly, below grade, but so located that the vertical distance from average grade to the floor is greater than the vertical distance from the average grade to the ceiling. If the vertical distance from grade to the ceiling is over five (5) feet, such floor shall be deemed a first-story rather than a basement.

Bed and Breakfast Inn: Any dwelling used or designed in such manner that certain rooms, in excess of those used by the permanent occupants, and occupied as a dwelling unit by those occupants, are rented to the public for compensation and caters primarily to the transient public interested in touring, vacation, business, or pleasure. Said inn may provide a light breakfast for renting itinerants, but may not serve any food for compensation to those other than renting a room for the evening.

Billboard or Outdoor Advertising: A billboard shall mean any structure or portion thereof designed or intended to be used for posting, painting, or otherwise affixing any advertising sign that does not pertain to the premises or to the use of the premises on which the billboard is located or to goods and services rendered or activities conducted on such premises.

Blind: A temporary, uninhabitable structure constructed without regard to any building codes or requirements stipulated in this Ordinance and used for concealment when hunting.

Block: The property abutting one side of a street and lying between the two nearest intersecting streets, or between one intersecting street and railroad right-of-way, unsubdivided acreage, river or live stream, or between any of the foregoing and any other barrier to the continuity of the development.

Bluff Line: The line that is the edge or crest of the elevated segment of the shoreline above the beach, which normally has a precipitous front inclining steeply on the lakeward side. Where there is no precipitous front indicating the bluff line, the line of continuous perennial vegetation or the seawall may be considered the bluff line. (See graphic on following page.)

Boat: Any type of watercraft or vessel used on or operated upon a lake or river.

Buildable Area: The area of a lot or parcel remaining after all of the minimum setbacks and open space requirements of this Ordinance have been considered and satisfied.

Building: Any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter or enclosure of persons, animals, chattels, or property of any kind. This shall include tents, awnings, or vehicles situated on private property and used for such purposes.

Building Permit: A permit issued by appropriate authority allowing the construction of a building or structure under a State-approved building code.

Building, Height: The vertical distance measured from the “average finished grade” (AFG) to the “highest point at the top of the building” (TOB). All Building Height measurements will be made from the AFG point. The AFG point will be established by, first measuring the shortest height distance between the finished grade and the highest point of the building, and second by measuring the longest height distance between the finished grade and the highest point of the building, and then divide the total combined distance by two (2) so as to calculate the average height distance between the finished grade and the TOB. The resulting measurement will be used as the “Building Height” to determine compliance with this Ordinance. Cupola’s with a height of less than 60” inches above the ridge line of any roof (weather vanes and/or lightning rods notwithstanding) and lateral side measurements of less than 48” inches per side shall be considered decorative items and the same shall be excluded from the measurements to determine building height.

Business: Any trade, occupation, profession, work, commerce or other activity owned or operated for profit.

Cabin: A small, one-story dwelling usually of simple construction and few amenities that is used for recreational purposes on a seasonal basis.

Campground: A plot of land on which two or more campsites are located, established or maintained for occupancy by the general public as temporary living quarters for vacation or recreation purposes. Campgrounds must meet all other requirements of the State of Michigan and Iosco County in addition to this ordinance.

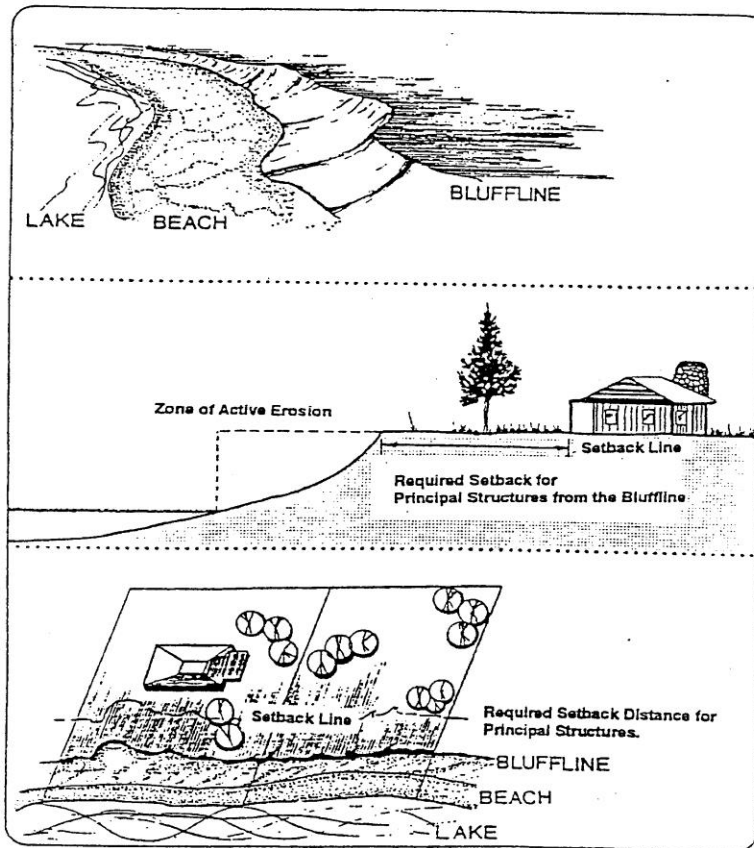
Carnival: An enterprise, frequently seasonal or temporary, devoted to amusement and entertainment to the public by providing amusement rides, devices or temporary structures in any number of combinations, whether or not associated with other structures or forms of public attraction.

Certificate of Zoning Compliance: A certificate issued by the Zoning Administrator to allow application for a building permit or occupancy of land or structure pursuant to this Ordinance.

Clinic: An establishment constructed to conform to all applicable local and state regulatory requirements and where human patients are admitted for examination and treatment by physician(s), dentist(s), or other health care worker(s), but where said patients are not lodged overnight.

Article 2: Definitions:

**Township of Alabaster
Bluff Line
High Risk Erosion Area Overlay Zone**



Club: An organization of persons for special purposes or promulgation of sports, agriculture, recreation, arts, science, literature, politics or the like, but not for profit.

Cluster Housing: A number of individual single family residential dwellings, and/or housing units specifically designed to be grouped together on a single lot or parcel.

Cluster Development: The process of planning and submitting site plans and obtaining permits so as to comply with this ordinance prior to construction of any cluster housing units.

Common Use Lot or Parcel: A lot or parcel used or intended for the use of multiple persons or parties who are not residents of the property; commonly meant to provide waterfront access for those who do not reside on the waterfront. Also referred to as a Keyhole.

Condominium: A form of ownership in which several parties own, administer and maintain common areas.

Conservation Area: An undeveloped space set aside to preserve existing natural environments or to facilitate the restoration of natural environments. Non-destructive access is considered compatible with preservation or restoration.

Convalescent or Nursing Home: A home for the care of children, the aged, the infirm or a place of rest for those suffering bodily disorders, wherein three or more persons are cared for. This does not include group homes otherwise regulated by the State of Michigan through preemption of local zoning. All such homes must also meet licensure requirements of the State of Michigan.

Cottage(s): A building used for seasonal residential purposes, but not necessarily weatherized or designed for year-round occupancy.

Covenant: A legal agreement between two or more people or entities regulating personal use of specified properties. Covenants are not adopted by or enforced by the Township of Alabaster.

Day Care Home:

Family Day Care Home - a private home in which 1 but fewer than 7 minor children are provided care and supervision for periods of less than 24 hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year. A Family day care home is not subject to a special (land) use or conditional use permit or a procedure different from those required for other dwellings of similar density in the same zone.

Group Day Care Home - a private home in which more than 6 but not more than 12 minor children are provided care and supervision for periods of less than 24 hours per day unattended by a parent or guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home in which care is

given to an unrelated minor child for more than 4 weeks during a calendar year. A Group day care home shall be required to obtain a special (land) use permit subject to certain requirements as stipulated in Article 9, under “Group Day Care Home” of this Ordinance.

dB(A): The sound pressure level in decibels measured on the "A" scale of a standard sound level meter having characteristics defined by the American National Standards Institute, Publication ANSI s1.4-1971.

Decibel: A unit used to express the magnitude of sound pressure and sound intensity. The difference in decibels between two sound pressures is twenty (20) times the common logarithm of their ratio. In sound pressure measurements, the sound pressure level of a given sound is defined to be 20 times the common logarithm of the ratio of that sound pressure to a reference pressure of 2×10^{-5} N/m² (Newtons per square meter). As an example of the effect of this formula, a 3-decibel change in the sound pressure level corresponds to a doubling or halving of the sound intensity, and a 10-decibel change corresponds to a 10-fold increase in, or to a decrease to 1/10th of, the former intensity.

Deck: Flooring that is an open extension or attachment to a building or structure that is unenclosed and unroofed, and that projects out from the main wall of said building or structure and is used for outdoor activities associated with the principal building or structure to which it is attached. Also seawalls, whose primary purpose is control of literal drift or lake action, are exempt. Flooring (decking) that is associated with a seawall falls under the provisions of this ordinance.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Dish Antenna: An earth-based station whose purpose is to receive communications or other signals from orbiting satellites or other extraterrestrial sources together with such other equipment related to such purpose. Generally, such facility shall include the dish antenna, low-noise amplifier, coaxial cable, and mounting structure.

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

Docks or Piers: A structure built out into the water to serve as a landing place for boats or water access for persons.

Docked or Docking: The mooring of a boat directly to a pier or structure, including but not limited to a platform, hoist, or other permanent or seasonal fixture or structure extending from the shore or place in the water off the shore, and directly accessible to a water frontage; and shall also mean the regular anchoring of a boat adjacent to a water frontage; and shall also mean the placement or storage of a boat, temporarily or permanently, upon the shoreline or at the lake/river frontage of lot or parcel of land.

Docking Facilities: A structure built to receive and service ships and boats.

Drive: A private road or pathway by which persons gain access to their property.

Drive-In or Drive-Thru Structure: A business establishment developed so that its retail or service character is dependent on providing a driveway approach to a pick-up window or parking space for motor vehicles so as to serve patrons while in the motor vehicle, or within a building on the same premises and to the same purpose as the drive-in or drive thru service. Drive-thru facilities of financial institutions are not subject to limitations on drive-thru facilities because of their lower frequency and intensity of business.

Dwelling Unit: A building, or a portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities. All dwelling units shall have a foundation and shall be aesthetically compatible with their environment.

Dwelling Types: For the purpose of this Ordinance dwellings are separated into the following categories and herewith defined accordingly:

- A. **Single family, mobile, modular, constructed or pre-manufactured dwelling** - a detached, residential dwelling unit designed for and occupied by one family, having cooking facilities and used exclusively for residential use and meeting all local and state fire codes.
- B. **Two-family dwelling** - a detached residential building containing two dwelling units, each with a separate entrance, and designed for occupancy by not more than two families. These may also be known as duplexes.
- C. **Multiple family dwelling** - a residential building designed for and occupied by three or more families with the number of families in residence not exceeding the number of dwelling units provided.
- D. **Efficiency apartment** - a dwelling unit consisting of only one room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off that room.

Earth (Berm) Homes: A residential structure that is built into or protected with, or insulated by, earth on one or more sides.

Easement: A legal right held by one person or entity to use the property owned by another person or entity or a corridor or parcel dedicated to use by designated property-owners.

Erected: The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for building. Excavations, fill, drainage and the like shall be considered part of erection.

Erosion Control Device(s): Any structural or physical method used to control shoreland erosion processes. Erosion control devices include, but are not limited to, structures such as groins, seawalls, revetments or beach walls, and may also include any type of beach nourishment by filling.

Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electric, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and accessories in connection therewith (reasonably necessary for adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare), but not including buildings, other than such buildings as are primarily enclosures or shelters of the above essential service equipment.

Excavation: Excavation is the removal of sand, stone, gravel, minerals or fill-dirt below the average grade of the surrounding land and/or road grade, whichever shall be highest.

Extraction: Extraction is the act of removing resources from the ground by physical effort.

Exotic Animal: Any living animal that is not native to the State of Michigan.

Family: An individual or two or more persons related by blood, marriage or adoption, living together as a housekeeping unit in a dwelling unit, or a group of not more than four persons, who need not be related, living together as a single housekeeping unit.

Farm: A tract of land that is directly devoted to agricultural purposes for growing of cash crops, for greenhouses, for plant nurseries, orchards, aviaries, raising farm animals or farm fowl and being at least ten (10) acres in area. Provided further, that greenhouses, nurseries, orchards, apiaries, chicken hatcheries, poultry farms and similar specialized agricultural enterprises may be considered as farms; but keeping or operating game, fish hatcheries, dog kennels, fur-bearing animals, stock yards, slaughter houses, stone quarries, or commercial sand and gravel pits shall not be considered farms. Nor shall fertilizer works, bone yards, or establishments for reduction of animal matter, or for the disposal of garbage, sewage, rubbish, offal, or junk constitute a farm.

Farm Animals: Farm animals are those animals that are commonly used for utilitarian or productive purposes. Such animals typically include beef cattle, dairy cattle, horses, ponies, goats, sheep, swine, donkeys, mules, oxen, rabbits, or any similar animal.

Farm Fowl: Farm fowl are defined as including chickens, ducks, turkeys, geese, peacocks, and guinea hens, or any fowl to be raised for resale or to be sold for profit.

Fence: A structure built of customary fencing material of definite height, as measured from the ground, excluding posts and finials, and location to serve as an enclosure. Dense, obscuring planted hedges may also be defined as fences, as determined by the Zoning Administrator.

Fence, Obscuring: A structure built of customary fencing material of definite height, as measured from the ground, excluding posts and finials, and location to serve as an obscuring screen. Dense, obscuring shrubbery may be considered an obscuring fence, as determined by the Zoning Administrator.

Finished Grade: is the term used to describe the end result and permanent level of soil and earthen materials as it relates to the completion of any construction project permitted by and subject to this ordinance where the earth and soil are disturbed and/or redistributed to accommodate the construction of a building, foundation, access road, driveway, ditches, etc.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from either (1) the overflow of inland or tidal waters, or (2) the unusual and rapid accumulation of runoff of surface waters from any source.

Flood, Base: Is a flood having a one-percent chance of being equaled or exceeded in any given year, e.g., a flood sufficiently large to have a probability of occurring once every hundred years.

Flood, Areas of "Harmful Increase:" An unnaturally high state on a river, stream, or lake which causes, or may cause damage to property, threat to life, personal injury, or damage to land or water resources.

Flood Hazard Boundary Map: An official map of a community, issued by the Federal Insurance Administration, where the boundaries of a flood hazard area zone have been designated as Zone A.

Flood Plains: Areas subject to periodic inundation by flood conditions with a 100-year probability.

Floor Area, Gross: The floor area of a residential dwelling unit is the sum of the horizontal living areas of each story of the building as measured from the exterior walls; exclusive of the basements, unfinished attics, attached garages, breezeways and enclosed and unenclosed porches.

Floor Area, Useable (For the purpose of computing parking requirements): All ground and non-ground floor area used for or intended to be used for, the sale of merchandise or services or for use to serve patrons, clients, or customers. Such floor area, which is used or intended to be used principally for the storage or processing of merchandise, or for utilities, shall be excluded from this computation. For the purpose of computing parking for those uses not enclosed within a building, the area used for the sale of merchandise, display of merchandise, and/or area used to serve patrons or clients shall be measured to determine necessary parking spaces.

Funneling: See Keyhole or Common Use Lot.

Garage, Auto Repair: See Auto Repair Garage.

Garage, Community: Any premises used for the storage for the residents of dwelling units on the same or adjacent block or blocks, and providing only incidental services to such vehicles as stored therein.

Garage, Private: An accessory building or an accessory portion of a principal building designed or used solely for the storage of non-commercial motor vehicles larger than pick-up trucks or vans, boats or other watercraft, house trailers, and similar vehicles owned and used by the occupants of the building to which it is an accessory use.

Garage, Storage: Any premises except those therein defined as private garage used exclusively for the storage of self-propelled vehicles and boats, but not a place where such vehicles are repaired.

Gasoline Service Station: A place for the dispensing, sale or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and the routine servicing, and minor repair of automobiles.

Grade: The surface of the ground contacting any portion of the basement or foundation of a dwelling. Also, see finished grade.

Greenbelt: A strip of land of definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen, buffer strip, or decorative treatment in carrying out the requirements of the Ordinance.

Hazardous Substances: Chemicals as defined by the Michigan Departments of Public Health, Labor, Natural Resources and other state and federal regulatory agencies; flammable and combustible liquids as defined by the Michigan Department of State Police; other hazardous substances as defined by state or federal agencies, including hazardous waste and polluting materials.

Heliport: Any area regularly used for the landing, storage, repair or take-off of a helicopter to be used for transportation of persons or goods.

High-Risk Erosion Area: An area of shoreline that is determined by the Department of Natural Resources on the basis of studies and surveys to be subject to erosion and that is designated as such pursuant to the Shorelands Protection and Management Act, being Act 245 of 1970, as amended.

Home Occupation: An occupation or profession customarily carried on by an occupant of a dwelling unit as a secondary use, which is clearly subservient to the use of the dwelling for residential purposes. (Note: restrictions on home occupation uses are included in Article 3, General Requirements, under Home Occupations.)

Junk: Any discarded or scrapped property or material, including any property or material that may or may not be salvaged for reuse, resale, reduction or similar disposition, or which is processed, transported, accumulated, dismantled, or sorted for any such reason. The term shall include used and salvaged metals, paper, glass, rubber, rope, machinery, or any motor vehicle, that is intended for dismantling or salvaging. One or more vehicles that are inoperative or unlicensed for four (4) months shall be construed as junk.

Junk Yard: Any open area where waste, used, or second-hand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A "junk yard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping, or abandonment of junk, but does not include such uses established entirely within enclosed buildings.

Kennel, Private or Commercial: Any lot or premises on which three (3) or more dogs, cats, or other domestic pets are either permanently or temporarily boarded for compensation.

Keyhole: A lot or parcel, including water frontage owned by a person or persons, that provides or is intended to provide common use access to a lake or river to: non-owners of the common use lot, multiple owners of common use lot, owners or occupants of non-riparian lots or parcels, owners or occupants of more than one dwelling unit, the public, or members of an association. Also referred to as a Common Use Lot.

Laboratory: A facility devoted to research, experimentation, basic studies and application studies, including but not limited to, designing, testing, analyzing and prototype manufacturing of products, but not including production manufacturing.

Lake: A body of water, either manmade or natural, surrounded by land and being five (5) acres or more in area. Bodies of water less than 5 acres are ponds.

Land Use Permit: A document issued by the Alabaster Township Zoning Administrator certifying that an individual is operating in accord with the zoning ordinance and permitting them to proceed with securing a building permit consistent with documentation on the land use permit

Landfill: A parcel of land designated by a Special Land Use Permit for the sole purpose of disposing of solid waste by burying it beneath a shallow layer of earth.

Legal Description: A description of any parcel or lot consisting of those legal terms and phrases developed specifically for, and accepted by, and commonly used by the land surveying industry. Provided, however, such descriptions must also be in a form that can be recognized and enforced in and by any court of law having jurisdiction over matters of land ownership, and property boundary line disputes.

Livestock: Farm animals and farm fowl; see definitions of them.

Loading Space: An off-street space on the same lot with a building or group of buildings and used for temporary parking of a commercial vehicle while loading or unloading merchandise, materials, or passengers.

Lot: Is a parcel of land registered in the Office of Register of Deeds for Iosco County and occupied, or that could be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such open spaces as are required under the provisions of this Ordinance. A lot normally shall have its frontage located upon a public right-of-way or thoroughfare. In the event that a parcel does not front on a road right-of-way, it shall meet all minimum lot requirements as if it were fronting on the road and shall have a minimum thirty feet (30') wide frontage on a road right-of-way for access through fee simple ownership, easement or long-term (40 years or more) leases on a fronting lot. Contiguous lots under common ownership may be considered a single parcel, providing they are not thereafter split or arranged to any additional size of lot not conforming to this ordinance. Unless otherwise noted, Lot and Parcel are used synonymously in this Ordinance.

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

Lot Coverage: The part or percent of the lot occupied by buildings, including accessory buildings, hard surface drives and other similar impervious surfaces.

Lot Depth: The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines. The front lot line shall be measured from the road right-of-way to determine depth and area.

Lot, Double Frontage (through-lot): Is any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.

Lot, Interior: Any lot other than a corner lot.

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

- A. **Front lot line:** In the case of an interior lot, the line separating said lot from the street or road right-of-way. In the case of a corner lot, the front lot line is that line separating said lot from the right-of-way designated as the front street in the plat or in the application for a building or zoning permit. In the case of a double frontage lot, both lot lines abutting on streets shall be treated as front lot lines. In the case of a lot with a designated 30'

access right-of-way, the front lot line shall be that lot line which is, or is most nearly, parallel to the street or road right-of-way from which the access right-of-way originates.

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

C. **Side lot line:** Any lot lines other than the front lot line or the rear lot line shall be side lot lines. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior lot line.

Lot of Record: A plot of land, the dimensions of which are clearly defined by a legal description that has been properly filed and recorded along with proper maps and drawings, as may be required, in the Office of the Iosco County Register of Deeds.

Lot Width: The horizontal distance between the side lot lines measured at the two points where the front setback line intersects the side lot lines. See drawing on following page.

Marina: A boat basin or commercial business offering dockage and other service for small watercraft.

Marine Terminal: A structure or facility constructed in a harbor or lakeside for the purpose of loading or unloading commercial shipping vessels

Massage Parlor: An establishment wherein a substantial or significant portion of its business involves the administration of non-therapeutic massage, erotic touching or fondling, including but not limited to, fondling of or touching of human genitals, pubic region, buttock or breasts. A massage parlor does not include medical or therapeutic massage business, such as state licensed chiropractors and physical therapists or other state licensed, medically related practitioners. All practitioners employed by such businesses must be licensed.

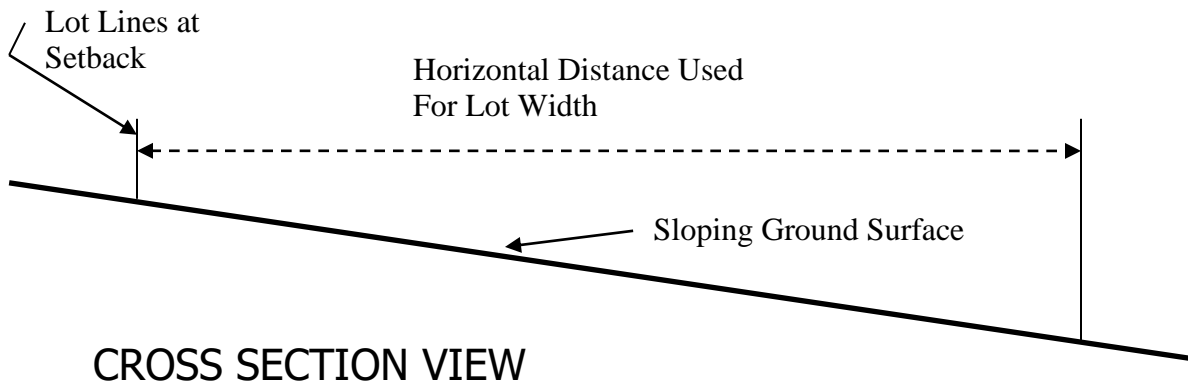
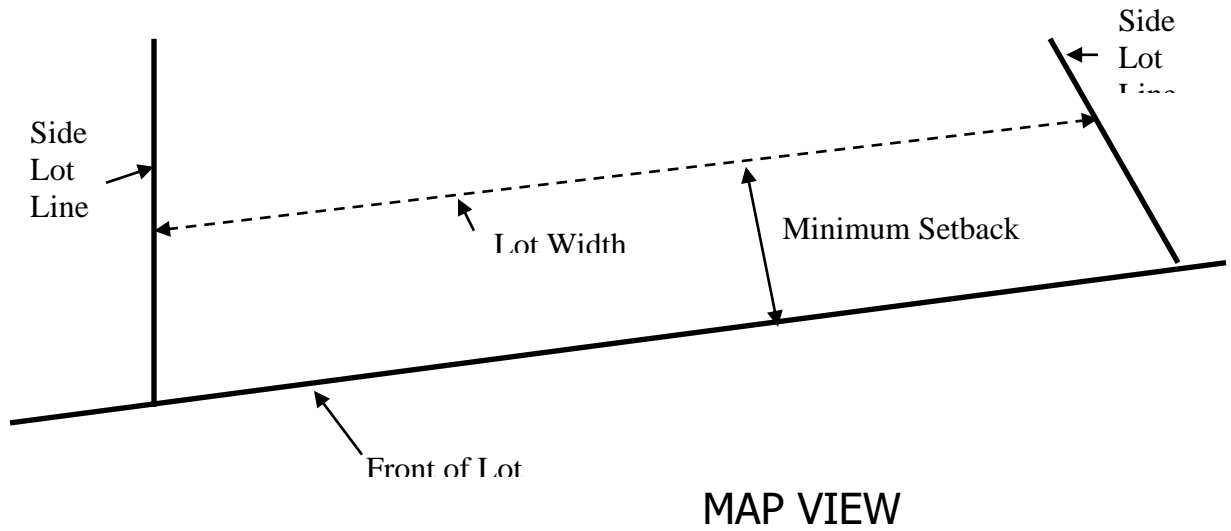
Master Plan: A comprehensive development plan, and any amendment to such plan or parts thereof, that presents the intended development of Alabaster Township in the form of a written document and a Future Land-Use Map. Said plan has been formally adopted by the Township after public input and public hearing. The Plan may or may not show current or planned specific details, such as the general location for streets, parks, schools, public buildings, and physical development of the community.

MDNR: Michigan Department of Natural Resources.

MDOT: Michigan Department of Transportation.

MDEQ: Michigan Department of Environmental Quality.

Township of Alabaster Schematic Drawing Illustrating Lot Width



Mobile Home: A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers. See also the definition for Dwelling.

Modular Housing: A dwelling constructed off-site and made of one or more major, semi-finished building components that conform to the Michigan State Construction Code and regulations thereto, pursuant to Act 230 of the Public Acts of 1972, as amended.

Motel: A series of attached, semi-detached or detached rental units containing bedroom, bathroom, and closet space. Units shall provide overnight lodging and are offered to the public for compensation and shall cater primarily to the traveling public with motor vehicles as a facility for overnight residence.

Moveable Structure, Easily: An accessory structure that is smaller than two hundred twenty-five (225) square feet, is not built on a slab, does not have a permanent foundation, and is easily removable.

Moveable Structure, Readily: A small permanent structure (greater than two hundred twenty-five square feet and less than three thousand five hundred square feet) that is designed, sited, and constructed to accomplish relocation at a reasonable cost relative to other structures of the same size and construction. Access to and from the site shall be of sufficient width and acceptable grade to permit the structure to be relocated. New construction and installations shall meet the following criteria to be considered readily moveable structures:

- A. The buildings shall be on pilings, a basement, or crawl space. Except as noted below, a slab-on-grade foundation does not meet this criterion.
- B. Above-grade walls shall be stud wall construction. Above-grade walls that are constructed of masonry, including stonewalls, concrete poured or concrete block walls, and brick veneer walls do not meet this criterion.

Existing permanent structures shall be considered readily moveable structures if the cost of relocation landward of the required setback distance is not more than 25% of the replacement cost of the structure (including any added cost of land) or if the existing structure meets the criteria for new construction in this subdivision. A 1- or 2-car garage that is bolted to a slab foundation, which does not have living space within or above the structure, and which does not have plumbing or interior walls shall be considered a readily moveable structure if it meets the remainder of the requirements specified in this subdivision. Septic systems, tile fields, or other waste-handling facilities are not readily moveable structures.

Multiple Family Residential: A district or lot that allows for the development of Multiple Family Dwelling(s), single story and/or multi-story (high-rise) condominiums or apartments in accordance with the restrictions and requirements contained in this Ordinance.

New Construction: Structures for which the "start date of construction" commenced on or after the effective date of this Ordinance.

Nonconforming Lot or Parcel: Any parcel or lot-of-record that does not conform to existing zoning standards for lot width, depth or area; number of permitted structures; or one that has dimensions insufficient to meet setback requirements for a permanent structure.

Nonconforming Structure: A permanent structure that does not conform to existing construction standards or zoning requirements.

Nonconforming Use: A use, which lawfully occupied a building at the effective date of this Ordinance, or amendments thereto, that does not conform to the use regulations of the district in which it is located.

Non-profit Organization (Institution): A religious, charitable, public or equivalent organization, as recognized by the U. S. Internal Revenue Service as such and as tax-exempt.

Nuisance: See the section in Article 3 for nuisances, such as visual distractions, noise and vibration, odor and gaseous discharges, light and glare control, and waste and rubbish dumping.

Nursery School: A facility for teaching or day care of children under age six as either a non-profit or profit service except for a family day care home licensed or registered by the State of Michigan.

Occupied: Includes the intent, design, or arrangement of a site, structure or building for occupancy.

Official: A government employee accountable in the subject and/or geographical area in which he/she is making recommendations, issuing orders or commenting.

Off-Street Parking: A facility or lot providing vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of automobiles.

Opaque: Not pervious to light.

Open-Air Business Uses: Businesses not conducted within a wholly enclosed building. Open-air businesses may include the following:

- A. Bicycle, trailer, motor vehicle, boats or home equipment sale or rental.
- B. Outdoor display and sale of garages, swimming pools and similar uses.
- C. Retail sale of trees, fruit, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellis, lawn furniture, playground equipment, and other home garden supplies and landscape equipment.

D. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving-range, child's amusement park or similar recreation uses.

Open Front Store: A business establishment designed and developed so that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter said structure.

Open Space: Any unoccupied space open to the sky on the same lot with a building.

Open Space Residential: A district or lot of specific size that allows for the development of single-family dwellings, as well as clustered single-family developments, that require a certain amount of open space and may or may not require Special Land Use Permit(s).

Ordinary High-Water Mark: The line between upland and bottomland that persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself and in the configuration of the surface of the soil and vegetation. Consistent with the Great Lakes Submerged Lands Act, Public Act of 247 of 1955, as amended, the ordinary high-water mark shall be deemed to be the elevation established by the International Great Lakes Datum of 1955 for Lakes Michigan and Huron 580.5 feet. (See graphic on following page)

Parcel: Synonymous with Lot.

Parking Space: An area of definite length and width, exclusive of drives, driveways, aisles, or entrances giving access thereto, and fully accessible for the storage or parking of permitted motor vehicles. (See Article 7 for size requirements.)

Permanent Foundation: A foundation for a structure that includes all frost-free foundations as regulated by the building code, as well as concrete block, poured concrete, and slabs or other materials used to support the walls of a building, even if they do not extend below the frost-free line.

Permanent Structure: Any one (1) of the following structures that is erected, installed, or moved on a parcel of property: residential building; business (commercial) building; industrial (manufacturing) building; institutional building; mobile home; accessory and related buildings; septic systems, tile fields and other waste handling facilities; and any structure with solid walls.

A permanent structure shall be considered small if it has a foundation size of three thousand five hundred (3,500) square feet or less and less than five (5) individual living units. All other permanent structures shall be considered large. The term does not include recreational vehicles or travel trailers. The term also does not include accessory structures that have less than two hundred and twenty five (225) square feet that are used for picnicking or storing of recreational or lawn equipment and that are constructed in a manner that facilitates easy removal. Such an accessory structure shall not have a permanent foundation and shall not be used as a residential facility.

Pet: A domesticated animal kept for amusement and/or companionship rather than for utilitarian or productive purposes. Animals shall be considered pets only if they are commonly considered as such, including cats, dogs, rabbits, and similar animals that can be demonstrated as having characteristics, temperament, and domestic qualities of animals commonly considered to be pets. (See Article 3, section on Pets, for limitations.)

Planned Unit Development: An area of minimum contiguous size, as specified by ordinance, to be planned and developed as a single entity containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial or industrial areas in such ranges of ratios of nonresidential uses to residential uses as shall be specified. (See Article 6, Open Space Residential.)

Pond: An artificially or naturally confined body of water less than five (5) acres in area (smaller than a lake), excluding swimming pools.

Porch, Enclosed: A covered entrance to a building or structure which is totally enclosed and projects from the main wall of the said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached. An enclosed porch is not weatherized or connected to the heating or utility systems of the primary building.

Porch, Open: An open extension or attachment to a building or structure which is unenclosed except for columns supporting a roof, either integrated with the principal roof or has a separate roof, and which projects out from the main wall of said building or structure and is used for outdoor activities associated with the principal building or structure to which it is attached.

Pornographic: The visual, written or oral depiction of specific anatomical areas or specific sexual activities (see definitions of these below).

Portable Building or Structure: The method of building that allows for the movement of a structure or building from one location to another.

Principal Structure: The main building or structure on a lot or parcel and serving the use for which the parcel is primarily designated, including but not limited to, residential, business (commercial), manufacturing (industrial), institutional structures and mobile homes. In the high-risk erosion areas described in this Ordinance, principal structures also includes septic systems, tile fields, any on-site waste handling facility, garages and any other building designed and intended for permanent use.

Property Lines: The boundary line of any lot or parcel of land where the deeded ownership stops and adjoins the boundary of another.

Public Service: Public service facilities within the context of this Ordinance shall include such uses and services as voting booths, township offices, pumping stations, fire halls, police

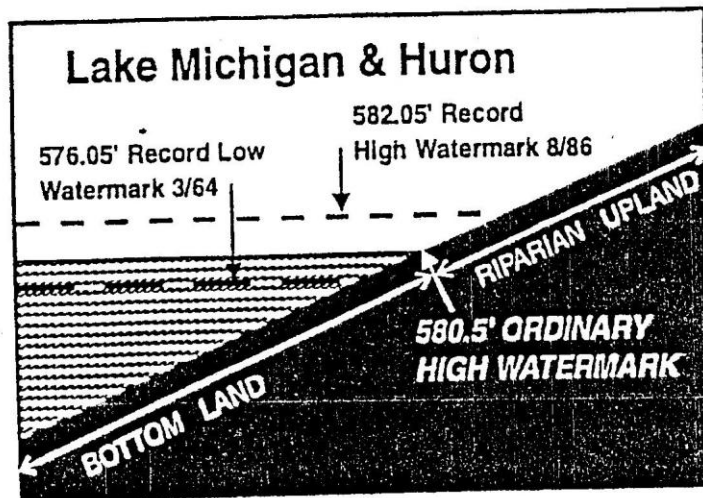
Township of Alabaster

Ordinary High Watermark

Pursuant to Act 247 of the Public Acts of 1955, as Amended

for

Lakes Michigan and Huron



stations, and temporary quarters for welfare agencies, public health activities, and similar uses, including essential services.

Public Utility: Any person, firm, or corporation, municipal department, board, or commission duly authorized by law to furnish, under federal, state, or local regulations, gas, steam, electricity, sewage disposal, water supply, communications, telegraph, or transportation.

Recession Rates: A quantitative measure of the landward movement of the zone of active erosion, determined on the basis of the shoreland erosion studies conducted under Public Act 245 of 1970, as amended, and expressed in terms of an annual average rate.

Recreation, Public: Any recreational space or structure owned by the public or any space and structure or combination thereof, privately owned, and publicly used, consisting primarily of the utilization of natural physical features as the basis for said use and such structures and apparatus being secondary to the primary outdoor use.

Recreation Vehicle: See Travel Trailer/Recreation Vehicle.

Refuse Facility: Sites at which containers or structures, usually metal, are located for the collection and/or processing of solid waste.

Religious Land Use: Churches, synagogues, temples, mosques or other buildings used for worship, as recognized by the Internal Revenue Service as tax exempt for that purpose; also associated buildings used for religious meetings, instruction or fellowship.

Rental Unit: Any building, dwelling unit (excluding motels), shelter, temporary or otherwise, and including mobile homes and modular housing, occupied from time to time by persons other than the owner(s), resulting in financial gain and/or other goods and services accruing to the owner's benefit.

Required Setback Distance: The least distance a permanent structure can be constructed from the bluff line or property/right-of-way line without a special exception.

Required Yard: The area between the property boundary or right-of-way and the setback line.

Residential: Pertaining to areas where people live and reside on a regular basis.

Riparian Rights: The rights of those who own lake or river waterfront property to use that waterfront.

Roadside Stand: A structure, erected on a farm, adjacent to a public road for the sale of products produced chiefly on the farm, provided such use shall be seasonal (open four consecutive months or less) and is constructed and operated according to other provisions of this Ordinance.

Rooming House/Tourist Home: A building or part thereof, other than a motel or bread and breakfast inn, where sleeping accommodations are provided for hire and where meals may be regularly furnished.

Seawall: A type of erosion control device whose primary purpose is to control literal drift or lake action. Such structures are controlled by Federal and State regulations and are exempt from this ordinance. Flooring (decking) associated with a seawall falls under the provisions of this Ordinance.

Self-Storage Facilities: Free-standing, commercial structures intended for additional storage needs for businesses, dwellings and other principal uses, but which storage is rented at an off-site location on a self-service basis.

Separate Ownership: Ownership of a parcel or property wherein the owner does not own the adjoining vacant property. Owner of a property may include dual or multiple ownership by a partnership, corporation or other group, provided that the owner of any number of contiguous lots of record may be considered as a single lot of record for the purpose of this Ordinance as the owner(s) so elects, and in such case the outside perimeter of said group of lots shall constitute the front, rear and side lot lines thereof.

Service Establishment, Business: An establishment operated to serve the needs of businesses in a community, including as examples: printing, office products, consulting services, accounting, banking and similar uses.

Service Establishment, Personal: An establishment operated to serve consumers for personal services, including hair styling, grooming, laundry and similar uses.

Service Station: See Gasoline Service Station.

Setback Lines: The line established by using the existing adjacent lines to determine the front, side, or rear yard open space provisions of this Ordinance. A front setback is measured from the edge of the right of way of any abutting roadway. A rear setback is measured from the rear property line. A side setback is measured from any other abutting property line. Corner lots shall require two front setbacks but only one rear setback. In the case of lake or river front property and high-risk erosion areas, it is the line that is the required setback distance landward of the bluff line that is the lakeside or riverside limit for construction of permanent structures without a special exception. Also see Front Lot Line, Rear Lot Line, Side Lot Line, Nonconforming Lot or Parcel and Property Lines.

Shed: An accessory structure as an addition to a principal structure or other accessory structure, without a permanent foundation or attachment, without access to the principal structure, and used for storage purposes only.

Shore Protection Structure: Any structural or physical method used to control shoreland erosion processes. Shore protection structures include, but are not limited to, structures such as

seawalls, revetments or bulkheads, and may also include any type of beach nourishment by filling.

Shoreland: That land, water, and land beneath the water that is in close proximity of the shoreline of Lake Huron.

Shoreline: That area of the shorelands where land and water meet.

Signs: Any words, numerals, figures, devices, designs, or other trademarks by which anything is made known (other than billboards, defined separately herein), such as are used to show an individual, firm, profession, or business, and are visible to the general public. Accessory signs pertain to uses or activities conducted on the premises where located.

Soil Removal: The removal of any soil or earth matter, including topsoil, sand, gravel, clay, rock or similar materials to a depth not greater than twelve inches, except for common household gardening and routine farming operations. Also see Excavation and Extraction.

Solar Panel: A device designed to convert solar radiation into useable thermal, mechanical or electrical energy.

Spa: An establishment wherein a substantial or significant portion of its business involves the provision of individual and/or group bathing which may/or may not include steam rooms and/or the administration of non therapeutic massage, erotic touching or fondling, including but not limited to fondling or touching of human genital, pubic region, buttock or breast.

Special Land Use: The term applied to a use, which may be permitted by the application for and issuance of a Special Land Use Permit by the zoning board/planning commission. Specified procedures and requirements pursuant to state law, as outlined in Article 9, Special Land Use Permits, must be complied with prior to issuance of said permit. A Special Land Use Permit may be issued only for those uses specifically cited in this Ordinance or as interpreted by the Zoning Board of Appeals.

Specified Anatomical Area. (1) Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola. (2) Human genitals in a discernable turgid state, even if completely and opaquely covered.

Specified sexual activities. (1) Human genitals in a state of stimulation or arousal. (2) Acts of human or animal masturbation, sexual intercourse (homosexual or heterosexual), or sodomy. (3) Fondling of, or erotic touching of human genitals, pubic region, buttock or female breast. (4) Bestiality. (5) Fellatio and cunnilingus. (6) Human excretory functions.

State Equalized Valuation: The value shown on the township and county assessment roll as equalized through the process of state and county equalization.

State Licensed Residential Facility: A structure constructed for residential purposes that is licensed by the State pursuant to Act 287 of 1972, as amended, which provides for residential

services for six or less persons under 24-hour supervision or care for persons in need of same, and being defined as a single family dwelling for the purposes of this ordinance without further control by the township.

Street or Road: A public, dedicated right-of-way, that affords access to abutting property or provides for circulation of vehicular traffic.

Structure: A walled and roofed building or other fabricated, constructed or erected object that requires fixation or placement in or on the ground or to another structure that is affixed or placed in or on the ground. This also includes mobile homes, septic fields and other items under Principal Structures, but excludes decorative items placed in/on the ground and non-building, utilitarian items commonly found in a yard and that are portable by hand. All structures must meet setback requirements.

Subdivision: The partitioning or dividing of a parcel or tract of land so as to create an altered legal description, describing two or more smaller tracts of land separate from the first. All such subdivision activity shall be subject to each and every provision of any applicable Township Ordinance that pertains to such subdivision, and must first address and satisfy all prerequisites and minimum requirements so established, prior to filing any such altered legal description with the Iosco County Register of Deeds.

Substandard Lot or Parcel: See Nonconforming Lot or Parcel.

Substantial Improvement: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, building, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Temporary Building or Use: A structure or use permitted by the Zoning Board of Appeals to exist for a defined period of time, such as for construction of a main building or use for special events.

Tent: A temporary shelter, usually for overnight occupancy, of canvas, nylon or other material supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of tents used solely for children's daytime recreational purposes.

Thoroughfares: A system of functional classifications of high traffic volume streets according to the character of transportation service they provide. The basic categories are:

- A. **Major arterial:** An arterial street that is intended to serve as a large volume traffic-way for both the immediate community area and the region beyond and that may be designated as a major thoroughfare, state highway, parkway, freeway, expressway, or equivalent term.
- B. **Secondary arterial:** An arterial street that is intended to serve as a traffic-way serving primarily the immediate community area and serving to connect with major thoroughfares.
- C. **Collector:** A lower volume street that is designed to collect traffic from local streets and to carry such traffic to major or secondary arterial thoroughfares.

Toilet, Outdoor: An outdoor sanitary facility accepting human waste that is designed, constructed and operated in conformance with state and local public health and sanitation codes.

Toilet, Temporary: A portable sanitary facility accepting human waste that is operated for temporary purposes, such as at public events, construction sites and similar purposes that are operated in conformance with state and local public health and sanitation codes.

Tourist Home: See definition for Bed and Breakfast Inn.

Townhouse: Two or more single-family dwelling units contained in one structure and connected by a common wall. Also, a single dwelling unit within such a structure.

Travel Trailer/Recreational Vehicle: A towable unit or self-propelled motor vehicle designed and used as temporary living quarters for recreational, camping or travel purposes, or any vehicle or trailerable apparatus intended for providing recreation, such as a boat, snowmobile, or all-terrain vehicle.

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

Use, Accessory: See definition of Accessory.

Variance: See Zoning Variance.

Water Frontage or Water Front: That portion of a lot or parcel of land of record, as documented by an instrument duly recorded with the Iosco County Register of Deeds, that abuts or intersects with the normal high water mark of a lake, whether the lot or parcel is owned by one or more persons, or commonly owned by several persons, or combination of persons. The water rights of waterfront lot and parcels are referred to as "Riparian rights".

Well Head: The surface structure of a well, which may or may not include a cap, pumping apparatus or similar device.

Well Head Protection Plan: A specific plan created to identify and describe in detail the efforts and procedures required, as determined by a Well Head Protection Study, so as to protect against surface pollution infiltrating the intake area for the well's water source.

Well Head Protection Study: A written conclusion developed by a study conducted by a qualified person(s) having knowledge in this field to determine the vertical and horizontal hydraulic conductivity of all surface material down to the intake stratum of a well and to determine the flow rates and direction of subsurface fluid movement.

Wind-Powered Generator: A device mounted on a permanent structure, which is used to provide direct power to such devices as pumps and wheels or for the creation of electrical or other forms of energy for consumption and use; such devices are frequently described as windmills.

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

- A. **Front yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between front lot line and nearest line of the main building. As further defined in D. and E. below, the front yard is that yard facing the water for a waterfront lot.
- B. **Rear yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and nearest line of the main building. Accessory buildings are permitted in this yard subject to other regulations regarding accessory buildings.
- C. **Side yard:** An open space between a main building and side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building. Accessory buildings are permitted in this yard subject to other regulations regarding accessory buildings.
- D. **Waterfront yard:** The open, unoccupied space situated between the structure and the water on a lot located on a lake, pond, river or stream.
- E. **Water-lot rear yard:** The open unoccupied space situated between the access structure and the access road on a lot located on a lake, pond, river or stream.

Zoning Administrator: The Zoning Administrator is the official charged with administering this Ordinance. The Zoning Administrator is appointed by the Township Board of Trustees with the advice of the Planning Commission. The Zoning Administrator may be compensated at a rate or amount determined by the Township Board of Trustees.

Zone of Active Erosion: The area of the shoreland where the disturbance or loss of soil and substrate has occurred with sufficient frequency to cause unstable slopes or prevent vegetation from growing in the area.

Zoning District: A portion of the township within which, on a uniform basis, certain uses of land and building are permitted and within which certain yards, open spaces, lot areas, and other

requirements are established by this Ordinance. The land area covered by each of the zoning districts is defined on a zoning map, which is an integral part of this Ordinance.

Zoning Variance: A modification of the literal provisions of this Zoning Ordinance, granted by the Zoning Board of Appeals when strict enforcement of the Zoning Ordinance would cause undue hardship owing to **circumstances unique to the specific parcel of property** on which the variance is granted. Variances may only be permitted by the Zoning Board of Appeals pursuant to an application for a variance and pursuant to the requirements and limits in Article 10, Administration, of this Ordinance.

Article 3

General Requirements

Township of Alabaster Rural Zoning Ordinance

Adopted November 2006

and Amended in 2013

by the

Alabaster Township Board of Trustees

Article 3: General Requirements

Section 301. Purpose of General Requirements

It is the purpose of this chapter to establish general requirements applicable to all uses of land and structures in this Zoning Ordinance, except as otherwise specifically identified herein.

Section 302. Intent for Non-conforming Uses

No lot shall be created that does not meet the requirements of this zoning ordinance.

It is the intent of this Ordinance to permit lawful use of a dwelling, building, or structure and of land or premises as existing and lawful at the time of enactment of this Ordinance, or of amendments to this Ordinance, although the use does not conform to the Ordinance or amendment.

Such non-conforming lots, uses of land, structures, and uses of structures and premises are declared by this Ordinance to be incompatible permitted uses in the areas involved. It is further the intent of this Ordinance that non-conforming uses and structures not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. The continuance of all nonconforming uses and structures within the Township of Alabaster shall be subject to the conditions and requirements set forth in this section.

302.1 Non-conforming Lots

- A. In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, any single family dwelling and customary accessory buildings may be erected on a single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet requirements for area and/or width. In all other respects the lot shall conform to regulations for the district in which such lot is located. Yard requirement variances may be obtained through appeals to Zoning Board of Appeals.
- B. If two or more lots, or combinations of lots, any portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance the lands involved shall be considered an undivided parcel for the purposes of this Ordinance. No portion of said parcel shall be used or occupied which does not meet lot width and area division for parcels in the zoning district in which it is located.

302.2 Non-conforming Uses of Land

Where, at the effective date of adoption or amendment of this ordinance, lawful uses of land exist that thereafter become non-conforming under the terms of this Ordinance, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.
- B. No such non-conforming use shall be moved in whole, or in part, to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance.

302.3 Non-conforming Structures

When a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such structure may be enlarged or altered in a way which increases its non-conformity; for example, existing residences on lots of width less than required herein may add a rear porch provided that other requirements relative to yard space and land coverage are met.
- B. Should such structure be destroyed by any means to an extent of more than sixty percent (60%) of its replacement cost, exclusive of the foundation at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- C. Should such structures be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the area in which it is located after it is moved.

302.4 Non-conforming Uses of Structures and Land

If a lawful use of a structure, or of structures and land in combination, exists at the effective date of adoption or amendment of this Ordinance, and that use would not be allowed in the area under the terms of this Ordinance, that use may be continued so long as it remains otherwise lawful, subject to the following provisions.

- A. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the

district in which it is located.

- B. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed in that condition at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside of such building.
- C. In any district, if no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use of the same or a more restricted classification provided that the Board of Zoning Appeals either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the area than the existing non-conforming use.
- D. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a non-conforming use of a structure, land, or land with structure is hereafter changed to a more restrictive classification, it shall not thereafter be changed to a less restrictive classification.
- E. Any structure, or structure and land in combination in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the area in which the structure is located, and the non-conforming use may not thereafter be resumed.
- F. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or ceased to exist for six (6) consecutive months during any three-year period, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the area in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.
- G. Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

302.5 Repair and Replacement of Non-conforming Structures

On any structure devoted in whole or in part to any non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of walls, supports, parts, fixtures, mechanical works, wiring, or plumbing, to an extent not to exceed twenty-five percent (25%) of the cash value of the structure, as determined by the Township Assessor. In the case of buildings, the volume of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring of any

structure or part thereof to a safe condition if it has been declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

302.6 Uses Allowed as Special Land Uses are Not Non-conforming Uses

Any use which is permitted as a special land use within a zoning district, as provided in this Ordinance, shall not be deemed a non-conforming use, but shall without further action be deemed a conforming use in such area.

302.7 Change of Tenancy or Ownership

There may be a change of tenancy, ownership or management of any existing non-conforming uses of land, structures, and premises provided there is no change in the nature and/or character of such non-conforming uses.

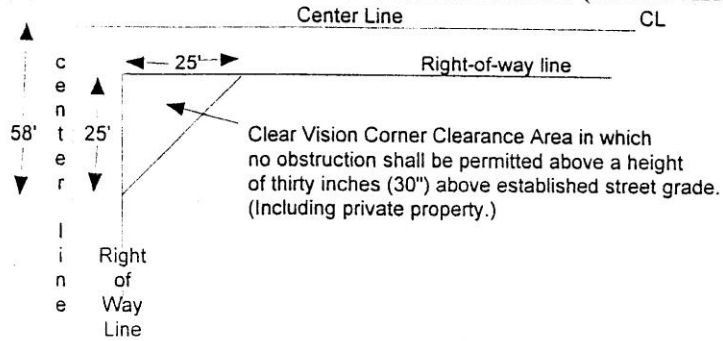
Section 303. Corner Clearance

In all districts, no fence, wall, shrubbery, crops, signs, or other obstructions to vision shall be permitted above a height of thirty inches (30") from the established street grades or private property in any district within a triangular area formed by the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five feet (25') from their point of intersection. An example of this provision is shown on the following diagram.

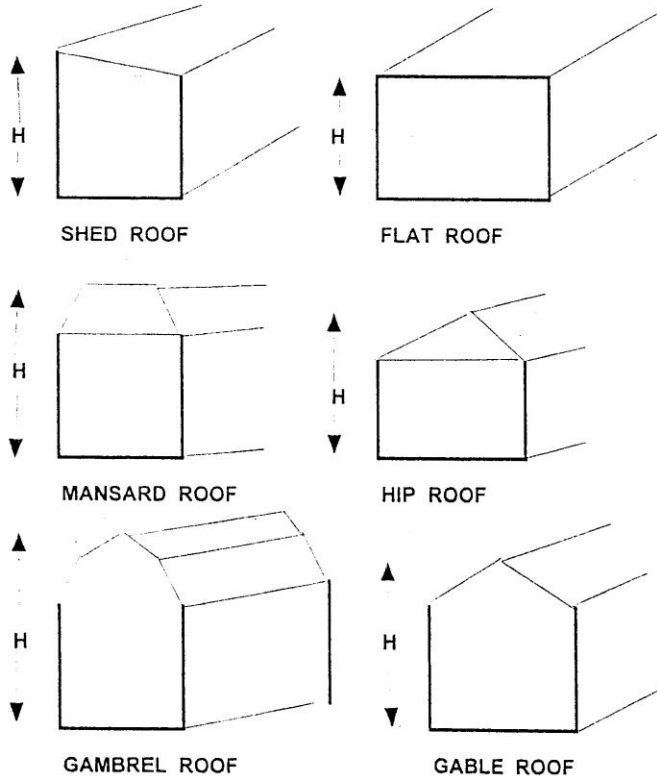
Signs are prohibited on any publicly-owned right-of-way or corner clearance, except those placed by county, state or federal government agencies.

Article 3: General Requirements:

EXAMPLES OF COMPUTING CORNER CLEARANCE (CLEAR VISION AREA)



EXAMPLES OF COMPUTING BUILDING HEIGHTS



Township of Alabaster Rural Zoning Ordinance: November 13, 2006

Section 304. Accessory Buildings

Accessory buildings, except as otherwise permitted in this ordinance shall be subject to the following regulations:

- A. For the purposes of this section all agricultural buildings shall be considered as accessory buildings that are accessory to the principal use of the land for agricultural uses regardless of whether or not a residence is associated with an accessory building.
- B. Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations of this Ordinance applicable to the main building.
- C. Buildings accessory to residential buildings shall not be erected or placed in any required yard space, except the rear or side yard.
- D. Buildings accessory to residential buildings in all districts shall not exceed twenty-one feet (21') in height as defined in Article 2, Definitions, and as shown on the preceding diagram, except that farm accessory buildings are exempt from this requirement thereof. No detached building accessory to a residential building shall be located closer than ten feet (10') to any main building.
- E. In order to protect infiltration of surface water and to preserve the natural environment in a reasonable manner, each residential district has restrictions on the maximum amount of land that can be covered by buildings, drives and other structures. (See district requirements in Article 6.) In this regard, and in order to protect the visual integrity and property values of residential districts, the maximum size of accessory buildings is limited as follows:
 - 1. Lots less than or equal to six thousand (6000) square feet in area: No size limit, but not to exceed fifty percent (50%) of lot area.
 - 2. Lots greater than six thousand (6000) square feet, up to ten thousand (10,000) square feet in area: No size limit, but not to exceed thirty-five percent (35%) of lot area.
 - 3. Lots larger than ten thousand (10,000), up to twenty-five thousand (25,000) square feet in area: Maximum size of any one building is fifteen hundred (1500) square feet, maximum lot coverage of twenty-five percent (25%).
 - 4. Lots larger than twenty-five thousand (25,000) square feet: Maximum size of any one accessory building not to exceed two thousand (2000) square feet.

Such limits are not to imply that the maximum lot coverage for all structures, drives, etc. can be exceeded.
- F. In no instance shall an accessory building be located within a dedicated easement or right-of-way.
- G. When a building accessory to a residential building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said

building shall not project beyond the front yard setback required on the lot in the rear of such corner lot.

- H. When an accessory building in an R-1 Residential or B-1 Business District is intended for other than storage of private motor vehicles, normal home and grounds maintenance equipment, or personal recreation uses or storage, the use shall be subject to the approval of the Zoning Board of Appeals.
- I. An accessory building shall not be used as a dwelling unit, except on a temporary basis, as provided elsewhere in this ordinance and subject to approval by the Zoning Board of Appeals.
- J. The number of accessory buildings per lot in residential districts R-2, LR-1, LR-2, LR-3 and OSR-1 shall not exceed two, including sheds.
- K. All accessory buildings and structures not requiring a land use permit, including sheds less than 100 square feet, shall meet the required setbacks.
- L. Accessory buildings greater than 120 square feet in floor-plan area require a land-use permit with fee.

Section 305. Performance Standards

Standards of use, occupancy, and operation are required to be maintained in all districts to increase the health and safety to all individuals. The means to measure these activities are the latest technology as of preparation of this ordinance. The Zoning Board of Appeals may evaluate and specify newer technology that achieves the approximate same results. The property-owner shall perform all necessary measurements to meet state and federal standards. These additional standards and measurements are the responsibility of the township unless otherwise determined. The performance standards are hereby established as the minimum requirements to be maintained for all land uses. The Zoning Administrator has enforcement powers over the following standards.

305.1 Visual Distractions

- A. The open storage of industrial equipment, vehicles, unused recreational vehicles and equipment and all materials - including wastes - that are visible to residents and visitors is considered a nuisance to residents and visitors. Such storage shall meet the required yard setbacks and shall be screened from public view from adjacent public streets and from adjoining properties by fencing or landscaping or be removed. Where open storage is set back seventy-five feet (75') from all adjacent public street rights-of-way and all adjoining property lines, no fence or screening is required and such storage shall not exceed fourteen feet (14') in height. (See height exception for mine stockpiles in a following section, General Exceptions as to Area, Height and Use, in this Article.) For open storage that is set back one hundred fifty feet (150') from all adjacent street rights-of-way and all

adjoining property lines, this provision shall not apply.

- B. Outdoor recreation equipment with an original foot print greater than 50 square feet shall be removed from view if unused for three (3) consecutive years.
- C. In residential districts, the on-site outside storage of materials intended for on-site, non-commercial residential purposes shall meet the setback and other location requirements established for accessory buildings in this Ordinance. Examples of materials intended for on-site, non-commercial residential purposes include fire wood, gardening soil, compost, and other similar materials that might ordinarily be stored in a yard.
- D. Commercial outside storage in residential districts must comply with the home occupation requirements of this Ordinance.

305.2 Noise and Sound Pressure Level

- A. **General Regulation.** No person, firm or corporation shall cause or create any unreasonable or unnecessarily loud noise or disturbance, injurious to the health, peace, or quiet of the residents and property owners of the Township.
- B. **Specific Violations.** The following noises and disturbances are hereby declared to be a violation of this ordinance, provided, however, that the specification of the same is not thereby to be construed to exclude other violations of this ordinance not specifically enumerated:
 1. The playing of any radio, phonograph, television, or other electronic or mechanical sound-producing device, including any musical instrument in such a manner or with such volume as to unreasonably upset or disturb the quiet, comfort or repose of other persons.
 2. Yelling, shouting, hooting or singing on the public streets between the hours of 10 p.m. and 7 a.m., or at any time or place so as to unreasonably upset or disturb the quiet, comfort or repose of any persons in the vicinity.
 3. The emission or creation of any excessive noise that unreasonably interferes with the operation of any school, religious land use, hospital or court.
 4. The keeping of any animal (livestock or pet) that emanates frequent or extended noise that unreasonably disturbs the quiet, comfort or repose of any person in the vicinity; such as allowing or permitting any dog to bark repeatedly in an area where such barking can be clearly heard from nearby residential property.
 5. The operation of any automobile, motorcycle or other vehicle so out of repair or so loaded or constructed as to cause loud and unnecessary grating, grinding, rattling, or other unreasonable noise, including the noise resulting from exhaust, which is clearly

- audible from nearby properties and unreasonably disturbing to the quiet, comfort or repose of other persons. The modification of any noise abatement device on any motor vehicle or engine, or the failure to maintain same so that the noise emitted by such vehicle or engine is increased above that emitted by such vehicle as originally manufactured shall be in violation of this section.
6. The sounding of any horn or other device on any motor vehicle, unless necessary to operate said vehicle safely or as required by the Michigan Motor Vehicle Code.
 7. The discharging outside of any enclosed building of the exhaust of any steam engine, internal combustion engine, motor vehicle, or motor boat engine except through a muffler or other similar device that will effectively prevent loud or explosive noises, the modification of any noise abatement device on any motor vehicle or engine, or the failure to maintain same so the noise emitted by such vehicle or engine is increased above that emitted by such vehicle as originally manufactured shall be in violation of this Article.
 8. The erection, excavation, demolition, alteration or repair of any building or premises in any part of the Township, and including the streets and highways, in such a manner as to emanate noise or disturbance unreasonably annoying to other persons, other than between the hours of 7:00 a.m. and sundown on any day, except in cases of urgent necessity in the interest of public health and safety. In such case, a permit shall be obtained from the Township Zoning Administrator, which permit shall limit the periods that the activity may continue.
 9. The creation of a loud or excessive noise unreasonably disturbing to other persons in the vicinity in connection with operation, loading or unloading of any vehicle, trailer, railroad car, or other carrier or in connection with the repairing of any such vehicle in or near residential areas.
 10. The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any performance, show, sale, display or other commercial purpose which, by the creation of such noise, shall be unreasonably disturbing to other persons in the vicinity.
 11. The operation of any loudspeaker or other sound amplifying device upon any vehicle on the streets of the Township with the purpose of advertising, where such vehicle, speaker or sound amplifying device emits loud and raucous noises easily heard from nearby adjoining residential property.
 12. The operation of any machinery, equipment or mechanical device so as to emit unreasonably loud noise that is disturbing to the quiet, comfort or repose of any person.
 13. The operation of any race track, proving ground, testing area or obstacle course for motor vehicles, motorcycles, boats, racers, automobiles or vehicles of any kind or

nature in any area of the Township where the noise emanating therefrom would be unreasonably disturbing and upsetting to other persons in the vicinity. Under no circumstances shall any race track, proving ground, testing area or obstacle course be operated after 10 p.m. on any evening.

C. **Exceptions.** None of the prohibitions hereinbefore enumerated shall apply to the following:

1. Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.
2. Excavation or repair of bridges, streets or highways or other property by or on behalf of the State of Michigan, Township of Alabaster, or the County of Iosco between sundown and 7 a.m. when the public welfare, safety and convenience render it impossible to perform such work during other hours.
3. Warning devices emitting sound for warning purposes as authorized by law. The lawful warning device emitting the least noise shall be used.

D. **Anti-Noise Regulations Based Upon dB(A) Criteria.** In order to regulate and prove violations occurring under the Specific Violations section above, of this Ordinance, any noise in excess of the maximum decibel limits according to the regulations stated below is deemed to be in violation of this ordinance.

1. Regulations for decibel measurement of noise originating from private properties. Noise radiating from all properties or buildings, as measured at the boundaries of the property, which is in excess of the dB(A) established for the following districts and times shall constitute prima facie evidence that such noise unreasonably disturbs the comfort, quiet and repose of persons in the area and is therefore in violation of this ordinance:

- a. **Residential and Forestry Districts:** (and any area within 500 feet of a hospital regardless of zoning district and other districts located within 500 feet of any dwelling under separate ownership):

Limitations - 7 a.m. to 10 p.m.: 55 dB(A); and 10 p.m. to 7 a.m.: 50 dB(A).

- b. **Agricultural, Extractive, Business and Manufacturing Districts:** (and any area within 500 feet of a hospital regardless of zoning district and other districts located within 500 feet of any dwelling under separate ownership):

Limitations - 7 a.m. to 10 p.m.: 65 dB(A); and 10 p.m. to 7 a.m.: 55 dB(A).

Harmonic or pure tones, and periodic or repetitive impulse sound shall be in violation when such sounds are at a sound level of 5 dB(A) less than those listed above.

Violations shall exist when the source or sources of noise are identifiable and the levels emanating from the source or sources exceed the limitations listed above. As an example, such noise shall include that emitting from the production, processing, cleaning, servicing, testing, repairing and manufacturing of materials, goods or products, including vehicles.

Where property is partly in two zoning districts or adjoins the boundary of a zoning district, the dB(A) levels of the zoning district of the property where the noise is emanating shall control.

2. The following exceptions shall apply to these regulations under Article 305.2.D.1:
 - a. Construction projects shall be subject to the maximum permissible noise levels specified for Manufacturing Districts as long as a valid building permit has been issued by the Township and is currently in effect.
 - b. All railroad operations shall be subject to the maximum permissible noise levels allowed in Manufacturing Districts, regardless of the zone where they are located.
 - c. Noises occurring between 7 a.m. and sundown caused by home or building repairs or from maintenance of grounds are excluded, provided such noise does not exceed the limitations specified in Article 305.2.D.1 by more than 20 dB(A).
 - d. Noises emanating from the discharge of firearms are excluded, providing the discharge of the firearms was authorized under Michigan law and all local ordinances.
 - e. Any commercial, agricultural, extractive or manufacturing use of property that exists now or in the future as a legal nonconforming use (as defined in this zoning ordinance) in a higher zoning classification shall be allowed to emit noise in excess of these limitations for the particular zoning classification where such use is located, providing that such noise does not exceed either of the following limits:
 - i. The noise level emitted by such use at the time it became a legal nonconforming use as a result of the enactment of an amendment of the Township zoning ordinance, if available.
 - ii. The limitations contained herein based upon such a use being located in the highest zoning district (either commercial and agricultural or industrial) where such a use is specifically allowed as a permissible use.
3. Regulations for decibel measurement of motor-driven vehicles on public roads. All noise emitted from motor-driven vehicles upon public roads shall be measured whenever possible at a distance of at least 50 feet from a noise source located within the public right-of-way. If measurement at 50 feet is not feasible,

measurement may be made at 25 feet, and if this is done, 6 dB(A) shall be added to the limits provided below. All such noises in excess of the dB(A) as provided herein shall be prima facie evidence that such noise unreasonably disturbs the comfort, quiet and repose of persons in the area and is therefore in violation of this ordinance.

- a. Trucks & buses – Weight over 10,000 lbs. gross weight: dB(A) maximum limitation is 82 dB(A).
- b. Trucks & buses – Weight under 10,000 lbs. gross weight: dB(A) maximum limitation is 74 dB(A).
- c. Passenger cars - Any weight: dB(A) maximum limitation is 74 dB(A).
- d. Motorcycles, snowmobiles & mini-bikes - Any weight: dB(A) maximum limitation is 82 dB(A).
- e. All other self-propelled motor vehicles - Any weight: dB(A) maximum limitation is 74 dB(A).
- f. Measurement of Noise: All measurements of dB(A) referenced to this section of the Ordinance shall be made by using a sound level meter of standard design and operated on the ‘A’ weight scale, with 'slow' meter response.

305.3 Vibration, Steady State or Impact

It shall be unlawful to operate, or to permit or to cause the operation of any device that creates vibration that is above the vibration perception threshold of an individual at or beyond the property of the source if on private property or at fifty feet from the source if in a public space or public right of way. For the purpose of this section, “vibration perception threshold” means the minimum ground- or structure-borne vibrational motion necessary to cause a reasonable person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or by visual observation of moving objects, and as determined by the Zoning Administrator to be a nuisance.

305.4 Smoke, Dust, and Other Particulate Matter

Uses shall be so operated as to control the emission of smoke or particulate matter to the degree that it is not detrimental to, or shall not endanger, the health, safety, comfort or general welfare of the public.

305.5 Odor and Gaseous Discharges

No gases, vapors or fumes shall be emitted that are harmful to persons, property, animals or vegetation beyond the lot lines of the lot on which such gases, vapors or fumes originate.

305.6 Light and Glare Control

Light from parking lot lights, yard lights, signs, or other similar sources shall be designed to shine on the parcel on which they are located and shielded from adjacent properties in such a manner that they are not a nuisance for those adjacent properties.

305.7 Waste and Rubbish Dumping

No garbage, sewage, filth, refuse, waste, trash, debris, or rubbish - including cans, bottles, waste paper, cartons, boxes and crates, or other offensive or obnoxious matter - shall be kept in open containers, or piled, placed, stored, or dumped on any land within the community in such a manner as to constitute a nuisance or a hazard to health, safety, or morals, or general welfare of the community or its residents. All waste material, trash, and rubbish must be disposed of at least once in each month in accordance with the laws and ordinances of the community and provided further that nothing contained in this ordinance shall prevent the reasonable use of garbage, fertilizers, manure, or similar material for the improvement of land situated within a zone that is being utilized for agricultural purposes, as long as such use does not constitute a menace to the health or welfare of the public or nuisance to the surrounding area. Any such use for agricultural purposes that includes the storing, piling, placing, or dumping of the above mentioned materials from other than one household or business shall be deemed to be a commercial operation, whether or not such operations are carried on for a profit, and in such cases shall adhere to Michigan Public Statutes dealing with solid waste management.

Section 306. Use Restriction or Allocation of Lot Area

This ordinance may not be construed as permitting any additional one-family, two-family or multi-family dwelling unit in any district, not otherwise permitted by this ordinance on any property. Not more than one dwelling unit is permitted in single family areas, including, but not exclusively, any guest house, grandmother house or rental home.

No portion of a lot or parcel used once in complying with the provisions of this ordinance for yards, lot area, density, or percentage of lot occupancy shall again be used as part of the lot or parcel required in connection with any other building or structure existing or intended to exist at the same time. Once set, the boundaries of the buildable area remain unchanged.

Section 307. (Reserved)

Section 308. Common Use (Keyhole Uses)

308.1. Intent and Purpose

The Township Board has determined that the use of water resources and lakeshore property should be considered within the framework of long term costs and benefits to the township and that it is desirable to retain and maintain the physical, cultural and aesthetic characteristics of the lake shores in the township. As the shorelines of Lake Huron and interior lakes (should any become public) become increasingly developed the cumulative impact of human and boat usage from further development or expansion of existing uses must be regulated. This is to preserve and protect the rights of riparian owners, as well as the rights of the township as a whole. It is also in the interest of the public's health, safety and welfare to prevent the overcrowding of the lakes in the township and to protect water quality and land resources related to the lakes. Further, the lack of regulation may result in nuisance conditions being created and an impairment of the important and irreplaceable natural resources of the township, and will result in the reduction of property values, threaten the public health, safety and welfare of all persons using the lakes and lake shores within the township and of properties adjacent to lakes in the township.

It is the intent and purpose of Alabaster Township to regulate the development and use of waterfront property located in the township, to adopt reasonable regulations for boat usage and lake access within the township, to preserve and protect the rights of riparian owners, to protect the public health, safety and welfare, to protect water quality and land resources related to public lakes within the township, and to provide penalties of violation of this ordinance. The regulations in this Ordinance are intended to reinforce the implementation of the Michigan Natural Resources and Environmental Protection Act [P.A. 451 of 1994, as amended (MCL Chapter 324)].

As used herein, "Person" means a human being, partnership, corporation, association, including a condominium association, homeowners or lake association, governmental entity or agency, and any other entity to which the law provides or imposes rights or responsibilities. "Keyhole" refers to a common use lot used to provide waterfront access to persons not residing on the waterfront property (see definitions of Keyhole and Common Use Lot in Article 2).

308.2. Scope and Applicability

- A. The provisions of this ordinance shall be interpreted to provide minimum standards and requirements for the promotion and protection of the public health, safety and welfare and the public peace, the preservation of natural resources, and public and private property within the township.
- B. This ordinance shall apply to:
 1. Common use lots and parcels with water frontage created and/or recorded after the effective date of this ordinance.
 2. Existing common use lots and parcels by definition, but not providing common use access to a lake prior to the effective date of this ordinance

3. Lots and parcels with water frontage that have been providing common use access to a lake for a defined geographical area or a specific number of lots, parcels or dwelling units, through an association or subdivision/condominium deed, grant, reservation, covenant, or other recorded instrument prior to the effective date of this ordinance, and where it is proposed to expand the geographical area, number of lots, or persons that are provided common use access to a lake through said common use lot,

C. Lots and parcels exempt from this ordinance are:

1. Common use lots of record existing prior to the effective date of this ordinance that have been providing common use access to a lake for a defined geographical area, a specified number of lots, parcels, dwelling units, or to persons through an association, subdivision, condominium deed, grant, reservation, covenant, or other recorded instrument are exempt from this ordinance, except as provided in paragraph 308.2.B.3 above, and provided, that any dock or marina on or from a common use lot shall be subject to the requirements of the Natural Resources and Environmental Protection Act (P.A 451 of 1994, as amended).
2. Lots or parcels of record with water frontage existing prior to the effective date of this ordinance, unless converted to a common use lot or as addressed in paragraph 308.2.B.2 above.
3. Land surrounding privately-owned lakes and developments in which an entire body of water is surrounded by condominium- or development-owned land.

- D. This ordinance does not abrogate or repeal any other law, ordinance, rule or regulation previously enacted or adopted, including any other ordinance regulating boat launching and/or usage. In instances where this Ordinance specifically provides a higher standard or greater restriction than other ordinances, the provisions of this Ordinance shall govern.

308.3. Regulations

- A. If a condominium, subdivision, multiple-family development, association or other planned development (PUD) includes a water-front common use lot for the use of its residents or members, such lot shall be so designated in its deed and shall be included as part of the development plan presented to the Planning Commission.
- B. The deed to each common use lot shall specify the non-riparian lots or parcels that shall have rights to its use.
- C. Such a common use lot, in paragraph A above, shall have at least twenty feet (20') of linear water frontage for each dwelling unit and shall have a minimum of three hundred feet (300') of frontage. Water frontage shall be measured by a straight line that intersects each side lot or parcel line at the water's edge. The measurement shall not include

irregularities, such as any manmade channel, lagoon, canal, or other artificially created shoreline. Such waterfront lots shall have a minimum lot depth of one hundred fifty feet (150'), measured as the minimum distance between the high-water line and the opposite lot line, along the lot line edge.

- D. Such a common use lot, as described above, may be used for swimming, lounging, picnicking and other passive recreational activities, the privileges of which may be reasonably enjoyed by the owners and occupants of the subdivision, condominium or multiple-family development. Overnight camping is prohibited. Boating restrictions are listed below.
- E. Structures allowed on common use lots are restricted to bath houses/changing rooms, restrooms and storage buildings for beach-use items and maintenance equipment. Boat storage buildings and commercial sales buildings are prohibited.
- F. No parking of vehicles or trailers shall be permitted, other than for day use.
- G. A boat ramp for the day-use launching of boats may be permitted if presented in the development plan, if it is a minimum of one hundred feet (100') from designated swimming areas and one hundred feet (100') from the side property lines and if proper permits are obtained from all appropriate governing departments of the State of Michigan. The use of such ramp shall be restricted to the owners or occupants of the subdivision, condominium or multiple-family development.
- H. No more than one dock shall be allowed at or upon a common use lot.
- I. For condominiums, site condominiums and multiple family residential developments where there are common areas with riparian frontage, there shall be a minimum of sixty feet (60') of riparian frontage for each boat docked within the common area.
- J. Any permanent boat docking structure from, upon, or adjacent to a common use lot shall obtain a permit for marina operations from the State of Michigan in accordance with the administrative rules promulgated under the Natural Resources Environmental Act of 1994, and the design of any boat dock facility shall meet all State of Michigan requirements for marinas. Public access sites owned and operated by the State of Michigan are exempt from the provisions of this ordinance.
- K. Boat docks shall be used only by individuals residing in the condominium, subdivision or development with which the water frontage is associated. Boat docks, boat slips, or docking privileges at boat docking structures, anchorage off of lots or parcels with water frontage, or upon the shore land of such lots or parcels shall not be leased, rented, conveyed, granted, gifted, or otherwise used for compensation, except in conjunction with the lease or rental of dwelling units in the development. In no event shall the number of boats permitted to be docked at a common use lot exceed the number permitted by paragraph I above.

- L. Common use access to a lake shall not be permitted by any manmade canal, lagoon, channel, or other artificial shoreline or access.
- M. The use of common use lots must comply with all other applicable laws and ordinances, including the Alabaster Township Zoning Ordinance.
- N. No docks shall be constructed and no boats shall be docked, moored or beached overnight at public access water-frontage, such as road ends, not intended for such use.

Section 309. General Exceptions as to Area, Height, and Use

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

- A. **Essential Services.** Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township, it being the intent to exempt such essential services from the application of this Ordinance.
- B. **Voting Place.** The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with any local, state, federal or other public election.
- C. **Height Limit.** The height limitations of this Ordinance shall not apply to farm buildings, chimneys, church spires, flag poles, public monuments, stockpiles of mined materials, or wireless transmission towers, unless provided as a condition of a Site Plan Review or Special Land Use Permit.

Section 310. Multiple Dwelling Side Yard

For the purpose of side yard regulations, a row house, townhouse, condominium, apartment, or other multiple dwelling shall be considered as one or more buildings occupying a single lot.

Section 311. Yard Fences and Landscaping

Fences or walls of not more than six feet (6') in height may be constructed in residential areas within a required rear or side yard, but not more than forty-eight inches (48") in height within a required front yard, e.g. along the property line. Fences and walls in B-1, B-2, E-1 and M-1 districts may be up to eight feet (8') in height. Fences and walls may be erected along the lot line but may not straddle or otherwise intrude on adjacent property. The closest edge of any tree trunks in residential areas shall not be planted closer than five feet (5') to any property line.

Fences and walls shall not obstruct visibility at corners (see section in Article 3 on Corner Clearance).

The erection of fences or walls requires a permit and fee. However, certain fences are exempt from such fee requirement. These include temporary seasonal fences, such as snow or sand fences intended to prevent drifting along roads, drive ways or structures and fences to keep animals from garden plots; dog kennels less than 120 square feet in area; non-perimeter (property boundary) fencing for fowl and livestock pens in A-1, E-1, F-1 and R-1 districts; and decorative fencing two feet high or less around garden or flower beds in residential and other districts. Temporary seasonal fences, such as, but not limited to, snow and garden fences shall not be in place other than the season for which they are intended and in no case for more than six months.

In order to protect farmland, in agricultural districts the closest edge of a tree trunk shall not be planted closer than five feet (5') to any property line and the closest portion of any shrubs, hedges, and other landscaping must be planted at least three feet (3') from the property line and positioned so as to not encroach on adjacent property. These distances shall be maintained as clear space from the outermost edge of a tree trunk or foliage. In agricultural districts fences enclosing residential properties adjacent to agricultural lands shall also be no closer than the nearest property line.

In business and manufacturing districts, fences, walls and landscaping may be erected along the lot-line, but may not straddle or otherwise intrude on adjacent property. As noted above, trees must be located five feet (5') from any property line.

Section 312. Access through Yards

Access drives may be placed in the required front and/or side yards so as to provide access to rear yards and/or accessory to attached structures. These drives shall not be considered structural violations. Further, any walk, terrace, or other pavement servicing the like function, and not in excess of nine inches (9") above the grade upon which it is placed, shall not be considered a structure and shall be permitted in required yards.

Section 313. Porches and Projections Into Yards

For the purposes of this Ordinance, an open, unenclosed porch, deck or paved terrace more than nine inches (9") in height may project into a front yard for a distance not exceeding ten feet (10'), but shall not be interpreted to include or permit fixed canopies or roofs. Pavement or terrace not more than nine inches (9") in height above surrounding land may extend beyond ten feet (10') without restriction.

Architectural features, not including vertical projections, may extend or project into a required front or rear yard for not more than three feet.

Such porches and projections into yards shall be considered as impervious surfaces for the calculation of lot coverage.

Additions of porches, decks and other such projections require a permit with fee.

Section 314. Control of Pets

- A. Pets, as defined in Article 2, Definitions, shall be controlled so that they do not infringe on adjacent properties, so that they are not a nuisance with frequent barking, and so that they do not create noxious conditions through unsanitary conditions or odor.
- B. No person shall keep as a pet any wild native mammal or bird or any exotic animal that is not permitted by the State of Michigan to enter the State. No person shall keep any wild or exotic animal capable of potentially causing serious harm to humans or to other pets by disease transmission, biting, maiming, poisoning or any form of attack. This section shall not be construed to apply to zoological parks, performing animal exhibitions, circuses or veterinary clinics that are properly licensed by the federal government and/or by the State of Michigan. In no case, however, shall such wild or exotic animals be exhibited or displayed in such manner that persons other than their handlers can pet, fondle or otherwise come in direct physical contact with them.

Section 315. Home Occupation

A home occupation business, as defined in Article 2, Definitions, may be operated only under the following conditions:

- A. It is operated in its entirety within the principal dwelling or within a normally associated accessory building.
- B. It does not include more than one employee who does not live in the dwelling.
- C. It does not involve alteration or construction not customarily found in a dwelling unit.
- D. It does not use any mechanical equipment except that which is normally found in a dwelling unit.
- E. Does not use more than twenty-five percent (25%) of the total floor area of the dwelling, exclusive of an unfinished basement.
- F. Does not display, or create outside the structure any external evidence of the operation of the home occupation except for one unanimated, non-illuminated, wall sign having an area of not more than two square feet.

Section 316. Antennas

A. Residential and Agricultural Districts

Dish antennas, amateur radio antennas, and other communication structures similar in size, shape, and/or function are permitted in agricultural and residential zoning districts subject to the following conditions:

1. Only one dish antenna more than four feet (4') in diameter is permitted on the lot and not more than three (3) total antennas or communication structures are permitted.
2. Any such structures, other than dish antennas less than two feet (2') in diameter or standard UHF-VHF television antennas, attached to the side or roof of a residence or other building, shall require a permit prior to erection. The Zoning Administrator may require construction drawings showing the proposed method of installations, such as anchoring, fencing, and screening. Fees for such a permit shall be established by the Board of Trustees.
3. Any communication structure covered by this section is prohibited from the required front yard of any zone in which it is located, unless a practical difficulty of reception is demonstrated, in which case the Zoning Administrator may grant a variance that includes landscaping and screening to reduce the visual impact in the front yard.
4. A dish antenna on the roof of any residential structure shall not extend more than three feet (3') above the peak of the highest point on the roof of that structure.
5. A dish antenna installed on the ground or on a tower in a residential zone shall not exceed twenty-one feet (21') in height from the ground to the top of the structure.
6. Dish antennas mounted on an accessory building in an agricultural zone may not exceed six feet above the highest point of the roof.
7. Dish antennas, amateur radio antennas, and other structures similar in size, shape, and/or function shall be subject to all requirements for accessory structures.

B. Business and Manufacturing Districts

In business and manufacturing zoning districts, the following standards shall apply to dish antennas, radio antennas, tower receivers and transmitters and other similar structures:

1. Any such structure shall require a permit and Site Plan Review prior to erection, except for dish antennas two feet (2') or less in diameter, and VHF radio, or standard UHF-VHF television antennas attached to the side or roof of a residence or other building. The Planning Commission requires construction drawings showing the proposed method of installations, such as anchoring, fencing, and screening. Fees for

such a permit shall be established by the Board of Trustees.

2. Any structure covered by this section is prohibited from the required front yard of any zone in which it is located, unless a practical difficulty of reception is demonstrated, in which case the planning commission may grant an allowance that includes landscaping and screening techniques to reduce the visual impact in the front yard.
3. Dish antennas, radio antennas, and other structures similar in size, shape, and/or function shall be subject to all requirements for accessory structures per Articles 3 and 9.

Section 317. Swimming Pool and Pond Safety Requirements

Outdoor pools count toward the amount of covered ground permitted on a lot or parcel, in the same manner as buildings.

Swimming pool and pond installation or construction requires a permit with fee.

Because of the health and safety dangers, including drowning or water accidents the township hereby regulates swimming pools and manmade ponds. Swimming pools shall be erected, installed, or made only in rear yards of any lot. Ponds may be constructed as otherwise provided herein. The following regulations apply to swimming pools and manmade ponds erected, installed, or made in the Township:

317.1 Above-Ground Pools

Above ground pools that have a wall height of no less than forty-two inches (42") between the ground and the top of the wall or a surrounding fence shall not require any additional fence around the pool site. Fences shall have self-closing and locking gates or doors to prohibit casual access by small children. Said above-ground pools, however, must have a removable ladder that is to be taken from the pool whenever the pool is not in use under adult supervision. A ladder that is permanent, but has a restraint device that can be used to prohibit access and can be locked is an acceptable alternative to a removable ladder. Iosco County Zoning Ordinance provides more specific and more detailed requirements that must also be met in Alabaster Township.

317.2 In-Ground Pools

In-ground pools shall meet the following requirements:

- A. All pools constructed shall be completely enclosed by a fence at least four feet in height and of a type not readily climbed by young children. The bottom of the fence shall be so constructed that children cannot readily crawl under the fence. Iosco County Zoning Ordinance provides more specific and more detailed requirements that must also be met in Alabaster Township.
- B. The fence shall be constructed to surround the swimming pool providing it is not closer

than four feet (4') nor further than thirty feet (30') from the pool's edge, or at the edge of the apron surrounding the pool. A dwelling house or accessory building may be used in lieu of a fence providing there is only one opening door or gate in the building to the swimming pool area.

- C. The fence shall have only one opening with a gate, which shall be equipped with a self-closing latch that is to be accessed only from the inside of the gate or by reaching over the gate.
- D. If lighting is to be provided in a residential area, the lighting shall be so arranged, shielded and operated so as to prevent disturbance or annoyance to neighboring premises.
- E. In-ground pools shall not be constructed closer than twenty-five feet (25') to any adjacent property line.

317.3 Ponds

Ponds shall be constructed completely within the buildable area of the lot and shall not infringe on any front, rear or side yards required in the respective zoning district. Ponds must have sufficient slope for sufficient distance from shore to provide safe egress.

Section 318. Use of Vacant Property

Occupancy of tents, house trailers, motor homes or similar temporary shelters beyond the fourteen day limit established in zoning districts requires permission by the Zoning Administrator.

Section 319. Topsoil Extraction

No topsoil supporting vegetation or having natural qualities shall be extracted from any land in the township consisting of a total of more than one acre for commercial purposes such as sale or trade unless a land use permit has been obtained from the township. An approved excavation plan under provisions of Article 6, district E-1 is not subject to this provision.

Section 320. Posting of Permits and Street Numbers

Zoning permits and street numbers must be posted during construction so that both are visible from the street. Permits should be posted until a Certificate of Occupancy is issued by the Iosco County Building Inspector. The Township Board places emphasis on the need for street numbers at all times to facilitate emergency response.

Section 321. Permit Requirements

The following list identifies the most common activities-requiring a Township land use permit. Permits for starred items (*) require a fee. County building permits may also be required.

- A. *All homes and buildings, except accessory buildings that are movable and less than one hundred (100) square feet in area.
- B. *Religious structures and public buildings.
- C. *Porches and decks, attached or unattached, twenty four (24) square feet or greater in floor area.
- D. Porches and decks less than twenty four (24) square feet in floor area.
- E. *Fences. See previous section on Yard Fences and Landscaping, this Article, for exceptions to fee requirement.
- F. *Dish antennas two feet (2') or more in diameter, tower antennas and radio antennas (See previous section on Dish Antennas, this Article).
- G. *Swimming pools and ponds.
- H. *Top-soil extraction.
- I. *Placement of mobile homes. (Must also satisfy State laws and Alabaster Township Zoning Ordinance section on Mobile Home Standards, Article 4.)
- J. Removal of mobile homes.
- K. *Paving or black-topping of driveway or parking area. (Construction of a gravel drive is exempt from permit.)
- L. *Erection, installation, movement or enlargement of any accessory structure or permanent structure.
- M. *Extraction of rock and mineral resources.
- N. *Hunting camps with cabins of four hundred (400) square feet or more in area.
- O. *All structures in zones B-1, B-2, M-1 and E-1.
- P. *All signs in zones B-1, B-2, M-1 and E-1.
- Q. *All non-conforming structures and all structures relating to Special Land Use.

R. Demolition or removal of a building or permitted structure.

Article 4

Flood Hazard Areas Overlay District

Township of Alabaster Rural Zoning Ordinance

Adopted November 2006

and Amended in 2013

by the

Alabaster Township Board of Trustees

Article 4: Flood Hazard Areas Overlay Zoning District

Section 401. Intent

- A. It is the intent and purpose of this Article to significantly reduce hazards to persons and damage to property as a result of flood conditions in Alabaster Township, and to comply with the provisions and requirements of the National Flood Insurance Program, as constituted in accord with the National Flood Insurance Act of 1968, and subsequent enactments, and the rules and regulations promulgated in furtherance of this program by the United States Department of Housing and Urban Development, Federal Insurance Administration, as published in the Federal Register, Vol. 41, No. 207, Tuesday, October 26, 1976.
- B. Further, the objectives of this Article include:
1. The protection of human life, health and property from the dangerous and damaging effects of flood conditions;
 2. The minimization of public expenditures for flood control projects, rescue and relief efforts in the aftermath of flooding, repair of flood-damaged public facilities and utilities, and the redevelopment of flood-damaged homes, neighborhoods, commercial and industrial areas;
 3. The prevention of private and public economic loss and social disruption as a result of flood conditions;
 4. The maintenance of stable development patterns not subject to the blighting influence of flood damage;
 5. To insure that the public has access to information indicating the location of land areas subject to periodic flooding; and
 6. To preserve the ability of flood plains to carry and discharge a base flood.

Section 402. Delineation of the Flood Hazard Area Overlay Zone

- A. The flood hazard area zone shall overlay existing zoning districts delineated elsewhere in this ordinance and the official Alabaster Township Zoning Map. The boundaries of the flood hazard area zone shall coincide with the boundaries of the areas of special flood hazards (A Zones) designated by the Federal Insurance Administration the Flood Hazard Boundary Map. The term flood hazard area zone, as used in this ordinance, shall mean the flood hazard zone.
- B. Where there are disputes as to the location of a flood hazard area zone boundary, the Zoning Board of Appeals shall resolve the dispute in accordance with provisions for interpretation.

- C. In addition to other requirements of this ordinance applicable to development in the underlying zoning district, compliance with the requirements of the Article shall be necessary for all development occurring within the flood hazard area zone. Conflicts between the requirements of this Article and other requirements of this ordinance or any other ordinance shall be resolved in favor of this Article, except where the conflicting requirement is more stringent and would further the objectives of this Article to a greater extent than the requirements of this Article. In such cases the more stringent requirement shall be applied.

Section 403. Development Permit

Development, including the erection of structures and placement of mobile homes, within a flood hazard area zone shall not occur except upon issuance of a zoning compliance permit in accord with other requirements in this ordinance and the following standards:

- A. The requirements of this Article shall be met.
- B. The requirements of the underlying zoning district and applicable general provisions of this ordinance must be met.
- C. All necessary development permits shall have been issued by appropriate local, state and federal authorities including a floodplain permit, approval or letter of no authority from the Michigan Department of Natural Resources under authority of Act 245 of the Public Acts of 1929 as amended by Act 167, Public Acts of 1968. Where a development permit cannot be issued prior to the issuance of a zoning compliance permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance shall be acceptable.

Section 404. General Standards for Flood Hazard Reduction

- A. All new construction and substantial improvements within a flood hazard area zone, including the placement of prefabricated buildings and mobile homes, shall:
 - 1. Be designed and anchored to prevent flotation, collapse, or lateral movement of the structure;
 - 2. Be constructed with materials and utility equipment resistant to flood damage; and
 - 3. Be constructed by methods and practices that minimize flood damage.
- B. All new and replacement water supply systems shall minimize or eliminate infiltration of

flood waters into the water supply system.

- C. All new and replacement sanitary sewage systems shall minimize or eliminate infiltration of flood waters into the systems and discharges from systems into flood waters. On-site waste disposal systems shall be located to avoid impairment to the system or contamination from the system during flood conditions.
- D. All public utilities and facilities shall be designed, constructed and located to minimize or eliminate flood damage.
- E. Adequate drainage shall be provided to reduce exposure to flood hazards.
- F. The Township Supervisor or authorized representative shall review development proposals to determine compliance with the standards in this section, and shall transmit the determination to the Zoning Administrator. Certification by a licensed sanitarian, registered architect or engineer may be required to determine compliance with this section.
- G. Land shall not be divided in a manner creating parcels or lots that cannot be used in conformance with the requirements of this Article.
- H. The flood carrying capacity of any altered or relocated watercourse not subject to state or federal regulations designed to insure flood carrying capacity shall be maintained.
- I. Available flood hazard data from federal, state or other sources shall be reasonably utilized in meeting the standards of this section. Data furnished by the Federal Insurance Administration shall take precedence over data from other sources.

Section 405. Specific Base Flood Elevation Standards

- A. On the basis of the most recent available base flood elevation data the following standards shall apply in the flood hazard area zone:
 - 1. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above the base flood level.
 - 2. All new construction and substantial improvements of non-residential structures shall either:
 - a. Have the lowest floor, including basement, elevated to or above the base flood level; or

- b. Be constructed such that below base flood level, together with attendant utility and sanitary facilities, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this sub-paragraph are satisfied, and that the flood proofing methods employed are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood in the location of the structure. Such certification shall be submitted per the above section on Development Permit and indicate the elevation to which the structure is flood proofed.
- B. The most recent base flood elevation data received from the Federal Insurance Administration shall take precedence over data from other sources.

Section 406. Mobile Home Standards

Standards applying to mobile homes are for flood control in this section and in the previous section and are not intended to specify development standards or to otherwise overlap with the authority of the Michigan Mobile Home Commission. If the Mobile Home Commission or a staff representative demonstrates to the satisfaction of the Alabaster Township Zoning Administrator that these standards are met by existing state laws, these provisions may be waived by the Zoning Administrator. These controls do not apply to mobile home development outside of flood hazard area zones.

- A. All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties in accord with the following specifications:
1. Over-the-top ties shall be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, except that mobile homes less than fifty feet (50') in length shall be required to have only one additional tie per side.
 2. Frame ties shall be provided at each of the four corners of the mobile home with five additional ties per side at intermediate points, except that on mobile homes less than fifty feet (50') in length shall be required to have four ties per side.
 3. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.
 4. All additions to a mobile home shall be similarly anchored.

- B. An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the Iosco County Civil Defense Director.

Section 407. (Reserved)

Section 408. (Reserved)

Section 409. Disclaimer of Liability

- A. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based upon engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. Approval of the use of land under this article shall not be considered a guarantee or warranty of safety from flood damage.
- B. This ordinance does not imply that areas outside of the flood hazard area will be free from flood damage. This ordinance does not create liability on the part of Alabaster Township or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made there under.

Section 410. Floodplain Management Administrative Duties

With regard to the National Flood Insurance Program, and the regulation of development within the flood hazard area zone as prescribed in this Article, the duties of zoning administrator shall include, but are not limited to:

- A. Notification to adjacent communities and the Department of Natural Resources of the proposed alteration or relocation of any watercourse, and the submission of such notifications to the Federal Insurance Administration; and
- B. Verification and recording of the actual elevation in relation to the mean sea level of the lowest floor, including the basement, of all new or substantially improved structures constructed within the flood hazard area, and in the case of flood proofed structures, the elevation to which the structure was flood proofed; and
- C. Recording of all certificates of flood proofing, and written notification to all applicants to whom variances are granted in a flood hazard area zone indicating the terms of the

variance, the increased danger to life and property, and that the cost of flood insurance will increase commensurate with the increased flood risk. A record of all variance modifications and variance actions shall be maintained together with the justification for each variance.

- D. All records and maps pertaining to the National Flood Insurance Program shall be maintained in the office of the Zoning Administrator and shall be open for public inspection.
- E. It shall be the responsibility of the Zoning Administrator to obtain and utilize the best available flood hazard data for purposes of administering this ordinance in the absence of data from the Federal Insurance Administration.

Section 411. Flood Hazard Area Application Information

In addition to the information required with an application for a zoning compliance permit, special use permit, or any other type of development permission required under this ordinance, the following information shall be submitted as part of an application for permission to commence any type of development within a flood hazard area zone:

- A. The elevation in relation to mean sea level of the floor, including basement, of all structures;
- B. Where flood proofing will be employed, the elevation in relation to mean sea level to which the structure will be flood proofed;
- C. Where flood proofing will be employed, a certificate from a registered professional engineer or architect that the flood proofing criteria of this ordinance will be met;
- D. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development;
- E. Proof of development permission from appropriate local, state and federal agencies as required by the above section on Development Permits, including a floodplain permit, approval, or a letter of no authority from the Michigan Department of Natural Resources under authority of Act 245, Public Acts of 1029, as amended by Act 167, Public Acts of 1968;
- F. Base flood elevation data where the proposed development is subject to Public Act 288 of 1967 or is greater than five acres in size; and
- G. Additional information that may be reasonably necessary to determine compliance with

the provisions of this ordinance.

Section 412. Flood Hazard Area Zone Variances

- A. Variances from the provisions of Article 4, section on Flood Hazard Areas, shall only be granted by the Zoning Board of Appeals upon a determination of compliance with the general standards for variances contained in this ordinance and each of the following specific standards:
 - 1. A variance shall be granted only upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would resort in exceptional hardship to the applicant; and
 - c. A determination that the granting of a variance will not result in a harmful increase in flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
 - 2. The variance granted shall be the minimum necessary, considering the flood hazard, to afford relief to the applicant.
- B. The Alabaster Township Zoning Board of Appeals may attach conditions to the granting of a variance to insure compliance with the standards contained in this ordinance.
- C. Variances may be granted for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the Michigan Historic Markers listing of historic sites, or any other state register of historic places, without regard to the requirements of this section governing variances in flood hazard areas.

Section 413 Mapping Disputes

- A. Where disputes arise as to the location of the flood hazard area boundary, the Zoning Board of Appeals shall resolve the dispute and establish the boundary location. In all cases, the decision of the Zoning Board of Appeals shall be based upon the most current floodplain studies issued by the Federal Insurance Administration. Where Federal Insurance Administration is not available, the best available floodplain information shall be utilized.
- B. Where a dispute involves an allegation that the boundary is incorrect as mapped and the Federal Insurance floodplain studies are being questioned, the Zoning Board of Appeals shall modify the boundary of the flood hazard area only upon receipt of an official letter

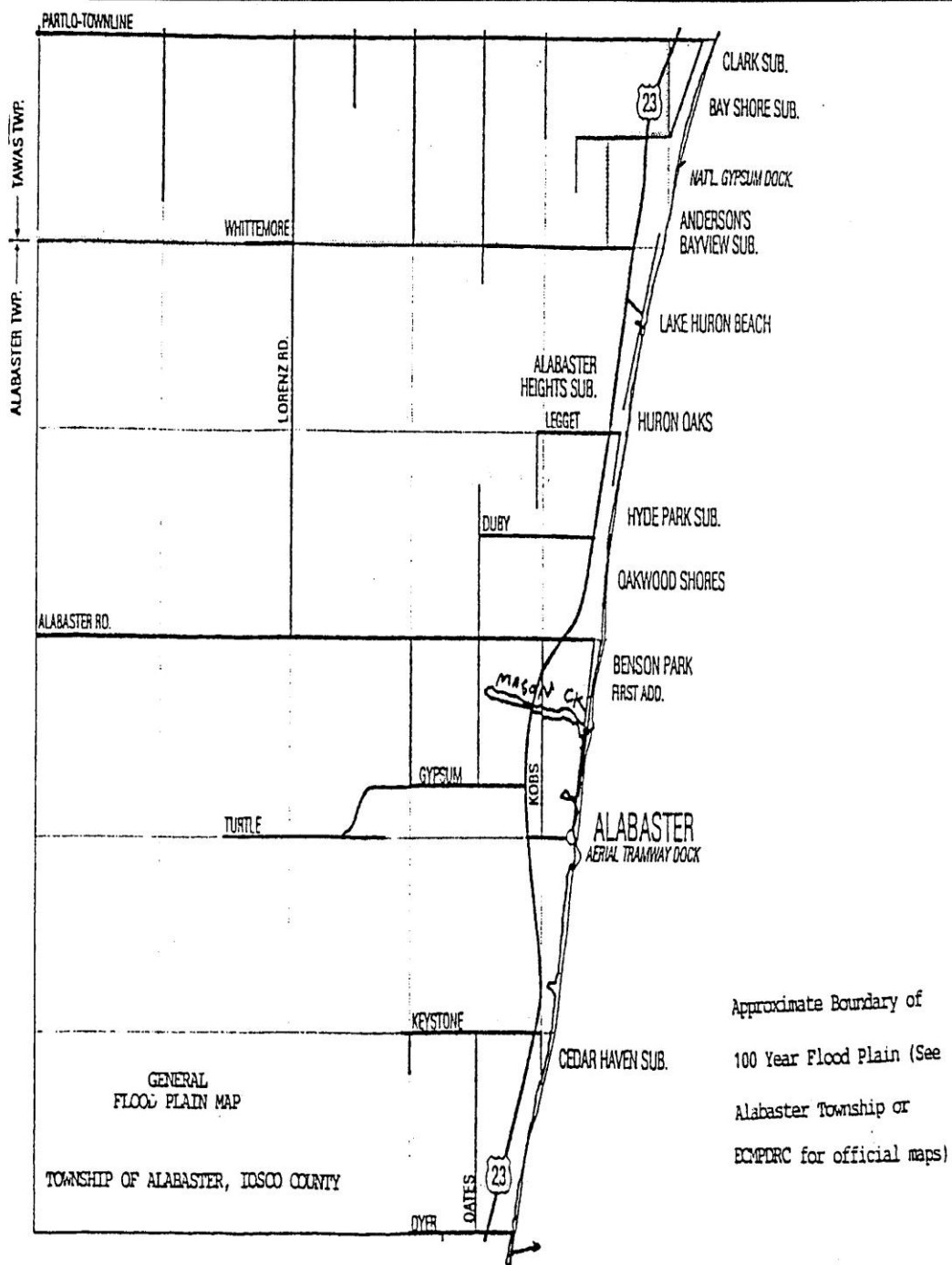
of map amendment issued by the Federal Insurance Administration.

- C. All parties to a map dispute may submit technical evidence to the Zoning Board of Appeals.
- D. Following is generalized copy of the flood plain map prepared by the Federal Emergency Management Agency (FEMA). This map is only for consultative and general interpretation purposes, as the official map is produced by FEMA and is kept by the Clerk of the Township of Alabaster.

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Township of Alabaster
Iosco County, Michigan

General Information Flood Hazard Map



Article 5

High Risk Erosion Areas Overlay Zoning District

Township of Alabaster Rural Zoning Ordinance

Adopted November 2006

and Amended in 2013

by the

Alabaster Township Board of Trustees

Article 5: High Risk Erosion Areas Overlay Zoning District

Section 501. Purpose and Intent

It is the purpose of this Article to prevent the placement of structures in areas designated as high risk erosion consistent with the Shorelands Protection and Management Act, Public Act 245 of 1970, as amended. The standards and requirements contained in this Ordinance, and zoning map, are intended to further the purposes of *Part 323*, Shorelands Protection and Management, of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, as amended. It is furthermore, the intent of this ordinance to:

- A. Establish minimum required setbacks for principal and accessory structures, which, based on erosion studies prepared by the Department of Natural Resources, will reduce property loss and damage.
- B. Minimize the economic hardships that individuals and the Township of Alabaster may face in the case of property loss due to erosion.
- C. Protect public health and safety from effects of shoreland erosion.
- D. Protect water and beach quality.
- E. Preserve bluff vegetation in order to help stabilize bluffs and slow erosion.
- F. Provide for the administration of this ordinance and to determine the powers and duties of the Zoning Board of Appeals as relates to this section.
- G. Prescribe penalties for any violation of the provisions of this ordinance.

Section 502. Area Affected and Boundaries

The boundaries of those stretches of shoreland affected by this ordinance shall be consistent with the affected properties described herein. This area is shown on the official Township High Risk Zoning Map, which is hereby made part of this ordinance. A copy of the Zoning Map and text is filed in the office of the Township of Alabaster and the County Clerk. The area extends landward from the ordinary high water mark to the required setback line for permanent structures. Over time the setback line is not a fixed line. It moves landward as erosion continues.

For the purpose of this ordinance, the minimum required setback distance shall be measured landward from the bluff line and shall be construed as running parallel to the bluff line. In the event the bluff line recedes (moves landward), the setback line of the high risk erosion area shall also be construed as to have moved landward a distance equal to the bluff line recession.

The boundaries of the high-risk erosion areas coincide with the descriptions in the shoreland erosion studies of the Michigan Department of Environmental Quality and are described as follows:

- A. HIGH-RISK EROSION AREA A - The northern end of the high risk erosion area lies at the intersection of Townline Road and the shoreline at the Tawas Township-Alabaster Township Boundary.

The southern end of the high-risk erosion area is in Section 1, T21N, R7E, lying 1,965 feet south of the intersection of Townline Road extended, and the shoreline.

- B. HIGH-RISK EROSION AREA B - The northern end of this high-risk erosion area is in Section 1, T21N, R7E, lying 2,780 feet north of the intersection of the Section 2 and Section 11 line, being T21N, R7E, and the shoreline.

The southern end of the high-risk erosion area lies at the intersection of Section 2 and Section 1, T21N, R7E, and the shoreline.

- C. HIGH-RISK EROSION AREA C - The northern end of this area is in Section 11, T21N, R7E, lying 500 feet south of the intersection of Section 2 and Section 11, T21N, R7E, and the shoreline.

The southern end of this area is in Section 11, T21N, R7E, and lying 2,690 feet south of the intersection of Sections 2 and 11, T21N, R7E, and the shoreline.

- D. HIGH-RISK EROSION AREA D - The northern end of this area is in Section 11, T21N, R7E, lying 1,120 feet north of the intersection of Section 11 and Section 14, T21N, R7E, and the shoreline.

The southern end is in Section 14, T21N, R7E, lying 3,260 feet south of the intersection of Section 11 and Section 14 line, T21N, R7E, and the shoreline.

- E. HIGH-RISK EROSION AREA E - The northern end of this area is in Section 23, T21N, R7E, lying 205 feet (measured along the shoreline) south of the intersection of Section 23 and Section 26, T21N, R7E, and the shoreline.

The southern end of the high-risk erosion area is in Section 34, T21N, R7E, lying 2,369 feet (measured along the shoreline) south of the intersection of Section 26 and Section 35, T21N, R7E, and the shoreline.

The exact locations of the boundaries are indicated on aerial photographs on file with the Michigan Department of Environmental Quality in Lansing, MI.

Section 503. Setback Requirements from Bluff Line

Within the boundaries of the high risk erosion areas established by this Ordinance, no permanent structure shall be located between the ordinary high water mark and the line defining the required setback distance indicated in Table 1 that follows:

- A. The required setback distance provided for in this ordinance shall be measured in a landward direction as a distance horizontal from and perpendicular to the bluff line at the closest point to the existing or proposed principal structure. For each high risk erosion area described in the above section, Area Affected and Boundaries, the required setback for any principal structure shall be as follows:

Table 1 Permanent Structure Setbacks		
Designated High Risk Erosion Area	Required Setback Distance for Small Readily Moveable Structures (30 year)	Required Setback Distance for all Other Structures (60 year)
Area A	60 feet	100 feet
Area B	35 feet	65 feet
Area C	40 feet	85 feet
Area D	35 feet	70 feet
Area E	70 feet	125 feet

- B. Modification of the Required Setback Distance. A person who can document with acceptable engineering studies an annual average recession rate that differs from the Department of Environmental Quality recession rate data may be granted a modification of the setback requirement for principal structures by the Zoning Board of Appeals. Prior to any modification of the required setback distance, the applicant's engineering studies shall be sent to the Department of Environmental Quality, who shall report to the Zoning

Board of Appeals on the accuracy of the applicant's studies. The Zoning Board of Appeals shall only act upon requests for modifications of the setback requirement after a determination has been made on the validity of the applicant's data by the Department of Environmental Quality and only after the Zoning Board of Appeals has determined that such modification would not violate the spirit and intent of this ordinance.

Section 504. General Provisions

- A. The erection, relocation or reconstruction of a principal structure on any lot or parcel which, in whole or part, falls within the area affected by the Ordinance shall only be initiated upon receipt of a zoning permit from the Zoning Administrator, pursuant to the following section, Administration, Article 10, Section 1003.
- B. No lot or parcel shall hereafter be created, subdivided or otherwise established without sufficient depth to accommodate a principal structure in accord with the requirements of this ordinance. Hereafter, all principal structures erected, and all structural alterations or relocation of existing permanent structures shall be in accord with the requirements of this ordinance.
- C. The erection, installation, movement, or enlargement of an accessory structure or a permanent structure on a parcel, any part of which falls within the area affected by this ordinance (within a high risk erosion area), shall be initiated only after a permit has been issued by the Zoning Administrator of the Township of Alabaster. An easily moveable structure is exempt from these requirements.
- D. The permit application shall contain all of the following information:
 - 1. A legal description of the property.
 - 2. A description of the proposed accessory and/or permanent structure.
 - 3. A sketch of the proposed site to scale, which shows the location of the proposed accessory and/or permanent structure in relation to the location of the property lines and prominent features.
 - 4. The signature, phone and address of the applicant in full.
 - 5. Description of proposed site access.
 - 6. Any existing or proposed shore protection devices. A separate permit unrelated to this ordinance is needed from the Department of Environmental Quality for all such devices.

7. Proposed or existing location of utility lines, easements and/or rights-of-way.
 8. Verification that the County (District) Health Department and other state and federal permits, as appropriate, have been applied for or obtained for the property.
 9. Proof of property ownership (if the owner is not the applicant, then the legal interest in the land possessed by the applicant shall be revealed).
 10. Inventory of significant existing on-site vegetation by general type and location.
- E. A permit application to erect, install, or move a permanent structure in a designated high risk erosion area shall be approved if the proposed permanent structure meets or exceeds all of the following requirements:
1. The proposed permanent structure or addition is landward of the required setback line (see the previous section on Setback Requirements from Bluff Line, Table 1).
 2. Small permanent structures that are erected, installed, or moved into the area between the setback line and a distance twice the required setback distance shall be readily moveable structures, except for those small permanent structures located on parcels that do not have access of sufficient width and acceptable grade to allow for relocation.
 3. A permanent structure shall not be erected, installed, or moved lakeward of the setback line in a high risk erosion area without a special exception as provided by the following section, Exceptions on Nonconforming Parcels, Article 5.
 4. The proposed permanent structure, meets the requirements of other applicable state laws.
 5. Review and approval of the design of small permanent structures shall be made to ensure the building is a readily moveable structure.
- F. A permit application to make an addition to an existing permanent structure in a designated high risk erosion area shall be approved if the addition meets or exceeds the required setback distance and all other requirements of this ordinance for the district in which it is located.
- G. Accessory or appurtenant structures shall not have a permanent foundation, shall be less than two hundred twenty-five (225) square feet, shall not be more than ten feet (10') in height and may be used for picnicking or storage of recreational or lawn equipment. The structure shall not be used as a residential facility. An accessory structure is exempt from

the setback requirements for a permanent structure. Permitted accessory structures that are placed in high risk erosion areas shall be removed prior to erosion damage.

- H. Any substandard lot of record or substandard lot described in a land contract or deed executed or delivered prior to the adoption of this ordinance shall only be used if it meets the requirements of the following section on Exceptions on Nonconforming Parcels, Article 5.
- I. If a permanent structure is relocated, all construction materials, including the entire foundation, shall be removed and properly disposed of according to the terms of a permit issued as part of the moving operation.
- J. After May 1, 1992 the slope and height of a dune or bluff shall not be artificially altered to affect the setback requirement unless the alteration is in compliance with a permit issued pursuant to the provisions of Part 91, Soil Erosion and Sedimentation, of the Natural Resources and Environmental Protection Act, 1994 PA 451 as amended and Part 325, Great Lakes Submerged Lands, of the natural Resources and Environmental Protection Act, 1994 PA 451, as amended, if the alteration or fill extends into the waters of the Great Lakes or below the ordinary high water mark elevation.

Section 505. Maintenance and Restoration of Nonconforming Structures

The lawful use of any structure existing at the time in which this ordinance is adopted may continue in the same manner and to the same extent, although the location of the permanent structure does not conform to the provisions of this ordinance. A nonconforming structure shall not be repaired, restored, extended, enlarged or removed except in accord with the requirements that follow.

505.1 Routine Maintenance and Remodeling

Routine repairs and maintenance work required to keep a nonconforming principal structure in sound condition are permitted. Remodeling of a nonconforming principal structure is permitted as long as the structure is neither enlarged nor extended in a nonconforming manner. Addition of extra stories shall be construed as the expansion of a nonconforming use.

505.2 Enlargements to Nonconforming Structures

The following exceptions can be made to accommodate enlargements of existing nonconforming structures upon review and approval of the Township of Alabaster Zoning Board of Appeals:

- A. Additions to a readily removable structure that is not in compliance with the required

setback distance of a designated high risk erosion area shall be approved if all of the following provisions are complied with:

1. The existing building with the addition will meet the definition of a readily moveable structure.
 2. The proposed addition does not reduce the permanent structure's distance from the bluff line.
 3. The proposed addition and the existing permanent structure are not less than thirty (30) feet landward of the bluff line.
- B. An addition to an existing small nonconforming permanent structure that is not a readily moveable structure shall be approved if, at the date of construction, the provisions of either item 1. or 2. of this subsection and the provisions of item 3. of this subsection are complied with as follows:
1. The total of all floor space added shall not exceed twenty-five percent (25%) of the foundation size of the permanent structure. The foundation size shall be determined as of the time the permanent structure became nonconforming. When the twenty-five percent (25%) limit on additions (including building up) has been reached, no further additions can be made for the remaining life of the structure. The addition shall not reduce the permanent structure's distance from the bluff line.
 2. The addition shall meet the definition of a readily moveable structure and the addition shall be on the landward side of the original permanent structure. A special exception may only be granted if the property owner, as a condition, agrees to relocate the readily moveable portion of the permanent structure to a location landward of the setback line when so ordered by the Zoning Board of Appeals. The Zoning Board of Appeals may make such an order only when the foundation of the existing structure is undermined by erosion.
 3. The proposed addition and the existing structure are not less than thirty (30) feet landward of the bluff line.

The map included at the end of this Article and titled HIGH RISK EROSION AREAS displays these areas and is approximate only. The official map is maintained by the Clerk of the Township of Alabaster.

505.3 Restoration of Nonconforming Structures

- A. When a nonconforming structure is damaged by a force other than erosion, the Zoning Board of Appeals shall only authorize restoration if the Board determines that the

structure will be restored in compliance with the following standards:

1. The cost of returning the principal structure to its original condition shall be one hundred percent (100%) or less of the structure's pre-catastrophe replacement value. No structure damaged more than one hundred percent (100%) of its pre-catastrophe replacement value shall be restored.
 2. The permanent structure, if rebuilt in its existing location, would be no less than twenty (20) feet landward of the bluff line.
 3. The reconstructed building would be a readily moveable structure.
- B. As a condition for approval of restoration plans, the Zoning Board of Appeals may require:
1. Measures that will aid in stabilizing the bluff other than the construction of erosion control devices.
 2. The use of runoff or soil erosion control techniques to prevent any acceleration of erosion that may occur during restoration of the structure.
 3. The lawful disposal of all debris, including the previous foundation, resulting from the damage or from the restoration of a principal structure (such as construction materials) in a manner such that the debris poses no safety or health hazard.
 4. Other conditions on the restoration of nonconforming principal structures, provided these conditions are consistent with the intent of this Ordinance and consistent with the promotion of public health, safety and welfare.
- C. If a building is more than one hundred percent (100%) destroyed or declared a total loss for insurance purposes, the requirements for new permanent structures shall apply.
- D. Determination of replacement costs: The pre-catastrophe replacement value of repairing damage to a nonconforming structure, excluding contents, damaged by a force other than erosion shall be made on the basis of an appraisal by a qualified individual designated by the Zoning Board of Appeals. The cost for such determination shall be born by the applicant.

Section 506. Exceptions on Nonconforming Parcels

The following exceptions, A-B below, can be made to the required setback distance, upon review and approval by the Township of Alabaster Zoning Board of Appeals. Unless otherwise

provided by a previously-approved variance, the minimal requirements for the location of a permanent structure on a nonconforming parcel shall be the following:

- A. To erect, install or move a small readily moveable structure lakeward of the setback line on a nonconforming parcel, compliance with the following conditions must be met:
 - 1. If a sanitary sewer is not used, the septic system, tile field, or other waste-handling system shall be located as far landward as the lakeward edge of the building.
 - 2. The readily moveable structure shall be located as far landward of the bluff line as possible without violating another provision of this ordinance.
 - 3. The readily moveable structure shall be designed and constructed in accordance with proper engineering standards and building moving restrictions applicable to the subject area. Review and approval of the design to ensure that the building is a readily moveable structure shall be completed prior to issuance of any local permits.
 - 4. The readily moveable structure is not less than thirty (30) feet landward of the bluff line and is not located on a lakeward facing slope of sixty percent (60%) or more.
 - 5. The readily moveable structure meets requirements of other applicable state laws.
- B. If a nonconforming parcel does not have access to and from the place where the structure is proposed to be located, but is of sufficient width and acceptable grade to erect or move a readily moveable structure, or if the application is for a large permanent structure on a nonconforming parcel, a special exception shall be granted to utilize a shore protection structure in place of a portion of the required setback distance. The special exception shall be granted only if all of the following provisions are met:
 - 1. If a sanitary sewer is not used, the septic system, tile field, or other waste-handling facility shall be located at least as far landward of the bluff line as the principal building.
 - 2. The permanent structure shall be located landward of the bluff line as far as possible without violating another provision of this ordinance.
 - 3. The shore protection structure shall be designed to meet or exceed a twenty (20) year storm event at the site for small permanent structures and a fifty (50) year storm event at the site for large permanent structures. A professional engineer shall certify that the shore protection structure has been designed and will be constructed in accordance with these standards. If the shore protection structure is constructed in the waters of the Great Lakes or lies below the ordinary high water mark, a permit pursuant to the provisions of Part 353, Great Lakes Submerged Lands of the Natural

Resources and Environmental Protection Act, 1994 PA 451, as amended, shall be obtained for the shore protection structure.

4. The permanent structure shall be a minimum of thirty (30) feet from the shore protection structure. If the bluff or dune is unstable due to height, slope, wind erosion, or groundwater seepage, the Township of Alabaster, with input from the Department of Environmental Quality, may require a setback of more than thirty (30) feet or an engineered bluff stabilization plan, or both. In areas of steep slopes greater than eighteen percent (18%), a greater setback may be necessary to provide access for maintenance equipment and a safe building site.
5. If the application is for a large permanent structure, the Zoning Board of Appeals shall require compliance with both of the following provisions:
 - a. The establishment of an escrow account to maintain the approved shore protection structure or bluff stabilization, or both. The amount required in the escrow account shall be reasonable and based on the project design.
 - b. Notice in the disclosure statement or deed that a portion of the required setback distance has been waived.
6. The proposed permanent structure meets the requirements of other applicable state laws.

Section 507. Setback Exceptions for Approved Shore Protection

Certain, uncommon exceptions can be made to the required setback distance upon request to the Department of Environmental Quality pursuant to the state law (Part 323, of the Natural Resources and Environmental Protection Act, 1994, P A 451, as amended.) Because such changes are unusual and highly technical, such exceptions are not addressed by the Township of Alabaster Zoning Board of Appeals.

Section 508. Administration

The following provisions are to be enforced insofar as they are consistent with other provisions of this ordinance. An enforcement officer, the Zoning Administrator, shall be duly appointed by the Township of Alabaster to enforce this ordinance and in addition thereto shall:

- A. Issue a land use permit when, after review of proposed plans and an on-site inspection, it is determined that the proposed placement and design of a structure complies with the requirements of this ordinance.

- B. Issue violation notices requiring compliance within 30 days and initiate any other activities to abate violations as herein authorized.
- C. Maintain permanent and current records of this ordinance, including all permits applied for, issued and denied; maintain the zoning maps and property descriptions; delineate affected areas; maintain records of application for variances, appeals and the decisions on those appeals by the Zoning Board of Appeals.
- D. In the case of denying a zoning permit, the Zoning Administrator shall inform the property owner of the right to appeal and the conditions under which an appeal will be considered. The Zoning Administrator shall further inform the Zoning Board of Appeals and the Department of Environmental Quality at the time an appeal is filed. Written notice of an exception request from the minimum required setback distance shall be given to the Department of Environmental Quality at least fourteen (14) days prior to the hearing before the Zoning Board of Appeals.

Section 509. Disclaimer of Liability

The provisions of this ordinance are considered the "minimum" necessary for reducing erosion hazards and property loss for a thirty (30) year period of recession for small permanent structures and a projected sixty (60) year period for large permanent structures or non-readily moveable structures, based upon current engineering and scientific methods of study. Faster or slower rates of erosion may occur. Erosion rates may be increased by natural causes, such as high lake levels or major storms, or by man-made causes, such as the construction of erosion control devices or by increasing the amount of runoff from land. Placing a structure landward of the required setback distance is not a guarantee or warranty of safety from erosion damage. Individual property owners concerned with erosion hazards are encouraged to consult with local building officials and personnel of the Department of Environmental Quality to arrive at site design plans that may use a greater setback to maximize protection from erosion damage.

Section 510. Relationship to Other Permits

Approval of a permit does not exempt the applicant from complying with all other relevant statutes, ordinances, rules or regulations.

Section 511. Interpretation

In the interpretation and application of this ordinance, all provisions shall be (a) considered as minimum requirements unless so noted, (b) liberally construed in favor of the

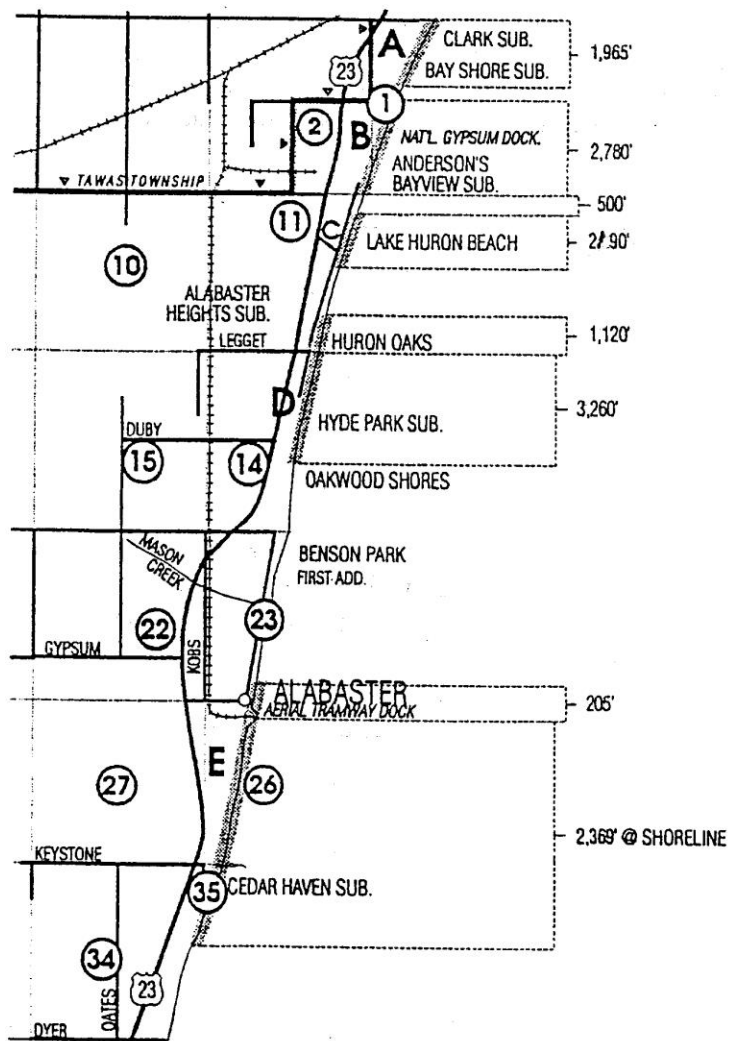
governing body and, (c) deemed neither to limit nor repeal any other powers granted by the State of Michigan.

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Article 5: High Risk Erosion Areas Overlay Zoning District:

Township of Alabaster
Iosco County, Michigan

High Risk Erosion Areas



Township of Alabaster Rural Zoning Ordinance: November 13, 2006

Township of Alabaster Rural Zoning Ordinance: December 9, 2013

Article 6

Land Use Zoning Districts

Township of Alabaster Rural Zoning Ordinance

Adopted November 2006

and Amended in 2013

by the

Alabaster Township Board of Trustees

Article 6: Land Use Zoning Districts

Section 601. Division of the Township into Zoning Districts

For the purposes of this Ordinance, the Township of Alabaster, Iosco County, Michigan, except for streets and alleys, is divided into the following zoning districts:

Extensive Land Uses Generally Covering Large Parcels

A-1	Agricultural Zoning Districts
E-1	Extractive Zoning Districts
F-1	Forestry Zoning Districts

Residential Land Uses Intended Primarily for Dwellings

R-1	Residential Zoning Districts
R-2	Rural Residential Zoning Districts
LR-1	Lake Residential District
LR-2	Lake Residential District
LR-3	Lake Residential District
OSR-1	Open Space Residential

Business Land Uses for Commercial Ventures

B-1	Retail Business Districts
B-2	Limited Business Districts

Manufacturing and Industrial Land Uses for Industrial Uses

M-1	Manufacturing Zoning Districts
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Section 602. Official Zoning Map

The boundaries of these zoning districts are hereby defined and established as shown on the map titled, "Zoning District Map of the Township of Alabaster," which map accompanies this Ordinance. Said map, with all explanatory matter thereon, is hereby made a part of this Ordinance. The official Zoning District Map shall be kept and maintained by the Clerk of the Township.

Section 603. Interpretation of Boundaries

The following rules shall be used in interpreting the boundaries shown on the "Zoning District Map of the Township of Alabaster:"

- A. Boundaries indicated as approximately following the streets or highways or the centerline of said streets or highways shall be construed as following said streets, highways or centerlines.
- B. Boundaries indicated as approximately following Township boundary lines, or as approximately following parcel or lot lines, shall be construed as following said lines.
- C. Boundaries indicated as approximately parallel to the centerlines of streets or highways shall be construed as being parallel thereto and at such distance therefrom as indicated by a given distance or scaled dimension.

Section 604. Scope of Regulations

No building or structure, or part hereof, shall hereafter be erected, moved, constructed, or altered, and no new use or change in use shall be made unless in conformity with the provisions of this Ordinance and with the regulations specified for the district in which it is located according to the "Zoning District Map of the Township of Alabaster."

The regulations applying to such district include specific limitations on the use of land and structure, height and bulk of structures, density of population, lot area, yard dimensions, and area of lot that can be covered by each structure.

The Zoning Board of Appeals shall have the power to classify a use that is not specifically mentioned along with a comparable permitted or prohibited use for the purpose of clarifying the use regulations in any district.

Section 605. District Regulations

The following sections identify the intent and purpose, use permitted by right, and uses permitted by special land use permit, and the dimensional requirements for each zone district of the Township of Alabaster as identified in the previous section, Division of the Township into Zoning Districts. Drawings are schematic and not to scale.

A-1 AGRICULTURAL ZONING DISTRICTS

A. Purpose: This district is intended to protect those areas of Township of Alabaster that have high quality agricultural soils, and to permit related agricultural land uses, and to provide limited development of estate-sized rural residential.

B. Permitted By Right:

1. Accessory uses and structures.
2. Religious land uses.
3. General farming for cash crops, livestock and fiber purposes. Note: definition of livestock includes fowl.
4. Home occupation uses (see Article 3).
5. Dispersed one-family dwellings.
6. Road side stands (see definition, Article 2).

B. Permitted By Special Land Use (Requirements outlined in Article 9):

1. Agricultural storage, terminals, and processing facilities.
2. Farm equipment sales/service.
3. Veterinary clinics and kennels.
4. Bed and breakfast inns.
5. Golf courses.
6. Private airstrips.
7. Sand, gravel or clay pits and topsoil removal or sod farms.
8. Mobile home parks.
9. Towers.

C. Dimensional Requirements:

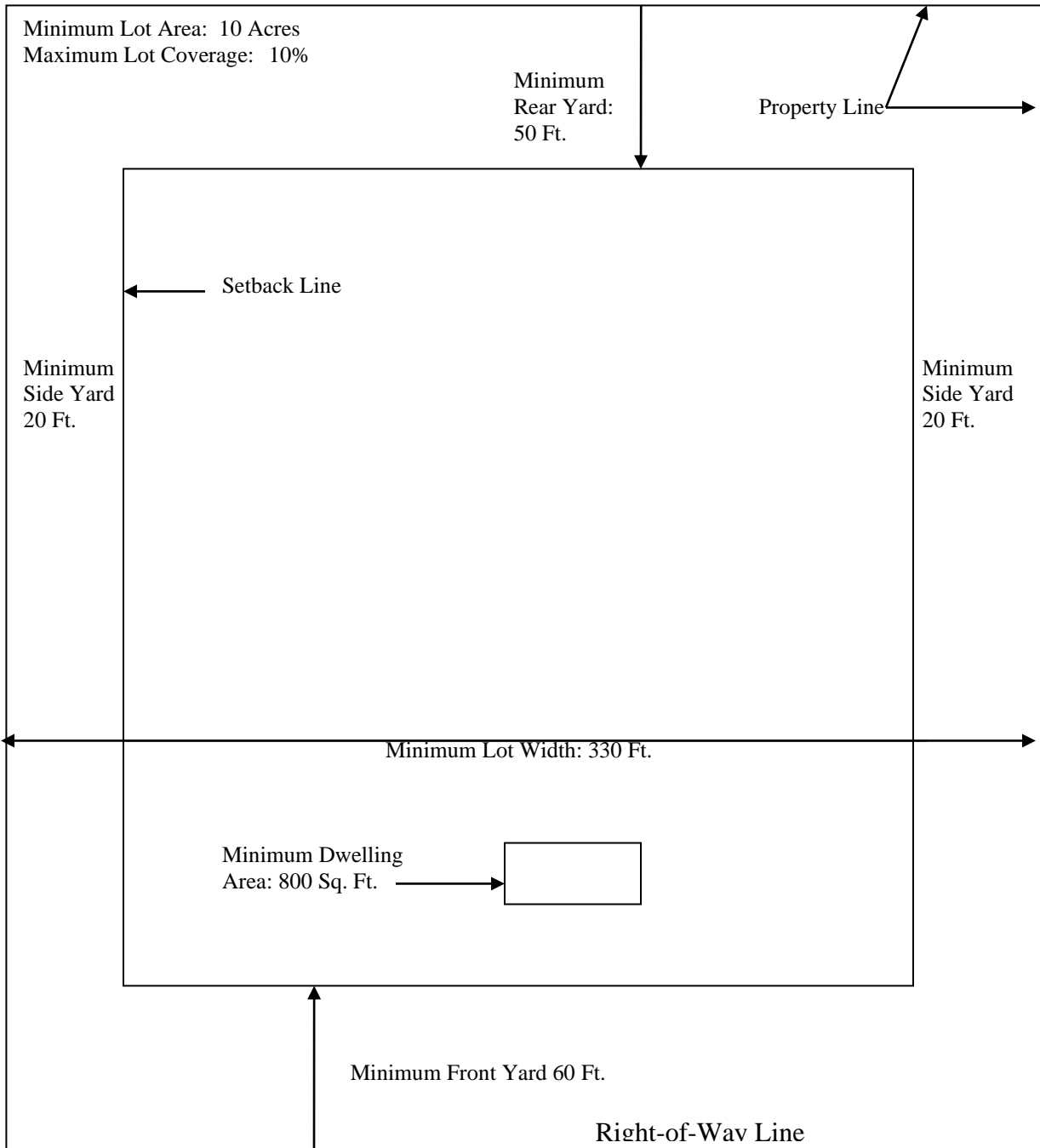
1. **Minimum lot area:** Ten (10) acres.
2. **Minimum lot width:** Three hundred thirty feet (330').
3. **Minimum front setback:** Sixty feet (60').
4. **Minimum side setback:** Twenty feet (20') each side.
5. **Minimum rear setback:** Fifty feet (50').
6. **Minimum floor area of dwelling:** Eight hundred (800) square feet.
7. **Maximum dwelling height:** Forty feet (40').
8. **Maximum lot coverage:** Ten percent (10%).

D. Other controls:

1. Livestock are permitted in this district under the following conditions:
 - a. Buildings, pens, cages and enclosures housing and feeding animals shall be at least 100' from any adjacent lot line or street right-of-way line. Grazing and pasture lands are exempt from this provision.
 - b. Animals are kept with proper housekeeping to avoid odors, runoff of animal wastes, or other nuisances.

2. Motor vehicles, recreational vehicles, trailers and boats may be stored without an enclosing building, providing they shall not be used or stored within the yard requirements of the district. Said vehicles, trailers and boats must be licensed. Motor homes, recreational vehicles and boats may be occupied in this district for a total period of not more than two weeks (14 days) in a calendar year without permission from the Zoning Administrator.
3. Agricultural accessory buildings may be up to seventy-five feet (75') in height.
4. See Article 10 for site plan review requirements.

SCHMATIC DIAGRAM OF PRINCIPAL ZONING REQUIREMENTS
Not to Scale
A-1 AGRICULTURAL ZONING DISTRICT



E-1 EXTRACTIVE ZONING DISTRICTS

A. Purpose: This district is intended to permit extraction of mineral resources in Alabaster Township in a controlled fashion to minimize the adverse consequences and provide long-term reuse, reclamation, and/or restoration of the land involved.

B. Permitted by Right:

1. Accessory uses and structures.
2. Extractive uses of the land, such as mining, providing standards in section E-1, below, and other elements of this ordinance are met.
3. General farming for cash crops, livestock and fiber purposes.
4. Restorative projects for reforestation, creating wetlands, lakes or ponds.
5. Extraction of sand, gravel or clay.
6. Existing single-family dwellings (setbacks for R-1 lots apply).

C. Permitted by Special Land Use (Requirements outlined in Article 9):

1. Processing of minerals into useful products indoors or outdoors.
2. Airports and heliports.
3. Sewage treatment & disposal.
4. Specialty recreation purposes such as shooting ranges, trails for off-road vehicles, and similar recreation often resulting in noise and disturbance.
5. Industrial and manufacturing uses related to materials being extracted on site.
6. Sanitary landfills; solid waste transfer stations, processing or disposal areas; and junkyards.
7. Towers, including communication towers.

D. Dimensional Requirements:

1. **Minimum lot area:** Forty (40) acres.
2. **Minimum lot width:** Six hundred feet (600').
3. **Minimum front setback:** One hundred twenty feet (120').
4. **Minimum side setback:** One hundred twenty feet (120') each side.
5. **Minimum rear setback:** One hundred twenty feet (120').
6. **Minimum floor area of buildings:** Not regulated.
7. **Maximum building height:** Not regulated.
8. **Maximum lot coverage:** Eighty percent (80%) total mined area, with thirty percent (30%) active at any one time, excluding wetlands and reclamation lands.

E. Other Controls:

1. Extractive uses and mining - such as for sand and gravel, sod farms, borrow pits, gypsum mines, open mines, stripping of topsoil, or similar extraction - are permitted providing the

facility includes: (a) a plan for long-term development of property and a detailed annual plan for extraction; (b) a reclamation strategy of land uses for both long-term and annual extraction sites; and (c) standards for operation of an extractive process.

- a. A plan for long-term development of property and a detailed annual plan for extraction shall be required. The long-term plan must be updated no less than every five years or more frequently if major changes in extraction or direction are contemplated. The overall plan for the facility shall be at a scale of 1" =200' or a more detailed scale if required to meet federal or state standards. The plan shall show major topographic features and contour lines at no less than ten foot (10') intervals. Except for these unique provisions for that large site, the long-range plan shall otherwise meet, at a minimum, the requirements of Site Plan Review Requirements in Article 10 of this ordinance.

A detailed annual plan is also required of the applicant. This plan shall not only meet the standards of Site Plan Review Requirements in Article 10, but shall also demonstrate adherence to (b.) reclamation strategy for land uses and (c.) standards identified below. The annual plan shall include only sites or areas to be disturbed. It shall be at a scale of 1"=200' or greater.

- b. A reclamation strategy of land uses for both long-term and annual extraction sites is required of applicants. Any parcel or portion thereof to be utilized for extractive purposes shall have a remediation and rehabilitation strategy submitted to and approved by the Township of Alabaster Planning Commission. The strategy may be a narrative keyed to the long-term and annual plans and should show how such plans will be realized. This will include the next five years of development anticipated. This plan shall show wetlands, open field areas, forestry areas, and areas for human development. Areas of human development shall include residences, road layout, recreational uses, business or manufacturing uses, educational and/or religious facilities, as applicable, and other uses of the land. Landscaping and finish grades will be consistent with the plan. Reports of specialized consultants may also be submitted as part of this documentation.

An annual reclamation strategy shall show in detail those areas that will be modified each year in conformance with the long-term plan and the standards identified in (c.) below.

The Township of Alabaster Planning Commission shall not permit any extraction to take place until such a remediation or rehabilitation strategies are filed. Rezoning and land uses in the future shall not be permitted to be made or constructed unless they are consistent with the plan.

- c. Standards of operation are also required of all applicants. The standards are required to meet the plans and strategies required in (a.) and (b.) above. The standards are:
 - i. Active extraction using explosives or power equipment shall not be

permitted within three hundred feet (300 ') of any occupied housing unit.

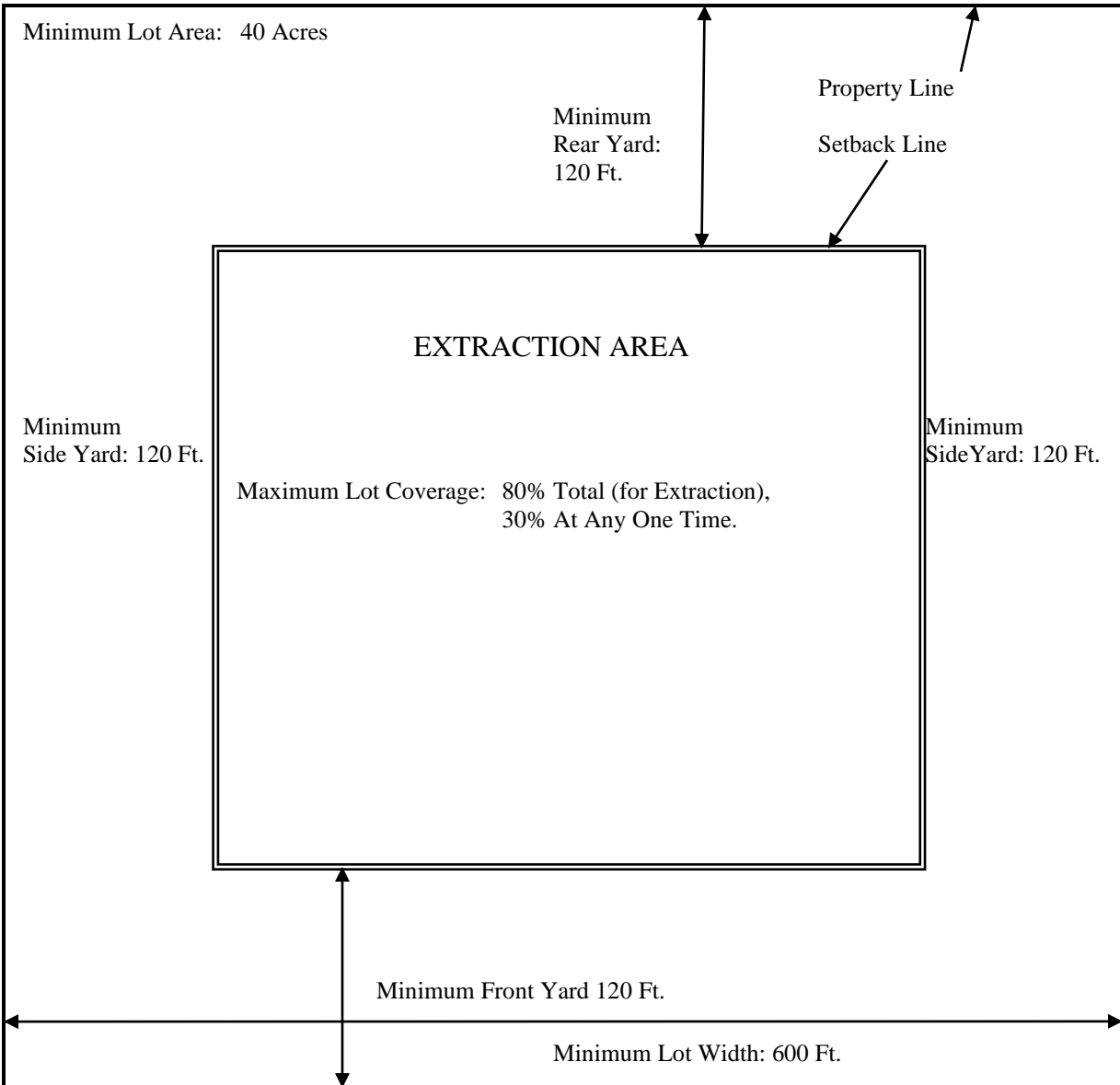
- ii. Extraction shall not be permitted within one hundred twenty feet (120') of passive land owned by the State of Michigan or federal government (state or federal forest, swamp or field) that is not occupied by people. A finished slope of not more than forty-five percent (45%) shall start one hundred twenty feet (120') from the state or federal land.
 - iii. Maximum finished grade permitted for open land is forty-five percent (45%) to reduce erosion and promote foliage. In order to promote regrowth, it shall be seeded with vegetation native to the area and designed to grow rapidly in the soils provided.
 - iv. Land planned for eventual development should have grades of no more than six percent (6%) where roads or transportation access is proposed; no more than ten percent (10%) where a home or a structure is to be built; no more than six percent (6%) where active use by people is planned; and generally less than fifteen percent (15%) in the remaining land.
 - v. Required grades in land to be permanently submerged in water having an average depth of more than three feet (3') shall be six percent (6%) for the first twenty (20) feet from the shoreline in the water and a maximum of thirty-five (35%) for the next twenty-five feet. No restrictions are required for the slope beyond forty-five (45') feet.
 - vi. Special performance standards for this district, as specified in the section on Performance Standards in Article 3, apply to this district and there shall be compliance with those standards and, most notably, with the noise and vibration standards.
2. Livestock are permitted in this district under the following conditions:
- a. Buildings, pens and cages for housing and feeding shall be 140' from adjacent lot lines or street right-of-way, except for grazing/pasture.
 - b. Livestock are managed to avoid odors, runoff of wastes, or other nuisances.
 - c. The township planning commission may make an annual inspection tour of any facility under jurisdiction of this provision with the consent of the owner. The inspection is to be made to insure compliance with these provisions. If the property owner wishes, this request can be submitted in writing. The property owner may decline but shall permit other legally permissible examinations of its property.
3. Motor vehicles, recreational vehicles, trailers and boats may be stored without an enclosing building, providing they shall not be used or stored within the yard requirements of the district. Said vehicles, trailers and boats must be licensed. Motor

homes, recreational vehicles and boats may be occupied in this district for a total period of not more than two weeks (14 days) in a calendar year without permission from the Zoning Administrator.

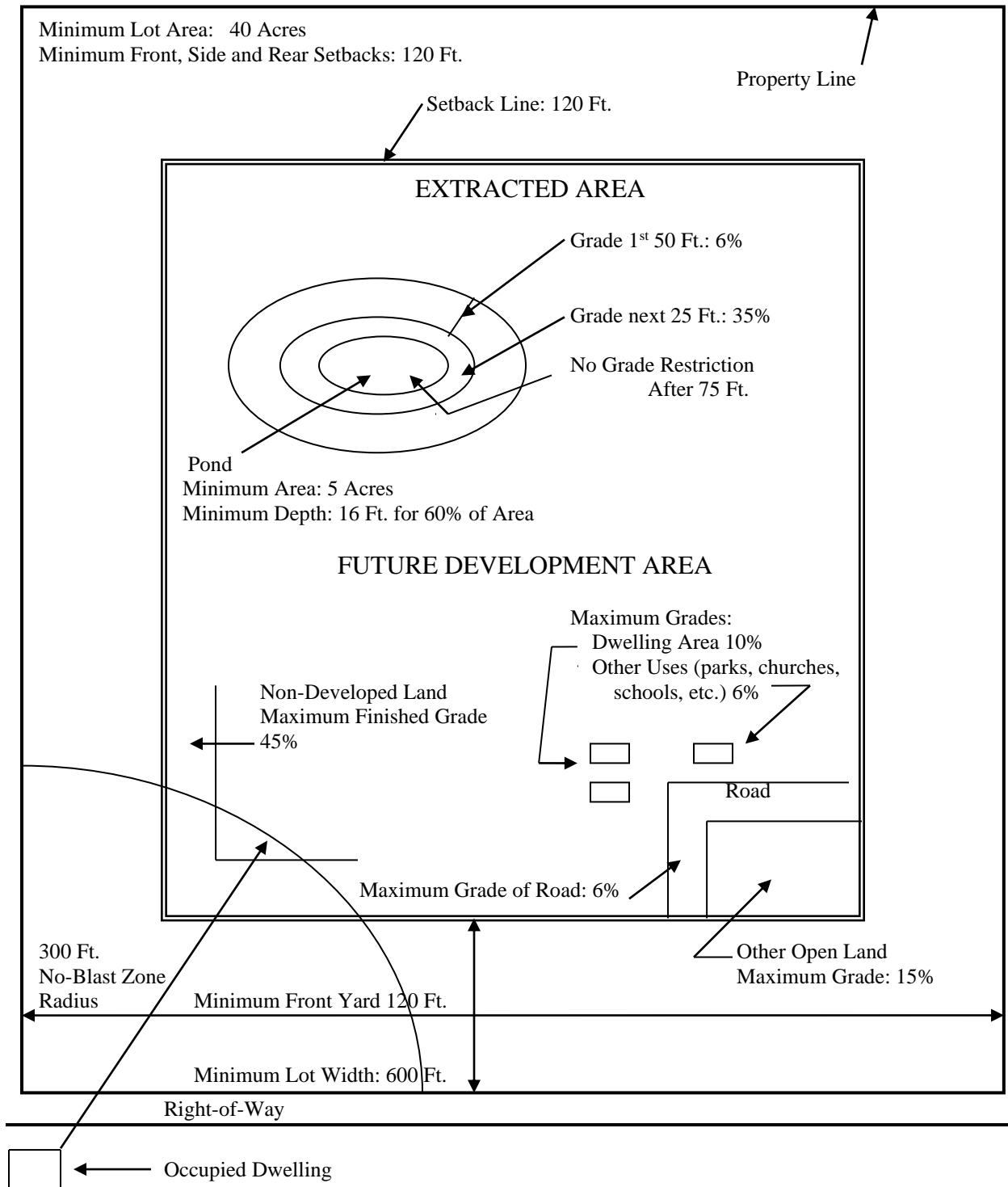
4. See Site Plan Review Requirements, Article 10.

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SCHMATIC DIAGRAM OF PRINCIPAL ZONING REQUIREMENTS
Not to Scale
E-1 EXTRACTIVE DISTRICT



SCHMATIC DIAGRAM OF PRINCIPAL ZONING REQUIREMENTS
Not to Scale
E-1 EXTRACTIVE DISTRICT – FUTURE DEVELOPMENT



F-1 FORESTRY ZONING DISTRICTS

A. Purpose: This district is intended to protect the forest, wetland and other sensitive environments of Alabaster from inappropriate use, while permitting appropriate, compatible uses of the land related to the biota and resources in the district.

B. Permitted by Right

1. Accessory uses and structures.
2. Hunting camps with cabins of four hundred (400) square feet minimum
3. General farming.
4. Home occupation uses (see Article 3).
5. Dispersed one-family dwellings.
6. Road side stands (see definition, Article 2).
7. Cemeteries.
8. Game preserves, wildlife sanctuary and tree harvesting.

C. Permitted by Special Land Use (Requirements outlined in Article 9):

1. Agriculture storage, terminals, and processing facilities.
2. Commercial riding stables.
3. Bed and breakfast inns.
4. Golf courses.
5. Public parks and recreation.
6. Sand, gravel or clay pits.
7. Sawmills, including permanent structures or portable sawmills for short-term harvesting.
8. Veterinary clinics & kennels.
9. Campgrounds.
10. Mobile home parks.
11. Towers, including communication towers.

D. Dimensional Requirements:

1. **Minimum lot area:** Ten (10) acres.
2. **Minimum lot width:** Three hundred thirty feet (330').
3. **Minimum front setback:** One hundred feet (100').
4. **Minimum side setback:** Fifty feet (50') each side.
5. **Minimum rear setback:** One hundred feet (100').
6. **Minimum floor area of dwelling:** Eight hundred (800) square feet.
7. **Minimum floor area of cabins:** Four hundred (400) square feet.
8. **Maximum dwelling height:** Forty feet (40').
9. **Maximum lot coverage:** Ten percent (10%).

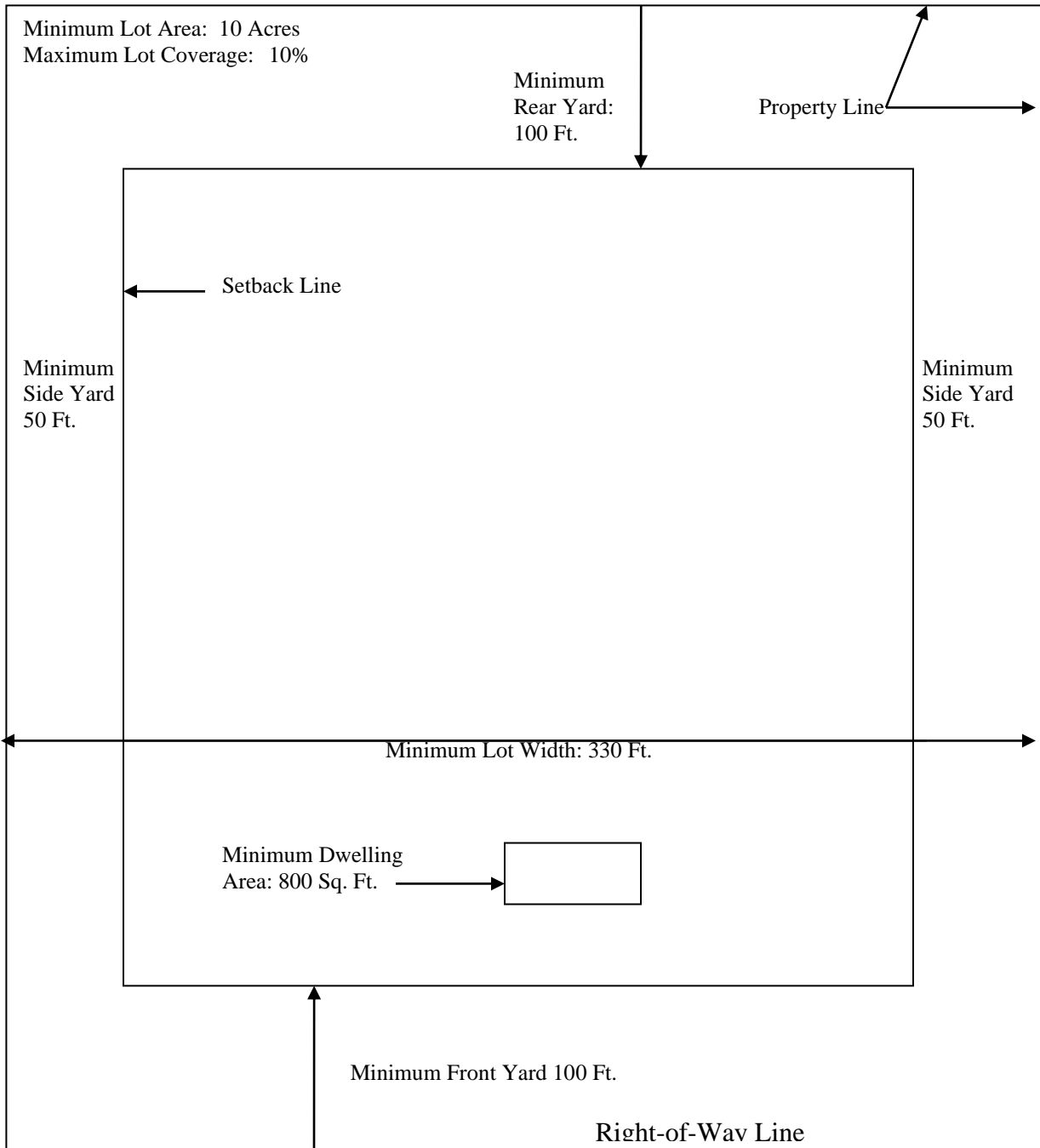
D. Other controls:

1. Farm animals (livestock) are permitted in this district under the following conditions:

- a. Buildings, pens and cages for housing and feeding shall be 100' from adjacent lot lines or street right-of-way, except for grazing/pasture.
 - b. Animals are managed to avoid odors, runoff of wastes, or other nuisances.
2. Cabins of four hundred to eight hundred (400-800) square feet are limited to one per ten acres, with a maximum of ten (10) cabins on parcels exceeding one hundred (100) acres.
3. Motor vehicles, recreational vehicles, trailers and boats may be stored without an enclosing building, providing they shall not be used or stored within the yard requirements of the district. Said vehicles, trailers and boats must be licensed. Motor homes, recreational vehicles and boats may be occupied in this district for a total period of not more than two weeks (14 days) in a calendar year without permission from the Zoning Administrator.
4. See Site Plan Review Requirements in Article 10.

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SCHMATIC DIAGRAM OF PRINCIPAL ZONING REQUIREMENTS
Not to Scale
F-1 FORESTRY ZONING DISTRICT



R-1 RURAL RESIDENTIAL ZONING DISTRICTS

A. Purpose: This district is intended for more intensive residential development located in areas most likely to have good access and future public infrastructure without impacting sensitive lands.

B. Permitted by Right:

1. One- and two-family dwellings.
2. Accessory uses and structures.
3. Religious land uses.
4. Farming for cash crops, livestock and fiber purposes.
5. Public parks and recreation.
6. Home occupation uses (see Article 3).
7. Schools, libraries and cemeteries.

C. Permitted by Special Land Use (Requirements outlined in Article 9):

1. Bed and breakfast inns.
2. Golf courses and private recreation facilities excluding gun clubs.
3. Roadside stands.

D. Dimensional Requirements:

1. **Minimum lot area:** 20,000 square feet for single-family dwelling.
25,000 square feet for two-family dwelling.
2. **Minimum lot width:** One hundred feet (100') for single-family dwelling.
One hundred twenty-five feet (125') for two-family dwelling.
3. **Minimum front setback:** Forty feet (40').
4. **Minimum side setback:** Ten feet (10') one side, twenty-five feet (25') total both sides.
5. **Minimum rear setback:** Forty feet (40').
6. **Minimum floor area of dwelling:** Eight hundred (800) square feet.
7. **Maximum dwelling height:** Thirty-five feet (35').
8. **Maximum lot coverage:** Twenty percent (20%).

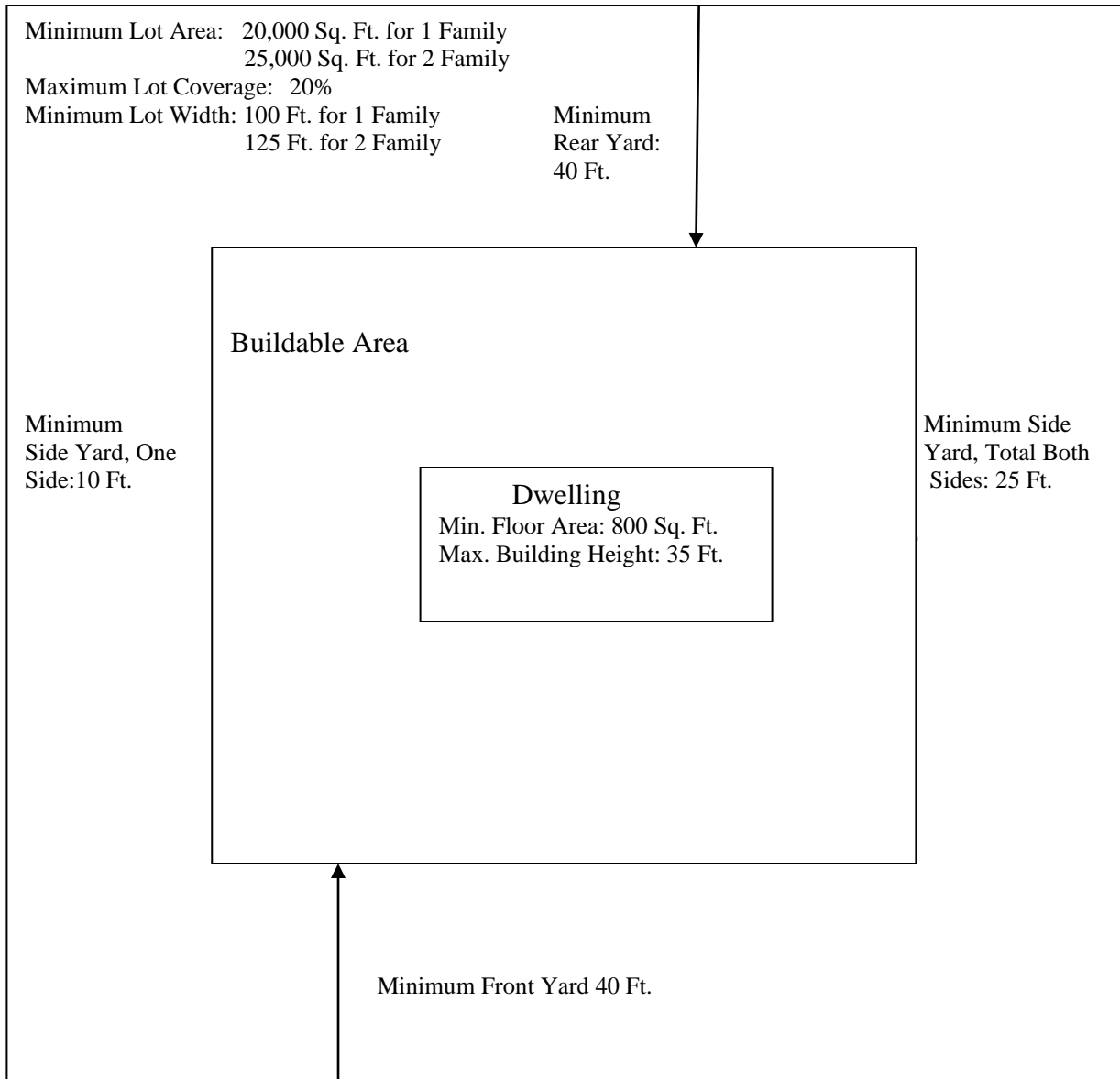
E. Other Controls:

1. Livestock are permitted in this district under the following conditions:
 - a. Buildings, pens and cages for housing and feeding shall be one hundred feet (100') from adjacent lot lines or street right-of-way, except for grazing/pasture.
 - b. Livestock are managed to avoid odors, runoff of wastes, or other nuisances.
 - c. Any property also used for livestock shall be at least five (5) acres in area.
2. Motor vehicles, recreational vehicles, trailers and boats may be stored without an enclosing building, providing they shall not be used or stored within the yard requirements of the district. Said vehicles, trailers and boats must be licensed. Motor homes, recreational vehicles and boats may be occupied in this district for a total period of not more than two weeks (14 days) in a calendar year without permission from the Zoning Administrator.

3. See Site Plan Review Requirements in Article 10.

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SCHEMATIC DIAGRAM OF PRINCIPAL ZONING REQUIREMENTS
Not to Scale
R-1 RURAL RESIDENTIAL DISTRICT



R-2 RESIDENTIAL ZONING DISTRICTS

A. Purpose: This district is intended for dispersed residential development that may include more dense clusters where public or private utilities can be provided and where sensitive environments are not compromised by the development.

B. Permitted By Right:

1. One-family and two-family dwellings.
2. Accessory uses and structures.
3. Home occupation uses per Article 3.
4. Religious land uses.
5. Public parks and recreation.
6. Schools, libraries and cemeteries.

C. Permitted by Special Land Use (Requirements outlined in Article 9):

1. Multiple-family residential developments.
2. Bed and breakfast inns.
3. Institutional uses for human care, education, social, cultural, and religious purposes.
4. Nursery schools.

D. Dimensional Requirements:

1. **Minimum lot area:** 20,000 square feet for single-family dwelling.
25,000 square feet for two-family dwelling.
2. **Minimum lot width:** One hundred feet (100') for single-family dwelling.
One hundred twenty-five feet (125') for two-family dwelling.
3. **Minimum front setback:** Forty feet (40').
4. **Minimum side setback:** Ten feet (10') one side, twenty-five feet (25') total both sides.
5. **Minimum rear setback:** Forty feet (40').
6. **Minimum floor area of dwelling:** Eight hundred (800) square feet.
7. **Maximum dwelling height:** Forty feet (40').
8. **Maximum lot coverage:** Thirty percent (30%).

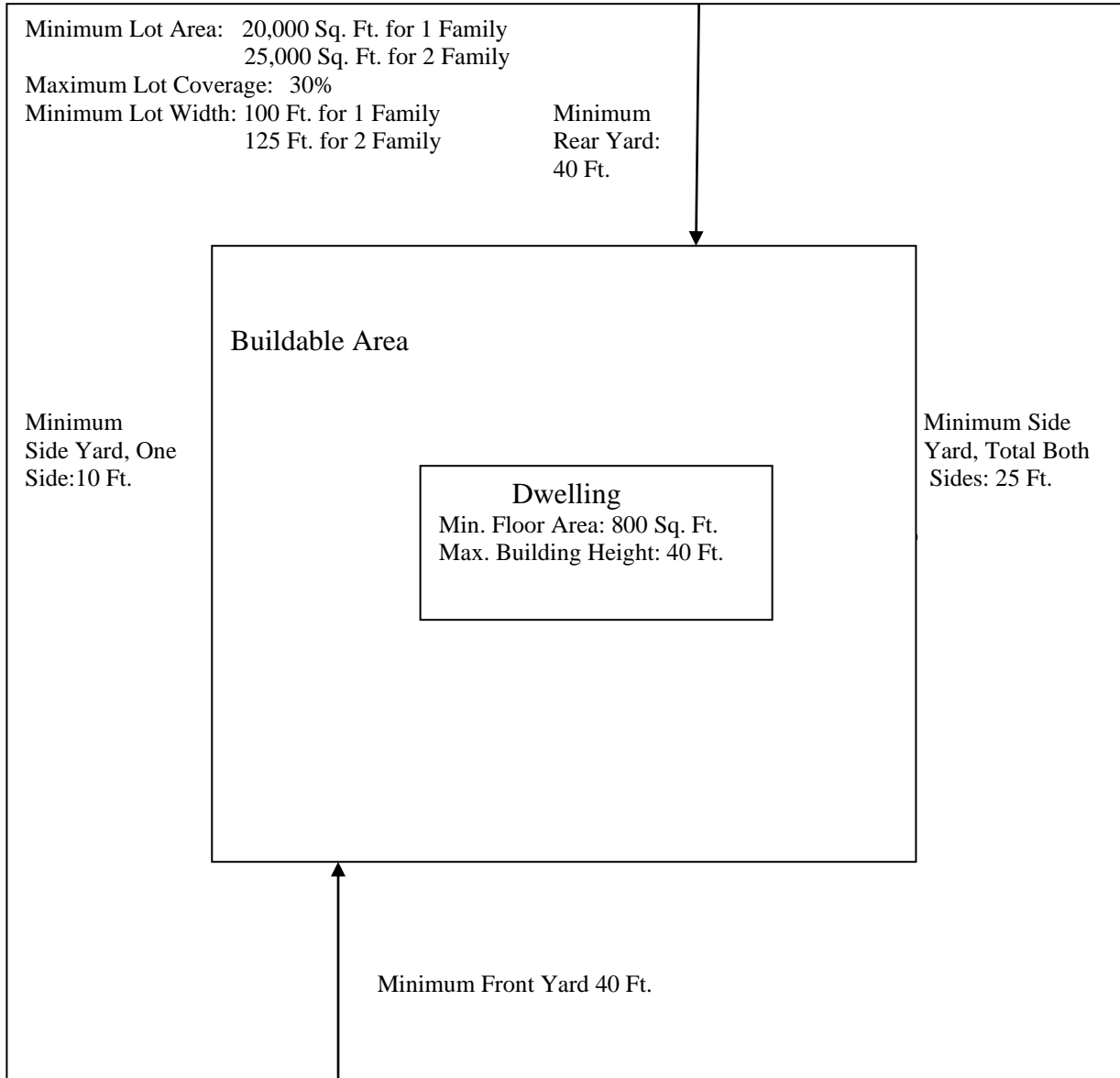
E. Other Controls:

1. Livestock are permitted in this district under the following conditions:
 - a. Buildings, pens and cages for housing and feeding shall be one hundred feet (100') from adjacent lot lines or street right-of-way, except for grazing/pasture.
 - b. Livestock are managed to avoid odors, runoff of wastes, or other nuisances.
 - c. Any property also used for livestock shall be at least five (5) acres in area.
2. Motor vehicles, recreational vehicles, trailers and boats may be stored without an enclosing building, providing they shall not be used or stored within the yard requirements of the district. Said vehicles, trailers and boats must be licensed. Motor homes, recreational vehicles and boats may be occupied in this district for a total period of not more than two weeks (14 days) in a calendar year without permission from the Zoning Administrator.

3. See Site Plan Review Requirements in Article 10.

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SCHMATIC DIAGRAM OF PRINCIPAL ZONING REQUIREMENTS
Not to Scale
R-2 RURAL RESIDENTIAL DISTRICT



LR-1 LAKE RESIDENTIAL DISTRICT

A. Purpose: This district is intended to allow residential development along Lake Huron waterfront in a manner that protects the quality of the water, its recreational value and its environmentally sensitive characteristics while providing a high-quality setting for intensive residential uses.

B. Permitted By Right:

1. One-family dwelling.
2. Accessory uses and structures.
3. Home occupation uses, per Article 3.

C. Permitted by Special Land Use (Requirements outlined in Article 9):

1. Two-family dwellings.

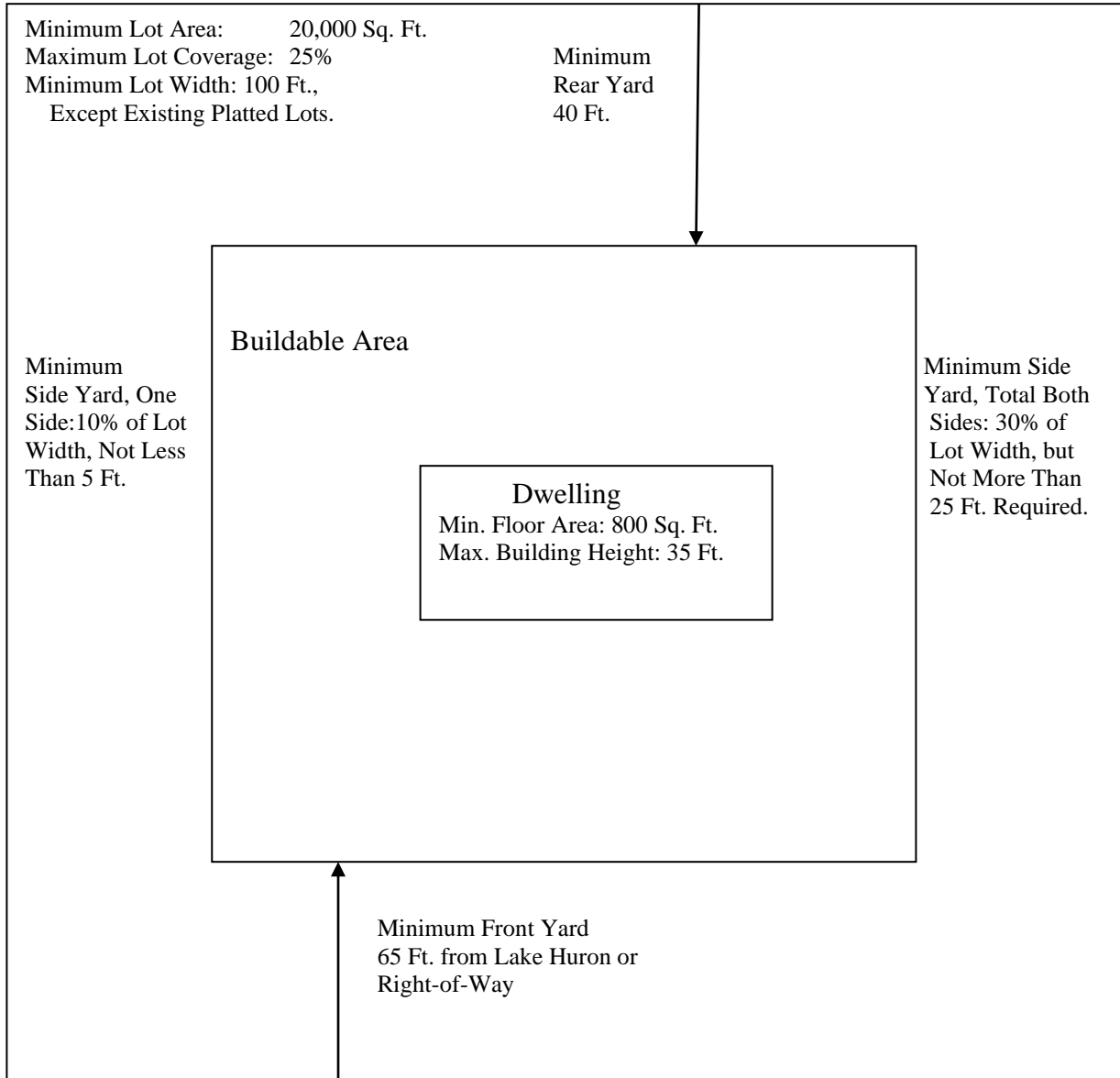
D. Dimensional Requirements:

1. **Minimum lot area:** 20,000 square feet for single-family dwelling.
2. **Minimum lot width:** One hundred feet (100') for single-family dwelling, except for lots of record at the time of approval of this ordinance.
3. **Minimum front setback:** Sixty-five feet (65'). "Front" is the lake-side for waterfront lots, the road access side for non-waterfront lots.
4. **Minimum side setback:** One side/Total both sides: 10%/30% of lot width, with a minimum of five feet (5') on one side. The minimum for the total of both sides shall be 30% of the lot width or twenty-five feet (25'), whichever is less.
5. **Minimum rear setback:** Forty feet (40').
6. **Minimum floor area of dwelling:** Eight hundred (800) square feet.
7. **Maximum dwelling height:** Thirty-five feet (35').
8. **Maximum lot coverage:** Twenty-five percent (25%).

E. Other Controls:

1. When a parcel has one side on the waterfront in this district, that side shall be considered the front yard side, with the street side considered the rear yard per definitions in Article 2, of this Ordinance.
2. Motor vehicles, recreational vehicles, trailers and boats may be stored without an enclosing building, providing they shall not be used or stored within the yard requirements of the district. Said vehicles, trailers and boats must be licensed. Motor homes, recreational vehicles and boats may be occupied in this district for a total period of not more than two weeks (14 days) in a calendar year without permission from the Zoning Administrator.

SCHEMATIC DIAGRAM OF PRINCIPAL ZONING REQUIREMENTS
Not to Scale
LR-1 LAKE RESIDENTIAL DISTRICT



LR-2 LAKE RESIDENTIAL DISTRICT

A. Purpose: This district is intended to allow residential development along the Lake Huron waterfront in a manner that protects the quality of the water, its recreational value and its environmentally sensitive characteristics while providing a high-quality setting for intensive residential uses. It also recognizes the smaller existing lots that already dominate the available land.

This district incorporates LR-2, LR-3, LR-5 and LVR-1 from the previous zoning ordinance into this re-defined district.

B. Permitted By Right

1. One-family dwelling.
2. Accessory uses and structures.
3. Home occupation uses, per Article 3.

C. Permitted by Special Land Use (Requirements outlined in Article 9):

1. Two-family dwellings.

D. Dimensional Requirements (*1):

1. **Minimum lot area:** 10,000 square feet.
2. **Minimum lot width:** One hundred feet (100'), except for existing lots of record at the time of approval of this ordinance.
3. **Minimum front setback:** According to High-Risk Erosion Overlay, with a minimum of thirty-five feet (35') for lake-front lot; forty feet (40') for road-front lot.
4. **Minimum side setback:** One side/Total both sides: 10%/30% of lot width, with a minimum of five feet (5') on one side. The minimum for the total of both sides shall be 30% of the lot width or twenty-five feet (25'), whichever is less.
5. **Minimum rear setback:** Forty feet (40').
6. **Minimum floor area of dwelling:** Eight hundred (800) square feet.
7. **Maximum dwelling height:** Thirty-five feet (35').
8. **Maximum lot coverage:** Thirty-five percent (35%).

Note *1: Exception: The Cedar Haven Subdivision (previously zoned LVR-1) has a minimum lot size of five thousand (5,000) square feet; front setback of twenty feet (20'); and side setbacks of five feet (5'); and maximum lot coverage is fifty percent (50%).

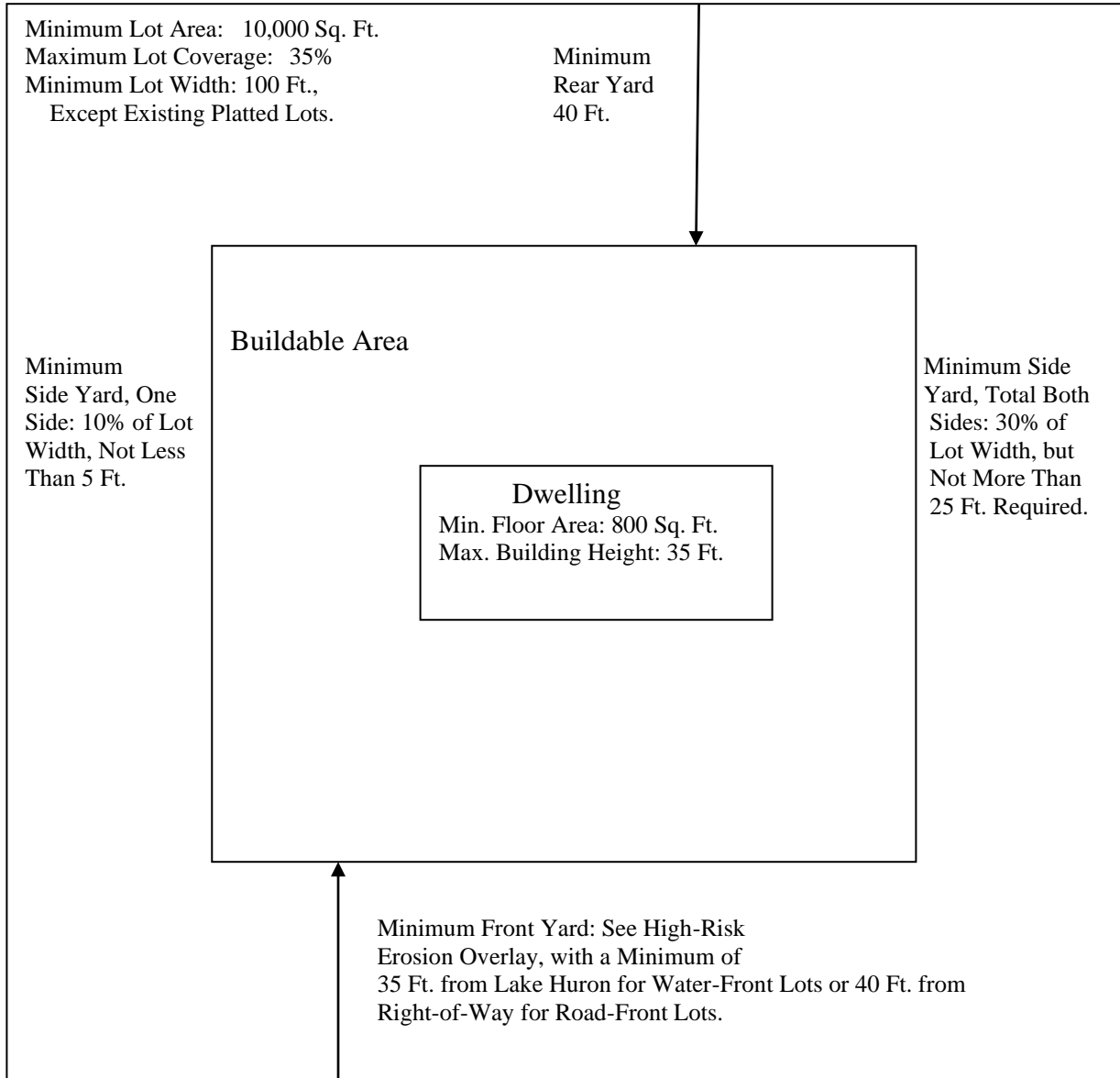
E. Other Controls:

1. When a parcel has one side on the waterfront in this district, that side shall be considered the front yard side, with the street side considered the rear yard, per definition in Article 2 of this ordinance.
2. Motor vehicles, recreational vehicles, trailers and boats may be stored without an enclosing building, providing they shall not be used or stored within the yard requirements of the district. Said vehicles, trailers and boats must be licensed. Motor homes, recreational vehicles and boats may be occupied in this district for a total period

of not more than two weeks (14 days) in a calendar year without permission from the Zoning Administrator.

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SCHEMATIC DIAGRAM OF PRINCIPAL ZONING REQUIREMENTS
Not to Scale
LR-2 LAKE RESIDENTIAL DISTRICT



LR-3 (Old 4) LAKE RESIDENTIAL DISTRICT

A. Purpose: This district is intended to control residential and related development in undeveloped areas along and near the Lake Huron waterfront in a manner that protects the quality of the water, its recreational value and its environmentally sensitive characteristics while providing a high-quality setting for intensive residential uses.

B. Permitted By Right:

1. One-family dwellings.
2. Accessory uses and structures.
3. Home occupation uses, per Article 3.

C. Permitted by Special Land Use (Requirements outlined in Article 9):

1. Two-family dwellings.
2. Multiple family, condominium and townhouse developments.
3. Planned unit developments including resort facilities,
4. Recreational uses.
5. Marina and watercraft service.

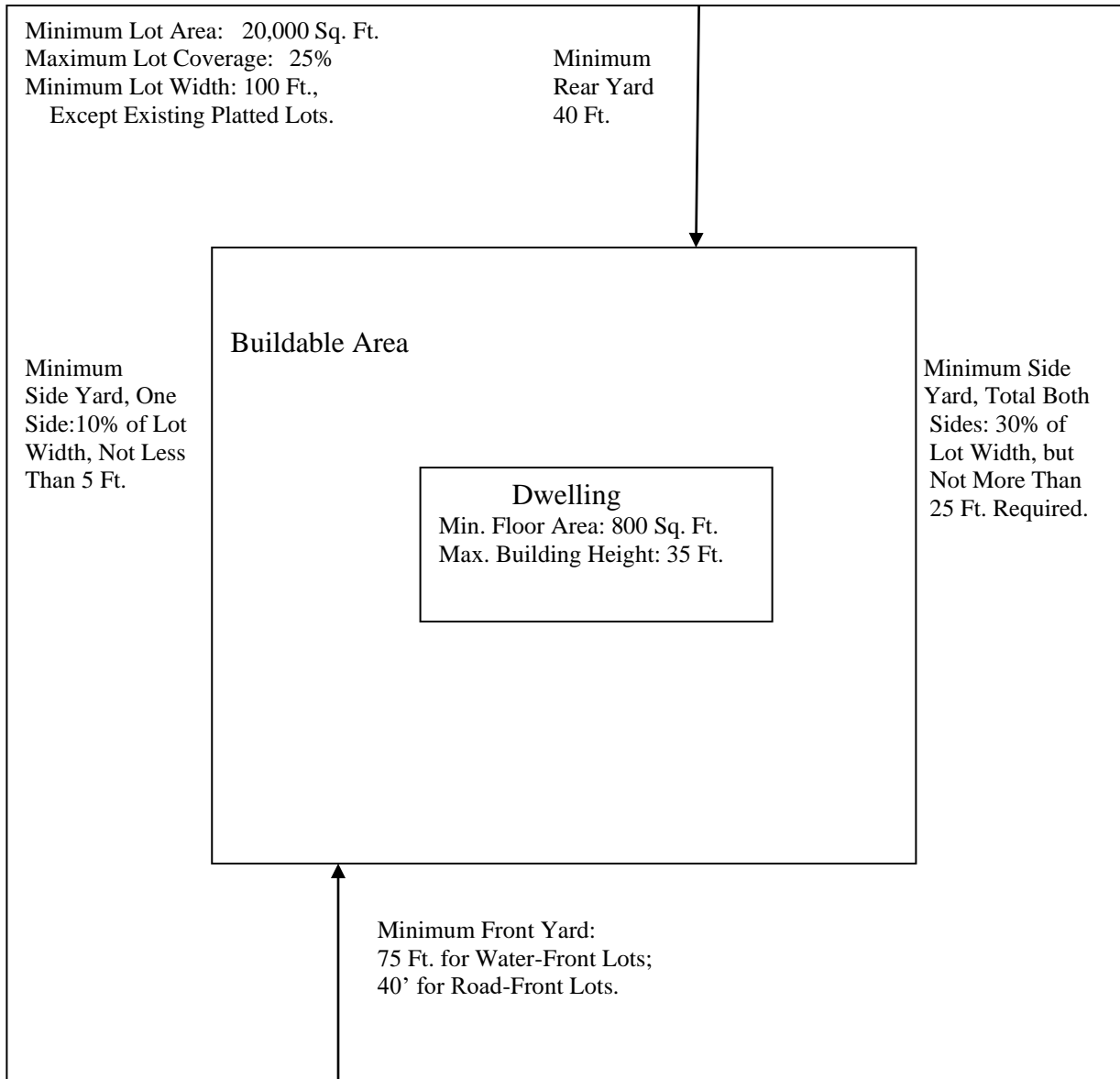
D. Dimensional Requirements:

1. **Minimum lot area:** 20,000 square feet.
2. **Minimum lot width:** One hundred feet (100'), except for lots of record at the time of approval of this ordinance.
3. **Minimum front setback:** Seventy-five feet (75') for water-front lots, forty feet (40') for road-front lots.
4. **Minimum side setback:** One side/Total both sides: 10%/30% of lot width, with a minimum of five feet (5') on one side. The minimum for the total of both sides shall be 30% of the lot width or twenty-five feet (25'), whichever is less.
5. **Minimum rear setback:** Forty feet (40').
6. **Minimum floor area of dwelling:** Eight hundred (800) square feet.
7. **Maximum dwelling height:** Thirty-five feet (35').
8. **Maximum lot coverage:** Twenty-five percent (25%).

E. Other Controls:

1. When a parcel has one side on the waterfront in this district, that side shall be considered the front yard side, with the street side considered the rear yard, per definition in Article 2 of this ordinance.
2. Motor vehicles, recreational vehicles, trailers and boats may be stored without an enclosing building, providing they shall not be used or stored within the yard requirements of the district. Said vehicles, trailers and boats must be licensed. Motor homes, recreational vehicles and boats may be occupied in this district for a total period of not more than two weeks (14 days) in a calendar year without permission from the Zoning Administrator.

SCHEMATIC DIAGRAM OF PRINCIPAL ZONING REQUIREMENTS
Not to Scale
LR-3 LAKE RESIDENTIAL DISTRICT



OSR-1 OPEN SPACE RESIDENTIAL

A. Purpose: The purpose of this district is to encourage and provide areas for unique residential development that preserve the natural features of the area, such as shorelines, woodlands, ponds, marshes and hills. Housing developed here would most likely be denser than in other residential zones, with large common areas left for open space. Limited commercial applications that meet the needs of the residents in the area may also be contained here, subject to special land use provisions.

B. Permitted by Right:

1. Single-family dwellings.
2. Accessory uses and structures.
3. Home occupation uses, per Article 3.
4. Roadside stands.
5. Livestock (with restrictions given below).
6. General farming.

C. Permitted by Special Land Use (requirements outlined in Article 9):

1. Residential planned unit developments, including clustered single-family developments.
2. Conservation areas.
3. Private clubs (Use appropriate special land use requirements for Indoor Recreation Facilities, Outdoor Assembly Areas, Outdoor Recreation Facilities or Public Assembly Buildings, in Article 9.)
4. Outdoor recreation.

D. Dimensional Requirements for Single-Family Dwellings, Not Part of a Cluster Development:

1. **Minimum lot area:** One (1) acre.
2. **Minimum lot width:** One hundred thirty-two feet (132').
3. **Minimum front setback:** Sixty feet (60').
4. **Minimum side setback:** Twenty-five feet (25') each side.
5. **Minimum rear setback:** Forty feet (40').
6. **Minimum floor area of dwelling:** Eight hundred (800) square feet.
7. **Maximum dwelling height:** Thirty-five feet (35').
8. **Maximum lot coverage:** Twenty-five percent (25%).

E. Dimensional Requirements for Cluster Development):

1. **Minimum Parcel Size:** Twenty (20) acres.
2. **Maximum Lot Coverage:** Twenty-five percent (25%).

F. General Conditions for Cluster Development:

A developer who wishes to pursue a cluster development shall submit two (2) concept plans for review by the Planning Commission and the Zoning Administrator. These concept plans

shall be prepared in accordance with the site plan requirements in Article 10 and the following additional requirements:

1. **Density Concept Plan.** One concept plan shall portray the development of the dwelling units on the site according to the requirements for the zoning district in which the site is located, with respect to lot area, width, setbacks, and all other dimensional requirements. The proposed density must be realistic in terms of the project area that would actually be buildable. Areas that are reserved for roads or utility easements, and other areas that are unbuildable shall be excluded from the project density calculations, except that designated wetlands shall not be counted as unbuildable, if they are appropriately protected and preserved in the open space concept plan.
2. **Open Space Concept Plan.** The other concept plan shall portray the development of the dwelling units in a manner so that at least fifty percent (50%) of the land area of the site will remain perpetually in an undeveloped state or as an acceptable open space for recreational use (see item E. below). The Open Space Concept Plan shall contain the same number of dwelling units as the Density Concept Plan.
3. **Project Narrative.** The applicant shall provide a written narrative that explains the project and its benefits. The narrative shall specifically address all elements of the project that would not comply with the zoning district regulations that would apply to the Density Concept Plan.
4. **Long Term Maintenance Plan and Maintenance Schedule.** The applicant shall provide a written narrative that details the proposed maintenance plan for the portion of the property to remain undeveloped. The plan should detail the specific maintenance that will occur, how often and how it will be perpetually funded.
5. **Acceptable Open Space for Recreational Use.** Acceptable open-space recreational uses must provide for, to the extent possible, water infiltration and preservation of natural vegetation. Such uses may include horse-riding stables and trails, golf courses, baseball fields (not stadiums), grass tennis courts, nature trails, hunting areas, and fishing ponds. All such areas must be approved by the Planning Commission.

G. Open Space and Wetlands Preservation Bonus for Cluster Development:

1. All open space developments shall be allowed up to a 20% increase in the number of dwelling units in the Density Concept Plan.
2. A discretionary infrastructure bonus in units may be granted in accordance with the following requirements, provided the additional unit capacity is deemed necessary and accessible by the Planning Commission.
 - a. Unit bonus is based on the developer providing centralized community sewer and water capacity greater than that required for the cluster development. Additional

- capacity is defined as capacity greater than 110% of the requirements for the total number of units planned.
- b. The unit bonus shall be determined by the Planning Commission and approved by the Township Board, based on giving an incentive for developers to provide additional useable water and/or sewer capacity for use by Township residents outside of the development.
 - c. Factors that are to be considered when determining the infrastructure bonus include, but are limited to, the following:
 - i. The Township Comprehensive Development Plan and Zoning Ordinances.
 - ii. Preservation of the environment.
 - iii. Need and accessibility of additional capacity of the infrastructure.
 - iv. Ability of the infrastructure additions to operate on an on-going basis.
 - v. Quality of proposed infrastructure additions.

H. Approval Standards for Cluster Development:

The following requirements, in addition to the general standards contained within this article, must be met:

1. **Water Supply and Wastewater Disposal.** The proposed development will comply with all requirements of District Health Department Number 2 for residential water supply and waste water disposal.
2. **Land Division Act.** The proposed development will comply with all requirements of the Land Division Act, if applicable.
3. **Creation of Open Spaces.** At least fifty percent (50%) of the project land area will remain perpetually in a conservation area, as defined in Article 2, by means of conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land and that is acceptable to the Township, or as an approved acceptable recreational land use. The conservation easement, plat dedication, restrictive covenant or other legal means must include the maintenance agreement as proposed by the developer and approved by the Township. Failure to maintain the property as agreed is equal to a failure to abide by the zoning ordinance and the approval of the Planning Commission. Furthermore, the conveyance should provide for the assessment of the private property owners by the Township for the cost of maintenance of the open space in the event that it is inadequately maintained and becomes a public nuisance.

4. **Maintenance of Open Space.** The open space as identified and approved in the Open Space Development must be maintained as agreed and identified in the Project Narrative submitted under paragraph F.3. As part of the special land use approval, the owner or owners of the Open Space Development agree to provide access to the Township Zoning Administrator to inspect the maintenance of the open space. Approval of this Open Space Development Special Land Use provides the Township the right, after inspection and request of the developer, to provide maintenance of the open space area as specified within the approval, at a cost of the maintenance to the Township plus twenty-five percent (25%). These costs will be distributed among the property owners within the development by special assessment.

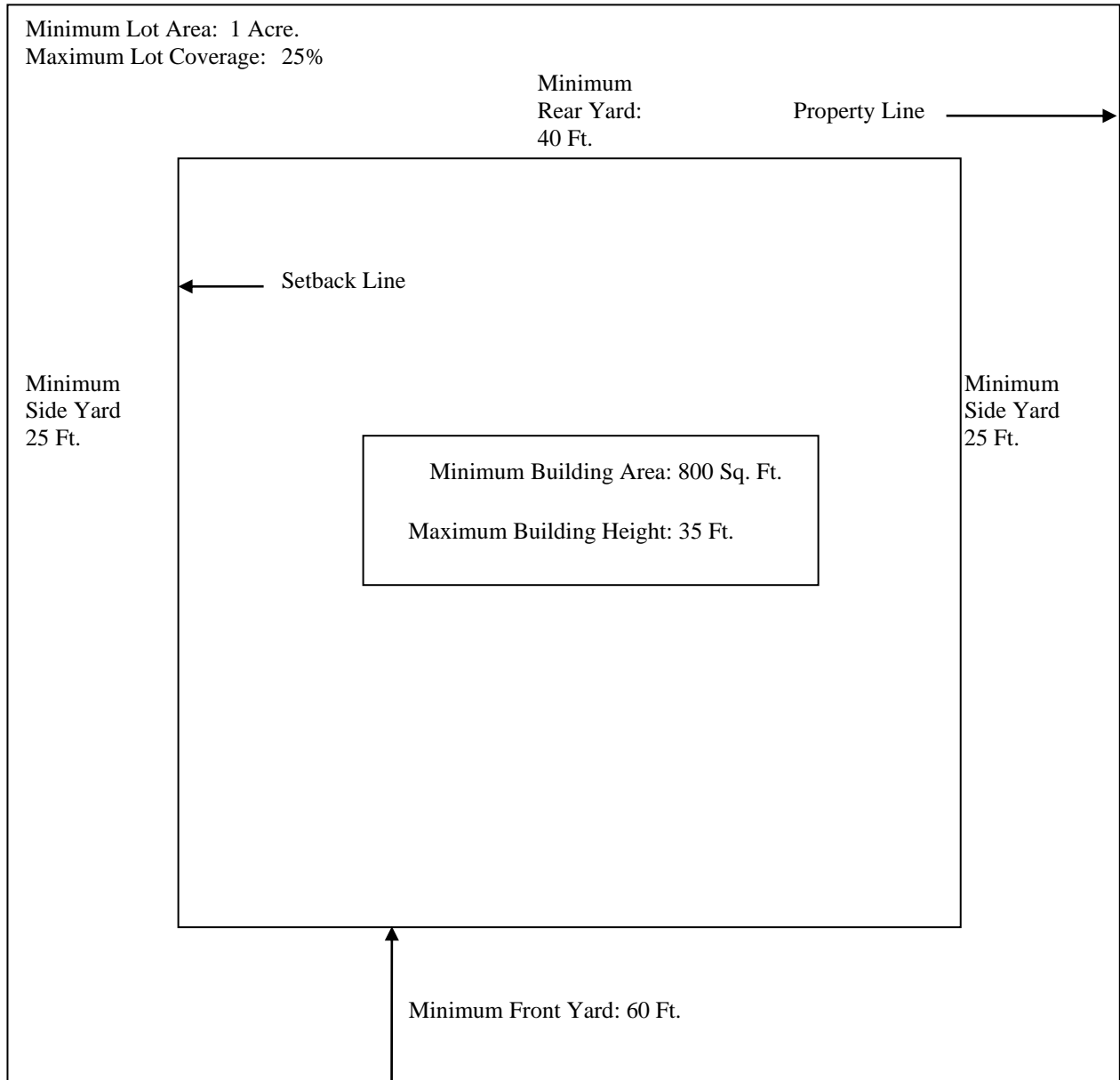
I. Approval Process:

Application shall be made through the Zoning Administrator who shall forward the request to the Planning Commission for review. After review and public hearing, the Planning Commission shall give its recommendation to the Township Board for approval, conditional approval or denial.

The application process will follow that for both a site plan review, per Site Plan Review Requirements in Article 10, and a special land use permit, per Article 9, both of which may be done simultaneously. A public hearing is required. If rezoning is also required, the required public hearing for the site plan review and the special land use permit shall suffice for the rezoning as well, per PA 110 (503)(7) of 2006.

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SCHEMATIC DIAGRAM OF PRINCIPAL ZONING REQUIREMENTS
Not to Scale
OSR-1 OPEN SPACE RESIDENTIAL ZONING DISTRICT
SINGLE-FAMILY DWELLINGS



B-1 RETAIL BUSINESS DISTRICTS

A. Purpose: This district is intended for local area retail shopping, consumer services, tourist recreation businesses, offices, consumer convenience facilities, and related business uses, including small-scale wholesale and warehouse activities.

B. Permitted By Right:

1. Existing one- and two-family dwellings.
2. Accessory uses and structures.
3. Religious land uses.
4. Motels and hotels.
5. Farm equipment sales and service.
6. Office buildings for finance, real estate, insurance, law, & medicine.
7. Personal service establishments such as barber, beauty & similar activities.
8. Restaurants (not drive-in/thru).

C. Permitted by Special Land Use (Requirements outlined in Article 9):

1. Automobile service station, gasoline service station, repair, or washing facilities.
2. Building supply, big-box retail, warehouses, and wholesale businesses.
3. Commercial recreation uses such as bowling, pool halls, etc.
4. Dealerships for new or used vehicles.
5. Drive-in or drive-thru business operations.
6. Institutional uses for human care, education, social, cultural, and religious purposes.
7. Commercial outside storage of vehicles and trailers.

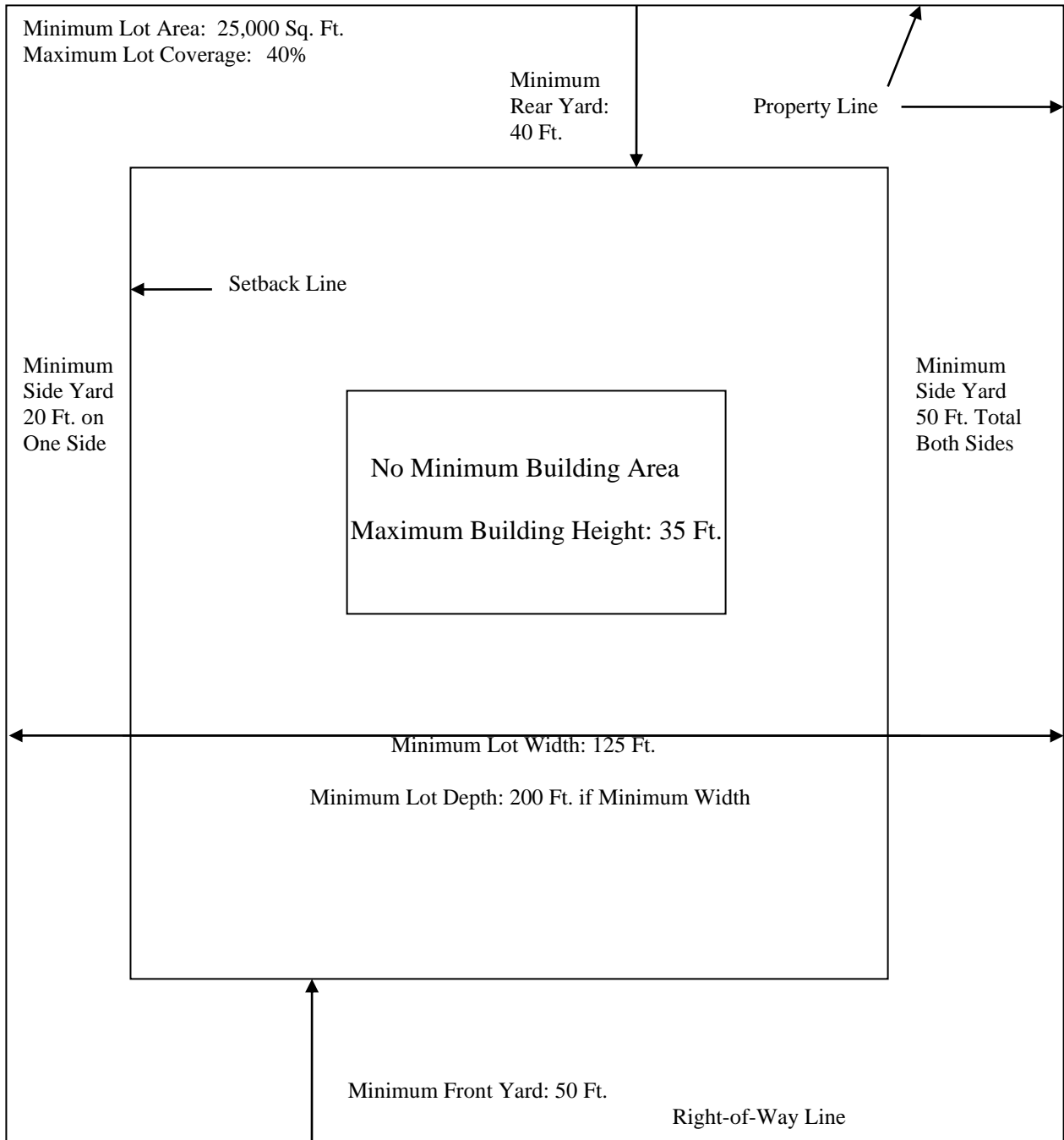
D. Dimensional Requirements:

1. **Minimum lot area:** 25,000 square feet.
2. **Minimum lot width:** One hundred twenty-five feet (125').
3. **Minimum front setback:** Fifty feet (50').
4. **Minimum side setback:** Twenty feet (20') minimum, fifty feet total (50').
5. **Minimum rear setback:** Forty feet (40').
6. **Minimum floor area:** None required.
7. **Maximum building height:** Thirty-five feet (35').
8. **Maximum lot coverage:** Forty percent (40%).

E. Other Controls:

1. No side yard is required if attached to adjacent business with a firewall in between.
2. Site plan review is required per Article 10.

SCHMATIC DIAGRAM OF PRINCIPAL ZONING REQUIREMENTS
Not to Scale
B-1 RETAIL BUSINESS ZONING DISTRICT



B-2 LIMITED BUSINESS DISTRICTS

A. Purpose: This district is intended as a transition from residential to more extensive uses, such as a road, railroad, highway, more intensive zoning district and related activities. It is therefore limited to business uses that are primarily day-time and have no adverse impact on adjacent properties from noise, light, activity or appearance.

B. Permitted By Right:

1. Existing one- and two-family dwellings.
2. Accessory uses and structures.
3. Motels and hotels.
4. Religious land uses.
5. Farm equipment sales and service.
6. Office buildings for finance, real estate, insurance, law, & medicine.
7. Personal service establishments, such as barber, beauty & similar businesses.
8. Restaurants (not drive-in/thru).
9. Retail sales and service organizations operating principally between 7 a.m. and 10 p.m.
10. Cemeteries.

C. Permitted by Special Land Use (Requirements outlined in Article 9):

1. Institutional uses for human care, education, social, cultural, and religious purposes.
2. Public assembly buildings such as lodges, societies, fraternities, sororities and civic organizations.
3. Commercial outside storage of vehicles and trailers.

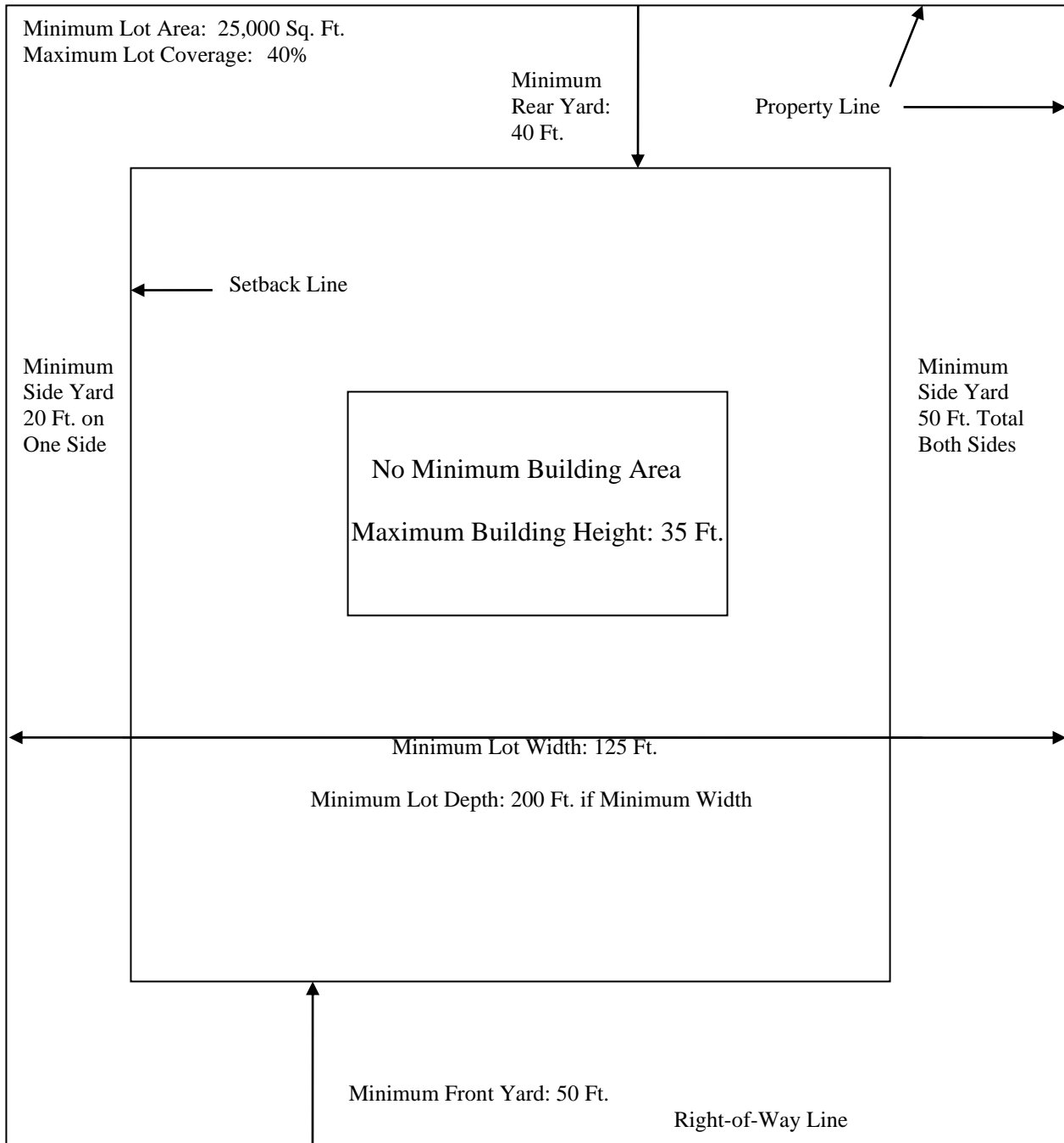
D. Dimensional Requirements:

1. **Minimum lot area:** 25,000 square feet.
2. **Minimum lot width:** One hundred twenty-five feet (125').
3. **Minimum front setback:** Fifty feet (50').
4. **Minimum side setback:** Twenty feet (20') minimum, fifty feet (50') total.
5. **Minimum rear setback:** Forty feet (40').
6. **Minimum floor area:** None required.
7. **Maximum building height:** Thirty-five feet (35').
8. **Maximum lot coverage:** Forty percent (40%).

E. Other Controls:

1. No side yard is required if attached to adjacent business with a firewall in between.
2. Site plan review is required per Article 10.

SCHMATIC DIAGRAM OF PRINCIPAL ZONING REQUIREMENTS
Not to Scale
B-2 LIMITED BUSINESS ZONING DISTRICT



M-1 MANUFACTURING ZONING DISTRICTS

A. Purpose: This district is intended for manufacturing, light industrial and related uses, including warehouses, wholesale businesses, trucking terminals, manufacturing systems, assembling, fabrication, processing of raw materials and other light industrial uses in a location not having adverse impacts on the local environment and where public infrastructure is most likely.

B. Permitted By Right:

1. Accessory uses and structures.
2. Agricultural storage, terminals, and processing facilities.
3. Manufacturing, processing, treatment, assembling, packaging, or use of previously prepared materials.
4. Trucking terminals.
5. Marine terminals for locally-mined or extracted materials
6. Warehouses.
7. Structures existing at the time of this ordinance.
8. Wholesale businesses.

C. Permitted by Special Land Use (Requirements outlined in Article 9):

1. Automobile service stations gasoline service stations, repair, or washing.
2. Drive-in or drive-thru business operations.
3. Large-scale primary metal industry, petroleum and chemical manufacturing, and electrical generation.
4. Sanitary landfills, solid waste transfer stations, processing, recycling facilities, disposal areas, and junkyards.
5. Marine terminals other than those permitted by right.
6. Commercial communication towers.
7. Commercial outside storage of vehicles and trailers.
8. Sawmills.

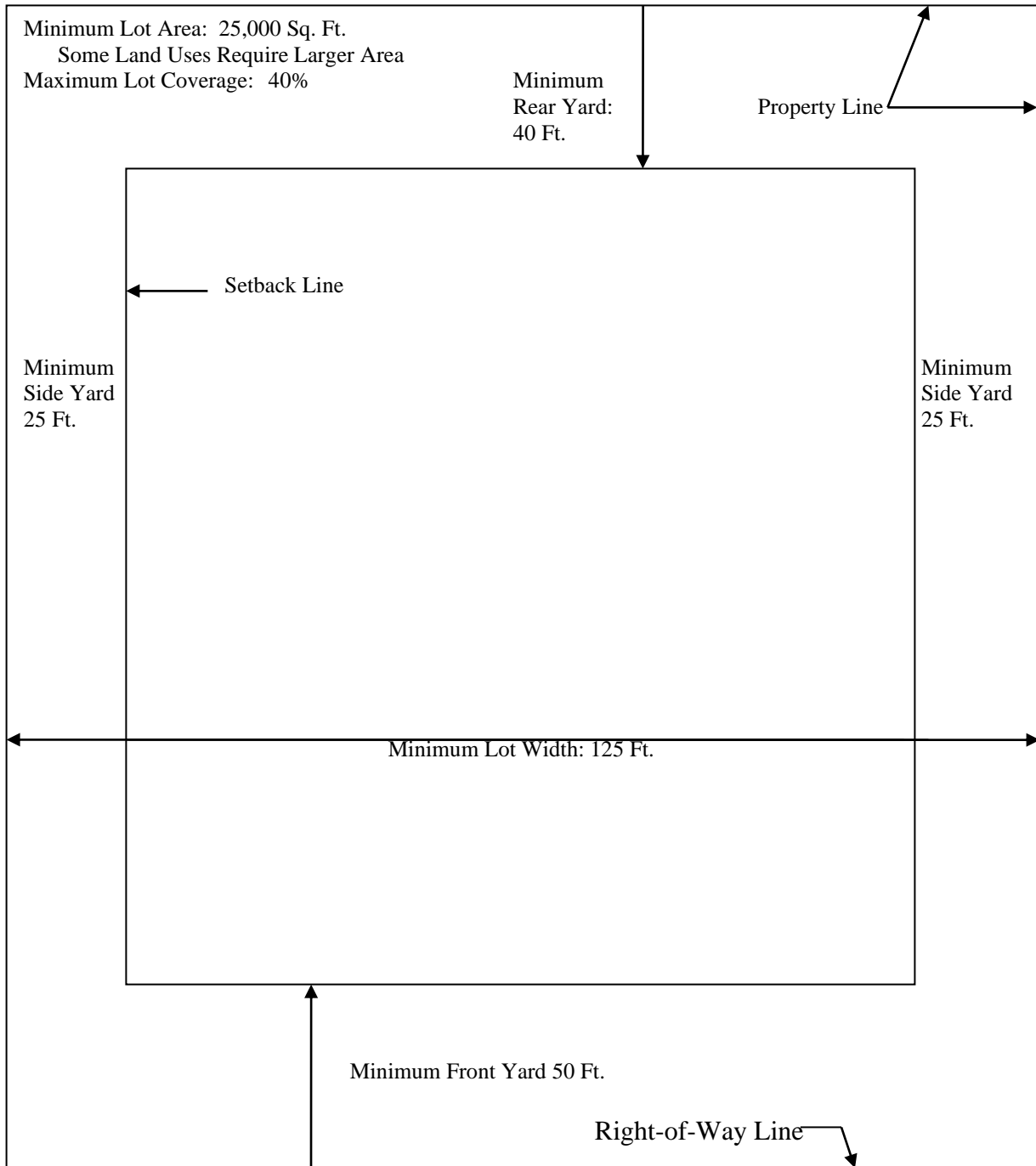
D. Dimensional Requirements:

1. **Minimum lot area:** 25,000 square feet. Some land uses have larger requirements.
2. **Minimum lot width:** One hundred twenty-five feet (125').
3. **Minimum front setback:** Fifty feet (50').
4. **Minimum side setback:** Twenty-five feet (25') minimum, fifty feet (50') total.
5. **Minimum rear setback:** Forty feet (40').
6. **Minimum floor area:** None required.
7. **Maximum building height:** Thirty-five feet (35').
8. **Maximum lot coverage:** Forty percent (40%).

E. Other Controls:

1. Site plan review is required per Article 10.

SCHMATIC DIAGRAM OF PRINCIPAL ZONING REQUIREMENTS
Not to Scale
M-1 MANUFACTURING ZONING DISTRICT



Article 7

Off-Street Parking

Township of Alabaster Rural Zoning Ordinance

Adopted November 2006

and Amended in 2013

by the

Alabaster Township Board of Trustees

Article 7: Off-Street Parking

Section 701. Application of Off-Street Parking Requirements

Parking areas shall not be located in any required residential front yard or required residential side yard except in the case of a dwelling with a driveway leading to a garage or parking area. For these cases, the driveway may be used for parking.

Where parking areas are adjacent to uses less intense than the area of concern, the Planning Commission may require in its site plan review fencing and/or screening of the parking area. This is particularly the case where parking is adjacent to a residential district.

Any time a primary building or structure is erected, enlarged, or changed in use, the zoning administrator shall examine the need for off-street parking. The number of off-street parking spaces, in conjunction with all land or building uses, shall be provided prior to the issuance of certificate of occupancy. Off-street parking shall not be permitted in the required front or side yard setback. For other than residential use, off-street parking shall be either on the same lot or within three hundred feet (300') of the building it is intended to serve, as measured from the nearest point of the building to the nearest point of the off-street parking lot. Any area once required to meet minimum off-street parking shall not be changed to any other use unless or until equal facilities are provided elsewhere within three hundred feet (300'). The Zoning Board of Appeals may grant a variance to the application of these requirements upon a showing of reasonableness related to property or use conditions.

The Planning Commission may require in its site plan review bumper blocks or curbing in the parking area.

Section 702. Handicap Parking Requirements

An applicant is required to meet the provisions for parking for handicapped person vehicles in conformance with the requirements of the State of Michigan then in effect.

Section 703. Size of Parking Space and Circulation Areas

Each parking space (also known as "parking stall") shall have a minimum width of ten feet (10') and a minimum length of twenty feet (20'). Required handicap parking space shall have dimensions as required by the State of Michigan.

Parking lots shall have circulation lanes of at least twenty-four feet (24') in width when perpendicular parking is constructed. The Zoning Board of Appeals may approve circulation lanes of less than twenty-four feet (24') if angle parking is to be provided. There shall be a clearance of at least five feet (5') from the building to any parking space or stall.

MINIMUM PARKING REQUIREMENTS

Each Parking Space

10 feet in width
20 feet in length

Each Parking Lot

Nearest building 5 feet
Nearest property line 10 feet
Circulation area: 24 feet in width

Section 704. Required Number of Parking Spaces by Use Classification

The following schedule defines the minimum number of off-street parking spaces required for the land use classifications cited in the following schedule. The Zoning Board of Appeals may classify a use not described herein by classifying it as the same as a similar use that is listed.

MINIMUM NUMBER OF PARKING SPACES REQUIRED FOR SPECIFIC LAND USES

<u>Land Use Classification</u>	<u>Number of Parking Spaces</u>
A. Residential Land Uses	
1. Single Family Dwellings	2 .
2. Two-Family Dwellings	2 for each unit.
3. Multiple-Family Dwellings	2 for each unit.
B. Institutional Land Uses	
1. Religious Land Uses	1 for each 3 seats, or each 6 feet of pews in the main worship area. 1 for each 40 square feet of gross area of classroom or assembly hall.
2. Hospitals	1 for each bed, plus 1 for each employee on the largest shift.
3. Nursing Homes	1 for each 2 beds, plus 1 for each employee on the largest shift.
4. Elementary/Junior High Schools	1 for each teacher, employee and administrator, plus 2 visitor spaces.
5. Senior High Schools	1 for each teacher, employee and administrator, and 1 for each 5 students.

- 6. Clubs and Social Organizations 1 for each 3 members
- 7. Stadiums, Theaters, & Auditoriums 1 for each 3 seats.

C. Business and Commercial Land Uses

- 1. Retail Commercial or Shopping Center 1 for each 150 square feet of gross floor area.
- 2. Beauty or Barber Shop 2 spaces for each barber or beauty chair.
- 3. Bowling Alleys 5 for each bowling lane.
- 4. Dance Halls, Skating Rinks, and Assembly Halls without fixed seats. 1 for each two 2 persons allowed by local, county or state fire, health or building law.
- 5. Restaurants 1 for each 2 seats.
- 6. Furniture, Appliance, Household Equipment, Repair Shops, Plumbing and Electrical Establishments, Shoe Repair and similar uses. 1 for each 150 square feet of gross floor area.
- 7. Gas and Service Stations 1 at each pump if retail, plus 1 for each rack, stall or pit.
- 8. Mortuary Establishments 1 for each 30 square feet of assembly room or parlor.
- 9. Motel, Hotel or Commercial Lodging (Includes Bed & Breakfast Inns) 1.5 for each unit, plus 1 for each employee.
- 10. Vehicle Dealerships and Service Centers 1 for each 400 gross square feet of retail floor space and 1 for each auto service stall.
- 11. Retail Stores Not Otherwise Specified 1 for each 150 square feet of gross floor area.
- 12. Banks and Financial Institutions 1 for each 200 square feet of gross floor area.
- 13. Business or Professional Offices 1 for each 100 square feet of gross floor space.

D. Manufacturing and Industrial Land Use:

- | | |
|---|--|
| 1. Manufacturing, Industrial or Research Establishments | 1 space for each employee on the shift with the most employees or 1 space for every 1,700 gross square feet of floor space, whichever is greatest, plus 5 spaces for visitors. |
| 2. Wholesale Establishments | 1 space for each employee on the shift with the most employees or 1 space for every 1,700 gross square feet of floor space, whichever is greatest, plus 5 spaces for visitors. |

Section 705. Required Off-Street Loading Spaces

Loading spaces required under this section shall be at least fifty feet (50') long and twelve feet (12') wide. Every lot used for business or manufacturing purposes and having a building or buildings with a total floor area of at least ten thousand (10,000) square feet shall be provided with at least one off-street loading space. An additional off-street loading space shall be required for each additional twenty thousand (20,000) square feet of floor area.

Section 706. Parking Lot Lighting

The Planning Commission may determine parking lot lighting requirements and restrictions. See Light and Glare Control in Article 3.

Section 707. Trash Storage

If a dumpster or other trash storage is located in, or adjacent to, a parking or drive area, then such storage must be in the rear or side yard area and shall be enclosed by an obscuring fence. Temporary placement of a trash dumpster during construction is exempted from the fence requirement.

Article 8

Sign Regulations

Township of Alabaster Rural Zoning Ordinance

Adopted November 2006

and Amended in 2013

by the

Alabaster Township Board of Trustees

Article 8: Sign Regulations

Section 801. Purpose of Sign Regulations

Sign regulations herein regulate the size, location, character, height, and other pertinent physical features and operating characteristics for all exterior signs in the community. The purposes and intentions of the regulations:

- A. To control the scale and quantity of signage, particularly in business, extractive and manufacturing districts, in order to limit and mute their visual impact on motorists, as it may be a distraction to public safety for traffic on streets, roads, and highways.
- B. To reflect community standards for the quantity, scale, character, and impact of signs on the visual environment, including aesthetic concerns, property values, social standards, health, safety, and general welfare.
- C. To define the appropriate location, scale, lighting, and spatial placement of signs in the districts in which they are located.

Signs subject to regulation are those defined in Article 2, Definitions, and specifically the terms, "Billboards and Outdoor Advertising" and "Signs."

Section 802. Billboards and Outdoor Advertising Signs

The following regulations pertain to billboards and other outdoor advertising signs located off-premises of a related business.

- A. Billboards and outdoor advertising signs in the township are permitted only on numbered United States or numbered State of Michigan highways; only in business, manufacturing, or extractive zoning districts; and not closer than three hundred feet (300') to any residential dwelling.
- B. The size of the advertising face of billboards shall not exceed the dimensions of twelve feet (12') in height and thirty-six feet (36') in length or a total area of more than four hundred thirty-two (432) square feet. Billboards shall not have a total height greater than thirty feet above the average unmodified grade between sign supports.
- C. Billboards shall not be located any closer to the road right-of-way than the permitted setback for buildings in that district and shall not be located any closer than twelve hundred feet (1,200') to any other billboard. Only a single billboard may be installed at any one site, except that such billboard may have advertising faces in both directions.
- D. Billboards and outdoor advertising signs along state trunk lines designated by the Michigan Department of Transportation are subject to this zoning ordinance for some

regulations, but are also regulated by and require a permit from that Department. Such signs are permitted only in business, manufacturing, and extractive districts along state and federal trunk lines.

Section 803. Permit

Prior to construction, placement, or establishment of any permanent sign in a business, manufacturing, or extractive district, a permit shall be obtained from the zoning administrator. Said permit shall be valid for a period of six months after issuance. If the sign installation has not been completed within six months, the permit is null and void.

A permit shall not be required for changing text in accordance with a name change, for replacing existing copy with identical or similar copy, for changing copy on a marquee type sign, for sign maintenance purpose, or for temporary signs identified in each district.

Section 804. Removal of Illegal Signs

Illegal signs shall be removed within thirty days of notification of their illegal nature by the zoning administrator. Signs that were conforming prior to adoption of this ordinance shall be deemed non-conforming structures and shall comply with provisions for such non-conforming structures in Article 3 of this ordinance.

Section 805. Removal of Temporary Signs

Any temporary sign hereafter authorized in this ordinance for such purposes as an election, real estate sale, or special event shall be removed within ten (10) days after the election, sale, or event. In the case of election signs, they are not permitted to be in public view more than thirty (30) days before an election. If such sign is placed more than thirty (30) days before an election or not removed within ten days, the township may cause to have the sign removed and may assess the cost of such removal to the candidate, real estate or sales firm, or event sponsor.

Real estate sale signs are prohibited from any property except the property and/or dwelling to be sold.

Section 806. Signs Prohibited from Public Right-of-Way or Corner Clearance

No sign, either temporary or permanent, shall be erected or placed in the public right-of-way or corner clearance area as defined in Section 303. Any sign in the public right-of-way is a public nuisance that is illegal and shall be removed within five (5) weekdays, unless the sign is placed by the owner of the contiguous property and pertains to the property. Such signs shall not exceed four (4) square feet in area.

Section 807. District Regulations

The following sheets summarize the specific sign regulations for each zoning district in the township.

A. Agricultural Zoning Districts

1. Manner of Mounting, Location, and Placement of Signs:

- a. Permanent signs are limited to a single house identification or home occupation uses business per Section 315 of this ordinance. Such signs shall be mounted on a building, shall be unanimated and non-illuminated, and shall have a surface area of six square feet or less. Exceptions to a dwelling mount sign may be made by the planning commission depending on unique conditions of the site such as distance of the building from the road right-of-way, obscuring vegetation or structures or the architectural design of the building.
- b. A sign mounted or painted on an agricultural accessory building may identify the name and/or character of the farm and shall be limited to not more than thirty-two (32) square feet in area.

2. Number of Signs Permitted:

- a. One sign shall be permitted on each dwelling.
- b. One agricultural accessory building may identify the name and/or character of the farm.
- c. One sign of thirty-two (32) square feet or less and related to an agricultural business or service on the premises shall be permitted.

3. Animation and Illumination:

- a. No animation or illumination is permitted in conjunction with any sign in this district.

4. Off-site Advertisement Prohibited:

- a. The sign may not advertise a product, a service, or a business that is not located in the dwelling as a legal home occupation use.

5. Temporary Signs Allowed:

- a. Portable signs displayed to identify a personal or household event, providing: (a) it does not have blinking, flashing, or moving lights or parts; (b) it does not exceed forty (40) square feet in area on either of two back-to-back sides; and (c) it

is not displayed for more than three days in a row, nor more than ten total days per year.

- b. Agricultural signs, such as test plot signs, permitted during the growing season, providing: (a) they are not located on the public right-of-way; (b) they are not more than 4' x 8' in dimensions [thirty-two (32) square feet in area]; and (c) they are not closer than two hundred feet (200') to any adjacent property line or residential unit.
 - c. Construction signs, limited to one sign of not more than six (6) square feet in area only during the duration of construction.
 - d. Real estate sales and/or political campaign signs not larger than sixteen (16) square feet in area. Such signs are to be removed within ten (10) days of sale, lease or election and other provisions of the section on Removal of Temporary Signs, this Article, are to be met.
 - e. Street banners approved by the Township Board of Trustees.
6. Exempt Signs Not Subject to these Controls: (All such signs must be four (4) square feet or less in area.)
- a. Public and non-profit institutional signs
 - b. Private traffic control signs
 - c. Postal box identification signs
 - d. Rental signs
 - e. Architecturally integrated signs, such as relief or chiseled.
 - f. Free standing welcome/decorative residential signs at the driveway to the residence.

B. Residential Zoning Districts

1. Manner of Mounting, Location, and Placement of Signs:

Permanent signs are limited to a single house identification or home occupation use (business) per the Home Occupation section in Article 3 of this ordinance. Such signs shall be mounted on the structure and shall have a surface area of six (6) square feet or less.

2. Number of Signs Permitted:

One sign shall be permitted on each dwelling.

3. Animation and Illumination:

No animation or illumination is permitted for any sign in this district.

4. Off-Site Advertising Prohibited:

The sign may not advertise a product, a service, or a business that is not located in the dwelling as a legal home occupation use.

5. Temporary Signs Allowed:

a. Portable signs, if displayed to identify a personal or household event, providing:
(a) it does not have blinking, flashing, or moving lights or parts; (b) it does not exceed six (6) square feet in area on either of two back-to-back sides; and (c) it is not displayed for more than three days in a row, nor more than ten total days per year.

b. Construction signs, limited to one sign of not more than six (6) square feet in area and only during construction.

c. Real estate sales and/or political campaign signs, but not larger than sixteen (16) square feet in area and providing they are removed within the ten (10) days following the sale, lease or election and providing other provisions of the section on Removal of Temporary Signs, this Article, are met. Street banners must meet requirements for approval as approved by the Township Board of Trustees.

6. Exempt Signs Not Subject to These Control: (All such signs must be four (4) square feet or less in area.)

a. Public and non-profit institutional signs.

b. Private traffic control signs.

c. Postal box identification signs.

d. Rental signs.

e. Architecturally integrated signs, such as relief or chiseled signs.

f. Free-standing welcome/decorative residential signs at the driveway to the residence.

7. Other Regulations:

Multiple family or subdivision project signs at entrance roads are permitted providing they do not exceed forty (40) square feet in area.

C. Business, Manufacturing and Extractive Zoning Districts:

1. Manner of Mounting, Location, Area and Placement of Signs:
 - a. Flat wall signs may be located anywhere on the principal building,
 - b. Projecting or freestanding signs shall have a minimum clearance of eight feet (8') above a sidewalk or fifteen feet (15') above driveways, alleys, and/or parking lots.
 - c. Freestanding or ground-mounted signs may be located within any yard area. Freestanding, pole- or pylon-mounted signs may extend no more than twenty feet (20') above the average ground surface. Ground-mounted signs shall not exceed a height of five feet (5') above the ground.
 - d. Signs attached to a business structure shall not extend more than three feet (3') above the highest part of the roof.
 - e. The area of signs for each business in a structure may not exceed forty (40) square feet.
 - f. Permanent joint signs for a business complex may be used for a business complex with multiple tenants and may include up to one hundred twenty (120) square feet of area on each side of the sign.

2. Number of Signs Permitted:
 - a. One outdoor sign shall be permitted on the building for each business in a structure, and
 - b. One freestanding sign is permitted if the street frontage is more than one hundred feet (100'), providing the lot size exceeds 25,000 square feet.
 - c. Another sign is permitted for each additional increment of two hundred fifty feet (250') of street frontage over the first one hundred feet (100').
 - d. An additional wall-mounted sign is permitted if the building is set back more than one hundred fifty feet (150') from the right-of-way line.

3. Animation and Illumination:
 - a. No sign animation is permitted in conjunction with any permitted sign.
 - b. All direct or reflected light from signs shall be shaded, shielded, or muted so that

the light is not objectionable to adjacent properties or does not constitute a hazard to nearby street or road traffic.

4. Off-Site Advertising Prohibited:

- a. The sign may not advertise a product, a service, or a business that is not located in the building as a legal use.
- b. No sign or part thereof shall have lights, size, shape, design, or appearance so as to be confused or construed as a traffic control sign or device.
- c. No sign may contain copy or symbols that are pornographic, discriminatory or unlawful.

5. Temporary Signs Permitted:

- a. Portable signs, displayed to identify a business, personal or household event, providing, (a) it does not have blinking, flashing, or moving lights or parts; (b) it does not exceed forty (40) square feet in area on either of two back-to-back sides; and (c) it is not lighted before 6:00 a.m. or after 10:00 p.m., unless the business on the site is open.
- b. Construction signs, limited to one sign of not more than fifty (50) square feet in area and only during construction.
- c. Real estate sales and/or political campaign signs, but not larger than sixteen (16) square feet in area and providing they are removed within the 10 days following the sale, lease or election and providing other provisions of the section on Removal of Temporary Signs, this Article, are met. Street banners must meet requirements for approval as approved by the Township Board of Trustees.
- d. Show or display windows.
- e. Street banners approved by the Township Board of Trustees.

6. Signs Not Subject to These Controls:

- a. Public and non-profit institutional signs.
- b. Private traffic control signs or postal box identification signs.
- c. Rental signs less than four (4) square feet in area.
- d. Architecturally-integrated signs, such as relief or chiseled signs.

7. Other Regulations:

Identification signs are permitted for commercial subdivisions or parks, multiple family projects, or subdivision project signs at entrance roads, providing they do not exceed forty (40) square feet in area.

Article 9

Special Land Use Permits

Township of Alabaster Rural Zoning Ordinance

Adopted November 2006

and Amended in 2013

by the

Alabaster Township Board of Trustees

Article 9

Special Land Use Permits

Township of Alabaster Rural Zoning Ordinance

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Article 9: Special Land Use Permits

Section 901. Intent and Purpose

It is the intent of this article to provide for special land uses that shall be permitted in various zoning districts only after review and approval by the Planning Commission. The purpose is to maintain standards and procedures for review of certain land uses that may not otherwise be appropriate in the zoning district that permits it as a special land use.

Section 902. Special Land Uses Eligible

In order to be considered for Special Land Use Permit, the proposed use must either be identified as a Special Land Use in the appropriate zoning district or be interpreted as consistent with similar uses permitted in those districts by the Zoning Board of Appeals.

Section 903. Review and Issuance of Special Land Use Permit

The Planning Commission shall be responsible for reviewing applications for Special Land Uses and making a recommendation to the Township Board of Trustees, which shall have the authority for disapproving or granting approval or approval with conditions. The Board of Trustees may designate the Zoning Administrator, a planner or other official to be responsible for non-discretionary special land uses.

Section 904. Materials to be Submitted for Application, Review and Approval

An application for a Special Land Use Permit shall be submitted and processed under the following procedures:

- A. An application form shall be provided by the Zoning Administrator to be filled out by the applicant.
- B. A fee paid for processing Special Land Use Permit, as determined by the Township Board of Trustees, shall be paid prior to review.
- C. A site plan shall be prepared in conformance with Site Plan Review Requirements in Article 10 of this Ordinance.
- D. A description shall be provided of how the specific requirements for that Special Land Use Permit, as required in a following section, Standards, Requirements and Conditions

for Special Land Use Permits, are to be met. See Site Plan Review Requirements section in Article 10 for guidelines for preparation of the request for a permit.

- E. Information requested by specific ordinances, such as the Landfill Ordinance, shall be provided.

Section 905. Procedures for Review

Upon acceptance, the application will be designated as requiring a "Discretionary" or "Non-discretionary" review. A non-discretionary review will be indicated if there are no discretionary requirements for the proposed project. For a discretionary review, both non-discretionary and discretionary requirements must be met.

905.1 Non-Discretionary Review

In the case of a "Non-discretionary" review, the Planning Commission shall review the application at its next meeting and shall either approve it upon determining that it meets all required standards, or disapprove it and identify which standards must still be met for approval at a subsequent meeting.

905.2 Discretionary Review

In the case of "Discretionary" review, the following requirements apply:

- A. Notice that a request for approval of a Special Land Use Permit shall be given in accordance with State of Michigan law.
- B. The Planning Commission, the applicant, a property owner or an occupant of property located within 300 feet of the boundary of the subject property may request a public hearing with proper notification. If the applicant or Planning Commission requests a public hearing, notification of the public hearing shall be made. A decision on a special land use that is based on discretionary grounds shall not be made unless notification of the request for special land use approval, or notification of a public hearing on special land use was made as required by this section.

905.3 Approval, Conditional Approval or Denial

After all procedures have been followed, the Planning Commission may recommend denial, approval, or approval with conditions, of the request for a special land use permit. The decision shall be incorporated in a statement containing the conclusions, relative to the special land use under consideration, which specifies the basis for the decision and for any conditions that may be imposed.

Section 906 Standards and Requirements for Non-Discretionary Special Land Use Permits

The standards and requirements for non-discretionary special land use permits are identified in the section on Standards, Requirements and Conditions for Special Land Use Permits, this Article. Permits may be approved only if the special land use is authorized in the listed uses of each zoning district in which it would be located.

Section 907. Findings of Fact and Purpose of and Reasons for Non-Discretionary Special Land Uses

The township has determined that certain classes of land use represent specialized community development needs that should be permitted only with certain specific controlling provisions. The findings of fact reasons for requiring Special Land Use Permits are:

- A. Some extensive uses of land based on recreational or green open space uses require large acreage and special attention to the location of the facilities, structures, and activities. Such uses can include golf courses, shooting clubs, stables, auction yards, and similar land uses.
- B. Certain higher density uses require special consideration because of the size or character of activities that can introduce traffic, noise, visual obstructions, or otherwise have a different scale, appearance or function than most land uses in a district. These uses can include cemeteries, churches, veterinary clinics, institutional uses for health and education, and funeral homes, among others.
- C. Other uses have a higher density than normally expected in a particular district that brings specialized needs for traffic design, lot size, and building controls. Such uses include multiple-family uses, planned developments and certain business and commercial uses.
- D. Some businesses will generate more traffic movements in and around their location than can normally be handled effectively by normal district standards and thus deserve special controls. These can include service stations, motels, and drive-in or drive-thru business establishments.
- E. Another class of land uses can cause unusual visual impact, noise and dust, or specialized market impacts. These uses may include repair businesses, junkyards, landfills and solid waste facilities, open air outdoor storage and processing, outdoor movie theaters, racing tracks, and other unusual businesses.

In order to address these special needs, "non-discretionary" standards and criteria have been identified for the placement of special land uses in the appropriate zoning district.

Section 908. Findings of Fact and Purpose of Discretionary Special Land Use Permits

The township finds that some particularly intensive, large-scale, unusual, or potentially intrusive land uses not only require special standards and requirements in terms of location, placement, and design criteria, but also require additional discretionary consideration in terms of aesthetic concerns, land use compatibility, and relationship to public health, safety, or welfare. Furthermore, a specific project may require site-specific conditions for the proposed special land use, even though such conditions cannot be defined in broad classifications for all potential sites.

The types of land uses developing highly specialized needs include mineral extraction, sanitary landfills, institutions for incarceration or correction, solid waste process, chemical production, power-generating plants, or similar complex uses. Because of the large-scale, mixed uses, and varying dimensional requirements, these provisions also apply to planned unit developments.

It is the purpose of this section to provide the standards, criteria, and range of discretionary considerations that can be brought to bear on each site. In addition to the conditions defined in the section on Standards, Requirements and Conditions for Special Land Use Permits, the general set of conditions that may be considered by the Planning Commission for discretionary special land uses include:

- A. Conditions designed to protect natural resources, health, safety, welfare, social, or economic conditions of the land, landowners, residents, adjacent land uses, and the community as a whole.
- B. Conditions related to the valid exercise of the police power, and purposes that are affected by the proposed use or activity.
- C. Conditions necessary to meet the intent and purpose of this Ordinance, as related to the standards and criteria established in the Ordinance for the land use or activity under consideration, and which may be necessary to insure compliance with those standards.
- D. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the minutes of the approval action, and shall remain unchanged except upon the mutual consent of the township and the landowner. The Planning Commission shall maintain the record of these actions.

Section 909. Standards, Requirements and Conditions for Discretionary Special Land Use Permits

Along with the standards and requirements for "non-discretionary" special land uses, the standards, requirements, and conditions for "discretionary" special land use permits are identified in the following section of this Article. Permits may be approved only if the special land use is authorized in the listed uses for the particular zoning district in which it would be located and

only if the standards, requirements, and conditions identified are addressed in the application for the project.

Section 910. Standards, Requirements and Conditions for Special Land Use Permits

The following numbered sections detail the standards, requirements and conditions for both "non-discretionary" and "discretionary" special land uses as referenced in two previous sections, Procedures for Review and Standards and Requirements for Non-Discretionary Special Land Use Permits, and as identified above. The Planning Commission exercises considerable judgment in the approval of discretionary requirements, but exercises no judgment in non-discretionary requirements. Non-discretionary requirements are fixed and must be met as stated. In all special land uses, local, state and federal standards for noise, dust, light and other performance standards shall be met.

A special land use permit may be revoked if the approved person or party for such permit does not fulfill the terms upon which the permit was granted, if additional construction beyond that which was approved is initiated or completed, if the permitted use is abandoned, if proposed construction is not completed within the agreed time period without a request for an extension or if the actual use differs from the permitted use. Any proposed change in use from that which was permitted requires review by the Planning Commission and approval by the Township Board.

1. Agricultural Storage, Terminals and Processing Facilities

A. Non-Discretionary Specific Requirements:

1. Facility shall be located in proximity to farming areas.
2. Minimum site size shall be at least ten (10) acres.
3. Mechanical, electrical, storage or unsafe areas shall have a six foot (6') fence.

B. Discretionary Requirements:

1. Planning Commission may require a fence up to eight feet (8') and/or barbed wire strands on a fence.

2. Airports, Landing Strips

A. Non-Discretionary Specific Requirements:

1. Site shall be located in a sparsely populated area.
2. Hilly, rocky or treed areas shall NOT be used for any airport.
3. Minimum site size shall be eighty (80) acres.
4. No runway shall be placed so that homes or public places are located within one thousand (1000') feet of the end of the runway on the flight path.
5. No part of a runway, taxiway or aircraft apron shall be within two hundred feet (200') of any property or right-of-way line.

B. Discretionary Requirements:

1. Township may determine need, location, and height of berms, fences, and landscaping to mitigate noise, dust, light and visual impact.
2. The Planning Commission may require a fence up to eight feet (8') in height and/or barbed wire strands on a perimeter security fence.
3. The Planning Commission may require a fence up to eight feet (8') in height and/or barbed wire strands on an equipment security fence.

3. Airports, Heliports

A. Non-Discretionary Specific Requirements:

1. Site shall be located in a sparsely populated area.
2. Hilly, rocky or treed areas shall NOT be used for any airport or heliport.
3. Minimum site size shall be forty (40) acres.
4. No landing area shall be placed so that homes or public places are within one thousand (1000') feet.
5. No landing area shall be within two hundred (200') feet of any property or right-of-way line.

B. Discretionary Requirements:

1. The Planning Commission may require a fence up to eight feet (8') in height and/or barbed wire strands on a perimeter security fence.
2. The Planning Commission may require a fence up to eight feet (8') in height and/or barbed wire strands on an equipment security fence.

4. Automobile Service Station, Gasoline Service Station, Repair or Washing Facility

A. Non-Discretionary Specific Requirements:

1. Site shall have at least one property line abutting a state trunk line or county road.
2. Ingress and egress driveways shall be at least sixty feet (60') from intersecting right-of-way lines and from each other at their nearest edge.
3. Auto washing facilities shall also have a holding area for at least six (6) vehicles to allow vehicles to wait for water run-off before entering public road.

B. Discretionary Requirements:

1. No discretionary requirements apply

5. Bed and Breakfast Inn (Tourist Homes)

A. Non-Discretionary Specific Requirements:

1. Facility shall be located on a lot of no less than an acre in area.
2. Inn shall provide a common room for sitting and a common room for eating.
3. There shall be at least one bathroom for each two rooms used for sleeping.

4. One parking space shall be required for the inn, plus one for each sleeping room.
5. Eating facilities are limited to sleeping guests of the inn.
6. Signs shall be harmonious with neighborhood and not exceed twenty (20) square feet in area.

B. Discretionary Requirements:

1. The inn may not change the character or appearance of its neighborhood.

6. Building Supply, Big-Box Retail, Warehouses, and Wholesale Businesses

A. Non-Discretionary Specific Requirements:

1. Sites may not be closer than one hundred feet (100') to the nearest residential zone or property.
2. Facilities with truck terminals shall be at least five (5) acres in size.
3. Facility shall be at least one hundred feet (100') from residential dwellings.
4. If a residence or residential zone is within two hundred fifty feet (250'), property shall have fence or plant hedge with a fifteen foot (15') landscape buffer.
5. Site shall be at least two (2) acres in size and shall be located on state trunk line or county road.

B. Discretionary Requirements:

1. Planning Commission may require a berm up to six feet (6') and/or a screen of coniferous trees.
2. The Planning Commission may require proximity back-up alarms on yard equipment and locally based highway equipment.
3. Township may determine need, location, and height of berms, fences, and landscaping to mitigate noise, dust, light and visual impact.

7. Campgrounds

A. Non-Discretionary Specific Requirements:

1. Facility shall be located on a section line road or paved road.
2. Minimum site size shall be forty (40) acres.
3. A four-foot (4') fence shall be installed around the perimeter adjacent to private land.
4. No more than fifty-five percent (55%) of the property shall be developed for roads, campsites or associated facilities.
5. Site shall be surrounded by a coniferous greenbelt along the property lines, consisting of three (3) staggered rows, planted twelve feet (12') apart and trees spaced twelve feet (12') apart in each row. Minimum planted height of six feet (6'). First row to be set back a minimum of five feet (5') from property line.

B. Discretionary Requirements:

1. A masonry sound wall or other such noise barrier, as approved by the Planning Commission, is required when within one thousand feet (1,000') of a part-time or full-time dwelling unit.
2. A berm two to six feet (2-6') high may be required by the Planning Commission.

8. Commercial Communication Towers (under the provisions of the Federal Telecommunications Act of 1996)

A. Non-Discretionary Specific Requirements:

1. Site shall be in rural area not closer than one-quarter (1/4) mile to any residential zoning.
2. Any tower structure must be located on a parcel having dimensions not less than the height of the tower plus required setback, as measured from the base of the tower to all points on each property line
3. All towers must meet the standards of the Federal Aviation Administration, Federal Communications Commission and the applicable building codes.
4. Structures shall be subject to any state and federal regulations concerning non-ionizing electromagnetic radiation. If more restrictive state and federal standards are adopted in the future, the antenna shall be made to conform to the extent required by such standard or the Special Use approval will be subject to revocation by the Township Board. Cost of compliance shall be borne by the operator or owner of the antenna.
5. The tower base and any support cable base pads shall be enclosed with a security fence at least six (6') feet in height.
6. A three (3) mile radius shall be maintained between all towers considered for erection.
7. No tower shall be erected closer than one-quarter (1/4) mile from any residence.
8. No tower shall be artificially lighted unless required by the Federal Aviation Administration.
9. The tower, foundations, and other structural components not approved in advance for retention by the Planning Commission shall be removed by the property owner, lessee, or operator within three (3) months of being abandoned.
10. Any additional uses for a tower must receive a special use permit from the Planning Commission prior to installation.
11. Height of the tower shall not exceed one hundred seventy five feet (175') from grade within a business district; two hundred feet (200') from grade within a manufacturing, agricultural or extraction district; and are excluded in residential districts.

B. Discretionary Requirements:

1. The Township may require a performance bond to ensure the proper construction, maintenance and removal of a tower.
2. Buffer yards, paved access roads and paved parking areas may be required.

9. Commercial Outside Storage of Vehicles and Trailers

A. Non-Discretionary Requirements:

1. The open, outside, commercial, storage of vehicles that is visible to residents and visitors shall be screened from public view from a public street and adjoining properties in a manner approved by the Planning Commission and/or the Township Board.
2. Fencing, with a minimum of six feet (6') in height, is required on all sides of the storage area.
3. Screening shall be required on all sides of the storage area.
4. Screening may be in the districts normal setback areas but must be approved in advance by the Planning Commission and/or Township Board and must be in place prior to storage.
5. A scaled drawing of fence and screen design and specifications must be submitted to the Planning Commission prior to approval.
6. Only vehicles that are licensed by state governments or the Federal government may be stored outside commercially. Vehicles and trailers must be licensed within one year of the date of inspection.
7. Stored vehicles must display licenses in the location required by state law.
8. As a condition of the receipt of a special use permit for commercial outside storage, owner agrees to allow random inspection, with reasonable notice from the Zoning Administrator to the property owner, of items stored outside for proper licensing, and compliance with setback and screening requirements by the Zoning Administrator.
9. Storage of un-licensed vehicles is subject to a fine of \$25.00 per occurrence.
10. The commercial storage of licensed vehicles requires a one hundred fifty foot (150') set back from the right of way of any primary public road and seventy five feet (75') from any adjacent property. Along secondary roads the minimum required set back from the right of way is forty feet (40') and the set back from adjacent property is forty feet (40').
11. A plot plan of at least 18" x 24" (inches) must be submitted showing: dimensions, existing public right of ways, easements, north arrow, storage area, screening plan, name and address of applicant, existing improvements, proposed improvements and zoning designation.

B. Discretionary Specific Requirements:

1. Security fencing, up to eight feet (8') in height may be required.

10. Conservation Area

A. Non Discretionary Requirements:

1. Site shall be at least one (1) acre in size.
2. If site is open to the public, adequate access and parking are required.

B. Discretionary Requirements:

1. There are no discretionary requirements.

11. Dealerships for New/Used Vehicle or Farm Equipment Sales and Services

A. Non-Discretionary Requirements:

1. Site shall be located on a state trunk line or county road.
2. Site shall be at least two (2) acres in size.
3. Site shall have all display areas on paved parking, gravel or other surface that control weed growth and support vehicles for sale.
4. All maintenance, repair, and service shall be in an enclosed building.
5. Facilities shall have a one hundred (100') foot buffer with a fifty (50') foot greenbelt from any residence.

B. Discretionary Requirements:

1. Township may determine need, location, and height of berms, fences, and landscaping to mitigate noise, dust, light and visual impact.

12. Drive-In or Drive-Thru Business Operations

A. Non-Discretionary Requirements:

1. Site shall be located on a state trunk line or county road.
2. Sites may not be closer than one hundred (100') feet to the nearest residential zone or property.
3. Ingress and egress shall be from separate drives at least sixty feet (60') from each other and any intersecting right-of-way.
4. Drive-up windows must have a thirty-inch (30") pedestrian barrier for at least six feet (6') beyond walls or doors to prevent pedestrian/vehicle conflict.

B. Discretionary Requirements:

1. Township may determine need, location, and height of berms, fences, and landscaping to mitigate noise, dust, light and visual impact.

13. Group Day Care Home (Licensed)

A. Non- Discretionary Requirements:

1. Located not closer than 1,500 feet to any of the following:
 - a. Another licensed group day care home.
 - b. Another adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.

- c. A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under article 6 of the public health code, 1978 PA 368, MCL 383.6101 to 333.6523.
- d. A community correction center, resident home, half way house, or other similar facility that houses an inmate population under the jurisdiction of the department of corrections.
2. Has appropriate fencing for the safety of the children in the group day care home as determined by the Zoning Administrator.
3. Maintains the property consistent with the visible characteristics of the neighborhood.
4. Does not exceed 16 hours of operation during a 24 hour period.
5. Meets regulations, governing signs used to identify it.
6. Meets regulations that stipulate off-street parking requirements for employees.
7. Has drop-off and pick-up access and parking for clientele.

B. Discretionary Requirements:

No discretionary requirements apply.

14. Indoor Recreation Uses (Bowling Alleys, Pool Halls, etc.)

A. Non-Discretionary Specific Requirements:

1. Site shall be at least two acres in size.
2. Site may not be closer than one hundred feet (100') to a residence or residential zoning district.
3. Sufficient parking for the facility shall be provided.

B. Discretionary Requirements:

1. Township may determine need, location, and height of berms, fences, and landscaping to mitigate noise, dust, light and visual impact.

15. Institutional Uses for Human Care, Education, Social, Cultural, and Religious Purposes

A. Non-Discretionary Requirements:

1. Site shall be located on a state trunk line or county road.
2. Site shall be at least two acres in size.
3. One sign for each street frontage is permitted providing it does not exceed forty (40) square feet.
4. No building shall be closer than fifty (50') to any street or property line.
5. Structures over twenty-eight (28') in height shall be set back one more foot for each additional foot of height.
6. Building shall be designed to be compatible with surrounding area.

B. Discretionary Requirements:

1. No discretionary requirements apply.

16. Large Scale Primary Metal Industries, such as Foundries and Steel Mills, Petroleum Refining and Chemical Manufacturing Plants, and Electrical Generating Plants

A. Non-Discretionary Requirements:

1. Site shall be located on a state trunk line or county road.
2. Site shall be at least twenty (20) acres in size.
3. Minimum lot width of four hundred feet (400') is required.
4. For structures over twenty-eight feet (28') in height, structure shall be set back from street or property lines one additional foot for each additional foot of height.
5. No building, structure, or fixed equipment shall be closer than seventy-five feet (75') to any street or property lines.
6. Applicant must demonstrate the ability to meet all of the performance requirements in the Performance Standards section of Article 3.
7. Project must be compatible with its environment.

B. Discretionary Requirements:

1. Township may determine truck and access routes.
2. The need, height, location, and type of landscaping or berms may be specified.
3. Township may determine need, location, and height of berms, fences, and landscaping to mitigate noise, dust, light and visual impact.

17. Marine Terminals and Related Activities

A. Non-Discretionary Requirements:

1. Minimum site area is forty (40) acres.
2. Minimum waterfront width is two thousand feet (2000').
3. Additions, alterations or changes to existing systems of piers and conveyors require a special land use permit. This does not include upgrades to components or repairs intended to extend the life of the existing structure(s). Any change resulting in an increase or decrease of more than ten percent (10%) of the total size of the pier and/or conveyor system shall require an additional special land use permit.
4. Terminal use shall be operated and designed in such a way as to limit the intrusion on the surrounding residential area in terms of noise, light, hours of operation, outdoor storage, traffic, dust, loose waste, and odor. Operator is to address these concerns in the site plan presented to the Planning Commission. The site plan shall include engineering studies showing likely light, noise, odor and vibration impacts upon properties within a two thousand foot (2000') radius of the facility, as well as alternate designs to reduce or eliminate the transmission of these to areas adjacent to the property. The site plan should include maps showing the level, intensity and extent of noise, light, odor, vibration, and other such

applicable potential nuisance items. Permitted noise and vibration levels shall be as provided within Article 3.

5. All materials processed, stored or transported within the port district shall have a thermal radiation level of no more than 10,000 BTU per square feet per hour, except that gasoline, diesel fuel, oil and other such items in limited quantities and necessary for the use and operation of the facility are permitted, but not to the level or manner in which they would pose separate safety concerns. Fire and emergency access routes shall be clearly identified on the site plan.
6. A map showing any anticipated blast zone for combustible materials proposed to be shipped must be included in the site plan.
7. Any development that accepts, processes or ships material that is flammable shall have adequate and appropriate fire-fighting equipment and materials.
8. The release, deliberate or accidental, of trash or clutter that might accumulate in the water or on land shall be completely controlled so that the terminal properties, adjacent properties and Lake Huron beaches remain free of such accumulations. Control shall be addressed in the site plan.
9. Use of residential streets shall be kept to a minimum and transport for loading and unloading purposes shall be prohibited on residential streets.

B. Discretionary Requirements:

1. Demonstration of adequate parking and office space, as needed for the terminal operation, may be required as part of the plan submission. Such space may require barriers to exclude intrusion of lights from adjacent properties, public roads and rights-of-way.
2. A greenbelt set-back of up to five hundred feet (500') width may be required on the north, south and west margins and of up to two hundred feet (200') width on the lake side, except where loading facilities cross the shoreline.
3. Hours of operation for all uses, including vessels when docked at the facility, may be limited by the Township in order to minimize intrusion on the residential environment.

18. Mobile Home Parks

A. Non-Discretionary Requirements:

1. Site shall be located on a state trunk line or county road.
2. Minimum Site shall be at least fifteen (15) acres residential zone or property.
3. Conformance with Michigan Mobile Home Commission Rule 944 and all other requirements of the Michigan Mobile Home Act and regulations shall be met.
4. The mobile home park shall be developed with sites averaging 5,500 square feet per mobile home unit. The 5,500 square feet for any one site may be reduced by 20 percent (20%) provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,550 square feet, at least an equal amount of land shall be dedicated as open space, but in no case shall the open space and distance requirements be less

than that required under R 125.1946, Rule 946 and R 125.1941 and R 125.1944, Rules 941 and 944 of the Michigan Administrative Code.

5. Adequate water supply, sewage and waste disposal shall be provided.
6. Adequate ingress and egress drives shall be provided, with no driveway closer than sixty feet (60') from an intersecting roadway.

B. Discretionary Requirements:

1. No discretionary requirements apply.

19. Multiple Family Residential Uses (including condominium and townhouse developments). *There are separate requirements in a following section for two-family dwellings in residential districts.*

A. Non-Discretionary Requirements:

1. Site shall be located on a state trunk line or county road or be in any area of existing residential development.
2. Site shall have public water and sanitary sewer or provide project-wide services approved by health department.
3. Project shall not exceed a density of ten (10) units per acre.
4. No structure shall be located closer than fifty feet (50') to any street right-of-way or property line.

B. Discretionary Requirements:

1. No discretionary requirements apply.

20. Nursery Schools

A. Non-Discretionary Requirements:

1. Site shall be located on a state trunk line or county road.
2. Site may be associated with an institutional use, such as church or school, or may be in a freestanding building designed or modified for use as a nursery school. Site may not be part of an occupied residential land use.
3. Adequate short-term parking or drive-way shall be provided for convenient pick-up.

B. Discretionary Requirements:

1. No discretionary requirements apply.

21. Off-Site Storage of Boats, Trailers and Other Capital Equipment

A. Non-Discretionary Requirements:

1. Site is intended for storage of boats, trailers or other capital equipment associated with single family dwellings.

2. Site shall be at least five thousand (5000) square feet.
3. Site shall be adjacent to or across a right-of-way from the principal dwelling or use with which it is associated.
4. The site shall have at least fifteen foot (15') yards along all property boundaries.

B. Discretionary Requirements:

1. The Planning Commission may require an enclosed building for year-round storage.

22. Outdoor Assembly Areas, such as for Concerts or Entertainment

A. Non-Discretionary Requirements:

1. Site shall be in a rural area and not closer than eight hundred feet (800') to any residential zoning.
2. Facility shall be located on a section line or paved road.
3. Minimum site size shall be twenty-five (25) acres in area, with a minimum frontage of six hundred feet (600').
4. A six-foot (6') cyclone fence shall be installed around the perimeter.
5. No more than sixty-five percent (65%) of the property shall be developed for road, parking or associated auto facilities.
6. Site shall be surrounded by a coniferous greenbelt along the property lines, consisting of three (3) staggered rows, planted twelve feet (12') apart and trees spaced twelve feet (12') apart in each row. Minimum planted height of six feet (6'). First row to be set back a minimum of five feet (5') from property line.

B. Discretionary Requirements:

1. A masonry sound wall or other such noise barrier, as approved by the Planning Commission, may be required when within one thousand feet (1,000') of a part-time or full-time dwelling unit.
2. Berm of two to six feet (2'-6') in height may be required by the Planning Commission.

23. Outdoor Recreation Facilities, such as Golf Courses

A. Non-Discretionary Requirements:

1. Size of the parcel shall be appropriate for intended use.
2. Facility must include restrooms, and if necessary, changing rooms.
3. Pro-shops, sales and service for available activities are permitted, even if not zoned B-1.
4. Specialty golfing, such as a driving range, shall have an additional buffer of one hundred feet (100').

B. Discretionary Requirements:

1. An adequate water supply for irrigation, non-destructive to surrounding wells, may be required.

24. Planned Unit Developments

A. Non-Discretionary Requirements:

1. Use is intended for resort facilities, recreational uses, marina and watercraft service, dwellings, and low-intensity business uses.
2. Site shall be at least eighty (80) acres.
3. The site shall be located in an attractive natural or environmental setting.
4. The site shall have a berm or undeveloped buffer area (UBA) area of thirty feet in width along all property or right-of-way lines.
5. A minimum of ten percent (10%) of the gross site area shall be preserved and maintained as a common open space for use by all residents and property owners of the PUD. The UBA may be considered part of this open space.
6. Site shall have public water and sanitary sewer or provide project-wide services approved by the Health Department District No. 2.

B. Discretionary Requirements:

1. Planning Commission may require a barrier of coniferous trees.
2. Planning Commission may require aesthetic commonality or integrity throughout the project.

25. Public Assembly Buildings, such as Lodges, Societies, Fraternities, Sororities and Civic Organizations

A. Non-Discretionary Requirements:

1. Facility shall have an area of at least one (1) acre.
2. A greenbelt is required for at least fifty feet (50') along all property or right-of-way lines.

B. Discretionary Requirements:

1. The Planning Commission may determine need, location and height of berms, fences and landscaping to mitigate noise, dust, light and visual impact.

26. Public Parks and Recreation Facilities

A. Non-Discretionary Requirements:

1. This is intended for any use by federal, state, county, city or township of land for public parks or recreation, whether or not a fee is collected from the using public.
2. Site shall have be at least five (5) acres in area.

3. The site shall include paved access and parking lots, formalized boat entry into water if available, men's and women's toilets, and a changing room for beaches, if appropriate.

B. Discretionary Requirements:

1. The Planning Commission may require a fence six feet (6') in height.

27. Riding Stables

A. Non-Discretionary Requirements:

1. Site shall be located in an attractive, natural area for horse riding.
2. Site shall be at least twenty (20) acres in area.
3. Site shall have building, parking and sales in a formalized, accessible area.
4. No horse access or trails shall be within seventy-five feet (75') of any property or right-of-way line.
5. Storage barns or fenced areas for horse corrals shall be located at least one hundred feet (100') from the nearest property or right-of-way line.

B. Discretionary Requirements:

1. A fence of up to six feet (6') high may be required by the Planning Commission.

28. Sand, Gravel, or Clay Pits or Other Mining Operations

See extractive requirements in Article 6, E-1 Extraction Districts, and follow those requirements.

29. Sawmills, Including Permanent Structures or Portable Sawmills for Short-Term Harvesting

A. Non-Discretionary Requirements:

1. Facility should be located in M-1 (Manufacturing) or F-1 (Forestry) District zoning.
2. The site shall have an area of at least forty (40) acres.
3. The processing of wood products shall not be closer than three hundred feet (300') to the nearest property or right-of-way line.
4. No harvesting of trees shall be conducted within fifty feet (50') of any property or right-of-way line.
5. Sawmills located within a quarter of a mile (1320') of any dwelling may operate only from 6:30 a.m. to 10:00 p.m.

B. Discretionary Requirements:

1. Planning Commission may require a fence of up to six feet (6') in height.

2. Planning Commission may require a berm and/or coniferous trees along any or all property and/or right-of-way lines.

30. Sanitary Landfills, Solid Waste Transfer Stations, Solid Waste Processing, Storage or Disposal Areas; Junkyards; Sewage Treatment and Disposal Facilities

A. Non-Discretionary Requirements:

1. Site shall be in a rural area and not closer than two hundred feet (200') to any residential zoning district, nor closer than two hundred feet (200') to any existing residences.
2. Minimum site size shall be ten (10) acres in area with a minimum frontage of four hundred feet (400').
3. Land-locked parcels must have a minimum forty foot (40') access easement and four hundred feet (400') side dimensions.
4. No outdoor excavations or operations may be conducted within three hundred fifty feet (350') of a residence.
5. No cut, excavation, or storage of dirt or product may be made closer than seventy-five feet (75') to any street or property line.
6. Site must have necessary geological conditions that prevent groundwater contamination. Prescribed monitoring devices shall be properly installed, maintained and monitored.
7. No finished slope shall have a slope greater than 3:1 (horizontal : vertical) and all slopes shall be treated in conformance with the Michigan Soil Erosion and Sediment Control Act (Act 347 of 1972) including binder soils.

B. Discretionary Requirements:

1. Township may determine truck and machinery routes.
2. Township may determine need, location, and height of berms, fences, and landscaping to mitigate noise, dust, light and visual impact.
3. Township shall approve a site plan showing sequenced rehabilitation of the site for alternative uses.

31. Specialty Recreation Purposes

A. Non-Discretionary Requirements:

1. Area intended for shooting ranges, moto-cross trails, off-road vehicles, and other activities generating noises and disturbances.
2. Site shall be at least ten (10) acres for gun ranges or other static activity.
3. Sites involving moving vehicles shall require an area of at least forty (40) acres.
4. Site shall have building, parking and sales in a formalized, accessible area.
5. No activities may be conducted within two-hundred fifty feet (250') of any property or right-of-way lines.
6. Storage facilities shall be located at least two-hundred fifty feet (250') from the nearest property or right-of-way line.

B. Discretionary Requirements:

1. A fence up to six feet (6') high may be required by the Planning Commission.
2. A berm and/or coniferous tree barrier may be required along any or all property or right-of-way lines by the Planning Commission.
3. Township may determine need, location, and height of berms, fences, and landscaping to mitigate noise, dust, light and visual impact.

32. Two-Family Dwellings in LR-1, LR-2 and L-3 Zoning Districts

A. Non-Discretionary Requirements:

1. The lot shall have at least 9,600 square feet in area.
2. The minimal width for a lot for two-family dwelling is eighty feet (80').
3. The site shall meet the requirements for a two-family dwelling of the public health department serving Iosco County or be connected to public sanitary sewerage.

B. Discretionary Requirements:

1. Two-family dwellings shall not be closer than four-hundred feet (400') to each other.

33. Veterinary Clinics and Kennels

A. Non-Discretionary Requirements:

1. Site shall be five (5) acres if an outside exercise area is included, one acre if all animals are always kept in an enclosed building.
2. In agricultural zoning districts, the site shall meet the required ten (10) acre lot size.
3. No building or outdoor fence or wall enclosure shall be constructed closer than fifty feet (50') to any property or street line.
4. Outdoor exercise areas shall be surrounded by brick, solid masonry wall or by a chain-link fence with obscuring evergreen plantings at least four feet (4') high.

B. Discretionary Requirements:

1. No discretionary requirements apply.

Article 10

Administration

Township of Alabaster Rural Zoning Ordinance

Adopted November 2006

and Amended in 2013

by the

Township of Alabaster Board of Trustees

Article 10: Administration

Section 1001. General Administration

The provisions of this Ordinance shall be administered and enforced by the Township of Alabaster Zoning Administrator, with appeal of his/her decisions to the Zoning Board of Appeals. Certain administrative functions have also been provided to the Planning Commission and Township Board in previous articles and sections of this ordinance. All administrative procedures and authority shall be in conformance with Act 184 of the Michigan Public Acts of 1943, as amended, Public Act 110 of 2006 and other relevant state statutes.

Section 1002. Employment of Zoning Administrator

A Zoning Administrator shall be employed by the Township Board of Trustees with a recommendation from the Planning Commission. The duration of employment, compensation, and any other conditions of employment shall be established by the Township Board of Trustees. For the purposes of this Ordinance, the Zoning Administrator shall have the power of a police officer.

Section 1003. Duties of the Zoning Administrator

All applications for permits shall be submitted to the Zoning Administrator, who may issue permits or certificates when all applicable provisions of this Ordinance have been met. The Zoning Administrator shall be empowered to make inspections of buildings or premises to carry out his/her duties. The Zoning Administrator shall also perform such other duties as defined by this Ordinance, by the Township Board of Trustees, by the Zoning Board of Appeals, or by a job description.

Section 1004. Enforcement

The Zoning Administrator shall enforce this Ordinance as follows:

- A. **Violations and Penalties.** Violations of any provisions of this Ordinance are declared to be a nuisance per se. Any and all buildings or land use activities considered possible violations of this Ordinance are to be referred to the Zoning Administrator.
- B. **Inspection of Violations.** The Zoning Administrator shall inspect each alleged violation and shall order any appropriate corrections of conditions in writing by a certified letter.
- C. **Correction Period.** All violations shall be corrected within a period of thirty (30) days after the order to correct is issued, or such longer time period as may be determined appropriate and necessary by the Zoning Administrator. A violation not corrected within

the required time period shall be reported to the Township Attorney, who is accordingly authorized to and shall initiate procedures to eliminate such violation.

- D. **Penalties.** Any person, or agent of a person, who shall violate or refuse to comply with any provisions of this Ordinance shall be guilty of maintaining a nuisance per se and upon conviction thereof shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for a term not to exceed ninety (90) days, or by both fine and imprisonment, within discretion of the court. Each and every day the violation continues beyond the permissible grace period shall be declared a separate offense.
- E. **Cumulative Rights and Remedies.** The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.
- F. **Land Use Permits.** Upon review and approval of zoning for an authorized use of property, the Zoning Administrator shall issue a "Land Use Permit." The land use permit is to be taken to the County of Iosco for necessary construction permits.

Section 1005. Amendments to This Ordinance and to Zoning Boundaries

1005.1 Amendment

- A. The Alabaster Township Board of Trustees may amend the regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Zoning District may be amended, supplemented or changed by Ordinance by the Alabaster Township Board of Trustees in accordance with applicable zoning enabling legislation of the State of Michigan.
- B. **Initiation of Amendments.** Proposals for amendments, supplements or changes may be initiated by the Alabaster Township Board of Trustees, by the Planning Commission or by petition of one (1) or more owners, option holders or their agents, of property to be affected by the proposed amendment.
- C. **Amendment Procedures.**
 - 1. **Petition to Township Board.** Each petition by one (1) or more owners, or their agents, for an amendment shall be submitted upon an application of standard form to the Township Clerk. A fee as established by the Alabaster Township Board of Trustees shall be paid at the time of application to cover costs of necessary advertising, for public hearings and investigation of the amendment request. The clerk shall transmit the application to the Planning Commission for recommended action.
 - 2. **Recommendation.** The Planning Commission shall consider each proposal for amendment in terms of its own judgment on particular factors related to the individual proposal and in terms of the likely effect of such proposal upon the

- Comprehensive Development Plan for the community. The Planning Commission may recommend any additional or modifications to the original amendment petition to the Township Board of Trustees.
3. **Public Hearing.** After deliberation on any proposal the Planning Commission shall conduct at least one (1) public hearing, notice of which shall be according to State of Michigan law. The notice shall include the place and times at which the tentative text and/or map amendment to the Zoning Ordinance may be examined.
 4. **County Planning Commission.** Following the conclusion of the public hearing, the Township Planning Commission shall submit the proposed amendments, on a form furnished by the Iosco County Planning Commission including any zoning district map, to the County Planning Commission for their review. The approval of the Iosco County Planning Commission shall be conclusively presumed unless such Commission, within thirty (30) days of its receipt, has notified the Township Board of Trustees of its disapproval or approval.
 5. **Alabaster Township Board of Trustees.** Upon receipt of the Township Planning Commission's recommendation, together with the County Planning Commission's recommendation, the Alabaster Township Board of Trustees shall review said recommendations. If the Board of Trustees deems that any amendments, changes, additions, or departures are advisable to the proposed Ordinance amendment as recommended by the Township Planning Commission, the Board of Trustees may ask for a report thereon within a time specified by the Board of Trustees.
 6. **Public Hearing.** After receiving the proposed amendment recommendations heretofore specified, the Alabaster Township Board of Trustees shall conduct a public hearing on the proposed amendment and may request the Township Planning Commission to attend such hearing. Thereafter, the Board of Trustees may deny, or adopt the amendment with or without any changes.
 7. **Resubmitted.** No application for a rezoning that has been denied by the Alabaster Township Board of Trustees 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 found upon inspection by the Board of Trustees to be valid.
 8. **Fees.** A fee, as established by the Board of Trustees, shall be paid to the Township Clerk at the time of requesting a zoning amendment. The purpose of the fee is to cover, in part, the necessary advertisements, investigations and other expenses incurred by the Township in connection with the requested amendment.

1005.2 Conditional Rezoning Request

A. Initial Application.

1. An owner of land may voluntarily offer, and the Township Board may approve, certain use and development of the land as a condition to rezoning of the land or an amendment to the zoning map.
2. Alabaster Township will not require nor imply that conditional zoning or zoning agreements are a necessity or a condition for approval.
3. A request for conditional zoning or a zoning agreement shall be submitted, in writing, to the Zoning Administrator, Chairman of the Township Planning Commission and the Township Supervisor. The request shall be required prior to any application for rezoning or appearance before the Planning Commission.
4. Upon receipt of the request, the Zoning Administrator will prepare a memo to the Planning Commission and the Township Board detailing that a request has been received, from whom, and the area proposed for rezoning. The applicant will receive a copy as well. The Zoning Administrator and the Township Supervisor will arrange for an informal meeting with the developer to discuss the specific request or requests.

B. Informal Review Process.

1. An informal meeting will be held with the Zoning Administrator and the Township Supervisor and Chairman of the Planning Commission and the proposed developer or developers.
2. During the meeting the developer should be prepared to provide the following information, in writing:
 - a. The zoning district desired.
 - b. The specific use proposed.
 - c. A sketch of the proposed development (hand sketch is fine; no full site plan is required at this point.)
 - d. Identification of particular items that might be necessary to mitigate the proposed rezoning and associated development.
3. From this meeting, the Township will provide a follow-up letter to the developer and copied to the Planning Commission and Township Board, which details the following:
 - a. The proposed use of the parcel and the desired zoning district.

- b. A discussion of all related zoning requirements included within the existing zoning ordinance.
- c. A discussion of potential items in addition to the typical zoning requirements, which may be necessary or desirable to mitigate the proposed rezoning, and associated development.
- d. A proposed timeline for the process, identifying key dates for submittal, public hearings and tentative approval.
- e. An overview of the discussion, including any relative buffering or other such items that may be considered by the Planning Commission in terms of surrounding uses, intensity of surrounding uses, the purpose and intent of the zoning regulations and the adopted Master Plan, and any other policy documents or guide so adopted by the Township.

C. Formal Review Process.

1. Using the proposed timeline as a guide, the developer or developers will submit all their required information, which for conditional zoning or zoning agreement shall be:
 - a. A rough site plan done to such a level of detail that assures the basic arrangement of any structures and connection to required utilities.
 - b. An elevation of the proposed structure.
 - c. Conversely, if a developer so chooses, they may submit the full drawings and request a site plan approval concurrently.
 - d. The rezoning request must be submitted in accordance with the Township's rezoning policy, which requires submission at least thirty (30) days prior to the next regularly scheduled Planning Commission meeting.
- * It is important to note that these items will be made part of the approval of the rezoning. Failure to complete the project as represented to the Township at this point may result in a loss of the status of the conditional zoning.
2. All public notifications, reviews and hearings will be scheduled and advertised as set forth by State of Michigan law for the rezoning of land. If the proposed use requires a special land use permit, the special land use permit and hearing may be conducted concurrently if the site plans and appropriate documentation are provided.
3. The Township Attorney will draft a zoning agreement for execution by the Township and the developer.

4. Any and all conditions imposed as part of the conditional zoning or zoning agreement process and proposed approval must meet the following criteria:
 - a. Conditions such as building appearance, landscaping, setbacks in an amount more than what is required; additional screening requirements, etc., shall be directly related to the proposed project and serve to mitigate any potentially deleterious effects on surrounding property owners or properties in general.
 - b. Conditions serving as additional performance standards, including but not limited to lighting, noise, traffic, etc., shall be directly related to the proposed project and development and should serve to mitigate any potentially deleterious effects on surrounding properties, the road network, and the general area.
 - c. Conditions limiting the specific use of the property are permitted, however, the Planning Commission and Township Board should be mindful of being too specific. For example, limiting a use to a “professional office” may prevent the parcel from being used for something similar in intensity, yet different, such as a day care center or commercial or private school. Care should be taken to be specific in terms of standards and intensity and more flexible in terms of naming specific uses.
 - d. The Planning Commission will forward their recommendations to the Township Board for consideration.
5. If the Planning Commission recommends, and the Township Board approves, a conditional zoning or zoning agreement request, the zoning designation will be noted on the zoning map as an overlay and the zoning will be referenced as a footnote on the map itself. The footnote will refer to the actual zoning case and the zoning approval and specific conditions.
6. A final zoning agreement drafted and reviewed by the Township Attorney, will be executed. The developer shall be responsible for all costs associated with the drafting and executing of the zoning agreement. These costs shall be passed through from the Township Attorney.
7. The developer, the Chairman of the Planning Commission and the Township Clerk shall all sign the submitted documentation. A copy will be returned to the developer and the original shall stay with the Township.
8. A copy will be recorded at the Register of Deeds.

D. Enforcement.

1. By approving the conditional zoning or zoning agreement, the Township grants rezoning and then, subsequently or concurrently, site plan approval. The specific

- conditions imposed and agreed to by the developer and the Township become part of the approval.
2. Should the developer not meet the conditions as specified, they will be considered in violation of the Township Zoning Ordinance and will be pursued as such.
 3. Any change to the conditions shall require a rezoning.
 4. Should the developer not complete the proposed project within 18 months, the property shall revert to the previous zoning classification.
 5. Should the developer abandon the specific use and it is vacant and/or abandoned for a period of 18 months, the parcel shall convert to its previous zoning classification.
 6. A property that reverts from conditional zoning will be considered a non-conforming use and subject to all applicable zoning regulations.
 7. Reversion of the subject property shall require:
 - a. The original developer, the current property owner (if different) and the occupant(s) of the property to be notified of the pending reversion by registered mail. The Township Board and Planning Commission shall receive the same notice. The notice will provide a 30-day period for which the developer/owner can seek an extension of the time frame or can begin construction.
 - b. If, after the 30 day time frame, no action or formal request has been made, the property in question and so legally described and noted, will be published as a rezoning. The same notice and publication requirements followed for a typical rezoning process shall be followed. The notice will include a time and date for a public hearing at which comments related to the reversion will be held.

Section 1006. Zoning Board of Appeals

- A. **Creation and Membership.** The Zoning Board of Appeals shall consist of five (5) members. The first member shall be a member of the Township Planning Commission. The remaining members shall be selected from the electors of the township residing outside of incorporated cities and villages and shall be representative of the population distribution and various interests present in the township. One member may be a member of the Township Board of Trustees.
- B. **Organization and Procedures.** The Zoning Board of Appeals may adopt its own rules of procedure, as may be necessary to conduct its meetings and carry out its functions. The Zoning Board of Appeals shall choose its chairman, and in the chairman's absence, an acting chairman.

- C. **Records.** Minutes shall be recorded of all proceedings and shall contain evidence and dates relevant to every case considered together with the votes and statement of reason for vote of each of the members, the factors in making a decision, and final disposition of each case. Such minutes shall be filed with the township clerk and shall be made available to the general public.
- D. **Hearings.** When a notice of appeals has been filed in proper form with the Zoning Board of Appeals, the Zoning Board of Appeals or Zoning Administrator shall immediately place the request on the calendar for hearing, and shall cause notices to be served. Such notices shall be given in accordance with State of Michigan law. Any person may appear and testify at the hearing.
- E. **Decisions.** The Zoning Board of Appeals shall return a decision upon each case within thirty (30) days after a request or appeal has been filed, unless a further time is agreed upon with the parties concerned. Any decision of the Zoning Board of Appeals shall not become final until the expiration of five (5) days from the date of entry of such order, unless the Zoning Board of Appeals shall find the immediate implementation of such order is necessary for the preservation of property or personal rights and so certifies on the record.
- F. **Majority Vote.** The concurring vote of a majority of the members of the Zoning 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 or on any matter upon which they are required to pass under this Ordinance or to effect any variance.
- G. **Compensation.** The Township Board of Trustees shall establish the rate of compensation and reimbursement for members of the Zoning Board of Appeals.

Section 1007. Appeals

Any appeal from a ruling by the Zoning Administrator concerning the enforcement of any provision of this Ordinance may be made to the Zoning Board of Appeals within ten (10) days after the date of mailing of a decision by the Zoning Administrator. The appeal shall specify the grounds for the appeal. The Zoning Administrator shall immediately transmit to the Secretary or Chairman of the Zoning Board of Appeals, those papers constituting the record of the appealed case. The appeal process includes:

- A. **Filing of Appeals.** Appeals to the Zoning Board of Appeals may be filed by any person aggrieved, by an officer, department, or board of the local government.
- B. **Stay.** An appeal shall stay all proceedings unless the Zoning Administrator certifies to the Zoning Board of Appeals that, by reason of stated facts, a stay would, in his/her opinion, cause imminent peril to life or property. In that case the proceedings shall not be stayed except by a restraining order, which may be granted by the Zoning Board of

Appeals, or, on application, by a court of record.

- C. **Fees.** A fee, as established by the Township Board of Trustees, shall be paid to the Zoning Administrator by the applicant at the time of filing the application. The purpose of such fee is to cover, in part, the necessary advertisements, investigations, and other expenses incurred by the Zoning Board of Appeals in connection with the appeal.

Section 1008. Duties and Powers of the Zoning Board of Appeals

The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms or intent of this Ordinance, but may act on those matters where this Ordinance or state statute provides for an administrative review, interpretation, variance exception, or special approval permit as defined in this section.

- A. **Review.** The Zoning Board of Appeals shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, or refusal made by the Zoning Administrator or any other official in administering or enforcing any provisions of this Ordinance.
- B. **Interpretation.** The Zoning Board of appeals shall have the power to interpret this Ordinance as follows:
 - 1. Interpret, upon request, a provision of this Ordinance in such a way as to carry out the intent and purpose of this Ordinance.
 - 2. Determine the precise location of the boundary lines between zoning districts.
 - 3. Classify a use that is not specifically mentioned as part of the use regulations of any zoning district, so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each zoning district.
 - 4. Determine the off-street parking and loading space requirements of any use not specifically mentioned in other parts of this ordinance.
- C. **Variances.** The Zoning Board of Appeals shall have the power to authorize, upon an appeal, specific variances from such requirements as lot area and width regulations, building height, yard and depth regulations, and off-street parking and loading space requirements, provided all of the basic conditions listed herein and any one of the special conditions listed thereafter can be satisfied.
 - 1. **Basic conditions to grant variances from this Ordinance:**
 - a. It will not be contrary to the public interest or to the intent and purpose of this Ordinance.

- b. It shall not permit the establishment within a district of any use that is not permitted by right within that zoning district, or any use of dimensional variance for which a special land use permit is required.
 - c. It will not cause a substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located.
 - d. The conditions regarding the property in question are sufficiently unique relative to other properties that a general regulation for such conditions is reasonably impractical.
 - e. Will relate only to property under control of the applicant.
2. **After all basic condition are met, special conditions to grant variance are applicable as follows:**
- a. Where there are practical difficulties or unnecessary hardships that prevent carrying out the strict letter of this Ordinance. These hardships or difficulties shall not be deemed economic, but shall be evaluated in terms of the use or conditions of a particular parcel of land.
 - b. Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district. Such circumstances or conditions shall not have resulted from any act of the applicant subsequent to the adoption of this Ordinance.
 - c. Where such variation is necessary for the preservation of substantial property rights possessed by other properties in the same zoning district.
3. **The following rules apply in the granting of variances:**
- a. The Zoning Board of Appeals may specify, in writing, such conditions regarding the character, location, and other features that will, in its judgment, secure the objectives and purposes of this Ordinance. The breach of any such condition automatically invalidates the permit granted.
 - b. Each variance granted under the provisions of this Ordinance shall become null and void unless construction authorized by such variance or permit has been commenced within one (1) year after the granting of the variance.
 - c. No application for variance that has been denied wholly or in part by the Zoning

Board of Appeals 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 found upon inspection by the Zoning Board of Appeals to be valid.

- d. Variances may be granted for the reconstruction, rehabilitation, upgrade or restoration of structures listed on the National Register of Historic Places, the Michigan Historical Markers Listing of Historical Sites or any other State register of historical places.
4. **Special Exceptions.**

When, in its judgment, the public welfare will be served and the use of neighboring property will not be injured thereby, the Zoning Board of Appeals may, in a specific case, after due notice and public hearing, and subject to appropriate conditions and safeguards, determine and vary the application of the regulations of this Ordinance in harmony with the general character of the district and the intent and purpose of this Ordinance. The granting of a special exception shall in no way constitute a change in the basic uses permitted in the district, nor on the property wherein the exception is permitted. The Zoning Board of Appeals may issue a conditional permit as a special exception for the following land and structure uses:

- a. Temporary Permits.
Permits may be granted for temporary structures such as a garage, partial structure, cellar, basement, or mobile home to be used for dwelling purposes subject to the following procedures and limitations:
 - i. The Zoning Board of Appeals shall give due notice to the applicant and to all property owners within 300 feet.
 - ii. A temporary permit shall not be granted unless the Board finds adequate evidence that the proposed location of the use will not be detrimental to property in the immediate vicinity; and that the proposed water supply and sanitary facilities have been approved by the local health department.
 - iii. The Board may impose any reasonable conditions in addition to the district requirements on the proposed use. Such conditions may include setbacks, land coverage, off-street parking, landscaping, and other requirements deemed necessary to protect adjoining properties and the public welfare.
 - iv. The permit issued shall clearly set forth the conditions under which occupancy is granted during construction of a permanent dwelling and shall state a proposed temporary dwelling structure is to be vacated upon expiration of a specific time limit not to exceed twelve (12) months. No permit shall be transferable to any other owner or occupant. The permit

may be renewed once for an additional six (6) months if the original conditions continue to be met.

b. Conditional Permits.

When conditions exist that are unique to a particular situation, a conditional permit may be issued with specific limitations imposed by the Zoning Board of Appeals. The land or structure use may be permitted to be established and to continue in use as long as the unique conditions continue to exist. The permit may be canceled when the conditions cease to exist. The permit issued shall contain all the specified conditions under which the use may be allowed, such as the following:

- i. Permits can be made for more than two roomers in any one dwelling, but not more than four, when it can be demonstrated to the satisfaction of the Board that such an expanded capacity is a clear necessity for satisfying this particular housing demand; that adequate off-street parking can be provided; and that such use will not injure the character or property value of the immediate neighborhood.
- ii. The Board may authorize a reduction, modification, or waiver of any of the off-street parking or off-street loading regulations elsewhere in this Ordinance when it can be demonstrated that circumstances of extreme practical difficulty exist that would unquestionably result in hardship to the applicant when a literal interpretation of the regulations is required. Hardship shall not be deemed economic, but rather in terms of use of a particular parcel of land. A hardship that is a result of any action of the applicant shall not be considered by the Zoning Board of Appeals. Under any of these circumstances, in no case shall the off-street parking or off-street loading standards be reduced by more than twenty-five percent (25%).
- iii. Joint use of off-street parking areas may be authorized when compliance with the capacities outlined elsewhere in this Ordinance are demonstrated and when a copy of an agreement between joint users shall be filed with the application and recorded with the County Register of Deeds.
- iv. Use of a "Model Home" within a residential district can be granted by the Zoning Board of Appeals, provided that said permit shall be for one year only, although it may be renewed for an additional six months, and further provided that all regulations of the district within which the proposed uses are allowed and are followed.
- v. Other "Conditional Uses" may be considered based upon findings of fact by the Zoning Board of Appeals that indicate conditions exist that are unique to a particular situation, but are not contradictory to the intent of the district within which the proposed use would be located.

Section 1009. Duties and Powers of the Planning Commission

The Alabaster Township Planning Commission, established by the Township Board under the provisions of Act 184 of 1943 and Act 168 of 1959, shall be responsible for the following administrative and enforcement activities under this Ordinance.

- A. **Site Plan Approval.** The Planning Commission shall review Site Plans and issue its approval, conditional approval or denial of same as provided in Section 1010.
- B. **Special Land Use Permits.** The Planning Commission shall conduct a public hearing on any application for a Special Use Permit, as provided in Article 9. Following a public hearing, the Planning Commission shall review and approve or deny said application. The Planning Commission shall also take any necessary action to revoke a Special Use Permit as provided in Section 910.
- C. **Rezoning or Amendment.** The Planning Commission shall conduct public hearings for proposals to rezone property or for amending the text of this Ordinance, as provided in Section 1005. Following a public hearing, the Planning Commission shall make its recommendation regarding the proposed rezoning or text change to the Township Board. The Planning Commission may initiate a text change or rezoning, subject to the requirements for notice, hearing and Township Board approval.
- D. **Master Plan.** The Planning Commission shall be responsible for developing and/or amending the Master Plan for the Township.
- E. **Other.** The Planning Commission may perform other relevant tasks assigned to it by the Township Board of Trustees.
- F. **Compensation.** The Township Board of Trustees shall establish the rate of compensation and reimbursement for members of the Planning Commission.

Section 1010. Site Plan Review Requirements

1010.1 Conditions for Submission

A site plan shall be required and submitted to the Planning Commission for the following developments:

- A. All non-residential development, expansion or changes or change of use for which a site plan is otherwise required.
- B. Any use other than single family, two-family residential, or agricultural development that

lies contiguous to a major or minor thoroughfare or a collector street or road.

- C. All non-residential developments in residential areas including - but not limited to – religious facilities, schools, and public facilities.
- D. All business (B-1 and B-2 districts) and commercial developments other than home occupation uses.
- E. All manufacturing and industrial (M-1 districts) development projects.
- F. All projects requiring a Special Land Use Permit.
- G. Residential developments of four (4) or more units.
- H. All lot splits.

1010.2 Requirements for Submission.

Every site plan submitted to the Planning Commission shall include at least a minimum of the following information before it is accepted for review:

- A. Completion of Site Plan Application form.
- B. A written narrative explaining:
 - 1. What is being proposed.
 - 2. How each of the Performance Standards cited in Section 305 is being addressed. (The applicant should anticipate which of the Township concerns might pose a potential problem and address them accordingly. If some items are not applicable, so state that as N. A.)
- C. A map or drawing of the property, including the following:
 - 1. Drawn at a scale of not less than one inch (1") represents fifty feet (50') if the subject parcel is less than three (3) acres, or one inch (1") represents one hundred feet (100') if the subject parcel is three (3) acres or more.
 - 2. Date of last revision, north point, scale and legend.
 - 3. Dimensions of all lot and property lines showing the relationship of the subject property to all abutting properties.
 - 4. Location of existing and proposed structures on the subject property and all existing structures within fifty feet (50') of the property.

5. Location of existing and proposed drives and parking areas.
6. Location and right-of-way widths of abutting streets and alleys.
7. Names and addresses of the architect, planner, designer, and/or engineer responsible for preparation of the site plan.
8. The map should be prepared by a Michigan-licensed surveyor or approved by a Michigan-registered engineer.
9. A legal description.

1010.3 Considerations During Review.

When the Planning Commission reviews the site plan, it shall consider the following and may require certain additions and changes to meet the objective of these considerations:

- A. The location of adjacent land uses and the impact of the proposed development on those land uses, including - but not limited to - the performance requirements cited in Section 305, the scale and function of adjacent uses/structures, and the harmonious relationships and compatibility with the adjacent structures/uses.
- B. The location and design of driveways that provide vehicular ingress to and/or egress from the site shall be made in relation to the streets and roads giving access to the site and in relation to pedestrian traffic if sidewalks or other pedestrian traffic modes are in the area.
- C. The on-site traffic circulation features, within the site and location of vehicular parking, loading, drive-thru, and circulation areas.
- D. The use of landscaping, fences, walls, and other features in pursuance of the above objectives.

Section 1011. Fees.

An application or request for a building permit, site plan review, special land use application, rezoning, and issue directed to the Zoning Board of Appeals shall be accompanied by a fee to defray the actual costs thereof the Township.

All fees shall be payable to the Township Treasurer to the credit of the general fund of the Township. The Township Board shall, by resolution, from time to time, establish the amount of such fees. The Township may retain professional assistance in performing such reviews with those costs to be passed on to the applicant, only when and if the applicant is made aware of the

costs prior to the application. Only one (1) fee shall be required where an applicant's proposed use requires more than one action by the Township, its boards or officials.

Section 1012. Performance Guarantee.

To insure compliance with this ordinance, the township may require certain action to include public improvements as part of granting a permit or decision. Such improvements can be to protect the natural resources, the public health and safety, or the welfare of residents or future residents or users of a project area. Generally such improvements subject to a performance guarantee will consist of roadways, lighting, utilities, sidewalks, screening, and/or drainage and does not include the entire project subject to approval.

To insure performance, the township may require a cash deposit, certified check, irrevocable bank letter of credit, or surety bond covering the estimated cost of public improvements associated with the project. This guarantee shall be deposited at the time of issuance of the permit. Rebates may be established for any cash deposits in reasonable proportion to the ratio of the work completed on the project.

Section 1013. Notification and Public Hearings

Notification of public hearings and meeting shall be done in accordance with the laws of the State of Michigan. At the writing of this Ordinance, PA 110 (2006) governs notification requirements, which shall be followed until subsequent amendments or laws are enacted, after which they shall be followed.

Section 1014. Posting of permits and Street Numbers

Zoning permits and street numbers must be posted during construction so that both are visible from the street. Permits shall be posted until a Certificate of Occupancy is issued by the Iosco County Building Inspector. The Township Board places emphasis on the need for street numbers at all times to facilitate emergency response.

Section 1015. Adoption

After completion of a public hearing and comments made at said hearing by the township planning commission, and after submission to the County of Iosco, the Township Board of Trustees of the Township of Alabaster, Iosco County, Michigan hereby adopts this zoning ordinance pursuant to the provisions of Act 184, the Township Zoning Act, of the Public Statutes of 1943 of the State of Michigan.

1. Date of Planning Commission Public Hearing: December 9, 2013.

2. Dates of Publication: December 9, 2013
3. Date submitted to Iosco County Planning Commission: December 9, 2013
4. Date of Adoption by Township of Alabaster Board of Trustees: December 9, 2013
5. Date of Effect: December 9, 2013
6. Date of Publication of Notice of Effect: December 9, 2013

Footnote A: Prior to the enactment of this ordinance, a Planning Commission and a Zoning Board existed to discharge various responsibilities assigned to them by the then-existing ordinances. The Zoning Board has since been eliminated and its functions have been assumed by the Planning Commission, pursuant to a resolution by the Township Board of Trustees.

Footnote B: See Articles 3 (General Requirements), 6 (Land Use Zoning Districts) and 9 (Special Land Uses) for specific information on what is permitted in each zone and when permits are needed in any given zoning district.