

PREAMBLE

An Ordinance enacted by Burleigh Township under Public Act 184 of 1943, as amended, to provide for the establishment of zoning districts within which the proper use of land and natural resources may be encouraged or regulated by Ordinance, and within which district provisions are adopted designating the location of, the size of, the uses that may be made of, the minimum open spaces, sanitary, safety, and protective measures that shall be required for, and the maximum number of families that may be housed in dwellings, buildings, and structures, including tents and trailer coaches; to provide for administration and amendments of said Ordinance; to provide for appeals and for the organization and procedures to be followed by the Zoning Board of Appeals; and to provide for penalties for the violation of said Ordinance.

Article 1 TITLE and PURPOSE

Section 1.01 Title

This Ordinance shall be known and cited as the Burleigh Township Zoning Ordinance.

Section 1.02 Purpose

It is the purpose of this Zoning Ordinance to promote the public health, safety, comfort, convenience, and general welfare of the inhabitants of Burleigh Township by encouraging the use of lands and natural resources in accordance with their character, adaptability and suitability for particular purposes; to enhance social and economic stability; to prevent excessive concentration of population; to reduce hazards due to flooding; to conserve and stabilize the value of property; to provide adequate open space for light and air and preserving community character; to prevent fire and facilitate the fighting of fires; to allow for a variety of residential housing types and commercial and industrial land uses; to lessen congestion on the public streets and highways; to facilitate adequate and economical provision of transportation, sewerage and drainage, water supply and distribution, education, recreation and other public services and facilities; to assure adequate provision of the state's citizens for food, fiber, energy and other natural resources; to ensure appropriate locations and relationships for uses of land; and to facilitate the expenditure of funds for adequate public facilities and services by establishing herein standards for physical development in accordance with the goals, objectives and policies contained in the Future Land Use Plan for the Township; and to provide for the administration and enforcement of such standards.

Balance of Page Purposefully Blank

End of Article 1

Article 2 DEFINITIONS

Section 2.01 Construction of Language

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

- A. Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.
- B. The word "person" includes a corporation, association, partnership, trust, firm, or similar activity as well as an individual.
- C. The word "building" includes the word "structure" and either includes any part thereof.
- D. The word "lot" includes the word "plot", "tract", or "parcel".
- E. The term "shall" is always mandatory and not discretionary; the word "may" is permissive.
- F. The word "used" or "occupied" as applied to any land or building shall be construed to include the words intended, arranged, maintained for or designed to be used or occupied.
- G. The words "this Ordinance" means the text of this Ordinance as well as all maps, tables, graphics, and schedules, as included or attached as enacted or subsequently amended.
- H. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "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 the connected items, conditions, provisions or events may apply singly or in any combination.
 - 3. "Either... or" indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.
- I. The "Township" is the Township of Burleigh in the County of Iosco, State of Michigan; the "Township Board", "Board of Appeals" and "Zoning Board" are, respectively, the Township Board of Trustees, Zoning Board of Appeals, and Zoning Board of the Township.
- J. Any word or term not interpreted or defined by this Ordinance shall be used with a meaning of common or standard utilization. A dictionary may be consulted.
- K. "Days" means calendar days unless otherwise stated.
- L. Where a specific agency, department, law, or rule is referred to in this Ordinance, such reference shall include any successor agency, department, law or rule.

Section 2.02 Definitions

A. Definitions Of Words And Phrases Beginning With The Letters "A" Through "E":

Accessory Building: A building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building.

Accessory Use: A use customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.

Agriculture: Any land, buildings, and machinery used in the commercial production of farm products as defined in the Michigan Right to Farm Act, P.A. 93 of 1981, as amended; including but not limited to pasturage, floriculture, dairying, horticulture, forestry, and livestock or poultry husbandry, except that agriculture does not include concentrated livestock operations as defined in this Article.

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

Apartment: A room or suite of rooms, including bath and kitchen facilities, in a two-family or multiple family dwelling intended and designed for use as a residence by a single family.

Basement: That portion of a building which is partly or wholly below finished grade.

Bed and Breakfast: A structure which was constructed for single family residential purposes but which may be used for the purpose of renting bedrooms on a nightly basis to tourists, including the provision of bathing and lavatory facilities and a breakfast meal, provided that certain zoning requirements are met.

Berm: A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes to provide a transition between uses of differing intensity.

Billboard: A sign structure advertising a service, commodity or establishment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located, also known as "off-premise sign" or "outdoor advertising structure." Such sign is subject to the requirements of the Highway Advertising Act, PA 106 of 1972 (as amended) as well as to the provisions of this Ordinance.

Buffer Area: A strip of land reserved for plant material, berms, walls, or fencing to serve as a visual and/or sound barrier between properties, often between abutting properties in different zoning districts.

Building: Any structure, either temporary or permanent, having a roof supported by columns, walls, or any other supports, which is used for the purpose of housing, sheltering, storing, or enclosing persons, animals, or personal property, or carrying on business activities. This definition includes but is not limited to: mobile homes, tents, sheds, garages, and greenhouses.

Building Height: The vertical distance measured from the finished grade at the center of the building where the building abuts the front yard to the highest point of the roof surface, except as follows: to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs (see Figure 2-1 at end of this Section).

Building Lines: A line which defines the minimum distance (as determined by the minimum front, side, or rear yard setback) which any building shall be located from a property line or existing street right-of-way line.

Campground: A parcel or tract of land under the control of a person in which sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters. Temporary living quarters means a tent, recreational vehicle, or any portable structure designed to be carried or towed by a vehicle and placed for temporary living quarters.

Cemetery: Property, including crematories, mausoleums, and/or columbiums, used or intended to be used solely for the perpetual interment of deceased human beings or customary household pets.

Changeable Message Board: A sign which identifies an institution or organization on the premises of which it is located and which contains the name of the institution or organization, the names of individuals connected with it, and general announcements of events or activities occurring at the institution, or similar messages.

Church: A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.

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

Communication Tower: A radio, telephone or television relay structure attached directly to the ground or to another structure, used for the transmission or reception of radio, television, telephone, microwave, or any other form of telecommunications signals.

Concentrated Livestock Operation: A farm activity which exceeds the confinement of livestock or poultry in excess of a total of fifty (50) animal units per confined acre or a total of two hundred (200) animal units, either by a single type of livestock or poultry or by the combination of multiple types of livestock and poultry, for more than forty-five (45) days, continuously or intermittently, in any twelve (12) month period. An "animal unit" is a unit of measure of animal waste produced on a regular basis, with a slaughter steer or heifer equal to one (1) animal unit and the following equivalencies applicable to other livestock:

- 1) slaughter steer/heifer: 1.00 animal unit (all cattle)
- 2) horses: 2.00 animal units
- 3) mature dairy cow: 1.40 animal units
- 4) swine: 0.40 animal units
- 5) sheep: 0.10 animal units
- 6) all fowl: 0.05 animal units

For example purposes only, each of the following number of animals equal fifty (50) animal units:

- 1) 50 slaughter steer/heifers;
- 2) 25 horses;
- 3) 35 mature dairy cow;
- 4) 125 swine;
- 5) 500 sheep;
- 6) 1,000 fowl; or
- 7) 25 slaughter steer plus 32 swine plus 125 sheep

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

Condominium Subdivision: A division of land on the basis of condominium ownership, which is not subject to the provisions of the Land Division Act, P.A. 591 of 1996, as amended.

Condominium Subdivision Plan: The drawings attached to the master deed for a condominium subdivision which describe the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the condominium subdivision, as well as the nature, location and size of common elements.

Condominium Unit: That portion of a condominium project or condominium subdivision which is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. A condominium unit may consist of either vacant land or space which either encloses or is enclosed by a building structure. Any "condominium unit", or portion thereof, consisting of vacant land shall be equivalent to the term "lot" for the purposes of determining compliance of the condominium subdivision with the provisions of this ordinance including minimum lot size, minimum lot width, maximum lot coverage and setbacks.

Day Care Center: A facility, other than a private residence, receiving 1 or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility which provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Child care center or day care center does not include any of the following:

- a. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than 3 hours per day for an indefinite period, or not greater than 8 hours per day for a period not to exceed 4 weeks during a 12-month period.
- b. A facility operated by a religious organization where children are cared for not greater than 3 hours while persons responsible for the children are attending religious services.
- c. A private home (private residence) in which the licensee or registrant permanently resides as a member of the household, which residency shall not be contingent upon caring for children or employment by a licensed or approved child placing agency. Private home includes a full-time foster family home, a full-time foster family group home, a group day care home, or a family day care home.

- Day Care Home; Family:** A private home in which the operator permanently resides as a member of the household in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.
- Day Care Home, Group:** A private home in which the operator permanently resides as a member of the household in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to more than six unrelated minor children for more than 4 weeks during a calendar year.
- District:** An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements and height regulations. A "district" is also known as a "zone" or "zoning district".
- Drive-in Establishment:** An establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.
- Driveway:** A means of access for vehicles, bicycles, motorcycles, foot traffic, or other suitable means of transportation, from a parcel of property, to a parking or loading area, or other public area, garage, dwelling, or other structure or area on the same lot, with said driveway to be located and constructed in accordance with the requirements of this Ordinance and any requirement of the Iosco County Road Commission or State of Michigan.
- Dwelling:** Any building, or portion thereof, which is designed or used exclusively for residential purposes. In no case shall a motor home, trailer coach, automobile chassis, tent or portable building be considered a dwelling.
- Dwelling, Multiple Family:** A building containing three or more dwelling units designed for residential use for three or more families living independently of each other.
- Dwelling, Single Family:** A detached building or portion thereof designed and used exclusively as the home, residence or sleeping place of one family. In the case of a mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for purposes of this Ordinance and shall comply with the provisions herein relative to dwellings.
- Dwelling, Two Family (Duplex):** A building containing not more than two separate dwelling units designed for residential use.
- Dwelling Unit:** One or more rooms with bathroom and principal kitchen facilities designed as a self contained unit for occupancy by one family for living, cooking and sleeping purposes.
- Erected:** The word "erected" means built, constructed, reconstructed, moved upon, or any physical activity upon a premises or lot required for the building. Excavations, fill, drainage, and the like, shall be considered a part of erection when done in conjunction with a structure.
- Essential Services:** The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead gas, communication, telephone, electrical, steam, fuel or water transmission or distribution systems, collections, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare, but not including towers, or office buildings, substations, or structures which are enclosures or shelters for service equipment, or maintenance depots.
- Excavation:** Any breaking of ground, except common household gardening, general farming and ground care.
- Extraction Operation:** The removal, extraction, or mining of sand, gravel or similar material on a parcel, for commercial gain and/or use on another parcel(s), where the total yearly cubic yards of extracted material exceeds two thousand (2000).

B. Definitions of Words and Phrases Beginning With the Letters "F" Through "J":

Family:

- a. An individual or group of two or more persons related by blood, marriage, or adoption, including foster children and servants, together with not more than two additional persons not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit, or
- b. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing nontransient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

Said definition shall not apply in instances of group care centers, or state licensed residential facilities as established under P.A. 395 of 1976, as amended.

Farm: Land used for commercial agriculture comprising at least ten (10) contiguous acres, and which may contain other noncontiguous acreage, all of which is operated by a sole proprietorship, partnership or corporation and including all necessary farm buildings, structures, and machinery.

Farm Operation: A condition or activity which occurs on a farm in connection with the commercial production of farm products, and includes, but is not limited to: marketed produce at roadside stands or farm markets; noise; odors; dust; fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.

Fence: An accessory structure artificially constructed to serve as an obscuring screen, physical barrier, and/or decorative landscape element.

Filling: The depositing or dumping of any matter into or onto the ground,

Floor Area, Gross: The sum of all gross horizontal areas of all floors of a building or buildings, measured from the outside dimensions of the outside face of the outside wall. Unenclosed and uncovered porches, unenclosed and covered porches, court yards, or patios shall not be considered as part of the gross area except where they are utilized for commercial purposes such as the outdoor sale of merchandise.

Floor Area, Minimum (for a dwelling unit): The sum of all gross horizontal areas of all stories of a dwelling unit, measured from the outside dimensions of the outside face of the outside wall. Unenclosed and uncovered porches, unenclosed and covered porches, courtyards, or patios shall not be considered as part of the minimum floor area.

Floor Area, Usable: For the purposes of computing parking requirements, usable floor area shall be considered as that area 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, hallways, stairways, and elevator shafts, or for restrooms and janitorial service rooms, shall be excluded from this computation of usable floor area. Usable floor area shall be measured from the interior faces of the exterior walls, and total usable floor area for a building shall include the sum of the usable floor area for all floors.

Foster Care Facility: An establishment which provides supervision, assistance, protection, or personal care, in addition to room and board, to persons. A foster care facility does not include a home for the aged or nursing home, licensed under PA 139 of 1956, as amended, or a mental hospital for mental patients licensed under PA 151 of 1923.

- a. Family Home: A facility which provides foster care to six (6) or fewer persons.
- b. Group Home: A facility which provides foster care to seven (7) or more persons.

Frontage: The total continuous length of the front lot line.

Garage: An accessory building or an accessory portion of a principal building designed or used principally for the storage of non-commercial motor vehicles, boats, motor homes, snowmobiles, and similar vehicles owned and used by the occupants of the building to which it is accessory.

Home Occupation: An accessory use of a dwelling unit for gainful employment which is conducted entirely within a dwelling and which is clearly incidental and secondary to the residential use of the lot, does not change the character of the dwelling, and meets all applicable provisions of this Ordinance.

Hospital: An institution or place where sick or injured in-patients are given medical or surgical care at either public or private expense, and operating under license from the Michigan Department of Public Health.

Inoperable or Abandoned Motor Vehicle: Any wheeled vehicle which is self-propelled and intended to be self-propelled, and which by reason of dismantling, disrepair or other cause is incapable of being propelled under its own power.

Junk: Any motor vehicles, machinery, appliances, products, or merchandise with parts missing, or scrap metals or other trash, rubbish, refuse or scrap materials that are damaged or deteriorated whether or not the same could be put to any reasonable use, except if in a completely enclosed building. Junk includes any inoperable or abandoned motor vehicle which is not licensed for use upon the highways of the State of Michigan and shall also include, whether so licensed or not, any motor vehicle which is inoperative for any reason and which is not in a completely enclosed building.

Junk Yard: Any land or building used: 1) for the abandonment, storage, keeping, collecting, or baling of paper, rags, scrap metals, or other scrap or discarded materials; or 2) for the abandonment, demolition, dismantling, storage or salvaging of machinery, automobiles or other vehicles not in normal running conditions, or parts thereof.

C. Definitions of words and phrases beginning with the letters "K" through "O":

Kennel: A lot or premises on which three (3) or more dogs, cats, or other domestic pets, six (6) months of age or older, are kept, either permanently or temporarily, for the purposes of breeding, boarding, training, sale, or transfer.

Livestock: Cattle, sheep, goats, llamas, swine, poultry, and other animals or fowl, which are being produced primarily for commercial profit or slaughter, but excluding animals which meet this Ordinance's definition for "wild animal."

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

Lot: Land described in a recorded plat or by metes and bounds description, including a condominium unit in a condominium subdivision, occupied or to be occupied by a building, structure, land use or group of buildings, having sufficient size to comply with the frontage, area, width-to-depth ratio, setbacks, yards, coverage and buildable area requirements of this Ordinance, and having its principal frontage upon a public street or on a private road (see *Figure 2-2 at end of this Section*). A lot may consist of a single lot of record, a portion of a lot of record, or any combination of complete and/or portions of contiguous lots of record, provided that in no case shall a division or combination of any land area be created after the effective date of this Ordinance which does not meet this Ordinance's definition of a "lot."

Lot Area: The area of the horizontal plane within the lot lines of a lot, exclusive of any public street right-of-way or access easement abutting any side of the lot.

Lot, Corner: Any lot having at least two (2) contiguous sides abutting upon one or more streets or approved private roads, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. A lot abutting a curved street(s) shall be a corner lot if the arc has a radius less than one hundred and fifty (150) feet as measured from the lot line. (see *Figure 2-2 at end of this Section*).

Lot, Depth Of: The horizontal distance between the front and rear lot lines, measured along a line midway between the side lot lines (see *Figure 2-3 at end of this Section*).

Lot, Flag: A lot whose access to the public street is by a narrow, private right-of-way that is either a part of the lot or an easement across another property and does not meet the frontage requirements of the district in which it is located. (see *Figures 2-3 and 2-4 at end of this Section*)

Lot, Interior: A lot other than a corner lot which, with the exception of a "through lot", has only one lot line fronting on a street (see *Figure 2-2 at end of this Section*).

Lot Lines: The lines bounding a lot or parcel (see *Figure 2-4 at end of this Section*).

- a. **Front Lot Line:** The line(s) separating the lot from any street right-of-way, private road or other access easement.
- b. **Rear Lot Line:** The lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line at least ten feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line.
- c. **Side Lot Line:** Any lot line other than a front or rear lot line.

Lot of Record: A lot which is part of a subdivision, the map of which has been recorded in the Office of the Iosco County Register of Deeds prior to the adoption or amendment of this Ordinance, or a tract, parcel or lot described by metes and bounds, the deed to which has been recorded in the Office of the Iosco County Register of Deeds prior to the adoption or amendment of this Ordinance.

Lot, Through: An interior lot having frontage on two (2) more or less parallel streets (see Figure 2-2 at end of this Section).

Lot Width: The straight line horizontal distance between the side lot lines, measured at the two (2) points where the minimum required front setback line intersects the side lot lines (see Figure 2-4 at end of this Section).

Manufactured Housing: A dwelling unit which is designed for long term residential use and is wholly or substantially constructed at an off-site location. Manufactured housing includes mobile homes and modular housing units.

Mini Storage (warehouse) Facilities: A building or group of buildings in a controlled access or fenced area that contains individual compartmentalized and controlled access stalls or lockers for the storage of customer's goods or wares which are generally not used on a daily basis.

Mobile Home: A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term mobile home shall not include pick-up campers, travel trailers, motor homes, modular homes, recreational vehicles, converted buses, tent trailers, or other transportable structures designed for temporary use.

Mobile Home Park: A parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

Modular (Pre-Manufactured) Housing Unit: A dwelling unit constructed solely within a factory, as a single unit, or in various sized modules or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a single-family dwelling unit, and meeting all codes and regulations applicable to conventional single-family home construction.

Motel: A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units designed primarily for transient automobile travelers and providing for accessory off-street parking facilities. The term "motel" shall include buildings designated as hotels, auto courts, tourist courts, motor courts, motor hotel, and similar appellations which are designed as integrated units of individual rooms under common ownership. A motel shall not be considered or construed to be a multiple family dwelling.

Motor Home: A self-propelled, licensed vehicle prefabricated on its own chassis, intended for recreational activities and temporary occupancy.

Nonconforming Building (Nonconforming Structure): A building or structure, or portion thereof, lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto, that does not conform to the provisions of this Ordinance relative to height, bulk, area, placement or yards for the zoning district in which it is located. Such building and/or structure may be further defined as provided by statute and/or case/law.

Nonconforming Lot (Substandard Lot): A lot lawfully existing at the effective date of this Ordinance, or affecting amendment, and which fails to meet the area and/or dimensional requirements of the zoning district in which it is located. This definition is to expand upon any definition of a non-conforming lot or record, and/or substandard lot as may be provided by relevant statute and/or other law.

Nonconforming Use: A use of a building or structure or of a parcel or tract of land, lawfully existing at the time of adoption of this Ordinance or subsequent amendment thereto, that does not conform to the regulations of the zoning district in which it is situated. A nonconforming use may also be defined as provided by relevant statute and/or other law.

Nuisance: An offensive, annoying, unpleasant, or obnoxious thing or practice or a cause or source of annoyance, especially a continuing or repeated invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things including but not limited to: noise, dust, smoke, odor, glare, fumes, flashes, vibration, objectionable effluent, noise of a congregation of people - particularly at night, passing traffic, or invasion of street frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities. Farm operations, as defined by the Michigan Right To Farm Act, P.A. 93 of 1981, as amended, shall not be considered nuisances where in compliance with the provisions of the Act. This definition may be expanded upon as a nuisance may be defined at law.

Nursing Home: An installation other than a hospital, having as its primary function the rendering of nursing care for extended periods of time to persons afflicted with illness, injury, or an infirmity.

Owner: The owner of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, lessee, or any other person, sole proprietorship, partnership, association, or corporation directly or indirectly in control of a building, structure, or real property, or his or her duly authorized agent.

D. Definitions Of Words And Phrases Beginning With The Letters "P" Through "T":

Parcel: A lot described by metes and bounds or described in a recorded plat.

Park: A parcel of land, building or structure used for recreational purposes including but not limited to playgrounds, sport fields, game courts, beaches, trails, picnicking areas, and leisure time activities.

Parking Area, Off-Street: A land surface or facility providing vehicular parking spaces off of a street along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of three (3) or more automobiles or trucks.

Parking Space: An area of land provided for vehicles off of a street exclusive of drives, aisles, or entrances giving access thereto, which is fully accessible for parking of a permitted vehicle.

Plat: A map of a subdivision of land recorded with the Register of Deeds pursuant to the Land Division Act of 1996, as amended, or a prior statute.

Plot Plan: A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. A plot plan generally contains less comprehensive and detailed information about improvements proposed on the site than does a site plan, and is required for such uses as single family dwellings and two family dwellings. Plot plan approval is generally delegated to the Zoning Administrator.

Principal Building: A building on a lot in which the principal use exists or is served by.

Principal Use: The main use to which the premises are devoted and the main purpose for which the premises exist.

Prohibited Use: A use of land which is not permitted within a particular zoning district.

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

Recreational Vehicle: A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle.

Recreational Vehicle Park: All lands and structures which are owned and operated by private individuals, a business or corporation which are predominantly intended to accommodate recreational vehicles and provide for outdoor recreational activities.

Repair: The reconstruction or renewal of any part of an existing building for the purpose of maintenance.

Restaurant, Drive-through: A restaurant in which all or a substantial portion of the business consists of serving foods and beverages in a ready -to-consume state from a drive-through window to patrons in motor vehicles. A drive-through restaurant may or may not also have indoor seating.

Restaurant, Standard: An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state, and whose principal method of operation includes one or both of the following characteristics:

- a. customers, normally provided with an individual menu, are served their food and beverage by a restaurant employee, at the same table or counter at which food and beverage are consumed;
- b. a cafeteria-type operation where food and beverage generally are consumed within the restaurant building.

Right-of-Way: A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.

Road: A state highway, county road, dedicated public thoroughfare or approved private road which affords the principal means of access to abutting property and if newly constructed, or reconstructed, meets construction standards promulgated by this Ordinance. The term "road" includes the term "street".

- Road Line:** The legal line of demarcation between a road right-of-way and abutting land.
- Roadside Stand:** A structure which is used seasonally for display and sale of agricultural produce. The seasonal operation of a roadside stand shall not be considered a commercial use.
- School:** An educational institution under the sponsorship of a private or public agency providing elementary or secondary curriculum, and accredited or licensed by the State of Michigan; but excluding profit-making private trade or commercial schools.
- Screen:** A structure providing enclosure, such as a fence, and a visual barrier between the area enclosed and the adjacent property. A screen may also be non-structural, consisting of shrubs or other growing materials.
- Secondary Containment:** A device and/or measures taken to prevent regulated substances that can be spilled at a loading or unloading facility from entering a public sewer, ground water, surface water, subsurface soils, or the impoundment area for the tanks.
- Service Station, Standard:** A place used primarily for the retail sale and dispensing of fuel or lubricants together with the fixed equipment from which the fuel is dispensed directly into motor vehicles. Such places may also perform minor automobile repair, limited to engine tune-ups and servicing of brakes, air conditioning, and exhaust systems; oil change or lubrication; wheel alignment or balancing; or similar servicing or repairs that do not normally require any significant disassembly or storing the automobiles on the premises overnight. Standard service stations may also include up to four hundred (400) square feet of floor area used for the sale of convenience items such as food products, magazines, and similar convenience items.
- Service Station, Multiple Use:** A place used for more than one (1) principal use, one (1) of which is the retail sale and dispensing of fuel or lubricants together with the fixed equipment from which the fuel is dispensed directly into motor vehicles. Other principal uses may include, but need not be limited to, a restaurant or convenience store. However, all other principal uses must be identified as permitted uses within the subject District. Such places may also perform minor automobile repair, limited to engine tune-ups and servicing of brakes, air conditioning, and exhaust systems; oil change or lubrication; wheel alignment or balancing; or similar servicing or repairs that do not normally require any significant disassembly or storing the automobiles on the premises overnight.
- Setback:** The minimum unoccupied distance between the lot line and the principal and accessory buildings, as required herein. "Unoccupied" shall be interpreted to mean the absence of buildings and accessory structures, but not including fences; subterranean installments such as sewers, septic tanks, and drain fields; and trees and shrubs.
- a. **Front:** Minimum unoccupied distance, extending the full lot width, between the principal building and the front lot line.
 - b. **Rear:** The minimum required unoccupied distance, extending the full lot width, between the principal building and the lot line opposite the front lot line.
 - c. **Side:** The minimum required unoccupied distance, extending from the front setback to the rear setback, between the principal building and the side lot line.
- Shooting Range:** Any facility, whether operated for profit or not, and whether public or private, which is designed or used primarily for the use of firearms which are aimed at targets, skeet or trap, or where a fee is paid in order to hunt animals within a confined area.
- Sign:** Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks, or other representation, or combination thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity or product, which is located upon any land or on or in any building, in such manner as to attract attention from outside the premises. (*Refer to Article 21: Signs, for additional definitions pertaining to signs.*)
- Site Plan:** A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. A site plan contains more comprehensive and detailed information about improvements proposed on the site than does a plot plan because of the more complex nature of land uses required to receive site plan approval, such as business, industrial, and multiple family developments. Site plan approval is delegated to the Township Board.

Special Land Use: Uses and structures which have been generally accepted as reasonably compatible with the primary uses and structures within a zoning district, but because of their unique character or potential impacts, could present potential injurious effects upon the primary uses and structures within the zoning district and therefore require special consideration in relation to the welfare of adjacent properties and to the community as a whole. All such proposed uses shall be subject to a public hearing. Refer to Articles 7, Procedures for Special Land Uses.

Stable, Commercial: A structure and/or land use where horses are bred, reared, trained and/or boarded for remuneration.

Stable, Private: An accessory structure and/or land use where horses are kept for private use by the occupants of the parcel and are not for hire, remuneration or sale.

Stop Work Order: An administrative order which is either posted on the property or mailed to the property owner which directs a person not to continue, or not to allow the continuation of an activity which is in violation of this Ordinance.

Structural Alterations: Any change in the supporting members of a building such as the bearing walls, columns, beams or girders, or any change in the dimensions or configuration of the roof, exterior walls or foundation.

Structure: Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having such location on the ground including but not limited to all buildings, independently supported decks, satellite dishes and free-standing signs; excepting anything lawfully in a public right-of-way including but not limited to utility poles, sewage pumping stations, utility manholes, fire hydrants, electric transformers, telephone boxes, and related public facilities and utilities defined as essential public services.

Swimming Pool: Any structure or container located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing.

Township Engineer: The staff engineer or consulting engineer of the Township, as may be hired or contracted from time to time.

Travel Trailer: A recreational vehicle designed to be used for temporary residence purposes.

E. Words and phrases beginning with the letters "U" through "Z":

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

Variance: A variance is a modification of the literal provisions of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in a practical difficulty or unnecessary hardship.

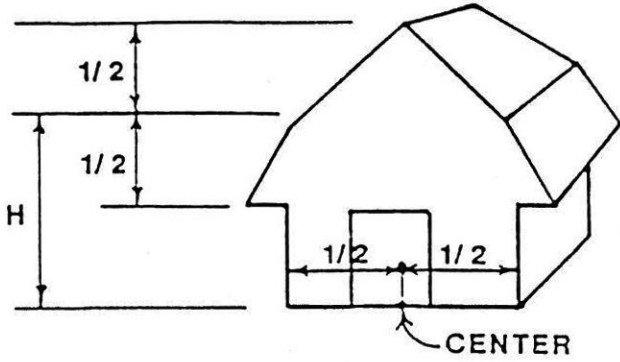
Vehicle Repair Shop: Buildings and premises for the purpose of engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service such as body, frame and fender repair, and painting.

Wild Animal: Any animal not domesticated by humans; or which attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals; or which a person is prohibited from possessing by law.

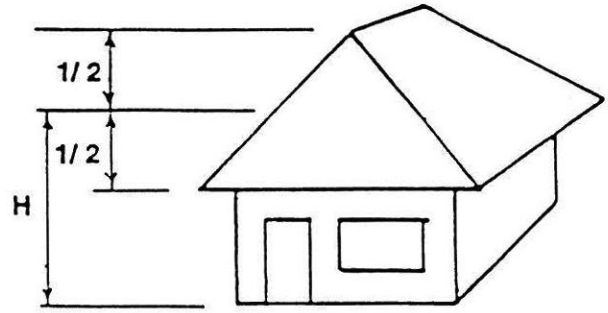
Yard: An open space, on the same lot with a principal building, unoccupied and unobstructed from the ground upward by a building or structure, except as otherwise permitted in this Ordinance and as defined herein (*see Figure 2-4 at end of this Section*):

- a. **Front Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the foundation. There shall be maintained a front yard on each street side of a corner 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 the nearest point of the foundation of the main building. In the case of corner lots, there shall only be one rear yard which shall be determined by the owner.
- c. **Side Yard:** An open space between the principal building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the foundation of the main building.

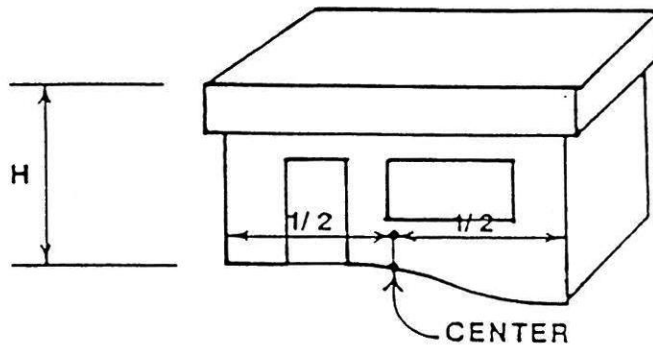
Figure 2-1
BUILDING HEIGHTS



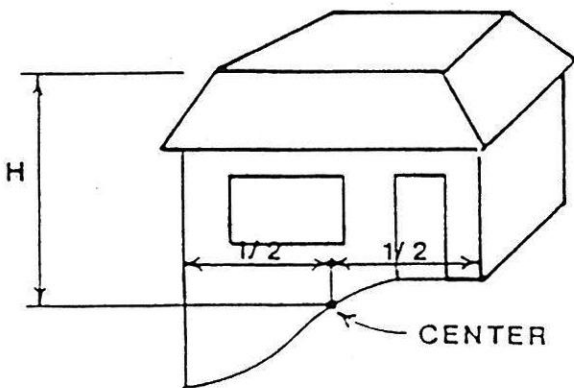
GAMBREL ROOF



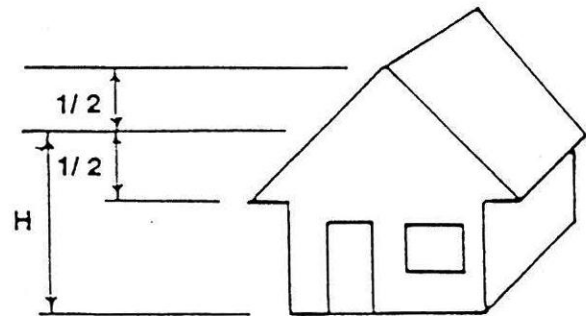
HIP ROOF



FLAT ROOF

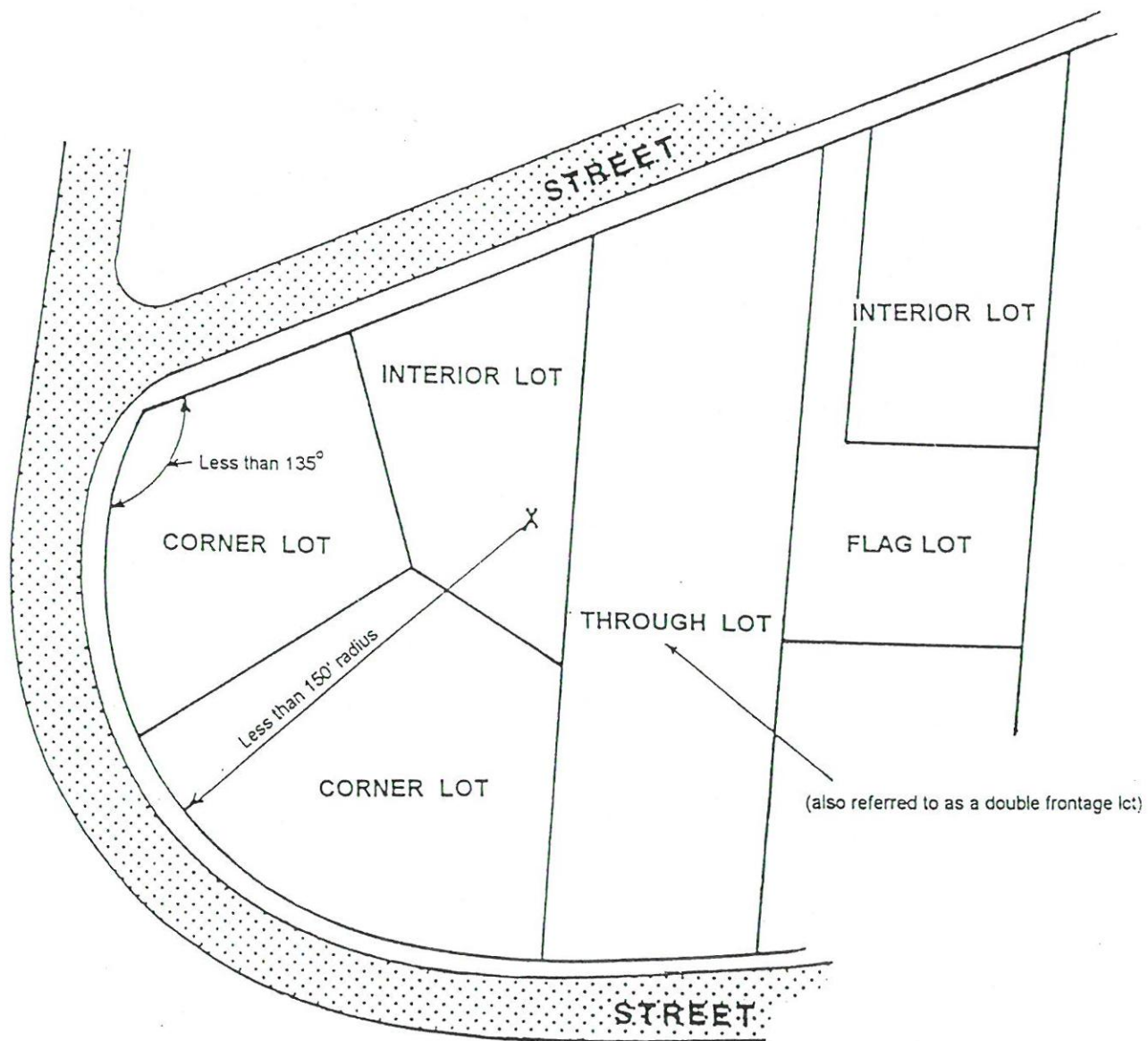


MANSARD ROOF

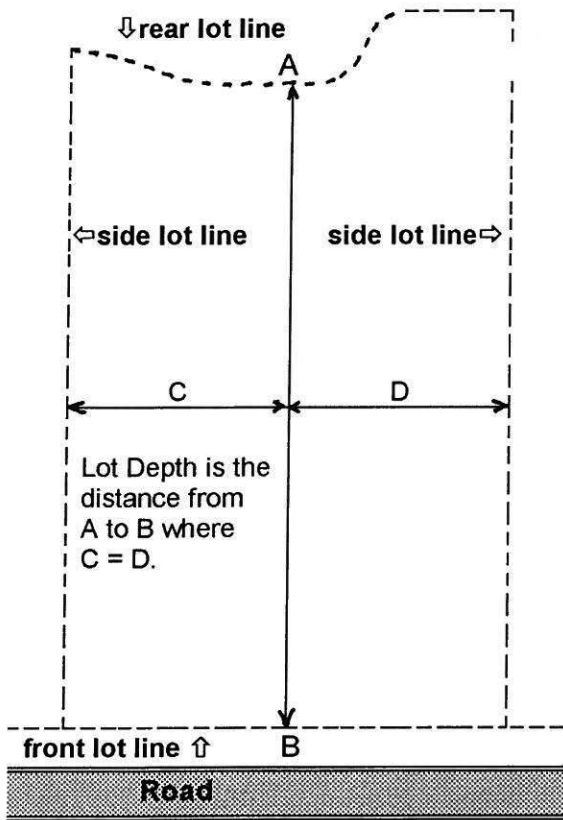


GABLE ROOF

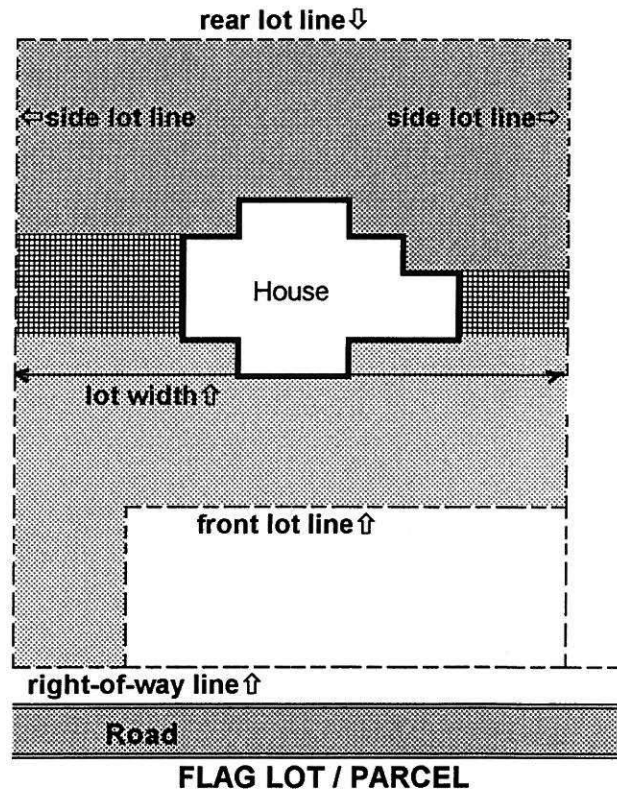
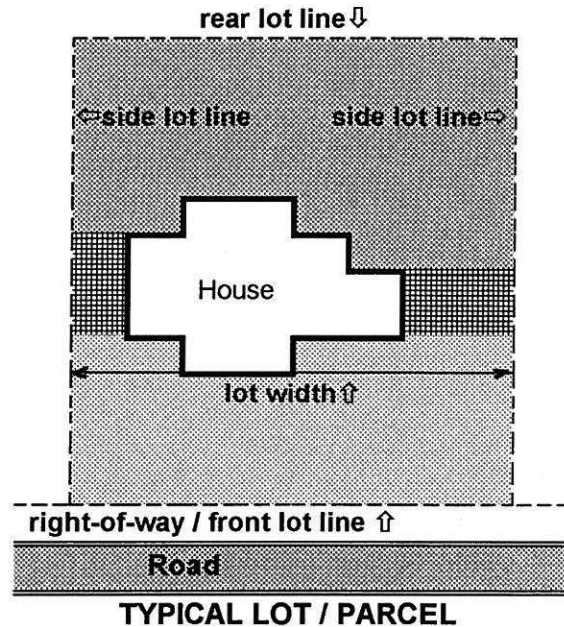
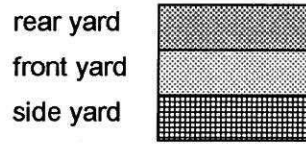
Figure 2-2
LOT TYPES



**Figure 2-3
LOT DEPTH**



**Figure 2-4
LOT LINES and YARDS**



End of Article 2

Article 3 ADMINISTRATION, ENFORCEMENT, and PENALTIES

Section 3.01 Administration

The administration and enforcement of this Ordinance shall be the responsibility of the Township Board, the Zoning Board, and such personnel as designated by the Township Board in accordance with the Michigan P.A. 184 of 1943, as amended, "Township Zoning Act"; and this Ordinance. The Township Board shall appoint one or more Zoning Administrators who shall act as an officer in the administration and enforcement of this Ordinance. The Township Board, Zoning Board, Zoning Administrator and any other person or body involved in the administration and enforcement of this Ordinance may exercise any authority conferred upon it by law, including the Township Zoning Act.

Section 3.02 Duties of the Zoning Administrator

Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance, nor to vary the terms of this Ordinance while carrying out the duties prescribed herein. It shall be the responsibility of the Zoning Administrator to enforce the provisions of this Ordinance and in doing so shall perform, but not necessarily be limited to, the following duties:

- A. **Receive Applications and Issue Permits:** All applications for zoning permits, including permits for signs, businesses, home occupations, dwellings, special land uses, temporary uses, and temporary dwellings, as well as applications for appeals, site plan and plot plan approvals; and requests for changes to a nonconforming use shall be submitted to the Zoning Administrator who may issue permits when all applicable provisions of this Ordinance have been met and, where required by this Ordinance, approval has been granted by the Zoning Board, Township Board, or Zoning Board of Appeals.
- B. **Maintain File of Applications and Permits:** The Zoning Administrator shall maintain files of all permit applications, and shall keep a record of all permits issued. The Zoning Administrator shall provide the Township Clerk with a copy of all zoning permits which shall be filed in the office of the Township Clerk and shall be available for public inspection.
- C. **Inspections:** The Zoning Administrator shall be empowered to make inspections of buildings or premises in order to carry out the enforcement of this Ordinance. No person shall assault and/or otherwise interfere with the Zoning Administrator in the discharge of his/her duties. The Zoning Administrator shall seek authority through the Township Supervisor or the legal committee to obtain a search warrant through the Township Attorney any time a property owner refuses access to a property in order to make an inspection to determine compliance with this Ordinance.
- D. **Record of Complaints:** The Zoning Administrator shall keep a record of every complaint of a violation of any of the provisions of this Ordinance, and of the action taken consequent to each complaint; such records shall be open for public inspection.
- E. **Violations:** Enforcement actions may be initiated by a complaint, or by the Zoning Administrator independently anytime he or she identifies a violation.
- F. **Report to the Township Board:** The Zoning Administrator shall report to the Township Board periodically at intervals not less than monthly, summarizing for the period since the last previous report, all Zoning Permits issued and all complaints of violation and any action taken on each complaint.

Section 3.03 Permit Procedures And Regulations

It is the intent and purpose of this Section to create a review and permit process for the administration of this Ordinance. The primary process shall require the issuance of one permit which shall be the Zoning Permit. Issuance of such a Permit, pursuant to this Section, shall indicate that the uses and plans for which the Zoning Permit is requested comply with this Ordinance. Upon the issuance of a Zoning Permit, the applicant may erect or alter a building or structure for which the Zoning Permit has been issued only after receiving a Building Permit from the County Building Inspector.

A. Zoning Permit Required: No excavation shall be initiated, no building shall be erected, altered, moved or structural alterations (including but not limited to porches, decks, patios or terraces) initiated, nor any principal use be established to replace a previous use of the property until a Zoning Permit has been issued by the Zoning Administrator and, where required, a Building Permit has been issued by the Building Inspector. The Zoning Administrator shall not issue a Zoning Permit until the applicant has submitted a complete and adequate application for such Zoning Permit, and the designated review body holding approval authority has granted approval. No Zoning Permit shall be issued for any building or use of land where the construction, addition, alteration, or use thereof would be in violation of this Ordinance, except upon written order of the Zoning Board of Appeals. An application for a Zoning Permit shall be available from the Zoning Administrator.

B. Zoning Permit Approval Authority and Procedures: Authority and procedures for the granting of approval of a zoning permit application shall be as follows:

1. Township Board Authority and Procedures:

- a. The Township Board shall be the approving body for all Zoning Permits for the following:
 - 1) All uses permitted by right within any Commercial or Industrial zoning district, excluding single family and two family dwellings whether such use is a new use on a vacant parcel or a new use established to replace an existing or previous use such as, for example purposes only, a hardware store converted into an office building or grocery store, or another retail establishment where the principal product or products for sale are substantially different than the previous retail establishment.
 - 2) All special land uses.
 - 3) All uses for which this Ordinance requires five (5) or more off street parking spaces.
 - 4) All single and two family developments subject to the platting requirements of P.A. 591 of 1996, the Land Division Act, as amended.
 - 5) All condominium subdivisions subject to P.A. 59 of 1978, the Condominium Act, as amended.
- b. The following procedure shall be followed in the review of Zoning Permit applications for which the Township Board is the approving body:
 - 1) In addition to the submittal of a zoning permit application, the applicant shall submit a Site Plan pursuant to Article 6 to the Zoning Board which shall recommend approval, denial, or approval with conditions to the Township Board. The Township Board shall subsequently approve, deny, or approve with conditions the application and site plan, pursuant to Article 6. Upon approval of the Site Plan by the Township Board, the Zoning Administrator shall issue the applicable Zoning Permit.
 - 2) In the case of a Zoning Permit application for a use which is listed as a "Special Land Use" in the District within which the subject property is located, the procedures of Article 7 shall apply.

2. Zoning Administrator Authority and Procedures:

- a. The Zoning Administrator shall be the approving body for all Zoning Permits for all other uses not delineated above for Township Board approval, including single family and two family dwellings and accessory structures associated with such dwellings.
- b. The following procedure shall be followed in the review of Zoning Permit applications for which the Zoning Administrator is the approving body:
 - 1) In addition to the submittal of a zoning permit application, the applicant shall submit to the Zoning Administrator a plot plan that adequately portrayed proposed construction and uses upon the property, pursuant to the procedures and requirements of Article 6, Procedures for Plot Plan and Site Plan Review.
 - 2) The Zoning Administrator shall review the application materials for completeness and compliance with the standards of this Ordinance. If such materials are not complete or do not adequately portray proposed construction and use of the property, the materials shall be returned to the applicant with a written notice identifying the inadequacies.

- 3) After conducting a review, the Zoning Administrator shall reject, approve, or conditionally approve the application and plot plan pursuant to Article 6. Upon approval by the Zoning Administrator of the application, including the plot plan, the Zoning Administrator shall issue the applicable Zoning Permit.

C. Application Fees: Fees for review of development proposals, inspections and the issuance of permits or certificates required under this Ordinance shall be deposited with the Township Clerk in advance of processing any application or issuance of any permit. No application for approval for which a fee is requested will be processed until the fee is deposited with the Township Clerk. The amount of such fees shall be established by the Township Board by resolution and shall cover the cost of inspection and supervision resulting from the enforcement of this Ordinance. Such fees may include but are not limited to all costs associated with conducting a public hearing or inspection, including newspaper notice, postage, photocopying, and staff time; Zoning Board, Township Board and/or Zoning Board of Appeals time; mileage; and any costs associated with reviews by qualified professionals including professional planners and/or engineers.

1. **Professional Review Fee:** A fee may be requested for any project which may, in the discretion of the Zoning Administrator, Zoning Board of Appeals, Zoning Board, or Township Board, involve matters of land appraisal, land title work, legal assistance or other matters, or may create conditions on the subject site hazardous to the general public health, safety, or welfare, or create an identifiable and potentially negative impact on public infrastructure or services or on adjacent properties, and because of which professional input and/or assistance is desired before a decision to approve, deny or approve with conditions is made. The applicant shall receive a copy of any professional review contracted for by the Township and a copy of the statement of expenses for the professional services rendered. The applicant is entitled to a refund of any unused fee at the time a permit is either issued or denied in response to the applicant's request. If actual professional review costs exceed the amount of the fee, the applicant shall pay the balance due prior to receipt of any Zoning Permit or other permit issued by the Township in response to the applicant's request.

D. Permit Issuance, Withholding, Expiration, and Revocation.

1. **Issuance:** Whenever the buildings, structures, and uses as set forth in any application are in conformity with the provisions of this Ordinance, or a variance granted by the Zoning Board of Appeals, the Zoning Administrator shall issue the appropriate permit. A performance guarantee may be required as a condition to the issuance of any Zoning Permit in order to insure conformance with the requirements of this Ordinance (*see Section 3.06*). In any case where a permit is refused, the reasons shall be stated in writing to the applicant.
2. **Withholding Permit:** The Zoning Administrator may withhold any Zoning Permit pending verification that an applicant has received required county, state or federal permits including but not limited to septic and water well permits; soil erosion and sedimentation control permits; wetlands permits; flood plain and culvert permits; driveway permits; or building permits. Likewise, wherever this Ordinance authorizes permit approval by the Zoning Administrator or Township Board, the Zoning Administrator or Township Board may condition final approval of the requested development activity upon the receipt of any of the above mentioned county, state or federal approvals and/or direct the Zoning Administrator not to issue a Zoning Permit until said permits from other agencies have been obtained.
3. **Expiration of Permit:** Any permit granted under this Section shall become null and void after one (1) year from the date of granting such permit unless the development proposed or activity authorized shall have passed its first inspection by the Zoning Administrator. Before voidance is actually declared, the Zoning Administrator shall notify the applicant of such voiding action by sending a notice to the applicant at the address indicated on the permit application at least ten (10) days before such voidance is effective, provided however, that the Township Board may waive or extend the period of time in which the permit is to expire if it is satisfied that the owner or developer is maintaining a good faith intention to proceed with construction. Upon expiration without a waiver extension, the permit shall be renewable upon reapplication and upon payment of the original fee, subject to the provisions of all ordinances in effect at the time of renewal.

D. Relation to Nonconforming Uses: It shall not be necessary for an owner of a legal nonconforming structure or use, existing on the effective date of this Ordinance, to obtain a Zoning Permit in order to maintain its legal, nonconforming status. However, no nonconforming building, structure, or use shall be renewed, changed, or extended pursuant to Article 19 until a Zoning Permit has been issued by the Zoning Administrator. In such cases the Permit shall state specifically how the nonconforming building, structure, or use differs from the provisions of this Ordinance.

E. Occupancy Permit: No structure or use shall be occupied without first receiving a certificate of occupancy permit from the Building Inspector.

Section 3.04 Violations

A. Violations are Nuisances Per Se/Civil Infraction: Violations of any provisions of this Ordinance are declared to be nuisances per se. Any violation of any provision of this ordinance or any permit, license or exception granted hereunder, or any lawful order of the Zoning Administrator, Zoning Board, Zoning Board of Appeals, or the Township Board issued in pursuance of this Ordinance can be corrected by way of the Township civil infraction procedure as herein established, in addition to any of the other remedies as set forth in other sections of this Ordinance, and shall be a Township Infraction. A violation includes any act which is prohibited or made or declared to be unlawful or an offense by this Ordinance and any omission or failure to act where the act is required by this Ordinance.

B. Sanctions: The sanction for any violation of this Ordinance which is a Township civil infraction shall be a civil fine as provided in (D) below, plus costs, damages, expenses and other sanctions as authorized under Act 236 of the Public Acts of 1961, as amended. The Township Board may institute injunction, whether preliminary, ex-parte, temporary, or otherwise, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any violations of this Ordinance. The imposition of any fine, or jail sentence or both shall not exempt the violator from compliance with the provisions of this Ordinance. All remedies as provided for in this Section of the Ordinance, or any other Section hereof, shall be viewed as set forth with this entire Ordinance, or failure to assert such remedy, shall not be deemed a waiver of the ability of the Township to pursue whatever other relief may be provided for either within this Ordinance or generally available to it by relevant law.

C. Authorized Officials: This Ordinance shall be enforced by such persons who shall be designated by the Burleigh Township Board, including but not limited to the Township Supervisor and Zoning Administrator.

D. Progression of Penalties:

1. A person, corporation or firm who, as a result of violating any provision of this Ordinance, shall be issued a "Notice of Zoning Ordinance Violation" which provides a prescribed period of time to correct the violation to the satisfaction of the authorized Township official who issued the notice.
2. A person, corporation or firm who fails to comply with the Notice of Violation, could be responsible for any one or all of the following:
 - a. Being ticketed and found responsible for a civil infraction of this Ordinance, with payment of a fine of not less than \$50.00 nor more than \$500.00, plus maximum costs of \$500.00, (plus being cited for additional infractions if in fact the violation continues, being in addition to those fines and costs set forth above).
 - b. Being subject to criminal actions, and being found guilty of a criminal misdemeanor, and facing possible imprisonment for up to ninety days in jail and having to pay all costs of criminal prosecution.
 - c. Being found responsible for and being subject to a Circuit Court restraining order, and for further violation of said restraining order, incarceration in the County jail until compliance of the zoning violation is obtained, plus payment of all costs of prosecution.

Section 3.05 Revocation

The Zoning Administrator shall have the power to revoke or cancel any Zoning Permit in case of failure or neglect to comply with any provisions of this Ordinance, or in the case of any false statement or misrepresentation made in the application. Upon such revocation, all further construction activities and usage shall cease upon the site, other than for the purpose of correcting the violation. The Zoning Administrator may issue a stop work order to halt all construction activities and usage pending a decision on revocation of said permit.

Section 3.06 Performance Guarantee for Compliance

A. Purpose: In authorizing any Zoning Permit or variance, the body or official which approves the respective request, as designated by this Ordinance, may require that a performance guarantee or bond be furnished: (1) to insure compliance with the requirements, specifications and conditions imposed with the grant of such approval, permit or variance; (2) to insure the discontinuance of a temporary use by a stipulated time; and (3) to provide sufficient resources for the Township to complete required improvements or conditions in the event the permit holder does not. A performance guarantee may be required as a condition for the issuance of a Zoning Permit in addition to any other condition established pursuant to Section 18.14.

B. Requirements of Guarantee: The performance guarantee shall meet the following requirements:

1. **Improvements Covered:** Improvements that shall be covered by the performance guarantee include those features and actions associated with the project which are considered necessary by the approving body to protect natural resources or the health, safety, and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, common open space improvements, lighting, drainage and sidewalks.
2. **Form:** The performance guarantee shall be in the form of cash, certified check, irrevocable bank letter of credit, surety bond, or similar instrument acceptable to the Township Clerk, which names the property owner as the obligor and the Township as the obligee. If appropriate, based on the type of performance guarantee submitted, the Township shall deposit the funds in an account in a financial institution with which the Township regularly conducts business.
3. **Amount and Time Required:** The amount of the performance guarantee or bond shall be one hundred fifty percent (150%) of the estimated cost of the improvements or conditions, according to a detailed cost estimate submitted by the applicant and approved by the Township Board. After approval of the detailed cost estimate, the performance guarantee or bond shall be submitted at the time of issuance of the permit authorizing the activity of the project.

C. Return of Performance Guarantee or Bond: The following procedure shall be followed in the return of performance guarantees or bonds:

1. **Request for Payment:** As required improvements are completed, or when all of the required improvements have been completed, the obligor shall send written notice to the Township Clerk of completion of said improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements and shall transmit recommendation to the Township Board indicating either approval, partial approval, or rejection of the improvements or conditions with a statement of the reasons for any rejections. If partial approval is indicated, the cost of the improvement or condition rejected shall be set forth.
2. **Approval of Payment:** The Township Board shall either approve, partially approve or reject the improvements or conditions with the recommendation of the Zoning Administrator's written statement and shall notify the obligor in writing of the action of the Township Board within forty-five (45) days after receipt of the notice from the obligor of the completion of the improvements. Where approval or partial approval is granted, the Township Board shall notify the Township Clerk of such approval and the Township Clerk shall release the approved payment to the applicant. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvement or condition.
 - a. Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee or bond, except for that portion adequately sufficient to secure provision of the improvements not yet approved.

3. Lack of Full Completion: Should installation of improvements begin and fail to meet full completion based on the approved Site Plan, or if the project area is reduced in size and improvements are only partially completed or conditions only partially met, the Township may complete the necessary improvements or conditions itself or by contract to an independent developer, and assess all costs of completing the improvements or conditions against the performance guarantee or bond. Any balance remaining shall be returned to the applicant.

D. Record of Performance Guarantees: A record of authorized performance guarantees shall be maintained by the Zoning Administrator.

End of Article 3

Article 4 ZONING BOARD OF APPEALS

Section 4.01 Purpose

The purpose of this Article is to insure that the objectives of this Ordinance are fully and equitably achieved, that a means be provided for competent interpretation of this Ordinance, that flexibility be provided for in the strict application of this Ordinance, that the spirit of the Ordinance be observed, public safety secured, and substantial justice done.

Section 4.02 Creation And Membership

A. Establishment: A Zoning Board of Appeals first established by the Burleigh Zoning Ordinance adopted November 3, 1987, is hereby retained in accordance with Act 184 of the Public Acts of 1943, as amended, and shall consist of three members: a member of the Zoning Board; and the remaining members appointed by the Township Board from the electors residing in the Township outside of incorporated cities and villages. A member of the Township Board may serve on the Zoning Board of Appeals but not serve as the chairperson. The Zoning Administrator or other employee or contractor of the Township Board may not serve on the Zoning Board of Appeals.

B. Alternate Members: The Township Board may appoint not more than two (2) alternate members for the same term as regular members of the Zoning Board of Appeals. No alternate member may be either a member of the Township Board or the Zoning Board. The alternate members may be called as needed, on a rotating basis, to sit as regular members of the Zoning Board of Appeals in the absence of a regular member if the regular member is absent from or will be unable to attend two (2) or more consecutive meetings of the Zoning Board of Appeals. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. An alternate member shall serve on a case until a final decision is made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

C. Terms of Office: Members shall be appointed for three (3) year terms except in the case of Zoning Board and Township Board members, whose terms shall be limited to the time they are members of the Zoning Board or Township Board. A successor shall be appointed not more than one (1) month after the term of the preceding member has been expired. Vacancies for unexpired terms shall be filled for the remainder of the term. Members may be reappointed. Members of the Zoning Board of Appeals may be removable by the Township Board for nonperformance of duty or misconduct in office upon written charges and after a public hearing.

D. Conflict of Interest: A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure to do so shall constitute misconduct in office.

Section 4.03 Organization

A. Rules of Procedure: The Zoning Board of Appeals may adopt rules of procedure for the conduct of its meetings and the implementation of its duties. The Board shall annually elect a chairperson, a vice-chairperson, and a secretary.

B. Meetings and Quorum: Meetings of the Zoning Board of Appeals shall be held at the call of the chairperson and at such other times as the Board in its Rules of Procedure may specify. A majority of the total membership of the Board shall comprise a quorum. The Board shall not conduct official business unless it has a quorum. All meetings shall be open to the public and conducted pursuant to the requirements of the Open Meetings Act.

C. Oaths and Witnesses: The chairperson may administer oaths and compel the attendance of any witness in order to insure a fair and proper hearing.

D. Records: The minutes of all meetings shall contain the grounds for every determination made by the Board including all evidence and data considered, all findings of fact and conclusions drawn by the Board for every

case, along with the vote of each member and the final ruling on each case. The Zoning Board of Appeals shall file its minutes in the office of the Township Clerk.

E. Legal Counsel: An attorney for the Township shall act as legal counsel for the Zoning Board of Appeals pursuant to procedures established by the Township Board.

Section 4.04 Jurisdiction

The Zoning Board of Appeals shall act upon questions as they arise in the administration of this Ordinance. The Board shall perform its duties and exercise its powers as provided in Act 184 of the Public Acts of 1943, as amended. The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor make any change in the terms or intent of this Ordinance, but does have the power to act on those matters for which this Ordinance provides an administrative review, interpretation, variance, or temporary zoning permit. Within this capacity the Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of the Zoning Administrator, Zoning Board, or any official administering or enforcing the provisions of this Ordinance as set forth in Sec. 4.05.

Section 4.05 Authorized Appeals

The Zoning Board of Appeals shall hear the following specified categories of appeals in accordance with the following standards, and may hear other appeals or take action on other matters as may be provided for in this Ordinance:

A. Administrative 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, Zoning Board, or by any other official or body in administering or enforcing the provisions of this Ordinance.

B. Interpretation of the Ordinance: The Zoning Board of Appeal's interpretive authority shall include, but not be limited to, the following:

1. Interpret the provisions of this Ordinance when it is alleged that certain provisions are not clear or that they could have more than one meaning. In deciding upon such request the Zoning Board of Appeals shall insure that its interpretation is consistent with the intent and purpose of the Ordinance, the Article in which the language in question is contained, and all other relevant provisions in the Ordinance.
2. Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision made by the Zoning Administrator (see *Section 9.04*).
3. Determine the parking space requirements of any use not specifically mentioned, either by classifying it with one of the groups listed in Article 21, Off Street Parking and Loading, by an analysis of the specific needs. If no comparable use is found, the Zoning Board of Appeals shall so inform the petitioner and indicate that the parking space requirements will have to be established by amendment of the Ordinance.
4. Classify a use which is not specifically mentioned as a 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 district. Where there is no comparable permitted or prohibited use, the Zoning Board of Appeals shall so declare, the effect being that use is not permitted in the Township until or unless the text of the Ordinance is amended to permit it

C. Variances and Required Findings: The Zoning Board of Appeals shall have the power to authorize specific variances from site development requirements of this Ordinance such as, but not limited to, lot area and width regulations, building height and bulk regulations, yard width and depth regulations, off-street parking and loading space requirements, and sign requirements, provided that all the required findings listed below are met as well as any other relevant findings or factors it deems applicable, and the record of proceedings of the Zoning Board of Appeals contains evidence supporting each conclusion.

1. That there are practical difficulties or unnecessary hardships which 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 of a particular parcel of land.
2. That a genuine practical difficulty exists because of unique 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, and shall not be recurrent in nature.

3. That the hardship or special conditions or circumstances do not result from actions of the applicant.
4. That the variance will relate only to property under control of the applicant.
5. That the variance will be in harmony with the general purpose and intent of this Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood or district.
6. That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.
7. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.
8. That the variance shall not permit the establishment, within a district, of any use which is not permitted by right or by special approval within that zoning district.

Section 4.06 Appeal Procedures

A. Notice of Appeal

1. **Ordinance Interpretation and Variances:** Appeal requests for Ordinance interpretation and requests for variances may be made to the Zoning Board of Appeals by any person aggrieved, or by an officer, or department of the Township, by completing and filing a written Notice of Appeal with the Zoning Administrator on forms established for that purpose and accompanied with such information as is necessary to decide such request. Upon receipt of a Notice of Appeal and fee, the Zoning Administrator shall promptly transmit records concerning the appealed action, as well as any related information to the chairperson of the Zoning Board of Appeals.
2. **Administrative Review:** 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 by any other official or by the Zoning Board in administering or enforcing the provisions of this Ordinance, a written Notice of Appeal shall be completed and filed with the Zoning Administrator on forms established for that purpose within ten (10) days after the date of the decision being appealed. Upon receipt of a Notice of Appeal and fee, the Zoning Administrator shall promptly transmit records concerning the appealed action, as well as any related information to the chairperson of the Zoning Board of Appeals.

B. Fee: A fee as established by the Township Board, shall be paid to the Zoning Administrator at the time the petitioner files a Notice of Appeal with the Zoning Administrator. The purpose of such fee is to cover, in part, the necessary advertisements, investigations, hearing records and other expenses incurred by the Board in connection with the appeal. Additional fees may be charged to the appellant if additional costs are incurred which the initial fee does not adequately cover, such as costs associated with legal consultation. No fee shall be charged if the Township Board, Zoning Administrator, or any official body of the Township is the moving party.

C. Scheduling and Notice of Hearing: Upon receipt of a Notice of Appeal, the chairperson of the Zoning Board of Appeals shall fix a reasonable time and date for a public hearing. Notice of the hearing shall be given to the applicant and to all owners of an interest in lots, as recorded on the Township tax roll, and within three-hundred (300) feet of the lot upon which a variance is requested, of the time and place of the Zoning Board of Appeals meeting at which the application will be considered. Where the hearing, in the opinion of the Township Clerk and chairperson of the Zoning Board of Appeals, concerns matters of general applicability in the Township and does not concern only individual lots or parcels, such notice shall also be given in a newspaper of general circulation in the Township. All notices of public hearing shall be given not less than five (5) and not more than fifteen (15) days before the hearing.

D. Hearing: Upon the hearing, any party may appear in person or by agent or attorney. The Board may recess such hearing from time to time, and, if the time and place of the continued hearing are announced at the time of adjournment, no further notice shall be required.

E. Decision: The Zoning Board of Appeals shall render its decision within sixty (60) days of filing of a Notice of Appeal, or application for Ordinance interpretation or variance, unless in the opinion of Zoning Board of Appeals, an extension of time is necessary to review information pertinent to making the decision. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse an order, requirement, decision, or determination of the administrative official or body, or to decide in favor of the applicant on any matter upon which they are required to pass under or to effect any variation in this Ordinance. The Zoning Board of Appeals shall state the grounds of each determination. Any decision of the Zoning Board of Appeals shall not become final until the expiration of eight (8) days from the date of entry of such order, unless the Board shall find the immediate effect of such order is necessary for the preservation of property or personal rights and shall so certify on the record.

1. **Conditions:** In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance (See *Section 18.16*). Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and shall automatically invalidate the permit.
2. **Variance Authorization Period:** Each variance granted under the provisions of this Ordinance shall become null and void unless the construction or other actions authorized by such variance have commenced within six (6) months of the granting of such variance and occupancy of the land, buildings, or premises authorized by the variance has taken place within one year of the granting of the variance. Upon written application filed with the Township Clerk prior to the termination of the six (6) month time period, the Board of Appeals may authorize a single extension of the time limit for an additional period of not more than six (6) months upon the finding by the Board of Appeals that the project has a reasonable expectation of being completed.

F. Reapplication: A rehearing on a application upon which the Zoning Board of Appeals initially took action shall not be permitted within a period of one (1) year from the date of the initial action, except on proof of changed conditions, or upon the grounds of newly discovered evidence or a falsehood previously relied upon, found to be valid upon inspection by the Zoning Board of Appeals.

G. Performance Guarantee: In authorizing any variance, or in granting any temporary housing permits, the Zoning Board of Appeals may require a performance guarantee covering the estimated cost of conditions or improvements associated with a project, pursuant to Section 3.06.

Section 4.07 Stay

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Zoning Board of Appeals after notice of appeal has been filed with he or she, that by reason of facts stated in the certificate a stay would, in the Administrator's opinion, cause imminent peril to life or property. Under such conditions, the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Board of Appeals, or, on application, by court of record. This paragraph shall not be in derogation of any rights the Township may have at law.

Section 4.08 Review by Circuit Court

A. Circuit Court Review: The decision of the Zoning Board of Appeals shall be final. However, any party having an interest affected by an order, determination or decision of the Zoning Board of Appeals may obtain a review thereof both on the facts and the law, in the Circuit Court; provided that application is made to the Court within twenty-one (21) days after the delivery of a final decision.

End of Article 4

Article 5 PROCEDURES for AMENDMENTS

Section 5.01 Purpose

The purpose of this Ordinance is for establishing and maintaining sound, stable and desirable development within the territorial limits of the Township. It is not intended that this Ordinance be amended except to correct an error in the Ordinance, to address changed or changing conditions in a particular area in the Township, to conform with changes to the Zone Plan and/or other ordinances of the Township, to meet public need for new or additional land uses in areas so contemplated by the Zone Plan, or to further protect the environment, neighborhoods, public infrastructure or other public investment in the Township.

Section 5.02 Initiation Of Amendments

Proposals for amendments or changes may be initiated by the Township Board on its own motion, by the Zoning Board, or by petition of one (1) or more owners of property to be affected by the proposed amendment. Only the Township Board may amend this Ordinance.

Section 5.03 Filing Fee

The Township Board shall establish by resolution, a fee to be paid in full at the time of receipt of any application to amend this Ordinance. Said fee shall be collected by the Township Clerk and no part shall be refundable to the applicant. No fee shall be charged when the applicant is the Township Board or Zoning Board.

Section 5.04 Procedures

A. Application: A petitioner shall submit a completed application for ordinance amendment to the Zoning Administrator on a form established for that purpose, which shall include a detailed description of the proposed amendment and reasons for such requested amendment. When the petition involves a change in the Zoning Map, an application shall be submitted for each parcel of land which is not contiguous to any adjacent parcel of land being proposed for the same amendment, and the applicant shall submit a scaled map of the property clearly showing the property's location, correlated with the legal description, and sealed by a professional engineer or registered land surveyor. This requirement may be waived for applications made by the Zoning Board or Township Board if comparable documentation is provided.

B. Zoning Administrator Review: The Zoning Administrator shall review the application form to ensure it is complete. Any application not properly filed or complete shall be returned to the applicant. Complete applications shall be transmitted to the Zoning Board.

C. Notice of Hearing: After the Zoning Administrator has transmitted the amendment application to the Zoning Board, the Zoning Board shall establish a date for a public hearing on the application which will be conducted by the Zoning Board within sixty (60) days of the date of application receipt. The Zoning Board shall give notice of the public hearing in the following manner:

1. By two (2) publications in a newspaper of general circulation in the Township, the first to be printed not more than thirty (30) days, nor less than twenty (20) days and the second no more than eight (8) days before the date of the hearing.
2. For any proposed amendment to the Zoning Map affecting an individual property or several adjacent properties, written notice of the time and place of the hearing shall be delivered by mail, or personally, to the owner or owners of the property in question, to all persons to whom any real property within three hundred (300) feet of the premises in question is assessed, and to the occupants of single and two family dwellings within three hundred (300) feet of the premises in question. The notice shall be delivered at the address given in the last assessment roll. If the tenant's name is not known, the term "occupant" may be used. The notice shall be made at least eight (8) days prior to the hearing. Requirements of written notice to property owners shall not apply to comprehensive revisions to the Zoning Ordinance.
3. Written notice of the time and place of the hearing shall also be provided not less than twenty (20) days before the hearing to each electric, gas, pipeline, and telephone public utility company who registers its name and mailing address with the Zoning Board for the purpose of receiving the notice.

4. All notices shall also include the places and times at which the tentative text and any maps of the Zoning Ordinance may be examined.
5. An affidavit of all mailings shall be maintained.

D. Zoning Board Actions

1. Zoning Board Review: In reviewing any application for an amendment to this Ordinance, the Zoning Board shall identify and evaluate all factors relevant to the application. Findings of fact shall be gathered and shall be made a part of the public records of the meetings of the Zoning Board. The matters to be considered by the Zoning Board shall include, but shall not be necessarily limited to, the following:
 - a. What, if any, identifiable conditions related to the application have changed which justify the proposed amendment?
 - b. What are the precedents and the possible effects of such precedent which might result from the approval or denial of the petition?
 - c. What is the impact of the amendment on the ability of the Township and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the proposed amendment is adopted?
 - d. Does the petitioned district change adversely affect environmental conditions, or the value of the surrounding property?
 - e. Does the petitioned district change generally comply with the Zone Plan.
 - f. Is the property in question able to be put to a reasonable economic use in the zoning district in which it is presently located.
 - g. Is the proposed change consistent with other zones, land uses and the trend of development in the area?
 - h. Was an error made in delineating the original district boundaries?
2. Outside Agency Review: In determining the above mentioned findings of fact, the Zoning Board may solicit information and testimony from officials of, but not limited to, the County Health Department, County Road Commission, County Drain Commission, any school district affected, and the County Planning Commission.
3. Zoning Board Recommendation: The Zoning Board shall transmit its findings of fact and a summary of comments received at the public hearing to the Township Board, and transmit its findings of fact to the County Planning Commission. The Zoning Board shall report its findings in full along with its recommendations for disposition of the application, to the Township Board and County Planning Commission within a period of sixty (60) days following the required public hearing in subsection (C) above.

E. Township Board Actions

1. After receiving the findings and recommendations of the Zoning Board, and after receiving the findings and recommendations of the County Planning Commission unless such review is waived by the County Planning Commission or not received by the Township within thirty (30) days of the County Zoning Board's receipt of the Township Zoning Board's findings and recommendations, the Township Board at any regular meeting or at any special meeting called for that purpose, shall consider said findings of fact and recommendations and vote upon the adoption of the proposed amendment. Such action shall be by Ordinance, requiring a majority vote of the Township Board.
2. The Township Board shall not deviate from the recommendation of the Zoning Board without first referring the application back to the Zoning Board, which shall be given a specified time period in which to make further recommendation to the Township Board, after which the Township Board shall take such action as it determines. In the event that the Township Board refers an application back to the Zoning Board, the Township Board shall make specific mention of their objections to results of the Zoning Board's findings and recommendations.
3. The Township Board may hold additional hearings if the Township Board considers it necessary. Notice of a public hearing held by the Township Board shall conform to the public hearing notice requirements of Section 5.04(C)(1) and (2) except that the notice need only be published once in a newspaper of general circulation in the Township, not more than fifteen (15) days nor less than five (5) days before the hearing.

F. Publication Of Notice Of Ordinance Amendments: Following adoption of subsequent amendments to this Ordinance by the Township Board, one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. The notice shall include the following information:

1. Either a summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment.
2. The effective date of the amended Ordinance.
3. The place and time where a copy of the amended Ordinance may be purchased or inspected.

Section 5.05 Resubmittal

No application for an amendment to the Zoning Map which has been denied by the Township Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly-discovered evidence or proof of changed conditions, found upon inspection by the Township Board to be valid.

Section 5.06 Comprehensive Review of Zoning Ordinance

The Zoning Board shall, from time to time, or at intervals of not more than five (5) years, examine the provisions of this Ordinance and the location of zoning district boundary lines and shall submit a report to the Township Board recommending changes and amendments, if any, which are deemed to be desirable in the interest of public health, safety and general welfare.

Balance of Page Purposefully Blank

End of Article 5

Article 6 PROCEDURES for PLOT PLAN and SITE PLAN REVIEW

Section 6.01 Purpose

It is the purpose of this Article to specify standards, data requirements, and the review process which shall be followed in the preparation of site plans and plot plans as required by this Ordinance. A site plan contains comprehensive and detailed information about improvements proposed on the site and is required for land uses such as business, industrial, and multiple family developments. Plot plans are less detailed plans pertaining to improvements proposed on the site and is required for less complex developments, such as single family and two family dwellings.

Section 6.02 Approval of Site Plan or Plot Plan Required

A. Township Board Approval for Site Plans: Site plan approval is required by the Township Board, prior to the issuance of a Zoning Permit, for the following uses:

1. All uses permitted by right within any Commercial or Industrial zoning district.
2. All special land uses.
3. All uses for which this Ordinance requires five (5) or more off street parking spaces.
4. All single and two family developments subject to the platting requirements of P.A. 591 of 1997, the Land Division Act, as amended.
5. All condominium subdivisions subject to P.A. 59 of 1978, the Condominium Act, as amended.

B. Zoning Administrator Approval for Plot Plans: Plot Plan approval is required by the Zoning Administrator, prior to the issuance of a Zoning Permit, for all other uses not listed in Section 6.02 (A) above, including single family and two-family dwellings.

Section 6.03 Plot Plan Review Procedures

The following procedure shall be followed for the submittal and review of a Plot Plan.

A. Submittal Requirements: In addition to the submittal of a zoning permit application, the applicant shall submit to the Zoning Administrator drawings and plans that adequately portray proposed construction and uses upon the property. Such drawings and plans shall adequately portray, in the judgment of the Zoning Administrator, sufficient information to determine compliance of such proposed construction or use with the standards of this Ordinance.

B. Review: The Zoning Administrator shall review the application materials for completeness and compliance with the standards of this Ordinance. If such materials are not complete or do not adequately portray proposed construction and use of the property, the materials shall be returned to the applicant with a written notice identifying the inadequacies. Upon receipt of completed and adequate application materials, the Zoning Administrator shall review the application materials and determine their conformity with the applicable provisions of this Ordinance.

C. Action: After conducting a review, the Zoning Administrator shall reject, approve, or conditionally approve the plot plan as it pertains to requirements and standards contained in the Zoning Ordinance. Any conditions required by the Zoning Administrator shall be stated in writing and shown on the plot plan, together with the reasons, and delivered to the applicant. The decision by the Zoning Administrator shall be made within thirty (30) days of the receipt of complete and adequate application materials. A plot plan shall be approved if it contains the information required by law, and is in compliance with this Ordinance, the conditions imposed pursuant to the Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes.

Section 6.04 Site Plan Review Procedures

A. Submittal Requirements: At least ten (10) copies of the application and site plan shall be submitted to the Zoning Administrator. Each site plan shall be provided on a professional quality drawing of scale not less than 1"=100'. All information depicted shall be designed by a professional engineer, land surveyor, or landscape architect licensed in Michigan. In addition to the applicant's full name, address and phone number, the following data shall be submitted with applications for Zoning Permits for uses requiring a site plan, including all special land uses, commercial uses, and industrial uses.

1. A survey showing property dimensions and legal description, including angles, lot area and dimensions, and an arrow pointing north.
2. Project description, including the total number of structures, units, bedrooms, offices, square feet, total and usable floor area, carports or garages, employees by shift, amount of recreational and open space, type of recreation facilities to be provided, and related information as pertinent or otherwise required by this Ordinance.
3. Natural features such as woodlands, streams, flood plains, county drains, lakes or ponds, topography (at two-foot intervals on-site and within one hundred fifty (150) feet of the site) and man-made features such as existing roads and structures, with indication as to which are to be retained and which removed or altered.
4. Existing public right-of-way, private easements of record, and deed restrictions.
5. Proposed streets and alleys, (including cross-sections), acceleration, deceleration or right turn lanes, driveways, parking spaces, sidewalks, with indication of direction of travel, the inside radii of all curves including driveway curb returns. The width of streets, driveways and sidewalks, the total number of parking spaces, and dimensions of a typical individual parking space and associated aisles. Proposed traffic control measures (including signs) and proposed street or road names shall also be indicated.
6. A vicinity sketch showing the location of the site in relation to the surrounding street system and other land uses within three hundred (300) feet in every direction of the proposed use including land uses on the opposite side of any public thoroughfare(s).
7. Location of utilities, water supply and the location and design of waste water systems as well as any easements that exist or are proposed to be established for installation, repair and maintenance of utilities.
8. Proposed location of trash receptacles, accessory buildings and uses, and signs.
9. A landscaping plan indicating the locations of plant materials to be preserved and locations of proposed planting and screening, fencing, and lighting in compliance with the requirements of Article 22, Landscaping and Screening. Also, proposed locations of common open spaces, if applicable.
10. A storm drainage and storm water management plan for all streets.
11. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well as any containment structures or clear zones required by government authorities.
12. Location of exterior drains, dry wells, catch basins, retention and/or detention areas, sumps and other facilities designed to collect, store or transport storm water or waste water. The point of discharge for all drains and pipes shall also be specified on the site plan.
13. A statement from the applicant identifying all federal, state and local permits required, if any.
14. Project completion schedule.
15. Such other information as is necessary to enable the Township Board to determine whether the proposed site plan will conform to the provisions of this Ordinance.

B. Distribution of Site Plans: the Zoning Administrator shall record the date of receipt of the application and site plan and transmit five (5) copies thereof to the Zoning Board; one (1) copy to the Fire Department when necessary, one (1) copy to the Township Clerk, and the remaining shall be retained by the Zoning Administrator.

C. Review: The Zoning Board shall review the application and site plans for completeness and if such application or plans are not complete according to Section 6.04(A) above, the plans shall be returned to the applicant with a written notice identifying the inadequacies of the plans. Upon receipt of an adequately completed application and plans, the Zoning Board shall review the application and plans and determine their conformity with the applicable provisions of this Ordinance and the provisions of Section 6.05. The Zoning Board may, at its discretion, delay deliberating upon a site plan at its next regularly scheduled or special meeting unless the site plan and all supporting documents, including a zoning permit application form, have been received by the Zoning Board at least ten (10) business days prior to such meeting.

D. Zoning Board Review and Action: After conducting a review, the Zoning Board shall recommend denial, approval, or conditional approval of the site plan as it pertains to requirements and standards contained in the Zoning Ordinance, including the standards of Section 6.05. Recommendations by the Zoning Board shall be made within ninety (90) days of the receipt of a complete application unless, in the opinion of the Zoning Board, an extension of time is necessary to adequately collect and review information pertinent to a recommendation.

E. Township Board Review and Action: After receiving the Zoning Board's recommendation and conducting its own review of the application and site plan, the Township Board shall deny, approve, or conditionally approve the site plan as it pertains to requirements and standards contained in the Zoning Ordinance, including the standards of Section 6.05. The decision of the Township Board shall be made within sixty (60) days of the receipt of the Zoning Board's recommendation unless, in the opinion of the Township Board, an extension of time is necessary to adequately collect and review information pertinent to a final decision. A site plan shall be approved by the Township Board if it contains the information required by, and is in compliance with this Ordinance, the conditions imposed pursuant to the Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes. Any conditions required by the Township Board for approval shall be stated in writing, together with the reasons, and delivered to the applicant.

F. Approved Site Plans: Three (3) copies of the approved site plan, with any conditions contained within shall be maintained as part of the Township records for future review and enforcement. One (1) copy shall be returned to the applicant. Each copy shall be signed and dated with the date of approval by the Township Supervisor, for identification of the approved plans. If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the Township records as a part of the site plan and delivered to the applicant for information and direction.

Section 6.05 Site Plan Approval Standards

Each site plan shall conform with the applicable provisions of this Ordinance and the standards listed below, in addition to any condition imposed by the Township Board pursuant to Section 18:15.

A. All elements of the Site Plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.

B. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree, other vegetative material, and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas. Landscape elements shall minimize negative impacts and allow for the appropriate blending of the site plan with the surrounding community and, in the case of parking lots, provide directional guidance to drivers.

C. Special attention shall be given to proper site drainage so that removal of storm waters will not increase off-site sedimentation or otherwise adversely affect neighboring properties.

D. Special attention shall be given to insure the peaceful surroundings of any nearby dwellings or other types of communities, so as to lend continuity, and that adequate, natural light, that may be currently enjoyed, be continued to be enjoyed by the surrounding structures. Fences, walks, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.

- E. All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.
- F. Every structure or dwelling unit shall have access to a public street, walkway, or other area dedicated to common use,
- G. There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.
- H. Exterior lighting shall be designed and arranged so that it is deflected away from adjacent streets and adjoining properties. Flashing or intermittent lights shall not be permitted.
- I. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way according to the standards of the County Road Commission.
- J. All roads dedicated to public use shall be developed in accordance with County Road Commission specifications.
- K. All parking areas shall be so designed to facilitate efficient and safe vehicular and pedestrian circulation, minimize congestion at access and egress points to intersecting roads, including the use of service drives as appropriate, and minimize the negative visual impact of such parking areas.
- L. Residential and nonresidential development shall not include unnecessary curb cuts, and commercial service drives shall be used where the opportunity exists.
- M. The site plan shall provide for the appropriate location of all necessary and proposed utilities. Locational requirements shall include underground facilities to the greatest extent feasible.
- N. Site plans shall conform to all applicable requirements of state and federal statutes and approval may be conditioned on the applicant receiving necessary state and federal permits before the final site plan approval is granted.
- O. The applicant shall demonstrate that reasonable precautions will be made to prevent hazardous materials from entering the environment including:
1. Sites at which hazardous substances are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, ground water, lakes, streams, rivers, or wetlands.
 2. Secondary containment for above ground areas where hazardous substances are stored or used shall be provided. Secondary containment shall be sufficient to store the substances for the maximum anticipated period of time necessary for the recovery of any released substances.
 3. General purpose floor drains shall only be allowed if they are approved by the responsible agency for connection to a public sewer system, an on-site closed holding tank (not a septic system), or regulated through a State of Michigan ground water discharge permit.
 4. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to ground water, including direct and indirect discharges, shall be allowed without required permits and approvals.

Section 6.06 Conformity to Approved Site Plans

Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan and any amendments thereto which have received approval by the Township Board. If construction and development does not conform with such approved plans, the approval of any Township permit shall be revoked by the Zoning Administrator pursuant to Section 3.05. Upon revocation of such approval, all construction activities shall immediately cease upon the site, other than for the purpose of correcting the violation.

Section 6.07 Changes and Appeals

A. Changes to the Site Plan: No changes shall be made to an approved Site Plan prior to or during construction except upon mutual agreement between the applicant and the Township or Zoning Administrator according to the following procedures;

1. **Minor Changes:** Minor changes to an approved Site Plan involving changes of less than five (5) feet in the location of walkways, vehicular circulation ways and parking areas, or exterior building and structure walls; adjustment of utilities; and similar minor changes may be approved by the Zoning Administrator unless the Zoning Administrator defers judgment to the Zoning Board.
2. **Major Changes:** Major changes or amendments to an approved Site Plan involving changes in excess of five (5) feet in the location of walkways, vehicular circulation ways and parking areas, or exterior building and structure walls; the number and location of accesses to public streets and alleys; a reduction in the number of parking spaces; an increase in the gross floor area or heights of buildings; a reduction in the open space; and similar major changes, shall require the approval of the Township Board, in the same manner as the original application was submitted, reviewed, and approved and subject to the finding of all of the following:
 - a. Such changes will not adversely affect the initial basis for granting approval;
 - b. Such changes will not adversely affect the overall project in light of the intent and purpose of such development as set forth in this Article; and
 - c. Such changes shall not result in the reduction of open space area as required herein.

B. Amendments to a Plot Plan: The Zoning Administrator shall review proposed changes to an approved Plot Plan in accordance with the same procedures, requirements, and standards used by the Zoning Board as specified in Section 6.03. Changes to a Plot Plan which contain elements which require Site Plan approval according to Section 6.02(A) shall require that the entire project be processed as a Site Plan according to the procedures of Section 6.04.

C. Appeals: With regard to Site Plan and Plot Plan approval decisions, an appeal may be taken to the Zoning Board of Appeals in the manner as other administration decisions.

Balance of Page Purposefully Blank

End of Article 6

Article 7 PROCEDURES for SPECIAL LAND USES

Section 7.01 Purpose

It is the intent of this Ordinance to provide a set of procedures and standards for specific uses of land or structures that will allow, on one hand, practical latitude for the investor or developer, but that will, at the same time, promote the intent and purpose of this Zoning Ordinance, and insure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land uses. In order to provide control and reasonable flexibility, this Article permits detailed review of certain specified types of special land use activities which, because of their particular and unique characteristics, require special consideration in relation to the welfare of adjacent properties and to the community as a whole. Special land uses are identified as such within the respective zoning district Articles of this Ordinance, and shall in no way be interpreted or acted upon as a request for a variance from the strict application of this Ordinance's requirements. Land uses and structures possessing these characteristics may be authorized within certain zoning districts by the issuance of a Zoning Permit for a Special Land Use. By such a procedure, the Township Board shall have the opportunity to impose conditions upon each use which are deemed necessary for the protection of the public welfare. Such conditions shall be based on standards in this Ordinance.

Section 7.02 Procedures for Special Land Uses

A application for a Zoning Permit for any special land use or structure identified as such in a particular zoning district shall be submitted and processed under the following procedures:

A. Submission of Application: Any person owning or having an ownership interest in the subject property may file an application for one or more Zoning Permits for a special land use as provided for in this Ordinance. An application shall be submitted through the Zoning Administrator on a special form for that purpose. Each application shall be accompanied by the payment of a fee as established by the Township Board to cover costs of processing the application. Fifteen (15) sets of the following materials, constituting the special land use application, shall be submitted to the Zoning Administrator:

1. Application form supplied by the Zoning Administrator.
2. Site plan meeting the requirements of Section 6.04
3. Written statement of analysis regarding the estimated population holding capacity of any proposed residential land use, the anticipated impact upon community facilities, such as schools and infrastructure, the anticipated new traffic generation including available roadway capacities and impact upon neighboring land uses and streets.

B. Forwarding of Application to Zoning Board: Upon certification by the Zoning Administrator that the site plan and application form appear to be complete, five (5) copies of the site plan shall be forwarded to the Zoning Board and five (5) copies shall be forwarded to the Township Board. The Township Zoning Administrator may also submit one (1) copy of the site plan to each of the following agencies considered to be impacted or affected by the application for a Special Land Use.

1. County Road Commission.
2. County Health Department.
3. County Drain Commissioner.
4. Fire Department providing service to that part of the Township.
5. Other agencies as relevant.

C. Zoning Board Hearing and Recommendation:

1. Application Review and Public Hearing:

- a. The Zoning Board shall review the site plan and special land use application at its next scheduled meeting, and, finding that the application is complete, schedule a date for public hearing and deliberation. The Zoning Board may, at its discretion, delay determining the completeness of the application at its next regularly scheduled or special meeting if it has not received the application materials at least ten (10) business days prior to such meeting. The Zoning Board shall publish a notice of public hearing which shall:
 - 1) Describe the nature of the special land use request.
 - 2) Indicate the property which is the subject of the special land use request.
 - 3) State when and where the request will be considered.
 - 4) Indicate when and where written comments will be received concerning the request.
 - b. Notice shall be published in a newspaper of general circulation in the Township and shall be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to which real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet. Notice shall be given not less than five (5) and not more than fifteen (15) days before the public hearing.
 - 1) If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or [eased by different individuals, partnerships, businesses or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or [eased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
2. **Zoning Board Recommendation:** Upon review of the special land use application, and a review of all supporting materials and the public hearing comments, the Zoning Board shall recommend to the Township Board to deny, approve, or approve with conditions the application for special land use approval. Its recommendation shall be incorporated in a statement of conclusions relative to the special land use under consideration, and shall specify the basis for the recommendation and any conditions that should be imposed. In arriving at its recommendation, the Zoning Board shall refer to and be guided by those standards set forth in Articles 16, Standards for Special Land Uses.

E. Township Board Action: Following receipt of the Zoning Board's recommendation, the Township Board shall, within sixty (60) days of the receipt of the Zoning Board's recommendation, deny, approve, or approve with conditions the special land use application, unless the applicant and the Board agree to an extension of time, which shall be specified in the minutes. Its decision shall be incorporated in a statement of conclusions relative to the special land use under consideration, and shall specify the basis for the decision and any conditions imposed. In arriving at its decision, the Township Board shall refer to and be guided by those standards set forth in Articles 16, Standards for Special Land Uses. A request for approval of a special land use or activity which is in compliance with those standards, other applicable ordinances, and state and federal statutes shall be approved. The Zoning Board may require that a performance guarantee, in accordance with Section 3.06 of this Ordinance, be deposited with the Township to insure completion of improvements

Section 7.03 Appeal to Circuit Court

An appeal on a special land use application decision may be taken to the Circuit Court.

Section 7.04 Reapplication

No application for a Zoning Permit for a special land use which has been denied wholly or in part by the Township Board shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on the grounds of newly-discovered evidence or proof of changed conditions that the Township Board determines is a valid basis for reapplication within one (1) year from the date of the initial denial. A reapplication shall require a new fee and the process shall follow all provisions of Section 7.02.

Section 7.05 Revisions

A. Site Plan: The site plan, as approved, shall become part of the record of approval, and subsequent actions shall be consistent with the approved the site plan. Revisions to the approved Site Plan shall comply with the application and review procedures of Section 6.07.

B. Use or Activity: A change in the character of the use or activity from what the originally approved Zoning Permit for special land use authorized shall not occur until such change is applied for and approved according to the application and review procedures of this Article and all other applicable sections of this Ordinance. Changes requiring a new application and review procedure include, but shall not be limited to:

1. the addition of land to the legal description of the original special land use permit;
2. the establishment of another special land use(s);
3. the addition of more sales or service area, or the addition of dwelling units; and
4. an expansion or increase in intensity of use.

Balance of Page Purposefully Blank

End of Article 7

Article 8

Reserved for Future Use

Balance of Page Purposefully Blank

End of Article 8

Article 9 ZONING DISTRICTS and MAP

Section 9.01 Establishment Of Districts

For the purpose of this Ordinance, the Township is hereby divided into the following zoning districts, which shall be known by the following respective symbols and names.

AR: Agricultural - Residential CR: Commercial - Residential FR: Forest Recreation

Section 9.02 Zoning District Map

The boundaries of the respective districts enumerated in Section 9.01 are defined and established as depicted on the Official Zoning Map entitled BURLEIGH TOWNSHIP ZONING MAP which is an integral part of this Ordinance. This map, with all notations and explanatory matter thereon, shall be published as part of this Ordinance as if fully described herein.

This Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bearing the following: *This is to certify that this is the Official Zoning Map of the Township Zoning Ordinance adopted on the day of __, 20__.* If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map after the amendment has been approved by the Township Board together with an entry on the Official Zoning Map as follows: *On the following date(s) and by official action of the Township Board, the following change(s) were made: (date of change(s) and brief description of change(s)).*

Section 9.03 Replacement of Official Zoning Map

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made thereto, the Township Board may, by Ordinance, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk and bearing the following: *This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of the Township adopted on ____, 20__ which replaces and supersedes the Official Zoning Map which was adopted on _____ 20__.* Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved together with all available records pertaining to its adoption or amendment.

Section 9.04 Interpretation of District Boundaries

A. Where, due to the scale, lack of details, or illegibility of the Official Zoning Map, there is an uncertainty, contradiction, or conflict as to the intended location of any zoning district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, to the Zoning Board of Appeals. The Board, in arriving at a decision on such matters, shall apply the following standards:

1. Boundaries indicated as approximately following the streets or highway, the center lines of said streets or highways shall be construed to be such boundaries.
2. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following Township boundary lines shall be construed as following such Township boundary lines.
4. Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as approximately parallel to the center lines of streets or highways shall be construed as being parallel thereto and at such distance therefrom as indicated on the official Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the official Zoning Map.
6. Boundaries following the shoreline of a stream, lake, or other body of water shall be construed to follow such shorelines, and in the event of change in the shorelines shall be construed as moving with the actual shorelines; boundaries indicated as approximately following the thread of streams, canals, or other bodies of water shall be construed to follow such threads.
7. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two (2) districts, the regulations of the more restrictive district shall govern the entire parcel in question,

unless otherwise determined by the Zoning Board of Appeals after recommendation from the Zoning Board.

Section 9.05 Scope Of Regulation

A. Except as may otherwise be provided in this Ordinance, every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of, or addition to an existing use, building and structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the Zoning District in which such use, building, or structure shall be located.

B. Any use of land not specifically permitted is prohibited, except that the Zoning Board of Appeals shall have the power to classify a use which is not specifically mentioned along with a comparable permitted or prohibited use for the purpose of clarifying the use regulations in any district, if so petitioned and in accord with the requirements of Sections 4.05(B)(4) and 4.06. If the Zoning Board of Appeals finds no comparable uses based on an examination of the characteristics of the proposed use, it shall so state and the Zoning Board may be petitioned to initiate an amendment to the text of the Ordinance to establish the appropriate district(s), type of use (by right or special use), and criteria that will apply for that use. Once the Ordinance has been amended to include the new regulations, then an application can be processed to establish that use.

C. No part of a setback area, or other open space, or off-street parking or loading space required about or in connection with any use, building or structure, for the purpose of complying with this Ordinance, shall be included as part of a setback area, open space, or off-street parking or loading space similarly required for any other use, building or structure.

D. No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein.

E. No portion of one lot, once established and/or improved with a building or structure, shall be used in the creation of another lot unless each lot resulting from each such reduction, division, or sale, shall conform with all of the requirements established herein.

F. Accessory buildings, structures and uses are permitted in all Zoning Districts provided such buildings, structures and uses are customarily incidental and subordinate to the permitted principal use of the land or building and located on the same lot as the principal use. (See also Section 18.08)

Section 9.06 CONFLICTING REGULATIONS

Wherever any provision of the Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern.

Section 9.07 CATEGORIES WITHIN ZONING DISTRICTS

A. In order to insure all possible benefits and protection for the zoning districts in this Ordinance, land uses have been classified into two (2) categories:

1. Uses Permitted By Right: The primary uses and structures specified for which the zoning district has been established.
2. Special Land Uses Permitted By Special Use Approval: Uses and structures which have been generally accepted as reasonably compatible with the primary uses and structures within the zoning district, but could present potential injurious effects upon the primary uses and structures within the zoning district and therefore require special consideration in relation to the welfare of adjacent properties and to the community as a whole, and regulation so they do not interfere with surrounding property. All such proposed uses shall be subject to a public hearing and approval by the Township Board. Refer to Art. 7.

Section 9.08 SCHEDULE of REGULATIONS

The requirements in the following table titled "Schedule of Regulations" apply to all principal land uses and buildings permitted by right within each zoning district, except as otherwise specified in this Ordinance. In the event of any conflict between the provisions of the written text of this Ordinance and the content of this Schedule, the provisions of the text shall apply. The requirements of this Schedule shall apply in addition to all applicable provisions of Article 19: Nonconforming Uses; Article 20: Off-Street Parking and Loading; Article 21: Signs; Article 22: Landscaping and Screening; and other provisions of this Ordinance as may be applicable.

SCHEDULE of REGULATIONS^A

Zoning District	Minimum Lot Area	Minimum Lot Width and Frontage	Maximum Building Height	Minimum Yard Setback ^K		
				Front Yard	Side Yard	Rear Yard
FR: Forest Recreation	1/2 acre	100 ft.	35 ft.	40 ft.	10 ft. ^B	10 ft.
AR: Agricultural - Residential	Sfd: 20,000 sq. ft.; Tfd: 30,000 sq. ft.	100 ft.	35 ft.	40 ft.	10 ft. ^C	10 ft. ^D
CR: Commercial - Residential	20,000 sq. ft.	100 to 200 ft. ^E	35 ft.	75 ft.	10 ft. ^F	10 ft. ^F

Sfd = single family dwelling; Tfd = two family dwelling; sq. ft. = square feet

- A. These requirements apply to all principal land uses and buildings permitted by right within each zoning district, except as otherwise specified in this Ordinance. In the event of any conflict between the provisions of the written text of this Ordinance and the content of this Schedule, the provisions of the text shall apply. The requirements of this Schedule shall apply in addition to all applicable provisions of **Article 19: Nonconforming Uses; Article 20: Off-Street Parking and Loading; Article 21: Signs; Article 22: Landscaping and Screening;** and other provisions of this Ordinance as may be applicable.
- B. The minimum side yard and setback shall be forty (40) feet for a side yard abutting a road.
- C. The minimum side yard and setback shall be forty (40) feet for a side yard abutting a road. However, in no case shall a building associated with a commercial or industrial use be located within one hundred (100) feet of an existing dwelling
- D. In no case shall a building associated with a commercial or industrial use be located within one hundred (100) feet of an existing dwelling.
- E. Commercial or industrial uses gaining access from M-65 shall have a minimum lot frontage and width of two hundred (200) feet.
- F. in no case shall a non-residential building be located closer than fifty (50) feet from a residential lot line or one hundred (100) feet to an existing dwelling. No side yard is required in the case of shared wall construction.

End of Article 9

Article 10 CONSERVATION DISTRICTS

Section 10.01 FR: Forest - Recreation District

A. Intent: It is the intent of the Forest-Recreation District to recognize and protect those public lands in the Township which are part of the Alpena State Forest. These lands embody special and important natural resources, the enjoyment and protection of which is of great public interest to Burleigh Township and the State of Michigan. These resources are critical in providing for wildlife habitats, water and air purification, flood control, recreation opportunities, and economically viable timber production opportunities. It is the intent of this district to limit the introduction of land uses which will undermine the intent, quantity, quality and value of the resources contained within.

B. Uses Permitted By Right:

1. Outdoor public recreation, limited to conservation areas, game refuges, nature interpretive facilities, campgrounds, stables, and similar open space uses.
2. Timber harvesting according to an approved Department of Natural Resources forest land management plan.

C. Special Land Uses Permitted By Special Approval:

1. Public shooting ranges.

D. Site Development Requirements:

The following minimum and maximum standards shall apply to all uses and structures in the Forest - Recreation District unless otherwise modified by the provisions of Article 16, Standards for Special Land Uses; Article 18; General Provisions; or as varied pursuant to Article 4, Zoning Board of Appeals.

1. **Minimum Lot Area:** One half (1/2) acre.
2. **Minimum Lot Frontage and Lot Width:** One hundred (100) feet.
3. **Yard and Setback Requirements:**
 - a. Front Yard: Forty (40) feet.
 - b. Side Yard: Side (10) feet, except that the minimum side yard and setback shall be forty (40) feet for a side yard abutting a road.
 - c. Rear Yard: Ten (10) feet.
4. **Maximum Height:** Thirty-five (35) feet.
5. Applicable provisions of **Article 19: Nonconforming Uses**; **Article 20: Off-Street Parking and Loading**; **Article 21: Signs**; **Article 22: Landscaping and Screening**; and other provisions of this Ordinance as may be applicable.

Balance of Page Purposefully Blank

End of Article 10

Article 11 RESIDENTIAL DISTRICTS

Section 11.01 AR: Agricultural - Residential District

A. Intent: It is the intent of the Agricultural-Residential District to provide opportunities for single family and two family residential development patterns and lifestyles, while also providing opportunities for and encouraging the continuation of farming and agricultural activities. Agricultural activities are currently evident throughout much of this District and it is not the intent of this District to encourage the discontinuation of these activities. Rather, this District is established to encourage the continuation of farming activities in the Township until such time when the conversion of farmland to residential use is a preferred alternative. Persons considering residing within this district should be aware that the traditional smells, noises, pesticide applications, and other generally recognized agricultural activities associated with farming may well continue on a long term basis in this District. This District is intended to establish minimum requirements to assure adequate on-site measures for sewage disposal and potable water, minimize the spread of fire, and contribute to a healthy living environment.

B. Uses Permitted By Right:

1. Agriculture.
2. Single family dwellings.
3. Two family dwellings.
4. Day care, family home.
5. Foster care facility, family home.

C. Special Land Uses Permitted By Special Approval:

1. Public facilities, including but not limited to public administration buildings, parking lots, cemeteries, parks, wildlife reserves, schools, libraries, and substations or structures associated with public utilities and enclosures or shelters for service equipment and maintenance depots.
2. Churches and religious institutions, including housing for religious personnel affiliated with the church or religious institution.
3. Day care, group home.
4. Foster care facility, group home.
5. Day care center.
6. Golf course/country club.
7. Commercial stables.
8. Private landing fields.
9. Shooting range.
10. Concentrated livestock operations.
11. Sawmills and the manufacturing of products in association with such saw mill, such as, but not limited to, pallets.
12. Communication towers.
13. Veterinarian clinic.
14. Bed and Breakfast.
15. Extraction operations.

D. Site Development Requirements:

The following minimum and maximum standards shall apply to all uses and structures in the Agricultural-Residential District unless otherwise modified by the provisions of Article 16, Standards for Special Land Uses; Article 18, General Provisions; or as varied pursuant to Article 4, Zoning Board of Appeals.

1. **Minimum Lot Area:** Twenty thousand (20,000) square feet, except that the minimum lot area for two family dwellings shall be thirty thousand (30,000) square feet.
2. **Minimum Lot Frontage and Lot Width:** One hundred (100) feet.
3. **Yard and Setback Requirements:**
 - a. **Front Yard:** Forty (40) feet.
 - b. **Side Yard:** Side (10) feet, except that the minimum side yard and setback shall be forty (40) feet for a side yard abutting a road. However, in no case shall a building associated with a commercial or industrial use be located within one hundred (100) feet of an existing dwelling.

- c. Rear Yard: Ten (10) feet. However, in no case shall a building associated with a commercial or industrial use be located within one hundred (100) feet of an existing dwelling.
4. **Maximum Height**: Thirty-five (35) feet.
5. Applicable provisions of **Article 19**: Nonconforming Uses; **Article 20**: Off-Street Parking and Loading; **Article 21**: Signs; **Article 22**: Landscaping and Screening; and other provisions of this Ordinance as may be applicable.

End of Article 11

Article 12 COMMERCIAL DISTRICTS

Section 12.01 CR: Commercial-Residential District

A. Intent: The Commercial-Residential District is intended to be primarily located along M-65 and provide opportunities for retail, service, office, and light industrial establishments which serve both the day-to-day convenience and service needs of Township residents and visitors and the consumer needs of a more regional population, as well as provide opportunities for residential development of a more urban character. Those commercial uses of a more industrial character, and those catering to a more regional market frequently require larger land areas and buildings than more locally oriented uses, and encourage higher levels of vehicular traffic. Accordingly, such uses are permitted in this District only after special review to determine their appropriateness on the proposed site. This District is intended to establish minimum requirements to assure adequate on-site measures for sewage disposal and potable water, minimize the spread of fire, and contribute to a healthy living environment. This District is further intended to minimize negative impacts between residences and new businesses.

B. Uses Permitted by Right:

1. Any generally recognized retail business which supplies commodities on the premises within a completely enclosed building including, but not limited to, foods, drugs, liquor, furniture, clothing, dry goods, notions, books, flowers, jewelry or hardware, provided no single story of any single business contains more than twenty thousand (20,000) square feet of floor area, and no single building contains more than sixty thousand (60,000) square feet of floor area.
2. Standard restaurants, clubs, and other establishments which provide food or drink for consumption by persons seated within a building, but shall not serve alcohol or provide for dancing or entertainment.
3. Personal service establishments which perform services on the premises within a completely enclosed building, such as, but not limited to, shoe repair shops, barber and beauty shops, photographic studios, and dry cleaners.
4. Office establishments which perform services on the premises including but not limited to-, financial institutions, insurance offices, real estate offices, artist offices and galleries, professional offices for accountants, doctors, lawyers, engineers, and architects, and similar office uses.
5. Single family and two family dwellings.

C. Special Land Uses Permitted By Special Use Approval

1. Any generally recognized retail business which supplies commodities on the premises within a completely enclosed building including, but not limited to, foods, drugs, liquor, furniture, clothing, dry goods, notions, books, flowers, jewelry or hardware.
2. Standard restaurants, clubs, and other drinking establishments which provide food or drink for consumption by persons seated within a building, and may also provide for dancing or other entertainment, and serve alcoholic beverages.
3. Drive-in, drive-through, take-out, pick-up, and other forms of in-vehicle retail or service establishments including restaurants, financial institutions, dry cleaning businesses, and similar facilities.
4. Public facilities, including parking lots, cemeteries, parks, schools, libraries, and similar uses and activities including administrative buildings, but excluding substations or structures associated with public utilities, and enclosures or shelters for service equipment and maintenance depots.
5. Service station, standard.
6. Service station, multiple use.
7. Vehicle repair station.
8. Motels and hotels.
9. Sale of used cars, used farm machinery, and other used vehicles and equipment when not in conjunction with the sales of new units as the permitted principal use..
10. Motor vehicle, trailer, recreation vehicle, and boat sales, and the service and repair of such items when done so as an accessory use to the principal use sales operation.
11. Farm, industrial, commercial, and construction equipment sales, and the service and repair of such items when done so as an accessory use to the principal use sales operation.

12. Open air business including automobile, truck, and boat sales; nursery and landscape supplies sales; sale of lawn furniture, farm equipment, and playground equipment, and similar outdoor businesses.
13. Communication towers and related broadcasting and receiving facilities.
14. Offices and showrooms of plumbers, electricians, decorator, or similar trades.
15. Mini storage and bulk storage facilities
16. Building material sales yard, including retail lumber yards and incidental millwork; storage facilities for building materials, sand, gravel, stone, lumber, and contractor's equipment; warehousing and wholesale establishments; storage and transfer establishments; distribution plants; parcel delivery service; and ice and cold storage plants.
17. Adult entertainment businesses.
18. Day care centers.
19. Kennels.
20. Commercial stables.
21. Veterinarian clinics.
22. Nursing homes.
23. Indoor commercial recreation such as indoor theaters, bowling alleys, skating rinks, and similar uses.
24. Outdoor commercial recreation and accessory uses such as refreshment stands and maintenance buildings, but excluding golf courses, racing tracks, amusement parks, and drive-in theaters.
25. Clubs, lodges, and similar social, recreational and community centered facilities.
26. Funeral homes and mortuaries.
27. Truck and bus terminals.
28. Composting or recycling center.
29. Agricultural service establishments.
30. Hospitals and clinics.
31. Multiple family developments.
32. Mobile home parks.
33. Central dry-cleaning establishments.
34. Monument and art stone production.
35. Printing and publishing.
36. The manufacturing, compounding, processing and packaging of drugs, perfumes, pharmaceuticals, toiletries, and condiments.
37. The manufacturing, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, zinc and aluminum pressure die casting, shell, textiles, tobacco, wood, yarns, and paint not requiring a boiling process.
38. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts such as condensers, transformers, crystal holders, and the like.
39. Research offices and experimental, film or testing laboratories.
40. Junkyards.
41. Tool and die manufacturing establishments.
42. Plastic molding and extrusion.

D. Site Development Requirements

The following minimum and maximum standards shall apply to all uses and structures in the Commercial - Residential District unless otherwise modified by the provisions of Article 16, Standards for Special Land Uses; Article 18, General Conditions; or as varied pursuant to Article 4, Zoning Board of Appeals.

1. **Minimum Lot Area:** Twenty thousand (20,000) square feet.
2. **Minimum Lot Frontage and Lot Width:** One hundred (100) feet, except that commercial or industrial uses gaining access from M-65 shall have a minimum lot frontage and width of two hundred (200) feet.
3. **Yard and Setback Requirements:**
 - a. Front yard: Seventy-five (75) feet.
 - b. Side yard: Ten (10) feet, except in no case shall a non-residential building be located closer than fifty (50) feet from a residential lot line or one hundred (100) feet to an existing dwelling. No side yard is required in the case of shared wall construction.
 - c. Rear Yard: Ten (10) feet except in no case shall a non-residential building be located closer than fifty (50) feet from a residential lot line or one hundred (100) feet to an existing dwelling.
4. **Maximum Height:** Thirty-five (35) feet.

5. Applicable provisions of **Article 19: Nonconforming Uses**; **Article 20: Off-Street Parking and Loading**; **Article 21: Signs**; **Article 22: Landscaping and Screening**; and other provisions of this Ordinance as may be applicable.

Balance of Page Purposefully Blank

End of Article 12

Article 16 STANDARDS for SPECIAL LAND USES

The following standards apply to the special land uses permitted by special approval in Articles 10 through 15 of this Ordinance. The regulations and standards contained in this Article shall be applied in addition to any other applicable standard or regulation contained elsewhere in this Ordinance unless specifically noted otherwise, and any conditions established pursuant to Section 18.15, Conditional Approvals. Section 16.01 includes general standards applicable to all special land uses. The remaining sections of this Article include standards which are applicable to specific special land uses as designated.

Section 16.01 General Standards Applicable to All Special Land Uses

A. Each application for a special land use shall be reviewed for the purpose of determining that the land use or activity which may be authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use. The land use or activity shall be consistent with the public health, safety, and welfare of the Township and shall comply with the following standards:

1. Be harmonious with and in accordance with the general principles and objectives of the Zone Plan of the Township
2. Be harmonious with and in accordance with the general objectives, intent and purposes of this Ordinance.
3. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed. In determining whether this requirement has been met, consideration shall be given to:
 - a. The bulk, placement, and materials of construction of proposed structures.
 - b. Pedestrian and vehicular circulation.
 - c. The location of vehicular use or parking areas.
4. Not be hazardous or disturbing to existing or future uses in the same general vicinity.
5. Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities and schools, and minimize the impact of traffic generated by the proposed development on adjacent properties
6. Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
7. Meet the site plan review requirements of Article 6.
8. Conform with all applicable county, state and federal requirements for that use.

Section 16.02 Service Stations (Standard and Multiple Use) and Vehicle Repair Stations

A. The following site and developmental requirements shall apply:

1. The entire area used for vehicle service shall be hard-surfaced and adequately drained.
2. Ingress and egress to the facility shall be only from a paved county primary road.
3. No more than two (2) driveways onto a roadway shall be permitted per site. Curb openings for driveways shall not exceed fifty (50) feet and driveway widths shall not exceed thirty-five (35) feet. Driveways shall be separated by a minimum of forty (40) feet, edge to edge.
4. Curb openings shall be no closer than ten (10) feet to any adjoining lot line and shall be no closer than twenty (20) feet to an intersection, as measured from the right of way.
5. The site shall be no less than two hundred (200) feet from any place of public assembly, including any hospital, sanitarium, school, church or other institution. Measurement shall be the closest distance between lot lines.
6. All buildings shall be set back not less than forty (40) feet from all street right of way lines.
7. All gasoline pumps shall be located not less than fifteen (15) feet from any lot line nor within thirty (30) feet from the street right-of-way and shall be arranged so that motor vehicles using them will not be parked on or overhanging any public sidewalk or street right-of-way.

B. Special Performance Standards:

1. Hydraulic hoists, service pits, lubricating, greasing, washing, and repair equipment and operations shall be located within a completely enclosed structure.
2. Storage of vehicles rendered inoperative for any reason, and vehicles without current license plates and registration, shall be limited to a period of not more than thirty (30) days and only for the purpose of temporary storage pending transfer to another facility. Such storage shall not occur in a front yard or within the required building setback.
3. A car wash may be established as part of the principal structure or as a separate structure but shall conform to all setback requirements for a principal structure.

Section 16.03 Bed and Breakfast

A. The following site and developmental requirements shall apply:

1. No bed and breakfast use shall be permitted within a platted subdivision or condominium development.
2. One (1) off-street parking space per room to be rented shall be provided on site, in addition to the parking required for a single family dwelling.

B. Special Performance Standards:

1. The bed and breakfast facility must be a single family dwelling which is operated and occupied by the owner of the dwelling. The bed and breakfast facility may have up to six (6) bedrooms used for transient guests for compensation and by pre-arrangement. Meals may be served to overnight guests only. Meals shall not be served to the public at large.
2. The exterior appearance of the structure shall not be altered from its single family character.
3. No receptions, private parties or activities for which a fee is paid shall be permitted.
4. Exterior solid waste facilities beyond what might normally be expected for a single family dwelling shall be prohibited.
5. The establishment shall contain at least two (2) exits to the outdoors.
6. No transient occupant shall reside on the premises for more than seven (7) days in any thirty (30) day period.
7. Lavatories and bathing facilities shall be available to all persons using the premises.
8. No separate or additional kitchen facilities shall be provided for the guests.

Section 16.04 Communication Towers

A. The following site and developmental requirements shall apply:

1. A minimum lot area of two (2) acres.
2. The communication tower shall be located so that there is sufficient radius of clear land around the tower so that its collapse would be completely contained on the property.
3. The base of the tower and wire/cable supports shall be fenced with a minimum five (5) foot high woven fence to prevent unauthorized access.

B. Special Performance Standards:

1. All structures shall be located at least two hundred (200) feet from any single family dwelling.
2. Towers and antennas shall be painted to minimize off-site visibility.
3. The applicant shall provide verification that the plans of the tower construction, including the antenna mount and structure, have been reviewed and approved by a professional engineer and that the installation is in compliance with all Federal Aviation Administration and Federal Communications Commission standards and all other applicable building codes and statutes.
4. There shall be no employees located on the site on a permanent basis.
5. No part of any tower or antenna shall be constructed, located or maintained at any time, permanently or temporarily, in or upon any required setback area for the district in which the antenna or tower is to be located.
6. Metal towers shall be constructed of, or treated with, corrosive-resistant material. Wood poles shall be impregnated with rot-resistant substances.
7. Towers shall be located so that they do not interfere with reception in nearby residential areas.
8. Minimum spacing between towers in excess of one hundred (100) feet shall be two (2) miles.
9. Height of the tower shall be less than two hundred (200) feet from grade.
10. Towers shall not be artificially lighted unless required by the Federal Aviation Administration.

11. There shall not be display advertising or identification of any kind intended to be visible from the ground or other structures.

Section 16.05 Shooting Ranges

A. The following site and developmental requirements shall apply:

1. Minimum lot area shall be forty (40) acres for outdoor shooting ranges.
2. Minimum front, side and rear yard setbacks shall be two hundred fifty (250) feet for outdoor shooting ranges.

B. Special Performance Standards:

1. All federal, state and county codes and ordinances in regard to firearms shall be strictly adhered to.
2. A site plan for the range, whether indoor or outdoor, shall be submitted to the Zoning Board clearly indicating all safety provisions to assure that any missile fired within the confines of a shooting range shall not carry into or over an adjacent district or area.
3. The operator shall have the County Sheriff review and comment on the site plan prior to submitting it to the Township Zoning Board.
4. All shooting range facilities shall meet the most current published design and safety standards of the National Rifle Association.
5. A five (5) foot high chain link fence shall be provided around the entire area devoted to or used for the shooting of firearms outdoors to assure that individuals will not unknowingly trespass on the property.
6. Hours of operation shall be between 8:00 a.m. and dusk.

Section 16.06 Churches and Religious Institutions

A. The following site and developmental requirements shall apply:

1. No building shall be closer than fifty (50) feet from any lot line or right-of-way.
2. No building shall be erected to a height greater than that permitted in the district in which it is located unless the building is set back an additional one (1) foot for each one (1) foot of additional height above the district height limitation A spire is excluded.

B. Special Performance Standards:

1. No day care center, private school, or other use requiring a Special Approval shall be allowed without a separately approved Zoning Permit for each use.

Section 16.07 Kennels

A. The following site and developmental requirements shall apply:

1. The lot area shall be at least five (5) acres in size and three hundred (300) feet in width.
2. Kennels may not be located in a platted subdivision or condominium subdivision.
3. Buildings where animals are kept, runs, and exercise areas shall not be located nearer than one hundred feet (100) to any adjacent lot line in a residential district or any adjacent building used by the general public. Runs and/or exercise areas, and buildings where the animals are maintained, shall be located in the rear yard only.

B. Special Performance Standards:

1. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease or offensive odor.
2. All animals must be licensed and maintained in a healthy and careful manner.
3. The main kennel building used to house the animals shall be insulated in such a manner that animal noises are minimized.
4. Habitual barking or unusual noise from the kennel which results in a nuisance to neighboring land owners or residents is prohibited.
5. Exercise yards, when provided for training or exercising, shall not be used between the hours of 10:00 p.m. and 7:00 a. m.
6. During the hours of 7 a.m. until 10 p.m. animals shall be permitted in outdoor runs or pens. Animals shall be kept confined and not allowed to run at large on the property, except as part of supervised training.

7. The outside perimeter of the run and/or exercise area shall be enclosed by chain link or cyclone fencing at sufficient height or completely covered on sides and top to prohibit the escape of animals.

Section 16.08 Mini Storage Facilities

A. The following site and developmental requirements shall apply:

1. The minimum lot or parcel size for mini storage facilities shall be 2 acres and the minimum frontage shall be two hundred (200) feet.
2. One (1) parking space shall be provided for each twenty (20) rental units within the buildings, and one (1) parking space shall be provided for each employee.
3. There shall be a minimum of thirty five (35) feet (forty-five (45) feet if the driveway is two-way) between warehouses for driveway, parking, and fire lane purposes. Where no parking is provided within the building separation areas, said building separation need only be twenty five (25) feet. Traffic direction and parking shall be designated by signaling or painting.

B. Special Performance Standards:

1. No retail, wholesale, fabrication, manufacturing, or service activities may be conducted from the storage units by the lessees.
2. No storage of hazardous, toxic, or explosive materials shall be permitted at the facility. Signs shall be posted at the facility describing such limitations.
3. Storage spaces shall not contain more than 400 square feet each.
4. Storage of goods shall be limited to personal property with no commercial distribution allowed and no operation which requires the regular delivery or pick-up of goods in trucks in excess of a gross vehicle weight rating of 5,000 pounds.
5. All storage shall be within the enclosed building area. There shall be no outside storage or stockpiling except where specifically approved and delineated on the approved site plan.
6. The exterior of mini-storage buildings shall be of finished quality and maintained so as not to be offensive to adjacent property or abutting streets.
7. All roads, driveways, parking lots, and loading and unloading areas within any junk yard shall be paved, watered, or chemically treated so as to limit the nuisance caused by wind-borne dust on adjoining lots and public roads.

Section 16.09 Junkyards

A. The following site and developmental requirements shall apply:

1. A solid fence, wall or earthen berm at least eight (8) feet in height shall be provided around all sides of the area used to store junk to screen said site from surrounding property. Such fence, wall or berm shall be of sound construction, painted or otherwise finished neatly and inconspicuously. Such fence, wall or berm shall be of permanent finish and construction.
2. No portion of the enclosed area shall be located within one hundred (100) feet of a road right-of-way nor within two hundred (200) feet of a residential lot line, school, day care facility, church, hospital, or convalescent or nursing home.
3. The minimum lot or parcel size for junkyards shall be ten (10) acres and the minimum frontage and lot width shall be three hundred (300) feet.

B. Special Performance Standards:

1. All activities shall be confined within the enclosed area including any: storage of materials; stockpiling of materials; disassembly of materials, parts, and vehicles; and the storage or parking of all operative and inoperative vehicles. There shall be no stocking of material above the height of the fence, wall, or berm, except that moveable equipment used on the site may exceed that height. No equipment, material, signs, or lighting shall be used or stored outside the enclosed area.
2. No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.
3. All roads, driveways, parking lots, and loading and unloading areas within any junk yard shall be paved, watered, or chemically treated so as to limit the nuisance caused by wind-borne dust on adjoining lots and public roads.
4. The operation shall be licensed by the Michigan Secretary of State to sell used vehicle parts or tow non-operational vehicles.

5. Any materials listed on the Michigan Critical Materials Register (gasoline and solvents) require secondary containment and a Pollution Incident Protection Plan filed with the Michigan Department of Environmental Quality.

Section 16.10 Adult Related Business

The purpose of this Section is to clearly define what constitutes an adult related business and regulate the location and concentration of such businesses, but not exclude such businesses. These regulations are created with the understanding that Burleigh Township acknowledges that there are some uses which, because of their very nature, have serious objectionable impacts when concentrated in location, causing deleterious effects upon adjacent residential and commercial use areas. The Township recognizes that regulation of adult related businesses is necessary to insure that adverse effects will not contribute to the blighting or downgrading of surrounding residential neighborhoods and retail areas.

A. Definitions

1. **Adult-Related Business:** Any business, club or organization where one or more persons display "*specified anatomical areas*" or engage in "*specified sexual activities*" as defined in this Section, either in person or by photograph, motion picture, television or other type of image. This definition includes the following as defined by this Section: "*adult bookstore,*" "*adult theater,*" "*massage parlor,*" "*public bath*" and "*taxi dance hall.*"
2. **Adult Book Store:** An establishment permitting physical access by customers to floor area or shelf space which is devoted to the display of books, magazines or other periodicals, video tapes, photographs or motion picture films which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "*specified sexual activities*" or "*specified anatomical areas*" as defined by this Section. This definition also includes any establishment which indicates the availability of such material by any sign, advertisement or other device audible or visible from anywhere outside the principal building, regardless of the amount of area devoted to said material.
3. **Adult Theater:** Any establishment presenting material or activity distinguished or characterized by an emphasis on matter depicting, describing or relating to "*specified sexual activities*" or "*specified anatomical areas*" as defined by this Section, for observation by patrons or customers.
4. **Massage Parlor:** An establishment in which a substantial or significant portion of the business conducted involves the administration of non-therapeutic massage, erotic touching, or fondling of such body areas as human genitals, pubic region, buttock, or breasts. The term "*massage parlor*" does not include medical or therapeutic massage services or any state licensed practitioners or medical or related services such as chiropractors or physical therapists.
5. **Public Bath:** An establishment providing common bathing facilities or hot tubs for use for a fee. Shower facilities, swimming pools, saunas and similar facilities intended as accessory uses in a school, health club, motel, or similar facility are not "*public baths.*"
6. **Specified Anatomical Areas:** Human genitals, public regions, buttock, or any portion of the female breast below a point immediately above the top of the areola when less than completely and opaquely covered, in addition to human genitals in a discernibly turgid state, even if completely and opaquely covered.
7. **Specified Sexual Activities:** Human genitals in a state of stimulation or arousal; acts of human or animal masturbation, sexual intercourse (homosexual or heterosexual), or sodomy; fondling of or erotic touching of human genitals, pubic region, buttock or female breast; bestiality; fellatio or cunnilingus; sadomasochistic abuse; and human excretory functions.
8. **Taxi Dance Hall:** An establishment which provides dance partners for one or more dances as the direct or indirect result of payment of a fee.

B. The following site and developmental requirements shall apply:

1. No adult related business shall be established on any premises where there exists another adult related business within one thousand (1,000) feet, measured as a straight line distance between the closest property lines.
2. The property on which an adult related business is located shall be situated at least three hundred (300) feet from a residential lot line and one thousand (1,000) feet from a church or school, measured as a straight line distance between the closest property lines.

C. Special Performance Standards

1. Signs shall contain no photographs, silhouettes, drawings or pictorial representations of any manner which include "*specified anatomical areas*" or "*specified sexual activities.*"
2. Adult related businesses shall not be located within a building in which one (1) or more dwelling units are located.
3. Operational hours are permitted between 10:00 a.m. and 10:00 p.m. only.
4. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, at an illumination of not less than one (1) foot candle measured at floor level.
5. The applicant shall submit a diagram of the premises showing a plan thereof and specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and illumination intensity of each. A manager's station shall not exceed thirty (30) square feet of floor area.
6. The premises shall be so configured and designed to provide an unobstructed view of each area of the premises to which any person is permitted access for any purpose from at least one (1) of the manager's stations.
7. Activities conducted within buildings housing the aforementioned uses shall be shielded in such a manner that no person outside the building can see said activities, provided however that such shielding shall not consist of a curtain alone, shall not obstruct the exit sign or directional or instructional signs regarding emergency egress, nor be constructed in such a way as to block an exit.

Section 16.11 Mobile Home Parks

A. All mobile home parks shall be constructed and maintained in accordance with P.A. 96 of 1987, as amended, and the rules and regulations promulgated by the Mobile Home Commission pursuant to the authority vested in the Mobile Home Commission by such Act. The construction of a mobile home park shall not be initiated, nor shall a mobile home park be inhabited or operated until all necessary permits have been acquired from the Michigan Department of Public Health, Michigan Department of Commerce, and all other agencies pursuant to the Mobile Home Commission Act. Pursuant to Section 11 of Public Act 96 of 1987, as amended, the Michigan Mobile Home Commission Act, a preliminary plan shall be submitted to the Township for review by the Zoning Board. The preliminary plan shall include the location, layout, general design, and general description of the project. The preliminary plan shall not include detailed construction plans. In preparing the preliminary plan and when reviewing the plan, the developer and Zoning Board shall generally follow the procedures and requirements in Article 4 of this Ordinance, where applicable, except where said procedures and requirements are superseded by the requirements in P.A. 96 of 1987, as amended, or the Mobile Home Commission Rules. Pursuant to Section 11 of Public Act 96 of 1987, as amended, the Zoning Board shall take action of the preliminary plan within sixty (60) days after the Township receives the preliminary plan.

Section 16.12 Extraction Operations

A. **Additional Materials to be Submitted for Special Use Review:** In addition to the data requirements of Section 6.04(A), each application shall be accompanied by plans, drawings, and information prepared by appropriate registered professionals depicting, at a minimum:

1. Location, size and legal description of the total site area to be excavated.
2. Location, width and grade of all easements or rights-of-way on or abutting the area subject to extraction.
3. A statement from the applicant identifying all federal, state, county and local permits required, if any.
4. Provisions for landscaping and screening.
5. A master plan for the extraction of minerals on the site, including:
 - a. The area and amount of material to be excavated in cubic yards.
 - b. Proposed side slopes and depths for all portions of the excavated area.
 - c. Proposed drainage system, settling ponds and retention ponds, as appropriate.
 - d. The time, duration, phasing and proposed work schedule of the total project.
 - e. The proposed location of any buildings, storage areas, stockpiling areas, and sorting or crushing equipment as appropriate.
 - f. Area from which extraction will take place in the first year of operation and likewise for each successive year to completion.
6. The proposed location of access points to the site and proposed haul routes for transport of material.
7. Proposed plans for fencing, and signs.
8. Depth to groundwater.

9. Vertical aerial photography, enlarged to a scale equal to one inch (1") equals two hundred (200) feet, which identifies site boundaries and proposed locations of all extraction activities and phases.
10. A detailed reclamation plan that identifies, at a minimum, the following:
 - a. Physical descriptions of the location of each principal phase, number of acres included in each phase, and estimated length of time to complete each phase in extraction.
 - b. Depiction of finished, stabilized, side slopes, including methods and plant materials proposed for use.
 - c. Landscape plan for the portion of the property disturbed by extraction and associated activities, including an inventory of plant/tree species to be used.
 - d. Description of the intended reclamation use of the site upon completion of extraction activities and the spatial arrangement of proposed reclamation uses.
 - e. The restoration of vegetation upon the site, including appropriate seeding of grasses, or the planting of trees and shrubs, to establish a permanent vegetative cover on the land surface to minimize erosion.
 - f. The restoration of the site topography so that no gradients in disturbed earth are steeper than a slope of 3:1 (horizontal-vertical).
 - g. The placement of a three inch (3") layer of arable topsoil over the excavated area, except exposed rock surfaces or areas lying below natural water level, in accordance with the proposed reclamation use.
 - h. No noxious, flammable or toxic backfill and grading materials shall be used.
 - i. Fill and soils shall not be overly compacted and of sufficient quality to be well drained, non-swelling. If the reuse plan involves development of dwellings or other buildings, fill and soils shall be of proper bearing capacity to support foundations and septic systems.
 - j. All temporary structures shall be removed from the premises upon completion of the extraction activity unless said structures are of sound construction and are compatible with the reclamation goals. Said structures shall be accurately depicted upon the approved reclamation plan.

B. The following site and developmental requirements shall apply:

1. Minimum lot area shall be ten (10) acres.
2. Notwithstanding any other minimum yard sizes required by this Ordinance, all extraction activities, including washing and stockpiling of materials, shall be set back the following minimum distance:
 - a. 100 feet from the right-of-way of any public road, private road, or highway.
 - b. 150 feet from abutting property in a Conservation or Residential District.
3. All permitted buildings, structures and stationary equipment associated with extraction activities shall be located a minimum of 150 feet from all lot lines.
4. There shall be not more than one (1) entrance-way from a public road to said lot for each six hundred sixty (660) feet of frontage. Access shall be provided by a paved county primary or local road.
5. On said lot, all roads, driveways, parking lots, and loading and unloading areas within one hundred (100) feet of any lot line shall be paved so as to limit on adjoining lots and public roads the nuisance caused by wind-borne dust.

C. Special Performance Standards:

1. Any area of the site where excavation activities are occurring, including the location of equipment and buildings, shall be secured with a six (6) foot high fence with suitable gates. The gate shall be locked at all times when the site is not in use or when an attendant is not present. "KEEP OUT-DANGER" signs shall be posted at two hundred foot intervals along the perimeter.
2. Where deemed necessary by the Township Board, a berm and/or suitable screen of a minimum of fifty (50) feet in width shall be established to screen residential uses within one thousand (1,000) feet.
3. All extractive operations shall comply with the soil erosion and sedimentation control requirements of the Iosco County Drain Commissioner and Michigan Department of Environmental Quality.
4. All topsoil shall be stockpiled on the site so that the entire area may be recovered with a minimum of three inches (3") of top soil when extraction operations are completed. No topsoil shall be removed from the extraction site.
5. The extraction shall be graded in a fashion which will not cause water to accumulate in stagnant pools.

6. Air pollution, noise and vibrations shall be minimized from any effect upon adjacent properties by adequate soundproofed equipment and buildings designed to accomplish such minimization and by the proper use of berms, walls, and natural planting screens.
7. Truck or heavy vehicle traffic related to extraction operations shall use major thoroughfares for access to the greatest extent feasible.
8. Public streets within 1000 feet of the exit of the extractive use site shall be kept reasonably clear of mud, dirt and debris from vehicles exiting the site.
9. Reclamation activities shall be initiated at the earliest possible date. Reclamation of the site concurrent with extraction activities shall be undertaken to the extent that the reclamation activities will not interfere with the excavating activity or if the excavating activity will damage the reclaimed areas. No extraction work shall extend more than five (5) acres in area until reclamation of the previously excavated five (5) acre area is satisfactorily completed or underway, as authorized by the Township Board in writing. Excavated areas shall be reclaimed pursuant to the approved reclamation plan.
10. The excavator may be required to post an acceptable performance bond pursuant to Section 3.06 of this Ordinance in the amount up to one hundred fifty percent (150%) of the estimated reclamation costs for each ten (10) acres of land to be disturbed or excavated or fraction thereof. Extraction activities shall not be initiated on any location of the site until such performance bond or letter of credit has been posted for that area of the site.
11. Extraction processing or storage shall not be conducted as to cause the pollution by any material of any surface or subsurface water-course, or body of water outside the lines of the lot on which such use shall be located.
12. Extraction, processing, and storage shall not be conducted as to cause or threaten to cause the erosion by water of any land outside of said lot or of any land on said lot such that earth materials are carried outside of the lines of said lot. Extraction shall not be conducted as to alter the drainage pattern of surface or sub-surface waters on adjacent property. In the event that such removal, processing, or storage shall cease to be conducted, it shall be the continuing responsibility of the owner or operator thereof to assure that no erosion or alteration of drainage patterns, as specified in this paragraph, shall take place after the date of the cessation of operation.

D. Other conditions: The conditions of any Zoning Permit issued under this section apply not only to the owner but also to the operator who is either an owner or lessee of mineral rights or any other person engaged in or preparing to engage in extraction.

1. Extraction operations authorized by the zoning permit shall be inspected with reasonable frequency to determine compliance with this Ordinance and permits issued pursuant to this Ordinance.
2. When activities on or use of the area subjected to extraction, or any portion thereof, have ceased for more than one (1) year, the operation shall be considered abandoned and a new permit necessary before additional extraction activities can occur. Cessation may be determined by any of the following events:
 - a. The completion of the extraction.
 - b. The Township Board determines that no substantial work has occurred on the site for more than one (1) year.
 - c. The Township Board has received notification from the owner that operations are complete.
 - d. A zoning permit for the extraction has expired.
3. The permit or each renewal thereof shall be for a period of not more than five (5) years and shall be renewable only upon reapplication, a redetermination by the Township Board, and a filing of a performance bond; said redetermination to be made in accordance with the requirements of this ordinance for the issuance of a special land use permit.

E. Existing Extraction Areas: All extraction operations existing on the effective date of this Ordinance shall be subject to the regulations above for any extraction activities which are not permitted according to the originally issued permit for the extraction operation, including expansion into areas of the site not covered by a Township issued permit validly in place at the effective date of this Ordinance, and shall require special approval.

End of Article 16

Article 18 GENERAL PROVISIONS

Section 18.01 Purpose

The intent of this Article is to recognize that there are certain conditions concerning land uses that warrant specific exceptions, regulations or standards in addition to the requirements of the zoning district in which they are permitted to be located. The following general provisions establish regulations which are applicable to all zoning districts unless otherwise indicated.

Section 18.02 Keeping of Animals

A. Wild Animals: No wild animal shall be kept permanently or temporarily in any district in the Township except in an AAZPA (American Association of Zoologies, Parks and Aquariums) accredited facility.

B. Livestock: The raising and keeping of livestock or other animals generally not regarded as household pets, and which do not meet this Ordinance's definition for "wild animal," may be conducted as accessory to the principal residential use of a lot, but shall not be permitted in platted subdivisions or condominium subdivisions. All such raising and keeping or killing and dressing of poultry and animals processed upon the premises shall be for the use or consumption by the occupants of the premises and the following additional conditions shall be met:

1. Animals shall be owned and managed by the occupants of the premises.
2. The occupants of the premises shall keep the odor, sounds and movement of the animals from becoming a nuisance to adjacent properties.
3. No storage of manure, odor or dust producing materials or use shall be permitted within one hundred (100) feet of any adjoining lot line.
4. The minimum lot area and maximum animal density shall be as follows:
 - a. A minimum lot area of one-half (1/2) acre is necessary for the keeping of small livestock, including rabbits and fowl but excluding swine, and the maximum animal density shall not exceed six (6) animals per one quarter (1/4) acre.
 - b. A minimum lot area of ten (10) acres is necessary for the keeping of swine, and the maximum animal density shall not exceed one (1) animal per one (1) acre.
 - c. A minimum lot area of two (2) acres is necessary for the keeping of large livestock, including sheep, goats, llamas, ostriches, steer, cows, and Miniature Horses meeting the physical standards of the American Miniature Horse Association, Inc., and the maximum animal density shall not exceed one (1) animal per one (1) acre of lot area.
 - d. A minimum lot area of two (2) acres is necessary for the keeping of non-miniature horses, and the maximum horse density shall not exceed one (1) horse per one (1) acre of lot area.
5. Newly born horses, cows, donkeys, mules and similar large animals may be maintained on said parcel for up to one (1) year provided the maintenance of such animals on the premises shall not increase the permitted number of animals beyond the limitations of subsection (4) above by more than twenty-five percent (25%). Smaller newly born animals, such as pigs, sheep, and fowl shall not be kept on said parcel for more than sixty (60) days where such maintenance would increase the permitted number of animals beyond the limitations of subsection (4).

C. Household pets: The keeping of household pets, including dogs, cats, fish, birds, hamsters and other animals generally regarded as household pets is permitted as an accessory use in any residential zoning district provided such activities do not constitute a kennel.

Section 18.03 Essential Services

Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township, it being the intention hereof to exempt such essential services from the application of this Ordinance, except that essential services do not include public facilities and communication towers separately regulated by Article 16: Special Land Use Standards.

Section 18.04 Lots to Have Access

All parcels or lots hereinafter created in the Township shall have frontage on a public street, or a private road easement recorded with the County Register of Deeds, and take their lot access from such frontage so as to provide safe, convenient access for fire protection, other emergency vehicles, and any required off-street parking. Private road easements shall be a minimum of thirty (30) feet in width and all requirements of this Ordinance regarding lot width and frontage shall equally apply to lots and parcels gaining access from such private road easement.

Section 18.05 Moving Buildings

No existing building or other structure within or outside of the Township shall be relocated upon any parcel or lot within the Township unless the building design and construction are compatible with the general architectural character, design and construction of other structures located in the immediate area of the proposed site; the building and all materials therein are approved by the Township Building Inspector; and the building or structure can be located upon the parcel and conform to all other requirements of the respective zoning district.

Section 18.06 Temporary Dwellings

A. Mobile Home: The Zoning Board of Appeals may issue a temporary zoning permit for a mobile home during the period when a permanent dwelling is being constructed on the same parcel, or in the case when a dwelling is destroyed by fire, collapse, explosion, Acts of God, or acts of a public enemy to the extent that it is no longer safe for human occupancy, as determined by the County Building Inspector. Said permit shall be in effect for no more than one (1) year. A single one (1) year extension may be approved by the Zoning Board of Appeals upon a finding that the construction of the permanent dwelling could not be completed within the previous year period due to circumstances beyond the control of the applicant, but construction has progressed substantially during the period. A performance guarantee in the amount of one thousand dollars (\$1,000) shall be required from the property owner prior to placing a mobile home for temporary use, to ensure removal of the mobile home at termination of the permit.

1. A temporary zoning permit for a mobile home shall not be granted, for any reason, unless the Zoning Board of Appeals finds:
 - a. Evidence that the proposed location of the temporary dwelling will not be detrimental to property within three-hundred (300) feet of the parcel intended to be the location of the temporary dwelling.
 - b. Proposed water supply and sanitary facilities have been approved by the County Health Department.
 - c. The temporary dwelling conforms with all setback requirements within said district.

B. Recreational Vehicle: A recreational vehicle may be used as a temporary dwelling outside of a licensed mobile home or recreational vehicle park provided the following conditions are met.

1. The recreational vehicle shall not be used for dwelling purposes for a period not to exceed thirty (30) days within any twelve month period.
2. The recreational vehicle shall meet all applicable setback requirements for principal structures, and shall not be parked in a front yard.
3. The lot shall have a potable water and sewage disposal system approved by the County Health Department.

Section 18.07 Accessory Uses, Buildings, and Structures

Accessory buildings, structures and uses, except as otherwise permitted in this Ordinance, shall be subject to the following regulations.

Coming soon; 200 sq. ft Rule

A. Attached: An accessory building, including carports which are attached to the principal building, shall comply in all respects with the requirements of this Ordinance applicable to the principal building. Breezeways, as an attachment between the garage or carport and the main building, shall be considered a part of the main building, but shall not be considered habitable floor area.

B. Separation Distance: An accessory building or structure unless attached and made structurally a part of the principal building, shall not be closer than ten (10) feet to any other structure on the lot.

C. Placement: Except for fences, no accessory building or structure shall be closer than ten (10) feet to any interior side or rear lot line. No accessory building or structure shall be erected in the front yard.

D. Lot Coverage: A residential accessory building or structure shall not occupy more than thirty (30) percent of the area of any rear yard, and in no instance shall the residential accessory building or structure exceed the ground floor area of the dwelling except upon a parcel of at least two (2) acres in size.

E. Height: No detached residential accessory building or structure shall exceed one (1) story or twenty-five (25) feet in height. Detached accessory buildings for other uses may be constructed to equal the permitted maximum height of structures in said districts.

Section 18.08 One Single-Family Dwelling to a Lot

No more than one (1) single family dwelling may be permanently established on a lot or parcel unless specifically provided for elsewhere in this Ordinance, except that a maximum total of three (3) single family dwellings may be established on a single parcel provided such parcel is a minimum of forty (40) acres in area and no dwelling is located within one hundred fifty (150) feet of another dwelling.

Section 18.09 Permitted Yard Encroachments

The minimum yard size and setback requirements of this Ordinance are subject to the following permitted encroachments.

A. Buildings or structures shall be permitted to encroach no more than three (3) feet upon the minimum yard area and setback requirements of this Ordinance with architectural elements that are necessary to the integrity of the structure of the building, or health or safety of the occupants, such as cornices, eaves, gutters, chimneys, pilasters, outside stairways, fire escapes, and similar features.

B. Attached terraces, patios, porches and decks shall be permitted to encroach upon the minimum yard area and setback requirements of this Ordinance provided that they are not covered with a roof, or that the deck or paved area is no closer than ten (10) feet from a side or rear lot line. If the yard proposed to be encroached abuts a public street or private road, the principal structure setback shall be observed and no encroachment is permitted.

C. Awnings may project into a required yard area no more than five (5) feet.

Section 18.10 Potable Water and Sewage Disposal

Any structure for human occupancy, including dwellings, businesses, and industrial facilities, shall not be erected, altered, used or moved upon any premises after the effective date of this Ordinance unless said structure shall be provided with a potable water supply and waste water disposal system that ensures a safe and effective means of collection, treatment, and disposal of human, commercial, and industrial wastes. All on-site sewage disposal and potable water facilities shall be constructed and maintained in accordance with the requirements and standards of the Iosco County Public Health Department as well as those of other applicable local, county, state, or federal agencies.

Section 18.11 Allocation of Lot Area and Configuration of Lots

A. No portion of a lot can be used more than once in complying with the provisions for lot area and yard dimensions for construction or alteration of buildings.

B. The depth of lots created in all zoning districts after the effective date of this Ordinance shall not be more than four (4) times longer than their width.

C. The creation of flag lots is greatly discouraged. Where there is no other way to gain access to undeveloped land due to limited street or road frontage, new flag lots may be permitted to be used, provided that the flag lot has at least thirty (30) feet of frontage on a public street, that this right-of-way serves only one lot, and that there is at least a distance equivalent to the lot width of a conforming lot between flag lots. The minimum front, side and rear yard requirements of the district in which a flag lot is located must be met on the portion of lot excluding the right-of-way.

Section 18.12 Height Requirement Exceptions

A. The following are exempted from height limit requirements, provided that no portion of the excepted structure may be used for human occupancy:

1. Those purely ornamental in purpose such as church spires, belfries, cupolas, domes, ornamental towers, flagpoles and monuments, and do not exceed seventy-five (75) feet in height.
2. Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, elevator and stairwell penthouses, ventilators, bulkheads, radio towers, masts and aerials, television antennas, fire and hose towers, wire transmission structures, cooling towers, or other structures where the manufacturing process requires a greater height but do not exceed one hundred (100) feet in height.
3. Those structural extensions deemed necessary for appropriate building design such as cornices or parapet walls may extend a maximum of five (5) feet above height limitations and shall have no window openings.
4. Public utility structures, but not including communication towers, except upon receipt of a zoning permit.
5. Agricultural buildings and structures, such as barns, silos, elevators and the like, provided they shall not exceed one-hundred (100) feet in height.
6. Wind power electrical generating towers, provide they shall not exceed seventy (70) feet in height and the distance from the base of the tower to any lot line shall be ten (10) feet more than the height of the tower.

Section 18.13 Home Occupation

A. The regulation of home occupations as provided herein is intended to secure flexibility in the application of the requirements of this Ordinance; but such flexibility is not intended to allow the essential residential character of residential districts, in terms of use and appearance, to be changed by the occurrence of non-residential activities. Home occupations, as defined in Article 2 of this Ordinance, shall satisfy the following conditions:

1. The nonresidential use shall only be incidental to the primary residential use.
2. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
3. The home occupation shall not employ more than two (2) persons, one of whom must reside on the premises.
4. The majority of all activities shall be carried on indoors. No visible outdoor storage or display shall be permitted, including signs.
5. There shall be no change in the exterior appearance of the building or premises, or other visible evidence of the conduct of such home occupation.
6. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard, although motor

vehicles may be parked in an existing driveway if it is of sufficient size. No additional off-street parking demand shall be created.

7. On-premises retail sales shall be prohibited except as a clearly incidental activity to the home occupation.
8. The home occupation shall not occupy more than twenty-five percent (25%) of the gross floor area of one floor of said dwelling unit.
9. No home occupation shall be initiated except upon application for and receipt of a zoning permit from the Zoning Board.

Section 18.14 Conditional Approvals

A. Conditions on Discretionary Decisions: The Planning Commission, Zoning Board of Appeals, and Township Board may attach conditions to the approval of a site plan, special land use, variance or other discretionary approval. Such conditions shall be based upon those standards in Section 18.15(B) and may be imposed to:

1. Insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
2. Protect the natural environment and conserve natural resources and energy.
3. Insure compatibility with adjacent uses of land.
4. Promote the use of land in a socially and economically desirable manner.

B. Standards for Valid Conditions: Conditions imposed shall meet all of the following standards:

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

C. Record of Conditions: Any conditions imposed shall be recorded in the record of the approval action.

D. Subsequent Change of Required Conditions: These conditions shall not be changed except upon the mutual consent of the approving authority and the property owner.

E. Performance Guarantees: Performance guarantees may be required to insure compliance with conditions on discretionary decisions pursuant to the requirements of Section 3.06.

Section 18.15 Outdoor Storage, Sales And Merchandise Display

A. Outdoor display and sales of merchandise is permitted within Commercial districts provided such display area is not located within a required front yard. The permitted outdoor display area shall be twenty-five percent (25%) of the use's indoor retail sales floor area, except a minimum of two hundred (200) square feet of outdoor display area shall be permitted in all cases but shall never exceed an area of eight hundred (800) square feet. These square feet area limitations shall not apply to the display and sales of motor vehicles, items intended for tow, boats, trailers, or live retail and wholesale landscape materials.

B. Excepting the display and sales of motor vehicles, items intended for tow, or live retail and wholesale landscape materials, and unless specifically noted otherwise elsewhere in this Ordinance, all storage of materials or products in Commercial districts and Industrial districts shall be conducted within a completely enclosed building.

C. All machinery, equipment, vehicles, lumber piles, crates, boxes, building blocks, or other materials which are either discarded, unsightly, showing evidence of a need for repairs, or which encourages vermin, shall be completely screened by an opaque fence or wall of not less than six (6) feet in height.

Section 18.16 Condominium Subdivisions

All condominium subdivisions shall conform to the following general provisions in addition to all other applicable district provisions.

A. A condominium unit, including single family detached units, shall comply with the applicable site development standards in this Ordinance including those provisions pertaining to lot size, setbacks, density and lot width.

B. A condominium subdivision shall comply with the provisions in Article 24 pertaining to potable water supply and waste disposal facilities.

C. The condominium subdivision shall provide for dedication of easements to the appropriate public agencies for the purposes of construction, operation, maintenance, inspection, repair, alteration, replacement and/or removal of pipelines, conduits, mains and other installations of a similar character for the purpose of providing public utility services, including conveyance of sewage, potable water and storm water runoff across, through and under the property subject to said easement, and excavation and refilling of ditches and trenches necessary for the location of such installations.

D. In addition to the materials required by Section 6.03 and applicable requirements of Article 7: Procedures for Special Land Uses, an application for a condominium subdivision shall include a condominium subdivision plan containing the following information:

1. A site plan showing the location, size, shape, area and width of all condominium units.
2. A description of the common elements of the condominium subdivision as will be contained in the master deed.
3. Proposed use and occupancy restrictions as will be contained in the master deed.

E. All provisions of the condominium subdivision plan which are approved by the Township Board shall be incorporated, as approved, in the master deed for the condominium subdivision. Any proposed changes to the approved condominium subdivision plan shall be subject to review and approval by the Township Board as a major amendment to the permit, subject to the procedures of Section 6.08.

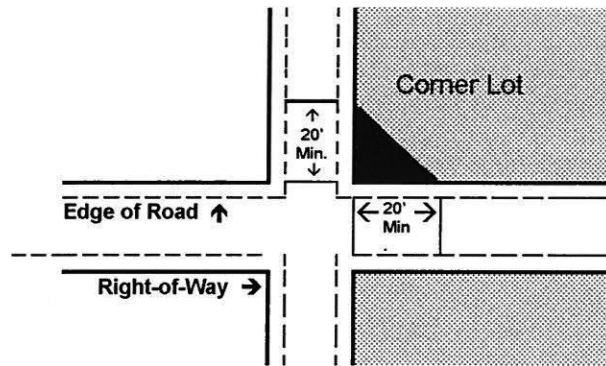
F. All condominium projects which consist in whole or in part of condominium units which are building sites shall be marked with monuments in the same manner as is required by the Land Division Act for lots within platted subdivisions.

G. All streets within a condominium subdivision shall be constructed to at least the minimum requirements of the Iosco County Road Commission's construction standards.

Section 18.17 Clear Vision Zone

No fence, wall, hedge, screen, sign, structure, vegetation or other obstruction shall be higher than three (3) feet above road grade on any corner lot or parcel within the triangular area formed by the intersection of any road right-of-way lines and a diagonal line connecting them at points twenty (20) feet from their intersection (See Figure 18.17).

Figure 18.17
Clear Vision Area Along Public Road



Section 18.18 Junk Prohibited

A. Except as provided below, it shall be unlawful to have, possess, or maintain junk unless in a fully enclosed structure and provided such junk, or maintenance or use of such junk, does not constitute a junkyard as defined in this ordinance unless a permit for such junkyard has been obtained.

1. A maximum of one (1) dismantled, partially dismantled, or inoperative vehicle may be stored, placed, or allowed to remain on a parcel for a maximum of ten (10) days within a twelve (12) month period without being within a fully enclosed structure.

Section 18.19 Standards for Single Family Dwellings

All single family dwellings shall comply with the following standards, provided that the foregoing standards shall not apply to temporary dwellings or mobile homes located in a licensed mobile home park, except to the extent required by State and Federal law.

A. Single family dwellings shall have a minimum ground floor area of nine hundred sixty (960) square feet, as measured along the exterior of said dwelling, exclusive of porches and attached garages, and a minimum width of fourteen (14) feet across at least sixty percent (60%) of the dwelling's length. Where a dwelling is required by law to comply with a federal or state standards or regulations for construction (as in the case of mobile homes) and where such standards or regulations for construction are different than those imposed by the State Building Code, then and in that event such federal or state standard or regulation shall apply.

B. All dwellings shall be firmly attached to a permanent foundation constructed on the site in accordance with the County Building Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for such dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device, and shall be set on a concrete footing with a masonry wall extending from perimeter to ground, or on a concrete footing with fireproof supports and shall have a continuous skirt extending from perimeter to ground, made of commercial quality or equivalent, and comply with the rules and regulations of the Michigan Mobile Home Commission, the Public Health Department, and HUD Regulations 24 CFR 3280, being the "Mobile Home Construction and Safety Standards".

C. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.

D. All dwellings shall be connected to a public sewer and water supply or to such private facilities approved by the Iosco County Health Department.

E. All subsequent additions to a dwelling shall be of similar quality workmanship as the original structure, including construction of a foundation as required herein.

Section 18.20 Roadside Stands

A. All roadside stands shall be considered accessory uses and shall be limited to the sale of farm produce, specialty crops such as tree fruits, nuts, berries, and the like, or foodstuff made from such produce, providing it is grown or produced on the property, and conform with the following standards:

1. One roadside stand per lot, and no roadside stand shall be operated for more than sixteen (16) weeks in any calendar year.
2. No structure larger than two hundred twenty-five square feet (225) feet shall be erected for use as the roadside stand.
3. No roadside stand shall be located closer than twenty-five (25) feet from the right-of-way nor closer than one-hundred (100) feet to a lot with a dwelling unit on the lot.
4. No roadside stand shall be located on a lot without a dwelling unit, nor operated by anyone other than an occupant of the dwelling.
5. At least six off-street parking spaces shall be provided.
6. Hours of operation shall be between the hours of 7:00 a.m. and 7:00 p.m.
7. No more than one ground or wall sign, not over twelve (12) square feet in area with a maximum height of six (6) feet, shall be displayed and only during the seasonal occupancy of the roadside stand.

Section 18.21 Special Environmental Standards

A. **Compliance with Local, County, State, and Federal Regulations:** All land uses and construction activities shall conform with the provisions of this Ordinance and the regulations and standards of the following:

1. Published surface water drainage standards of the Iosco County Drain Commissioner.
2. Applicable fire safety and emergency vehicle access requirements of the State Construction Code, State Fire Marshall and Local Fire Code.
3. Soil erosion and sedimentation requirements of the Iosco County Drain Commissioner.
4. Requirements of the Michigan Department of Public Health and the Iosco County Health Department.
5. Michigan Department of Environmental Quality requirements for air and water quality protection, wetlands, stream crossings, and fills in or near water bodies or in flood plains.
6. All local, county, state and federal regulations related to loading/unloading, transport, storage, use and/or disposal of hazardous substances.
7. Applicable rules and regulations of the Federal Communications Commission in regard to propagation of electromagnetic radiation shall be used as standards for this Ordinance.

B. **Clearing, Grading, and Filling:** In order to protect soil resources, adjacent properties, public roads, and public watercourses, and to provide for adequate drainage of surface water, the following rules shall apply to all construction activities requiring permits pursuant to this Ordinance.

1. Clearing of a Site: Except for those specific locations on a parcel where buildings, structures or other construction activities have been approved and a permit has been issued for such activities, the stripping and removal of topsoil from a parcel is prohibited.
2. Flow Restrictions: The final grade surface of ground areas surrounding a building or structure shall be designed and landscaped such that surface water flows away from the building or structure and is managed in a manner which avoids increased flow onto adjacent properties or public roads, the erosion or filling of a roadside ditch, the blockage of a public watercourse, or the creation of standing water over a private sewage disposal drainage field.

C. **Lighting:**

1. No lighting shall in any way impair the safe movement of traffic on any street or highway.
2. Screening at least six (6) feet in height shall be erected to prevent headlight glare from commercial or industrial land uses from shining onto adjacent residential property. No screening shall in any way impair safe vertical or horizontal sight distance for any moving vehicles, or be closer than thirty (30) feet to any street right of way line.

3. Exterior lighting shall be so installed that the surface of the source of light shall not be visible and shall be so arranged as far as practical to reflect light away from any residential use, and in no case shall more than one foot candle power of light cross a lot line five (5) feet above the ground in a residential district.

D. Noise:

1. The intensity level of sounds shall not exceed the following decibel levels when adjacent to the following types of uses:

<u>Decibels (dba)</u>	<u>Adjacent Use</u>	<u>Where Measured</u>
55	Residential Dwellings	Common Lot Line
65	Commercial	Common Lot Line
70	Industrial and Other	Common Lot Line

The sound levels shall be measured with a type of audio output meter approved by the Bureau of Standards. Objectionable noises due to intermittence, beat frequency, or shrillness, shall be muffled so as not to become a nuisance to adjacent uses.

- E. Vibration:** All machinery shall be so mounted and operated as to prevent transmission of ground vibration exceeding a displacement of .003 of one inch measured by any lot line of its source.

F. Glare and Heat: Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot line except during the period of construction of the facilities to be used and occupied.

Section 18.22 Removal of Soil, Sand, Gravel, or Other Mineral

- A. The removal of soil, sand, gravel, or other mineral for use elsewhere on the parcel or a different parcel shall comply with the following:
1. Maximum grades shall not exceed a 3:1 (horizontal-vertical) slope.
 2. No removal activities shall occur within one hundred (100) feet of a lot line or road right-of-way.
 3. The removal of soil, sand, gravel, or other mineral, where such activity meets this Ordinance's definition for "extraction operation," shall require special approval pursuant to Article 7 and Section 16.12.

Balance of Page Purposefully Blank

End of Article 18

Article 19 NONCONFORMING USES of LAND and STRUCTURES

Section 19.01 Purpose

It is recognized that there exists lots, structures and uses of land and structures within the districts established by this Ordinance and subsequent amendments, which were lawful before this Ordinance was passed or amended, which would be prohibited, regulated or restricted under the terms of this Ordinance. It is the intent of this Article to permit legal nonconforming lots, structures or uses to continue until they are removed, but not to encourage their survival.

Section 19.02 Nonconforming Lots

In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single family dwelling and customary accessory buildings may be erected on any single lot of record recorded with the Register of Deeds at or before the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions, setbacks and other requirements not involving area or width, or both, of the lot, shall conform to the regulations for the district in which such lot is located, unless a yard requirement variance is obtained through approval of the Zoning Board of Appeals. However, if two or more lots or combinations of lots and 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 established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or divided in a manner which diminishes compliance with lot width and area requirements established by this Ordinance.

Section 19.03 Nonconforming Uses of Land

Where, at the effective date of adoption or amendment of this Ordinance, a lawful use of land exists that is made no longer permissible under the terms of this Article as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming 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 nonconforming 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.
- C. If a nonconforming use of a parcel or lot ceases for any reason for a period of more than one (1) year, such nonconforming use shall not be renewed and the subsequent use of such parcel or lot shall conform to the regulations of the district in which such parcel or lot is located.
- D. See also Section 3.03(D).

Section 19.04 Nonconforming Structures

Where 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 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 nonconformity, but the use of a structure and/or the structure itself may be changed or altered to a use permitted in the district in which it is located, provided that all such changes are also in conformance with the requirements of the district in which it is located. Furthermore, any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time for adoption or amendment of this Article, but no such use shall be extended to occupy any land outside such building.
- B. Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its appraised replacement cost, exclusive of foundations, it shall not be reconstructed except in conformity with the provisions of this Ordinance, including the respective site development standards for the District in which it is located. The appraised replacement cost shall be determined by the Zoning Administrator according to an appraisal by an independent qualified licensed building contractor, at the expense of the applicant. The Zoning Administrator shall report the appraised replacement cost to the Zoning Board of Appeals. The appraisal may be appealed to the Zoning Board of Appeals according to Section 4.06.
- C. Should such structure be moved for any reason for any distance, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- E. Where nonconforming status applies to a structure and use in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land, and all subsequent uses and structures on the land shall conform to the applicable district regulations.

Section 19.05 Change In Nonconforming Uses

Irrespective of other requirements of this Article, if no structural alterations are made, any nonconforming use of a structure and premises may be changed to another nonconforming use of similar or less nonconformance, provided that the Board of 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 district than the existing nonconforming use. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Article. Where a nonconforming use, structure, or use and structure in combination is hereafter changed to a less nonconforming character, it shall not thereafter be changed to a greater nonconforming character.

Section 19.06 Repairs and Maintenance

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding ten (10) percent of the building's replacement cost prior to the initiation of repairs, exclusive of foundations, provided that the cubic content of the building as it existed at the time of passage or amendment of this Article shall not be increased. Nothing in this Article shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Section 19.07 Change of Tenancy or Ownership

A change of tenancy or ownership of a nonconforming use is allowed provided there is no increase in the degree of nonconformance of the nonconforming use.

Section 19.08 District Changes

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of another classification, the provisions of this Article shall also apply to any existing uses that become nonconforming as a result of the boundary changes.

Section 19.09 Hardship Cases

Nonconforming buildings or structures may be structurally changed, altered or enlarged with the approval of the Zoning Board of Appeals when the Zoning Board of Appeals finds that the request is a case of exceptional hardship in which failure to grant the relief requested would unreasonably restrict continued use of the property or would restrict valuable benefits that the public currently derives from the property as used in its nonconforming status, except that any approval for structural changes, alteration or enlargement may be granted only with a finding by the Zoning Board of Appeals that approval will not have an adverse affect on surrounding property and that it will be the minimum necessary to relieve the hardship.

Section 19.10 Illegal Nonconforming Uses

Nonconforming uses of structures or land existing at the effective date of this Ordinance that were established without approval of zoning compliance or without a valid building permit, or those nonconforming uses which cannot be proved conclusively as existing prior to the effective date of this Ordinance, shall be declared illegal nonconforming uses and are not entitled to the status and rights accorded legally established nonconforming uses.

Section 19.11 Permits

Permits for construction on, expansion of, or substitution of nonconforming lots, uses or structures require a Zoning Permit pursuant to Section 3.03(D). Other permits and approvals may also be required.

Balance of Page Purposefully Blank

End of Article 19

Article 20 OFF-STREET PARKING and LOADING

Section 20.01 Purpose

It is the intent of this Ordinance that parking spaces shall be provided and adequately maintained by each property owner in every zoning district for the off-street storage of motor vehicles for the use of occupants, employees and patrons of each building and premise constructed, altered or enlarged under the provisions of this Ordinance. In order to prevent undue interference with public use of streets and alleys, every manufacturing, warehouse, wholesale store, retail store, hotel, hospital, laundry, mortuary, and other uses similarly and customarily receiving or distributing goods by motor vehicle shall provide space for such receiving or distributing.

Section 20.02 General Requirements

- A. Fractional Space:** When units of measurement determining the number of required parking spaces result in a fractional space, any fraction to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.
- B. Requirements for a Use Not Mentioned:** In the case of a use not specifically mentioned, the requirements of off-street parking for a use which is mentioned and which is most similar to the use not listed shall apply. The Planning Commission shall make this determination and a record of the rationale applied documented in a file established for that purpose. An appeal may be taken to the Zoning Board of Appeals.
- C. Use of Parking Areas:** No commercial repair work, servicing or selling of any kind shall be conducted in any parking area or parking garage. Parking space shall be used only for the parking of vehicles used to service the establishment to which it is accessory and by its patrons.
- D. Building Additions or Other Increases in Floor Area:** Whenever a use requiring off-street parking is increased in floor area, or when interior building modifications result in an increase in capacity for any premise use, additional parking shall be provided and maintained in the proper ratio to the increased floor area or capacity.
- E. Location and Joint Use of Parking Areas:** All off-street parking areas shall be located on the same lot, or on the adjacent premises in the same district as the use they are intended to serve. The joint use of parking facilities by two or more uses may be granted by the Board of Appeals whenever such use is practical and satisfactory to each of the uses intended to be served, and when all site development requirements of Section 21.04 are met.
1. **Computing Capacities:** In computing capacities of any joint use, the total space requirement is the sum of the individual requirements that will occur at the same time. If space requirements for individual uses occur at distinctly different times, the total of such off-street parking facilities required for joint or collective use may be reduced below the sum total of the individual space requirements.
 2. **Record of Agreement:** A copy of an agreement between joint users shall be filed with the application for a zoning permit and recorded with the Register of Deeds of the County. The agreement shall include a guarantee for continued use of the parking facility by each party.
- F. Queued Vehicles:** There must be sufficient on-site storage to accommodate at least two (2) queued vehicles waiting to park or exit the site without using any portion of the public street right-of-way or in any other way interfering with street traffic.
- G. Decrease in Parking Areas:** No off-street parking area or parking space which exists at the time this Ordinance becomes effective or which subsequent thereto is provided for the purpose of complying with this Ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance unless additional parking area or space is provided sufficient to meet the requirements of this Article and Section 6.07.
- H. Permitted Vehicles in Residential Districts:** Parking of motor vehicles in Residential districts shall be limited to passenger vehicles, and two (2) commercial vehicles per dwelling unit not to exceed a total of two (2) axles per vehicle.

Section 20.03 Parking Space Requirements

The number of required off-street parking spaces in all districts, by land use type, shall be as follows:

A. Residential Uses:

1. **One and Two Family Dwellings:** Two (2) spaces for each single family dwelling unit.
2. **Multiple Dwellings:** Two (2) spaces for each multiple family dwelling unit plus one space per five (5) units for guest parking.
3. **Mobile Home Park:** Two (2) spaces for each mobile home site plus one (1) space per three (3) units for guest parking.
4. **Group Homes (adult foster care):** One (1) space per employee on the largest work shift, plus one (1) space for every three (3) residents of the home.

B. Commercial Uses:

1. **Automobile Service and Repair Stations:** Two (2) spaces for each repair and service stall (a service stall is not considered a parking space), plus one space per every two (2) employees.
2. **Barber Shops and Beauty Parlors:** Two (2) spaces for each beauty and/or barber chair.
3. **Bowling Alleys:** Two (2) spaces for each alley plus one (1) space for each employee on the largest shift.
4. **Clinics:** Two (2) spaces for each examination or treatment room, plus one (1) space for each doctor or dentist and other employees.
5. **Clothing, Furniture, Appliance, Hardware, Automobile, Machinery Sales, Shoe Repair, Personal Services (other than beauty and barber shops):** One (1) space per four hundred (400) feet of gross floor area.
6. **Commercial and Institutional Recreational Facilities:** One (1) space per three (3) patrons to the maximum capacity of the facility.
7. **Convalescent Homes, Convents or Similar Uses:** One (1) space for each six (6) beds plus one (1) space for every employee on the largest working shift.
8. **Dance Halls, Pool and Billiard Rooms:** One (1) space for every three (3) persons allowed within maximum capacity load.
9. **Drive-In Banks, Cleaners, Car Laundries, and Similar Businesses:** Stacking space for five (5) cars between the sidewalk area and one (1) space for each employee on the largest shift.
10. **Drive-in Restaurants or Fast-Food Restaurants:** One (1) space for every four (4) seats plus one (1) space for each employee on the largest shift; plus sufficient area for eight (8) stacking spaces for drive-in windows.
11. **Funeral Homes and Mortuaries:** One (1) space for every twenty-five (25) square feet of floor area of chapels and assembly rooms.
12. **Kennels:** One (1) space for each five (5) animals of the facility's capacity, plus one (1) space for every two (2) employees.
13. **Laundromat:** One (1) space for every three (3) washing or drying machines.
14. **Miniature or Par 3 Golf Courses:** Three (3) spaces for each hole plus one (1) space for each employee.
15. **Motels, Auto Courts, Tourist Homes:** One (1) space for each sleeping unit plus one (1) space for each employee on the largest shift.
16. **Private Recreational Facilities:** One (1) space for every six (6) potential members based on the capacity of the facility as determined by the fire marshall.
17. **Retail Stores, (except as otherwise specified herein):** One (1) space for every three hundred (300) square feet of gross floor area.
18. **Standard Restaurants, Cafeterias, Taverns, Bars:** One (1) space for every three (3) seats up to the capacity of the facility as determined by the fire marshall, plus one (1) space for each employee on the largest shift.
19. **Shooting Ranges:** One (1) space for each unit station plus one (1) space for each two (2) employees.
20. **Stables (commercial):** One (1) space for each five (5) animals of the facility's capacity, plus one (1) space for every two (2) employees.
21. **Supermarket, Self-Service Food Store:** One (1) space for every one-hundred (100) square feet of gross floor area.

C. Office Uses:

1. **General Offices:** One (1) space for every two hundred (200) square feet of gross floor area.
2. **Professional Offices and Banks:** One (1) space for every three hundred (300) square feet of gross floor area.

D. Industrial Uses:

1. **Extraction Operations and Asphalt Batching Plants:** One (1) space for every employee on the largest shift.
2. **Industrial or Manufacturing Establishments:** One (1) space for every three (3) employees for industry's largest working shift.
3. **Junkyard:** One (1) space for every two (2) employees.
4. **Warehouses, Wholesale Stores:** One (1) space for every eight-hundred (800) square feet of floor area.

E. Institutional Uses:

1. **Auditoriums (incidental to schools), Churches, Stadiums, Gyms, Theaters, and Buildings of Similar Use with Fixed Seats:** One (1) space for each four (4) seats plus one (1) space for every two (2) employees.
2. **Boarding and Lodging Houses, Fraternities:** One (1) space for each bedroom or each two (2) occupants of the structure, whichever is greater, plus one (1) additional space for the owner or operator.
3. **Day care facilities (day care center and group day care home, but not a family home day care):** One (1) space for each employee, plus a paved, unobstructed stacking space for pick-up and drop-off, plus one (1) space per four (4) persons of licensed capacity.
4. **Elementary and Middle Schools:** One (1) space for every two (2) employees, plus one (1) space for every four (4) seats where the school contains an auditorium and/or stadium or gym.
5. **Golf Clubs, Swimming Pool Clubs, Tennis Clubs or Other similar Uses:** Four (4) spaces for each green, plus one (1) space for every two (2) employees on the largest shift, plus fifty (50) percent of the spaces otherwise required for any accessory uses (e.g., restaurant, proshop, etc.).
6. **High Schools and Colleges:** One (1) space for every employee plus one (1) space for each five (5) students (based on the capacity of the facility as determined by the fire marshal), plus one (1) space for every four (4) seats where the school contains an auditorium and/or stadium or gym.
7. **Hospitals, Sanitariums:** One (1) space for each three (3) patient beds, plus one (1) space for each two (2) employees on the largest shift, plus one (1) space for each visiting doctor.
8. **Libraries, Museums, Post Offices:** One (1) space for every eight hundred (800) square feet of floor area plus one (1) space for every two (2) employees on the largest shift.

Section 20.04 Site Development Requirements

All off-street parking areas shall be designed, constructed and maintained in accordance with the following standards and requirements, excluding parking for single family and two family dwellings.

A. Marking and Designation: Parking areas shall be so designed and marked as to provide for orderly and safe movement and storage of vehicles.

B. Driveways: Adequate ingress and egress to the parking area shall be provided by means of clearly limited and defined drives. Each entrance to and exit from an off-street parking area shall be at least twenty-five (25) feet from any adjacent lot within a residential district.

C. Site Maneuverability: Each parking space, within an off-street parking area, shall be provided with adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited. The minimum width of required maneuvering lanes may vary depending upon the proposed parking pattern, as follows:

1. For ninety (90) degree right angle parking patterns, the maneuvering lane width shall be a minimum of twenty two (22) feet for a two-way aisle and fifteen (15) feet for a one-way aisle.
2. For sixty (60) degree parking patterns, the maneuvering lane width shall be a minimum of eighteen (18) feet.
3. For forty-five (45) degree parking patterns, the maneuvering lane width shall be a minimum of eleven (11) feet.
4. For parallel parking patterns, the maneuvering lane width shall be a minimum of twelve (12) feet for a one-way aisle and twenty-four (24) feet for a two-way aisle.
5. All maneuvering lane widths shall permit one-way traffic movement only, except for ninety (90) degree and parallel parking patterns which may provide for two-way traffic movement.
6. All parking spaces shall be at least nine (9) feet wide and twenty (20) feet in length.

D. Surface: Parking areas with a capacity of four (4) or more vehicles shall be surfaced with a material that shall provide a durable smooth and dustless surface and shall be graded and provided with adequate drainage.

E. Setback: Unless otherwise permitted within this Ordinance, no off-street parking area shall be located within twenty-five (25) feet of a front, side, or rear lot line.

F. Lighting: Except for single-family and two-family residential lots, adequate lighting shall be provided throughout the hours when the parking area is in operation.

1. Lighting shall be designed and constructed so that:
 - a. direct or directly reflected light is confined to the development site
 - b. all light sources and light lenses are shielded
 - c. any light sources or light lenses are not directly visible from beyond the site boundary.
2. Lighting fixtures shall be a down-type having one hundred percent (100%) cut off. The light rays may not be emitted by the installed fixture at angles above the horizontal plane, as may be certified by photometric test.
3. Outdoor lighting shall be a down type, and have light sources which are one hundred percent (100%) shielded with no protruding lenses. The applicant shall submit the specifications for the lights, poles, fixtures and light sources to the Township for approval prior to installation. Unless as otherwise approved by the Planning Commission, light sources shall be high pressure sodium. Approved exceptions shall use warm white or natural lamp colors.
4. Recreation area and amusement area lighting shall be equipped with baffling or other devices to assure that the above requirements are achieved.

Section 20.05 Loading And Unloading Space Requirements

A. Additional Parking Space: Loading space required under this Section shall be provided as area additional to off-street parking space as required under Section 20.03 and shall not be considered as supplying off-street parking space.

B. Space Requirements: There shall be provided an adequate space for standing, loading, and unloading service adjacent to the building opening for loading and unloading of not less than twelve (12) feet in width, fifty-five (55) feet in length, and fifteen (15) feet in height, open or enclosed, and shall be provided according to the following table:

Usable Floor Area (square feet)	Space Required
Commercial uses, such as retail stores, personal services, amusement, automotive service	First 2,000 sq. ft.; none. Next 20,000 sq. ft. or fraction thereof; one (1) space. Each additional 20,000 sq. ft. or fraction thereof; one (1) space.
Hotels, Offices, Clinics	First 2,000 sq. ft.; none. Next 50,000 sq. ft. or fraction thereof; one (1) space. Each additional 100,000 sq. ft. or fraction thereof; one (1)space.
Wholesale and storage, contractor's yards	First 20,000 sq. ft.; one (1) space, including building. Each additional 20,000 sq. ft. or fraction thereof; one space.
Manufacturing uses	First 20,000 sq. ft. or fraction thereof; one (1) space. Each additional 20,000 sq. ft. or fraction thereof; one (1)space.
Funeral Homes and Mortuaries	First 5,000 sq. ft. or fraction thereof; one space. Each additional 10,000 sq. ft. or fraction thereof; one (1) space.
Hospitals	First 20,000 sq. ft.; one (1) space. Next 100,000 sq. ft. or fraction thereof; one (1) space. Each additional 200,000 sq. ft. or fraction thereof; one (1) space.
Schools, Churches, Clubs, Public Assembly Buildings, Auditoriums, Boarding Houses, Convalescent Homes	For each building, one (1) space.

C. Access: Access to a truck standing, loading, and unloading space shall be provided directly from a public street or alley and such space shall be so arranged to provide sufficient off-street maneuvering space as well as adequate ingress and egress to and from a street or alley.

D. Screening: All loading and unloading areas and outside storage areas, including areas for the storage of trash which abut another District or residential property or which face or are visible from residential properties or public thoroughfares, shall be screened according to Section 23.04(A).

E. Location: A loading-unloading area shall not be located within any front yard nor within any required side or rear yard setback.

End of Article 20

Article 21 SIGNS

Section 21.01 Purpose

The purpose of this Article is to provide a framework within which the identification and informational needs of all land uses can be harmonized with the desires and aesthetic standards of the general public. It is intended through the provisions contained herein to give recognition to the legitimate needs of business, industry and other activities, in attaining their identification and informational objectives. It is a basic tenet of this Article that unrestricted signage does not support the existing character of the Township and does not benefit either private enterprise or the community-at-large as it creates traffic safety hazards, visual clutter, confusion for vehicle drivers and visual blight. It is similarly the intent of this Article to protect the character of residential neighborhoods by discouraging the encroachment of signage which undermines the intended character of such areas.

Section 21.02 Definitions

- A. Business Center:** A grouping of two or more business establishments on one (1) or more parcels of property which may share parking and access and are linked architecturally or otherwise developed as a unified grouping of businesses. A business center shall be considered one use for the purposes of determination of the maximum number of free-standing signs.
- B. Business Sign:** A sign advertising the name, services, goods or any other aspect or feature of a commercial or industrial business.
- B. Freestanding Sign:** A sign which is not attached to a principal or an accessory structure, including center pole signs, posts and panels, or monument signs, but excluding off-premises signs.
- C. Non-Commercial Sign:** A sign that contains non-commercial messages such as designation of public telephones, restrooms, restrictions on smoking, or political or religious philosophies.
- D. Off-Premises Sign:** A sign which identifies goods, services, facilities, events, or attractions which are available or provided at a location other than the lot or parcel upon which such sign is located.
- E. Portable Sign:** Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building, including but not limited to "A-frame", "T-frame", or inverted "T-shaped" structures, including those signs mounted on wheeled trailers, hot-air and gas filled balloons, sandwich boards, banners, pennants, streamers, festoons, ribbons, tinsel, pinwheels, non-governmental flags and searchlights, but excluding political signs, construction signs, signs pertaining to the sale, lease or rent of real estate, permanent changeable message signs, and regulatory/governmental signs.
- F. Real Estate Sign:** A temporary sign advertising a property or structure's availability for sale, lease, or rent.
- G. Roof Sign:** A sign mounted on the roof of a building or structure, lying either flat against the roof or upright at an angle to the roof pitch.
- H. Sign:** Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks, or other representation, or combination thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity or product, which is located upon any land or on or in any building, in such manner as to attract attention from outside the premises.
- I. Wall Sign:** A sign which is attached directly to a building wall, or nonrigid fabric marquee or awning-type structure attached to a building, with the horizontal sign surface generally parallel to the building wall,

including signs painted on any building wall, or extending from the wall in the case of a canopy or awning-type structure.

Section 21.03 GENERAL STANDARDS

A. Sign Area: The area of a sign shall be computed by calculating the square footage of a sign face as measured by enclosing the most protruding points or edges of all sign faces of the sign within a single parallelogram, rectangle, triangle, or circle, including any framing. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where (2) such similarly shaped faces are placed back-to-back, parallel to one another and less than one (1) foot apart from one another, the area of the sign shall be the area of one (1) face.

B. Sign Setbacks: All setbacks shall be measured from the nearest edge of the sign, measured at a vertical line perpendicular to the ground, to the right-of-way or property line.

C. Sign Height: The height of a freestanding sign shall be measured from the highest point of the sign, including all frame and structural members of the sign, to the ground elevation directly below the sign. Berms or other artificial means intended to increase the height of a sign by increasing the ground elevation below the sign is prohibited.

D. Moving Parts: Any sign which revolves or has any visible moving parts, visible revolving parts or visible mechanical movement of any type, or other apparent visible movement achieved by electrical, electronic or mechanical means, excepting those actions associated with time-temperature signs and barber poles which do not include business messages, are prohibited. Flags, banners or strings of flags or banners, which move due to wind or mechanical devices and which draw attention to a location are considered moving signs and are prohibited.

E. Traffic Hazards: No sign shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision; or at any location where by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device; or which makes use of the words "stop", "look", "danger" or any word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic. Signs may be illuminated, but no flashing, blinking or moving illumination shall be permitted. The source of illumination shall be shielded from traffic and adjacent properties and shall not be visible beyond the property line of the parcel on which the sign is located.

F. Sign Materials and Maintenance: Signs shall be designed to be compatible with the character of building materials and landscaping to promote an overall unified and aesthetic effect in accordance with the standards set forth herein. Signs shall not be constructed from materials that are remnants or manufactured for a different purpose. Every sign shall be constructed and maintained in a manner consistent with building code provisions and maintained in good structural and aesthetic condition at all times. All signs shall be kept neatly painted, stained, sealed or preserved including all metal parts and supports.

Section 21.04 Signs Permitted in All Districts

- A. The following signs are permitted in any zoning district provided all standards of this Article and Ordinance are met and a zoning permit for such sign is issued where required so (see Section 21.09):
1. Decorative flags or flags with the insignia of a nation, state, community organization, college, university, or corporation.
 2. Miscellaneous signs affixed to vending machines, gas pumps, and ice containers indicating the contents or announcing on-premises sales. provided each sign does not exceed two (2) square feet in area.
 3. Political advertising signs related to a candidate running for office or a proposition up for public vote, provided each sign shall not exceed sixteen (16) square feet in area.
 4. Warning signs such as no trespassing and warning of electrical current or animals, provided that such signs do not exceed six (6) square feet, or if more than one such sign is posted, each sign

shall not exceed two (2) square feet and shall be spaced no closer than necessary to alert the public of the restriction.

5. Regulatory, direction, and street signs erected by a public agency in compliance with the Michigan Manual of Uniform Traffic Control Devices.
6. Signs which assist motorists in determining or confirming a correct route, driveway, or parking area location, provided that such signs shall not exceed four (4) square feet in area or three (3) feet in height, and provided that any property identification or logo on such signs shall be included in the calculation of total permitted wall or freestanding sign area.
7. Residential identification signs for single family dwellings, two family dwellings, and home occupations, and residences with family home day care facilities, provided only one (1) sign shall be permitted per lot and shall not exceed two (2) square feet in sign area.
8. Residential development consisting of a platted subdivision, condominium subdivision, multiple family development, mobile home park, or other unified residential development consisting of at least five (5) dwelling units is permitted one sign per vehicle entrance, no closer than fifteen (15) feet to the right-of-way of a street, and having a sign area not exceeding forty-eight (48) square feet and a height not exceeding six (6) feet.
9. Real estate signs advertising a single lot or residence not exceeding an area of nine(9) square feet provided such signs are no closer than fifteen (15) feet to the right-of-way of a street. A platted subdivision, condominium subdivision, multiple family development, mobile home park, or other unified residential or non-residential development consisting of at least five (5) dwelling units, or three (3) acres of land in the case of a non-residential development, is permitted one real estate sign no closer than fifteen (15) feet to the right-of-way of a street, and having a sign area not exceeding twenty-five (25) square feet and a height not exceeding five (5) feet. One (1) additional open house sign shall be permitted for a period of two (2) days provided such sign does not exceed sixteen (16) square feet in area or five (5) feet and is no closer than fifteen (15) feet to the right-of-way of a street.
10. Construction signs are permitted in any district with a maximum height of six (6) feet and not exceeding thirty-two (32) square feet in area for all districts, and provided only one (1) such sign per lot. Such sign shall be setback a minimum of ten (10) feet from any property line or street right-of-way and shall be erected only during the construction period and removed within fourteen (14) days of the issuance of an occupancy permit.
11. Signs directing the public to a model home or unit, or the rental office in a multiple family development, provided no more than two (2) signs shall be placed upon a single lot or parcel and each sign does not exceed six (6) square feet.
12. Signs carved into stone, concrete, or similar material, or made of bronze, aluminum, or other noncombustible material, which identify the name of a building, a building's date of erection, or monumental citations, provided such signs do not exceed twenty-five (25) square feet in area and are an integral part of the structure.
13. Historical markers, plaques, or signs describing state or national designation as an historic site or structure and/or containing narrative, not exceeding sixteen (16) square feet in area.
14. Non-commercial signs, provided such signs do not exceed two (2) square feet in area unless permitted otherwise by this Section or Ordinance.
15. Garage sale and estate sale signs provided such signs shall not exceed six (6) square feet in area, are not erected more than seven (7) days prior to the sale, and are removed within one (1) business day of such sale.
16. One bulletin board sign is permitted on a site in any district which is used for a church or other religious institution, school, museum, library, or other nonprofit institution. Such sign shall have a maximum height of six (6) feet and shall not exceed thirty (30) square feet. Such sign shall be setback a minimum of ten (10) feet from any property line or street right-of-way.

Section 21.05 Signs for Non-Residential Uses.

In addition to the signs permitted pursuant to Section 21.04, signs for commercial, industrial, institutional and similar non-residential uses shall be subject to the following restrictions:

A. Type and Usage: Signs shall be wall signs and/or freestanding signs and shall pertain exclusively to the business, businesses, or activity located on the lot on which the sign is located. Wall signs shall be placed flat against the main building or more or less parallel to the building on a canopy and may face only an abutting public street or parking area. Signs shall not project above the roof line or cornice. Wall signs shall not extend farther than twelve (12) inches from the wall, nor be closer than eight (8) feet from the ground below the sign, except that a wall sign may be less than eight (8) feet from the ground provided it does not extend more than three (3) inches from the wall.

B. Wall Signs:

1. **Number:** There is no limitation on the number of wall signs placed upon a building provided all maximum sign area requirements are met.
2. **Area:** The maximum total sign area of all wall signs upon a building shall not exceed ten (10) percent of the vertical surface area of the facade forming the principal business frontage. In the case of a business center as defined in this Article, any wall signs used to identify the business center and/or individual businesses shall be applied toward meeting the maximum ten (10) percent area. In the case of a corner lot, the total sign area of all wall signs affixed to any one of the frontage facades shall not exceed ten (10) percent of that frontage facade's vertical surface area.

C. Freestanding Signs:

1. **Number:** No more than one (1) freestanding sign shall be permitted on a lot or parcel.
2. **Area:** The maximum sign area of a freestanding sign shall be thirty-two (32) square feet except that in the case of a business center which exceeds three hundred (300) feet in frontage along a single street, the maximum sign area of the business center freestanding sign shall be fifty (50) square feet.
3. **Height:** Freestanding signs shall not exceed a height of fifteen (15) feet.
4. **Setback:** Freestanding signs shall comply with all side and rear yard setback requirements for principal buildings, except that in no case shall a freestanding sign be erected closer than seventy-five feet to a residential lot line. Freestanding signs shall be set back from the front lot line a minimum distance of one half (1/2) the setback distance required for principal buildings in the District.

Section 21.06 Off - Premises Signs

A. Off-premises signs, including billboards, are permitted on parcels in the CR District which abut highway M-65 provided such signs comply with all provisions of the Highway Advertising Act, P.A. 106 of 1972, as amended, and all rules promulgated pursuant to this Act, and the following provisions:

1. No outdoor advertising sign shall be closer than one hundred (100) feet to a property line are required to have the same setback as other principal buildings in the District in which they are located.
2. When two (2) or more outdoor advertising signs are along the frontage of the highway, they shall not be less than one thousand (1,000) feet apart. A double face or V-type structure shall be considered a single sign.
3. An outdoor advertising sign's total surface area facing in the same general direction shall not exceed three hundred (300) square feet.
4. No outdoor advertising sign shall be erected on the roof of any building, nor have a sign above another sign.

Section 21.07 Nonconforming Signs

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

A. Structural Changes: The faces, supports, or other parts of any nonconforming sign or outdoor advertising structure shall not be structurally changed, altered, substituted, or enlarged unless the resultant changed, altered, substituted, or enlarged sign or outdoor advertising structure conforms to the provision of this Article for the use it is intended, except as otherwise provided for.

B. Damages: Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its appraised replacement cost, exclusive of foundations, it shall not be reconstructed except in conformity with the provisions of this Ordinance

Section 21.08 Signs Requiring Permits

All signs larger in area than six (6) square feet, including wall signs, shall require a land use permit prior to construction and/or placement. If site plan review is required for a proposed project which a proposed sign shall be part of, the Planning Commission shall review the proposed signage as part of the site plan review procedure for the entire project. If the proposed sign is to be part of an existing development for which site plan approval has already been granted or was not necessary, the Zoning Administrator shall review the application to assure all applicable ordinance standards have been met prior to issuing a sign permit. The Zoning Administrator may defer action on proposed signage to the Planning Commission.

Balance of Page Purposefully Blank

End of Article 21

Article 22 LANDSCAPING and SCREENING

Section 22.01 Purpose

The purpose of this Section is to promote the public's health, safety, and general welfare by: minimizing noise, air, and visual pollution; improving the appearance of off-street parking and other vehicular use areas; requiring buffering between incompatible land uses; regulating the appearance of property abutting public rights-of-way; protecting and preserving the appearance, character, and value of the community and its residential neighborhood areas; preventing soil erosion and soil depletion; and promoting soil water retention.

Section 22.02 Application

These requirements shall apply to all uses for which site plan review is required under Article 6, Procedures for Site Plan & Plot Plan Review, including commercial and industrial uses, and any other use so specified in this Ordinance. No site plan shall be approved unless said site plan shall show landscaping, buffer areas, and screening consistent with the requirements set forth herein.

Section 22.03 Landscape Plan Required

A separate detailed landscape plan of a minimum scale of 1" = 100' shall be required to be submitted as part of a site plan review (see Article 6). The landscape plan shall identify include, but not necessarily be limited to:

1. The identification of the location, type, number and size of plant material to be planted.
2. Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns.
3. Identification of existing trees and vegetative cover to be preserved.

Section 22.04 Required Buffering/Screening

A. Side and Rear Yard Buffer Areas: All commercial and industrial land uses for which a site plan is required shall be screened by a buffer area along all adjoining side and rear yard boundaries with residentially zoned property or with other commercial or industrially zoned property located in a different district. The buffer area shall not be used for storage purposes or used in any other manner except for the purposes of a buffer.

1. The buffer area shall be a minimum of twenty (20) feet wide. The buffer area shall be planted and maintained with, at a minimum, evergreens such as spruce, pines, or firs, and deciduous trees, at a rate of at least one (1) evergreen tree per fifty (50) feet and one (1) deciduous tree per one hundred fifty (150) feet. At the time of their planting, evergreen trees shall be a minimum of five (5) feet in height and deciduous trees shall have a caliper of at least two and a half (2 1/2) inches, measured five (5) feet above the ground surface, and be a minimum of twelve (12) feet in height.
2. Where there is a need to provide a greater noise, visual, or dust barrier than that provided by (A)(1) above, the Township Board may require the placement of a fence or wall of at least five (5) feet within the buffer area in addition to the plantings required by (A)(1) above. Heights of walls shall be measured on the side of the proposed wall or fence having the higher grade.

B. Front Yard Buffer Areas: A strip of land with a minimum width equal to the front yard setback of its zoning classification shall be located abutting the right-of-way, and shall be landscaped with a minimum of one (1) tree not less than twelve (12) feet in height or a minimum caliper of 2 1/2 inches (whichever is greater at the time of planting) for each fifty (50) lineal feet, or major portion thereof, of frontage abutting said right-of-way. The remainder of the front yard buffer area shall be landscaped in grass, ground cover, shrubs, and/or other natural, living, landscape material. Access ways from public rights-of-way through required buffer areas shall be permitted, but such access ways shall not be subtracted from the lineal dimension used to determine the minimum number of required trees.

C. Parking Lot and Loading Area Screening:

1. Where a parking area containing more than ten (10) parking spaces is within one hundred fifty (150) feet of a dwelling, a vegetative screen or fence shall be installed to fully screen views to the parking area. This provision shall not apply to roadside stands or uses granted a temporary zoning permit.

2. All loading and unloading areas and outside storage areas, including areas for the storage of trash which abut another District or residential property or which face or are visible from residential properties or public thoroughfares, shall be screened.

Section 22.05 Minimum Standards of Landscape Elements

Plant material and grasses shall be of generally acceptable varieties and species, free of insects and diseases, hardy to the climate, conform to the current minimum standard of the American Association of Nurserymen, and shall have proof of any required governmental regulations and/or inspections. Plant species which are generally considered undesirable due to limited disease tolerance, low wood strength, and/or high tendencies toward splitting of wood, such as boxelder, mulberry, and willows, are not permitted unless specifically authorized otherwise by the approving body.

Section 22.06 Installation, Maintenance And Completion

A. All landscaping required by this Ordinance shall be planted prior to obtaining a Certificate of Occupancy or within six months of receipt of such Certificate. All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workmanlike manner and according to accepted good planting and grading procedures.

B. The owner of property required to be landscaped by this Ordinance shall maintain such landscaping in a reasonably healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first.

Section 22.07 Waivers and Modifications

A. Any of the requirements of this Article may be waived or modified through site plan review and approval, provided the approving body first makes a written finding that specifically identifies characteristics of the site or site vicinity would make required buffer areas, fencing, or screening unnecessary or ineffective, or where it would impair vision at a driveway or street intersection.

B. The Zoning Board of Appeals may require or waive any fencing, screening, landscaping or buffering as may be provided for in this Article as a condition of a variance or other authorization in whatever manner necessary to achieve an identified public purpose. The Zoning Board of Appeals shall record the reason for the condition and clearly specify what is required in any approval granted.

End of Article 22

Article 25
INTERPRETATION, SEVERABILITY, VESTED RIGHT, REPEAL,
and EFFECTIVE DATE

Section 25.01 Interpretation

In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, prosperity and general welfare. Unless specifically provided for, it is not intended by this Ordinance to repeal, abrogate, annul or in any way to impair or interfere with the existing and unrepealed provision of law or ordinance or any rules, regulations or permits previously adopted or issued pursuant to law relating to the use of building or land, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or structures or land or upon the courtyards or other open spaces than are imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits, the provisions of this Ordinance shall control.

Section 25.02 Severance Clause

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision thereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any other part thereof, other than the part so declared to be unconstitutional or invalid. Further, if any court shall declare invalid the application of any provision of this Ordinance to a particular parcel, lot use, building or structure, such ruling shall not affect the application of said provision to any other parcel, lot use building or structure not specifically included in said ruling.

Section 25.03 Vested Right

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

Section 25.04 Repeal

All ordinances and amendments thereto enacted and/or adopted by the Township by virtue of Act 184 of the Public Acts of 1943, as amended, and all ordinances and parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. The repeal of existing ordinances or parts of ordinances and their amendments does not affect or impair any act done, offense committed or right accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time it was enforced, prosecuted or inflicted.

Section 25.05 Effective Date

This Ordinance shall take effect seven (7) days following adoption and publication of a notice of adoption in accordance with the provisions and procedures of the Township Zoning Act, PA 184 of 1943 as amended.

Made and passed by the Township Board of the Township of Burleigh, Iosco County, Michigan on the 6th day of February, 2001.

End of Article 25

BURLEIGH TOWNSHIP ZONING MAP

Iosco County, Michigan

This is to certify that this is the Official Zoning Map of the Burleigh Township Zoning Ordinance adopted on the 6th day of February, 2001.




Robert Rowe, Township Supervisor

Kathy Gibson, Township Clerk

On the following dates, and by official action of the Township Board, the following changes were made:

Date	Summary of Change

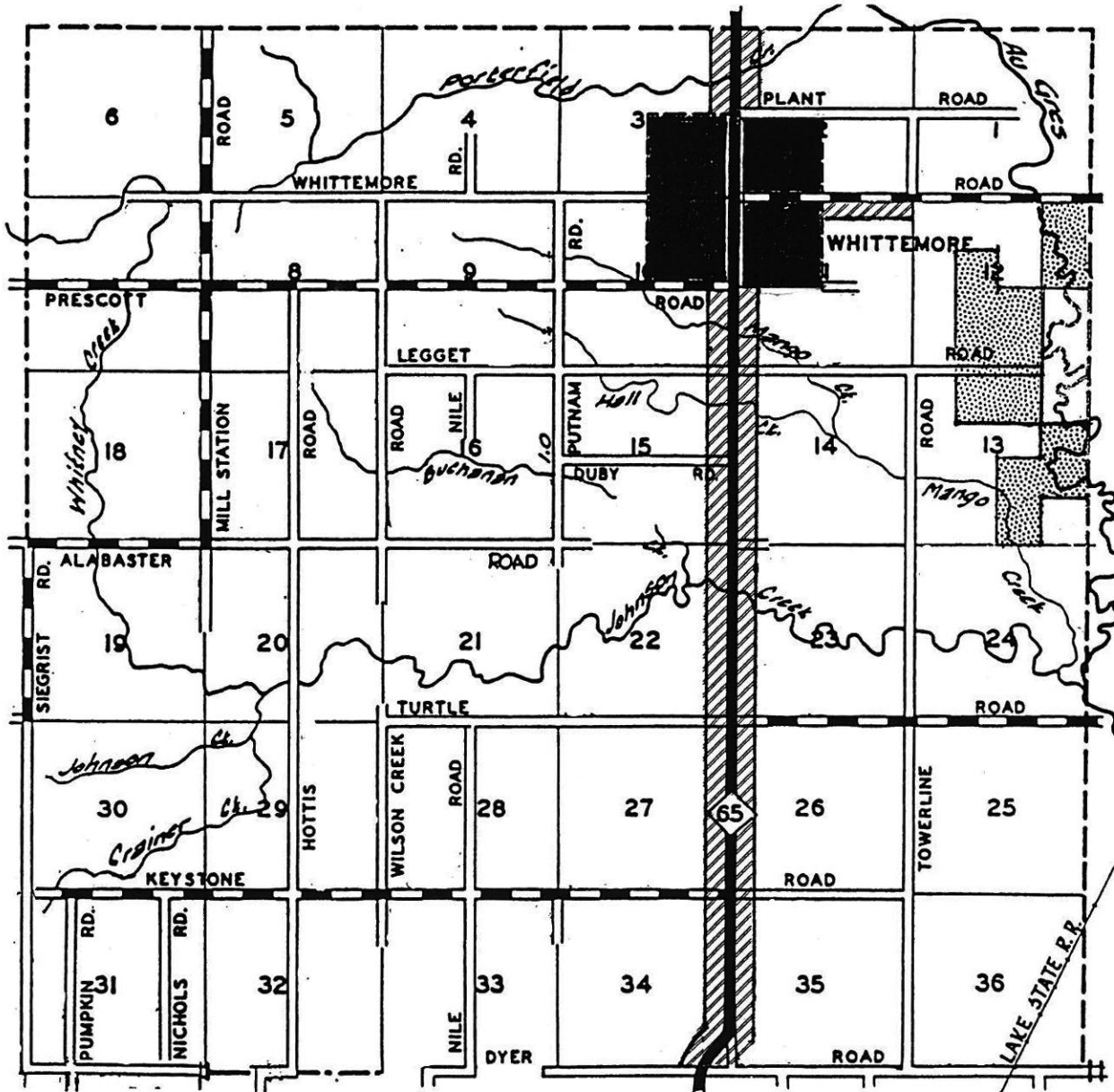
LEGEND

-  Agricultural - Residential District (AR)
-  Commercial - Residential District (CR)
-  Forest Recreation District (FR)

Note: The boundaries of the CR District extend five hundred (500) feet east and west of the M-65 right-of-way, and five hundred (500) feet south of the Whittemore Road right-of-way from the Village of Whittemore to Towerline Road.

NORTH ↑

Approximate
Scale in Feet



BURLEIGH TOWNSHIP ZONING ORDINANCE

Adopted
February 6, 2001
Ordinance Number 2001-01

**Burleigh Township
Iosco County, Michigan**

This Page Follows Cover Page and is Purposefully Blank

This Page Follows Amendments Page and is Purposefully Blank

TABLE of CONTENTS

<u>Article and Section</u>	<u>Page</u>
PREAMBLE	1-1
ARTICLE 1: TITLE, INTENT AND PURPOSE	1-1
Section 1.01 Title	1-1
Section 1.02 Intent And Purpose	1-1
ARTICLE 2: DEFINITIONS	2-1
Section 2.01 Construction Of Language	2-1
Section 2.02 Definitions	2-2
ARTICLE 3: ADMINISTRATION, ENFORCEMENT, AND PENALTIES	3-1
Section 3.01 Administration	3-1
Section 3.02 Duties Of The Zoning Administrator	3-1
Section 3.03 Permit Procedures And Regulations	3-2
Section 3.04 Violations	3-4
Section 3.05 Revocation	3-5
Section 3.06 Performance Guarantees For Compliance	3-5
ARTICLE 4: ZONING BOARD OF APPEALS	4-1
Section 4.01 Purpose	4-1
Section 4.02 Creation And Membership	4-1
Section 4.03 Organization	4-1
Section 4.04 Jurisdiction	4-2
Section 4.05 Authorized Appeals	4-2
Section 4.06 Appeal Procedures	4-3
Section 4.07 Stay	4-4
Section 4.08 Review By Circuit Court	4-4
ARTICLE 5: PROCEDURES FOR AMENDMENTS	5-1
Section 5.01 Intent And Purpose	5-1
Section 5.02 Initiation Of Amendments	5-1
Section 5.03 Filing Fee	5-1
Section 5.04 Procedures	5-1
Section 5.05 Resubmittal	5-3
Section 5.06 Comprehensive Review Of Zoning Ordinance	5-3
ARTICLE 6: PROCEDURES FOR PLOT PLAN AND SITE PLAN REVIEW	6-1
Section 6.01 Purpose	6-1
Section 6.02 Approval Of Site Plan Or Plot Plan Required	6-1
Section 6.03 Plot Plan Review Procedures	6-1
Section 6.04 Site Plan Review Procedures	6-2
Section 6.05 Site Plan Approval Standards	6-3
Section 6.06 Conformity To Approved Site Plans	6-4
Section 6.07 Changes And Appeals	6-5
ARTICLE 7: PROCEDURES FOR SPECIAL LAND USES	7-1
Section 7.01 Purpose	7-1
Section 7.02 Procedures For Special Land Uses	7-1
Section 7.03 Appeal To Circuit Court	7-2
Section 7.04 Reapplication	7-2
Section 7.05 Revisions	7-3

ARTICLE 8:	RESERVED FOR FUTURE USE	8-1
ARTICLE 9:	ZONING DISTRICTS AND MAP	9-1
Section 9.01	Establishment Of Districts	9-1
Section 9.02	Zoning District Map	9-1
Section 9.03	Replacement Of Official Map	9-1
Section 9.04	Interpretation Of District Boundaries	9-1
Section 9.05	Scope Of Regulation	9-2
Section 9.06	Conflicting Regulations	9-2
Section 9.07	Categories Within Zoning Districts	9-2
Section 9.08	Schedule of Regulations	9-3
ARTICLE 10:	CONSERVATION DISTRICTS	10-1
Section 10.01	Forest-Recreation District	10-1
	Intent	10-1
	Uses Permitted By Right	10-1
	Special Land Uses Permitted By Special Approval	10-1
	Site Development Requirements	10-1
ARTICLE 11:	RESIDENTIAL DISTRICTS	11-1
Section 11.01	Agricultural- Residential District	11-1
	Intent	11-1
	Uses Permitted By Right	11-1
	Special Land Uses Permitted By Special Approval	11-1
	Site Development Requirements	11-1
ARTICLE 12:	COMMERCIAL DISTRICTS	12-1
Section 12.01	Commercial-Residential District	12-1
	Intent	12-1
	Uses Permitted By Right	12-1
	Special Land Uses Permitted By Special Approval	12-1
	Site Development Requirements	12-2
ARTICLE 13:	FOR FUTURE USE	13-1
ARTICLE 14:	FOR FUTURE USE	14-1
ARTICLE 15:	FOR FUTURE USE	15-1
ARTICLE 16:	STANDARDS FOR SPECIAL LAND USES	16-1
Section 16.01	General Standards Applicable to All Special Land Uses	16-1
Section 16.02	Service Stations and Vehicle Repair Stations	16-1
Section 16.03	Bed And Breakfast	16-2
Section 16.04	Communication Towers	16-3
Section 16.05	Shooting Ranges	16-3
Section 16.06	Churches And Religious Institutions	16-3
Section 16.07	Kennels	16-3
Section 16.08	Mini Storage Facilities	16-4
Section 16.09	Junkyards	16-4
Section 16.10	Adult Related Businesses	16-5
Section 16.11	Mobile Home Parks	16-6
Section 16.12	Extraction Operations	16-6
ARTICLE 17:	RESERVED FOR FUTURE USE	17-1

ARTICLE 18: GENERAL PROVISIONS 18-1

Section 18.01	Purpose	18-1
Section 18.02	Keeping Of Animals	18-1
Section 18.03	Essential Services	18-1
Section 18.04	Lots to Have Access	18-1
Section 18.05	Moving Buildings	18-2
Section 18.06	Temporary Dwellings	18-2
Section 18.07	Accessory Uses, Buildings, And Structures	18-2
Section 18.08	One Single Family Dwelling to a Lot	18-3
Section 18.09	Permitted Yard Encroachments	18-3
Section 18.10	Potable Water and Sewage Disposal	18-3
Section 18.11	Allocation Of Lot Area And Configuration Of Lots	18-4
Section 18.12	Height Requirement Exceptions	18-4
Section 18.13	Home Occupation	18-4
Section 18.14	Conditional Approvals	18-5
Section 18.15	Outdoor Storage, Sales, and Merchandise Display	18-5
Section 18.16	Condominium Subdivisions	18-6
Section 18.17	Clear Vision Zone	18-6
Section 18.18	Junk	18-7
Section 18.19	Standards for Single Family Dwellings	18-7
Section 18.20	Roadside Stands	18-8
Section 18.21	Special Environmental Standards	18-8
Section 18.22	Removal of Soil, Sand, Gravel, or Other Mineral	18-9

ARTICLE 19 NONCONFORMING USES OF LAND AND STRUCTURES 19-1

Section 19.01	Purpose	19-1
Section 19.02	Nonconforming Lots	19-1
Section 19.03	Nonconforming Uses Of Land	19-1
Section 19.04	Nonconforming Structures	19-2
Section 19.05	Change In Nonconforming Uses	19-2
Section 19.06	Repairs And Maintenance	19-2
Section 19.07	Change Of Tenancy Or Ownership	19-3
Section 19.08	District Changes	19-3
Section 19.09	Hardship Cases	19-3
Section 19.10	Illegal Nonconforming Uses	19-3
Section 19.11	Permits	19-3

ARTICLE 20: OFF-STREET PARKING AND LOADING 20-2

Section 20.01	Purpose	20-1
Section 20.02	General Requirements	20-1
Section 20.03	Parking Space Requirements	20-2
Section 20.04	Site Development Requirements	20-3
Section 20.05	Loading And Unloading Space Requirements	20-4

ARTICLE 21: SIGNS 21-1

Section 21.01	Purpose	21-1
Section 21.02	Definitions	21-1
Section 21.03	General Standards	21-2
Section 21.04	Signs Permitted in All Districts	21-2
Section 21.05	Signs for Non-Residential Uses	21-4
Section 21.06	Off-Premises Signs	21-4
Section 21.07	Nonconforming Signs	21-5
Section 21.08	Signs Requiring Permits	21-5

ARTICLE 22:	LANDSCAPING AND SCREENING	22-1
Section 22.01	Purpose	22-1
Section 22.02	Application	22-1
Section 22.03	Landscape Plan Required	22-1
Section 22.04	Required Buffering and Screening	22-1
Section 22.05	Minimum Standards Of Landscape Elements	22-2
Section 22.06	Installation, Maintenance And Completion	22-2
Section 22.07	Waivers And Modifications	22-2
ARTICLE 23:	RESERVED FOR FUTURE USE	23-1
ARTICLE 24:	RESERVED FOR FUTURE USE	24-1
ARTICLE 25:	INTERPRETATION, SEVERABILITY, VESTED RIGHT, REPEAL, AND EFFECTIVE DATE	25-1
Section 25.01	Interpretation	25-1
Section 25.02	Severance Clause	25-1
Section 25.03	Vested Right	25-1
Section 25.04	Repeal	25-1
Section 25.05	Effective Date	25-1