

**GRANT  
TOWNSHIP  
  
ZONING  
ORDINANCE**

**Grant Township  
Iosco County, Michigan**

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# **GRANT TOWNSHIP**

# **ZONING ORDINANCE**

*Adopted November 6, 2000*

**Grant Township  
Iosco County, Michigan**

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## **PREAMBLE**

An Ordinance enacted by the 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, 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, INTENT, and PURPOSE**

### **Section 1.01 Title**

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

### **Section 1.02 Intent and Purpose**

It is the purpose of this Zoning Ordinance to promote the public health, safety, comfort, convenience, and general welfare of the inhabitants of Grant 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 to conform with the most advantageous uses of land, resources, and property.

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*End of Article 1*

## **Article 2**

# **INTERPRETATION, SEVERABILITY, VESTED RIGHT, REPEAL, and EFFECTIVE DATE**

### **Section 2.01 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 2.02 Severance Clause**

Sections of this Ordinance and amendments thereto 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 2.03 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 2.04 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 2.05 Effective Date**

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

1. Date of Public Hearing: August 24,2000.
2. Date of Adoption by Township Board: November 6, 2000.
3. Date of Published Notice of Adoption: November 15, 2000.
4. Date Ordinance Shall Take Effect: November 22, 2000.

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*End of Article 2*

## **Article 3**

### **ADMINISTRATION, ENFORCEMENT, and PENALTIES**

#### **Section 3.01 Purpose**

It is the purpose of this Article to provide for the administration of this Ordinance and the creation of a review and permit process. The primary permit process shall require the issuance of one permit which shall be the Zoning Permit. Issuance of such a Permit, pursuant to this Article, 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 Building Inspector.

#### **Section 3.02 Responsibility for Administration**

The administration and enforcement of this Ordinance shall be the responsibility of the Township Board, the Planning Commission, and such personnel as designated by the Township Board in accordance with P.A. 184 of 1943, as amended, the "Township Zoning Act"; and this Ordinance. The Township Board shall appoint a Zoning Administrator who shall act as an officer in the administration and enforcement of this Ordinance.

#### **Section 3.03 Duties of the Zoning Administrator**

- A. 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, at a minimum, the following duties:
1. **Issue Permits:** All applications for Zoning Permits, including permits for special uses, temporary uses and temporary dwellings; variances; appeals; requests for Ordinance interpretation; and requests for changes to a nonconforming use shall be submitted to the Zoning Administrator who may issue such permits when all applicable provisions of this Ordinance have been met and approval has been granted by the designated approving body or official.
  2. **File of Applications:** The Zoning Administrator shall maintain files of all permit applications, and shall keep a record of all permits issued; these shall be filed in the office of the Township Clerk and shall be open for public inspection.
  3. **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 molest the Zoning Administrator in the discharge of his/her duties. The Zoning Administrator shall seek 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.
  4. **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.
  5. **Reports:** The Zoning Administrator shall report to the Planning Commission and Township Board periodically, as requested by such bodies, on activities pertaining to the issuance of Zoning Permits and complaints of violation and actions taken on such complaints.

#### **Section 3.04 Permit Procedures and Regulations**

**A. Zoning Permit Application Required for Construction:** No excavation shall be initiated; no building shall be erected, altered, moved or structural alterations initiated; and no use of a property shall be changed to another use until a Zoning Permit has been issued by the Zoning Administrator and, where required, a Building Permit has been issued by the Building Inspector. 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 or where existing construction, addition, alteration, or use thereof is 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. Planning Commission Authority and Procedures:
  - a. The Planning Commission 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.
    - 2) All special land uses (see Article 5).
    - 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 Planning Commission 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 4 (Procedures for Plot Plan and Site Plan Review) to the Planning Commission which shall approve, deny, or approve with conditions the application and site plan, pursuant to Article 4. Upon approval of the Site Plan by the Planning Commission, 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 5 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 Planning Commission 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 portrays proposed construction and uses upon the property, pursuant to the procedures and requirements of Article 4 (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) Upon receipt of complete application materials and after conducting a review, the Zoning Administrator shall reject, approve, or conditionally approve the application and plot plan pursuant to Article 4. 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 administration 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 the newspaper notice, postage, photocopying, staff time, Planning Commission and/or Zoning Board of Appeals time, mileage, and any costs associated with reviews by qualified professionals including professional planners and/or engineers.

1. When Professional Review Fee is Required: For any application for a Zoning Permit, variance, or other use or activity requiring a permit under this Ordinance, the Zoning Administrator or the Planning Commission may require the payment of a professional review fee when professional input is desired, before a decision is made, due to the complexity of the proposal or concern over the potential impacts of the project.
2. Professional Review Report: A professional review shall result in a report to the Township indicating the extent of conformance or nonconformance with this Ordinance and to identify any problems which may create a threat to public health, safety or the general welfare. Mitigation measures or alterations to a proposed design may be identified where they would serve to lessen or eliminate identified impacts. The applicant will receive a copy of any professional review contracted for by the Township.

**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 after being directed to do so by the designated approving body or official. 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 3.07). In any case where a permit is refused, the reasons shall be stated in writing to the applicant.
2. Withholding Permit: Where permitted by law, 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 Planning Commission or Township Board, the Planning Commission 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 building inspection by the Building Inspector. 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 thirty (30) days before such voidance is effective, provided however, that the body which approved such permit 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, the permit shall be renewable only upon reapplication and upon payment of the original fee, subject to the provisions of all ordinances in effect at the time of renewal.
4. 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 the approved permit, or in the case of any false statement or misrepresentation made in the application. The owner or his agent shall be notified of such revocation in writing. 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. Failure to terminate the use for which the permit was revoked, other than for the purpose of correcting the violation is declared to be a nuisance per se and a violation 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 3.05 Violation and Enforcement Procedures**

- A. **Violations as Public Nuisances Per Se/Criminal Violation:** Violations of any provisions of this Ordinance are declared to be nuisances per se. Violations of the provisions of this Ordinance or failure to comply with any of its requirements, including violations or conditions and safeguards established in connection with variances, approved site plans, Zoning Permits, or other authorizations under this Ordinance, shall constitute a criminal violation. Enforcement actions may be initiated by a complaint, or by the Zoning Administrator independently anytime he or she identifies a violation.
- B. **Violation and Enforcement Procedures:** The procedure for the notification of and correction of violations shall be as follows:
1. **Notice of Violation:** The Zoning Administrator shall inspect each alleged or apparent violation. Whenever the Zoning Administrator determines that a violation of this Ordinance exists, the Zoning Administrator shall issue a Notice of Violation, in writing, which specifies all circumstances found to be in violation and the period within which such violations must be corrected. Such notice shall be directed to each owner of, or a party in interest, in whose name the property appears on the last local tax assessment records. All notices shall be served upon the person to whom they are directed personally, or in lieu of personal service, may be mailed by certified mail, return receipt requested, addressed to such owner or party in interest at the address shown on the tax records.
  2. **Violation Correction Period:** The Zoning Administrator shall specify in the Notice of Violation the date by which such violations must be corrected. The violation correction period shall not exceed fifteen (15) days except where the Zoning Administrator determines that a longer correction period is necessary due to seasonal conditions or other circumstances. In no case shall the violation correction period be greater than six (6) months.
  3. **Lack of Corrective Action:** Should a violation not be corrected within the specified time period the Zoning Administrator shall notify the Township Board on the conditions causing the notice of violation.
  4. **Legal Action:** The Township Board shall refer the matter to the Township Attorney recommending that the appropriate action be taken. The Township Attorney may then initiate prosecution proceedings. If the threat to public health and or safety necessitates immediate action, this procedure may be circumscribed and the Township Board may initiate injunctive action in Circuit Court or any such other remedy provided by Law (see Section 3.05(C)).
- C. **Penalties and Remedies**
1. **Violations as Misdemeanors:** Violations of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with variances, approved site plans, Zoning Permits, or other authorizations under this Ordinance, shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars (\$500) or imprisoned for not more than thirty (30) days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
    - a) The owner of record or tenant of any building, structure, premises, or part thereof, and any architect, building contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
  2. **Remedies:** The Township Board may institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any violations of this Ordinance. The rights and remedies provided herein are both civil and criminal in nature. The imposition of any fine, or jail sentence or both shall not exempt the violator from compliance with the provisions of this Ordinance.



### **Section 3.06 Performance Guarantee for Compliance**

**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.

**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, but are not necessarily limited to: streets and other roadways, utilities, fencing, screening, landscaping, 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 Planning Commission. After approval of the detailed cost estimate by the Planning Commission, 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 Zoning Administrator of completion of said improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements and shall transmit a recommendation to the Planning Commission 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 Planning Commission shall either approve, partially approve or reject the improvements or conditions and shall notify the obligor in writing of the action 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 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. Performance Guarantee for Razing of Building:** The Zoning Administrator may require a bond prior to the razing or demolition of principal structures and accessory structures having more than one hundred fifty (150) square feet of floor area. The amount of the performance guarantee shall be determined according to a guideline of one thousand dollars (\$1,000.00) for each one thousand

(1,000) square feet or fraction thereof of floor area of the structure to be razed. A guarantee shall be conditioned on the applicant completing the razing within such reasonable period as shall be prescribed in the permit and complying with such regulations as to health and safety as the Zoning Administrator, Fire Chief, Building Inspector, or the Township Board may from time to time prescribe, including filling of excavations and proper termination of utility connections.

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

*End of Article 3*

## **Article 4**

### **PROCEDURES for PLOT PLAN & SITE PLAN REVIEW**

#### **Section 4.01 Purpose**

It is the purpose of this Article to specify standards, application and data requirements, and the review process which shall be followed in the preparation of site plans and plot plans as required by this Ordinance. These procedures are incorporated into the Zoning Permit application process to ensure that the Zoning Administrator and Planning Commission is afforded an opportunity to review and evaluate proposed uses of sites with regard to such considerations as parking and vehicular circulation, drainage, screening, and conformance with all applicable provisions and standards of this Ordinance.

#### **Section 4.02 Approval of Plot Plan or Site Plan Required**

**A. Planning Commission Approval for Site Plans:** Site plan approval is required by the Planning Commission, prior to the issuance of a Zoning Permit, for the following land uses:

1. All uses permitted by right within any commercial or industrial zoning district.
2. All special land uses, as specified in each zoning district.
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 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.
6. All other uses so specified in this Ordinance.

**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 4.02 (A) above, including Single family and two family dwellings.

**C. Written Guidelines:** The Zoning Administrator may establish and make available written guidelines as to the scale and level of detail needed for applications for various types of uses requiring a Zoning Permit, or for information to be submitted to the Zoning Board of Appeals in order to make a decision on an appeal, request for Ordinance interpretation or variance.

#### **Section 4.03 Plot Plan Review Procedures**

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

**A. Data Required:** An accurate, readable, scale drawing showing the following shall be submitted with applications for Zoning Permits for uses requiring plot plan review.

1. Name, address and telephone number of the applicant (and owner if different).
2. A survey showing property dimensions and legal description, including angles, lot area and dimensions, and an arrow pointing north.
3. The location, dimensions, height and bulk of the existing and/or proposed structures to be erected, altered, or moved on the lot.
4. Dimensions of yards, parking lots and space dimensions, and the number of spaces.
5. A description of proposed use(s) of the building(s), land and structures.
6. The proposed number of sleeping rooms and dwelling units, as applicable.
7. Configuration of the driveway and parking areas.
8. Existing public right-of-ways or easements.
9. Any other information deemed necessary by the Zoning Administrator to determine zoning ordinance compliance and provide for the enforcement 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 pursuant to Section 4.03(A) 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.

#### **Section 4.04 Site Plan Review Procedures**

**A. Preliminary Site Plan Application Required:** Prior to preparing a detailed final site plan and seeking approval of such site plan, the applicant shall seek approval of a preliminary site plan for the purpose of receiving approval of the general design and layout of the project. A preliminary site plan shall be submitted as part of a Zoning Permit application for all uses listed in Section 4.02(A) , including all special land uses, commercial uses, and industrial uses.

**B. Preliminary Site Plan Data:** The preliminary 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 and the seal of such designer shall be affixed. Applications for preliminary site plan approval shall be submitted to the Zoning Administrator on a form for that purpose and shall consist of the following:

1. Twelve (12) copies of a completed application form supplied by the Zoning Administrator.
2. Twelve (12) copies of the preliminary site plan at a scale of not less than one (1) inch equals one hundred (100) feet with the following minimum information:
  - a. Name, address and telephone number of the applicant (and owner if different).
  - b. A survey showing property dimensions and legal description, including angles, lot area and dimensions, and an arrow pointing north.
  - c. Existing 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 existing man-made features such as roads and structures, with indication as to which are to be retained and which removed or altered.
  - d. Existing public right-of-way, private easements of record, and deed restrictions.
  - e. Project description, including the location, dimensions, height and bulk of the existing and/or proposed structures to be erected, altered, or moved on the property; the total number of structures, units, bedrooms, and offices; the square feet associated with each building and use including total and usable floor area; carports and garages; employees by shift; amount of recreational and open space and the type of recreation facilities to be provided, and related information as pertinent or otherwise required by this Ordinance.
  - f. Proposed streets and alleys.
  - g. Proposed location and dimensions of accessory structures, including trash receptacles.
  - h. Proposed location, shape and size of free stranding signs.
  - i. A conceptual landscape plan indicating the locations of plant materials to be preserved and locations of proposed planting and screening, fencing, and lighting.
  - j. A conceptual plan addressing how storm water is to be collected and discharged, including general location of any retention and/or detention areas and approximate points of discharge for all drains.
  - k. 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).

- I. Such other information as is necessary to enable the Planning Commission to determine whether the proposed site plan will conform to the provisions of this Ordinance.

**C. Planning Commission Review and Action on Preliminary Site Plan:** The Planning Commission shall review the preliminary site plan and approve, approve with conditions, or deny the plan, based on compliance with the standards of Section 4.05. If denied, the Planning Commission shall cite reasons for denial. If approved, the applicant may submit a site plan for the development or a phase of the development.

1. Approval of the preliminary site plan is valid for a period of six (6) months. If a complete final site plan for the development, or any phase of the development, has not been submitted during that period, the approval of the preliminary site plan shall be null and void. This time limit may not be extended by the Planning Commission upon a finding by the Planning Commission that no substantial changes have occurred to abutting properties that suggest revisions to the layout and/or design of the development. Preliminary site plans whose approval has expired shall be required to resubmit and be processed for approval according to this Section.

**D. Submittal and Distribution of Final Site Plan:** At least twelve (12) copies of the application and final site plan shall be submitted to the Zoning Administrator. The Zoning Administrator shall record the date of receipt of the application and site plan and transmit seven (7) copies thereof to the Planning Commission; 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. The final site plan shall include all data required by Section 4.04(8) for preliminary site plans and the following additional data:

1. 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.
2. 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.
3. Proposed location of free standing and wall signs, including construction details of such signs.
4. 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 17, Landscaping and Screening. Also, proposed locations of common open spaces, if applicable.
5. Identification of how storm water is to be collected and discharged, and location of any retention and/or detention areas and points of discharge for all drains.
6. 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.
7. 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.
8. A statement from the applicant identifying all federal, state and local permits required, if any.
9. 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).
10. Such other information as is necessary to enable the Planning Commission to determine whether the proposed site plan will conform to the provisions of this Ordinance.

**E. Final Site Plan Review by Planning Commission:**

1. The Planning Commission shall review the application and site plans for completeness and if such application or plans are not complete according to Section 4.04(C) 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 Planning Commission shall review the application and plans and determine their conformity with the applicable provisions of this Ordinance and the provisions of Section 4.05. The Planning Commission 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 Planning Commission at least ten (10) business days prior to such meeting.
2. After conducting a review, the Planning Commission 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 4.05. A site plan shall be approved by the Planning Commission 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 Planning Commission for approval shall be stated in writing, together with the reasons, and delivered to the applicant.
  - a. A decision by the Planning Commission shall be made within ninety (90) days of the receipt of a complete site plan application unless, in the opinion of the Planning Commission, an extension of time is necessary to adequately collect and review information pertinent to a decision.

**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 Planning Commission Chairperson, 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 4.05 Site Plan Approval Standards**

Each site plan shall conform with the applicable provisions of this Ordinance including the standards listed below:

- A. Applicable provisions of:
  1. Article 15, Signs
  2. Article 16, Off-Street Parking and Loading
  3. Article 17, Landscaping and Screening
  4. Article 18, Environmental Protection
  5. Article 20, General Provisions
- B. All elements of the 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.
- C. 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 are in keeping with the general appearance of adjacent and surrounding uses and development.
- D. The removal of storm waters shall not increase off-site sedimentation or otherwise adversely affect neighboring properties due to flooding.
- E. All buildings or groups of buildings shall be so arranged as to permit emergency 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. 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.
- I. 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.
- J. Residential and nonresidential development shall not include unnecessary curb cuts.
- K. 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.
- L. Site plans shall conform to all applicable requirements of state and federal statutes.
- M. The applicant shall demonstrate that reasonable precautions will be made to prevent hazardous materials from entering the environment including:
  - 1. 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.
  - 2. 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 4.06 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 approved amendments thereto. If construction and development does not conform with such approved plans, the approved Zoning Permit shall be revoked by the Zoning Administrator pursuant to the procedure in Section 3.04(C)(4). Upon revocation of such approval, all construction activities shall immediately cease upon the site, other than for the purpose of correcting the violation.

**Section 4.07 Changes**

- A. Site Plan Amendment: No changes shall be made to an approved site plan prior to or during construction except upon mutual agreement between the applicant and the Planning Commission or Zoning Administrator, according to the following procedures;
  - 1. Major Changes: Major changes to an approved site plan shall include 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 or an increase of more than four (4) parking spaces; an increase in the gross floor area or heights of buildings or number of dwelling units; a reduction in open space; and similar changes. Major changes shall require approval in the same manner as the original site

plan 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.
2. Minor Changes: Minor changes to an approved site plan shall include changes not otherwise included as a major change in (A)(1) above and may be approved by the Zoning Administrator. Approved changes shall be clearly specified in writing and signed by the Zoning Administrator. The Zoning Administrator shall keep accurate records of approved changes. The Zoning Administrator may defer action to the Planning Commission.

**B. Amendments to a Plot Plan:** The Zoning Administrator shall review proposed changes to an approved Plot Plan in the same manner as the original plot plan application was submitted, reviewed, and approved.

*End of Article 4*



## **Article 5 PROCEDURES for SPECIAL LAND USES**

### **Section 5.01 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 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. 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.

### **Section 5.02 Procedures for Special Land Uses**

An 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. Fifteen (15) copies of a application shall be submitted through the Zoning Administrator on a special form for that purpose. Each application copy shall be accompanied by a preliminary site plan prepared pursuant to Section 4.04(8). The application shall be accompanied by the payment of a fee as established by the Township Board to cover costs of processing the application.

**B. Forwarding of Application to Planning Commission:** The Zoning Administrator shall forward twelve (12) copies of the preliminary site plan and application form to the Planning Commission and retain the remaining.

### **C. Planning Commission Action:**

#### **1. Application Review:**

- a. The Planning Commission shall review the preliminary site plan and special land use application at its next scheduled meeting following receipt from the Zoning Administrator to determine the completeness of the application materials. The Planning Commission may, at its discretion, delay determining the completeness of the application materials at its next regularly scheduled or special meeting unless the application materials, including a zoning permit application form, have been received by the Planning Commission at least ten (10) business days prior to such meeting. If such materials are not complete according to Section 4.04(B), the plans shall be returned to the applicant with a written notice identifying the inadequacies of the plans.
- b. Upon a determination that the application materials are complete, the Planning Commission may also submit one (1) copy of the application materials, including the preliminary site plan, to each of the following agencies considered to be impacted or affected by the application for the 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.

2. Public Hearing:
  - a. Upon a determination that the application materials are complete, the Planning Commission shall hold a public hearing on the special land use request. The Planning Commission 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 leased by different individuals, partnerships, businesses or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
3. Denial/Preliminary Approval and Basis for Decision: Upon review of the special land use application, all supporting materials, and the hearing, the Planning Commission shall deny or preliminarily approve with conditions the special land use application and site plan. 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 Planning Commission shall refer to and be guided by those standards set forth in Section 5.06. A preliminary approval shall be conditioned upon, at a minimum, the submittal of a final site plan pursuant to Article 4 and any other measures deemed necessary by the Planning Commission pursuant to Section 20.16.
  - a. Approval of the preliminary site plan is valid for a period of one (1) year. If a complete final site plan for the development, or any phase of the development, has not been submitted during that period, the approval of the preliminary site plan shall be null and void. This time limit may be extended by the Planning Commission upon a finding by the Planning Commission that no substantial changes have occurred to abutting properties that suggest revisions to the layout and/or design of the development. Preliminary site plans whose approval has expired shall be required to resubmit and be processed for approval according to this Section.
4. Approval of Final Site Plan: After conducting a review, the Planning Commission shall deny, approve, or conditionally approve the final site plan as it pertains to requirements and standards contained in the Zoning Ordinance, including the standards of Section 4.05. and 5.06. A site plan shall be approved by the Planning Commission 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 Planning Commission for approval shall be stated in writing, together with the reasons, and delivered to the applicant.
  - a. The Planning Commission shall not approve any final site plan that significantly departs from the approved preliminary site plan without first requiring the applicant to submit a wholly new special land use application pursuant to Section 5.02, including the holding of a public hearing.

- b. A decision by the Planning Commission shall be made within ninety (90) days of the receipt of a complete site plan application unless, in the opinion of the Planning Commission, an extension of time is necessary to adequately collect and review information pertinent to a decision.
5. Issuance of Zoning Permit: The Zoning Administrator shall not issue a Zoning Permit for the conditional use until the applicant has received approval of a final site plan and has met any conditions attached to such approval, including the posting of a performance bond if applicable.

### **Section 5.03 Appeal to Circuit Court**

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

### **Section 5.04 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. A reapplication shall require a new fee and the process will follow all provisions of Section 5.02.

### **Section 5.05 Changes**

- 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 site plan. Amendments to the approved Site Plan shall comply with the application and review procedures of Section 4.07.
- 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.

### **Section 5.06 Approval Standards**

- 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 Master 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. Conform with all applicable county, state and federal requirements for that use.
  8. Meet the site plan approval standards of Article 4.
- B. Each application for a special land use shall be reviewed for the purpose of determining that the land use or activity conforms to the specific site development requirements identified in Article 11.

**Section 5.07 Revocation of Permit**

- A. If a special land use ceases for any reason for a period of more than (2) years, such special land use shall not be renewed except upon application and approval pursuant to Article 5.

*End of Article 5*

## Article 6 ZONING BOARD of APPEALS

### **Section 6.01 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 6.02 Creation and Membership**

- A. **Establishment:** The Zoning Board of Appeals is hereby established 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. **Appointment of 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 the Zoning Board and Township Board members, whose terms shall be limited to the time they are members of the Zoning Board or Township Board. Upon appointment of the initial members to the Zoning Board of Appeals, the appointments may be for less than three (3) years to provide for staggered terms. 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 removed 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 deliberations and a vote in which the member has a conflict of interest. Failure to do so shall constitute misconduct in office.

### **Section 6.03 Organization**

- A. **Rules of Procedure and Officers:** 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 6.04 Jurisdiction**

The Zoning Board of Appeals shall act upon questions as they arise in the administration of this Ordinance and take other actions as specified in 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 so specified in this Ordinance including appeals regarding an administrative review, interpretation, and variance. 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, Planning Commission, or any official administering or enforcing the provisions of this Ordinance as set forth in Section 6.05. The Zoning Board of Appeals shall have all the powers of the officer or body from whom the appeal is taken.

**Section 6.05 Authorized Appeals and Standards**

The Zoning Board of Appeals shall hear the following specified categories of appeals in accordance with the following standards:

- 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 or by any other body or official in administering or enforcing the provisions of this Ordinance. In hearing and deciding appeals under this sub-section, The Zoning Board of Appeal's review shall be based upon the record of the administrative decision being appealed, and the Zoning Board of Appeals shall not consider new information which had not been presented to the administrative official, board, or commission from whom the appeal is taken. The Zoning Board of Appeals shall reverse or otherwise modify the decision of such body or official only if it finds that the action or decision appealed:
  - 1. was arbitrary or capricious, or
  - 2. was based upon an erroneous finding of a material fact, or
  - 3. constituted an abuse of discretion, or
  - 4. was based upon erroneous interpretation of the Zoning Ordinance or zoning law, or
  - 5. did not follow required procedures.
  
- B. **Interpretation of the Ordinance:** The Zoning Board of Appeals shall hear and decide upon requests to:
  - 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 (see Section 10.04).
  - 3. 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.
  - 4. 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. Prior to deciding a request for an interpretation, the Zoning Board of Appeals may confer with Township staff and consultants to determine the basic purpose of the provision subject to interpretation and any consequences which may result from differing decisions. A decision providing an interpretation may be accompanied by a recommendation for consideration of an amendment of the Ordinance.

**C. Variances:** The Zoning Board of Appeals shall have the power to authorize specific variances from site development requirements such as 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 of this Ordinance. The Zoning Board of Appeals is not authorized to grant a variance that permits the establishment of any use which is not a permitted principal use within the subject zoning district.

1. **Required Findings:** The Zoning Board of Appeals shall have the power to authorize specific variances from site development requirements provided that all the required findings listed below are met and the record of proceedings of the Zoning Board of Appeals contains evidence supporting each conclusion.
  - a. 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.
  - b. 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.
  - c. That the hardship or special conditions or circumstances do not result from actions of the applicant.
  - d. That the variance will relate only to property under control of the applicant.
  - e. 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.
  - f. 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.
  - g. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.
2. **Evidence:** In all variance proceedings, it shall be the responsibility of the applicant to provide information, plans, testimony and/or evidence from which the Zoning Board of Appeals may make the required findings. Administrative officials and other persons may, but shall not be required to, provide information, testimony, and/or evidence on a variance request.

#### **Section 6.06 Appeal Procedures**

- A. **Notice of Appeal:** Appeal requests 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, 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 at the time the petitioner files a Notice of Appeal. 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. No fee shall be charged if the Township Board, Zoning Administrator, or any official body of the Township is the moving party.

- C. **Appeal 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 by certified mail 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. Upon the hearing, any party may appear in person or by agent or attorney.
- D. **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 an extension of time is agreed upon by the parties concerned. 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 for each decision.
1. Conditions: In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance (See Section 20.16). 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.
    - a. Variance Authorization Period: Each variance granted under the provisions of this Ordinance shall become null and void unless the construction, occupancy or other actions authorized by such variance have commenced within one (1) year of the granting of such variance. Upon written application filed with the Zoning Administrator prior to the termination of the one year time period, the Board of Appeals may authorize a single extension of the time limit for an additional period of not more than one year upon the finding by the Board of Appeals that the project has a reasonable expectation of being continued to completion.
- E. **Reapplication:** No application for a variance, Ordinance interpretation, or appeal of an administrative decision, which has been denied wholly or in part by the Zoning Board of Appeals, shall be resubmitted for a period of one (1) year from the date of the last denial, except on proof of changed conditions found upon inspection by the Zoning Board of Appeals to be valid.

#### **Section 6.07 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, in which case 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.

#### **Section 6.08 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. The Circuit Court shall review the record and decision of the Zoning Board of Appeals to insure that the decision:

1. Complies with the constitution and laws of the State.
2. Is based upon proper procedure.
3. Is supported by competent, material, and substantial evidence on the record.



4. Represents the reasonable exercise of discretion granted by the Board of Appeals.

*End of Article 6*

## Article 7 PROCEDURES for AMENDMENTS

### **Section 7.01 Purpose**

The purpose of this Article is to establish the procedures for amending this Ordinance, including application requirements and the review of such applications. 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 the planned future land use pattern for the Township and changes to other ordinances of the Township, to meet public need for new or additional land uses in areas so contemplated by the Township, or to further protect the environment, neighborhoods, public infrastructure or other public investment in the Township.

### **Section 7.02 Initiation of Amendments**

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

### **Section 7.03 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 Zoning Administrator. No fee shall be charged when the applicant is the Township Board or Planning Commission.

### **Section 7.04 Procedures**

- A. **Application:** A petitioner shall submit fifteen (15) copies of 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 including the name and address of the applicant and the desired change(s) and reason(s) for such change(s).
1. When the petition involves a change on 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 also submit the following information:
    - a. A legal description of the property.
    - b. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
    - c. The applicant's name and address and interest in the property, and if the applicant is not the owner, the name and address of the owner.
    - d. The desired change and reasons for such change.
    - e. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.
- B. **Action of Zoning Administrator:** The Zoning Administrator shall review the application form and supporting materials to ensure it is complete. Any application not properly filed or complete shall be returned to the applicant with a written explanation identifying the inadequacies. Complete applications shall be transmitted to the Planning Commission.
- C. **Notice of Hearing:** After the Zoning Administrator has transmitted the amendment application to the Planning Commission, it shall be placed on the agenda of the next regularly scheduled meeting of the Planning Commission and the Planning Commission shall at such meeting establish a date for at least one (1) public hearing on the application. The Planning Commission may, at its discretion, delay scheduling such hearing if the application materials have not been received by the Planning Commission at least ten (10) business days prior to such meeting or the application is not

clear regarding the requested change. The Township Clerk 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 Planning Commission 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. Planning Commission Actions**

1. Planning Commission Review. In reviewing any application for an amendment to this Ordinance, the Planning Commission 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 Planning Commission.
  - a. If the petition involves an amendment to the official zoning map, matters to be considered by the Planning Commission shall include, but shall not be limited to, the following:
    - 1) What, if any, identifiable conditions related to the application have changed which justify the proposed amendment?
    - 2) What are the precedents and the possible effects of such precedent which might result from the approval or denial of the petition?
    - 3) 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?
    - 4) Does the petitioned district change adversely affect environmental conditions, or the value of the surrounding property?
    - 5) Is the site's physical, geological, hydrological and other environmental features compatible with the host of uses permitted in the proposed district?
    - 6) Is the subject property able to be put to a reasonable economic use in the zoning district in which it is presently located?
    - 7) Does the petitioned district change generally comply with the Master Plan of the Township?
    - 8) Is the proposed rezoning consistent with the zoning classification of surrounding land?
    - 9) Can all requirements in the proposed zoning classification be complied with on the subject parcel?
  - b. If the petition involves an amendment to the text of the Ordinance, matters to be considered by the Planning Commission shall include, but shall not be limited to, the following:
    - 1) Is the proposed amendment supported by documentation, such as from the Zoning Board of Appeals, that the proposed amendment would minimize problems or conflicts with specific sections of the Ordinance?

- 2) Is the proposed amendment supported by reference materials, planning and zoning publications, information gained at seminars or experiences of other communities to more effectively deal with certain zoning issues?
  - 3) Is the proposed amendment supported by significant case law?
2. Outside Agency Review: In determining the above mentioned findings of fact, the Planning Commission may solicit information and testimony from officials of, but not limited to, the County Health Department, County Road Commission, County Drain Commission, County Sheriff Department, any school district affected, and the County Planning Commission.
  3. Planning Commission Recommendation: The Planning Commission shall transmit its findings of fact, recommendations for disposition of the application, and a summary of comments received at the public hearing to the Township Board within a period of sixty (60) days following the required public hearing in subsection (C) above. The Planning Commission shall simultaneously transmit its recommendations for disposition of the application to the County Planning Commission. The County Planning Commission shall notify the Township Clerk of its disapproval with the proposed amendment within thirty (30) days of receipt of the Planning Commission's recommendation, or approval of the proposed amendment shall be conclusively presumed.

**E. Township Board Actions**

1. After receiving and reviewing the findings and recommendations of the Township Planning Commission, and the recommendations of the County Planning Commission, 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.
  - a. The Township Board may hold additional public hearings if the Township Board considers it necessary. Notice of a public hearing held by the Township Board shall be published in a newspaper which circulates in the township. The notice shall be published not more than fifteen (15) days nor less than five (5) days before the hearing.
2. The Township Board shall not deviate from the recommendation of the Township Planning Commission without first referring the application back to the Township Planning Commission 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 Planning Commission, the Township Board shall make specific mention of their objections to results of the Planning Commission's findings and recommendations and the date by which the Planning Commission is to resubmit its report.
  - a. After receiving the report specified in (E)(2) above, the Township Board shall grant a hearing on the proposed amendment to any property owner who has filed a written request to be heard. This written request shall take the form of a certified mail letter from the property owner to the Township Clerk. The Planning Commission shall be requested to attend the hearing, which may be held at a regular meeting or at a special meeting called for that purpose.

**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 7.05 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 Planning Commission to be valid.

**Section 7.06 Comprehensive Review Of Zoning Ordinance**

The Planning Commission shall, from time to time, 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.

*End of Article 7*

**Article 8**  
**Reserved for Future Use**

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## **Article 9**

### **NONCONFORMING LOTS, USES, and STRUCTURES**

#### **Section 9.01 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 and uses to continue until they are removed, but not to encourage their survival.

#### **Section 9.02 Nonconforming Lots**

- A. 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.
1. 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 (one lot) 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 9.03 Nonconforming Uses of Land**

- A. 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:
1. 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.
  2. 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.
  3. 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.
  4. 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 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 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.
  5. If a nonconforming use of a parcel or lot ceases for any reason for a period of more than one hundred and eighty (180) consecutive days, or eighteen (18) months within a three (3) year period, the subsequent use of such parcel or lot shall conform to the regulations and provisions of this Ordinance for the district in which such lot or parcel is located.

#### **Section 9.04 Nonconforming Structures**

- A. 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 or subsequent amendment 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:
1. No such structure may be enlarged or altered in any 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 of adoption or amendment of this Article, but no such use shall be extended to occupy any land outside such building.
  2. Should such structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement value, 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. In identifying the extent of destruction and the cost to replace the damaged structure, the Zoning Administrator shall seek a written opinion of a licensed building contractor, including the basis for the contractor's conclusions.
  3. 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.
  4. 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.
  5. 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 9.05 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 then 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. No structural alterations shall be made to bearing walls or foundations, except that 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 9.06 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 9.07 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 9.08 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.

*End of Article 9*

## Article 10 ZONING DISTRICTS, REGULATIONS, and MAP

### **Section 10.01 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, and shall have boundaries as delineated on the Official Zoning Map.

(FY)	Forestry District
(FR)	Farm -Residential District
(R-1)	Suburban Residential District
(R-2)	Suburban Residential District
(R-3)	Urban Residential District
(R-4)	Urban Residential District
(C-1)	Local Commercial District
(C-2)	General Commercial District
(1-1)	Industrial District

### **Section 10.02 Purposes of Zoning Districts**

It is the purpose of all zoning districts enumerated in Section 10.01 to protect sensitive environmental resources which may be present on a development site, and that the Districts and uses within such Districts be adequately served by public facilities and services. The Township's environmental resources, including woodlands and wetlands, are useful as water retention and groundwater recharge areas, and as habitat for plant and animal life. In addition, it is the purpose of all Districts that permit residential development that such development assure a stable and sound residential environment with suitable open spaces associated with dwellings, and adequate provisions for sewage disposal, potable water, and other public facilities and services demands as may be required in association with development densities. In addition to the above purposes, additional and more specific purposes of each District are as follows:

#### **A. Conservation Districts**

1. (FY) Forestry District: It is the intent of the Forestry District to protect the quantity and quality of the publicly owned woodland resources within Grant Township, the enjoyment and protection of which is of great public interest and importance to Grant Township, the State of Michigan, and the United States. The lands within this district are comprised of public holdings which, collectively, comprise portions of the Huron National Forest. Much of the land within this District is characterized by extensive wetland and woodland environments. Together, these public resources are important in providing for wildlife habitats, water and air purification, flood control, timber harvesting, and recreation opportunities, and support the desired rural character of the Township. It is the intent of this district to carefully review and limit the introduction of land uses which will undermine the intent, quantity, quality and value of this resource.
2. (FR) Farm -Residential District: It is the intent of the Farm -Residential District to provide opportunities for comparatively low density single family residential development patterns and lifestyles in an overall rural setting while also encouraging and providing opportunities for the continuation of agricultural activities in the Township. Agricultural activities are 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 recognizes the fragile long term economic viability of these agricultural operations and the desirability to provide opportunities for the conversion of these farmland parcels to primarily low density residential development. 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.

**B. Residential Districts**

1. (R-1) Suburban Residential District: It is the intent of the R-1 Suburban Residential District to encourage and provide opportunities for single family development patterns and lifestyles of a more suburban character as compared to the Farm-Residential District. The lot area requirements contained herein are minimum requirements, and larger lot areas may be required where natural site conditions dictate and/or public sewer or water is not available.
2. (R-2) Suburban Residential District: It is the intent of the R-2 Suburban Residential District to encourage and provide opportunities for both single family and two family residential development patterns and lifestyles of a somewhat higher density than the R-1 District, while still maintaining an overall suburban development pattern. The lot area requirements contained herein are minimum requirements, and larger lot areas may be required where natural site conditions dictate and/or public sewer or water is not available.
3. (R-3) Urban Residential District: It is the intent of the R-3 Urban Residential District to encourage and provide opportunities for residential neighborhoods and lifestyles associated with more urban development patterns, where public services are adequate to address the needs of such development patterns. However, due to the lack of public sewer in the Township, and the anticipated limited availability of such service should it be introduced in the future, the District's development standards address both sewer and non-sewered conditions. This District is also established to recognize those residential land division and development patterns existing on the effective date of this Ordinance that reflect the general character of development provided for by this District. In addressing the higher density housing needs and preferences of the Township's present and future residents, this District provides opportunities for mobile home parks and multiple-family dwellings.
4. (R-4) Urban Residential District: It is the intent of the R-4 Urban Residential District to encourage and provide opportunities for residential neighborhoods and lifestyles associated with urban development patterns of densities greater than those of the R-3 District, where public services are adequate to address the needs of such development patterns. However, due to the lack of public sewer in the Township, and the anticipated limited availability of such service should it be introduced in the future, the District's development standards address both sewer and non-sewered conditions. This District is also established to recognize those residential land division and development patterns existing on the effective date of this Ordinance that reflect the general character of development provided for by this District. In addressing the higher density housing needs and preferences of the Township's present and future residents, this District provides opportunities for mobile home parks and multiple-family dwellings.

**C. Commercial Districts**

1. (C-1) Local Commercial District: The C-1 Local Commercial District is intended to provide opportunities for retail stores and service establishments that primarily address the local day-to-day retail and service needs of residents and visitors. This District is not intended to accommodate regional or highway retail and service uses, or other uses which may undermine the intended function and character of this District.
2. (C-2) General Commercial District: The C-2 General Commercial District is intended to accommodate commercial land uses which address retail and service needs of both local and regional populations, including the highway traveler.

**D. Industrial Districts:**

1. (I-1) Industrial District: It is the intent of the I-1 Industrial District to provide for a variety of manufacturing and other industrial uses, as well as the accommodation of commercial establishments not engaging primarily in retail sales. Principal industrial uses are intended to consist of manufacturing, compounding, processing, packaging, assembling, and/or treatment of finished or semi-finished products from previously prepared materials. More intensive industrial

uses, such as those characterized by the manufacturing of products from raw materials, may be permitted only after special review to determine their appropriateness on the subject property.

### **Section 10.03 Zoning District Map**

- A. The boundaries of the respective Districts enumerated in Section 10.01 are defined and established as depicted on the Official Zoning Map entitled GRANT 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.
- B. 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 Grant Township Zoning Ordinance adopted on the 6th day of November, 2000. 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.
- C. The Official Zoning Map shall be located at the Township Hall and shall be the final authority with regard to the current zoning status of all land in the Township, along with supporting minutes of Township Board meetings regarding zoning district changes, regardless of the existence of copies of the Official Zoning Map which may be made and published from time to time.
- D. 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 Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bear the following words: *This is to certify that this is the Official Zoning Map of the Grant Township Zoning Ordinance adopted on the \_\_\_th day of \_\_\_, 20\_, and replaces and supersedes the Official Zoning Map which was adopted on , 20\_, and any amendments made thereon.* 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 10.04 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 Zoning Board of Appeals, 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 section lines, quarter section lines, quarter-quarter section lines, or lot lines shall be construed as following such lines.
  3. Boundaries indicated as approximately following Township boundary lines shall be construed as following such 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 Planning Commission.

#### **Section 10.05 Permitted Uses in Zoning Districts**

**A. Compliance with Zoning Regulations:** 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. Whenever any fill is placed in any lake or stream, the land thus created shall automatically and without further governmental action thenceforth acquire and be subject to the same zoning regulations as are applicable for lands to which the same shall attach or be adjacent.

**B. Uses Permitted in Each Zoning District:** Table 10-1 identifies the principal land uses permitted in each of the zoning districts enumerated in Section 10.01. No land use shall be established on a lot or parcel except in conformance with Table 10-1. In order to insure all possible benefits and protection for the zoning districts in this Ordinance, the Table delineates whether a land use permitted in a particular Zoning District is a "Use Permitted by Right" or a "Special Land Use".

1. Uses Permitted by Right: Uses permitted by right are the primary uses and structures specified for which the zoning district has been established.
2. Special Land Uses: Special land uses are 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 or are otherwise unique in character, and therefore require special consideration in relation to the welfare of adjacent properties and to the Township as a whole. All such proposed uses shall be subject to a public hearing. See Article 5.
  - a) To assure adequate review of proposed land developments and meet the goals and objectives of this Ordinance and the Grant Township Master Plan, any business in any Commercial or Industrial District that has a story that exceeds 15,000 sq. ft. in gross floor area, or a building that exceeds 30,000 sq. ft. in total gross floor area, is classified as a Special Land Use and subject to the provisions of Article 5: Procedures for Special Land Uses.

**C. Accessory Uses:** Unless otherwise specified in this Ordinance, accessory uses which are clearly incidental to, and customarily associated with the principal use of the property, are permitted in all Districts and shall conform to all applicable standards of this Ordinance, including Section 20.02 (Keeping of Animals) and Section 20.06 (Accessory Uses, Buildings, and Structures).

**D. Prohibited Uses:** Any use of land not specifically permitted is prohibited. The Zoning Board of Appeals shall have the power to classify a use which is not specifically identified, according to 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 6.05(B)(3) and 6.06. 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 Planning Commission may be petitioned to initiate an amendment to the text of the Ordinance to establish the appropriate district(s) and/or type of use (use permitted by right or special land use), and criteria that will apply for that use. If the Ordinance is amended to include the new regulations, then an application can be processed to establish that use.

#### **Section 10.06 Site Development Requirements of Zoning Districts**

**A.** All land uses shall comply with the site development requirements in Table 10-2, unless otherwise specified by Article 11 -Standards for Specific Special Land Uses, Article 12 -Standards for Planned

Unit Developments, or Article 20 -General Provisions. In addition, all uses shall comply with all other applicable site development provisions of this Ordinance, including, but not limited to, the following Articles:

1. Article 15: Signs
  2. Article 16: Off-Street Parking and Loading
  3. Article 17: Landscaping and Screening
  4. Article 18: Environmental Standards
- B. Variances from required site development standards may be granted by the Zoning Board of Appeals only upon a showing of practical difficulty or unnecessary hardship, related to a unique characteristic of the land and not to self created hardships of the Owner (see Section 6.05(C)). Owners of nonconforming lots of record, structures, or uses should refer to Article 9.
- C. No part of a setback area, yard, or other open 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, yard, or other open 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, including lot size and lot width.
- 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. 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 10.07 Clarification of District Boundaries**

- A. District Boundaries in Addition to Those Identified on the Official Zoning Map.** Due to the scale of the Official Zoning Map, there exists lots and parcels whose zoning classification can not be accurately delineated on such Map, and it is the purpose of this Section to identify the Zoning classification of such lots and parcels. The following lots and parcels are zoned as identified below according to the specified property description irrespective of the zoning designation Shown on the Official Zoning Map. The common name and/or use of the properties, and parcel numbers, are included for convenience purposes only to assist in identification of the property location.
- B. C-1, Local Commercial:** The following lots and parcels are zoned C-1, Local Commercial, as of the effective date of this Ordinance:
1. Best Choice Reality, Parcel # 051-L20-003-011-50 (Section 1)  
Land-O-Lakes Subdivision, part of Lots #13 through #16 of Block #3, commencing at the S.W. corner of Lot #16, then N. 0° 26' W. 123.08 feet then N. 89° 20' E. 100 feet, then S.W. to PT., then S. 80° E. 80 feet.
  2. Chef Table Restaurant, Parcel # 051-L20-003-011-55 (Section 1)  
Land-O-Lakes Subdivision, part of Lots #13 through #15 of Block #3, commencing N. 00° 26' W. 123.08 feet and E. 100 feet from the S.W. corner of Lot #16, then E. 90.06 feet, then S. 70° W. 154.19 feet to the S.E. corner of Lot #16, then E. 90.06 feet, then S. 70° W. 154.19 feet to the SE. corner of Lot #14, then N. 80° 42' W. 92.5 feet along road then northerly to POB.
  3. Storage Buildings, Parcel #051-L20-003-011-70 (Section 1)  
Part of Land-O-Lakes Subdivision Lots #11 through #13 of Block #3 and Government Lot #1, commencing at the S.W. corner of Lot #13, then N. 154.19 feet, then N. 81° E. 255.67 feet, then S. 221.09 feet, then W. 100 feet, then N. 80° 42' W. 173.6 feet to POB.

4. Dehner Sports Centre, Parcel #051-L20-002-016-00 (Section 2)  
Land-O-Lakes Subdivision Lots #13 and #14 of Block #2, and part of Lots # 15 and #16 of Block #2, beginning N. 60° 54' W. 64.16 feet from the S.E. corner of Lot #15, then N. 60° 54' W. 97.14 feet, then N. 70.94, then S. 80° 35' E. 102.7 feet, then S. 08° 44' W. 102.6 feet to POB.
5. Corner Store, Parcel #051-L20-002-007-00 (Section 2)  
Land -O-Lakes Subdivision Lot #17 except 3 ft. and part of lot #16 commencing at the N.E. corner of lot #16, then S. 88° 29' W. 140.15 feet, then S. 00°,38' E. 13.06 feet, then S. 80° 35' E. 142.31 feet, then N. 00° 38' W. 40.06 feet to P.O.B. Block 2.
6. East Side Real Estate, Parcel #051-L21-000-002 (Section 2)  
Land-O-Lakes Subdivision, First Addition, Lots #2 and #3.
7. Former plumbing office, Parcel #051-L21-000-001 (Section 2)  
Land-O-Lakes Subdivision, First Addition, Lots #1 and #4.
8. Tom's Garage, Parcel #051-L21-000-005 (Section 2)  
Land-O-Lakes Subdivision, First Addition, Lot #5.
9. Vacant land, Parcel #051-L21-000-006-00 (Section 2)  
Land-O-Lakes Subdivision, First Addition, Lots #6, #7, and #8.
10. Vacant land, Parcel #051-S30-000-023-00 (Section 10)  
Sand Lake Heights Subdivision, Lots #25 and #26.
11. Sand Lake General Store, Parcel #051-S30-000-031-00 (Section 10)  
Sand Lake Heights Subdivision, Lots #31 and #32.
12. Former party store, Parcel #050-011-200-009 (Section 11)  
Part of Government Lot #2 commencing at the N.E. corner of Lot #1, Block 12 Sand Lake Resort Subdivision, then E. 125 feet, then S. 125 feet, then W. 125 feet, then N. 125 feet, to POB.
13. Former Mobile gas station, Parcel #050-011-200-008-25 (Section 11)  
Part of Government Lot #2 commencing at the N.E. corner of Lot #1 of Block #12 of Sand lake Resort Subdivision, then E. 125 feet to POB, then continuing E. 125 feet, then S. 125 feet, then W. 125 feet, then N. 125 feet to POB.
14. Storage building and lot, Parcel #050-011-200-008-00 (Section 11)  
Part of Government Lot #2 of Section 11, commencing at N.E. corner of Lot #1 of Block #12 of Sand Lake Resort Subdivision, then S. 125 feet to POB, then continuing S. 125 feet, then E. 250 feet, then N. 125 feet, then W. 250 feet to POB.
15. Building and lot, Parcel #051-S40-006-003-00 (Section 11)  
Sand Lake Resort Subdivision Lots #3 and #4 of Block #6.
16. Northern Lights Restaurant, Parcel #051-S50-000-013 (Section 2)  
Sand Lake Woods Subdivision Lots #13 through #15.
17. Vacant, Parcel #051-S50-000-001 (Section 2)  
Sand Lake Woods Subdivision Lots #1 and #2.
18. Eagle Park Hardware, Beauty Shop, and Torrey Storage (Section 1)  
Eagle Park Subdivision Lots #253 through #275

19. Former Double Nickle Store, Parcel #050-029-200-009-00 (Section 29)  
Part of the W. 1/2 of N.E. 1/4 of the N.W. 1/4 commencing at N. 1/4 corner, then W. 804.07 feet, then S. 59.85 feet to POB, then W. on S. right-of-way line of M-55 247.73 feet, then S. 1°, 50' 58" W. 61.37 feet, then S. 75° 31' E. 253.46 feet, then N. 1° 50' 58" E. 132.01 feet to POB.
  20. Sand Lake Excavating, Part of Parcel # 050-015-400-002-00 (Section 15)  
The S. 197.00 feet and W. 660.00 feet of the S. 1/2 of N. 1/2 of S.E. 1/4 except commencing 684.09 feet S. of E. 1/4 corner, then S. 497.00 feet, then W. 660 feet then N. 489.49 feet, then E. to POB. (2.98 acres)
  21. Vacant Parcel, Parcel #0-50-002-200-001-10 (Section 2)  
All tht part of Govt Lot 6 in the NE 1/4 of the NW 1/4 S. of Indian Lake Road and N. of Interlakes Resort Sub. except the W. 550 feet. (1.8 acres mll)
  22. Former Farmers and Merchants Bank Parcel #0-50-002-200-001-20 (Section 2) Part of Govt. Lot 6 commencing 300 feet E of N.E. corner of Govt. Lot 7 on W. boundary of Interlakes Resort, then 460 feet to the N.W. corner of sail plat, then S. 81 E. 33.43 feet to the POB, then continuing E. 216.57 feet, then S. 6303', then continuing E 216.57 feet, then S. 6303' E. 74.96 feet, then N. 07 03' W. 269.05 feet, then S. 82.57 W. 250 feet, then S. 168.31 feet to POB. (0.1 acres mil)
- C. C-2, General Commercial:** The following lots and parcels are zoned C-2, General Commercial, as of the effective date of this Ordinance:
1. Island View Resort, Parcel #051-L 10-000-059 (Section 2)  
Little Island View Subdivision, Lot #59.
  2. Sand Bar, Parcel #051-S40-006-001 (Section 11)  
Sand Lake Resort Subdivision Lots #1 and #2 of Block #6.
  3. Strauers Grocery, Parcel # 050-026-200-003-50 (Section 26)  
Part of N.W. 1/4 of N.W. 1/4 of Section 26 beginning at a point S. 0° 43' 12" W. 264 feet and N. 88° 13' 54" E. 195 feet from N.W. corner of said Section, then N. 0° 43' 12" E. 145 feet, then N. 27° 38' 46" W. 27.01 feet, then N. 87° 44' 12" E. 147.18 feet, then S. 0° 43' 12" W. 171.03 feet, then S. 88° 13' 54" W. 135 feet to POB. (0.53 acres)
  4. Mobile Gas Station, Parcel #050-S50-000-0011 (Section 2)  
Sand Lake Woods Subdivision Lots #11 and #12.
  5. Sand Lake Inn (Section 2)  
Sand Lake Realty Subdivision, Lots #5, #6, and the W. 28 feet of Lot #7.
- D. I-1, Light Industrial:** The following lots and parcels are zoned 1-1, Light Industrial, as of the effective date of this Ordinance:
1. Bohen Development Corp., Parcel #050-023-300-002-20 (Section 23)  
Section 23, the S.E. 1/4 of the S.W. 1/4, except the W. 356 feet thereof except the road right-of-way. (30 acres)



**Table 10-1  
Permitted Land Uses in Zoning Districts**

(Irrespective of the particular labeling of a cell in this table, any business in any Commercial or Industrial District that has a story that exceeds 15,000 square feet in gross area, or a building that exceeds 30,000 square feet in total gross floor area, is classified as a Special Land Use and subject to the provisions of Article 5: Procedures for Special Land Uses. See Section 10.05 (B) (2) (a))

PRINCIPAL LAND USES		ZONING DISTRICTS & USES PERMITTED								
		BR=Use Permitted by Right, S=Special Land Use, and --=Prohibited Use (See Section 10.05(B)(2)(a))								
		FY	FR	R-1	R-2	R-3	R-4	C1	C2	I1
<b>Uses of a Primarily Agricultural, Outdoor Recreation, or Natural Resource Based Character</b>										
1	Agriculture, except concentrated livestock operation.	BR	BR	-	-	-	-	-	-	-
2	Concentrated livestock operation.	-	S	-	-	-	-	-	-	-
3	Agricultural service establishment.	-	S	-	-	-	-	-	S	S
4	Retail sales of ornamental trees, shrubs, and nursery stock that is grown on the premise.	BR	S	-	-	-	-	BR	BR	-
5	Farm equipment sales, service, and repair.	-	-	-	-	-	-	-	S	BR
6	Public or private conservation areas, areas set aside for the protection of wildlife and natural resources, wildlife management areas, nature preserves, game refuges, and similar uses, but excluding private campgrounds, hunt clubs, and shooting ranges.	BR	BR	BR	-	-	-	-	-	-
7	Outdoor commercial recreation including campgrounds, golf courses and country clubs; recreational fields, shooting ranges and hunt clubs, race tracks, and similar uses and accessory uses such as refreshment stands and maintenance buildings.	-	S	S	-	-	-	-	-	-
8	Retreat Center	S	S	-	-	-	-	-	-	-
9	Hunt club / shooting range	S	S	-	-	-	-	-	S	-
10	Extraction operation.	-	S	-	-	-	-	-	-	-
<b>Uses of a Primarily Residential Character</b>										
1	Single family dwellings.	BR	BR	BR	BR	BR	BR	BR <sup>1</sup>	BR <sup>1</sup>	
2	Two family dwellings.	-	BR	BR	BR	BR	BR	-	-	-
3	Multiple family dwelling.	-	-	-	-	S	S	-	-	-
4	Mobile home park.	-	-	-	-	S	S	-	-	-
5	Second or third story dwellings above commercial uses.	-	-	-	-	-	-	BR	-	-
6	Day care, family home.	BR	BR	BR	BR	BR	BR	-	-	-
7	Day care, group home.	S	S	S	S	S	S	-	-	-
8	Foster care facility, family home.	BR	BR	BR	BR	BR	BR	-	-	-
9	Foster care facility, group home.	S	S	S	S	S	S	-	-	-
10	Nursing home.	-	S	S	S	S	S	-	S	-
11	Residential PUD (Planned Unit Development)	-	S	S	S	S	S	-	-	-
10	Nursing home.	-	S	S	S	S	S	-	S	-
10	Nursing home.	-	S	S	S	S	S	-	S	-
10	Nursing home.	-	S	S	S	S	S	-	S	-

Single family dwellings are permitted by right in the C-1 and C-2 Districts provided such dwellings were in existence as of the effective date of this Ordinance.

(Table 10-1 continued)

PRINCIPAL LAND USES		ZONING DISTRICTS & USES PERMITTED								
		BR=Uses Permitted by Right S=Special Land Use and - =Prohibited Use (See Section 10.05(B)(2)(a))								
		FY	FR	R-1	R-2	R-3	R-4	C1	C2	I-1
<b>Uses of a Primarily Commercial or Business Character</b>										
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.	-	-	-	-	-	-	BR	BR	-
2	Service station, standard.	-	-	-	-	-	-	-	S	-
3	Service station, multiple use.	-	-	-	-	-	-	-	S	-
4	Vehicle repair shop.	-	-	-	-	-	-	-	S	S
5	Sale of new or used cars, farm machinery, and other vehicles and equipment, and the service and repair of such vehicles and equipment provided such service and repair is an accessory use.	-	-	-	-	-	-	-	S	-
6	Motels and hotels.	-	-	-	-	-	-	-	S	-
7	Mini-storage facilities.	-	-	-	-	-	-	S	S	S
8	Standard restaurants, clubs, and other establishments which provide food or drink for consumption on the premises, but shall not serve alcohol.	-	-	-	-	-	-	BR	BR	-
9	Standard restaurants, clubs, and other establishments which provide food or drink for consumption on the premises, and may serve alcohol.	-	-	-	-	-	-	S	S	-
10	Indoor commercial recreation such as indoor theaters, bowling alleys, skating rinks, and indoor shooting ranges, and similar uses.	-	-	-	-	-	-	-	S	-
11	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.	-	-	-	-	-	-	S	S	-
12	Funeral homes and mortuaries.	-	S	S	S	S	S	-	S	-
13	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.	-	-	-	-	-	-	BR	BR	-
14	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.	-	-	-	-	-	-	BR	BR	-
15	Offices and showrooms of plumbers, electricians, decorator, or similar trades in connection with which not more than twenty-five (25) percent of the floor area of the building or part of the building occupied by said establishment is used for making, assembling, remodeling, repairing, altering, finishing or refinishing its products or merchandise, and provided that the ground floor premises facing upon, and visible from any abutting street shall be used only for entrances, offices, or display.	-	-	-	-	-	-	BR	BR	-
16	Wireless communicatin facilities, Class A. (See Section 20.22)	BR	BR	BR	BR	BR	BR	BR	BR	BR
17	Wireless communicatin facilities, Class B.	S	S	-	-	-	-	S	S	S
18	Kennels.	-	S	-	-	-	-	-	S	-
19	Commercial stables.	S	S	-	-	-	-	-	-	-
20	Veterinarian clinics.	-	S	-	-	-	-	S	S	-
21	Bed and breakfast establishments.	S	S	S	-	-	-	-	-	-
22	Arcade	-	-	-	-	-	-	S	S	S
23	Hospitals and clinics.	-	S	-	-	-	-	S	S	S
24	Adult related businesses	-	-	-	-	-	-	-	S	-
25	Vehicle / car wash facility	-	-	-	-	-	-	S	S	-
26	Day care center.	-	S	S	-	-	-	S	S	-

(Table 10-1 continued)

PRINCIPAL LAND USES		ZONING DISTRICTS & USES PERMITTED								
		BR=Uses Permitted by Right, S=Special Land Use, and - =Prohibited Use								
		FY	FR	R-1	R-2	R-3	R-4	C1	C2	I-1
<b>Uses of a Primarily Industrial Character</b>										
1	Composting center.	-	S	-	-	-	-	-	S	S
2	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.	-	-	-	-	-	-	-	S	BR
3	Junkyards.	-	-	-	-	-	-	-	S	S
4	Bulk storage facilities.	-	-	-	-	-	-	-	S	BR
5	Tool and die manufacturing establishments.	-	-	-	-	-	-	-	-	BR
6	Plastic molding and extrusion.	-	-	-	-	-	-	-	-	BR
7	Monument and art stone production	-	-	-	-	-	-	-	-	BR
8	Printing and publishing	-	-	-	-	-	-	-	BR	BR
9	The manufacturing, compounding, processing, treatment, fabrication or packaging of such products as: drugs, perfumes, pharmaceuticals, toiletries, bakery goods, candy, ceramics, clothing, jewelry, instruments, optical goods, food products (except fish, sauerkraut, vinegar, yeast, rendering or refining of fats and oils, and similar food products involving the creation of odors or other offensive impacts), hardware and cutlery.	-	-	-	-	-	-	-	-	BR
10	The manufacturing, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, fur, glass, canvas, cork, felt, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood, sheet metal, wax, and wire. Previously prepared materials are materials that were processed, manufactured or created at another location and shipped to the manufacturers permitted in this district for assembly into new products.	-	-	-	-	-	-	-	-	BR
11	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.	-	-	-	-	-	-	-	-	BR
12	Saw mill, including storage yards for saw mill operations.	-	-	-	-	-	-	-	-	S
13	Truck Terminals.	-	-	-	-	-	-	-	S	S
14	Sanitary Landfill									S
15	Asphalt and concrete batching facilities.	-	S	-	-	-	-	-	-	S
<b>Other Uses Not Listed Above</b>										
1	Churches or religious buildings, including housing for religious personnel attached to a church or religious building.	-	S	S	S	S	-	S	S	-
2	Public facilities, including cemeteries, parks, schools, libraries, and similar uses not otherwise delineated in this Table elsewhere.	S	S	S	S	S	S	S	S	S
3	Clubs, lodges, and similar social centered organizations.	-	S	S	S	S	S	S	S	-

End of Table 10-1

**Table 10-2  
Site Development Requirements<sup>A</sup>**

All land uses shall comply with the site development requirements in Table 10-2, unless otherwise specified by Article 11 – Standards for Specific Special Land Uses, Article 12 – Standards for Planned Unit Developments, or Article 20 – General Provisions. See Section 10.06(A).

Zoning District	Minimum Lot Area	Minimum Lot Width and Frontage <sup>H</sup>	Maximum Building Height	Maximum Lot Coverage	Minimum Yard Setback <sup>K</sup>		
					Front Yard	Side Yard	Rear Yard
FY: Forestry	1 acre to 20 acres <sup>B</sup>	150 ft. to 330 ft. <sup>C</sup>	35 ft. <sup>D</sup>	5% to 20% <sup>F</sup>	40 ft.	20 ft.	40 ft.
FR: Farm-Residential	2.2 acres to 5 acres <sup>E</sup>	160 ft to 400 ft. <sup>C</sup>	35 ft. <sup>D</sup>	5% to 20% <sup>F</sup>	60 ft.	10 ft.	20 ft.
R-1: Low Density Suburban Residential	Sfd: 30,000 sq. ft.; Tfd: 55,000 sq. ft.	Sfd: 90 ft.; Tfd: 150 ft.	35 ft.	30%	40 ft.	10 ft.	40 ft.
R-2: Medium Density Suburban Residential	Sfd: 20,000 sq. ft.; Tfd: 30,000 sq. ft. <sup>F</sup>	Sfd: 75 ft.; Tfd: 110 ft.	35 ft.	35%	30 ft.	10 ft.	40 ft.
R-3: Low Density Urban Residential	Sfd: 10,000 sq. ft.; Tfd: 15,000 sq. ft.	Sfd: 65 ft.; Tfd: 80 ft.	35 ft.	35%	20 ft.	5 ft.	30 ft.
R-4: Medium Density Urban Residential	Sfd: 5,000 sq. ft.; Tfd: 8,000 sq. ft.	Sfd: 50 ft.; Tfd: 75 ft.	35 ft.	35%	20 ft.	5 ft.	20 ft.
C-1: Local Commercial	30,000 <sup>I</sup> sq. ft.	100 ft. <sup>C</sup>	35 ft.	35%	20 ft. <sup>J</sup>	10 ft. <sup>G,J</sup>	25 ft. <sup>G</sup>
C-2: General Commercial	2 acres	200 ft. <sup>C</sup>	35ft.	40%	50 ft.	20 ft. <sup>G,J</sup>	25 ft. <sup>G</sup>
I-1: Light Industrial	2 acres	200 ft. <sup>C</sup>	35 ft.	40%	50 ft.	25 ft. <sup>G,J</sup>	25 ft. <sup>G</sup>

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

See following page for footnotes.

**Footnotes for Table 10-2**  
**SITE DEVELOPMENT REQUIREMENTS**

- A. All uses shall comply with the site development requirements in Table 10-2, unless otherwise specified by Article 11 -Standards for Specific Special Land Uses, Article 12 -Standards for Planned Unit Developments, or Article 20 -General Provisions. In addition, all uses shall comply with all other applicable site development provisions of this Ordinance, including, but not limited to, the following Articles: .Article 15 -Signs; Article 16 -Off-Street Parking and Loading; Article 17 - Landscaping and Screening; and Article 18 -Environmental Standards.
- B. The minimum lot area shall be one (1) acre, except that the minimum lot area for single family dwellings shall be twenty (20) acres.
- C. Alternative minimum lot width and frontage requirements are as follows:
  - 1. FY District: 150 feet is required for lots less than 2 acres in size; 200 feet is required for lots at least 2 acres in size but less than 10 acres in size, and 300 feet is required for lots of 10 acres or more in size.
  - 2. FR District: 160 feet is required except that the minimum lot width and frontage shall be 330 feet for lots which gain direct access to a county primary road and 400 feet is required for lots which gain direct access to M-55.
  - 3. C-1 District: 100 feet is required except that the minimum lot width and frontage shall be 400 feet for lots which gain direct access to M-55.
  - 4. C-2 and 1-1 District: 200 feet is required except that the minimum lot width and frontage shall be 400 feet for lots which gain direct access to M-55.
- D. The maximum height of farm buildings and structures shall be one hundred (100) feet. All farm buildings and structures over eighty (80) feet shall be set back from a lot line a distance at least equal to one half the height of the building.
- E. The minimum lot area shall be 2.2 acres for all uses except that 4 acres is required for two family dwellings and 5 acres is required for commercial farming and any lot which gains direct access to M-55.
- F. Maximum lot coverage shall be as follows: 1) 20% for lots of 1 acre or less in size. 2) 10% for lots greater than 1 acre in size but less than 10 acres in size. 3) 5% for lots of 10 acres or more in size.
- G. Minimum setback shall be increased to 50 feet in the case where the yard abuts a Conservation or Residential District.
- H. The depth of a lot shall not exceed 4 times its width.
- I. 30,000 sq. ft., except that the minimum lot area shall be 2 acres for lots which gain direct access to M-55.
- J. The minimum front and side yard setback shall be 50 feet for a lot which abuts M-55.
- K. Front and side yard setbacks for a lakefront lot shall be a minimum 40 feet from the ordinary high water mark.

*End of Article 10*

## Article 11

### STANDARDS for SPECIFIC SPECIAL LAND USES

The following standards and requirements apply to the special land uses permitted by special approval in the zoning districts of this Ordinance. A special land use shall be approved only where such application complies with the general standards of Section 5.06(A) and those standards contained in this Article for specific special land uses. 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. See Article 5: Procedures for Special Land Uses.

#### **Section 11.01 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 Grant 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, buttocks, 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 one thousand (1,000) feet from a Residential zoning district, 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 11.02 Asphalt and Concrete Batching Facilities**

**A. The following site and developmental requirements shall apply:**

1. Minimum parcel size shall be twenty (20) acres.
2. Ingress and egress to the facility shall be only from a paved county primary road.
3. Asphalt processing and manufacturing facilities shall be located no closer than five hundred (500) feet from any existing residential dwelling.

**B. Special Performance Standards:**

1. Routes of supply vehicles or material handling vehicles shall be arranged so as to minimize nuisances or hazards to existing residential neighborhoods or commercial businesses.
2. No noise, dust, or fumes from the operation shall be discernible at or beyond the lot line.
3. Adequate measures will be taken to prevent lights, drainage, and traffic from creating a nuisance on uses of adjacent properties.
4. All permitted materials shall be maintained in a neat and orderly manner and shall be covered and/or wet down regularly so as to prevent debris from leaving the area of the site.
5. The hours of operation shall be set by the Planning Commission after consideration of the surrounding land uses and the particular traffic patterns on public haul routes in the area. The maximum range of hours is Monday through Saturday from 6:00 a.m. to 5:30 p.m. and shall

be prohibited on legal holidays and Sundays. The Zoning Administrator may provide temporary exemptions from hours of operation in the case of public emergencies.

**Section 11.03 Automobile Repair Shops and Service Stations**

**A. The following site and developmental requirements shall apply:**

1. No more than two (2) driveways onto a roadway shall be permitted. Driveway approach width shall not exceed thirty-five (35) feet and no driveway shall be located closer than thirty-five (35) feet from property zoned for residential use.
2. 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 straight line distance between lot lines.
3. All buildings and accessory structures, including gasoline pumps, shall be located at least forty (40) feet from all lot lines, seventy (70) feet from the road right-of-way, and one hundred (100) feet from a Residential District.
4. The entire area used for vehicle service shall be paved and adequately drained.
5. Ingress and egress to the facility shall be only from a paved road.

**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 ten (10) days and then only for the purpose of temporary storage pending transfer to another facility. Such storage shall be limited to a rear yard, comply with required rear yard setbacks, and be screened by an obscuring wall or fence of not less than six (6) feet. Outdoor storage or parking of wrecked or partially dismantled vehicles shall be prohibited.
3. The entire area used for vehicle service shall be hard-surfaced and adequately drained.

**Section 11.04 Vehicle I Car Wash Establishment**

**A. The following site and developmental requirements shall apply:**

1. All washing activities shall be carried on within an enclosed building, or under a covered structure with side walls separating individual washing bays.
2. Vacuuming activities shall be set back a minimum of seventy-five (75) feet from property zoned or used for residential purposes.
3. All maneuvering lanes and stacking lanes shall be located on the site and shall provide sufficient room to avoid waiting cars encroaching into a road right-of-way.

**B. Special Performance Standards:**

1. Buildings shall be oriented so that self-serve open bays do not face onto adjacent thoroughfares, unless otherwise screened by landscaping.
2. Each bay shall be graded and drained to collect run-off originating in the bay.

**Section 11.05 Bed And Breakfast**

**A. The following site and developmental requirements shall apply:**

1. No bed and breakfast use shall be permitted within a subdivision plat or condominium development, or on any property where there exists another bed and breakfast use within one thousand (1,000) feet, measured as a straight line distance between the closest lot lines.
2. One (1) parking space per room to be rented shall be provided on site, in addition to the parking required for a single family dwelling. Parking shall be arranged so as not to pose negative impacts on adjacent properties or necessitate on-street parking.

**B. Special Performance Standards:**

1. The bed and breakfast facility shall be a single family dwelling which is operated and occupied by the owner of the dwelling.



2. Meals may be served to overnight guests only. No separate or additional kitchen facilities shall be provided for the guests.
3. The number of bedrooms available for use by guests shall not exceed six (6).
4. No receptions, private parties or activities for which a fee is paid shall be permitted.
5. The establishment shall contain at least two (2) exits to the outdoors.
6. Rooms utilized for sleeping must be part of the primary residential structure.
7. No transient occupant shall reside on the premises for more than fourteen (14) consecutive days and not more than thirty (30) days in anyone (1) year.
8. Lavatories and bathing facilities shall be available to all persons using the premises.
9. Each sleeping room shall be equipped with a smoke detector.
10. The exterior appearance of the structure shall not be altered from its single family character.

**Section 11.06 Cemeteries**

**A. The following site and developmental requirements shall apply:**

1. Minimum lot size shall be one (1) acre.
2. No more than five percent (5%) of the site area may be occupied by buildings.
3. All burial plots and all structures shall be set back no less than fifty (50) feet from any lot line or road right-of-way
4. Parking areas and driveways shall be provided on the site, at least fifty (50) feet from any lot line.

**B. Special Performance Standards:**

1. A screen shall be established along all lot lines which abut a property zoned or used for residential uses.

**Section 11.07 Churches and Religious Institutions**

**A. The following site and developmental requirements shall apply:**

1. All ingress and egress for the site shall be from a paved road.
2. No more than twenty-five (25) percent of the site area shall be covered by buildings. No more than sixty percent (60%) of the site shall be covered by impervious surface
3. No building, driveway, or parking area shall be closer than fifty (50) feet from any lot line or right-of-way.
4. 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, excluding a spire.

**B. Special Performance Standards:**

1. Use of the structure shall not result in accrual of distributable profits, realization of private gain resulting from payment or compensation in excess of a reasonable and customary allowance for salary or other compensation for services rendered, or realization of any other form of private gain.
2. No day care center, private school, or other use requiring Special Approval shall be allowed without a separately approved zoning permit for each use.

**Section 11.08 Commercial Stables**

**A. The following site and developmental requirements shall apply:**

1. A commercial stable shall not be established on any lot less than ten (10) acres in area.
2. Commercial stables shall provide off-street parking at a minimum of one parking space per two (2) animals, based on the number of horse stalls or maximum number of horses that can be accommodated in the stable.
3. Commercial stables shall not be located in platted subdivisions or condominium subdivisions unless specifically deSigned as an equestrian community.
4. Stables, buildings housing horses, and manure piles shall be set back a minimum of one hundred (100) feet from any lot line.

5. A vegetative strip of at least fifty (50) feet wide shall be maintained between any animal holding area, manure pile, or manure application area and any surface water or well head. In areas with slopes of over five percent (5%), the Planning Commission may increase setbacks in order to minimize runoff, prevent erosion, and promote nutrient absorption.

**B. Special Performance Standards:**

1. The facility shall be constructed and maintained so that dust and drainage from the stable will not create a nuisance or hazard to adjoining property or uses.
2. Manure piles shall be stored, removed, and/or applied in accordance with Michigan Department of Agriculture and County Health Department regulations.
3. No special events such as shows, exhibitions, and contests shall be permitted within one hundred (100) feet of a residentially used or residentially zoned property, including the parking of cars and viewing areas.

**Section 11.09 Reserved for Future Use**

**Section 11.10 Composting Center**

**A. The following site and developmental requirements shall apply:**

1. Minimum lot size shall be twenty (20) acres.
2. Minimum lot width shall be five hundred (500) feet.
3. All buildings and composting activities shall be at least one hundred (100) feet from a road right of way and adjoining lot line. Composting activities shall be at least two hundred (200) feet from the boundary of any lake, stream, drain, wetland, or other surface water body.
4. All ingress and egress for the site shall be from a paved county primary road.

**B. Special Performance standards:**

1. The applicant shall document that the soils are not characterized by a high water table.
2. The applicant shall describe procedures for managing storm water runoff and preventing pollution of surface water bodies or groundwater. Groundwater quality monitoring devices shall be provided.
3. The site plan shall clearly illustrate the layout of the composting operation, including: stockpiling, buildings, staging areas, parking, on-site truck maneuvering, curbing area, landscaped buffers, sales area and fencing.

**Section 11.11 Concentrated Livestock Operations**

**A. The following site and developmental requirements shall apply:**

1. Minimum lot size shall be forty (40) acres.
2. Minimum lot width shall be six hundred sixty (660) feet.
3. The following setbacks shall be complied with:
  - a. Farm buildings, structures, and confinement areas shall be setback a minimum distance of 1) three hundred (300) feet from a public right-of-way or any adjacent property line. 2) seven hundred fifty (750) feet from an existing residence other than the house of the operator of the livestock operation. 3) fifteen hundred (1,500) feet from an existing church, business, recreation area, or public facility. 4) two thousand (2,000) feet from any property within a subdivision plat or condominium subdivision.
  - b. No animal waste lagoon shall be closer than. 1) two thousand five hundred (2,500) feet from any lake, stream, river, wetland, natural drainage way, or ditches and drains under the jurisdiction of the Iosco County Drain Commissioner. 2) one (1) mile from any other animal waste lagoon.
  - c. The area utilized for the dispensing of waste material shall not be within one hundred fifty (150) feet of a lot line or three hundred (300) feet of a right-of-way line.

**B. Special Performance Standards for Animal Waste Lagoons**

1. Animal waste lagoons and ponds shall not be loaded until measures are in place to prohibit animal waste from entering a drainage ditch, stream, creek, or other water body in the event of a lagoon overflow or failure. Such measures shall be identified on the site plan.
2. The applicant shall specify the size of any animal waste collection in the design drawings for the lagoon submitted for site plan review, and such size and drawings shall take into account the amount of available land for waste disposal and recommendations by the Natural Resources Conservation Service and Michigan Department of Environmental Quality. Plans and specifications for the units shall be submitted to the Township for review and approval.
3. Four (4) test wells shall be installed near any animal waste collection unit and water samples are to be randomly tested at such unit monthly in the presence of a representative from a qualified independent laboratory. These water samples shall be submitted to the Iosco County Public Health Department or State Public Health Department for review. At least two (2) tests at each well shall be conducted prior to loading an animal waste collection unit. The four test wells shall be located around the lagoon with sufficient separation distances and at adequate depths so as to intercept any discharge from the site to ground water contained in a usable aquifer. A hydrogeological report documenting existing groundwater flow characteristics, including depths, directions, and quality, shall be submitted in addition to a rationale for the proposed placement of the test wells.
4. Animal waste lagoons shall be fenced and properly seeded or sodded.
5. The site plan shall include a separate and clearly identifiable waste management plan that delineates the waste storage, handling and spreading practices to be followed, including those practices intended to minimize odors and noxious gases. The waste management plan shall identify whether animal waste shall be applied to the site and, if so, shall include a detailed description of:
  - a. the type of waste application.
  - b. the size of the application area.
  - c. the nutrient levels in the waste.
  - d. the type of crop to be planted.
  - e. the expected yield.
  - f. the resulting absorption rate.

The Planning Commission may approve changes to the waste management plan due to seasonal or other factors affecting the agricultural operation upon receipt and approval of a revised waste management plan from the applicant.
6. All lagoons shall include both a clay liner and a flexible membrane liner, constructed and installed according to recommended guidelines of the Waste Management Division of the Department of Environmental Quality, as applied to lagoons authorized pursuant to Public Act 451 of 1994. This provision is not to be interpreted as requiring lagoons to receive a groundwater discharge permit from the Department of Environmental Quality, unless required to do so by the Department, but that the lagoons must comply with the construction standards recommended by the Department for lagoons which are required to receive groundwater discharge permits. All seams of flexible liner to be sealed according to the manufacturer specifications with the manufacturer's recommended adhesive. All seams will be inspected and certified by a registered professional engineer hired by the Township and paid for by the applicant, his heirs and assigns, and the engineer's seal shall be affixed to the certificate.

**C. Other Special Performance Standards**

1. The disposal of animal waste that is generated from a concentrated livestock operation shall be conducted in an agronomically sound method according to, at a minimum, the Accepted Agricultural Practices promulgated by the Michigan Commission of Agriculture. Such disposal methods shall not cause pollution (as determined under the standards of the Environmental Protection Agency and the Iosco County Natural Resources Conservation Service or of any other jurisdictional entity of any surface or sub-surface water course or water body. Soil testing shall be performed by a qualified testing laboratory selected by the Township to define levels of nitrogen, phosphorus and potash with maximum acceptable levels to be determined

- by the ability of the soil to adequately absorb such concentrations according to soil types or classifications. All costs for testing to be the responsibility of the lessee or owner of the land to which the waste is applied or by the applicant, his heirs or assigns. The Township Board may appoint a qualified testing laboratory to perform soil testing at the site to define acceptable levels for nitrogen, phosphorous and potash.
2. The applicant, his heirs and assigns shall prepare an environmental impact statement (EIS) conforming to the Michigan Executive Order 1974-4 and Guidelines issued thereunder, which impact statement shall be filed with the special land use application and which shall be used by the Planning Commission to make the discretionary decisions according to the standards as set forth in Section 5.06(A). Any reports submitted to the Federal, State, County or Local governments shall be supplied to the Planning Commission after the special land use permit is granted, to be maintained in the file of the applicant, his heirs and assigns along with any violations issued by any Federal, State or County governments. Any costs, fees or expenses incurred by the Township in the EIS process shall be paid by the applicant, his heirs or assigns, as part of the application fee.
  3. The Planning Commission shall select and appoint a qualified consultant to approve all phases of the project construction and to perform periodic site and soil management inspection, monitoring and operation of the project during construction. All costs for the inspections to be the responsibility of the applicant, his heirs or assigns.
  4. Any odor generated on said site and borne or able to be borne by the wind shall be confined within the lines of said site, as much as possible. Any escaping odor shall not cause a nuisance or hazard on any property or public road so that air quality standards are maintained of no more than one-half (1/2) part per million of hydrogen sulfide or ten (10) parts per million air borne ammonia, on average per hour, at the site perimeters. Chemical or other additives to waste and feed shall be employed where necessary to minimize the detection of odors and gases by the human senses.

#### **Section 11.12 Day Care Facility, Group Home**

##### **A. The following site and developmental requirements shall apply:**

1. A group home day care facility shall not be located closer than one thousand five hundred (1,500) feet to any of the following facilities as measured along a street, road, or other public thoroughfare, excluding an alley:
  - a. Another group home day care facility licensed by the State of Michigan.
  - b. An adult foster care group home licensed by the State of Michigan.
  - c. A facility offering substance abuse treatment and rehabilitation services to seven (7) or more people which is licensed by the State of Michigan.
  - d. A community correction center, resident home, halfway house or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.

##### **B. Special Performance Standards:**

1. All outdoor play areas shall be enclosed with fencing, a minimum of four (4) feet high.
2. The property, including landscape and structural elements, shall be maintained in a manner that is consistent with the character of the neighborhood. A group day care home should not require exterior modifications to the dwelling nor shall the front yard be the location of play equipment.
3. One identification sign shall be permitted. Such sign face shall not be greater than two (2) square feet, shall be mounted flush to a wall, made of a material that is compatible with the dwelling unit, and shall not be illuminated. Sign text shall be limited to the name of the facility and an address.
4. At least one (1) off-street parking space shall be provided for each non-family employee of the group day care home in addition to the parking normally required for the residence. A driveway may be used for this purpose. An off-street drop-off area is to be provided with the

- capability to accommodate at least two (2) automobiles in addition to the parking required for non-family employees of the dwelling and the parking normally required for the residence.
5. Hours of operation shall not exceed sixteen (16) hours in a twenty-four (24) hour period.

### **Section 11.13 Drive-In and Drive-Through Facilities**

#### **A. The following site and developmental requirements shall apply:**

1. Access to and egress from a drive-in establishment shall be arranged for the free flow of vehicles at all times, so as to prevent the blocking or endangering of vehicular or pedestrian traffic through the stopping or standing of vehicles on sidewalks or streets.
2. Ingress and egress driveways shall be located at least seventy-five (75) linear feet from any corner when said property abuts an intersection of streets. Further, no driveway shall be located nearer than fifty (50) feet, as measured along the property line, to any other driveway providing access to or from the drive-in business. All driveways providing ingress and egress to a drive-in business shall be not more than thirty (30) feet wide at the property line.
3. All access and egress driveways shall cross a sidewalk only in such a manner that its width across the sidewalk is no greater than its width at the curb, excluding any curved or tapered section known as the curb return. Any portion of a parking or loading area abutting a sidewalk at a point other than a permitted driveway shall be provided with wheel stops, bumper guards, or other devices to prevent encroachment of parked, standing or moving vehicles upon any sidewalk area not contained within a permitted driveway.

### **Section 11.14 Extraction Operations**

#### **A. Additional Materials to be Submitted for Special Use Review:** In addition to the data requirements of Section 4.04(C), 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 excavated 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. 200 feet from abutting property in a Conservation or Residential District.
  - c. 75 feet from abutting property in a Commercial or Industrial 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.
- 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 Planning Commission, a berm and/or suitable screen of a minimum of fifty (50) feet in width shall be established to screen residential uses within five hundred (500) feet of any lot line.
- 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 Planning Commission in writing. Excavated areas shall be reclaimed pursuant to the approved reclamation plan. If the reclamation plan involves a recreational or wildlife facility, reclamation plans shall be reviewed by recreation, fisheries and wildlife specialists in the Michigan Department of Natural Resources.
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 five (5) 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 Planning Commission determines that no substantial work has occurred on the site for more than one (1) year.
  - c. The Planning Commission 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 Planning Commission, 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.

#### **Section 11.15 Foster Care Facility, Group Home**

**A. The following special performance standards shall apply:**

1. One (1) on-site parking space shall be provided for each employee in addition to the parking required for the dwelling unit. The driveway may not be used for this purpose.
2. Adult foster care small group home property, including landscape and structural elements, shall be maintained in a manner that is consistent with the residential character of the neighborhood.
3. Adult foster care large group homes shall provide a loading/unloading area of adequate dimensions near a barrier-free entrance to the facility, and provide a loading/unloading area of adequate dimensions for delivery vehicles servicing the facility.

#### **Section 11.16 Junkyards**

**A. The following site and developmental requirements shall apply:**

1. The minimum lot size shall be ten (10) acres.
2. 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. 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.
3. No portion of the enclosed area shall be located within 1000 feet a school, day care facility, church, hospital, and convalescent or nursing home.
4. All enclosed areas shall be set back at least fifty (50) feet from any lot line. A landscaped buffer strip at least two hundred (200) feet in width shall be provided between the enclosed area and any adjoining Conservation or Residential district.
5. Adequate parking and unloading facilities shall be provided at the site so that no loaded vehicle at any time stands on a public right-of-way awaiting entrance to the site.

**B. Special Performance Standards:**

1. All activities shall be confined to 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 equipment 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.
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 11.17 Kennels**

#### **A. The following site and developmental requirements shall apply:**

1. The lot shall be at least five (5) acres in size and five hundred (500) feet in width.
2. Kennels shall not be located in a subdivision plat or condominium subdivision.
3. Buildings where animals are kept, runs, and exercise areas shall not be located nearer than two hundred feet (200) to any adjacent lot line in a Conservation or Residential district or any adjacent building used by the general public. Runs and exercise areas, and buildings where the animals are maintained, shall be located in the rear yard only.

#### **B. Special Performance Standards:**

1. All kennels shall be operated in conformance with all applicable county, state and federal regulations.
2. All animals must be licensed and maintained in a healthful 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 premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease or offensive odor.

### **Section 11.18 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 one (1) acre in the C-1 District and three (3) acres in the C-2 district.
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. The entire site, exclusive of access drives, shall be enclosed with a six (6) foot high obscuring wall or fence. A chain link fence may only be permitted along property lines which do not abut a Conservation or Residential District, or residentially used property.
3. Storage spaces shall not contain more than 400 square feet each.
4. All storage shall be within the enclosed building area unless specifically provided for otherwise as part of an approved site plan. No outdoor storage shall occur within fifty (50) feet from any right-of-way.
5. The exterior of mini-storage buildings shall be of finished quality and maintained so as not to be offensive to adjacent property or abutting roads.
6. No storage of hazardous, toxic, or explosive materials shall be permitted at the facility. Signs shall be posted at the facility describing such limitations.

### **Section 11.19 Mobile Home Parks**

- A. 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 Planning

Commission. The preliminary plan shall include the location, layout, general design, and general description of the project. The preliminary plan shall not include detailed construction plans. In preparing the preliminary plan and when reviewing the plan, the developer and Planning Commission 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 Planning Commission shall take action of the preliminary plan within sixty (60) days after the Township receives the preliminary plan.

- B. 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.
- C. In addition to complying with the provisions of P.A. 96 of 1987, as amended, and the rules and regulations promulgated by the Mobile Home Commission, the following standards and provisions shall apply:
  - 1. Minimum Parcel Size: The minimum parcel size for mobile home parks shall be ten (10) acres.
  - 2. Minimum Site Size: The mobile home park shall be developed with sites averaging 5,500 square feet per mobile home unit. This 5,500 square foot standard for anyone site may be reduced by twenty (20) percent provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space. This open space shall be in addition to that required under R 125.1946, Rule 946 and R 125.1941, Rules 941 and 944 of the Michigan

#### **Section 11.20 Motels and Hotels**

##### **A. The following site and developmental requirements shall apply:**

- 1. A hotel or motel shall not be located within two hundred (200) feet of any adjacent Conservation or Residential District.
- 2. Ingress and egress to the facility shall be only from a paved road.

##### **B. Special Performance Standards:**

- 1. Provisions shall be made for safe and efficient egress and ingress to public streets and highways serving any development and shall be designed to minimize congestion and interference with normal traffic flow.
- 2. Each unit shall contain at least a bedroom and bath and a minimum gross floor area of two hundred fifty (250) square feet.
- 3. Motels and hotels shall provide customary motel services, such as maid service, linen service, telephone and/or desk service, and the use of furniture.
- 4. No guest shall establish residence at a motel for more than thirty days within any six (6) month period.

#### **Section 11.21 Multiple Family Development**

##### **A. The following site and developmental requirements shall apply:**

- 1. Minimum lot size shall be 30,000 sq. ft. for the first three (3) dwelling units, and an additional two thousand (2,000) square feet for each additional dwelling unit.
- 2. Ingress and egress to the facility shall be only from a paved road.

##### **B. Performance Standards:**

- 1. Provisions shall be made for safe and efficient egress and ingress to public streets and highways serving any development and shall be designed to minimize congestion and interference with normal traffic flow.

2. All streets and driveways in the development shall be constructed and maintained with an all weather road surface.
3. No dwelling unit shall have its principal access more than one hundred fifty (150) feet from either an access drive or a public street, and the required off-street parking area.
4. The distance between any two (2) residential structures which occupy the same lot shall be not less than thirty (30) feet, if both of the walls facing each other contains windows or other openings, and not less than twenty (20) feet for all other situations.
5. All developments shall provide for underground installation of all utilities.
6. There shall be provided easily accessible and usable open space in the development in an amount of ten percent (10%) or more of the site area or five hundred (500) square feet per four dwelling units, whichever is greater, but in no case shall less than five thousand (5,000) square feet be provided.
7. All group off-street parking facilities shall be adequately lighted during hours of darkness.
8. All streets and roadways shall have a minimum pavement width of thirteen (13) feet for one-way streets, and twenty-four (24) feet for two-way streets. Driveways shall have a minimum paved width of ten (10) feet.
9. Only the following land and/or building uses shall be permitted.
  - a. Multiple family dwellings as defined in this Ordinance.
  - b. One (1) office space for conducting the business of the development.
  - c. Utility areas for laundry facilities and auxiliary storage for tenants.
  - d. Recreation areas such as community buildings, playgrounds, and open space for tenants.

#### **Section 11.22 Nursing Homes**

##### **A. The following site and developmental requirements shall apply:**

1. The lot shall be a minimum of three (3) acres.
2. All ingress and egress for the site shall be from a paved road.
3. No building shall be closer than fifty (50) feet to any lot line.

##### **B. Special Performance standards:**

1. Parking areas shall not be located within fifty (50) feet of a Conservation or Residential District.
2. A nursing home shall provide a minimum of fifteen hundred (1,500) square feet of outdoor open space for every bed used or intended to be used. The open space shall be landscaped and shall include places for walking and sitting. Off-street parking areas and driveways shall not be counted as required open space.
3. All facilities shall be licensed by the Michigan Department of Public Health and shall conform to applicable state and federal laws.

#### **Section 11.23 Open Air Businesses (Vehicles, Landscape Supplies, and Similar Uses)**

##### **A. The following site and developmental requirements shall apply:**

1. All buildings and areas used for loading and unloading shall be set back a minimum of fifty (50) feet from any lot line.
2. Storage yards associated with home and garden centers, lumber yards and nurseries shall be completely obscured from view from public streets.

##### **B. Special Performance standards:**

1. In the case of auto sales:
  - a. All repair, assembly, disassembly or maintenance of vehicles shall occur within a closed building except minor maintenance, including tire replacement, adding oil and wiper replacement.
  - b. Outside storage areas for vehicles shall be screened on all sides except the side facing the principal road from which access to the property is gained.
  - c. All areas subject to vehicular use shall be paved with a durable dust-free surface.
2. Storage or display of goods and materials shall not occur in the required yards.

3. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse affect on adjacent properties, water bodies, wetlands and drainage ways.
4. Devices for the transmission or broadcasting of voice or music shall be prohibited outside of any building.

#### **Section 11.24 Outdoor Commercial Recreation**

##### **A. Special Performance Standards For All Outdoor Commercial Recreation Facilities:**

1. The applicant shall provide evidence of compliance with all appropriate federal, state, county and local permits as appropriate.
2. Facilities shall provide off-street parking and passenger loading areas.
3. Adequate stacking area shall be provided for vehicles waiting to enter the lot.
4. Facilities which have a participant capacity greater than five hundred (500) people shall provide letters of review from the County Sheriff and County Road Commission with respect to the proposed project.
5. A recreational accessory use shall not predate the installation and operation of the principal use. When the principal use ceases to operate, the accessory use shall immediately cease.
6. Operating hours for all uses shall be determined by the Planning Commission based on the nature of the use and the nuisance potential to adjoining property owners. The maximum range of hours is Monday through Sunday from 7:00 a.m. to 12:00 a.m. (midnight) and may be prohibited on legal holidays.
7. The minimum front, side and rear yard setbacks for principal and accessory structures shall be seventy-five (75) feet, except that no temporary sanitary facility or trash receptacle, or spectator seating facility or area, shall be located within one hundred (100) feet of a lot in a Conservation or Residential District. The first fifty (50) feet of all yards shall be kept free of off-street parking and shall be landscaped.

##### **B. Site, Development and Performance Standards for Camping Facilities**

1. Each campsite shall be set back from any right-of-way or lot line at least one hundred fifty (150) feet and all principal and accessory buildings shall be setback a minimum distance of two hundred (200) feet from all right-of-way and lot lines.
2. A common use area shall be provided on the parcel at a rate of five hundred (500) square feet per campsite, except that a minimum of ten thousand (10,000) square feet shall be provided.
3. There shall be no permanent storage of tents, campers, travel trailers or mobile home units in the development unless specifically permitted.
4. At least one public telephone shall be provided in the facility.
5. No more than one permanent dwelling shall be allowed in a campground which shall only be occupied by the owner, manager or an employee.
6. Each campsite shall have a picnic table and designated place for fires.
7. All campgrounds shall be licensed by the Michigan Department of Public Health.
8. All provisions for water, laundry, sanitary facilities, fire protection, and electrical services shall be installed and maintained in accordance to all applicable township, county and state laws and ordinances.
9. No commercial enterprises shall be permitted to operate on the campground parcel, except that a convenience goods shopping building may be provided on a lot containing more than forty (40) camp sites.
10. Each campsite made available as a travel trailer space shall contain at least 2,000 square feet. Each space shall be clearly defined on the ground by stakes or markers, and no parking space shall be closer than thirty (30) feet to another space.
11. All entrances and exit lanes within a campground shall be lighted.

##### **C. Site, Development and Performance Standards for Golf Courses and Country Clubs**

1. Access shall be provided by a paved road.

2. Total lot area covered by principal and accessory buildings shall not exceed fifteen percent (15%).
3. Major accessory uses such as a standard restaurant and bar shall be housed in a single building within the club house. Minor accessory uses strictly related to the operation of the golf course itself, such as maintenance garage and pro shop or golf shop may be located in separate structures.
4. All parking areas shall be surfaced or so treated as to prevent any dust nuisance.
5. All principal or accessory buildings and parking areas shall be not less than two hundred (200) feet from any side or rear lot line, or one hundred (100) feet from a right-of-way line.
6. A golf driving range accessory to the principal use of the golf course is permitted provided the area devoted to this use shall maintain a seventy-five (75) foot front yard and a one hundred (100) foot side and rear yard setback. The area shall be buffered by natural vegetation and fencing to minimize the impact upon adjoining properties. In the consideration of golf driving ranges additional buffering conditions necessary to minimize the impact of possible safety threats from projectiles upon adjacent land uses may be imposed by the Planning Commission.
7. Water quality protective measures are required as follows:
  - a. Maintenance of erosion control barriers during construction.
  - b. To the extent practicable, runoff must be directed to on-site holding/sedimentation ponds with a water quality control structure installed at the outlet prior to water discharge.
  - c. All chemical applications associated with herbicides, insecticides, fungicides or rodenticides must be by a Michigan Department of Agriculture Licensed Applicator. Chemicals shall meet the requirements of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), the Environmental Protection Agency (EPA), and all appropriate state statutes and administrative directives.
8. A fifty (50) foot minimum undisturbed buffer zone between turf areas and natural water bodies, watercourses and wetlands shall be maintained as part of a golf course. The buffer zone must contain natural vegetation and shall not be chemically treated. Selective pruning and removal of dead plant material is permitted within the buffer area.

**D. Site, Development and Performance Standards for Shooting Ranges and Hunt Clubs.**

1. Minimum lot area shall be forty (40) acres for outdoor shooting activities. The Planning Commission may require additional acreage where site characteristics, surrounding land uses, and/or the proposed type(s) of firearms warrant, in order to minimize the potential for a projectile to cross a property line.
2. Minimum front, side and rear yard setbacks for outdoor shooting ranges shall be two hundred fifty (250) feet.
3. A minimum eight (8) foot high chain link fence shall be provided around the entire area devoted to or used for the outdoor shooting of firearms to assure that individuals will not unknowingly trespass on the property.
4. A site plan for the range, whether indoor or outdoor, shall be submitted to the Planning Commission 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.
5. The Planning Commission may submit a copy of the site plan to law enforcement agencies for review and comment.
6. All indoor and outdoor activities, including the shooting of projectiles and storage of projectiles, shall comply with the most current published standards and guidelines of the National Rifle Association.
7. Hours of operation shall be between 8:00 a.m. and dusk, excluding facilities operated by law enforcement agencies.

**E. Site, Development and Performance Standards for Drive-In Theaters**

1. Drive-in theaters shall be enclosed for their full periphery with a solid screen fence at least seven (7) feet in height. Fences shall be of sound construction, painted, or otherwise finished neatly and inconspicuously.
2. All fenced-in areas shall be set back at least one hundred (100) feet from any road or property line.
3. The area accessible to patrons' vehicles shall be treated with a suitable material to prevent dust.
4. Reservoir parking space off the street shall be provided for patrons awaiting admission in an amount not less than 30 percent of the vehicular capacity of the theater.
5. The vehicular circulation shall be so designed and constructed as to permit only one way traffic within the boundaries of the tract on which the theater is to be located.
6. Ingress and egress shall be so designed and constructed as to provide for safe traffic movement.
7. The viewing screen shall be so located and shielded so that the pictures shown thereon shall not be seen from a primary thoroughfare.

**F. Site, Development, and Performance Standards for Amusement Parks**

1. The site shall be so planned as to provide all ingress and egress directly onto a paved road.
2. Buildings, structures and rides shall be set back a minimum distance of one hundred (100) feet from a county primary or local, and at least two hundred (200) feet from any property line of abutting or within a Conservation of Residential District.

**Section 11.25 Sanitary Landfills**

**A. The following site and developmental requirements shall apply:**

1. Minimum lot size shall be forty (40) acres.
2. The site shall be located on and obtain access from a paved county primary road or state highway.
3. Buildings and landfill operations shall be set back the following minimum distance:
  - a. five hundred (500) feet from abutting residentially used property and the right-of-way of any public street, private road, or highway.
  - b. two hundred fifty (250) feet from commercial abutting property.
  - c. one hundred (100) from industrial abutting property.
4. Perimeter landscape buffers and/or berms shall be provided, at a minimum, of fifty (50) feet in width.

**B. Special Performance Standards:**

1. All minimum conditions, safeguards and operating procedures as specified within Act 641 of the Public Acts of 1978, (Solid Waste Management Act) as amended, or rules and regulations promulgated thereto, and the County Solid Waste Management Plan shall be complied with.
2. There shall be not more than one (1) entrance way from a public road to said lot for each five hundred (500) feet of frontage. Access ways within the project area shall be paved or treated to create a dust-free surface. 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.
3. Any refuse odors, fumes, or dust generated on said lot by any sanitary landfill or transportation operation and borne or able to be borne by the wind shall be confined within the lines of said lot so as not to cause a nuisance or hazard on any adjoining lot or public road. Policing of the immediately adjoining property, perimeter berms, and/or fencing shall be required on a regular basis to prevent unauthorized dumping, or wind blown debris. Such policing shall be required at the expense of the operator.
4. The entire site including the fill surface, shall be graded and provided with drainage facilities to minimize runoff onto and into the fill, to prevent erosion or washing of the fill, to drain off rainwater falling on the fill, and to prevent the collection of standing water.
5. Trees and other vegetation or ground cover shall not be stripped off the surface of the ground prematurely so as to unnecessarily expose areas of ground that are prone to wind or water

- erosion that will cause ground or dust to be carried by wind or water onto adjoining or surrounding properties, or onto public or private roads, or to create a nuisance.
6. Truck or heavy vehicle traffic related to landfilling operations shall use major thoroughfares for access, approved by the Township.
  7. Paved public roads within one thousand five hundred (1,500) feet of the exit of the site shall be kept reasonably clear of mud, dirt and debris from vehicles exiting the site.
  8. Additional activities in conjunction with the operation shall not be permitted unless specifically applied for in the application and covered by the permit issued (e.g., composting, recycling center, transfer station, methane gas processing, power production, cogeneration, incineration, etc.).
  9. A ten (10) foot high berm with side slopes of no greater than four on one grade shall be required around any active filling area which is adjacent to a road or exterior property line. This requirement may be waived when the existing topography or other screening exists that would accomplish the purpose of the berm.
  10. All areas shall be rehabilitated progressively as they are filled to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural.
  11. When filling operations are completed, the excavated area shall be graded so that no gradients in disturbed earth are steeper than a slope of 4:1 (horizontal-verticals).
  12. Sanitary landfill operations shall not be conducted as to cause the pollution by any material of any surface or subsurface, water-course, or body outside the lines of the lot on which such use shall be located.
  13. All fixed equipment and machinery shall be located at least one hundred (100) feet from any lot line and five hundred (500) feet from any residential zoning district, but that in the event the zoning classification of any land within five hundred (500) feet of such equipment or machinery shall be changed to residential subsequent to the operation of such equipment or machinery, the operation of such equipment or machinery may continue henceforth but in no case less than one hundred (100) feet from any lot line.
  14. There shall be erected a fence not less than six (6) feet in height around the periphery of the development. Fences shall be adequate to prevent trespass.
  15. The operator shall file with the Planning Commission and the Zoning Administrator a detailed plan for the restoration of the development area which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater intervals than five (5) feet, proposed and final landscaping; and the location of future roads, drives, drainage courses, and/or other improvements contemplated. Soil plans shall be subject to review and modification from time to time by the Planning Commission. The anticipated costs of carrying out the plans of restoration shall be included with said plans.
  16. The operator shall file with the Planning Commission a performance bond, payable to the Township Board and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The amount of the required bond which will reflect the anticipated cost of restoration and shall be fixed by the Planning Commission. The bond shall be released upon written certification of the Zoning Administrator that the restoration is complete and in compliance with the restoration plan.

**C. Additional Application Requirements:** 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 filled.
2. General site plan and geologic suitability report approved by the Department of Environmental Quality.
3. A statement from the applicant identifying all other federal, state and local permits required.
4. A detailed reclamation plan, drawn to an acceptable scale, to be performed upon completion of each phase of the project. At a minimum, the plan of reclamation shall include:

- a. Physical descriptions of the location of each cell, number of acres included in each cell, estimated length of time to complete each cell in operation.
- b. Depiction of finished, stabilized, side slopes, including methods and plant materials proposed for use.
- c. Identification of how the area will be re-used and the proposed topography drawn at two (2) foot contour intervals.
- d. Landscape plan for the portion of the property disturbed by landfilling activities, including an inventory of plant/tree species to be used.
- e. Provisions that grasses and other vegetation with shallow root systems shall be maintained on the landfill cap.
- f. Provisions that appropriate erosion control practices shall be used during reclamation.
- g. Sufficient topsoil to be stockpiled so that a minimum of two (2) feet of topsoil will be placed on the top of the finished portion of the operation. The topsoil shall be planted immediately with grass or other ground cover, subject to the approval by the Township Board.

**Section 11.26 Veterinary Clinics**

- A.** The following site and developmental requirements shall apply:
1. Buildings where animals are kept, dogruns, paddocks, and/or exercise areas shall not be located nearer than one hundred feet (100) to any adjacent lot line in a residential zoning district, or to any adjacent building used by the general public, and shall not be located in any required yard.
- B. Special Performance Standards:**
1. Uses permitted include medical treatment and boarding for animals receiving treatment. Retail sales are permitted only as a clearly incidental and accessory use to the principal clinic use.
  2. All principal use activities shall be conducted within a totally enclosed main building.
  3. There shall be no storage or boarding of animals outside of the fully enclosed building.
  4. An adequate, enclosed method of refuse storage and disposal shall be maintained so that no public nuisance shall be created at any time.

**Section 11.27 Wireless Communication Facilities, Class B**

- A. The following site and developmental requirements shall apply:**
1. The maximum height of a new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to collocate on the structure). The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective District.
  2. The setback of the support structure from any adjacent property shall be no less than the height of the highest point of any structure on the premises, or the minimum distance established by other provisions of this section, whichever is greater.
  3. The minimum amount of property to be utilized for construction of a facility shall be five (5) acres, and the structure shall be so situated that if it were to fall or collapse in would remain within the confines of that site.
  4. There shall be unobstructed access to the support structure, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and, the type of equipment which will be needed to access the site.
  5. The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.



6. The Planning Commission shall, in its discretion, review and approve the support structure and all accessory buildings with respect to the design and appearance so as to minimize distraction, reduce visibility, maximize aesthetic appearance, including landscaping, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.
7. The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan. This soils report shall include soil borings and a statement confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.
8. A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure long term, continuous maintenance to a reasonably prudent standard.
9. The use of high intensity (strobe) lighting on a wireless communication facility shall be prohibited, and the use of other lighting shall be prohibited absent a demonstrated need.
10. The antenna and other attachments on a wireless communication facility shall be designed and constructed to include the minimum attachments required to operate the facility as intended at the site, both in terms of number and size, and shall be designed and constructed to maximize aesthetic quality.
11. Wireless communication support structures shall be constructed no closer than three (3) miles apart.
12. There shall be no signs or other advertising devices attached to any wireless communication facility or structure.

**B. Special Performance Standards:**

1. Collocation

- a. Statement of Policy: It is the policy of the Township to minimize the overall number of newly established locations for wireless communication facilities and wireless communication support structures within the community, and encourage the use of existing structures for attached wireless communication facility purposes, to facilitate adequate and efficient opportunities for wireless communication facility sites while promoting the public health, safety, and welfare and minimizing negative impacts of such sites. Each licensed provider of a wireless communication facility must, by law, be permitted to locate sufficient facilities in order to achieve the objectives promulgated by the United States Congress. However, particularly in light of the dramatic increase in the number of wireless communication facilities reasonably anticipated to occur as a result of the change of federal law and policy in and relating to the Federal Telecommunications Act of 1996, it is the policy of the Township that all users should collocate on attached wireless communication facilities and wireless communication support structures in the interest of achieving the purposes of this section and Ordinance. If a provider fails or refuses to permit collocation on a facility owned or otherwise controlled by it, where collocation is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent and purpose of the Township. The provisions of this subsection are designed to carry out and encourage conformity with the policy of the Township.
- b. Feasibility of Collocation: Collocation shall be deemed to be "feasible" for purposes of this section where all of the following are met:
  - 1) The wireless communication provider entity under consideration for collocation will undertake to pay market rent or other market compensation for collocation.
  - 2) The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
  - 3) The collocation being considered is technologically reasonable, e.g., the collocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.

- 4) The height of the structure necessary for collocation will not be increased beyond a point deemed to be permissible by the Township, taking into consideration the standards contained in this Section.
- c. Requirements for Collocation:
  - 1) A special land use permit for the construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs.
  - 2) All new and modified wireless communication facilities shall be designed and constructed so as to accommodate collocation.
  - 3) The policy of the community is for collocation. Thus, if a party who owns or otherwise controls a wireless communication facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible collocation, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect and subject to removal as a nonconforming structure.
  - 4) If a party who owns or otherwise controls a wireless communication facility shall fail or refuse to permit a feasible collocation, and this requires the construction and/or use of a new wireless communication support structure, the party failing or refusing to permit a feasible collocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the Township, and, consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for new wireless communication support structures within the Township for a period of five years from the date of the failure or refusal to permit the collocation. Such a party may seek a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.

2. Removal

- a. A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:
  - 1) When the facility has not been used for 180 days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use.
  - 2) Six months after new technology is available at reasonable cost as determined by the TOwTIShip Board, which permits the operation of the communication system without the requirement of the support structure, or with a support structure which is lower and/or less incompatible with the area.
- b. The situations in which removal of a facility is required, as set forth in paragraph (a) above, may be applied and limited to portions of a facility.
- c. Upon the occurrence of one or more of the events requiring removal, specified in paragraph (a) above, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Planning Commission.
- d. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn, collected and/or enforced

- from or under the security posted at the time application was made for establishing the facility.
- e. The person who had used the facility shall immediately notify the Township Clerk in writing if and as soon as use of a facility ceases.
3. Approval Standards: All applications for wireless communication facilities shall be reviewed in accordance with Sections 4.05 and 5.06, and the following standards and conditions and, if approved, shall be constructed and maintained in accordance with such standards and conditions. In addition, if the facility is approved, it shall be constructed and maintained with any additional conditions imposed by the Planning Commission in its discretion:
- a. Facilities shall be located and designed to be harmonious with the surrounding areas. Among other things, all reasonable attempts shall be made and thoroughly explored to utilize existing structures on which to place facilities, i.e., to utilize attached wireless communications facilities.
  - b. Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions, as confirmed by submission of Certification of Compliance by the applicant's licensed engineer.
  - c. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights. Lattice structures, guyed structures or structures which require or are proposed to have high intensity (strobe) lighting shall not be permitted.

**C. Special Application Requirements**

- 1. A site plan prepared in accordance with Article 4 of this Ordinance shall be submitted, showing the location, size, screening and design of all buildings and structures, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping.
- 2. The site plan shall also include a detailed landscaping plan where the support structure is being placed at a location which is not otherwise developed, or where a developed area will be disturbed. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure.
- 3. The application shall include a signed certification by a State of Michigan licensed professional engineer with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities.
- 4. The application shall include a description of security to be posted with the Township at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in paragraph H below. In this regard, the security shall, at the election of the applicant, be in the form of: (1) Cash; (2) surety bond; (3) letter of credit; or, (4) an agreement in a form approved by the attorney for Grant Township and recordable at the Office of the Register of Deeds, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this section of the ordinance, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney's fees incurred by the community in securing removal.
- 5. The application shall include a map showing existing and known proposed wireless communication facilities within the Township, and further showing existing and known proposed wireless communication facilities within 3 miles from the borders of Grant Township, and in the area, which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility. If and to the extent the information in question is on file with the community, the applicant shall be required only to update as needed. Any such information which is trade secret and/or other confidential commercial information which, if released would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy. Mel 15.243(1)

- (g). This ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the community.
6. The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.
  7. The application fee, in the amount specified by Township Board resolution.
  8. The owner or duly authorized representative of all ownership interest in the land on which the wireless communication facility is proposed to be located shall Sign the application. in addition, if a licensed entity intended to be the operator of the facility does not sign the application, approval shall be restricted as provided in subsection (A) above.
- D. Effect of Approval:** Approval of a wireless communication facility shall be effective for a period of six (6) months. However, if construction of a wireless communication facility is commenced within two miles of the land on which a facility has been approved, but on which construction has not been commenced during the six month period of effectiveness, the approval for the facility that has not been commenced shall be void thirty (30) days following notice from the Township of the commencement of the other facility unless the applicant granted approval of the facility which has not been commenced demonstrates that it would not be feasible for it to collocate on the facility that has been newly commenced.

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*End of Article 11*

## **Article 12**

### **STANDARDS for**

# **RESIDENTIAL PLANNED UNIT DEVELOPMENTS**

#### **Section 12.01 Purpose**

It is the purpose of this Article to provide opportunities for residential development which, because of the more flexible standards available to a PUD, more effectively encourages the preservation of natural resources, sensitive environmental areas, and the Township's rural character, and more effectively assures the long term availability of land for agricultural activities. The regulations of this Article propose to accomplish these purposes, in part, by providing for the grouping or clustering of new homes on smaller lots than typically required by the zoning district within which the PUD is proposed to be located, so that the remainder of the site can be preserved as open space or for agricultural use. This more flexible residential development option is available through the use of PUD legislation, as authorized by Section 16(c) of the Township Zoning Act (Public Act 184 of 1943, as amended) for the purposes of, but not limited to encouraging the use of Township land in accordance with its character and adaptability; assuring the permanent preservation of open space, woodlands, and other natural resources; and allowing innovation and greater flexibility in the design of residential developments.

The following standards apply to all Residential Planned Unit Developments, which shall only be permitted by Special Approval, pursuant to Article 5, Procedures for Special Land Uses. Residential Planned Unit Developments shall be permitted in only those Districts so specified in Table 10-1 of this Ordinance. The standards and regulations 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, including standards for site plan approval set forth in Section 4.05 and the general standards for all special land uses in Section 5.06.

#### **Section 12.02 Approval Standards:**

**A. Minimum Eligibility:** To be considered as a Residential Planned Unit Development project, the proposed development project must be consistent with the intent of a Residential Planned Unit Development pursuant to Section 12.01, and comply with the provisions of Section 12.01 (B)(C)(D) and (E) below.

**B. Permitted Uses and Locations:** Residential Planned Unit Developments are permitted in the FR and R-1 District and, where public sewer is available, in the R-2, R-3, and R-4 District. The following uses shall be permitted within a Residential Planned Unit Development:

1. Single family platted subdivision, consisting of single family dwellings or townhome family dwellings.
2. Condominium subdivisions, consisting of single family dwellings or townhome family dwellings.
3. Multiple family dwellings, provided no single building contains more than four (4) dwelling units unless located in the R-2, R-3, or R-4 District.
4. Non-residential uses provided they are accessory to the principal residential uses of the project, such as a day care facility, and do not increase traffic levels in the development above those levels normally expected by the balance and predominant residential use.

**C. Minimum Parcel Size and Lot Width:** The minimum size of a parcel used for a Residential Planned Unit Development shall be twenty (20) acres of contiguous land and have frontage of at least six hundred sixty (660) feet.

**D. Unified Control:** The proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form

of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.

**E. Dedicated Open Space:**

1. Guarantee of Open Space: The Residential Planned Unit Development shall include permanently dedicated open space. The dedicated open space shall forever remain open space, subject only to uses approved by the Planning Commission on the approved site plan. Further subdivision of open space land or its use for other than recreation, conservation or agricultural purposes, except for easements for utilities and septic systems, shall be strictly prohibited. The applicant shall guarantee to the satisfaction of the Township Attorney that all open space portions of the development will be maintained in perpetuity and in the manner approved. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Township and the land uses continue as approved in the open space development.
  - a. Any structure(s) or building(s) accessory to a recreation, conservation or agriculture use may be erected within the dedicated open space, subject to the approved site plan. These accessory structure(s) or building(s) shall not exceed, in the aggregate, one percent (1 %) of the total dedicated open space area.
2. Open Space Requirements:
  - a. The total minimum acreage of dedicated open space shall equal the following percentages of the project parcel.
    - 1) FR District: Twenty Five (25) percent.
    - 2) R-1, R-2, R-3, and R-4 District: Fifteen (15) percent.
  - b. Dedicated open space may include flood plain areas, but required dedicated open space shall not include required yard setback areas, roads, public rights-of-way, and year round submerged lands. Further, no more than fifty (50) percent of the required minimum open space area may be characterized by wetlands.
  - c. All dedicated open space must be a minimum of fifty (50) feet wide, except that the dedicated open space in the F-R and R-1 Districts must include the land directly adjacent to any major or minor thoroughfare right of way and run the full length of the right of way along the project site at a width of at least two hundred fifty (250) feet. No more than two access roads may cross the dedicated open space along this right-of-way, provided such access roads shall cross the dedicated open space in a generally perpendicular fashion unless doing so would not support the protection of sensitive or special environmental resources.
  - d. All land within a development that is not devoted to a building, dwelling unit, an accessory use, vehicle access, vehicle parking, a roadway, or an approved land improvement, shall be set aside as common land for recreation, conservation, agricultural uses, or preserved in an undeveloped state.
  - e. The dedicated open space shall be set aside by the owner through an irrevocable conveyance that is found acceptable to the Township Attorney, such as recorded deed restrictions, covenants that run perpetually with the land, transfer to a non profit land trust, or a conservation easement established per the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended. Such conveyance shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use. Such conveyance shall:
    - (1) Indicate the proposed allowable use(s) of the dedicated open space.
    - (2) Require that the dedicated open space be maintained by parties who have an ownership interest in the open space.
    - (3) Provide standards for scheduled maintenance of the open space.
    - (4) Provide for maintenance to be undertaken by the Township of Grant in the event that the dedicated open space is inadequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the property owners.

**F. Lots and Dwelling Units:** The following minimum and maximum standards shall apply to all lots and dwelling units in Residential Planned Unit Developments:

1. Minimum Lot Area: Twenty-five thousand (25,000) square feet, except that lots may be as small as five thousand (5,000) square feet where public sewer is available.
2. Minimum Lot Width and Frontage:
  - a. Each lot for a single-family detached residence shall have frontage of not less than ninety (90) feet where public sewer is not available, and fifty (50) feet where public sewer is available.
  - b. Each lot for a TIM family dwelling shall have frontage of not less than one hundred ten (110) feet where public sewer is not available, and seventy (70) feet where public sewer is available.
3. Maximum Density/Number of Dwelling Units: The maximum number of dwelling units permitted in a Residential Planned Unit Development shall be determined by the following maximum permitted development density, based upon the total area (acres) of the Residential Planned Unit Development parcel, excluding wetland, marshy, or submerged areas:
  - a. FR District: One (1) dwelling unit per two (2) acres, except that this maximum density may be increased to one (1) dwelling per one and eight tenths (1.8) acres where either of the following conditions are met, in addition to all other requirements of this Section:
    - 1) the PUD project includes continuous dedicated open space of a width of two hundred (200) feet or more, along more than one thousand (1,000) continuous linear feet of frontage along the public road from which the PUD site gains access.
    - 2) the PUD project includes dedicated open space of a minimum of sixty (60) percent of the PUD site, and that no more than one half (1/2) of such dedicated open space used to comply with this sixty (60) percent standard is characterized by year-round submerged lands or wetlands.
  - b. R-1 District: One (1) dwelling unit per twenty-five thousand (25,000) square feet, except that the maximum development density shall not exceed one (1) dwelling unit per twenty thousand (20,000) square feet where public sewer is available.
  - c. R-2 District: One (1) dwelling unit per fifteen thousand (15,000) square feet where public sewer is available.
  - d. R-3 District: One (1) dwelling unit per eight thousand (8,000) square feet where public sewer is available.
  - e. R-4 District: One (1) dwelling unit per four thousand (4,000) square feet where public sewer is available.
4. Yard and Setback Requirements:
  - a. Front Yard: Twenty-five (25) feet.
  - b. Side yard: None if shared wall construction is used, ten (10) feet otherwise.
  - c. Rear yard: Twenty (20) feet.
  - d. Under no conditions shall a dwelling be closer than two hundred fifty (250) feet from a county primary or local road, except where such road is within the PUD parcel itself.
  - e. Under no conditions shall a dwelling be closer than fifty (50) feet from a side or rear property line of the PUD parcel.
5. Maximum Building Height: TIM) and one half (2 1/2) stories but not to exceed thirty-five (35) feet.
6. Maximum Lot Coverage: Forty (40) percent.

**G. Utilities:**

1. The Residential Planned Unit Development shall provide for underground installation of all utilities.
2. A Residential Planned Unit Development permit shall not be issued unless public water and sanitary sewer service is provided to the development if such service is available.
3. Provisions shall be made for the construction of storm water facilities. The storm water system may include the establishment of detention or retention basins.
4. Fire protection measures shall be provided in all Residential Planned Unit Developments which provide public water, and in Residential Planned Unit Developments which are generally characterized by lots of approximately one half (1/2) acre or less in size where such lots are



clustered or otherwise generally adjacent to one another. Fire protection measures shall include an adequate on-site source of water for use by the local fire department and associated infrastructure to enable the local fire department to effectively respond to a fire emergency.

**H. Access and Circulation:**

1. Internal Access: All lots, dwellings and buildings within a Residential Planned Unit Development shall gain access from an internal road, and shall not gain direct access from a public road abutting the project site.
2. Access: The nearest edge of any entrance or exit drive for a Residential Planned Unit Development shall be located no closer than two hundred (200) feet from any existing street or road intersection, as measured from the nearest intersection right-of-way line.
3. Pedestrian Circulation: A pedestrian circulation system may be required along one (1) or both sides of the internal roads of the Residential Planned Unit Development. The exact location and alignment of the sidewalks shall be jointly agreed upon by the applicant and the approving body, and shall be coordinated with existing or planned sidewalks and roads in the area. Pedestrian circulation network shall assure ease of access to the designated open space areas.
4. Vehicular Circulation: Construction of private roads as a means of providing access and circulation and increasing the rural character of the Residential Planned Unit Development project is encouraged. Private roadways within a Residential Planned Unit Development shall be constructed according to the Grant Township Private Road Ordinance.

- I. Natural Features:** The development shall be designed to promote the preservation of natural features. If animal or plant habitats of significant value exist on the site, the Township Board may require these areas to remain in a natural state and be adequately protected as nature preserves or limited access areas.

**J. Scheduled Phasing:**

1. Scheduled Phasing: When proposed construction is to be phased, the project shall be designed in a manner that allows each phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the open space development and the residents of the surrounding area.
2. Timing of Phases: Each phase of the project shall be commenced within twelve (12) months of the schedule set forth on the approved site plan. If construction of any phase is not commenced within the approved time period, an extension may be granted following review of a formal request for extension by the owner and approval of same by the Township Board. Such approval may be withheld only where harm to adjacent lands or uses would occur, there have been significant changed conditions in the area, or in the case of fraud or violation of the terms of the original approval.

**Section 12.03 WAIVER OF STANDARDS**

A. The Planning Commission may waive any of the standards for a Residential Planned Unit Development contained in this Article, except 12.01(A)(B)(C)(D) and (E), where the following findings are documented along with the rationale for the decision:

1. No good public purpose will be achieved by requiring conformance with the standards sought by the applicant to be waived.
2. The spirit and intent of the Residential Planned Unit Development provisions shall still be achieved.
3. No nuisance will be created.

*End of Article 12*

**Article 13**  
**Reserved for Future Use**

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*End of Article 13*

**Article 14**  
**Reserved for Future Use**

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# Article 15

## SIGNS

### Section 15.01 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 15.02 Definitions

- A. **Business Center:** A grouping of t1M) 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. **Outdoor Advertising 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 15.03 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:** Unless otherwise specified, all freestanding signs shall be setback a minimum distance from all lot lines of at least one half (1/2) the minimum setback distances for principal buildings within the said District. 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. **Traffic Hazards:** No sign shall be erected 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.
- E. **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, and shall be appropriate in appearance with the existing and intended character of their vicinity. 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.
- F. **Lighting:** The internal lighting of signs shall be prohibited except where the Planning Commission determines that internal lighting is the only reasonable option and will not cause a nuisance to surrounding properties. All sign lighting shall comply with the provisions of Section 18.04.

#### **Section 15.04 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 15.08):
  - 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.
  - 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 two (2) 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. Home occupation signs in Residential Districts shall be affixed to the wall of the dwelling.
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 eighteen (18) square feet and a height not exceeding five (5) feet.
  9. Real estate signs advertising a single lot or residence not exceeding an area of six (6) 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 eighteen (18) square feet and a height not exceeding five (5) feet. Such sign shall be removed within one (1) year after the sale of eighty (80%) of all lots, units, or buildings within said development.
  10. Construction signs are permitted in any district with a maximum height of six (6) feet and not exceeding eighteen (18) 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 forty-eight (48) square feet. Such sign shall be setback a minimum of ten (10) feet from any property line or street right-of-way.

#### **Section 15.05 Signs in Commercial and Industrial Districts**

In addition to the signs permitted pursuant to Section 15.04, the following business signs shall be permitted in Commercial and Industrial districts subject to the following restrictions:

- A. Type and Usage:** Signs shall be wall signs, freestanding signs, and/or roof signs and shall pertain exclusively to the business or businesses located on the lot on which the sign is located except as provided by Section 15.07.
- B. Wall Signs:**
  1. Placement: 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 roofline 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.

2. Number: There is no limitation on the number of wall signs placed upon a building provided all maximum sign area requirements are met.
3. 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 corner lot, the total sign area of all wall signs affixed to anyone 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 total sign area of a freestanding sign shall not exceed three quarter (3/4) square feet for each foot in length of the building but not to exceed sixty-four (64) square feet. In the case of a business center, the maximum sign area of a freestanding sign used to identify the business center shall not exceed one (1) square foot for each foot in length of the building(s), but in no case shall such sign exceed one hundred (100) square feet in area.
3. Height: Freestanding signs shall not exceed a height of ten (10) feet.

**D. Roof Signs:**

1. Number: There is no limit on the number of roof signs provided the total sign area of all roof signs is in conformance with (0)(2) below.
2. Area: There is no limit on the area of a roof sign(s) provided the total sign area of all roof and freestanding signs does not exceed three quarter (3/4) square feet for each foot in length of the building, but not to exceed sixty-four (64) square feet.
3. Height and Width: The height of roof signs shall not exceed seventy-five percent (75%) of the distance between the roof eaves and peak, and in no case shall extend higher than the peak. The width of roof signs shall not exceed twenty-five percent (25%) of the dimension (length or width) of the building facade the sign is generally parallel to.

**Section 15.06 Signs in Conservation and Residential Districts**

In addition to the signs permitted pursuant to Section 15.04, signs for institutions, public buildings, special land uses and businesses, excluding home occupations, shall be permitted in Conservation and Residential Districts 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 or businesses located on the lot on which the sign is located.

**B. Wall Signs:**

1. Placement: 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.
2. Number: No more than one (1) wall sign shall be permitted on a lot or parcel.
3. Area: The maximum sign area of a wall sign shall not exceed ten (10) percent of the vertical surface area of the facade forming the principal business frontage, but in no case shall exceed eighteen (18) square feet. In the case of a corner lot, the total sign area of all wall signs affixed to anyone of the frontage facades shall not exceed ten (10) percent of that frontage facade's vertical surface area, but in no case shall exceed eighteen (18) square feet..
4. Height: Wall signs shall not exceed a height of ten (10) feet.

**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 twelve (12) square feet, except that such signs may not exceed thirty-two (32) square feet in the case of a church or other religious institution, school, museum, library, or other nonprofit institution.
3. Height: Freestanding signs shall not exceed a height of six (6) feet.

**D. Lighting:** No sign shall be illuminated except upon a finding by the Planning Commission that such lighting shall not be a nuisance to surrounding land uses.

#### **Section 15.07 Outdoor Advertising Signs**

A. Outdoor advertising signs are permitted 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. Outdoor advertising signs shall be permitted only on parcels in the C-2 and 1-1 Districts abutting M-5S.
2. Outdoor advertising signs are required to be set back a minimum distance of one hundred (100) feet from a road right-of-way or lot line.
3. When two (2) or more outdoor advertising Signs are along the frontage of a single street or highway, they shall not be less than three thousand (3,000) feet apart. A double face or V-type structure shall be considered a single sign.
4. An outdoor advertising sign's total surface area facing in the same general direction shall not exceed three hundred (300) square feet.
5. No outdoor advertising sign shall be erected on the roof of any building, nor have a Sign above another sign.

B. Outdoor advertising signs not regulated by the Highway Advertising Act, P.A. 106 of 1972, as amended, are permitted on a parcel in the C-1, C-2 or 1-1 District as wall, freestanding or roof signs provided such signs meet all standards for wall, freestanding and roof signs as specified for the particular District and provided such signs do not cause the maximum limitations on sign area for wall, freestanding or roof signs to be exceeded. In no case shall such an outdoor advertising sign exceed fifty percent (50%) of the allowable wall, freestanding or roof Sign area for the District it is located in.

1. Subsection (8) above shall not apply to public signs erected by Grant Township to provide directional information to business areas, special community events, and similar public purposes.

#### **Section 15.08 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 provisions 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 15.09 Signs Requiring Permits**

All signs larger in area than twenty (20) square feet, including wall signs, shall require a zoning permit prior to erection and/or placement. If a proposed sign is to be part of an existing or proposed project which, under this Ordinance, such project would require site plan review, the Planning Commission shall review the proposed signage as part of the site plan review procedure for the entire project, or pursuant to Section 4.07(A)(1) in the case of an existing project which previously received site plan approval.

*End of Article 15*

## Article 16 OFF-STREET PARKING and LOADING

### **Section 16.01 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 and hazards with public use of streets and alleys, every facility customarily receiving or distributing goods by motor vehicle shall provide space for such receiving or distributing.

### **Section 16.02 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 shall be documented in a file established for that purpose.
- C. Use of Off-Street Parking Areas:** Off-street parking areas shall be reserved for the parking of vehicles used to service the establishment to which it is accessory and by its patrons. No commercial repair work, servicing or selling of any kind shall be conducted in an off-street parking area unless specifically permitted through the issuance of a temporary zoning permit.
- D. Building Additions or Other Increases in Floor Area:** Whenever a use requiring off-street parking is increased in 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 Township Board whenever such use is practical and satisfactory to each of the uses intended to be served, and when all site development requirements of Section 16.04 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 a proposed agreement between joint users shall be filed with the application for a zoning permit and a copy shall be recorded with the Register of Deeds of the County upon approval of the application. The agreement shall include a guarantee for continued use of the parking facility by each party and a provision requiring written approval by all joint users and the Planning Commission for termination of such agreement.
- F. Queued Vehicles:** There must be a minimum of fifty (50) linear feet of on-site storage to accommodate queued vehicles waiting to park or exit the site without using any portion of a public street right-of-way or in any other way interfering with street traffic. The Planning Commission may increase this length to no more than one hundred fifty (150) feet where the Planning Commission feels the minimum required fifty (50) foot distance will not adequately address public safety issues

due to anticipated traffic patterns and/or types of vehicles. This subsection shall not apply to Single family and two family dwellings.

- G. Decrease in Parking Areas:** No off-street parking area 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 4.08.
- H. Barrier-Free Parking Spaces:** Barrier-free parking spaces, measuring a minimum of twelve (12) feet in width, and associated signage and ramps, shall be provided in accordance with the most current standards and rules of the Michigan Department of Labor, Construction Code Commission, Barrier Free Design Division. Such spaces shall be placed in convenient locations to facilitate access into a building. Such spaces shall be clearly identified by both adequate paint striping and wall or post signs.

### **Section 16.03 Parking Space Requirements**

**A. Compliance with Required Number of Parking Spaces:** This Section identifies the number of required off-street parking spaces in all districts, by land use type. Such parking spaces shall be located on the lot or parcel upon which the land use is located unless joint use of parking areas is permitted according to Section 16.02(E).

- 1. In recognition that certain commercial uses may rely on all of their parking spaces during only limited times during the year, the Planning Commission may, upon request by the applicant, waive up to twenty-five percent (25%) of the required number of spaces as a reserved parking area for future use. However, the Planning Commission may subsequently require the applicant to construct such spaces upon a determination by the Planning Commission that the reduced number of parking spaces is not adequate to meet the parking needs of the use and public safety and welfare is at risk. Upon such determination by the Planning Commission, the applicant shall convert the reserve parking area into available parking spaces, meeting all requirements of this Article, within 6 months of such determination. The approved site plan shall clearly identify the location of this reserve parking area including parking spaces and aisles, and no buildings, structures, or similar improvements shall be established in the reserve parking area. This subsection shall apply only to commercial uses that are required to provide more than twenty-five (25) parking spaces.

**B. Residential Uses:** In addition to the parking spaces required below, an additional one (1) parking space shall be provided for each employee of the largest work shift.

- 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 for every three (3) residents of the home.

**C. Commercial Uses:** In addition to the parking spaces required below, an additional one (1) parking space shall be provided for each employee of the largest work shift.

- 1. **Athletic Clubs, Physical Exercise Establishments, Health Studios, Sauna baths, Judo Clubs:** One (1) parking space per three (3) patrons based on the occupancy load established by the State Fire Marshall.
- 2. **Automobile or Machinery Sales and Service Garages:** One (1) space for each 200 square feet of showroom floor area plus two (2) spaces for each service bay, provided at least ten (10) spaces are provided. Spaces used for storage of vehicles for sale shall not be used to meet parking requirements.

3. **Banks and Financial Institutions:** One (1) parking space for every 250 square feet of usable floor area plus sufficient area for eight (8) stacking spaces for the first drive-through window and two (2) spaces for each additional window.
4. **Barber Shops and Beauty Parlors:** Two (2) spaces for each beauty and/or barber chair.
5. **Bowling Alleys:** Three (3) spaces for each alley.
6. **Car Wash, Automatic:** For those systems which do not operate as a continuous conveyor system accommodating multiple vehicles at a single time, reserve parking or storage for eighty (80) percent of the manufacturer's hourly rated capacity for the system in use shall be required.
7. **Car Wash, Self-Service:** Reserve parking required to accommodate up to five (5) times the maximum number of vehicles able to be undergoing some phase of washing at the same time, determined by dividing the awaiting wash line(s) by twenty (20) feet.
8. **Clinics:** Two (2) spaces for each examination or treatment room.
9. **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.
10. **Commercial and Institutional Recreational Facilities:** One (1) space per two (2) patrons based on the maximum capacity of the facility as determined by the State Fire Marshall.
11. **Convalescent Homes, Convents or Similar Uses:** One (1) space for each three (3) beds.
12. **Gasoline Filling and Service Stations:** Two (2) spaces for each repair and service stall (a service stall is not considered a parking space).
13. **Dance Halls, Roller Skating Rinks, Pool and Billiard Rooms:** One (1) space for every three (3) persons allowed based on the maximum capacity of the facility as determined by the State Fire Marshall.
14. **Day Care Centers, Child Care Center, Nursery School, School of Special Education:** One (1) parking space for each 350 square feet of usable floor space or one (1) space for each seven children, whichever is greater.
15. **Funeral Homes and Mortuaries:** One (1) space for every fifty (50) square feet of floor area of chapels and assembly rooms.
16. **Kennels:** One (1) space for each five (5) animals of the facility's capacity.
17. **Laundromat:** One (1) space for every three (3) washing or drying machines.
18. **Miniature or Par 3 Golf Courses:** Three (3) spaces for each hole.
19. **Motels, Hotels, Auto Courts, Tourist Homes:** One (1) space for each sleeping unit, plus spaces for bars, restaurants, banquet rooms, and other associated facilities as determined by the Planning Commission.
20. **Offices, Business and Professional:** One (1) space for every two hundred (200) square feet of gross floor area.
21. **Private Recreational Facilities:** One (1) space for every six (6) potential members based on the capacity of the facility as determined by the State Fire Marshall.
22. **Retail Stores, (except as otherwise specified herein):** One (1) space for every three hundred (300) square feet of gross floor area.
23. **Restaurant, Standard:** One (1) space for every four (4) seats, plus an additional one (1) space for each 75 square feet of usable floor area.
24. **Restaurant, Drive-Through (with indoor eating facilities):** One (1) space for every four (4) seats, plus sufficient area for eight (8) stacking spaces for drive-in windows.
25. **Restaurant, Drive Through (no indoor eating facilities):** One (1) space for every 15 square feet of usable floor area except that a minimum of ten (10) spaces is provided.
26. **Restaurant, Carry-Out (no indoor eating facilities):** One (1) space for every fifteen (15) square feet of usable floor area, provided a minimum of five (5) spaces are provided.
27. **Supermarket, Self-Service Food Store:** One (1) space for every one-hundred (100) square feet of gross floor area, excluding walk-in refrigeration units.

**D. Industrial Uses:**

1. **Industrial or Manufacturing Establishments:** One (1) space for every employee of industry's largest working shift.
  2. **Warehouses, Wholesale Stores:** One (1) space for every eight-hundred (800) square feet of floor area.
- E. Institutional Uses:** In addition to the parking spaces required below, an additional one (1) parking space shall be provided for each employee of the largest work shift.
1. **Church, Synagogue, Chapel, Temple:** One (1) space for each three (3) seats or five (5) linear feet of pew or bench seating in the main unit of worship.
  2. **Auditorium, Theater, Assembly Hall:** One (1) space for each three (3) seats or five (5) linear feet of bench seating, or one (1) space for each three (3) persons based on the occupancy load as established by the State Fire Marshall, which ever is greater. in the main unit of worship, which ever is greater.
  3. **Private Civic, Fraternal Club or Lodge:** One (1) space for each three (3) members, based upon the load capacity as determined by the State Fire Marshall.
  4. **Elementary and Middle Schools:** See requirements for auditoriums.
  5. **Public Golf Course:** Four (4) spaces for each golf hole.
  6. **High Schools:** One (1) space for each five (5) students (based on the capacity of the facility as determined by the Fire Marshall), plus one (1) space for every four (4) seats where the school contains an auditorium and/or stadium or gym.
  7. **Hospital, Sanitarium, Nursing Facility, Home for the Aged:** One (1) space for each two (2) beds.
  8. **Libraries, Museums, Post Offices:** One (1) space for every five hundred (500) square feet of floor area.

#### **Section 16.04 Site Development Requirements**

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

- 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 by means of clearly limited and defined drives shall be provided. Two-way drives for ingress and egress to a parking area shall be not less than twenty-five (25) feet wide and all turning radii shall comfortably accommodate vehicle turning patterns. 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. Surface:** All required off-street parking areas shall be paved with concrete, bituminous asphalt or other material, approved by the site plan approval body. The site plan approval body may waive this requirement for special land uses in Conservation and Residential Districts upon its determination that such paving is not in character with the surrounding and intended land use pattern, and the lack of paving will not cause a nuisance to current and future residents. All required off-street parking areas shall provide adequate surface drainage facilities to collect and properly dispose of storm water runoff.
- D. Setback:** Unless otherwise permitted within this Ordinance, no off-street parking area shall be located within a required front, side, or rear yard setback, except for a driveway which may cross such setback area in a generally perpendicular manner.
- E. Lighting:** All parking lot lighting shall comply with the applicable provisions of Section 18.04.
- F. Parking Spaces and Maneuvering Lanes:** Each parking space within an off-street parking area shall be provided with adequate access by means of maneuvering lanes. Backing directly onto a

public road right-of-way shall be prohibited. The layout of off-street parking areas shall be in accord with the following minimum standards:

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length
0° (Parallel)	10 ft.	9 ft.	23 ft.
30° to 53°	13 ft.	9 ft.	20 ft.
54° to 74°	18 ft.	9 ft.	20 ft.
75° to 90°	22 ft.	9 ft.	18 ft.

1. 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.
2. Where a parking space is curbed, the vehicle overhang off the curb may be credited as two (2) feet if abutting landscaping, or abutting a sidewalk at least seven (7) feet wide.

**Section 16.05 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 16.03 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, seventy-five (75) feet in length, and fifteen (15) feet in height, open or enclosed, and shall be provided according to the following:

Institutional, Commercial, and Office Uses

**Up to 5,000 square feet of gross floor area:** 1 space if determined to be necessary by the Planning Commission, based on project.

**5,001 to 60,000 square feet of gross floor area:** 1 space, plus 1 space per each 20,000 sq. ft.

**60,001 square feet of gross floor area and over:** 4 spaces, plus 1 space per each additional 20,000 square feet.

Industrial Uses

**Up to 1,400 square feet of gross floor area:** 0 spaces.

**1,401 to 20,000 square feet of gross floor area:** 1 space.

**20,001 to 100,000 square feet of gross floor area:** 1 space, plus 1 space per each 20,000 sq. ft. of gross floor area in excess of 20,000 sq. ft.

- 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 which abut another District or residential property, or face or are visible from residential properties or public thoroughfares, shall be adequately screened.
- E. **Location:** A loading-unloading area shall not be located within any front yard. A loading-unloading area may be located within a required side or rear yard setback where such yard abuts a Commercial or Industrial District. However, in no case shall the loading-unloading area be located closer than fifty (50) feet to a residential lot line.

*End of Article 16*

## **Article 17**

### **LANDSCAPING and SCREENING**

#### **Section 17.01 Purpose**

The intent of this Article is to minimize noise, air, and visual pollution; improve the appearance of off-street parking and other vehicular use areas; assure adequate buffering between incompatible land uses; regulate the appearance of property abutting public rights-of-way; prevent soil erosion and soil depletion; and protect and preserve the appearance, character, and value of the community and its residential neighborhood areas.

#### **Section 17.02 Application**

The requirements of this Article shall apply to only those uses for which site plan approval is required under Article 4, Procedures for Site Plan & Plot Plan Review, 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 in this Article. This Article does not apply to single family and two family dwellings.

#### **Section 17.03 Landscape Plan Required**

A separate detailed landscape plan is required to be submitted as part of a site plan (see Article 4). The landscape plan shall be prepared at a minimum scale of 1" =100' and shall identify all buffer areas (see Section 17.04) and parking lot landscaping (see Section 17.05). The landscape plan shall include, but not necessarily be limited to, the following items:

1. Proposed plant location, spacing, and size and descriptions for each plant type proposed for use to meet the requirements of this Article.
2. Identification of grass and other proposed ground cover and method of planting.
3. Existing and proposed contours on-site and 150 feet beyond the site at intervals not to exceed two (2) feet.
4. Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns.
5. Planting and staking details in either text or drawing form to ensure proper installation and establishment of proposed plant materials.
6. Identification of existing trees and vegetative cover to be preserved and those trees six (6) inches or larger in diameter, measured five (5) feet from ground surface, to be removed.

#### **Section 17.04 Buffer Areas**

**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 and include a berm or solid wall or fence or a combination thereof, and be of at least (5) feet in height. The buffer area shall be planted and maintained with evergreens such as spruce, pines, or firs, and deciduous trees, at a rate of at least one (1) evergreen tree per fifty (50) linear feet and one (1) deciduous tree per one hundred fifty (150) linear feet. Heights of walls shall be measured on the side of the proposed wall having the higher grade. 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 visual, noise or dust barrier or to screen more intense development not adequately screened by (A)( 1) above, a fence or solid wall shall be required by the site plan approving body.

**B. Front Yard Buffer Areas:** A buffer area with a minimum width equal to the front yard setback of its zoning classification shall be located abutting the right-of-way of a public road, and shall be landscaped with a minimum of one (1) tree meeting the minimum size requirements specified in Section 17.04(A) above for each seventy-five (75) 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.

#### **Section 17.05 Parking Lot Landscaping and Screening**

A. Parking lots shall be landscaped and screened as follows:

1. There shall be provided a minimum of one (1) deciduous tree of at least two and a half (2 1/2) inch caliper for every eight (8) parking spaces. Such trees shall be located within parking islands or within fifteen (15) feet of the edge of the parking lot. A minimum distance of three (3) feet shall be established between proposed tree or shrub plantings and the edge of curbing and pavement.
2. Where a parking lot contains five (5) or more parking spaces and is within two hundred (200) feet of a Conservation or Residential district, a vegetative screen or fence of at least four feet in height shall be installed to fully screen views to the parking area from the neighboring Residential district. Plant materials shall be a height of at least three (3) feet at the time of their planting.

#### **Section 17.06 Minimum Standards of Landscape Elements**

**A. Quality:** 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 site plan approving body.

**B. Composition:** A mixture of plant material, such as evergreen, deciduous trees and shrubs, is recommended as a protective measure against insect and disease infestation. A limited mixture of native hardy species is recommended rather than a large quantity of different species, to produce a more aesthetic, cohesive design and avoid a disorderly appearing arrangement.

**C. Existing Trees:**

1. If existing plant material is labeled "To Remain" on site plans by the applicant or required by the Planning Commission, protective techniques, such as, but not limited to, fencing or barriers placed at the dripline around the perimeter of the plant material, shall be installed during construction. No vehicle or other construction equipment shall be parked or stored within the dripline of any plant material intended to be saved. Other protective techniques may be used provided such techniques are approved by the site plan approving body.
2. In the event that existing healthy trees which are used to meet the minimum requirements of this Ordinance, or those labeled to remain are cut down, destroyed, damaged, or excavated at the dripline, as determined by the Planning Commission, the applicant shall replace them with trees which meet Ordinance requirements.

#### **Section 17.07 Installation, Maintenance and Completion**

A. All landscaping required by this Ordinance shall be planted prior to obtaining a Certificate of Occupancy or, where the applicant can demonstrate to the Planning Commission that seasonal

conditions prohibit the installation of the plant material prior to desired occupancy, the plant material shall be installed within six months of receipt of such Certificate.

- B. 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.
- C. The owner of property required to be landscaped by this Ordinance shall maintain such required 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 17.08 Fencing and Walls Construction**

- A. **Fencing:** Required fencing shall consist of solid board fences with wood posts not less than three and one half inches (3 1/2" x 3 1/2") and solid board cover not less than three quarters (3/4) inch thick. Masonry piers may be substituted for wood posts. Posts or piers shall be spaced not more than eight (8) feet on center. The finished side of fencing shall face abutting properties. Fencing consisting of tree trunks and/or limbs anchored into the ground is not permitted.
- B. **Walls:** Required walls shall be of masonry design and constructed to facilitate maintenance and not modify natural drainage in such a way as to endanger adjacent property. The faces of such walls are to be of face brick, poured-in-place simulated face brick, precast brick panels having simulated face brick, stone, embossed or pierced concrete block, or other decorative masonry material.

#### **Section 17.09 Waivers and Modifications**

- A. Any of the requirements of this Article may be modified through site plan review proceedings, provided the approving body first makes a written finding that specifically identifies characteristics of the site or site vicinity that would make required buffer areas, fencing, or screening unnecessary, inappropriate, 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.

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*End of Article 17*

## **Article 18**

# **ENVIRONMENTAL PROTECTION**

### **Section 18.01 Purpose**

The purpose of this Article is to promote a healthy environment in Grant Township as it relates to the TOw11Ship's natural resources; sensitive ecosystems; the integrity of the Township's land, water, and air; the quality of the Township's visual environment, including the management of outdoor lighting and its impact upon traffic safety, adjacent land uses and the night sky; and the provision of adequate sewage disposal and potable water. All provisions of this Article apply to all structures and uses unless otherwise noted.

### **Section 18.02 Natural Resources**

**A. Compliance with Local, County, State, and Federal Regulations:** All land uses and construction activities shall conform with the provisions of this Ordinance and all county, state and federal regulations including, but not limited to, the following:

1. Applicable fire safety and emergency vehicle access requirements of the State Building Code and State Fire Marshall.
2. Soil erosion and sedimentation requirements of the Iosco County Drain Commissioner.
3. Requirements of the Michigan Department of Public Health and the Iosco County Health Department.
4. Michigan Department of Environmental Quality requirements for air and water quality protection, wetlands, stream crossings, fills in or near water bodies or in flood plains, and for waste disposal.
5. All local, county, state and federal regulations related to loading/unloading, transport, storage, use and/or disposal of hazardous substances.
6. Applicable rules and regulations of the Federal Communications Commission.

### **B. Discharges**

1. No dust, fumes, or noxious, odorous matter shall be discernible at or beyond the property line. Any atmospheric discharge requiring a permit from the Michigan Department of Environmental Quality or federal government shall have said permit(s) as a condition of approval for any use in this district. The escape of or emission of any gas which is injurious or destructive or explosive is prohibited.
2. It shall be unlawful to discharge at any point any materials in such a way or of such nature or temperature as can contaminate any surface waters, land or aquifers, or otherwise cause the emission of dangerous or objectionable elements, except in accord with standards approved by the Michigan Department of Environmental Quality.
3. Radioactive emissions shall not exceed quantities or levels established as safe by state or federal regulations.

### **C. Sensitive Lands:**

1. Where a portion of a parcel is characterized by sensitive or fragile environmental features, including marshes, hydric soils, or flood plains, new development on the parcel shall only occur on those portions of the parcel void of such features where reasonably feasible.
2. Except where required to do so by state or federal law, the Township shall not approve any land use which requires a county, state, or federal permit until such permit has been obtained and satisfactory evidence has been submitted verifying the acquisition of the necessary permits, or satisfactory evidence has been submitted to the approving body verifying the acquisition of such permit is not necessary.
3. The Township may require mitigation measures be taken to replace those resources disturbed or destroyed by a land use, or to otherwise lessen the impact of a new land use upon natural resources and sensitive areas.

**D. Clearing, Grading, and Drainage:** 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. **Removal of Topsoil:** Stripping and removal of topsoil from a site is prohibited prior to the completion of all approved site improvements and the seeding, sodding, and landscaping of all disturbed areas. "Disturbed areas" shall be interpreted to mean any area of a lot which is altered by grading or other construction activities and which area is not proposed to be paved or otherwise built upon. In the case where no site improvements are proposed or no permit has been issued for any excavation or construction, no removal of top soil shall be performed other than for common household gardening, general farming and ground care.
2. **Flow Restrictions:** The final grade surface of ground areas surrounding a building or structure shall be designed and landscaped such that surface waters flow 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.
3. **Drainage:** All lots shall retain storm water runoff on-site, or detain it so as to allow discharge without any impact on adjacent lands, streams or water bodies above the existing pre-development runoff impact. No land uses shall be permitted which will increase the rate of runoff discharge from a lot or parcel or otherwise cause erosion or direct sedimentation upon abutting properties including an abutting street.

#### **Section 18.03 Potable Water and Sewage Disposal**

Any structure intended for human occupancy and used for dwelling, businesses, industrial, recreational, institutional, or mercantile purposes 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 losco County Public Health Department as well as those of other applicable local, county, state, or federal agencies.

#### **Section 18.04 Lighting**

- A. No lighting shall in any way impair the safe movement of traffic on any street or highway.
- B. Screening at least six (6) feet in height shall be erected to prevent headlight glare from commercial, industrial, or institutional 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.
- C. In addition to 18.04(A) and (B) above, outdoor lighting shall comply with the following standards except as provided for in Section 18.04(D) below:
  1. Lighting shall be designed and constructed to insure that direct and reflected light, unless part of a street lighting or access road lighting program, is confined to the lot or parcel upon which the light source is located.
  2. Exterior lighting shall be so installed that the surface of the source of light shall be hooded or louvered to the greatest extent practical so that:
    - a. the light source shall not be visible and shall be so arranged to reflect light away from abutting properties.
    - b. 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.
    - c. light rays shall not be emitted by the luminaire in any direction except in a downward direction.
  3. No light source shall exceed the height of the tallest structure on the lot or parcel, and in no case shall a light source exceed a height of twenty-five feet, measured from the ground or pavement closest to the light source.
- D. Outdoor lighting which need not comply with the standards of Section 18.04(C) above shall be limited to:

1. Lawn, dock, and architectural and decorative lighting provided the light source is less than six (6) feet in height from the closest ground, pavement, or water body.
2. Seasonal lighting associated with religious holidays, such as Christmas.
3. Outdoor recreation and amusement areas provided the luminaries are mounted at a sufficient height, designed with baffling and glare guards to assure that no more than one foot candle power of light shall cross a lot line five (5) feet above the ground in a residential district, and are turned off during hours the facility is closed to the public.
4. Neon lighting.
5. Lighting of flags representing the United States, Michigan, Grant Township, or other public entity when such flags are on public property.

**Section 18.05 Noise**

A. A person, industry, corporation, firm or business shall not emit, cause or allow to be emitted, sound from any source or combination of sources other than a motor vehicle registered for use on public highways, which when measured in accordance with the procedure described herein exceeds the sound level limits in Table 18-1 below. Measurement of sound level shall be made using a microphone set at a height of approximately four and one half (4 1/2) feet and at a horizontal distance of at least five (5) feet from a lot line or right-of-way line on any lot or right-of-way other than that on which the sound sources being measured is located. A violation shall not be deemed to exist unless the sound level measured with the sound source or sources of interest in operation is at least six (6) decibels higher than the sound level measured with the sound source or sources not in operation. Duration of sound shall be measured by observing the sound level meter and recording the sound level measured at intervals of time not to exceed five (5) minutes.

B. All measurements shall be made using a sound level meter which meets the requirements of the American National Standard S 1.41984, "Type 2 or Type 1 Sound Level Meters," and which has been set for fast meter response and the A-weighting network.

C. This Section shall not apply to agricultural operations utilizing equipment with normal silencing devices, home lawn maintenance machines and snow blowers that meet their respective product requirements, the emission of sound for the purposes of alerting persons of an emergency or emergency vehicle, and the emission of sound in the performance of emergency work.

**Table 24-1**  
A-Weighted Sound Level Limits (Decibels)

Duration, as a percentage of any one hour period.	Districts		Districts	
	Conservation and Residential		Commercial and Industrial	
	6:00 pm - 6:00 am	6:00 am - 6:00 pm	6:00 pm - 6:00 am pm	6:00 am - 6:00 pm
50% or greater:	45	50	55	65
More than 10% but less than 50%:	50	55	60	70
10% or less:	55	65	70	75
Maximum, any duration:	65	75	80	80

**Section 18.06 Vibration**

Operating any devices that creates vibration which is above the vibration perception threshold of an individual at or beyond the property of the source shall be prohibited. For the purposes of this Section, vibration perception threshold means the minimum ground or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or observation or moving objects.

**Section 18.07 Glare and Heat**

Any operation which produces intense glare or heat shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines. If heat is a result of an operation, it shall be so insulated as to not raise the temperature at any property line at any time.

*End of Article 18*

## **Article 19**

### **ACCESS CONTROLS and PRIVATE ROADS**

#### **Section 19.01 Purpose**

The purpose of this Article is to provide standards which will facilitate safe and efficient traffic movement and vehicular access in the Township. The standards contained herein are intended to protect the public health, safety, and welfare, including minimizing congestion and potential for accidents, and better assuring accessibility to property under emergency conditions. The regulations and standards of this Article apply to all properties in the Township. The requirements and standards of this Article shall be applied in addition to the requirements of the Michigan Department of Transportation, Iosco County Road Commission, and other provisions of this Ordinance.

#### **Section 19.02 Curb Cuts and Driveways:**

- A. All plans for structures to be erected, altered, moved or reconstructed, and use of premises within the Township shall contain a plan for the proposed driveway access to the premises which shall be part of the plot plan or site plan pursuant to Section 4.03. Said plan shall be approved prior to the issuance of a zoning permit. No such plan shall be approved unless such driveway access is onto a public street or approved private road. Driveways and curb cuts shall, at a minimum, meet the requirements of the County Road Commission and Michigan Department of Transportation, and the following standards:
1. Driveways shall generally enter perpendicular to the existing street or road.
  2. No driveway shall serve more than one (1) single family dwelling or more than one (1) dwelling unit in a two family dwelling unless specifically approved by the Planning Commission.
  3. Residential driveways shall be a minimum of ten (10) feet in clear unobstructed width, be clear and obstructed to a minimum height of fifteen (15) feet, and have a surface designed and maintained to permit emergency access.
  4. Non-residential driveway ingress and egress points shall not be closer than one-hundred (100) feet to the intersection of any two (2) public streets, or closer than one hundred (100) feet to an adjacent driveway within a Commercial or Industrial district.
  5. No driveways providing access to non-residential uses or structures shall cross residentially-zoned property.
- B. No driveways providing access to nonresidential uses and structures shall cross residentially-zoned property.

#### **Section 19.03 Lots to Have Access**

All parcels or lots hereinafter created in the Township shall have frontage on a public street, or an approved private road, 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.

#### **Section 19.04 Clear Vision Zone**

- A. The following regulations shall apply to all landscaping, fences, walls, screens, or similar devices at street intersections:
1. No fence, wall, sign, or screen or any planting shall be erected or maintained in such a way as to obstruct vision or interfere with traffic visibility on a curve, or within thirty (30) feet of the right-of-way of an intersecting street.
  2. No structure, hazard or obstruction shall be placed or maintained in the right-of-way, except as may be approved by the County Road Commission and Township Board.

#### **Section 19.05 Private Roads**

- A. **Definitions:** For the purposes of this Section, the following terms and phrases shall have the meanings as prescribed:



- 1) Class 1 Private Road: A private road which serves and provides access to twenty (20) or more dwelling units, site condominium sites, or parcels, or nonresidential principal buildings.
- 2) Class 2 Private Road: A private road which serves and provides access to six (6), but not more than nineteen (19) dwelling units, site condominium units, or parcels, or nonresidential principal buildings.
- 3) Class 3 Private Road: Vehicular access to at least three (3) but no more than five (5) dwelling units, site condominium units, or parcels, or nonresidential principal buildings.
- 4) Turn-around: The end of a private road which is designed to permit a vehicle to turn around by either a continuous circular motion (cul-de-sac) or by a series of forward and reverse motions ("T"-head intersection).

**B. Private Roads Permitted:** Private roads, as defined in Article 2 and above in subsection (A), are permitted provided they conform to the requirements of this Section.

**C. Construction and Design Standards:** The creation of a road that serves a division of land resulting in two (2) or more parcels being served by a private road shall conform to the minimum construction standards of Table 19.05-1 and the following:

1. Drainage: Underground crossroad drainage shall be provided where the proposed private road crosses a stream or other drainage course. Necessary culverts and erosion treatments shall be provided in accordance with the specifications of the County Road Commission and/or County Drain Commissioner, or upon recommendation of the Zoning Administrator. The private road easement and road shall be adequately drained so as to prevent flooding or erosion of the roadway. Ditches shall be located within the private road easement. Road drainage shall be constructed so that the runoff water shall not be discharged upon the land of another property owner unless the water is following an established watercourse. The discharged water onto adjoining properties shall also not exceed the discharge rate existing prior to the construction of the private road. Connection to county drains shall be approved by the County Road Commission prior to the issuance of a permit. Connection to roadside ditches within public road rights-of-way shall be approved by the County Road Commission prior to the issuance of a permit.
2. Turnarounds: A single means of access may serve up to twenty-four (24) dwelling units, site condominium units, or parcels, or nonresidential principal buildings. A private road serving three (3) or more dwelling units, site condominium units, or parcels, or nonresidential principal buildings, shall include a turnaround at the end of the road. Cul-de-sac turnarounds shall be designed with a 75 foot radius easement and forty-five (45) foot road radius, except that a fifty-five (55) foot radius is required if a center landscaped island is included. A larger turnaround may be required for commercial and industrial private roads. "T"-head turnarounds shall be a minimum of 120 feet in length and the intersection of the "Tn head and leg shall permit a minimum 50 foot centerline radius curve to accommodate emergency vehicles. The above standards may be adjusted by the Planning Commission in particular cases, with input from the Fire Department, Township staff, Township consultants, Zoning Administrator or County Road Commission.
  - a. Not more than four (4) lots or parcels shall have frontage on a cul-de-sac.
3. Intersections:
  - a. Construction authorization from the County Road Commission is required for connection to a public road.
  - b. Private roads shall meet perpendicular to a public street right-of-way or private road except where the Planning Commission permits an angle of no less than seventy (70) degrees due to environmental constraints.
  - c. Proposed private roads or entrances to a development shall align directly across from, or be offset at least two-hundred fifty (250) feet from public streets, measured from centerline to centerline. Private roads shall align directly across from other private roads or be offset at least one hundred fifty (150) feet, measured from centerline to centerline.
4. Ingress and Egress Grades: Private roads shall be designed and so constructed to provide safe ingress, egress, and vehicular movement.

5. Limit on Length and Number of Dwelling Units: Private roads with only one connection to a public road or another approved private road meeting the requirements of this Ordinance shall not be longer than one thousand (1,000) feet, but under no conditions shall a private road serve as the single means of access to more than twenty-five (25) dwelling units, site condominium units, or parcels, or nonresidential principal buildings.
6. Vertical Clearance: A minimum of fifteen (15) feet of overhead clearance shall be maintained across the width of a private road to provide emergency access.
7. Street names: Road names shall not duplicate existing public or private road names within Iosco County. The applicant shall submit evidence of this condition.
8. Signs: Regulatory signs (stop, yield, etc.) shall be positioned and installed in accordance with the Michigan Manual Traffic Control Devices on all private roads where such roads intersect public streets. All other signs within the private road or access easement shall be identified on the site plan and be in accordance with the Michigan Manual of Uniform Traffic Control Devices, unless the Planning Commission approves another type of design for consistency with the character of the development. Street signs shall be provided at all intersections.

**D. Road Construction Approval Procedure:** No private road shall be constructed, extended, improved, or relocated after the effective date of this Ordinance unless an application for a private road construction permit has been completed and filed with the Zoning Administrator, and subsequently approved by the Township Board after receiving a recommendation from the Planning Commission.

1. Application: The applicant shall submit fifteen (15) copies of a private road application consisting of the following:
  - a. Completed application form and fee.
  - b. Parcel numbers and names of owners for all properties having legal interest in the road.
  - c. Proposed land division to be made from the entire area including a preliminary boundary and parcel division plan showing approximate areas of the proposed lots or parcels.
  - d. All plans, designed and sealed by a registered engineer or land surveyor showing location, dimension and design of the private road in conformance with the standards of Section 19.05(C). The plans shall identify existing and proposed elevation contours within all areas to be disturbed or altered by construction of the private road.
  - e. The location of all public or private utilities located within the easement or within twenty (20) feet of said easement, including but not limited to telephone, gas, electricity, water, and sewer.
  - f. The location of any lakes, streams, drainage ways, wetlands regulated by the Michigan Department of Environmental Quality.
  - g. Draft road maintenance agreement signed by applicant owner(s) to be recorded with the Township Clerk and County Register of Deeds providing for:
    - 1) A method of initiating and financing of such road in order to keep the road up to properly engineered specifications and free of snow or debris.
    - 2) A workable method of apportioning the costs of maintenance and improvements to current and future uses.
    - 3) A notice that if repairs and maintenance are not made, the Township Board may bring the road up to established County Road Commission standards for public roads and assess owners of parcels on the private road for the improvements, plus an administrative fee in the amount of twenty-five (25) percent of total costs.
    - 4) A notice that no public funds of the Township are to be used to build, repair, or maintain the private road.
  - h. Draft road easement agreement signed by the applicant/owner(s) to be recorded with the Township Clerk and County Register of Deeds providing for:
    - 1) Easements to the public for purposes of emergency and other public vehicles for whatever public services are necessary.

- 2) A provision that the owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitee, vendors, tradesman, delivery persons, and others bound to or returning from any of the properties having a need to use the road.
    - i. A signed statement by an engineer licensed in Michigan certifying that the plans and drawings for the private road, submitted for review, meet or exceed the provisions of this Section.
2. Application Review and Approval or Rejection:
- a. The Zoning Administrator shall review, and send to the Planning Commission and Township Engineer for review and comment, the plans of the private road. The proposed road maintenance agreement and road easement agreement shall be sent to the Township Attorney for review and comment.
  - b. Planning Commission, Township Engineer and Township Attorney recommendations shall be forwarded to the Township Board.
  - c. After reviewing all materials and recommendations submitted, the Township Board shall approve, deny, or approve with conditions the application for a private road. When approval is granted, construction authorization will be issued by the Zoning Administrator through the issuance of a zoning permit.
    - 1) If the application is rejected, the reasons for the rejection and any requirements for approval shall be given in writing to the applicant.
    - 2) At the discretion of the Township Board, a proposed private road may be denied unless it connects to another private road or public road when necessary to provide safe traffic flow and emergency vehicle access.
- 3) Issuance of Land Use Permit for Structures on Private Roads: No zoning permit shall be issued for a dwelling or structure on any private road until such private road is given final approval by the Township Board.
- a. The applicant's engineer shall certify to the Township Board, in writing, that the required improvements were made in accordance with this Ordinance and all approved plans. The applicant's engineer shall be registered in the State of Michigan.
  - b. The Township Board shall grant final approval of a constructed private road upon finding that the road is constructed according to the approved private road construction permit, and upon receipt of copies of the road easement agreement and road maintenance agreement recorded with the County Register of Deeds. Final approval shall be established through the issuance of a Private Road Permit by the Zoning Administrator.
- E. Failure to Perform:** Failure by the applicant to begin construction of the private road according to approved plans on file with the Township within one (1) year from the date of approval shall void the approval and a new plan shall be required by the Township subject to any changes made herein or subject to any changes made by the County Road Commission or the Township in its standards and specifications for road construction and development.
- F. Notice of Easements:** All purchasers of property where a private road provides access to the premises shall, prior to closing of the sale, receive from the seller a notice of easement, in recordable form, substantially conforming to the following:
- "This parcel of land has private road access across a permanent easement which is a matter of record and a part of the deed. This notice is to make Purchaser aware that this parcel of land has egress and ingress over this easement only. Neither the County nor Township has any responsibility for maintenance or upkeep of any improvement across this easement. This is the responsibility of the owners of record. The United States mail service and the local school district are not required to traverse this private improvement and may provide service only to the closest public access. (Michigan P.A. 134 of 1972, as amended. )"

- G. Existing Nonconforming Private Roads:** The Township recognizes there exist private roads that were lawful prior to the adoption of this Ordinance which are inconsistent with the standards herein. Such roads are declared by this Section to be legal nonconforming roads. Such roads may continue as they existed on the effective date of this Ordinance, and undergo routine maintenance for safety purposes. However, the extension or alteration of such roads to provide access to additional dwelling units, site condominium units, or parcels, or nonresidential principal buildings, after the effective date of this Ordinance shall be in conformance with the design and construction standards of Section 19.05(C).

**Table 19.05-1  
Standards for Private Roads<sup>1</sup>**

Minimum Design and Construction Standards	Class 3 Private Road (serves 3 to 5 lots)	Class 2 Private Road (serves 6 to 19 lots)	Class 1 Private Road (serves 20 or more lots)
Easement Width	30 feet	50 feet	66 feet
Surface and Base Width	15 feet <sup>4</sup>	22 feet	22 feet
Surface Material	8" of MDOT 22A or 23A processed road gravel in two equal compacted courses.	8" of MDOT 22A or 23A processed road gravel in two equal compacted courses.	8" of MDOT 22A or 23A processed road gravel in two equal compacted courses.
Base Material	6 inches Class 2 sand.	6 inches Class 2 sand.	6 inches of Class 2 sand below 7 inches of crushed limestone, slag, or 6 inches of MDOT 21A processed road gravel, in two equal compacted courses.
Horizontal Roadway Grades	Not Applicable	Minimum 0.5%, but not to exceed 10.0%	Minimum 0.5%, but not to exceed 10.0%
Vertical Roadway Curves	50 feet long for grade changes of 2.0% or more.	100 feet long for grade changes of 2.0% or more.	100 feet long for grade changes of 2.0% or more.
Horizontal Roadway Curves	75 foot centerline radius.	150 foot centerline radius <sup>2</sup> .	230 foot centerline radius <sup>2</sup> .
Drainage Courses	Roadside swales or ditches shall be of sufficient width and grade to provide adequate and positive drainage.	Roadside swales or ditches shall be of sufficient width and grade to provide adequate and positive drainage.	Roadside swales or ditches shall be of sufficient width and grade to provide adequate and positive drainage. Front and back slopes of roadside swales or ditches of minimum 1:4 slope.
Turn-Arounds	"T" – head or cul-de-sac turn-around required. <sup>3</sup>	"T" – head or cul-de-sac turn-around required. <sup>3</sup>	Cul-de-sac turn-around required.

1. See Section 19.05 for other applicable standards.
2. The Township Planning Commission may reduce this radius to not less than 150 feet horizontal radius, if the design would accommodate expected vehicle speeds and truck traffic, as determined by the Township Planning Commission, in cases where rolling terrain or a significant number of mature trees would be preserved, or where width of the parcel would not accommodate wider radii.
3. A cul-de-sac turnaround shall be constructed when ever a private road terminates without intersecting with another public street of private road and such point of termination is more than six hundred sixty (660) feet from the closest intersecting private road easement or public road right-of-way.
4. Such width shall widen to a minimum of twenty-two (22) feet at intervals no greater than three hundred (300) feet, to permit an emergency vehicle to pass an oncoming car or another emergency vehicle.

*End of Article 19*

## Article 20 GENERAL PROVISIONS

### **Section 20.01 Purpose**

The purpose 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 which they are permitted to be located. The following general provisions establish regulations which are applicable to all zoning districts unless otherwise indicated.

### **Section 20.02 Keeping of Animals**

- A. Wild Animals:** No wild animal, as defined in this Ordinance, shall be kept permanently or temporarily in any district in the TownShip.
- B. 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.
- C. Livestock:** The raising and keeping of livestock or other animals generally not regarded as household pets, including private stables, 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 in a Forestry or Farm-Residential District, except in platted subdivisions or condominium subdivisions unless specifically designed to incorporate an equestrian center. 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 in the District and the following additional conditions shall be met:
1. The occupants of the premises shall keep the odor, sounds and movement of the animals from becoming a nuisance to adjacent properties.
  2. Manure piles shall be stored, removed, and/or applied to the soil in accordance with the generally accepted agricultural and management practices of the Michigan Agriculture Commission for manure management and utilization, and with Michigan Department of Agriculture and County Health Department regulations. No storage of manure, odor or dust producing materials or use shall be permitted within one hundred (100) feet of any adjoining lot line.
  3. No animal shall be permitted to approach closer seventy-five (75) feet to an existing dwelling on an adjacent parcel.
  4. The minimum lot area and maximum animal density shall be as followS:
    - a. A minimum lot area of one (1) acre is necessary for the keeping of small livestock, including rabbits, chickens, turkeys, and geese but excluding swine, and the maximum animal density shall not exceed one (1) animal 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 horses, and the maximum animal density shall not exceed one (1) animal 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).
  6. Maintenance of animals and operation of private stables shall be in conformance with all applicable county, state, and federal regulations.

7. All animal facilities, including private stables, shall be constructed and maintained so that dust and drainage from the facilities shall not create a nuisance or hazard to adjoining property or uses.
8. No living quarters shall be located in any private stable.

**D. Compliance with Regulations:** The keeping, maintaining, and/or raising of animals shall comply with all County, State, and Federal regulations.

**Section 20.03 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 administrative buildings, communication towers, public utility storage yards, and similar above-ground structures and uses.

**Section 20.04 Permitted Yard Encroachments**

A. An unenclosed porch, deck, balcony or awning may project from a principal building into the required rear yard setback area for a distance not to exceed fifteen (15) feet; into a required front yard setback area for a distance not to exceed eight (8) feet; and into a required side setback area for a distance not to exceed three (3) feet, but in no case shall a deck, balcony, porch, or awning be placed closer than five (5) feet to any lot line. Physical structures relating to barrier free access, such as ramps, shall not be required to comply with setback requirements.

**Section 20.05 Temporary Dwellings**

A. The Zoning Board of Appeals shall have the authority to approve a temporary zoning permit for a mobile home or recreational vehicle. Said permit shall be in effect for six (6) months and the Zoning Board of Appeals may grant a single six (6) month extension upon a finding that, in the case of (1) and (2) below, the applicant has made a good faith effort to initiate and complete construction. Such permit shall be issued only on the following basis:

1. Emergency Housing: 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 Building Inspector, a temporary zoning permit may be issued to allow a mobile home to be placed on the property upon the request of the owner.
2. New Home Under Construction: When a new dwelling is being constructed on a vacant lot, a temporary zoning permit may be issued to allow a mobile home on the lot for the period during which a new permanent dwelling is being erected on a vacant lot.
3. Medical Reasons: The Zoning Board of Appeals may approve a permit for a temporary mobile home as an accessory use to the principal dwelling if a medical condition exists such that the intended occupant requires continued supervision. Such medical condition shall be attested to by a licensed physician, stating the nature of the disorder and specifying the level and type of continued care needed by the patient. A temporary housing permit shall be granted if the Zoning Board of Appeals finds adequate evidence of the need for supervision. Such permit issued to the party with the medical condition is for the applicant's use only and not transferable to any other owner or occupant.

B. A temporary zoning permit shall not be granted, for any reason, unless the Zoning Board of Appeals finds:

1. The mobile home or recreational vehicle complies with all setback requirements of the District for a principal building
2. 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.
3. Adequate measures are available for potable water and sewage disposal.

4. A performance guarantee in the amount of two thousand dollars (\$2,000) is made available 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.

#### **Section 20.06 Accessory Uses, Buildings, and Structures**

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

- 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 except where expressly authorized by the Building Code.
- C. Placement:** Accessory buildings and structures of less than twelve (12) feet in height shall not be located closer than five (5) feet to a lot line. All other accessory buildings and structures are subject to all front, side and rear yard setbacks applicable to principal buildings in the same District. However, in no case shall an accessory structure or building be located in a front yard.
- D. Size and Height:** Residential accessory structures shall not exceed twenty-six (26) feet in height. This limitation shall not apply to residential accessory structures on parcels of five (5) acres or more in size. Accessory structures in Commercial or Industrial Districts may be constructed to equal the permitted maximum height of principal structures in said districts.
- E. Habitation of Accessory Structures:** No accessory building or structure shall be used or occupied as a dwelling.
- F. Prior to a Principal Structure:** Accessory buildings and structures may be erected on a lot or parcel prior to the establishment of a principal structure provided the landowner submit a plot plan or site plan to the Zoning Administrator pursuant to Article 4 and the Zoning Administrator finds that such building or structure will not hinder the future erection of a principal building(s) in conformance with all setback and other site development requirements of this Ordinance. Accessory buildings and structures approved for erection on a lot or parcel prior to the establishment of the principal structure shall be appropriately landscaped to be harmonious in appearance and character with surrounding properties. Such landscaping shall be identified on the plot plan or site plan and shall be installed within four (4) months of substantial completion of construction of the accessory buildings or structures.

#### **Section 20.07 One Dwelling Unit to a Lot**

No more than one (1) dwelling unit may be permanently established on a lot or parcel, unless specifically provided for elsewhere in this Ordinance.

#### **Section 20.08 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 or structure meets all applicable provisions of this Ordinance, including but not limited to required setbacks, and the building and all materials therein are approved by the Building Inspector.

#### **Section 20.09 Flag Lots**

Where there is no other way to gain access to undeveloped land due to limited street frontage, new flag lots may be permitted to be used, provided that the flag lot has at least twenty (20) feet of frontage on a



public road, 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. (See Figure 21-3).

#### **Section 20.10 Height Requirement Exceptions**

- A. The following are exempted from height limit requirements, provided that no portion of the exempted 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. Public utility structures, but not including communication towers, except upon receipt of a zoning permit.

#### **Section 20.11 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 21 of this Ordinance, shall satisfy the following conditions:
1. 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. 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.
  2. The home occupation shall not employ more than one (1) person not residing in the home.
  3. All activities shall be carried on indoors. No outdoor storage or display shall be permitted.
  4. 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 other than a permitted sign.
  5. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in the 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.
  6. No Article shall be sold or offered for sale on the premises except such as is produced within the dwelling or accessory building, or is provided as an incidental activity associated with the principal service offered by the home occupation.
  7. The home occupation shall not entail the use or storage of explosive, flammable, or otherwise hazardous waste other than the types and quantities typically associated with day-to-day household operations.
- B. A zoning permit is required. It shall be issued by the Zoning Administrator upon a finding that the proposed home occupation shall conform to the above requirements and the required fee has been paid. The applicant shall submit a written description of the proposed home occupation and day-to-day operations, and a certification that each of the above standards in (A) shall be complied with. Conformance to the above standards shall be maintained throughout the duration of the home occupation.

### **Section 20.12 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 standards in this Ordinance 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. Requirements for Valid Conditions:** Conditions imposed shall meet all of the following requirements:

1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those w'ho 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 and Changes:** Any conditions imposed shall be recorded in the record of the approval action. 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 3.07.

### **Section 20.13 Condominium Subdivisions**

The intent of this Section is to provide regulatory standards for condominium subdivisions similar to those required for projects developed under other forms of ownership. This section is not intended to prohibit or treat a proposed or existing condominium project different than a project developed under another form of ownership.

**A. Applicability of District Regulations:** A condominium unit, including single family detached units, shall comply with all applicable site development standards of the district within which it is located, including setback, height, coverage and area requirements, and all other provisions of this ordinance except as may be varied through a planned unit development. A condominium unit in a condominium subdivision is that portion of the project intended to function generally similar to a platted subdivision lot and shall comply with the minimum lot area, width and yard setbacks of the District within which it is located, except as may be permitted by a planned unit development.

**B. Utilities:** 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.

**C. Roads:** All roads within a condominium subdivision shall be designed and constructed in conformance with adopted standards of the Iosco County Road Commission or, in the case of a private road, shall conform to the provisions and standards of this Ordinance.

**D. Review and Approval Procedures:**

1. Zoning Permit Required: Construction of a condominium subdivision shall not be initiated prior to the issuance of a zoning permit. The issuance of a zoning permit shall require the submittal and approval of a final site plan pursuant to Article 4, Procedures for Plot Plan and Site Plan Review, and master deed and bylaw documents. The Township Board shall be the approving body.
2. Sketch Plan Approval Required: The applicant shall submit a preliminary site plan pursuant to Section 4.04(A) and (B) and the Planning Commission shall act upon the sketch plan pursuant to Section 4.04(C). Upon approval of the preliminary site plan, the applicant shall submit the approved preliminary site plan to those outside review agencies with review or permit authority over the project as determined by the Planning Commission. Such agencies may include but not be limited to:
  - a. County Road Commission.
  - b. County Drain Commission.
  - c. County Health Department.
  - d. Michigan Department of Transportation.
  - e. Michigan Department of Natural Resources and Department of Environmental Quality.
3. Site Plan Approval Required: Following submittal of the preliminary site plan to applicable outside agencies, the applicant shall revise the plan, if required, and shall submit a final site plan pursuant to Article 4. The site plan shall include:
  - a. all information required by Section 4.04(BC).
  - b. information constituting a condominium subdivision plan, including the size, location, area, width, and boundaries of each condominium unit; building locations; the nature, location, and approximate size of common elements; and other information required by Section 66 of Michigan Public Act 59 of 1978, as amended.
4. Master Deed/Bylaws Approval Required: The applicant shall furnish the Planning Commission with fifteen (15) copies of the proposed master deed and bylaws and shall be reviewed for compliance with Township ordinances and to ensure that an assessment mechanism has been included to guarantee adequate funding for maintenance of all common elements. The common area funding responsibility of the association shall include any necessary drainage-ways and the cost to periodically clean out such drainage ways to keep them functioning as intended in the approved plans. The master deed shall clearly state the responsibility of the owner and co-owners and shall state that all amendments to the master deed must conform with Township, County, and state laws and regulations. The Master Deed shall also include any variances granted by Township, County, or State authorities and include a hold harmless clause from these variances. 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.
5. Issuance of Zoning Permit: Upon approval of the final site plan, by-laws and master deed, the applicant shall furnish the Township Clerk a copy of the final bylaws and master deed, and a copy of the approved site plan on a mylar sheet of at least twenty-four inches by thirty-six inches (24" x 36"). Upon the satisfactory submittal of these documents, the Clerk shall direct the Zoning Administrator to issue a zoning permit for the condominium subdivision.

**E. Building Permit:** No building shall be erected in the condominium subdivision prior to the issuance of a zoning permit by the Zoning Administrator for that specific building, and a building permit by the Building Inspector.

**F. As-Built Plan and Occupancy:** Submission of an as-built plan of a condominium subdivision is required. The Zoning Administrator may allow occupancy of the project before all required

improvements are installed provided that a financial performance guarantee in the form of a cash deposit or letter of credit is submitted to the Township Clerk, sufficient in amount and type to provide for the installation of improvements. The amount of the financial guarantee shall be determined by the Planning Commission based on an estimate by the Township engineer.

- G. Monuments:** All condominium units which are building sites shall be marked with monuments as if such units were lots within a platted subdivision, and such monuments shall comply with the requirements of the P.A. 591 of 1997, the Land Division Act, as amended.

#### **Section 20.14 Earth Sheltered Homes**

The bottom edge of an earth berm surrounding or abutting a wall or roof of a dwelling shall meet the height and setback requirements for the District in which it is located.

#### **Section 20.15 Fences**

- A.** Except as otherwise provided in this Ordinance or during site plan review and approval proceedings, fences in all District shall be subject to the following provisions:
1. Fences within or along any rear or side yard shall not exceed six (6) feet in height as measured from the surface of the ground.
  2. Fences located within twenty (20) feet from any roadway property line Of easement and all fences adjoining a road are not to exceed four (4) feet in height as measured from the ground.
  3. Lake lot fences within a front yard shall not exceed four (4) feet in height as measured from the surface of the ground.
  4. Fences shall be of sound design, construction, and materials, and be of such general character as is customarily associated with residential fencing. The finished side of a fence inside the setback shall face the adjoining lot.
    - a. It is the responsibility of the Owner to maintain the fence and keep it in proper repair.
  5. None of above provisions in (1) through (4) shall prohibit the erection of a privacy or security fence up to six (6) feet high along an access easement to a water body where the Planning Commission finds that such fence shall not be a nuisance or otherwise be disturbing to surrounding properties. Fences are to be constructed no closer than 1” to any property line.
- B.** No fence with barbs, spikes, nails, or other sharp or electrified devices shall be permitted, except in association with agricultural operations, unless specifically granted approval by the Planning Commission. No fence shall constitute a hazard to the public health and welfare.

#### **Section 20.16 Single Family Dwelling Standards**

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 contain a minimum of nine hundred (900) square feet of floor area, shall have a minimum width across every section of twenty (20) feet, and comply in all respects with the county building code, including minimum heights for habitable rooms. 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 county 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 manufacturers 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 the perimeter wall of the dwelling 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. Skirting shall be installed within thirty (30) days of setup of the home.
- D. All dwellings shall be connected to a public sewer and water supply or to such private facilities approved by the County Health Department.
- E. All dwellings shall be properly maintained against deterioration and/or damage from the elements or otherwise by prompt and approximate repairs, surface coating, and other appropriate protective measures.
- F. All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof over-hang of not less than six (6) inches on all sides, or alternatively with window sills and roof drainage systems concentrating roof drainage along the sides of the dwelling. The building shall include not less than two (2) exterior doors with one being in the front of the dwelling and the other being in either the rear or side of the dwelling, and contain steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.
  - 1. The compatibility of design and appearance shall be determined by the Zoning Administrator upon review of the plans submitted for a particular dwelling. Any determination of compatibility shall be based upon the standards set forth in this Section as well as the character of residential development outside of mobile home parks within 1,000 feet of the subject dwelling where such lots and parcels are developed with dwellings to the extent of not less than twenty percent (20%) of the total number of such lots and parcels; or, where said area is not so developed, by the general character, design and appearance of residential dwellings located outside of mobile home parks throughout the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
- G. No dwelling shall contain additions or rooms or other areas that are not of similar or better construction materials, visual appearance, and quality of workmanship as the original structure, including construction of a foundation as required herein and permanent attachment to the principal structure.
- H. All plywood, insulation, and similar materials used in the construction of dwelling walls and roofs shall be completely covered and protected from weather conditions, including damage caused by freezing and frost, wind, snow, and rain, by brick, siding, or other material and design meeting the requirements of Section 20.16(F) above, within one (1) year from the installation of such plywood, insulation, or similar materials.

#### **Section 20.17 Limitations on Vehicles in Residential Areas**

- A. Except as provided below, under no conditions are trailers, semi-trailers, and similar large transport trucks, or bulldozers, graders, sand and gravel hauling trucks, and similar earth moving vehicles be permitted to be parked or stored in a platted or condominium subdivision, or any Residential District, unless upon a lot or parcel currently under construction and such construction requires the use of such vehicles. However, this provision shall not prohibit the following:

1. the parking or storing of agricultural vehicles and machinery on a lot or parcel devoted to agriculture for which the vehicles and/or machinery is used.
  2. the storing of buses for school or church use on lots or parcels upon which the school or church is located.
  3. The outdoor storing of a single school bus on the lot or parcel of the driver of such bus provided the following conditions are met:
    - a. the driver is employed to drive the bus a minimum of three (3) days per week.
    - b. the bus is not stored on the lot or parcel of the driver during seasonal closings of the school where such closings exceed seven (7) consecutive days.
  4. The parking or storing of a single trailer or semi-trailer on the lot or parcel of the driver of such trailer provided the following conditions are met:
    - a. the driver resides in the residence upon such lot;
    - b. the trailer is parked overnight on such lot no more frequently than twice in any seven (7) day period.
    - c. the lot is a minimum of one half (1/2) acre in size.
    - d. the vehicle engine is not permitted to idle.
- B.** The outdoor parking of a recreational vehicle used for temporary dwelling purposes is permitted provided the following requirements are met:
1. A principal dwelling shall be present on the lot or parcel.
  2. The principal dwelling shall have sewage disposal and potable water facilities approved by the local health department.
  3. The lot or parcel shall not be used for more than (30) days within any twelve (12) month period for the parking of a recreational vehicle used for temporary dwelling purposes.
- C.** Parking or storage of no more than 1 (one) licensed recreational vehicle on a lot in a residential District, or on a lot otherwise used for residential purposes, other than for the purpose of a temporary dwelling according to Subsection (B) above, is permitted provided a permanent dwelling is located on such lot, such vehicles are licensed to a resident of the dwelling located on such lot, and such vehicles are located in a side or rear yard only and comply with all setback requirements for principal buildings in said District. The storage of unlicensed recreational vehicles on lots in a residential District, or on lots otherwise used for residential purposes, is prohibited.

**Section 20.18 Outdoor Storage, Sales and Merchandise Display**

- A.** Outdoor display and sales of merchandise is permitted within Commercial districts. The maximum permitted outdoor display or sales area shall be a total of ten percent (10%) of the use's indoor retail sales floor area, but in no case shall not exceed an area of two hundred fifty (250) square feet. These regulations shall not apply to the display and sales of motor vehicles, items intended for tow, or retail and wholesale landscape materials. All outdoor display and sales areas shall comply with the District's setbacks for principal buildings.
- B.** Excepting the display and sales of motor vehicles, items intended for tow, or retail and wholesale landscape materials, and unless specifically noted otherwise elsewhere in this Ordinance, all storage of materials or products in Commercial and Industrial districts, including equipment, vehicles, lumber piles, crates, boxes, building materials and discarded materials, shall be completely enclosed or otherwise screened by an opaque fence or wall of not less than six (6) feet in height. The height of the wall or fence shall be increased to equal the height of any equipment, vehicles, or materials within the enclosed area.

**Section 20.19 Permit Required for Large Gatherings**

- A. Definition of Large Gathering:** For the purposes of this Section, a large gathering shall be defined as a gathering of more than seventy-five (75) persons for the purposes of entertainment of an outdoor nature such as, but not limited to circuses, carnivals, theatrical exhibitions, public shows, displays, and musical festivals. This definition shall be interpreted to include, but not be limited to,

gatherings for which a fee or financial contribution is charged or expected in order to attend or participate in such gathering, including membership fees to the organization holding or sponsoring the gathering. This definition shall not be interpreted to include family gatherings to which the general public is not invited, and gatherings associated with events organized and conducted by municipal bodies.

**B. Permit Required:** No large gathering shall occur prior to the issuance of a temporary zoning permit after the approving body has determined that the large gathering will be adequately served by potable water, sewage disposal, and emergency services, and that such large gathering shall not threaten the public health, safety, and welfare.

**C. Application, Permit, and Conditions**

1. Application: The applicant may obtain an temporary zoning permit application for a large gathering from the Zoning Administrator. The temporary zoning permit may be approved, modified, conditioned, or denied by the Zoning Administrator. The Zoning Administrator may defer action to the Planning Commission. Either approving body may seek the comments of local fire and police protection services and other public agencies providing public health, safety and welfare services.
2. Basis for Decision: In arriving at a decision regarding an application, the Zoning Administrator shall be guided by the following:
  - a. That the nature and intensity of the proposed large gathering and placement of any temporary structure will be compatible with existing development.
  - b. That the parcel shall be of sufficient size to adequately accommodate the proposed large gathering.
  - c. That the large gathering will be adequately served by potable water, sewage disposal, and emergency services.
  - d. That the location of the large gathering shall be such that adverse effects on surrounding properties will be minimal, particular regarding the traffic generated by the large gathering.
  - e. The off-street parking areas are of adequate size for the large gathering and properly located and the entrance and exit drives are laid out so as to prevent traffic hazards and nuisances.
  - f. That outdoor lighting shall be directed and controlled so as to not create a nuisance to neighboring property owners.
3. Conditions: The Zoning Administrator may impose conditions with the issuance of the permit which are designed to insure compliance with the requirements of this Ordinance. The Zoning Administrator may revoke a permit at any time for nonconformance with the requirements of this section and a permit issued thereunder.
4. Performance Guarantee: The Zoning Administrator may require a performance guarantee in the form of cash, check or savings certificate be deposited with the Township Clerk in an amount equal to the estimated cost of removing any temporary structure authorized under this Section should it not be removed by an applicant at the end of an authorized period. The applicant shall similarly sign an affidavit holding the Township harmless against any claim for damages if the Township were to subsequently use the performance guarantee to remove the temporary structure after its authorized period had expired. The performance guarantee shall be returned when all the terms and conditions of the temporary zoning permit have been met and the temporary use or structure has been removed.

**Section 20.20 Front Setback Reductions**

Any front setback area in any residential district may be reduced below the minimum requirements when the average front setback of existing principal buildings within two hundred (200) feet of a proposed principal building location is less than the minimum required, in which case the required minimum front setback shall be based on the established average.

**Section 20.21 Junk and Inoperative Vehicles**

**A. Junk Defined:** For the purposes of this Section, junk shall be defined as the outdoor storage or maintenance of: 1) any motor vehicles, machinery, appliances, products, or merchandise with parts missing; and/or 2) 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. 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.

**B. Junk is Prohibited:** Junk, and/or the dumping of junk, is prohibited except under the following conditions:

1. A zoning permit has been issued for a junk yard or landfill, as defined in this Ordinance, pursuant to Article 5, Procedures for Special Land Uses.
2. A parcel may be used to store or park outdoors a dismantled, partially dismantled or inoperative motor vehicle provided such use does not exceed thirty (30) days in anyone (1) year.

**C.** The provisions of this Section shall not be construed as repealing any ordinance now in effect or hereafter made effective relating to rubbish, litter, garbage, refuse, trash or junk but shall be construed as supplementary to any such ordinances, as well as any statutes of the State of Michigan relating thereto.

**Section 20.22 Requirements for "Class A" Wireless Communication Facilities**

Class A wireless communication facilities, as defined in this Ordinance, shall be considered uses permitted by right and not require the issuance of a special land use permit. However, all Class A wireless communication facilities shall comply with provisions and standards of Section 11.27(A).

**Section 20.23 Temporary Living Arrangements on Vacant Lots**

**A.** Temporary living arrangements shall be permitted on lots that are void of a permanent dwelling provided all of the following standards and regulations are met:

1. A temporary living arrangement shall be limited to tents or recreational vehicles, as defined in this Ordinance.
2. A temporary living arrangement shall not be established or maintained on a lot for more than a total of seven (7) days in any thirty (30) day period, or for more than a total of twenty-eight (28) days in anyone (1) calendar year.
3. A temporary living arrangement shall have sewage disposal and potable water facilities approved by the local health department, or otherwise employ completely self-contained systems. The dumping or discharging of waste on the lot, other than as approved by the local health department, is prohibited.
4. All tents and recreation vehicles shall be setback a minimum distance of fifty (50) feet from all lot lines.
5. The use of a generator shall be limited to the hours between 8:00 a.m. - 9:00 p.m., and such use shall not exceed a total of four (4) hours during any single twenty-four (24) hour period.

*End of Article 20*



## **Article 21 DEFINITIONS**

### **Section 21.01 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 both include 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 to be used or occupied," "arranged to be used or occupied," "maintained to be used or occupied," 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 Grant in the County of Iosco, State of Michigan; the "Township Board", "Board of Appeals" and "Planning Commission" are, respectively, the Township Board of Trustees, Board of Appeals, and Planning Commission 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. 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 21.02 DEFINITIONS**

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

**Abutting (lot or parcel):** A lot or parcel which shares a common border with the subject lot or parcel.

**Accessory Building or Structure:** 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.

**Agricultural Service Establishments:** Establishments which engage in performing agricultural, animal husbandry or horticultural services on a fee or contractual basis, including but not limited to centralized bulk collection, refinement, storage and distribution of farm products to wholesale and retail markets (such as grain cleaning and shelling; sorting, grading, and packing of fruits and vegetables for the grower; and agricultural produce milling and processing); the storage and sale of seed, feed, fertilizer and other products essential to agricultural production; hay baling and threshing; crop dusting; fruit picking; harvesting and tilling; veterinary services; and facilities used in the research and testing of farm products and techniques.

**Agriculture:** The act or business of cultivating land or using land, including associated buildings and machinery, for 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, but not including concentrated livestock operations as defined in this Ordinance.

**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.

**Animal Waste Lagoon:** The storage and/or treatment of manure involving the use of a pit or other containment area where the manure is diluted or there is standing or ponding water associated with the containment area.

**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 for overnight guests only.

**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.

**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, greenhouses, and other principal or accessory structures.

**Building Height:** The vertical distance measured from the finished grade 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. In the case of a lakefront lot, the building height shall be measured from the finished grade where the building abuts the rear yard (see Figure 2-3 at end of this Section).

**Building Inspector:** An individual hired by Iosco County to administer the County building code.

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

**Certificate of Occupancy:** A document signed by the Building Inspector as a condition precedent to the commencement of a use or the construction/reconstruction of a structure or building which acknowledges that such use, structure or building complies with the provisions of this Ordinance and the County building code.

**Change of Use:** A use of a building, structure or parcel of land, or portion thereof which is different from the previous use in the way it is classified in this Ordinance or in the State Building Code, as amended.

**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.

**Club:** An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, agriculture or similar activities, but not operated for profit nor open to the general public.

**Collocation:** The location by two or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the Township.

**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.

**Composting Center:** An establishment principally involved in the biological decomposition of organic matter under controlled conditions that are primarily characterized by aerobic, elongated piles that generate heat, and where organic matter is collected and delivered from off-site, thereby allowing for large scale composting.

**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 three hundred (300) 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 two hundred (200) animal units:

- 1) 200 slaughter steer/heifers;
- 2) 100 horses;
- 3) 71 mature dairy cow,
- 4) 500 swine;
- 5) 2,000 sheep;
- 6) 4,000 fowl; or
- 7) 50 horses plus 125 swine plus 500 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 Subdivision Control Act of 1967, Public Act 288 of 1967, 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

pertaining to minimum lot size, minimum lot width, maximum lot coverage and maximum floor area ratio.

**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. 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. 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.

**Day Care, Family Home:** 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, Group Home:** 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 / Drive-Through Establishment:** A business 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 from a street or approved alley across a lot or parcel to a parking or loading area, garage, dwelling or other structure or area on the same lot, that is located and constructed in accordance with the requirements of this Ordinance and any requirements 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. Communication towers shall not be interpreted as essential services.

**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 for commercial gain or for use on a parcel other than the parcel from which the material was extracted.

**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 non-transient 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 and associated buildings and machinery used for agriculture comprising at least three (3) contiguous acres, and which may contain other non-contiguous acreage, all of which is operated by a sole proprietorship, partnership, or corporation and including all necessary farm buildings, structures, and machinery.

**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, 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. In the case of waterfront lots, the term frontage shall also apply to the total continuous length of the rear lot line.

**Garage:** An accessory building or an accessory portion of a principal building designed or used primarily 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.

**Golf Course/Country Club:** A golf course, public or private, where the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as a principal use. **Grade, Finished:** The elevation of the ground surface upon the completion, or intended completion, of construction and improvements.

**Grade, Natural:** The elevation of the ground surface in its natural state, before man-made alterations.

**Home Occupation:** An occupation or profession conducted entirely within a dwelling 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 which is licensed by the Michigan Department of Public Health to provide in-patient and out-patient medical and surgical services for the sick and injured, and which may include such related facilities as laboratories, medical testing services, and staff offices.

**Hunt Club:** An area where wildlife are maintained for hunting by club members.

**Junk Yard:** Any land or building used for: 1) the abandonment, storage, keeping, collecting, selling, exchanged or baling of junk including paper, rags, scrap metals, or other scrap or discarded materials; and/or 2) the abandonment, demolition, dismantling, storage, keeping, collecting, selling, exchanging or salvaging of machinery, automobiles or other vehicles not in normal running condition, or parts thereof. A junk yard shall be considered a special land use requiring special approval.

### 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, or three (3) or more cats, or three (3) or more similar animals, six (6) months of age or older, are kept either permanently or temporarily for the purposes of breeding, boarding, leasing, training, sale, or transfer.

**Lakefront Lot:** A lot in a platted subdivision or condominium subdivision that abuts a lake in excess of twenty (20) acres in surface area according to the ordinary high water mark.

**Livestock:** Cattle, sheep, goats, swine, poultry, and other similar domestic animals or fowl normally kept or raised on a farm. **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:** A tract of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may not be specifically designated as such on public records. (see Figure 21-1 at end of this Section).

**Lot Area:** The area of the horizontal plane within the lot lines of a lot, exclusive of the area of a lake or any public or private road right-of-way abutting any portion of the lot, except in the case of lots of ten (10) acres or more in size in which case the area of any public or private road right-of-way may be considered part of the lot area.

**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. (see Figure 21-1 at end of this Section).

**Lot Depth:** The distance from the front lot line of the lot to its opposite rear line, measured midway between the side lot lines. (see Figure 21-2 at end of this Section) **Lot Lines:** The lines bounding a lot or parcel (see Figure 21-2 at end of this Section).

- a. Lot Line, Front: In the case of a lot not located on a corner, the line separating said lot from the public or private right-of-way. In the case of a corner lot or through lot, the Planning Commission shall determine the location of the front lot line based upon minimizing negative impacts to surrounding properties, and said line shall be designated as such on the plot plan or site plan. On a flag lot, the front lot line shall be the interior lot line most parallel to and nearest the road from which access is obtained (see Figure 21-2 at end of this Section). In the case of a lakefront lot, the front lot line shall be the ordinary high water mark.
- b. Lot Line, Rear: 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 (see Figure 21-2 at end of this Section).
- c. Lot Line, Side: Any lot line other than a front or rear lot line (see Figure 21-2 at end of this Section).

**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:** A lot having frontage on two (2) roads other than a corner lot (see Figure 21-1 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 21-2 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.

**Master Deed:** The document recorded as part of a condominium subdivision to which are attached as exhibits and incorporated by reference the approved bylaws for the condominium subdivision and the condominium subdivision plan.

**Medical Clinic:** An establishment where human patients, not lodged overnight, are admitted for examination and treatment by a group of physicians, dentists, or similar professionals. A medical clinic may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients, but may not include facilities for overnight patient care or major surgery.

**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, including recreational vehicles and watercraft.

**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.

**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 or 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.

**Nonconforming 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.

**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.

**Nuisance:** Any offensive, annoying, unpleasant, or obnoxious thing or practice or a cause or source of annoyance, which prevents the free use of one's property, or which renders its ordinary use or physical occupation uncomfortable. Nuisance commonly involves continuous or recurrent acts which give offense to the senses, violate the laws of decency, obstruct reasonable and comfortable use of property, or endangers life and health.

**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.

**Ordinary High Water Mark:** The line between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil.

**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, leasee, 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.

**Parking Space:** An area of definite length and width as designated in this Ordinance for parking an automobile or other vehicle, and which is fully accessible for such purposes.

**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:** The main 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.

**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 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.

The term "standard restaurant" shall not be interpreted to mean or include a drive-through restaurant.

**Restoration:** The reconstruction or replication of an existing building's original architectural features.

**Right-of-Way:** A public or private road, 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.

**Right-of-Way Line:** The legal line of demarcation between a right-of-way and abutting land.

**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" also includes the term "street."

**Road, Private:** A private way or means of approach, not dedicated for general public use, and meets the requirements of the Grant Township Private Road Ordinance. Road, Public: Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the Iosco County Road Commission, State of Michigan, or federal government.

**County Primary Road:** Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the Iosco County Road Commission and classified by the Iosco County Road Commission as a "primary" road pursuant to PA 51 of 1951, as amended.

**County Local Road:** Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the Iosco County Road Commission and classified by the Iosco County Road Commission as a "local" road pursuant to PA 51 of 1951, as amended.

**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, convenience store, and car wash. 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 distance between the lot line and the structure, as required herein.

1. Front: Minimum required distance, extending the full lot width, between the structure and the front lot line (see definition for "lot line, front" and its application to lakefront and other lots).
2. Rear: The minimum required distance, extending the full lot width, between the structure and the lot line opposite the front lot line.

3. **Side:** The minimum required distance, extending from the front setback to the rear setback, between the structure and the side lot line.

**Shooting Range:** Any facility, whether operated for profit or not, and whether public or private, which is designed primarily for the use of bow and arrow or 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:** Refer to Article 15: Signs, for 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 generally delegated to the Planning Commission.

**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 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 Article 5: Procedures for Special Land Uses.

**Stable, Commercial:** A structure and/or land use where horses are bred, reared, trained and/or boarded for remuneration and does not meet all of the definition requirements of a private stable, as defined in this Ordinance.

**Stable, Private:** An accessory structure and/or land use where: horses are kept either for private use by the occupants of the parcel or are bred, reared, trained and/or boarded for remuneration; horse shows, training exhibitions, or any other activity typically characterized by the gathering of spectators or observers are not part of the operations or activities of such structure or use; and no more than twenty (20) horses are maintained on the lot or parcel at any single time nor do such animals exceed the maximum animal density requirements of Section 20.02.

**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.

**Street:** See "Road."

**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. Fences shall not be considered as "structures," but must comply with all applicable standards of this Ordinance.

**Township Engineer:** The licensed staff engineer of the Township, or a licensed engineer the Township may hire from time to time as needed.

**Truck Terminal:** A structure to which goods, except raw or unprocessed agricultural products, natural mineral or other resources, are delivered for immediate distribution or to be or divided for delivery in larger or smaller units to other points, or for distribution or division involving transfer to other modes of transportation.

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

**Underground Storage Tank:** A tank or combination of tanks, including underground pipes connected to the tank or tanks or underground ancillary equipment containment systems, if any, which is, was, or may have been, used to contain an accumulation of regulated substances and the volume of which, including the volume of the underground pipes connected to the tank or tanks is 10% or more beneath the surface of the ground.

**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.

**Veterinary Clinic:** An establishment which is licensed by the Michigan Department of Health to provide for the care, diagnosis, and treatment of sick or injured animals, including those in need of medical or surgical attention. A veterinary clinic may include fully enclosed pens or cages for the overnight boarding of animals receiving medical treatment and such related facilities as laboratories, testing services, and offices.

**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.

**Wireless Communication Facilities:** All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, micro-wave relay facilities, telephone transmission equipment buildings and private and commercial mobile radio service facilities. Not included within this definition are: Citizen band radio facilities; short wave receiving facilities; radio and television citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; federally licensed amateur (ham) radio facilities; satellite dishes; and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

Class A: A wireless communication facility meeting either of the following requirements:

1. An existing structure which will serve as an attached wireless communication facility within a nonresidential zoning district, where the existing structure is not, in the discretion of the Planning Commission, proposed to be either materially altered or materially changed in appearance.
2. A proposed Collocation upon an Attached Wireless Communication Facility which had been pre-approved for such collocation as part of an earlier approval by the Township.

Class B: Wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. Also referred to as "attached wireless communications facilities." A wireless communication support structure proposed to be newly established shall not be included within this definition.

**Wireless communications facilities, attached:** See wireless communication facilities, class B.

**Wireless communications support structures:** Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

**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 21-2 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 line of the principal building. 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 line of the principal building. In the case of corner lots, there shall only be one rear yard which shall be determined by the OWler.
- 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 line of the principal building.

**Zoning Administrator:** The authorized individual charged with the responsibility of administering this Ordinance and appointed by the TOW1IShip Board of Trustees.

**Zoning District or Zone:** A portion of the TOW1IShip within which specific regulations and requirements, or various combinations thereof apply as provided in this Ordinance.

**Zoning Permit:** A permit signifying compliance with the provisions of this Ordinance and issued by the Zoning Administrator upon approval of the proposed land use or development plan by the designated approving body.

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Figure 21-1  
LOT TYPES

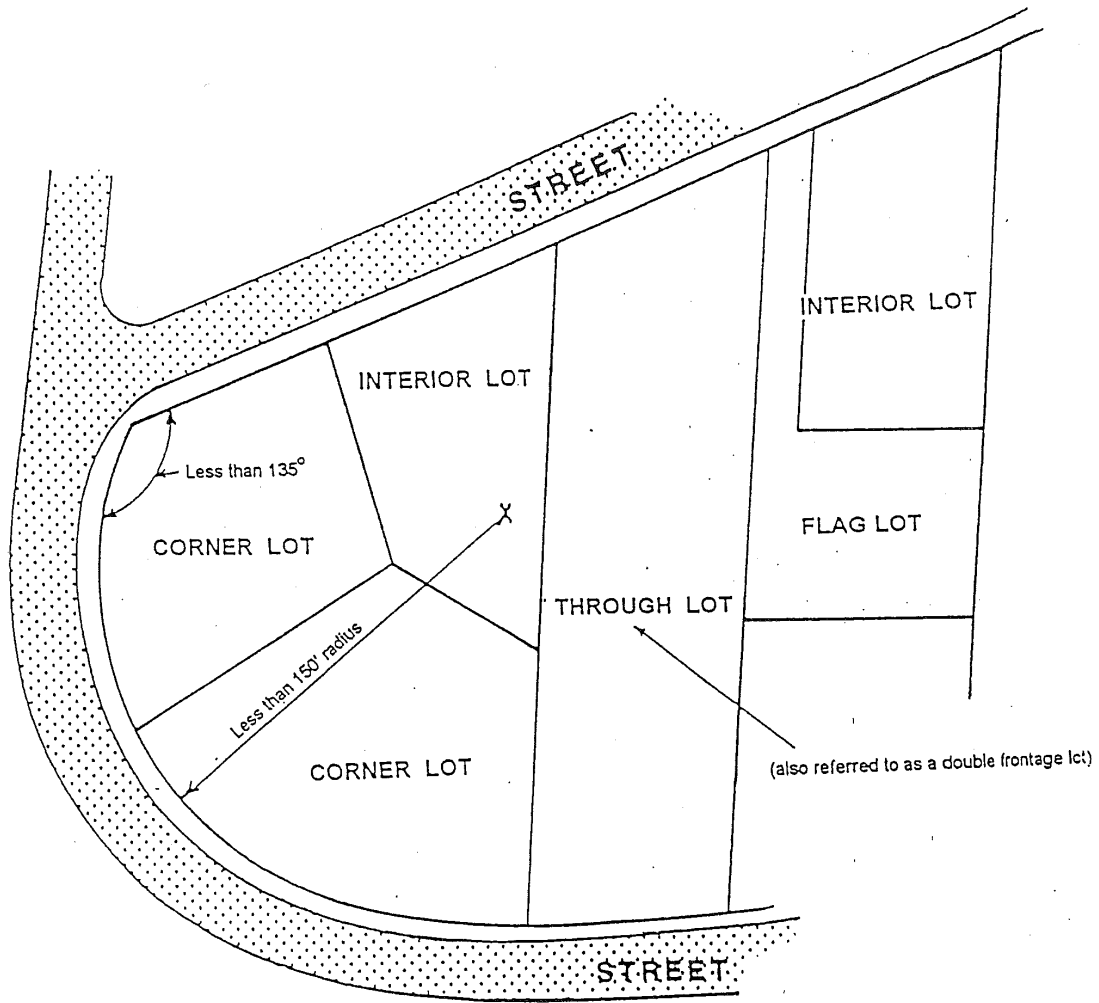
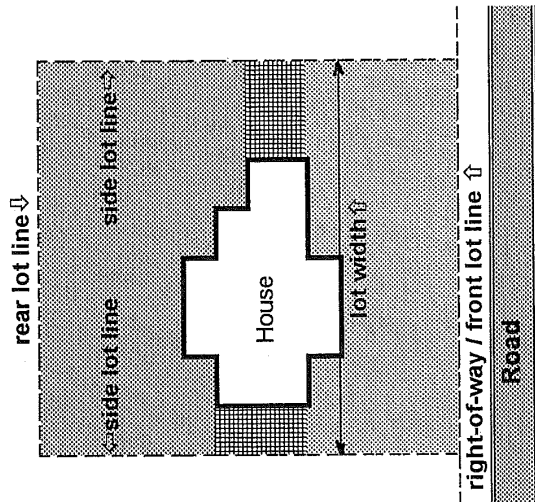
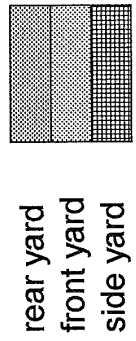
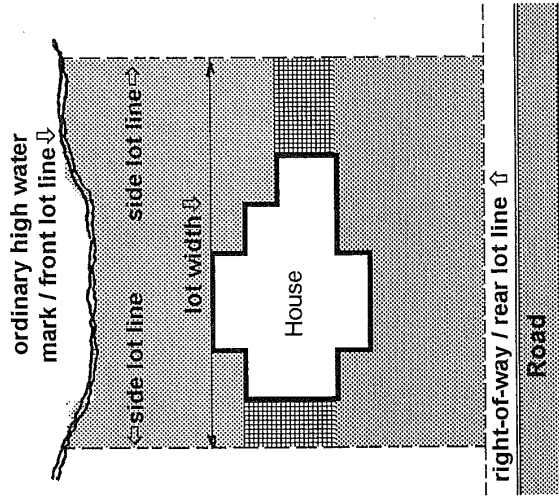


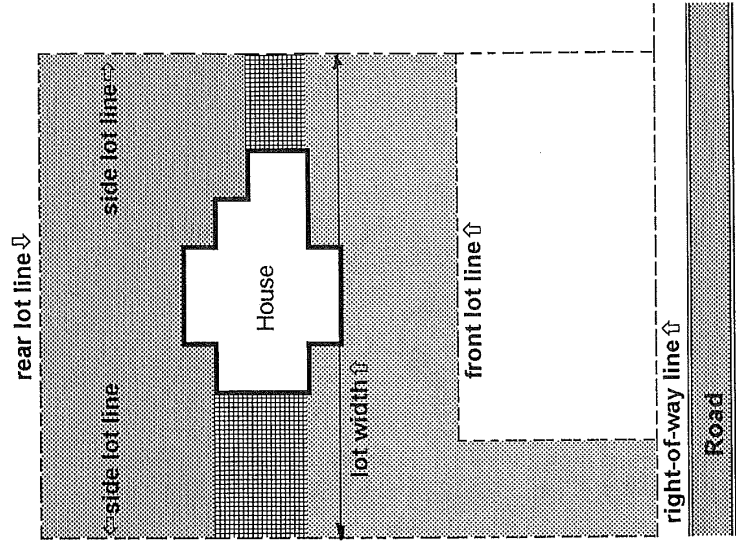
Figure 21-2  
**LOT LINES and YARDS**



**TYPICAL LOT / PARCEL**

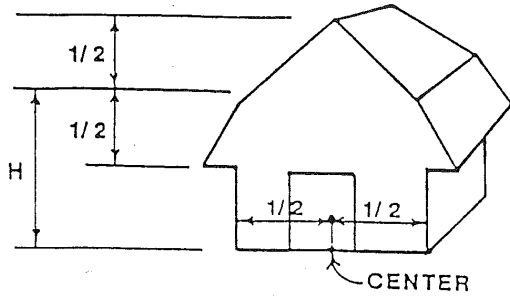


**LAKEFRONT LOT / PARCEL**

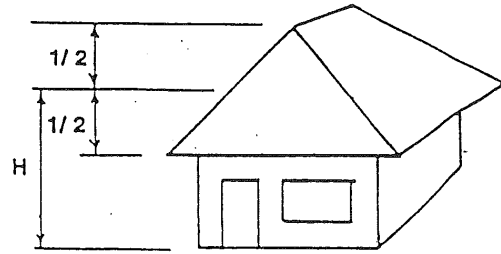


**FLAG LOT / PARCEL**

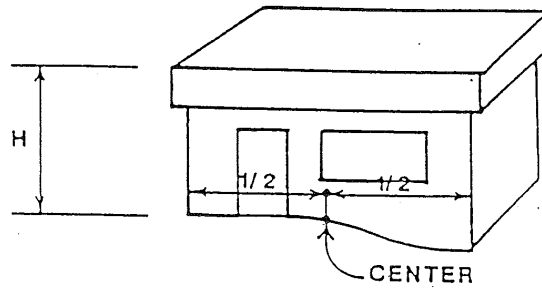
Figure 21-3  
BUILDING HEIGHTS



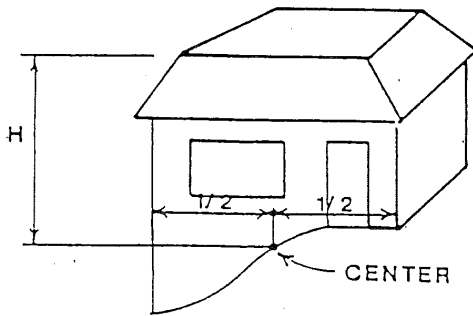
GAMBREL ROOF



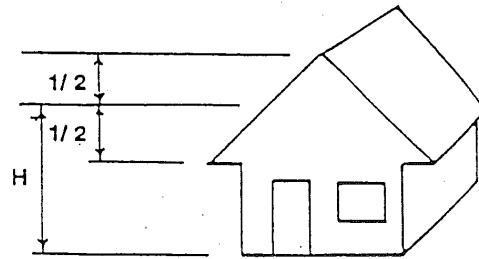
HIP ROOF



FLAT ROOF



MANSARD ROOF



GABLE ROOF

End of Article 21

Zoning changes approved May 2, 2016.

1. Deck privacy screening will be added to **Section 20.04 B**
  - Privacy screening shall be allowed on a deck that is attached to a dwelling. The privacy screen shall be attached to a deck, start no more than 1' from the dwelling and extend a maximum of 16' distance from the dwelling or the length of the deck, whichever is shorter. It shall be no more than 6' tall.
2. Corner lot setback will be clarified as a footnote M to the chart 10-2 page 52. It will be added to the "Minimum Yard Setback" title.
  - (page 53) M. Corner lot setbacks shall use the same front yard setback from both roads.
3. Digital Signs will be added.

**Section 15.02 J (Definition) Digital Signs:** A display that incorporates a technology or method allowing the sign face to change without having to physically or mechanically replace the sign face or its components.

**Section 15.05 E Digital Signs**

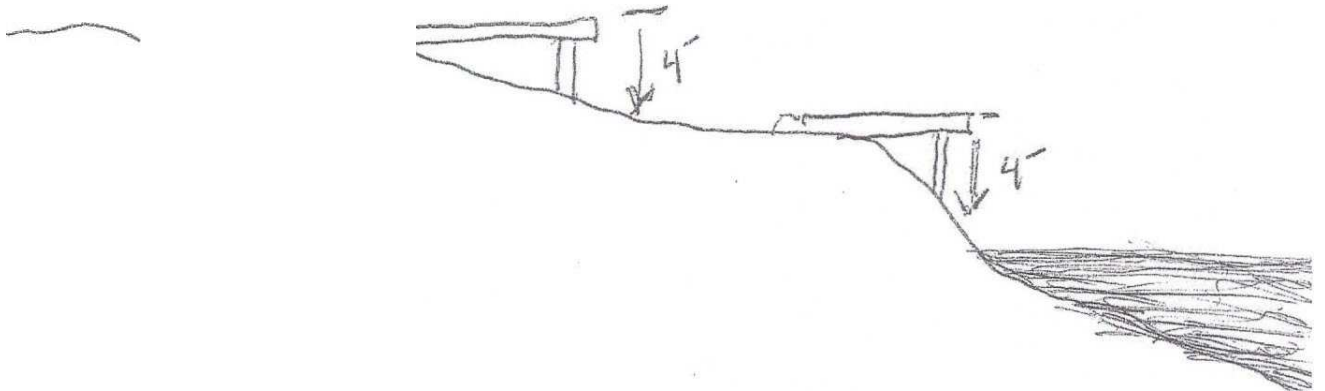
  - 1) Digital Signs shall be shut off from 11:00 p.m. to 5 a.m.
  - 2) The light intensity of digital signs shall be automatically reduced at night to compensate for the greater contrast created by the reduction in background lighting.
  - 3) Digital shall limit changes in displays to not more than once every 5 seconds.



Zoning changes for lake front lots.

Walkways, steps, platforms, or masonry patios may extend into lakefront setbacks to the high water marker if it meets the following criteria.

May not exceed 4 feet from ground to walking surface.



Walkways, steps, platforms, or masonry patios may not be covered with any form of roof structure, lattice, or wood framing.

Steps and platforms of wood construction will be required to have zoning approval as well as meet county building codes and regulations.

Masonry walkways and patio areas that need excavation will be required to have zoning approval. This will have to have a site plan to show earth changes proposed and the resulting drainage after work is completed, as well as a "Soil Erosion Permit" from the Iosco building department., Run off water may not wash on to neighboring lots.

**Add to 10-2 L Site Development Requirements**

**Approved 5-4-2015**