

**ZONING ORDINANCE**

**TOWNSHIP OF CRYSTAL FALLS**  
**MICHIGAN**

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**TABLE OF CONTENTS**

**CHAPTER 1..... 1-1**

**TITLE AND PURPOSE..... 1-1**

SECTION 1.01 TITLE ..... 1-1

SECTION 1.02 ENACTING CLAUSE ..... 1-1

SECTION 1.03 SHORT TITLE ..... 1-1

SECTION 1.04 PURPOSE ..... 1-1

SECTION 1.05 THE EFFECT OF ZONING ..... 1-1

SECTION 1.06 LEGAL BASIS ..... 1-2

**CHAPTER 2..... 2-1**

**DEFINITIONS..... 2-1**

SECTION 2.01 RULES APPLYING TO TEXT ..... 2-1

SECTION 2.02 DEFINITIONS – A..... 2-2

SECTION 2.03 DEFINITIONS - B ..... 2-4

SECTION 2.04 DEFINITIONS – C ..... 2-5

SECTION 2.05 DEFINITIONS – D ..... 2-6

SECTION 2.06 DEFINITIONS – E..... 2-7

SECTION 2.07 DEFINITIONS – F..... 2-8

SECTION 2.08 DEFINITIONS – G ..... 2-9

SECTION 2.09 DEFINITIONS – H ..... 2-9

SECTION 2.10 DEFINITIONS – I..... 2-10

SECTION 2.11 DEFINITIONS – J..... 2-10

SECTION 2.12 DEFINITIONS – K . ..... 2-11

SECTION 2.13 DEFINITIONS – L..... 2-11

SECTION 2.14 DEFINITIONS – M..... 2-13

SECTION 2.15 DEFINITIONS – N ..... 2-14

SECTION 2.16 DEFINITIONS – O ..... 2-14

SECTION 2.17 DEFINITIONS – P..... 2-15

SECTION 2.18 DEFINITIONS – R ..... 2-16

SECTION 2.19 DEFINITIONS – S..... 2-17

SECTION 2.20 DEFINITIONS – T..... 2-23

SECTION 2.21 DEFINITIONS – V..... 2-24

SECTION 2.22 DEFINITIONS – W..... 2-24

SECTION 2.23 DEFINITIONS – Y..... 2-25

SECTION 2.24 DEFINITIONS – Z..... 2-25

**CHAPTER 3..... 3-1**

**GENERAL PROVISIONS..... 3-1**

SECTION 3.01 APPLICATION OF REGULATIONS ..... 3-1

SECTION 3.02 CLEARING OF LAND ..... 3-1

SECTION 3.03 EXCAVATIONS ..... 3-1

SECTION 3.04 MAIN BUILDING OR PRINCIPAL USE ..... 3-2

SECTION 3.05 YARD AND AREA REQUIREMENTS ..... 3-2

SECTION 3.06 HEIGHT EXCEPTIONS..... 3-2

SECTION 3.07 PROJECTIONS INTO YARDS..... 3-2

SECTION 3.08 RIPARIAN/WATERFRONT ACCESS AND SHORELINE STRUCTURES ..... 3-3

SECTION 3.09 STORAGE AND REPAIR OF VEHICLES ..... 3-5

SECTION 3.10 SEASONAL CAMPING ..... 3-5

SECTION 3.11 EXTERIOR LIGHTING ..... 3-5

SECTION 3.12 MOVING OF STRUCTURES ..... 3-6

SECTION 3.13 ACCUMULATION OF WASTE ..... 3-6

SECTION 3.14 DAMAGED BUILDINGS ..... 3-6

SECTION 3.15 OUTSIDE WOOD FURNACES ..... 3-6

SECTION 3.16	ROADSIDE STANDS.....	3-7
SECTION 3.17	HOME OCCUPATIONS .....	3-7
SECTION 3.18	KEEPING ANIMALS .....	3-7
SECTION 3.19	ACCESSORY BUILDINGS AND USES.....	3-8
SECTION 3.20	PRIVATE SWIMMING POOLS .....	3-8
SECTION 3.21	FENCES AND WALLS .....	3-9
SECTION 3.22	SITE CONDOMINIUMS .....	3-10
SECTION 3.23	TEMPORARY BUILDINGS AND USES.....	3-11
SECTION 3.24	PRIVATE ROADS.....	3-12
SECTION 3.25	NONCONFORMITIES.....	3-15
SECTION 3.26	NON-RESIDENTIAL STRUCTURE.....	3-18
<b>CHAPTER 4</b>		<b>4-1</b>
<b>DISTRICTS</b>		<b>4-1</b>
SECTION 4.01	DISTRICTS ESTABLISHED.....	4-1
SECTION 4.02	OFFICIAL ZONING MAP.....	4-1
SECTION 4.03	RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES.....	4-1
SECTION 4.04	ZONING OF VACATED AREAS .....	4-2
<b>CHAPTER 5</b>		<b>5-1</b>
<b>CF – COMMERCIAL FORESTLAND DISTRICT</b>		<b>5-1</b>
SECTION 5.01	DESCRIPTION AND PURPOSE.....	5-1
SECTION 5.02	PERMITTED USES .....	5-1
SECTION 5.03	SPECIAL LAND USES.....	5-1
SECTION 5.04	SCHEDULE OF DISTRICT REGULATIONS.....	5-2
<b>CHAPTER 6</b>		<b>6-1</b>
<b>AR – AGRICULTURE RESIDENTIAL</b>		<b>6-1</b>
SECTION 6.01	DESCRIPTION AND PURPOSE.....	6-1
SECTION 6.02	PERMITTED USES .....	6-1
SECTION 6.03	SPECIAL LAND USES.....	6-1
SECTION 6.04	SCHEDULE OF AR DISTRICT REGULATIONS .....	6-2
<b>CHAPTER 7</b>		<b>7-1</b>
<b>WR – WATERFRONT RESIDENTIAL DISTRICT</b>		<b>7-1</b>
SECTION 7.01	DESCRIPTION AND PURPOSE.....	7-1
SECTION 7.02	PERMITTED USES .....	7-1
SECTION 7.03	SPECIAL LAND USES.....	7-1
SECTION 7.04	DISTRICT REGULATIONS .....	7-2
<b>CHAPTER 8</b>		<b>8-1</b>
<b>R-1 RURAL RESIDENTIAL DISTRICT</b>		<b>8-1</b>
SECTION 8.01	DESCRIPTION AND PURPOSE.....	8-1
SECTION 8.02	PERMITTED USES .....	8-1
SECTION 8.03	SPECIAL LAND USES.....	8-1
SECTION 8.04	SCHEDULE OF R-1 DISTRICT REGULATIONS .....	8-3
<b>CHAPTER 9</b>		<b>9-1</b>
<b>R-2 – MEDIUM DENSITY RESIDENTIAL DISTRICT</b>		<b>9-1</b>
SECTION 9.01	DESCRIPTION AND PURPOSE.....	9-1
SECTION 9.02	PERMITTED USES .....	9-1
SECTION 9.03	SPECIAL LAND USES.....	9-1
SECTION 9.04	DISTRICT REGULATIONS .....	9-2
<b>CHAPTER 10</b>		<b>10-1</b>
<b>MHC MANUFACTURED HOME COMMUNITY DISTRICT</b>		<b>10-1</b>
SECTION 10.01	INTENT.....	10-1
SECTION 10.02	PERMITTED USES .....	10-1
SECTION 10.03	SPECIAL LAND USES.....	10-1

SECTION 10.04 LICENSED MANUFACTURED HOME COMMUNITIES ..... 10-1

**CHAPTER 11 ..... 11-1**

**C COMMERCIAL DISTRICT ..... 11-1**

SECTION 11.01 DESCRIPTION AND PURPOSE ..... 11-1

SECTION 11.02 PERMITTED USES ..... 11-1

SECTION 11.03 SPECIAL LAND USES ..... 11-1

SECTION 11.04 SCHEDULE OF DISTRICT REGULATIONS ..... 11-3

**CHAPTER 12 ..... 12-1**

**L-I – LIGHT INDUSTRIAL DISTRICT ..... 12-1**

SECTION 12.01 DESCRIPTION AND PURPOSE ..... 12-1

SECTION 12.02 PERMITTED USES ..... 12-1

SECTION 12.03 SPECIAL LAND USES ..... 12-1

SECTION 12.04 SCHEDULE OF DISTRICT REGULATIONS ..... 12-2

**CHAPTER 13 ..... 13-1**

**PUD – PLANNED UNIT DEVELOPMENT DISTRICT ..... 13-1**

SECTION 13.01 INTENT AND PURPOSE ..... 13-1

SECTION 13.02 QUALIFYING CONDITIONS ..... 13-1

SECTION 13.03 APPLICATION AND REVIEW PROCEDURES ..... 13-2

SECTION 13.04 ADMINISTRATION ..... 13-5

**CHAPTER 14 ..... 14-1**

**U.S. HIGHWAY 2 ACCESS MANAGEMENT OVERLAY AND SCENIC ROAD OVERLAY ..... 14-1**

SECTION 14.01 OVERLAY DESIGNATION ..... 14-1

SECTION 14.02 DESIGN STANDARDS ..... 14-1

SECTION 14.03 SCENIC ROADS ..... 14-3

**CHAPTER 15 ..... 15-1**

**W-S – WATERFRONT-SHORE LAND OVERLAY ..... 15-1**

SECTION 15.01 INTENT AND PURPOSE ..... 15-1

SECTION 15.02 SITE DEVELOPMENT STANDARDS ..... 15-1

**CHAPTER 16 ..... 16-1**

**SITE PLAN REVIEW ..... 16-1**

SECTION 16.01 PURPOSE ..... 16-1

SECTION 16.02 SITE PLANS REVIEWED ..... 16-1

SECTION 16.03 SITE PLAN REVIEW REQUIREMENTS ..... 16-1

SECTION 16.04 APPLICATION AND REVIEW ..... 16-4

SECTION 16.05 ADMINISTRATIVE AND ESCROW FEES ..... 16-5

SECTION 16.06 REVIEW STANDARDS ..... 16-5

SECTION 16.07 DESIGN STANDARDS ..... 16-7

SECTION 16.08 SITE PLAN APPROVALS ..... 16-7

SECTION 16.09 PERFORMANCE GUARANTEES ..... 16-8

SECTION 16.10 APPEAL ..... 16-8

SECTION 16.11 CHANGES IN THE APPROVED SITE PLAN ..... 16-8

**CHAPTER 17 ..... 17-1**

**SITE DEVELOPMENT REQUIREMENTS ..... 17-1**

SECTION 17.01 LANDSCAPING, BUFFERING AND SCREENING FOR COMMERCIAL,  
INDUSTRIAL, SITE CONDOMINIUM AND  
MULTI-FAMILY DEVELOPMENTS ..... 17-1

SECTION 17.02 PARKING - GENERAL REQUIREMENTS ..... 17-4

SECTION 17.03 PARKING LOT DESIGN STANDARDS ..... 17-5

SECTION 17.04 OFF-STREET PARKING REQUIREMENTS ..... 17-6

SECTION 17.05 OFF-STREET LOADING REQUIREMENTS ..... 17-8

**CHAPTER 18 ..... 18-1**

**SIGNS ..... 18-1**

SECTION 18.01	PURPOSE AND INTENT .....	18-1
SECTION 18.02	JURISDICTION .....	18-2
SECTION 18.03	GENERAL REQUIREMENTS .....	18-2
SECTION 18.04	PROHIBITED SIGNS .....	18-3
SECTION 18.05	EXEMPT SIGNS .....	18-4
SECTION 18.06	PERMITTED SIGNS IN ALL DISTRICTS EXCEPT THE COMMERCIAL AND INDUSTRIAL DISTRICTS .....	18-5
SECTION 18.07	PERMITTED SIGNS IN THE COMMERCIAL DISTRICT .....	18-5
SECTION 18.08	PERMITTED SIGNS IN THE INDUSTRIAL DISTRICT .....	18-5
SECTION 18.09	SIGN AREA AND HEIGHT LIMITATIONS .....	18-6
SECTION 18.10	NONCONFORMING SIGNS .....	18-7
SECTION 18.11	SIGN REMOVAL .....	18-8
<b>CHAPTER 19</b> .....		<b>19-1</b>
<b>SPECIAL LAND USES</b> .....		<b>19-1</b>
SECTION 19.01	PURPOSE .....	19-1
SECTION 19.02	APPLICATION AND REVIEW PROCEDURES .....	19-1
SECTION 19.03	BASIS OF DETERMINATION .....	19-2
SECTION 19.04	APPROVAL TERM AND EXPIRATION .....	19-3
SECTION 19.05	REVOCATION OF SPECIAL LAND USE APPROVAL .....	19-3
SECTION 19.06	SPECIFIC SPECIAL LAND USE STANDARDS .....	19-3
<b>CHAPTER 20</b> .....		<b>20-1</b>
<b>ZONING BOARD OF APPEALS</b> .....		<b>20-1</b>
SECTION 20.01	CREATION AND MEMBERSHIP .....	20-1
SECTION 20.02	MEETINGS AND PROCEDURES .....	20-1
SECTION 20.03	JURISDICTION, POWERS, AND DUTIES .....	20-2
SECTION 20.04	PUBLIC HEARINGS, VOTING, AND DECISIONS .....	20-4
<b>CHAPTER 21</b> .....		<b>21-1</b>
<b>ADMINISTRATION AND ENFORCEMENT</b> .....		<b>21-1</b>
SECTION 21.01	ZONING ADMINISTRATOR .....	21-1
SECTION 21.02	PLANNING COMMISSION .....	21-1
SECTION 21.03	ZONING ORDINANCE AMENDMENTS, INITIATION .....	21-1
SECTION 21.04	AMENDMENT PROCEDURE .....	21-2
SECTION 21.05	ZONING AGREEMENTS .....	21-4
SECTION 21.06	ZONING PERMITS .....	21-9
SECTION 21.07	PERFORMANCE GUARANTEE .....	21-10
SECTION 21.08	ORDINANCE VIOLATIONS .....	21-11
SECTION 21.09	STOP WORK ORDER .....	21-12
SECTION 21.10	SEVERABILITY CLAUSE .....	21-12
SECTION 21.11	CONFLICTING PROVISIONS .....	21-13
SECTION 21.12	SAVINGS CLAUSE .....	21-13
SECTION 21.13	EFFECTIVE DATE .....	21-13

## CHAPTER 1 TITLE AND PURPOSE

### SECTION 1.01 TITLE

An Ordinance to establish zoning regulations for the Township of Crystal Falls, County of Iron and State of Michigan including regulations governing nonconforming uses, structures and buildings, to provide for the administration, enforcement and amendment of such regulations, to prescribe penalties for the violation of such regulations, and to provide for conflicts with other Ordinances or regulations, all in accordance with the provisions of Michigan Act 110 of 2006, as amended, being MCL 125.3101 et seq.

### SECTION 1.02 ENACTING CLAUSE

The Township Of Crystal Falls, County of Iron and State of Michigan, Ordains:

### SECTION 1.03 SHORT TITLE

This Ordinance shall be known and may be cited as the "Township of Crystal Falls Zoning Ordinance".

### SECTION 1.04 PURPOSE

The purpose of this Ordinance is to promote and safeguard the public health, safety, morals, prosperity and general welfare of the people. The provisions are intended to, among other things, encourage the use of lands, waters and other natural resources in the Township in accordance with their character and most suitable use; to limit the improper use of land and resources; to provide reasonable terms under which the lawful use of nonconforming buildings, structures, and land may be continued; to reduce hazards to life and property; to provide for orderly development within the Township; to avoid overcrowding of the population; to provide for adequate light, air and health conditions in dwellings and buildings hereafter erected or altered; to lessen congestion on the public roads and streets; to protect and conserve natural recreational areas, agricultural, residential, and other areas naturally suited to particular uses; to facilitate the establishment of an adequate and economic system of transportation, sewage disposal, safe water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources, and properties.

### SECTION 1.05 THE EFFECT OF ZONING

- A. For the purpose of this Ordinance, except as hereafter specifically provided, no lot, land or premises shall be used, maintained or occupied, and no building or structure or part thereof shall be constructed, erected, moved, placed, maintained, reconstructed, used, extended, enlarged or altered, except in conformity with the regulations for the Zoning District in which it is located.
- B. In case any land, building, structure, or part thereof is used, erected, altered or occupied contrary to law or to the provisions of this Ordinance, such use of land, building or structure shall be unlawful and shall be declared a nuisance and such use of land may be required to cease and buildings or structures may be required to be vacated, torn down, or abated by any legal means and such land, building, or structure shall not be used or occupied until brought into conformance.

- C. If construction on a building or structure is lawfully begun prior to adoption of this Ordinance, nothing in this Ordinance shall be deemed to require any change in the planned or designed use of any such building, provided that actual construction is being diligently carried on, and further provided that such building shall be entirely completed for its planned or designed use within two (2) years from the effective date of this Ordinance.
- D. Nonconforming buildings, uses, and lots shall be governed by the provisions of Section 3.26 of this Ordinance.

**SECTION 1.06 LEGAL BASIS**

This Ordinance is enacted pursuant to the Township Zoning Act, Public Act 110 of 2006, as amended, being MCL 125.3101 et seq, the Land Division Act, Public Act 288 of 1967, as amended, being MCL 560.101 et seq and Public Act 246 of 1945, as amended, being MCL 41.181 et seq.

## CHAPTER 2 DEFINITIONS

### SECTION 2.01 RULES APPLYING TO TEXT

- A. The particular shall control the general.
- B. If the meaning of this Ordinance is unclear in a particular circumstance, then the body charged with interpreting or applying the Ordinance shall construe the provision to carry out the intent of the Ordinance, if such intent can be discerned from other provisions of the Ordinance or law.
- C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- D. All words and phrases shall be construed and understood according to the common preferred usage of the language; but technical words and phrases and such as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.
- E. Words used in the present tense shall include the future; and words used in the singular number shall include the plural; and the plural the singular, unless the context clearly indicates the contrary.
- F. A "building" or "structure" includes any part thereof.
- G. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity. Gender related words, such as "he" and "him" include "she" and "her," or other similar uses of gender.
- H. Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows.
  - 1. "And" indicates that all connected items, conditions, provisions, or events shall apply.
  - 2. "Or," indicates that the connected items, conditions, provisions or events may apply singularly or in any combination.
  - 3. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.
- I. In computing the number of days, the first day is excluded and the last day is included.
- J. If the last day of any period during which an application, filing, or request is required to be made to the Township or other governmental agency is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday observed by the Township.
- K. With the exception of this Chapter, the headings which title a Chapter, Section or subsection are for convenience only and are not to be considered in any construction or interpretation of this Ordinance or as enlarging or restricting the terms and provisions of this Ordinance in any respect.
- L. The following listed terms and words are defined for the purpose of their use in this Ordinance. These definitions shall apply in the interpretation and enforcement of this Ordinance unless otherwise specifically stated. Terms not herein defined shall have the meaning customarily assigned to them in the Webster New Collegiate Dictionary.



**SECTION 2.02 DEFINITIONS – A****ACCESSORY BUILDING**

A building or portion of a building supplementary and subordinate to a main building on the same lot occupied by or devoted exclusively to an accessory use.

**ACCESSORY USE**

A use naturally and normally incidental and subordinate to, and devoted exclusively to, the main use of the land or building.

**ADULT FOSTER CARE FACILITY**

A facility defined by the Adult Foster Care Facility licensing act, Public Act 218 of 1979, as amended, being MCL 400.701 et seq, having as its principal function the receiving of adults for foster care. A facility includes facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis, but who do not require continuous nursing care.

- A. Adult Foster Care Family Home. A private residence in which the licensee is a member of the household and an occupant, providing foster care for five (5) or more days a week and for two (2) or more consecutive weeks with the approved capacity to receive six (6) or fewer adults.
- B. Adult Foster Care Small Group Home. An adult foster care facility with the approved capacity to receive twelve (12) or fewer adults to be provided with foster care.
- C. Adult Foster Care Large Group Home. An adult foster care facility with the approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided with foster care.

**AGRICULTURE**

The use of land for tilling the soil, raising tree or field crops, or animal husbandry as a source of income.

**AGRICULTURAL SERVICE ESTABLISHMENTS**

Establishments primarily engaged in supplying soil preparation services, crop services, landscaping, horticultural services, and farm labor and management services.

**ANIMAL UNIT**

A measurement used in the design of animal waste management systems. A one-thousand (1,000) pound steer is the standard; the equivalent number of any other type of livestock is considered one animal unit. The Table below shows the number of livestock that would constitute one-thousand (1,000) animal units and three hundred (300) animal units. The number of animal units for an operation that has more than one kind of animal is computed by multiplying the animal unit factor for each kind of animal times the number of animals and then summing the animal units for all the animals.

**ANIMAL UNITS**

<b>Animal Type</b>	<b>Number of Animal Units Per Animal</b>	<b>Equivalent to 1000 Animal Units</b>	<b>Equivalent to 300 Animal Units</b>
Slaughter and feeder cattle	1.0	1,000	300
Mature dairy cattle	1.4	715	215
Swine weighing over 55 pounds	0.4	2,500	750
Swine weighing under 55 pounds	0.2	5,000	1,500
Sheep or lambs	0.1	10,000	3,000
Horses	2.0	500	150
Laying hens or broilers with continuous over flow watering	0.01	100,000	30,000
Laying hens or broilers with liquid manure handling systems	0.0333	30,000	9,000
Turkeys	0.0182	55,000	16,500
Ducks	0.02	50,000	15,000
All other animals based on 1,000 pounds live weight	1.0	1,000	300

**ALTERATIONS**

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

**ARCHITECTURAL FEATURES**

Architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments, such as recesses, projections, wall insets, arcades, window display areas, awnings, balconies, window projections, landscape structures or other features that complement the design intent of the structure.

**AVERAGE GRADE**

The average finished ground elevation at the center of all walls of a building established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building or structure being measured.

**SECTION 2.03 DEFINITIONS - B**

**BASEMENT OR CELLAR**

A portion of a building, partly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling.

**BED AND BREAKFAST ESTABLISHMENT**

A use within a detached single-family dwelling in which transient guests are provided a sleeping room, breakfast and access to bathing and lavatory facilities in return for payment.

**BILLBOARDS – See SIGNS**

**BOARD, TOWNSHIP – See TOWNSHIP BOARD**

**BOTTOM LAND**

The land area of an inland lake or stream that lies below the ordinary high water mark and may or may not be covered by water.

**BUILDABLE AREA**

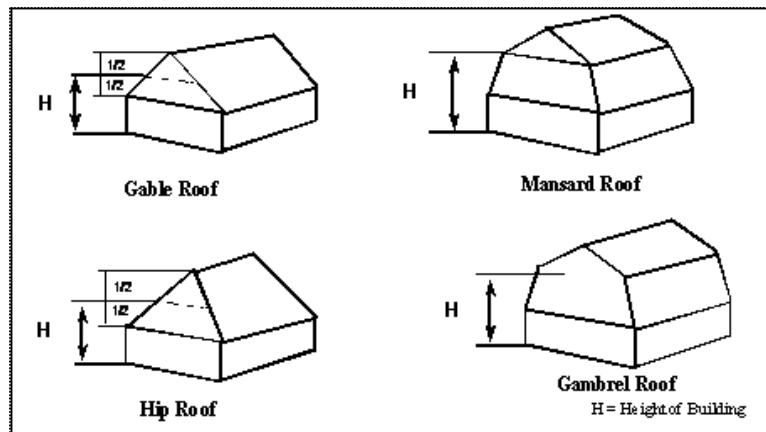
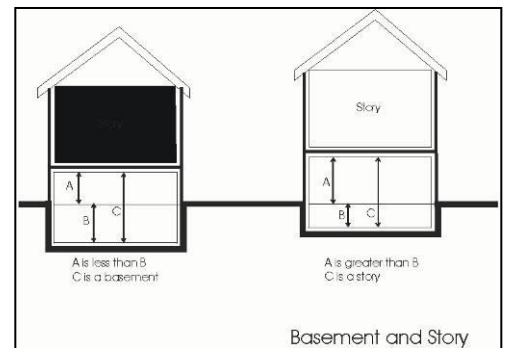
The space remaining within a lot after the minimum setback and open space requirements of this Ordinance have been met.

**BUILDING**

An independent structure, temporary or permanent, having a roof supported by columns, walls, or any other support used for the enclosure of persons, animals, or belongings, or carrying on business activities or other uses. When any building portion is completely separated from every other part by division of walls from the ground up, and without openings, each portion of such building shall be deemed a separate building.

**BUILDING HEIGHT**

The vertical distance measured from the average grade to the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridge of gable, hip and gambrel roofs.



**SECTION 2.04 DEFINITIONS – C**

**CAMPGROUND**

A parcel or tract of land under the control or charge of a person in which campsites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters including but not limited to two or more tents or recreational vehicles.

**CAMPSITE**

Land within a campground intended for the exclusive occupancy by a tent or recreational vehicle or other temporary living structure or vehicle under the control or charge of a camper.

**CLEARING OF LAND**

The removal of vegetation from any site, parcel or lot except when land is cleared and cultivated for bona fide forestry, agricultural or garden use in a district permitting such use will require a Soil and Sedimentation Erosion Control Permit. Mowing, trimming, pruning or removal of vegetation to maintain it in a healthy, viable condition is not considered clearing.

**CLINIC**

A building or group of buildings where human patients are admitted for examination and treatment by more than one (1) professional, such as a physician, dentist, or the like, except that human patients are not lodged therein overnight.

**CLUB**

An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, hobbies, politics, or the like, but not operated for profit.

**COMMISSION, PLANNING**

As used in this Ordinance, this term means the Crystal Falls Township Planning Commission.

**CONDOMINIUM ACT**

Public Act 59 of the Michigan Public Acts of 1978, as amended, being MCL 559.101 et seq.

**CONDOMINIUM UNIT**

That portion of the condominium project designed and intended for separate ownership and use, as described in the Master Deed of the condominium project.

**CONDOMINIUM PROJECT**

A plan or project consisting of not less than two condominium units established in conformance with the Condominium Act.

## CONSERVATION EASEMENT

A non-possessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open space values of real property; assuring its availability for agricultural, forest, recreational or open space use; protecting natural resources; or maintaining air or water.

## SECTION 2.05 DEFINITIONS – D

### DAY CARE FACILITY

- A. Family Day Care Home. A single family residence, occupied as such, in which care is provided for more than one (1) but less than seven (7) minor children or adults for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian. Care for persons related by blood, marriage or adoption to a member of the family occupying the dwelling is excluded from this definition.
- B. Group Day Care Home. A single family residence, occupied as such, in which care is provided for at least seven (7) but not more than twelve (12) minor children or adults for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian. Care for persons related by blood, marriage, or adoption to a member of the family occupying the dwelling is excluded from this definition.
- C. Commercial Day Care Facility. A facility, other than a private residence, receiving minor children or adults for care for periods of less than twenty-four (24) hours in a day, for more than two (2) weeks in any calendar year. Child care and supervision provided as an accessory use, while parents are engaged or involved in the principal use of the property, such as a nursery operated during church services or public meetings, or by a fitness center or similar operation, shall not be considered Commercial Day Care.

### DEED RESTRICTION

An enforceable restriction on the use of a lot or parcel of land that is set forth in the property deed and recorded with the Iron County, Michigan Register of Deeds. It is binding on subsequent owners and is sometimes also known as a restrictive covenant. Unless the Township has an ownership interest in the property, a deed restriction is enforced by the parties to the agreement, not by the Township.

### DISTRICT, ZONING

A portion of the Township within which certain uses of land or buildings are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance.

### DRIVE-THROUGH ESTABLISHMENT

A commercial establishment whose retail/service character is significantly dependent on providing a driveway approach and service windows or facilities for vehicles in order to serve patrons while in or momentarily stepped away from the vehicle. Examples include banks, cleaners, and restaurants, but not including vehicle service stations.

**DRIVEWAY, PRIVATE**

An improved or unimproved path extending from a public right-of-way or private road easement to a single building, dwelling, or structure, intended to provide ingress and egress primarily for occupants thereof.

**DWELLING, OR DWELLING UNIT**

Any building or portion thereof having cooking and housekeeping facilities, which is occupied wholly as the home, residence or sleeping place of one (1) or more families, either permanently or temporarily, but in no case shall a motor home, trailer coach, basement, garage, automobile chassis, tent, or portable building be considered a dwelling. In case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit and shall comply with the applicable provisions of this Ordinance.

- A. Dwelling, Multiple Family. A building or portion thereof, used or designed for use as a residence for three (3) or more families living independently of each other and each doing their own cooking and housekeeping.
- B. Dwelling, Two-Family. A detached building used or designed for use exclusively by two (2) families living independently of each other and each doing their own cooking and housekeeping. It may also be termed a duplex.
- C. Dwelling, Single-Family (Detached). A detached building used or designed for use exclusively by one (1) family.

**SECTION 2.06 DEFINITIONS – E****ELDERLY HOUSING**

A building or group of buildings containing dwellings where the occupancy of dwellings is restricted to persons sixty (60) years of age or older or couples where either the husband or wife is sixty (60) years of age or older. This does not include a development that contains a convalescent or nursing home as licensed under Act No. 139 of the Public Acts of 1956, as amended, being MCL 331.651 et seq ; or a mental hospital for mental patients licensed under Public Act 151 of 1923, as amended, being MCL 330.11a et seq.

**ERECTED**

The word “erected” includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered a part of the term “erect” or “erected.”

**ESSENTIAL SERVICES**

- A. The erection, construction, alteration, or maintenance by public utilities, municipal services, or any governmental agencies, of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, electric substations, poles, and other similar equipment, and accessories in connection therewith reasonably necessary for the furnishing of adequate service by

such public utilities or municipal departments or commissions or for the public health or general welfare.

- B. Essential services does not include buildings other than such buildings that are primarily enclosures or shelters of the above essential service equipment, and shall not include power generating facilities.
- C. The term shall not include wireless communication towers, unless located on public property and used as part of a governmental emergency communications network.

**EXCAVATION**

Any breaking of the ground to hollow out by cutting, digging, or removing any soil or rock matter.

**SECTION 2.07 DEFINITIONS – F**

**FAMILY**

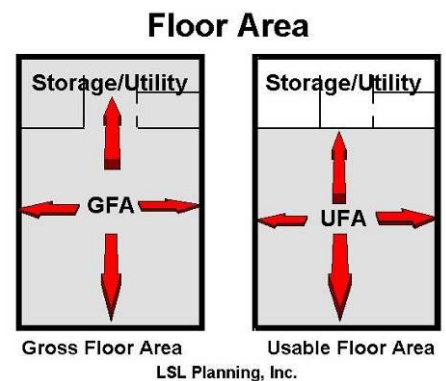
- A. An individual or group of two (2) or more persons related by blood, marriage, or adoption, together with servants of the principal occupants who are domiciled together as a single housekeeping unit in a dwelling unit; or
- B. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing, non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit.
- C. This definition shall not include any society, club, fraternity, sorority, association, halfway house, lodge, coterie, organization, group of students, or other individual whose domestic relationship is of a transitory or seasonal nature, is for an anticipated limited duration of a school term or during a period of rehabilitation or treatment, or is otherwise not intended to be of a permanent nature.

**FENCE**

Any permanent or seasonal partition (e.g., snow fence), wall, structure erected for the purpose of separating, screening, enclosing or protecting property.

**FLOOR AREA, GROSS (GFA)**

- A. The sum of the gross horizontal area of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings. The gross floor area of a building shall include the basement floor area only if more than one-half (1/2) of the basement height is above finish lot grade. (See Basement)
- B. Gross Floor Area shall not include attic space having headroom of seven-and-one-half (7-1/2) feet or less, or interior balconies or mezzanines. Any space devoted to off-street parking or loading shall not be included in floor area. Areas of basements (except as provided above), breezeways, porches, or attached garages are not included.



FLOOR AREA, USABLE (UFA)

- A. That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers; or area used in a dwelling unit for living purposes. Floor area which is used or intended to be used principally for the storage or processing of merchandise, for hallways, or for utilities shall be excluded from the computation of usable floor area.
- B. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.

FRONTAGE

The horizontal distance between the side lot lines measured at the street right-of-way or easement line.

**SECTION 2.08      DEFINITIONS – G**

GARAGE

A building used primarily for the storage of self-propelled vehicles for the use of the occupants of a lot on which the building is located. The foregoing definition shall be construed to permit the storage on any one (1) lot, for the occupants thereof.

GRADE

The ground elevation established for the purpose of regulating the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

GUN CLUB

Any organization whether operated for profit or not, and whether public or private, which caters to or allows the use of firearms.

**SECTION 2.09      DEFINITIONS – H**

HAZARDOUS SUBSTANCE

Any substance or materials that, by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

HOME OCCUPATION

An occupation customarily conducted in a dwelling unit that is clearly an incidental and secondary use of the dwelling. Without limiting the foregoing, a single-family residence used by an occupant of that residence to give instruction in a craft or fine arts within the residence shall be considered a home occupation.



HOME-BASED BUSINESS

A business operation based on the same premises as a single family dwelling which is clearly an incidental and secondary use of the dwelling, but conducted primarily in other locations off the premises. Examples of home-based businesses include construction contractors, well drilling, independent trucking, small-scale heavy equipment operator, or landscaping services.

HOSPITAL

An institution providing health services, primarily for in-patients and medical or surgical care including related facilities such as laboratories, out-patient departments, training facilities, central service facilities and staff offices.

HOTEL

See Motel.

HOUSEHOLD PETS

Any domesticated dog, cat or other animal kept for protection, companionship or hunting purposes; provided they are not kept, bred or maintained for commercial purposes.

**SECTION 2.10 DEFINITIONS – I**

IMPROVEMENTS

Those features and actions associated with a project which are considered necessary by the body or official granting zoning approval, to protect natural resources, or the health, safety, and welfare of the residents of a township and future users or inhabitants of the proposed project area, including roadways, lighting, utilities, sidewalks, screening, drainage, parking areas and landscaping.

**SECTION 2.11 DEFINITIONS – J**

JUNK

For the purpose of this Ordinance, this term shall mean any motor vehicles, machinery, appliances, products, or merchandise with parts missing; or scrap metals or materials that are damaged or deteriorated; or vehicles or machines in a condition which precludes their use for the purpose for which they were manufactured.

JUNK YARD

The term "junk yard" includes automobile wrecking yards and salvage areas and includes any area of more than two hundred (200) square feet for the storage, sale, processing, keeping or abandonment of junk, including scrap metals, other scrap materials or reclaimed materials, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof for profit, but does not include uses established entirely within enclosed buildings.

**SECTION 2.12 DEFINITIONS – K**

**KENNEL**

Any lot or premises on which four (4) or more animals, six (6) months of age or older are kept temporarily or permanently for the purpose of breeding, boarding or sale.

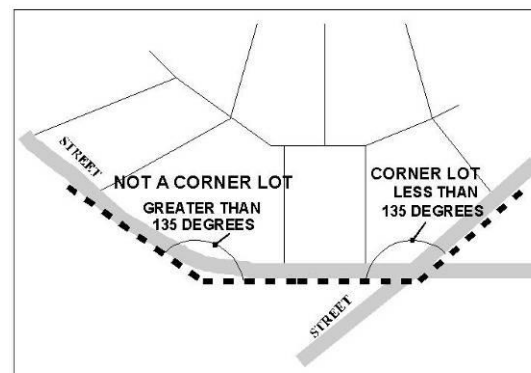
**SECTION 2.13 DEFINITIONS – L**

**LIVESTOCK**

Those species of animals used for human food and fiber or those species of animals used to service to humans. Livestock includes, but is not limited to, cattle, sheep, new world camelids, goats, alpacas, bison, captive cervidae, ratities, swine, equine, poultry, aquaculture, and rabbits. Livestock does not include dogs or cats.

**LOT**

A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one (1) main building with its accessory buildings, and providing the open spaces, parking spaces, and loading spaces required by this Ordinance. The word "lot" shall include plot or parcel. A lot need not be a "lot of record." A lot may also mean a portion of a condominium project, as regulated by Public Act 59 of 1978, as amended, being MCL 559.101 *et seq*; designed and intended for separate or limited ownership or use.



A. Lot Area. The total area encompassed within the lines of a parcel or piece of property, excluding street or road rights-of-way or road easements.

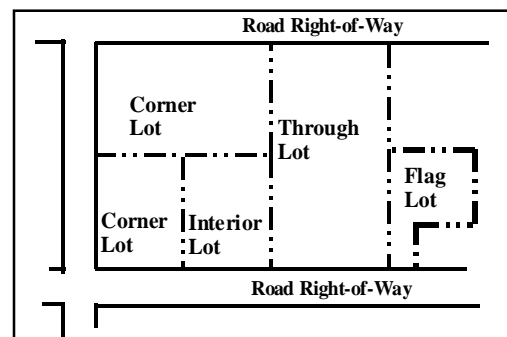
B. Lot, Corner: A lot which has at least two contiguous sides abutting upon a road for their full length, provided that the interior angle at the intersection of such two sides is less than 135 degrees.

C. Lot, Depth. The distance between the front and rear lot lines, measured along the median between the side lot lines, or the two (2) front lines of a double frontage lot.

D. Lot, Double Frontage (Through). Any lot, excluding a corner lot, which fronts on two (2) streets which do not intersect.

E. Lot, Interior. A lot other than a corner lot with only one (1) lot line fronting on a street.

F. Lot, Waterfront. A lot having frontage directly upon a lake, river or otherwise formed impoundment of water.



LOT COVERAGE

The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures, but not including parking lots.

LOT LINES

The property lines or other described lines bounding the lot.

- A. **Front Lot Line.** In the case of an interior lot, the front lot line shall mean the line separating such lot from such street right-of-way or easement.

In the case of a corner or through lot, each lot line separating the lot from a right of way shall be considered a front lot line.

In the case of a waterfront lot, the front lot line shall be the frontage on the water body measured on a straight line from the points that the side lot lines intersect with the ordinary high water mark of the water body.

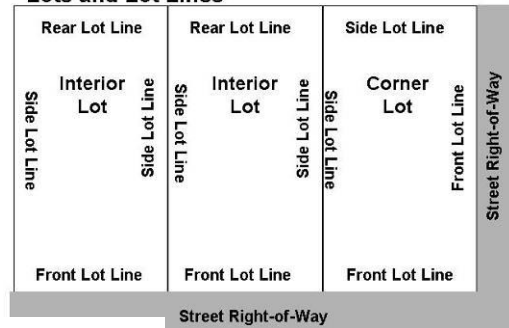
- B. **Rear Lot Line.** Ordinarily, that lot line which is opposite and most distant from the front lot line of the lot.

In the case of an irregular or triangular-shaped lot, a line at least ten (10) feet in length entirely within the lot, parallel to, and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of rear yard.

In cases where none of these definitions are applicable, the Zoning Administrator shall designate the rear lot line.

- C. **Side Lot Line.** Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from another lot, or lots is an interior side lot line.

Lots and Lot Lines



LOT OF RECORD

A lot which exists in a subdivision plat as shown on the records of the Iron County, Michigan Register of Deeds, or a lot or parcel described by metes and bounds, which is of record at the Iron County, Michigan Register of Deeds Office.

LOT WIDTH

The shortest continuous distance between the side lot lines, measured at the right-of-way or private easement line. Cul-de-sac lot widths shall be measured at the required setback.

LOT, WATERFRONT

A lot having frontage directly upon a lake, river or otherwise formed impoundment of water; which does include, but is not limited, to a riparian or littoral lot.

**SECTION 2.14 DEFINITIONS – M**

**MANUFACTURED HOME**

A detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or on a flat bed or other trailer, and further designed to be occupied as a dwelling without the necessity of further substantial construction or alteration except for incidental assembly, unpacking, foundation work or construction, utility connections, skirting construction, site preparation and other minor work, construction or installation.

**MANUFACTURED HOUSING COMMUNITY**

A parcel or tract of land under the control of a person upon which two (2) or more manufactured 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 therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home.

**MANUFACTURED HOME SPACE**

A plot of ground within a manufactured housing community designed for the placement of one (1) manufactured home.

**MARINA**

A facility located adjacent to a body of water and operated as a commercial enterprise for the sale, storage, or servicing of boats or other watercraft; or a dock or mooring located within a body of water and intended to be used by four (4) or more boats.

**MASTER PLAN**

The Master Plan currently adopted by the Township of Crystal Falls, including graphic and written materials and includes any unit or part of such plan and any amendment to such plan.

**MIGRANT AGRICULTURAL LABOR HOUSING**

A tract of land and all tents, vehicles, buildings and other structures pertaining thereto which is established, occupied or used as living quarters for migratory workers engaged in agricultural activities including related food processing as licensed under the provisions of P.A. 289 of 1965, as amended, being MCL 286.621 et seq.

**MOTEL**

A series of attached, semi-attached, or detached rental units providing overnight lodging for transients, open to the traveling public for compensation.

**SECTION 2.15 DEFINITIONS – N**

**NATURAL FEATURES**

Includes but is not limited to; soils, wetlands, woodlots, overgrown fence rows, landmark and specimen trees, floodplains, water bodies, groundwater, topography, vegetative cover, and geologic formations.

**NON-CONFORMING BUILDING OR STRUCTURE**

A building, structure or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, which does not conform to the provisions of the Ordinance in the Zoning District in which it is located.

**NON-CONFORMING LOT**

A lot that conformed with all Township zoning requirements at the time of its creation which no longer conforms to the requirements for lot area or lot width, and which has not been subdivided or reduced in size.

**NON-CONFORMING USE**

A use which lawfully occupied a building or land at the effective date of this Ordinance or amendments thereof, and that does not conform to the use regulations of the Zoning District in which it is located.

**NON-RESIDENTIAL STRUCTURE**

A non-residential structure is any building not used for human occupation, rental, or employment.

**NURSING HOME**

A home for the care of the aged or infirm, or a place of rest for those suffering bodily disorders, where care is provided for compensation. The home shall conform to, and be licensed under applicable State law.

**SECTION 2.16 DEFINITIONS – O**

**OPEN AIR BUSINESS**

Uses operated substantially in the open air, including, but not limited to:

- A. Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sale, repair, rental, or storage services.
  
- B. Outdoor display and sale of garages, motor homes, manufactured homes, snowmobiles, farm implements, swimming pools, and similar activities.

- C. Retail sale of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
- D. Flea Markets.

OPEN SPACE DEVELOPMENT

A development which is permitted to have smaller lot sizes in return for protected open space.

OPEN SPACE

Land used for recreation, resource protection, amenity, and/or buffers, and not containing any principal building or structure.

- A. Open Space, dedicated: Common open space dedicated as a permanent recorded easement.
- B. Open space, usable: That portion of the common open space which due to its slope, drainage characteristics and soil conditions can be used for active recreation.

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 itself, the configuration of the surface of the soil and the vegetation. Where the water levels vary for purposes of water level management, the ordinary high water mark shall be the higher of the levels generally present.

**SECTION 2.17 DEFINITIONS – P**

PARKING LOT

A facility (not including parking for single and two-family units) providing vehicular parking spaces, along with adequate drives, aisles, and maneuvering space to allow unrestricted ingress and egress to at least two vehicles.

PARKING SPACE

An off-street space of at least one hundred eighty (180) square feet exclusive of necessary driveways, aisles, or maneuvering areas suitable to accommodate one (1) motor vehicle and having direct unobstructed access to a street or alley.

PIER

A structure attached to the land extending into and over an inland lake or stream and providing a means of docking, loading, unloading or servicing of watercraft, and which may also be used as a base for fishing, swimming, or other water recreation-related activity.

**PLANNED UNIT DEVELOPMENT (PUD)**

A development of land planned and developed as a whole in a single project or series of phases. The PUD may include streets, utilities, buildings, open spaces, and other site features and improvements.

**PLANNING COMMISSION** – See COMMISSION, PLANNING

**PRINCIPAL OR MAIN USE**

The primary purpose for which land or premises, or a building thereon, is designed, arranged, or intended, for which it is occupied, or maintained, or leased.

**PUBLIC UTILITY**

Any person, firm, corporation, municipal department, board, or commission duly authorized to furnish, under Federal, State or municipal regulations, to the public, electricity, gas, steam, communications (except cellular telephone or commercial wireless communications towers), telegraph, transportation, or water services.

**SECTION 2.18 DEFINITIONS – R**

**RECREATIONAL VEHICLE**

A vehicle or equipment intended for temporary or periodic use for recreational or leisure pursuits. Such vehicles shall include boats, airplanes, special purpose automobiles, floats, rafts, trailers, snowmobiles, camping or travel trailers, motorized homes, detachable travel equipment of the type adaptable to light trucks, and other equipment or vehicles of a similar nature.

**RIPARIAN LAND**

The land adjacent to the bank or shoreline of an inland lake, river or stream that includes or is bounded by a natural watercourse.

**ROADSIDE STAND**

A structure for the display and sale of agricultural products, with no space for customers within the structure itself.

**RUBBISH**

Any solid waste, except human excreta, but including garbage, rubbish, ashes, street cleanings, dead animals, offal and solid agricultural, commercial, industrial, hazardous and institutional wastes and construction waste resulting from the operation of a contractor.

**SECTION 2.19 DEFINITIONS – S**

**SATELLITE DISH**

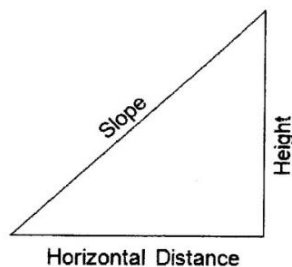
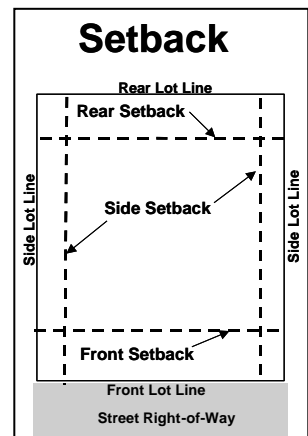
A parabolic dish designed for the purpose of transmitting and/or receiving microwave radio, television, satellite, or other electromagnetic energy signals, including as a part of the apparatus or device the main reflector, subreflector feed, amplifier and support structure.

**SETBACK**

The minimum required horizontal distance measured from the front, side, or rear lot line, as the case may be, which describes an area termed the required setback area on a lot or parcel.

**SETBACK LINES**

- A. Front Setback Line. The line marking the required setback distance from the front lot line or street easement line, as applicable, that establishes the minimum front yard setback area.
- B. Rear Setback Line. The line marking the required setback distance from the rear lot line which establishes the minimum rear yard setback area.
- C. Side Setback Line. Lines marking the required setback distance from the side lot lines which establish the minimum side yard setback area.
- D. Setback Line. The setback is measured at the horizontal distance not the slope.



**SEXUALLY ORIENTED BUSINESSES (definitions relating to):**

- A. Adult Bookstore or Adult Video Store: An adult bookstore or adult video store means a commercial establishment which has a substantial portion of its stock in trade for sale or rent, for any form of consideration, any one or more of the following items:



1. Books, magazines, periodicals or other printed matter, or photographs, pictures, films, motion pictures, video cassettes, video tapes, any material in digital format [including, but not limited to compact discs (CDs) or digital video discs (DVDs), greeting cards, or video reproductions, slides, or other visual representations or electronic media or other merchandise which is predominantly distinguished or characterized by an emphasis on depiction or description of “specified anatomical areas” or “specified sexual activities”]; or
2. Instruments, devices, or paraphernalia that are designed for use in connection with “specified sexual activities”.

A commercial establishment may have other stock in trade which does not involve the offering for sale or rent of merchandise depicting or describing “specified anatomical areas” or “specified sexual activities” and still be categorized as an adult bookstore or adult video store. Such other stock in trade will not serve to exempt such a commercial establishment from being characterized as an adult bookstore or adult video store so long as a substantial portion of the commercial establishment’s stock in trade is the offering for sale or rental for consideration the specified merchandise which is predominantly distinguished or characterized by an emphasis on the depiction or description of “specified anatomical areas” or “specified sexual activities”.

The phrase “substantial portion of its stock in trade” shall be construed with reference to all relevant factors, including, but not limited to one or more of the following:

1. Twenty-five percent (25%) or more of the commercial establishment’s gross sales area is used for the sale of merchandise which is predominantly distinguished or characterized by an emphasis on the depiction or description of “specified anatomical areas” or “specified sexual activities”. For purposes of this Section, gross sales area is defined as the floor area within the inside perimeter of the exterior walls of the commercial establishment, exclusive of vent shafts and courts, storage, stock, office, and shipping areas, without deduction for corridors, display fixtures, stairways, public restrooms closets, the thickness of interior walls, columns or other features.
  2. Twenty-five percent (25%) or more of the commercial establishment’s stock in trade (inventory) is comprised of merchandise which is predominantly distinguished or characterized by an emphasis on the depiction or description of “specified anatomical areas” or “specified sexual activities”.
  3. Twenty-five (25%) or more of the commercial establishment’s gross revenues are generated by the sale or rental of merchandise which is predominantly distinguished or characterized by an emphasis on the depiction or description of “specified anatomical areas” or “specified sexual activities”.
- B. Adult Cabaret: An adult cabaret means a nightclub, restaurant, or other similar commercial establishment which regularly features or displays:
1. Persons who appear in a state of nudity; or
  2. Live performances predominantly distinguished or characterized by an emphasis on the exposure of any “specified anatomical areas” or “specified sexual activities”; or
  3. Films, motion pictures, video cassettes, videotapes, any material in digital format (including, but not limited to compact discs (CDs) or digital video discs (DVDs)),

slides, other photographic reproductions or visual media which are predominantly distinguished or characterized by an emphasis on the depiction or description of an “specified anatomical areas” or “specified sexual activities”.

- C. **Adult Motion Pictures Theater:** An adult motion picture theater means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, videotapes, any material in digital format [including, but not limited to compact discs (CDs) or digital video discs (DVDs)], slides, or similar photographic reproductions or visual media are regularly featured which are predominantly distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified anatomical areas” or “specified sexual activities”. This definition includes, but is not limited to, commercial establishments that offer individual viewing booths.
- D. **Massage establishment:** any building, room, place or establishment where body massage is regularly practiced on the human body, to club members or to the general public, for a charge. The term “massage establishment” includes, but is not limited to massage parlors, health clubs, sauna baths and steam baths if massages are performed at those locations. The term “massage establishment” shall not include:
1. Hospitals, nursing homes, medical clinics;
  2. The office of a state-licensed physician, surgeon, physical therapist, osteopath or chiropractor;
  3. The establishment of a barber, manicurist, beautician or cosmetologist who is duly licensed under the laws of this state, or another state within the United States, or the federal government, and who practices within the established limits of his or her license, and who administers a massage in the normal course of his or her duties in which massages are administered only to the scalp, face, neck, hands, feet or shoulders;
  4. The establishment of a myomassologist who is a current member of the American Massage Therapy Association or other national massage therapy organization with comparable prerequisites for certification; or
  5. A nonprofit organization operating a community center, swimming pool, tennis court or other educational, cultural, recreational or athletic facility for the welfare of the residents of the area.
- E. **Sexually Oriented Business:** An adult bookstore, video store, or novelty store, adult cabaret, adult motion picture theater, or a commercial establishment that regularly features the sale, rental, or exhibition for any form of consideration, of books, films, videos, DVDs, magazines, or other visual representation of live performances which are characterized by an emphasis on the exposure of display of specified sexual activities or specified anatomical areas. For purposes of this Ordinance, an adult physical culture business shall also be considered as a sexually oriented in business.
- F. **Specified Anatomical Areas:**
1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed; and

2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.
- G. Specified Sexual Activities:
1. The fondling of any or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or
  2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy; or
  3. Excretory function as part of in connection with any of the activities set for in (1) or (2) above.

#### SHARED DRIVEWAY

A private driveway that serves no more than two (2) single-family dwellings.

#### SHORELINE RECREATIONAL DECK

A flat deck on the shoreline of an inland lake or stream with a maximum height of not more than twelve (12) inches above grade that does not extend into or over the water and which is dedicated to recreational gatherings and other uses related to water recreation.

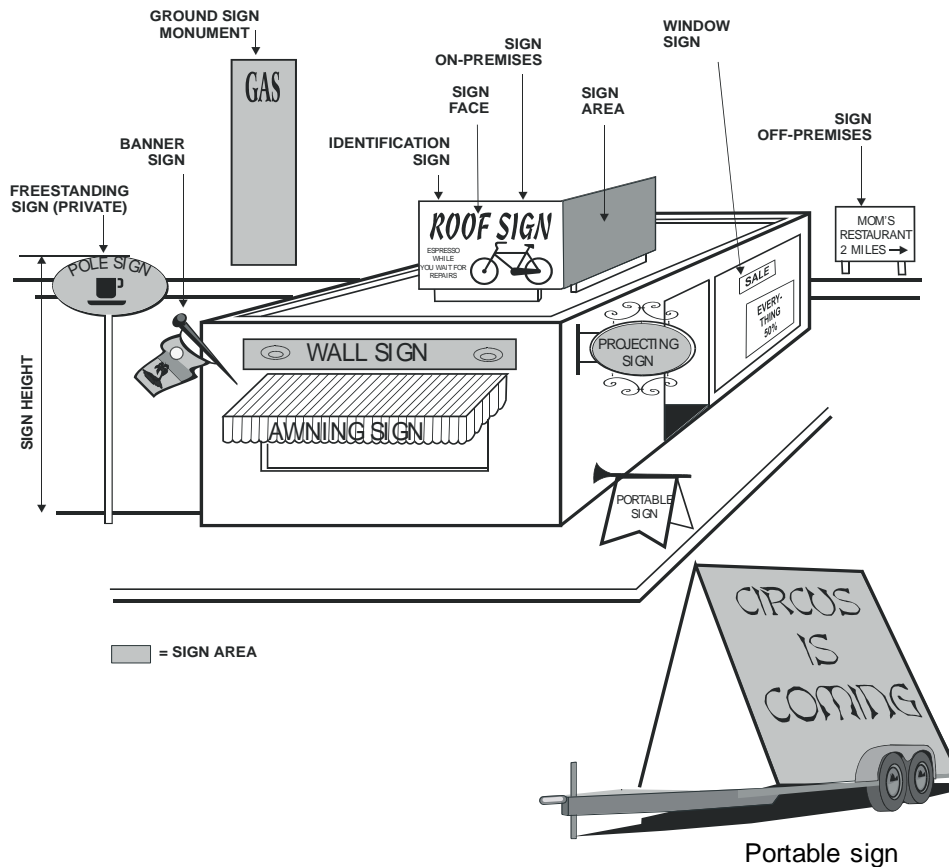
#### SIGNS (Definitions relating to):

Sign: Sign shall mean and include every individual announcement, declaration, demonstration, display, illustration, insignia, surface or space when erected or maintained to the out of doors in view of the general public for identification, advertisement or promotion of the interests of any person. This definition shall include billboard signs, signs painted directly on walls of structures, and temporary signs.

- A. Area: The total square footage of a sign face exposed to public view.
- B. Awning Sign: A sign which is part of, hung from the underside of, or attached to, a marquee, canopy, or other covered structure projecting from and supported by a building and does not project horizontally beyond or vertically above said marquee, canopy, or covered structure.
- C. Banner: An unsecure sign made of natural, flexible, synthetic or plastic material used to call attention to a land use or product, service or activity; however, not including pennants or flag.
- D. Billboard: A sign structure which exceeds one hundred (100) square feet advertising a service, commodity or establishment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located, also known as "off-premise sign" or "outdoor advertising structure".
- E. Directional Sign: Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one way", "entrance" and "exit".

- F. Double-Face Sign: A sign, both sides of which are visible and used as signs. A "V" type sign shall be considered a double-face sign provided the least angle of intersection does not exceed ninety (90) degrees.
- G. Electronic Message Board: A sign on which copy changes automatically on a lamp bank or through mechanical means, e.g., electrical or electronic time and temperature units.
- H. Flag: A sign made of natural, synthetic or plastic material having a distinctive size, color and design used as a symbol or emblem.
- I. Flashing Sign: Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity or color at all times while in use.
- J. Free-Standing Sign: Any non-movable sign not affixed to a building.
- K. Height: The height of sign shall mean the maximum vertical distance from the uppermost extremity of a sign or sign support to the average ground level at the base of the sign.
- L. Illuminated Sign: Any sign designed to give forth artificial light, or designed to reflect any light given from any source which is intended to cause light or reflection.
- M. Monument sign: A sign affixed to the ground with a full footing where the display surface is less than four (4) feet above the grade to the bottom of the display area.
- N. Off-Premise Sign: A sign located on a different parcel of land or lot or premise than where the business, product, service, event, or person or subject is being advertised.
- O. On-Premise Sign: A sign located on the parcel of land or lot advertising a business, product, service, event, person or subject being offered on the parcel of land or lot.
- P. Pennant: A small, often triangular, tapering flag used in multitudes as a device to call attention to a land use or activity.
- Q. Pole Sign: An advertising structure which is supported by one or more uprights in permanent footings with all parts of the display surface of the sign eight (8) feet or more above the grade at the base of the sign.
- R. Political Sign: Signs announcing the candidacy of persons running for public office or issue to be voted upon at an election and other information pertinent thereto.
- S. Portable (Temporary) Sign: A sign which is not permanently affixed to a building (wall sign), structure (pole sign) or the ground (monument sign). Portable or temporary signs include without limitation signs supported on wooden posts, mobile chassis, motor vehicle, banners, flags, and pennants.
- T. Residential Entranceway Sign: A permanent structure including but not limited to walls, columns and gates, marking entrances to single-family subdivisions or multiple housing projects by name, symbol, or otherwise.
- U. Real Estate Sign: A sign advertising that the premises on which it is located is for sale, lease, or rent.
- V. Roof Sign: A sign that is erected, constructed and maintained upon or above the roof, or parapet wall of a building which is wholly or partially supported by said building.
- W. Setback: The minimum linear distance as measured from the road right-of-way line to the nearest part of the sign or advertising structure.

- X. Window Sign: A sign that is applied or attached to the exterior or interior of a window or located in such a manner within a building that it can be seen from the exterior of the



structure through a window.

- Y. Wall Sign: A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than twelve (12) inches from the building or structure.

STATE LICENSED RESIDENTIAL FACILITY

A residential care facility licensed by the State of Michigan under Public Act 287 of 1972, as amended, being MCL 331.681 *et seq*, or Public Act 116 of 1973, as amended, being MCL 722.111 *et seq*; which provides resident care services under twenty four (24) hour supervision or care, but does not include facilities licensed by the State of Michigan for care and treatment of persons released from or assigned to correctional institutions.

- A. A State Licensed Residential Family Facility includes a state licensed residential facility providing resident services to six (6) or fewer persons.

- B. A State Licensed Residential Group Facility includes a state licensed residential facility providing resident services to more than six (6) persons.

**STORY**

That portion of a building, other than a basement or mezzanine, included between the surface of any floor and the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. For the purpose of this Ordinance, a basement or cellar shall be counted as a story only if over fifty percent (50%) of its height is above the level from which the height of the building is measured, or, if it is used for business purposes.

**STORY, HALF**

That part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half ( $\frac{1}{2}$ ) the floor area of said full story, provided the area contains at least two hundred (200) square feet and which contains a clear height of at least seven and one-half ( $7\frac{1}{2}$ ) feet, at its highest point.

**STREET, PRIVATE (private road)**

A privately owned and maintained thoroughfare meeting the requirements of Section 3.24 of this Ordinance and providing access to two (2) or more individual lots or parcels.

**STREET, PUBLIC**

A publicly-owned thoroughfare which affords traffic circulation and principal means of access to abutting property, including any avenue, place, way, drive, lane, boulevard, highway, road, or other thoroughfare, except an alley.

**STRUCTURE**

Anything except a building, constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

**SWIMMING RAFT**

A floating, seasonal structure, unsecured to the shore but temporarily tethered to the bottomland, used for sunning, swimming, or as a diving platform.

**SECTION 2.20 DEFINITIONS – T**

**TEMPORARY BUILDING OR USE**

A structure or use permitted by the Zoning Administrator to exist during periods of construction of the main building or for special events as permitted by this Ordinance.

TOWNSHIP

Township of Crystal Falls, County of Iron and State of Michigan.

TOWNSHIP BOARD

The Township of Crystal Falls Township Board.

**SECTION 2.21 DEFINITIONS – V**

VEHICLE REPAIR

Any major activity involving the general repair, rebuilding or reconditioning of motor vehicles, engines, or trailers; collision services, such as body, frame, or fender straightening and repair; overall painting and vehicle rust-proofing; refinishing or steam cleaning.

VEHICLE SERVICE STATION

A building and lot or parcel designed or used for the retail sale of fuel, lubricants, air, water or other operating commodities for motor vehicles and including the customary space and facilities for the installation of such commodities on or in such vehicles and including space for storage, hand washing, minor repair, and servicing, but not including vehicle repair as defined in this Chapter.

VEHICLE WASH ESTABLISHMENT

A building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

**SECTION 2.22 DEFINITIONS – W**

WETLAND

Land characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does support wetland vegetation or aquatic life. Wetlands are regulated by Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, Public Act of 451 of 1994, as amended, being MCL 324.101 et seq.

WIRELESS COMMUNICATIONS TOWER, COMMERCIAL

A structure designed and constructed to support one (1) or more antennas used for licensed telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

WOOD FURNACE, OUTDOOR

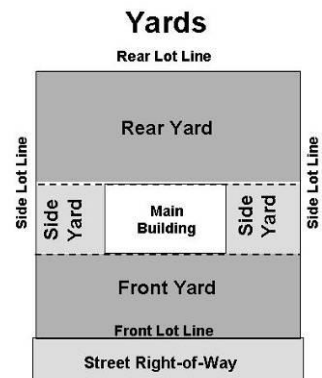
A wood burning, mechanical device which is accessory to and situated outside used for heating. Also known as outdoor furnaces, or boilers.

**SECTION 2.23 DEFINITIONS – Y**

**YARD**

An open space of prescribed width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

- A. Yard, Required Front. An open space extending the full width of the lot, the uniform depth of which is the minimum prescribed horizontal setback distance measured at right angles to the front lot line.
- B. Yard, Required Rear. An open area extending across the full width of the lot, the uniform depth of which is the minimum prescribed horizontal setback distance measured at right angles to the rear lot line.
- C. Yard, Required Side. An open unoccupied area between a main building and the side lot lines, extending from the front yard area to the rear yard area. The width of the required side yard shall be measured horizontally from and at right angles to the nearest point of the side lot line.



**SECTION 2.24 DEFINITIONS – Z**

**ZONING ACT**

The Michigan Zoning Enabling Act; Act 110 of 2006 of the Public Acts of Michigan, as amended, being MCL 125.3101 et seq.

**ZONING ADMINISTRATOR**

The person designated by the Township Board to administer the provisions of this Zoning Ordinance.

**ZONING BOARD OF APPEALS**

The Zoning Board of Appeals of the Township of Crystal Falls.

**ZONING COMPLIANCE PERMIT**

A permit signifying compliance with the provisions of this Ordinance as to design, use, activity, height, setbacks, density, site planning, special use status, and/or planned unit development status.



## CHAPTER 3 GENERAL PROVISIONS

### SECTION 3.01 APPLICATION OF REGULATIONS

- A. Unless otherwise noted, the regulations in this Ordinance apply throughout the Township and within each district. They shall be minimum regulations and shall apply uniformly to each class or kind of structure, land or use.
- B. All buildings, structures or land may be used, constructed, altered or occupied, only when in conformity with all of the regulations specified in this Ordinance for the district in which it is located in accordance with the procedures of this Ordinance.
- C. Except as otherwise permitted by this Ordinance, after the effective date of this Ordinance, no building or other structure shall be altered:
  - 1. To accommodate or house a greater number of persons or families than permitted by the Zoning District.
  - 2. To have narrower or smaller rear yards, front yards, or side yards, other than permitted.
- D. No yard or lot existing at the time of passage of this Ordinance shall be subdivided or reduced in dimension or area below the minimum requirements set forth in this Ordinance. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- E. Except as may otherwise be noted in this Ordinance, the erection, construction, alteration or maintenance of essential public services shall be permitted in any zoning district; because the erection, construction, alteration or maintenance is exempt from the application of this Ordinance.

### SECTION 3.02 CLEARING OF LAND

Unless associated with a bona fide forestry, agricultural, or public works project, (such as the installation of utilities, construction of public roadways or other similar activities conducted by, or on behalf of the state, federal government, county, or the Township), it shall be unlawful for any person to engage in land clearing, including the stripping and removal of topsoil or existing vegetation, from any site, parcel, or lot within the Township without first receiving appropriate development approval.

### SECTION 3.03 EXCAVATIONS

No soil, sand, gravel, or other earth material shall be removed from any land within the Township without Special Land Use approval, with the following exceptions:

- A. When the earth removal is incidental to an operation for which a building permit has been issued by the designated county or township official;
- B. When the earth removal involves any normal landscaping, driveway installation and repairs, or other minor projects;
- C. When the earth removal involves less than five hundred (500) cubic yards;
- D. When the earth removal is for the construction of a swimming pool.

**SECTION 3.04 MAIN BUILDING OR PRINCIPAL USE**

Except as may otherwise be noted in this Ordinance, each parcel shall contain only one (1) main building or principal use, except for groups of related commercial, industrial, and office buildings, and multiple family dwellings, contained within a single, integrated complex as demonstrated by sharing parking, signs, access, and other similar features which, in the opinion of the Zoning Administrator, form a unified function and appearance.

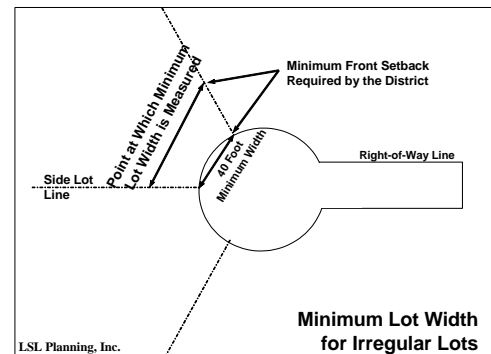
**SECTION 3.05 YARD AND AREA REQUIREMENTS**

- A. The front yard shall be measured from the right-of-way or access easement line to the nearest foundation or building wall of the building or structure.
- B. The rear yard setback shall be measured from the rear lot line to the nearest foundation or building wall of the building or structure.
- C. The side yard setback shall be measured from the lot line to the drip line of the building or structure.
- D. Corner and through lots shall have two (2) front lot lines and two (2) front yards adjacent to the abutting roads. The other yards shall be considered side yards.

E. Cul-de-sac Lots:  
The minimum distance between side lot lines at the road right-of-way of a cul-de sac shall be forty (40) feet measured in a straight line.

F. Lot Width to Depth Ratio (for parcels 10 acres or less). No lot created after the adoption date of this Ordinance shall have a depth exceeding four (4) times its width, as measured at the front lot line.

G. Frontage required: All parcels shall have the required minimum lot width along and adjacent to a public road or approved private road.



**SECTION 3.06 HEIGHT EXCEPTIONS**

The height limitations contained in this Ordinance do not apply to spires, belfries, cupolas, antennae, water tanks, ventilators, chimneys, mechanical equipment, scenery lofts, parapet walls up to four (4) feet or other similar appurtenances not intended for human occupancy and usually required to be placed above the roof level.

**SECTION 3.07 PROJECTIONS INTO YARDS**

A. Architectural elements attached to and necessary to the integrity of the building, or the health or safety of the occupants, such as ramps for the disabled, cornices, eaves, gutters, chimneys, pilasters, unenclosed steps, fire escapes, and similar features shall be permitted to encroach upon the minimum front and rear setback requirements of this

Ordinance, provided the projection is no more than five (5) feet into the required front or rear setback of the lot. No encroachment shall be permitted into the side setback of the lot.

- B. Unenclosed terraces, patios, porches, and decks shall be permitted to encroach upon the minimum front and rear yard by up to five (5) feet provided they are:
1. Attached to the main building.
  2. Not covered with a roof.
  3. Elevated no more than thirty (30) inches above the average surrounding final grade.
  4. Not fully enclosed by walls or fences over five and one-half (5 ½) feet in height.
  5. Do not encroach into the side setback of the lot.
- C. Those structures covered in paragraphs A and B above shall not be considered nonconforming, and therefore, shall be permitted to be rebuilt even if destroyed by an act of God or by the owner/occupant of the structure.

### **SECTION 3.08 RIPARIAN/WATERFRONT ACCESS AND SHORELINE STRUCTURES**

The following restrictions are intended to limit the number of users of lake or stream frontage in order to preserve the quality of the waters, to promote safety, and to preserve the quality of recreational use of all waters within Township.

- A. The restrictions of this Section shall apply to all waterfront lots and parcels on or abutting any lake, river, or stream in all Districts, regardless of whether access to the lake, river, or stream waters shall be by easement, park, common-fee ownership, single-fee ownership, condominium arrangement, license, or lease.
- B. In all Districts there shall be at least one hundred (100) feet of lake frontage, and at least two hundred (200) feet of river or stream frontage, measured on a straight line from the points that the side lot lines intersect with the ordinary high water mark of the lake, river or stream for each dwelling unit or lot utilizing or accessing the lake, river, or stream frontage. For example, four (4) dwelling units would require four hundred (400) feet of lake frontage to gain access to the lake for all of the units or 800 feet along a river or stream.
- C. The following shoreline structures are permitted as Accessory Uses which, when attached to land, shall meet the side yard setbacks of the district. Shoreline structures shall be subject to the following regulations:
1. Seasonal Piers. All seasonal piers shore stations, boat lifts, etc., must be removed at the end of the boating season. Piers shall adhere to the following standards:
    - a. Maximum width: six (6) feet
    - b. Maximum length: thirty-five (35) feet except that the pier may not encroach in navigable areas.
    - c. Number per lot: There may be no more than one (1) seasonal pier per waterfront lot on lots of two-hundred fifty (250) feet or less of water

- frontage. One (1) additional seasonal pier shall be permitted on lots that exceed two-hundred fifty (250) feet of water frontage, provided that the piers are located a minimum of fifty (50) feet apart.
- d. A seasonal pier, shore stations, boat lifts, etc., shall be set back from any side lot line the same setback distance required for the principal structure of the zoning district.
2. **Permanent Piers.** Unless associated with a licensed marina, a permanent pier may only be placed for the private use of the owner of the riparian lot which the pier serves. A permit from the Zoning Administrator and the State of Michigan is required prior to placement of a permanent pier. A permanent pier must be physically connected to the riparian lot which it serves. The pier shall be designed so as to allow free movement of water beneath the pier and may not deposit sediment on the bed of the lake or stream. Piers shall adhere to the following standards:
    - a. Maximum width: six (6) feet.
    - b. Maximum length: thirty-five (35) feet except that the pier may not encroach in navigable areas.
    - c. Number per lot: One (1) per riparian lot on lots of two-hundred fifty (250) feet or less of water frontage. One (1) additional permanent pier shall be permitted on a lot that exceeds two hundred fifty (250) feet of water frontage, provided that the piers are located a minimum of fifty (50) feet apart.
    - d. Setback: A permanent pier shall be set back from any side lot line the same setback distance required for principal structures in the zoning district.
  3. **Shoreline Access Decks.** A shoreline access deck is permitted only as an accessory use to a public marina or a boat livery, and may contain any related facility such as a bathing change house, fish cleaning area or boat storage. Decks shall be located a minimum of fifty (50) feet from any residential lot line. A shoreline access deck shall not exceed 200 square feet in area.
  4. **Boat Shelters and Boat Houses.** No boat shelter or boat house may be erected on any Township inland lake, river or stream.
  5. **Waterfront access stairs, power lifts, boardwalks and boat landings:** Stairs, power lifts or boat landings may be provided on waterfront lots provided:
    - (1) All structures shall be located within the permitted clear zone of the waterfront buffer strip.
      - a. Stairs may not be wider than five (5) feet.
      - b. Neither stairs nor power lifts shall be closer than twenty (20) feet to the ordinary high water mark.
      - c. If no public boat launch is available, a boat landing area of no more than twelve (12) feet wide may be provided within the permitted clear zone of the waterfront buffer strip.

- d. A maximum of a four (4) foot boardwalk may be placed over wetlands to reach the waterfront if it is wholly contained within the permitted clear zone of the waterfront buffer strip.
6. Recreational Water Devices
    - a. A recreational water device (e.g., swimming raft, water trampoline, etc.) may not be located so as to interfere with safe navigation of watercraft.
    - b. One recreational water device is permitted per waterfront lot.
    - c. All recreational water devices must be securely anchored to the floor of the water body.
    - d. A recreational water device may not exceed one hundred (100) square feet in area. A minimum of three (3) reflectors, with minimum dimensions of three (3) inches wide by three (3) inches high, must be mounted on each side of the device.
    - e. Platforms, towers or other appurtenances greater than twelve (12) inches high above the deck of a recreational water device are prohibited.
    - f. All recreational water devices must be completely removed from the water by at the end of the boating season.

### **SECTION 3.09 STORAGE AND REPAIR OF VEHICLES**

The carrying out or repair, storage, restoration and maintenance procedures or projects on personal vehicles in any District, when such work is not conducted entirely within the interior of a building, shall be subject to the following limitations:

- A. Procedures or projects which require the vehicle to be immobile or inoperable in excess of sixty (60) days within any twelve (12) month period shall be carried out within an enclosure.
- B. Inoperable or unlicensed vehicles, boats, trailers, motorcycles, or parts thereof (except operable farm equipment) and vehicle parts shall be stored in a completely enclosed structure except for one (1) such vehicle which may be stored in the rear yard in a location not plainly visible from the road or adjoining properties.

### **SECTION 3.10 SEASONAL CAMPING**

- A. Seasonal camping on private property may be permitted in excess of thirty (30) consecutive days per year for a single recreational vehicle if an approved waste system is provided on site for waste disposal.

### **SECTION 3.11 EXTERIOR LIGHTING**

- A. All outdoor lighting shall be directed away from, and if necessary, shall be shielded to prevent the shedding of light onto adjacent properties or roadways.
- B. Light poles used to illuminate parking lots or storage areas and flagpoles shall be limited to twenty five (25) feet in height.

- C. Lights used for canopies for the uses as vehicle service stations, drive-in establishments and other similar uses shall be completely recessed in the canopy structure and shall not extend lower than the underside surface of the canopy.
- D. Lighting of parking areas, buildings, or structures shall be minimized to reduce light pollution and preserve the rural character of the Township.

### **SECTION 3.12 MOVING OF STRUCTURES**

No houses, structure, mobile or modular dwelling, or other building shall be moved to a lot in the Township unless it complies with all applicable building codes, and unless a zoning permit is obtained from the Zoning Administrator. The Zoning Administrator shall set a reasonable time limit for completion of the move and may require a performance bond to assure lawful completion.

### **SECTION 3.13 ACCUMULATION OF WASTE**

The accumulation of waste, rubbish, garbage, refuse, trash; abandoned, discarded or unused objects, machinery or equipment such as furniture, stoves, refrigerators, freezers, cans or containers; or other deleterious substance on the premises of private residences or properties, commercial institutions, and in the roadway creates blight and greatly increases danger of fire, and spread of infections and diseases and is expressly prohibited by this Ordinance.

### **SECTION 3.14 DAMAGED BUILDINGS**

- A. A building which has collapsed or been damaged by fire, flood, storm, dilapidation, or act of God to such an extent that the cost of repair and reconstruction exceeds fifty percent (50%) of its replacement value at the time the damage occurred shall be repaired, removed, or reconstructed within one year of the damage and according to the provisions of this Ordinance and the appropriate construction code requirements relative to new construction.
- B. A building damaged by wear and tear, deterioration and/or depreciation to such an extent that the cost of repair and rehabilitation exceeds fifty percent (50%) of its replacement value shall be repaired, removed, or rehabilitated within one year of the date of notice given the Zoning Administrator, according to the provisions of this Ordinance and the building code relative to new construction.
- C. The Zoning Administrator may require that damaged buildings be secured at the doors and windows or that the building be removed.

### **SECTION 3.15 OUTSIDE WOOD FURNACES**

Wood furnaces located outside a structure shall be placed only under the following conditions:

- A. A Zoning Permit shall be required to place an outdoor wood burner.
- B. The lot shall be a minimum of two (2) acres in area.
- C. The heating unit shall be forty (40) feet from any other structure.
- D. The heating unit shall be located a minimum of one hundred fifty (150) feet from any property line.
- E. The unit shall not be located in the required front yard.
- F. The operation of the unit shall not constitute a nuisance to neighboring properties.

**SECTION 3.16 ROADSIDE STANDS**

Roadside stands may be permitted in the AR, R-1 and CF districts, subject to the following:

- A. Adequate off-road parking shall be provided on the property and outside the public road right-of-way.
- B. One (1) small sign may be permitted of up to sixteen (16) square feet. Freestanding signs shall be outside of the road right-of-way, adhere to clear vision standards, and have a height limit of eight (8) feet from the ground to the top of the sign.

**SECTION 3.17 HOME OCCUPATIONS**

Home occupations are permitted in all Districts that permit single-family dwelling units provided they comply with the standards of this Section:

- A. Only members of the family and one additional employee may be engaged in connection with the home occupation and the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants.
- B. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation.
- C. No home occupation shall be conducted in any accessory building and not more than twenty-five (25) percent of the livable floor area of the dwelling unit shall be used in the conduct of the home occupation.
- D. There shall be no outdoor, on-site storage of materials, equipment, or accessory items and/or display of materials, goods or supplies used in the conduct of the home occupation in any district.
- E. There shall be no sale of products or services except as are produced on the premises or those products which may be directly related to and incidental to the home occupation.
- F. Business by customers shall be limited to the hours of 7:00 a.m. to 8:00 p.m.
- G. One on-site sign not exceeding eight (8) square feet in area shall be permitted provided it is non-illuminated.
- H. Any parking for vehicles associated with the home occupation shall be provided off the road. No commercial vehicles exceeding a rated capacity of three (3) tons may be parked on the premises. No more than two off-street parking spaces for customers may be permitted.
- I. No equipment or process shall be used in the home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in the line voltage off the premises.

**SECTION 3.18 KEEPING ANIMALS**

- A. Livestock may be kept in any District of the Township provided that the parcel is at least three (3) acres for the first animal unit and one-quarter (1/4) acre for every animal thereafter or that General Accepted Agricultural and Management Practices (GAAMPS) adopted by the Michigan Department of Agriculture are met for the parcel housing

- animals. Compliance with GAAMPS must be demonstrated by the property owner housing animals.
- B. Animal holding areas (e.g., pens, corrals or paddocks) shall be a minimum of fifty (50) feet from any property line. Pasture areas may be up to property lines.
  - C. Manure shall be properly maintained and adhere to agricultural practice (GAAMPS) by the State of Michigan. All manure stockpile or compost areas shall be a minimum of one hundred (100) feet from any property line, or the ordinary high water mark of any lake, river or stream.
  - D. Predatory or wild animals shall not be kept as household pets in any district in the Township.

### **SECTION 3.19 ACCESSORY BUILDINGS AND USES**

- A. Accessory buildings are subject to the regulations of this Section.
  - 1. Attached accessory buildings and structures that are structurally part of the main building shall conform to the district setback requirements of the main building.
  - 2. Detached accessory buildings shall be a minimum of ten (10) feet from another building or structure.
  - 3. Detached accessory buildings of less than nine hundred (900) square feet shall be a minimum of five (5) feet from rear or side property lines.
  - 4. Detached accessory structures of over nine hundred (900) square feet shall be a minimum of ten (10) feet from the side or rear property line.
  - 5. Detached accessory buildings shall not exceed the height limits of the district.
  - 6. Accessory building(s) of over thirty (30) square feet shall not be erected in any required front yard.
  - 7. No accessory building shall be used in any part for residential dwelling or sleeping purposes.
  - 8. No accessory building shall occupy any portion of a required greenbelt or buffer in any district.
  - 9. After the construction of an accessory building upon a parcel of land, no subsequent division of that land shall be made which would cause the building located thereon to be in violation of the terms of this Ordinance.
  - 10. Accessory structures associated with commercial and industrial uses shall not occupy more than forty percent (40%) of the total lot area.

### **SECTION 3.20 PRIVATE SWIMMING POOLS**

- A. Every person owning land on which there is located a swimming pool, spa, hot tub, or similar device (below ground or above ground) which contains twenty-four (24) inches or more of water in depth at any point, shall ensure that such device is made inaccessible to small children by means of a fence or enclosure surrounding the device (or due to the height of the side walls) as approved by the Zoning Administrator. These side walls, fences or enclosures, including the gates, shall not be less than four (4) feet or greater than (6) feet above grade. All gates shall be self-latching with latches placed no less than four (4) feet above grade or otherwise made inaccessible from the outside to small children.



- B. Swimming pools, spas, hot tubs and similar devices shall not be located less than ten (10) feet from any rear or side lot line.
- C. Swimming pools, spas, hot tubs and similar devices shall not be located in any required front yard.

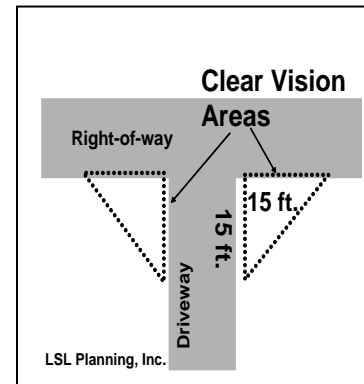
### SECTION 3.21 FENCES AND WALLS

#### A. Fences: Residential Districts

- Fencing which is essentially open (e.g., wrought iron, chain link, split rail, or picket fence) may be up to forty-eight (48) inches in height in the required front yard.
- The yard abutting the water on a waterfront lot shall be treated as the front yard. Fences shall not be erected within fifty (50) feet of the ordinary high water mark.
- Stockade fence and masonry walls shall be limited to three (3) feet in height in the required front yard.
- Fences may be up to six (6) feet high outside of the required front, and waterfront yards.
- Fences protecting gardens may be up to eight (8) feet in height provided they are a minimum of five (5) feet from any property line.

#### B. Fences: Generally

- No solid fence, wall or planting screen shall inhibit clear vision at the drive entrance. Any solid fence, wall, planting or screen shall not be greater than three (3) feet in height as measured from grade, shall be located within a triangular section of land formed by two (2) fifteen (15) foot perpendicular lines intersecting at the driveway and road pavement point and a connecting line.
- All fences erected by individual property owners must be located on his/her property.
- The finished side of the fence must face outward toward the neighboring property.
- Electrically charged or barbed wire fences are only permitted in association with agricultural operations, including gardening.
- Razor wire is prohibited in all Districts.
- In Commercial or Industrial Districts, a wall, fence or yard enclosure may be up to eight (8) feet in height behind the required front setback line.
- No fence or wall shall be erected which constitutes a fire hazard either of itself or in connection with the existing structures in the vicinity, nor which will interfere with access by the Fire Department.
- It is unlawful to construct or maintain any private fence or barrier within a public right-of-way.
- Fences shall be installed in a workmanlike manner and be maintained at all times in a state of good repair.



10. All fences shall be maintained so that they do not result in an unreasonable hazard to persons who might come near them. Barbed or other wire must be clearly marked and on metal or wood posts.
11. All fences shall not exceed six (6) feet measured from historical average grade as determined by the Zoning Administrator.

### SECTION 3.22 SITE CONDOMINIUMS

- A. A site condominium unit shall be a unit created by the division of land on the basis of condominium ownership that is not subject to the provisions of the Land Division Act, Public Act 288 of 1967, as amended, being MCL 560.101 et seq.
- B. A site condominium unit shall be treated as a separate lot or parcel and may have buildings constructed and uses conducted thereon provided the unit meets the use and District Regulations for the zoning district in which it is located.
- C. A site plan, including all the condominium documents required for the establishment of a condominium, shall be reviewed and approved by the Planning Commission in accordance with the site plan review process.
- D. Monuments shall be set at all boundary corners and deflection points and at all road right-of-way intersection corner and deflection points. Lot irons shall be set at all condominium site corners and deflection points of condominium site lines.
  1. The Zoning Administrator or Township Engineer may grant a delay in the setting of required monuments or irons for a reasonable time, but not to exceed one (1) year from the date of approval by the Township Board, on condition that the developer provide a performance guarantee equal to the cost of providing the monuments.
  2. The performance guarantee shall be returned to the developer upon receipt of a certificate by a surveyor registered in the State of Michigan that the monuments and irons have been set as required, within the time specified.
  3. If the developer defaults, the Township shall promptly exercise the performance guarantee and set the monuments and irons in the ground as shown on the condominium site plan, at the developer's expense.
- E. All rights-of-way and utility easements shall be described separately from individual condominium sites and shall be accurately delineated by bearings and distances on the condominium subdivision plan and the final site plan.
  1. The rights-of-way and utility easements shall be separately designed for their individual purpose, such as access, roadway, location, installation, maintenance and replacing of public utilities.
  2. The developer shall dedicate to the Township all easements for utilities. Water, sewer and electrical easements may be placed within public rights-of-way or the private road easement, subject to the approval of the Township Engineer and the Township standards.
  3. All roads and roads proposed for any site condominium shall be developed within the minimum design, construction, inspection, approval, and maintenance requirements of this Ordinance and other Ordinances or standards of the Township.

**SECTION 3.23 TEMPORARY BUILDINGS AND USES**

Temporary uses, buildings and structures, not used for dwelling purposes, may be placed on a lot or parcel and occupied only under the following conditions as authorized by a permit issued by the Zoning Administrator.

- A. Construction buildings and structures, including trailers, incidental to construction work on a lot, provided:
  - 1. Construction buildings and structures may only be used for the storage of construction materials, tools, supplies and equipment, for construction management and supervision offices, and for temporary on-site sanitation facilities, related to construction activity on the same lot. An enclosed structure for temporary sanitation facilities shall be required on all major construction sites.
  - 2. Construction buildings and structures shall be removed from the lot within fifteen (15) days after an occupancy permit is issued for the permanent structure on such lot, or within fifteen (15) days after the expiration of a building permit issued for construction on the lot.
  
- B. Sales offices or model homes may be placed on a lot provided:
  - 1. The location of the office shall be specified in the permit.
  - 2. The permit shall be valid for a period of up to one (1) year. A temporary permit may be renewed by the Zoning Administrator for up to two (2) successive one (1) year periods or less, at the same location if the office is still incidental and necessary.
  - 3. Only transactions related to the development in which the structure is located shall be conducted within the structure. General offices for real estate, construction, development or other related businesses associated with the project shall not be permitted.
  
- C. Fireworks Sales
  - 1. The outdoor display and sale of fireworks is permitted in the Commercial and Industrial Districts.
  - 2. The display and sale of fireworks on an open lot shall be allowed for a period not to exceed forty-five (45) days.
  - 3. All unsold fireworks on an open lot must be removed from the property by July 10<sup>th</sup>.
  - 4. Outdoor fireworks sales will be conducted pursuant to the Fire Code.
  
- D. Short Term, Outdoor Sales
  - 1. Outdoor sales shall only be permitted in the Commercial Zoning District.
  
- E. Special Events
  - 1. Temporary uses associated with special events may be allowed during the tenure of the special event only, and must be restricted to the property(ies) where the event is taking place.

2. Temporary uses may include food vendors, event offices, dressing rooms, carnival-type games, midways, t-shirt or souvenir sales, art/craft fairs, Christmas tree sales or other similar uses.
- F. Standards for all Temporary Uses
1. All temporary uses shall meet the following standards:
    - a. The nature of the temporary use and the size and placement of any temporary structure shall be planned so that the temporary use or structure will be compatible with existing development.
    - b. The parcel shall be of sufficient size to adequately accommodate the temporary use or structure.
    - c. The location of the temporary use or structure shall be such that adverse effects on surrounding properties will be minimal, particularly regarding the traffic generated by the temporary use or structure.
    - d. Off-street parking areas are of adequate size for the particular temporary use or structure and properly located and the entrance and exit drives are laid out so as to prevent traffic hazards and nuisances.
    - e. Signs shall conform to the provisions of this Ordinance.
    - f. Any lighting shall be directed and controlled so as to not create a nuisance to neighboring property owners.

### **SECTION 3.24 PRIVATE ROADS**

A. Purpose

The Township determines that it is in the best interest of the public health, safety, and welfare to regulate the construction, extension, and relocation, of private roads. These provisions have been enacted to assure that private roads (which includes a private driveway, a shared driveway and a private street):

1. Will not be detrimental to the public health, safety, or general welfare.
2. Will not adversely affect the long term development policies of the Township.
3. Will be designed and constructed with width, surface, and grade to assure safe passage and maneuverability of private vehicles, police, fire, ambulance, and other safety vehicles.
4. Will be constructed so as to protect against or minimize soil erosion and prevent damage to the lakes, streams, wetlands, and natural features of the Township.

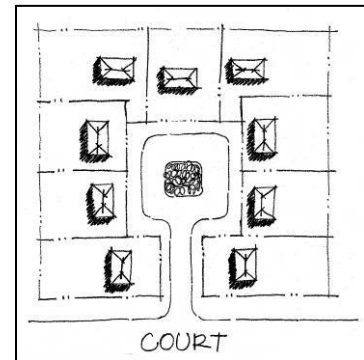
B. Private Road Review and Development Process

1. Shared driveways shall be approved by the Zoning Administrator.
2. Private roads shall be approved by the Planning Commission through the site plan review process. In addition to the applicable information required by Chapter 16, Site Plan Review, private road applications shall include:
  - a. A detailed written description of the development to be served by the private road.

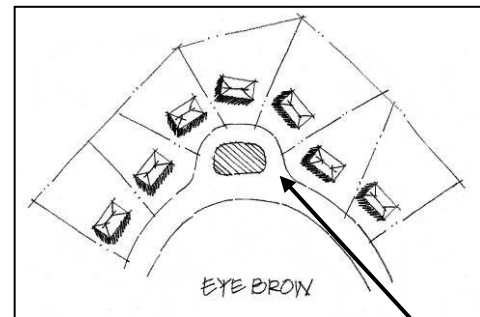
- b. Private road construction specifications with cross sections that show, at a minimum, precise location, grade, route, elevation, dimensions, and design of the private road.
    - c. Proposed future extensions of the private road within the development and to adjacent lands.
    - d. Location and distance to any public roads which the private road is to intersect.
    - e. A survey of the right-of-way by a registered land surveyor, together with surveys for each parcel to be served by the private road.
    - f. The location of all public and private utilities located within or twenty (20) feet from the proposed easement.
  3. The Planning Commission will accept Board of County Road Commissioners of the County of Iron plat road specifications without bituminous surface requirements. Plans not meeting plat road specifications may require that the applicant comply with reasonable conditions relative to the design and construction of the private road including but not limited to:
    - a. Requiring an easement for future road extensions or connections to public roads.
    - b. Requiring an easement for nonmotorized trails to adjacent developments or public land.
    - c. Requiring a turnout for bus service or mail delivery near the public road.
    - d. Requiring turn out for fire apparatus if road length exceeds eight hundred (800) feet.
    - e. Approval of the chief of the Crystal Falls Fire Authority for ingress and egress of firefighting equipment.
  4. Upon completion of construction of the private road, the Township's consulting engineer shall inspect the completed construction to determine whether it complies with the approved plans, specifications, permit, and this Ordinance.
  5. The applicant(s), at the applicant(s)'s expense, shall provide the Township with a set of "as built" drawings bearing a certificate and statement from a registered engineer certifying that the private road entrance has been completed in accordance with the requirements of the Board of County Road Commissioners of the County of Iron road standards or a private road entrance permit issued by the Board County Road Commissioners of the County of Iron.
  6. The Zoning Administrator shall not issue a zoning compliance permit for any residential unit or other structure on lots served by a private road until a safe and unimpeded route of travel is approved by the Township's consulting engineer.
  7. Should an existing driveway or private road add a sufficient number of lots or parcels to change its status, it shall be treated as a new private road and shall be upgraded for its entire length to comply with all applicable requirements for private roads.
- C. Design Requirements
  1. Design Standards for roads shall meet the following standards:

- a. All easements shall be a minimum of sixty-six (66) feet wide.
- b. A shared driveway for two (2) lots shall provide a minimum cleared area of sixteen (16) feet in width.
- c. All private roads for three (3) or more parcels shall have a cleared area of twenty-two (22) feet wide.
- d. All private roads for seven (7) or more parcels shall have a cleared area of twenty-two feet wide with a gravel base which meets the depth and compaction rating of the Iron County Road Commission.

- 2. The minimum distance between intersections of public and/or private road rights-of-way shall not be less than two-hundred (200) feet, as measured along the right-of-way line.
- 3. Any lot created with frontage on both a public road and private road shall take driveway access off the private road.



- 4. A series of dead-ends or cul-de-sacs are discouraged. Eyebrow, court, or stub roads are preferred. Reasonable accommodation shall be made for future road extensions and possible interconnections with adjacent properties.
- 5. Driveways shall be constructed of materials suitable to accommodate emergency vehicles.



Eyebrow with stub street

- 6. Applicable Board of County Road Commissioners of the County of Iron permit requirements shall be met for driveway and private road entrances to a public road.
- 7. Road base materials, volume and compaction requirements for private roads shall meet the plat road standards adopted by the Board of County Road Commissioners of the County of Iron.
- 8. The Planning Commission may reduce the traveled surface of private roads at points where significant topographic, wetland, or other natural features exist.
- 9. Private road construction will preserve, as much as practical, significant natural features such as mature trees, fence rows, natural wind breaks, natural slopes, wetlands, and bodies of water.
- 10. Regulation Michigan State Highway stops signs shall be positioned and installed in accordance with the Michigan State Manual of Uniform Traffic Control Devices on all private roads where they intersect public roads.
- 11. All private roads shall have names approved by the "911" emergency services coordinating agency and identification signs shall be provided for private roads. Signs shall be marked as private.

12. All private roads servicing or intended to serve more than two (2) or more lots, parcels or condominium units shall be under the control of an approved and recorded road maintenance agreement and deed restrictions which provide for the perpetual maintenance of such roads and/or easements to a necessary and reasonable standard to serve the several interests involved. These documents shall be reviewed and approved by the Township attorney and shall contain the following provisions:
  - a. Method of initiating and financing of such road and/or easements in order to keep the road in a reasonably good and usable condition.
  - b. A workable method of apportioning the costs of maintenance and improvements.
  - c. That the owners of any and all of the property using the easement shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, tradesmen and others bound to or returning from any of the properties having a right to use the road. Provisions shall be included to allow ingress and egress of emergency and other public vehicles for whatever public services are necessary.
  - d. That the owners will permit planned future road tie-ins or extensions with appropriate cross-access agreements.
  - e. A notice that no public funds of the County of Iron or Township are to be used to build, repair or maintain the private road.

### **SECTION 3.25 NONCONFORMITIES**

#### **A. General Provisions**

1. Any lot, use of land, or structure which has been established in violation of the provisions of a previous Zoning Ordinance having jurisdiction at the time the use of land or structure was established, and any lot, use of land, or structure which has been lawfully established under a previous Zoning Ordinance and subsequently violates the terms of the permit under which it was established, shall continue to be in violation of this Ordinance.
2. An existing lot, use of land, or structure which does not fully comply with the provisions of this Ordinance, as amended, and either was lawfully established under a previous Zoning Ordinance, created, or commenced during a period of time when no valid Zoning Ordinance was in effect, or was lawfully established under the jurisdiction of this Ordinance (before an amendment), and remains in compliance with the terms of a permit issued at that time, shall be permitted to continue provided there is compliance with this Section.
3. Nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently conducted.

#### **B. Nonconforming Uses**

1. No part of any nonconforming use shall be moved unless the movement eliminates the nonconformity.
  2. If a nonconforming use is abandoned for any reason for a period of more than eighteen (18) months, any subsequent use shall conform to the requirements of this Ordinance. A nonconforming use shall be determined to be abandoned if one (1) or more of the following conditions exists, and shall be deemed to constitute an intent on the part of the property owner to abandon the nonconforming use:
    - a. Utilities, such as water, gas and electricity to the property, have been disconnected.
    - b. The property, buildings, and grounds, have fallen into disrepair.
    - c. Signs or other indications of the existence of the nonconforming use have been removed.
    - d. Removal of equipment or fixtures that are necessary for the operation of the nonconforming use.
    - e. Other actions, which in the reasonable opinion of the Zoning Administrator constitute an intention of the part of the property owner or lessee to abandon the nonconforming use.
  3. A nonconforming use shall not be changed in use to another use that is also nonconforming unless it is more conforming than the previous use as determined by the Zoning Board of Appeals. Once a conforming use is established the prior nonconforming use may not be reestablished.
  4. A nonconforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of the adoption or amendment of this Ordinance.
- C. Nonconforming Buildings and Structures
1. In the event any nonconforming building or structure shall be damaged by fire, wind or an act of God or the public enemy, it may be rebuilt or restored provided the cost of restoration shall not exceed fifty (50%) of the replacement value as determined by the assessor for the Township and the building or structure does not exceed both the prior building footprint and prior building height of the nonconforming building or structure.
  2. A nonconforming building or structure shall not be moved in whole or in part except when the moving results in full compliance with the provisions of this Ordinance.
  3. A nonconforming structure not subject to Section 3.25(C)(1) may not be rebuilt or enlarged except as may be permitted by the Zoning Board of Appeals upon reaching a determination that the proposed enlargement or increase:
    - a. Does not have a substantial detrimental effect on the use and enjoyment of adjacent uses or lots.
    - b. Complies with all parking, sign, accessory use or other applicable regulations for the area affected by the proposed enlargement or increase.
    - c. Complies with any reasonable conditions imposed by the Zoning Board of Appeals that are necessary to ensure that the proposed enlargement



increase, or greater area will not prove detrimental to adjacent properties, the neighborhood, or the community.

- d. Is not larger than twenty five percent (25%) from the original Gross Floor Area of the building or structure.

D. Nonconforming Lots of Record

1. Where a lot of record in existence at the time of the adoption or amendment of this Ordinance does not meet the minimum requirements for lot width or lot area, the lot of record may be used for any purposes permitted by the district in which the lot is located, provided that any building or structure meets at least eighty percent (80%) of the applicable required setbacks for that District, or obtains a variance from the Zoning Board of Appeals for the setbacks.
2. Combination of Nonconforming Lots
  - a. For any two (2) or more nonconforming lots of record or combination of lots and portions of lots of record, in existence at the time of the passage of this Ordinance, or an amendment to it, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance if they:
    - (1) Are in common ownership,
    - (2) Are adjacent to each other or have continuous frontage, and
    - (3) Individually do not meet the lot width or lot area requirements of this Ordinance.
  - b. Parcels meeting the provisions of subsection 2, a, above, shall be combined into a lot or lots complying as nearly as possible with the lot width and lot size requirements of this Ordinance. No portion of the parcel shall be used or divided in a manner that diminishes compliance with lot width and area requirements of this Ordinance.

**SECTION 3.26 NON-RESIDENTIAL**

- A. Non-Residential Structure is subject to each of the following additional requirements:
1. A lot of record of three (3) or more acres for each non-residential structure.
  2. Structure shall be a single story, have a roof peak height not exceeding 17 feet and not to exceed one thousand three hundred (1300) square feet in gross floor area.
  3. No plumbing is permitted in the structure, except for a floor drain required under plumbing code.
  4. Structure shall be used exclusively for personal storage. Structure shall not be used for any other purposes; including, but not limited to, rental, lease of space, residential dwelling or sleeping purposes.

**CHAPTER 4  
DISTRICTS**

**SECTION 4.01 DISTRICTS ESTABLISHED**

To carry out the purpose of this Ordinance, the Township of Crystal Falls is hereby divided into the following districts:

"CF"	Commercial Forestry
"AR"	Agriculture Residential
"WR"	Waterfront Residential
"R-1"	Rural Residential
"R-2"	Medium Density Residential
"MHC"	Manufactured Home Community
"C"	Commercial
"L-I"	Light Industrial
"PUD"	Planned Unit Development
"AM"	Access Management U.S. Highway 2 Overlay
"W-S"	Waterfront-Shore land Overlay

**SECTION 4.02 OFFICIAL ZONING MAP**

- A. The Township is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.
- B. The Official Zoning Map shall be identified by the signature of the Township Planning Commission Chair, attested by the signature of the Township Planning Commission Secretary.
- C. If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map. The Official Zoning Map is to be kept up to date, accessible to the general public, and shall be the final authority as to the current Zoning District status of all land and buildings in the Township of Crystal Falls which are subject to the provisions of this Ordinance.
- D. No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance and in accordance with state law.
- E. Regardless of the existence of purported copies of the Official Zoning Map, which may from time to time be made or published, the Official Zoning Map shall be located in the custody of the Zoning Administrator and shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the Township.

**SECTION 4.03 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES**

- A. In order to more effectively protect and promote the general welfare and accomplish the aims and objectives of the Master Plan, the Township is divided into Zoning Districts of such number, boundaries, shape and area. The Zoning Ordinance also provides such common unity of purpose, adaptability, or use deemed most suitable to provide for the best development of the Township, while protecting the common rights and interests of all through associated regulations and restrictions. Where uncertainty exists as to the

boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of roads, highways, or alleys shall be construed as following such center lines;
2. Boundaries indicated as approximately following the property, parcel, or lot lines shall be construed as following such lines;
3. Boundaries indicated as approximately following Township, Village or County boundaries shall be construed as following such Township, Village or County boundaries;
4. Boundaries indicated as following section lines shall be construed as following such section lines;
5. Boundaries indicated as approximately following railroad lines shall be construed to be midway between the railroad right-of-way;
6. Boundaries indicated as following shorelines shall be construed to follow such shorelines and, in the event of change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
7. Where the application of these rules leaves a reasonable doubt as to the boundaries between two districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Board of Appeals, after recommendation from the Zoning Administrator. An appeal of the Zoning Administrator's decision may be taken to the Zoning Board of Appeals.

#### **SECTION 4.04 ZONING OF VACATED AREAS**

Whenever any road, alley or other public way within the Township shall have been vacated by official governmental action, and when the lands within the boundaries thereof attach to and become a part of lands adjoining such road, alley or public way, such lands shall automatically and without further governmental action be subjected to the same zoning regulations as are applicable to the adjoining lands.

**CHAPTER 5**  
**CF – COMMERCIAL FORESTLAND DISTRICT**

**SECTION 5.01 DESCRIPTION AND PURPOSE**

This district is established to maintain lands that are valuable for commercial timber production. These lands are protected from land divisions and development levels that would render them unsuitable for timber production. Some limited, very low density rural development will be permitted without further dividing and jeopardizing the viability of timber lands.

**Section 5.02 PERMITTED USES**

Land and/or buildings in the CF District may be used for the following purposes as Permitted Uses.

- A. Forestry operations.
- B. Public recreational facilities.
- C. Private parks, winter sports facilities, and trails.
- D. Single-family dwellings, including home occupations as regulated by Section 3.17.
- E. Accessory buildings, structures and uses customarily incidental to a Permitted Use meeting the requirements of Section 3.19.
- F. Non-Residential Structure as meeting the requirements of Section 3.26.

**SECTION 5.03 SPECIAL LAND USES**

Land and/or buildings in the CF District may be used for the following subject to approval by the Planning Commission as a Special Land Use in accordance with procedures of Chapter 19.

- A. Boat and canoe liveries and yards.
- B. Boat launches, public or private.
- C. Campgrounds, public or private.
- D. Commercial extraction and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources conducted in compliance with Public Act 110 of 2006, as amended being MCL 125.3205(5).
- E. Communication towers.
- F. Home based business.
- G. Marinas.
- H. Open Space Development.
- I. Raising of fur-bearing animals or game birds.
- J. Shooting, rifle and handgun ranges.
- K. Wind energy conversion systems.

**SECTION 5.04 SCHEDULE OF DISTRICT REGULATIONS**

- A. No main building, structure, or principal use of land, nor the enlargement of any building, structure, or use of land, shall hereafter occur unless the following requirements are met and maintained in connection with such building, structure, use, or enlargement.

<b>CF- DISTRICT REGULATIONS</b>	
Minimum Lot Area	40 acres "quarter-quarter"
Minimum Lot Width at the road frontage and at the water frontage	660 feet "one-half of quarter-quarter"
Minimum Front Yard Setback	100 feet
Minimum Side Yard Setback	100 feet
Minimum Rear Yard Setback	100 feet
Maximum Lot Coverage	15 percent
Maximum Building Height	Not to exceed 35 feet
Minimum Dwelling Size	250 Square feet
Lot Width to Depth Ratio	1:4

B. Permitted Lot Splits

- 1. For existing parcels less than two (2) quarter-quarter (under eighty (80) acres) in size, no additional land divisions are permitted. For existing parcels 80 acres or more, the following maximum number of lots that may be created or split.

<b>Sliding Scale – CF District</b>	
<b>Area of Lot of Record</b>	<b>Maximum Additional Lots Permitted</b>
80 to 100 acres	1
> 100 to 180 acres	2
> 180 to 240 acres	3
> 240 to 320 acres	4
> 320 to 400 acres	5
> 400 to 500 acres	6
> 500 acres	8

2. The above regulations shall not cause the lot of record to be split in a manner which would violate the requirements for access and other applicable provisions contained in the Land Division Act, Public Act 288 of 1967, as amended, being MCL 560.101 et seq. Any provision of this Ordinance notwithstanding, the Township is not responsible for any violations of this Ordinance or the Land Division Act.
- C. Monitoring Lot Splits – The Township recognizes that proper administration of this subsection must be established along with an official register containing the following information:
1. Concurrent with the adoption of this Ordinance, an official map indicating existing lots, parcel numbers, and land ownership shall be established along with an official register containing this information.
  2. An allotment of dwelling units possible under this Ordinance shall be made for each parcel in the CF District.
  3. As allotments are used up, the official map and register shall be updated to reflect these changes.
- D. The official map and register shall be maintained by the Zoning Administrator and copies made available for inspection by the public.

**CHAPTER 6**  
**AR – AGRICULTURE RESIDENTIAL DISTRICT**

**SECTION 6.01 DESCRIPTION AND PURPOSE**

This District is intended to primarily conserve and protect lands determined suitable for agricultural and forestry resource use, and recreational activities which are dependent on large parcels of land. The District shall also accommodate very low density residential development and other uses generally associated with resource-based recreational uses. This district will also permit agricultural uses to help foster the rural economy and rural character of the Township.

**SECTION 6.02 PERMITTED USES**

Land and/or buildings in the AR District may be used for the following purposes as Permitted Uses.

- A. Farms, together with farm dwellings and buildings and other installations useful to such farms, including roadside stands with less than two-hundred (200) square feet of sales area for produce grown on the premises.
- B. Single-family dwellings, including home occupations as regulated by Section 3.17.
- C. State licensed residential family care facilities caring for six (6) or fewer individuals.
- D. Accessory buildings, structures and uses customarily incidental to a permitted use meeting the requirements of Sections 3.19.
- E. Non-Residential Structure as meeting the requirements of Section 3.26.

**SECTION 6.03 SPECIAL LAND USES**

Land and/or buildings in the AR District may be used for the following subject to approval by the Planning Commission as a Special Land Use in accordance with the procedures of Chapter 19.

- A. Agricultural service establishments.
- B. Airports (public and private).
- C. Boat and canoe liveries and yards.
- D. Boat launches, public or private.
- E. Campground, public or private
- F. Commercial greenhouses and nurseries, when operated primarily as wholesaling operations and limited retail sales.
- G. Commercial kennels.
- H. Commercial extraction and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources conducted in compliance with Public Act 110 of 2006, as amended being MCL 125.3205(5).
- I. Confined feedlots and livestock holding facilities.



- J. Communication towers.
- K. Country clubs and golf courses.
- L. Farm markets.
- M. Home based business
- N. Marina
- O. Migrant agricultural labor housing.
- P. Open space developments.
- Q. Raising of fur-bearing animals or game birds.
- R. Equine boarding stables and training facility.
- S. Shooting, rifle and handgun ranges.
- T. Wind energy conversion systems.

**Section 6.04 SCHEDULES OF AR DISTRICT REGULATIONS**

- A. No main building, structure, or principal use of land, nor the enlargement of any building, structure, or use of land, shall hereafter occur unless the following requirements are met and maintained in connection with such building, structure, use, or enlargement.

<b>AR - DISTRICT REGULATIONS</b>	
Minimum Lot Area	5 acres
Minimum Frontage at the road frontage and at the water frontage	330 feet
Minimum Front Yard Setback	30 feet
Minimum Side Yard Setback	30 feet
Minimum Rear Yard Setback	30 feet
Maximum Lot Coverage	15 percent
Maximum Building Height	Not to exceed 35 feet
Minimum Dwelling Size	250 Square Feet
Lot Width to Depth Ratio	1:4

- B. Permitted Lot Splits

1. The maximum number of lots that may be created based on the gross area of the lot of record which is to be divided, as listed in the following Sliding Scale table.

Sliding Scale – AR District	
Area of Lot of Record	Maximum Additional Lots Permitted
1 to 10 acres	1
> 10 to 20 acres	2
> 20 to 30 acres	3
> 30 to 40 acres	4
> 40 to 60 acres	6
> 60 to 80 acres	8
> 80 acres	10

2. In addition to the divisions allowed under the above table, every farm which contains a single family dwelling existing before the date of this Ordinance shall be allowed to split a lot from the main farm acreage and create a new lot for the existing dwelling.
  3. The above regulations shall not cause the lot of record to be split in a manner which would violate the requirements for access and other applicable provisions contained in the Land Division Act, Public Act 288 of 1967, as amended; being MCL 560.101 *et seq.* Any provision of this Ordinance notwithstanding, the Township is not responsible for any violations of this Ordinance or the Land Division Act.
- C. Monitoring Lot Splits - The Township recognizes that proper administration of this subsection must be established along with an official register containing the following information:
1. Concurrent with the adoption of this Ordinance, an official map indicating existing lots, parcel numbers, and land ownership shall be established along with an official register containing this information.
  2. An allotment of dwelling units possible under this Ordinance shall be made for each parcel in the AR District.
  3. As allotments are used, the official map and register shall be updated to reflect these changes.
- D. The official map and register shall be maintained by the Zoning Administrator and copies made available for inspection by the public.

**CHAPTER 7**  
**WR – WATERFRONT RESIDENTIAL DISTRICT**

**SECTION 7.01 DESCRIPTION AND PURPOSE**

This District is intended for medium density single family residential development located on or near the lakes or tributaries of the Township. Preservation of water quality and the rural residential character is an important element for development within this District.

**SECTION 7.02 PERMITTED USES**

Land and/or buildings in the WR District may be used for the following purposes as Permitted Uses.

- A. Single-family dwellings, including home occupations as regulated by Section 3.17.
- B. State licensed residential family care facilities caring for six (6) or fewer minors.
- C. Family day care homes.
- D. Parks, play fields, and recreational facilities owned and operated by public agencies.
- E. Accessory buildings, structures and uses customarily incidental to a Permitted Use meeting the requirements of Sections 3.19.
- F. Non-Residential Structure as meeting the requirements of Section 3.26.

**SECTION 7.03 SPECIAL LAND USES**

Land and/or buildings in the WR District may be used for the following subject to approval by the Planning Commission as a Special Land Use in accordance with the procedures of Chapter 19.

- A. Bed and breakfast establishments.
- B. Boat launches, public or private.
- C. Campgrounds, public or private.
- D. Commercial extraction and processing of topsoil, stone, rock, sand, gravel, lime or other mineral resources conducted in compliance with Public Act 110 of 2006, as amended being MCL 125.3205(5).
- E. Marinas
- F. Open Space Development.
- G. Places of Religious Worship
- H. Resorts

**SECTION 7.04 DISTRICT REGULATIONS**

- A. No main building, structure, or principal use of land, nor the enlargement of any building, structure, or use of land, shall hereafter occur unless the following requirements are met and maintained in connection with such building, structure, use, or enlargement.

<b>WR- DISTRICT REGULATIONS</b>	
Minimum Lot Area	45,000 square feet
Minimum Lot Width (at the road and at the waterfront)	150 feet
Minimum Front Yard Setback (see also Waterfront Overlay District for waterfront properties and Section 3.08 )	100 feet from the ordinary high water mark
Minimum Side Yard Setback	20 feet
Minimum Rear Yard Setback	30 feet
Maximum Lot Coverage	25 percent
Maximum Building Height	Not to exceed 35 feet
Minimum Dwelling Size	900 Square Feet
Lot Width to Depth Ratio	1:4

**CHAPTER 8**  
**R-1 - RURAL RESIDENTIAL DISTRICT**

**SECTION 8.01 DESCRIPTION AND PURPOSE**

This District recognizes lands that retain a relatively high proportion of recreational and open space uses but, due to its proximity to the City of Crystal Falls and an ongoing transition to large-lot residential development, smaller lot sizes are permitted. Due to its rural character, the Rural Residential District permits many of the uses provided for in the Agriculture Residential District. Unlike the AR District, however, uses which are considered incompatible to the District's emerging residential growth are not permitted.

**SECTION 8.02 PERMITTED USES**

Land and/or buildings in the R-1 District may be used for the following purposes as Permitted Uses.

- A. Single-family dwellings, including home occupations as regulated by Section 3.17.
- A. Farms for both general and specialized farming, together with farm dwelling and buildings and other installations useful to such farms, including roadside stands with less than two-hundred (200) square feet of sales area for produce grown on the premises.
- B. State licensed residential family care facilities; provided that such facility is not located closer than one-thousand five hundred (1,500) feet from an existing or proposed similar state licensed residential facility, including group care facilities; however, this requirement shall not apply to state licensed residential facilities caring for six (6) or fewer minors.
- C. Family day care homes.
- D. Accessory buildings, structures and uses customarily incidental to a Permitted Use meeting the requirements of Sections 3.19.
- F. Non-Residential Structure as meeting the requirements of Section 3.26.

**SECTION 8.03 SPECIAL LAND USES**

Land and/or buildings in the R-1 District may be used for the following subject to approval by the Planning Commission as a Special Land Use in accordance with procedures of Chapter 19.

- A. Airports (public and private).
- B. Boat and canoe liveries and yards.
- C. Boat launches, public or private.
- D. Bed and Breakfast
- E. Campgrounds, public or private.
- F. Cemeteries, publicly owned athletic fields, parks, and similar uses.
- G. Commercial greenhouses and nurseries, when operated primarily as wholesaling operations and limited retail sales.
- H. Commercial kennels.

- I. Commercial extraction and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources conducted in compliance with Public Act 110 of 2006, as amended being MCL 125.3205(5).
- J. Communication towers.
- K. Country clubs and golf courses.
- L. Farm Market.
- M. Home Based business
- N. Marinas
- O. Migrant agricultural labor housing.
- P. Open Space Development
- Q. Places of Religious Worship
- R. Raising of fur-bearing animals or game birds.
- S. Sawmill
- T. Equine boarding stables and training facility.
- U. State licensed residential care facilities; small and large group homes.
- V. Schools; public, parochial, private, or charter.
- W. Shooting, rifle and handgun ranges.
- X. Wind energy conversion systems.

**SECTION 8.04 SCHEDULE OF R-1 DISTRICT REGULATIONS**

- A. No main building, structure, or principal use of land, nor the enlargement of any building, structure, or use of land, shall hereafter occur unless the following requirements are met and maintained in connection with such building, structure, use, or enlargement.

<b>R-1 DISTRICT REGULATIONS</b>			
Minimum Lot Area	Single family dwellings	Without public sewer	1 acre
		With public sewer	25,000 square feet
Minimum Lot frontage at the road frontage and at the water frontage		Without public sewer	200 feet
		With public sewer	110 feet
Minimum Front Yard Setback		25 feet	
Minimum Side Yard Setback		20 feet	
Minimum Rear Yard Setback		25 feet	
Maximum Lot Coverage		25 percent	
Maximum Building Height		Not to exceed 35 feet	
Minimum Dwelling Size		900 Square Feet	
Lot Width to Depth Ratio		1:4	

**CHAPTER 9**  
**R-2 - MEDIUM DENSITY RESIDENTIAL DISTRICT**

**SECTION 9.01 DESCRIPTION AND PURPOSE**

This District is intended for moderate density single family residential development located near the growth areas of the township, including the fringes of agricultural areas which are experiencing transition to non-agricultural use, especially the sectors near the City of Crystal Falls. Preservation of rural character is an important element for development within this District.

**SECTION 9.02 PERMITTED USES**

Land and/or buildings in the R-2 District may be used for the following purposes as Permitted Uses, subject to the approval of a site plan, in accordance with the requirements of Chapter 16.

- A. Single-family dwellings, including home occupations as regulated by Section 3.17.
- B. Two to four family dwellings, provided the site is served by public water and sewer.
- C. State licensed residential family care facilities; provided that such facility is not located closer than one-thousand five hundred (1,500) feet from an existing or proposed similar state licensed residential facility, including
  - 1. Group care facilities; however, this requirement shall not apply to state licensed residential facilities caring for six (6) or fewer minors.
  - 2. Family day care homes.
- D. Accessory buildings, structures and uses customarily incidental to a Permitted Use meeting the requirements of Sections 3.19.
- E. Non-Residential Structure as meeting the requirements of Section 3.26.

**SECTION 9.03 SPECIAL LAND USES**

Land and/or buildings in the R-2 District may be used for the following subject to approval by the Planning Commission as a Special Land Use in accordance with the procedures of Chapter 19.

- A. Bed and breakfast establishments.
- B. Boat and canoe liveries and yards.
- C. Boat launches, public or private.
- D. Cemeteries, publicly owned athletic fields, parks, and similar uses
- E. Commercial extraction and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources conducted in compliance with Public Act 110 of 2006, as amended being MCL 125.3205(5).
- F. Country clubs and golf courses.
- G. Elderly Housing
- H. Home Based business
- I. Open Space Development



- J. Places of Religious Worship
- K. State licensed residential care facilities; small and large group homes.
- L. Schools; public, parochial, private, or charter.

**SECTION 9.04 DISTRICT REGULATIONS**

- A. No main building, structure, or principal use of land, nor the enlargement of any building, structure, or use of land, shall hereafter occur unless the following requirements are met and maintained in connection with such building, structure, use, or enlargement. (Refer to Chapter 19 for additional requirements for Special Land Uses.)

<b>R-2 DISTRICT REGULATIONS</b>		
Minimum Lot Area	20,000 square feet for a single family dwelling unit.  For multifamily development, 25,000 for the first 2 units and 3,000 square feet per unit thereafter.	
Minimum Lot Width at the road frontage and at the water frontage	125 feet single family 150 feet multi-family	
Minimum Front Yard Setback	25 feet	
Minimum Side Yard Setback	20 feet single family 20 feet multi-family	
Minimum Rear Yard Setback	25 feet	
Maximum Lot Coverage	25 percent	
Maximum Building Height	Not to exceed 35 feet	
Minimum Dwelling Size	900 Square Feet	
Lot Width to Depth Ratio	1:4	
Minimum Dwelling Unit Size	Single and Two family dwellings	900 square feet per dwelling
	Multiple family dwellings	1 bedroom - 650 sq. ft.
		2 bedrooms - 750 sq. ft.
		3 bedrooms - 900 sq. ft.
		Over 3 bedrooms- + 100 sq. ft. each over 3

- B. The side set-back for accessory buildings in all prior lawfully recorded plats under the Land Division Act, Public Act 288 of 1967, as amended, being MCL 560.101 et seq., as of the date this Ordinance becomes effective, shall be (5) feet.

**CHAPTER 10**  
**MHC - MANUFACTURED HOME COMMUNITY DISTRICT**

**SECTION 10.01 INTENT**

The MHC Manufactured Home Community District is intended to provide opportunity for placement and occupancy of manufactured homes in clustered settings and communities where medium and high density residential uses are appropriate. This district recognizes the affordable cost for such homes and the special regulation of such facilities by the State of Michigan.

**SECTION 10.02 PERMITTED USES**

Land and/or buildings in the MHC District may be used for the following purposes as Permitted Uses, subject to the approval of a site plan, in accordance with the requirements of Chapter 16.

- A. Manufactured homes located in a state-licensed Manufactured Home Community.
- B. Family day care homes.
- C. State licensed residential family care facilities; provided that such facility is not located closer than one-thousand five hundred (1,500) feet from an existing or proposed similar state licensed residential facility, including group care facilities; however, this requirement shall not apply to state licensed residential facilities caring for six (6) or fewer minors.
- D. Accessory buildings, structures and uses customarily incidental to a Permitted Use meeting the requirements of Sections 3.19.

**SECTION 10.03 SPECIAL LAND USES**

Land and/or buildings in the Manufactured Home Community District may be used for the following subject to approval by the Planning Commission as a Special Land Use in accordance with the procedures of Chapter 19.

- A. Commercial extraction and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources conducted in compliance with Public Act 110 of 2006, as amended being MCL 125.3205(5).
- B. Day care center.

**SECTION 10.04 LICENSED MANUFACTURED HOME COMMUNITIES**

- A. All manufactured home communities shall comply with the applicable requirements of Public Act 96 of 1987, as amended, being MCL 125.2301 et seq.
- B. Recreation Facilities: The manufactured home community shall contain one (1) or more recreation and common playground areas intended primarily for the use of the residents of the manufactured home community residents. A minimum of two-hundred and fifty (250) square feet for every manufactured home community lot shall be provided. Buffer strip areas shall not be counted toward this requirement.
- C. The riparian access requirements of Section 3.08 are fully applicable and each individual manufactured home will be considered a dwelling for purposes of those regulations.

**CHAPTER 11  
C - COMMERCIAL DISTRICT**

**SECTION 11.01 DESCRIPTION AND PURPOSE**

This District is intended to provide appropriate locations to accommodate uses meeting the office, personal service, retail needs, and other business needs of the residents and visitors of the Township. In providing for commercial opportunities, the Township recognizes the proximity of the commercial activities associated with the City of Crystal Falls, and the importance of those activities to Township residents.

**SECTION 11.02 PERMITTED USES**

Land and/or buildings in the Commercial District may be used for the following purposes as Permitted Uses, subject to the approval of a site plan, in accordance with the requirements of Chapter 16. Structures shall not exceed forty thousand (40,000) square feet in area.

- A. Office buildings for executive, administrative, professional, accounting, and other similar professional activities.
- B. Medical and dental offices and clinics.
- C. Banks, credit unions, savings and loan associations, and other similar uses, without drive-through facilities.
- D. Personal service establishments conducting services on the premises, including barber and beauty shops, dry-cleaning service outlets, fitness centers, travel agencies, and other similar uses.
- E. Retail stores, providing goods within a completely enclosed building.
- F. Drug stores and pharmacies, not including drive-through.
- G. Restaurants, not including drive-through facilities.
- H. Private clubs, fraternal organizations, and lodge halls.
- I. Indoor recreational facilities.
- J. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- K. Accessory buildings, structures and uses customarily incidental to a Permitted Use meeting the requirements of Sections 3.19.

**SECTION 11.03 SPECIAL LAND USES**

Land and/or buildings in the C District may be used for the following subject to approval by the Planning Commission as a Special Land Use in accordance with the procedures of Chapter 19.

- A. Any permitted use with a gross floor area exceeding forty thousand (40,000) square feet.
- B. Amusement Parks, Fair Grounds and Flea Markets.
- C. Boat and canoe liveries and yards.
- D. Boat launches, public or private.

- E. Commercial extraction and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources conducted in compliance with Public Act 110 of 2006, as amended being MCL 125.3205(5).
- F. Day care center.
- G. Drive-through establishments including banks, dry cleaners, pharmacies, and similar services with drive-through service but excluding drive-through restaurants.
- H. Dry-cleaning and laundry establishments performing cleaning operations on the premises, including retail/service operations, but not including drive-through.
- I. Drive-through restaurants.
- J. Funeral Home
- K. Hotels and motels.
- L. Marinas.
- M. Mini-storage.
- N. Nursing or convalescent homes.
- O. Open air businesses.
- P. Outdoor recreation development
- Q. Vehicle body and repair shops.
- R. Vehicle service stations.
- S. Vehicle wash establishments, either self-serve or automatic.
- T. Veterinary clinics and hospitals.

**SECTION 11.04 SCHEDULES OF DISTRICT REGULATIONS**

No building, structure, or use of land, nor the enlargement of any building, structure, or use of land, shall hereafter occur unless the following requirements are met and maintained in connection with such building, structure, use, or enlargement. (Refer to Chapter 19 for additional requirements for Special Land Uses.)

<b>C DISTRICT REGULATIONS</b>	
Minimum Lot Area	1 acre With sewer, 25,000 sq. ft.
Minimum Lot Width at the road frontage and at the water frontage	200 feet
Minimum Front Yard Setback	25 feet
Minimum Side Yard Setback	15 feet
Minimum Rear Yard Setback	30 feet
Maximum Lot Coverage	50 percent
Lot Width to Depth Ratio	1:4
Maximum Building Height	Not to exceed 35 feet

**CHAPTER 12**  
**LI - LIGHT INDUSTRIAL DISTRICT**

**SECTION 12.01 DESCRIPTION AND PURPOSE**

The regulations of this District are intended primarily for heavy commercial and general industrial uses. The district is established to encourage operations which manufacture, compound, process, package, treat and assemble products from previously prepared materials.

**SECTION 12.02 PERMITTED USES**

Land and/or buildings in the Light Industrial District may be used for the following purposes as Permitted Uses, subject to the approval of a site plan, in accordance with the requirements of Chapter 16.

- A. Industrial establishments including the manufacture, compounding, processing, packaging, warehousing, or treatment of such products as wood, foodstuffs (excepting slaughterhouses or other similar uses), cosmetics, pharmaceuticals, pottery or other ceramic products, musical instruments, toys, furniture, molded rubber products, electrical appliances, electronic instruments, signs, light sheet metal products, hardware, tool, die, gauge, and machine shops, excluding stamping operations. The manufacture, compounding, processing, packaging, or treatment of products requiring stamping or punch press operations.
- B. Wholesale and warehousing of automotive equipment, dry goods and apparel, groceries and related products, raw farm products excluding livestock, electrical goods, hardware, plumbing, heating and air conditioning equipment and supplies, machinery and equipment, tobacco and tobacco products, paper and paper products, furniture and home furnishings, and any commodity, the manufacture of which is permitted in this District.
- C. Manufactured home and model home sales.
- D. Laboratories (experimental, film, or testing).
- E. Trade or industrial schools.
- F. Utility and public service buildings, including storage yards.
- G. Contractor's showrooms and storage yards, lumber yards, and similar uses.
- H. Accessory buildings, structures and uses customarily incidental to a Permitted Use or Special Land Use meeting the requirements of Section 3.19.

**SECTION 12.03 SPECIAL LAND USES**

Land and/or buildings in the L-I District may be used for the following subject to approval by the Planning Commission as a Special Land Use in accordance with the procedures of Chapter 19.

- A. Billboard
- B. Bulk oil, gasoline, liquid propane gas, and compressed natural gas distribution and storage facilities.
- C. Concrete and asphalt plants.

- D. Commercial extraction and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources conducted in compliance with Public Act 110 of 2006, as amended being MCL 125.3205(5).
- E. Communication towers.
- F. Junk yards/salvage yards.
- G. Sexually-oriented businesses.
- H. Slaughter houses, meat packing plants, and stock yards.
- I. Truck and freight terminals.
- J. Wind energy conversion systems.

**SECTION 12.04 SCHEDULES OF DISTRICT REGULATIONS**

No building, structure, or use of land, nor the enlargement of any building, structure, or use of land, shall hereafter occur unless the following requirements are met and maintained in connection with such building, structure, use, or enlargement. (Refer to Chapter 19 for additional requirements for Special Land Uses.)

<b>LI DISTRICT REGULATIONS</b>	
Minimum Lot Area	1 acre
Minimum Lot Width at the road frontage and at the water frontage	200 feet
Minimum Front Yard Setback	40 feet
Minimum Side Yard Setback	25 feet
Minimum Rear Yard Setback	30 feet
Maximum Lot Coverage	50 percent
Maximum Building Height	Not to exceed 35 feet
Lot Width to Depth Ratio	1:4

**CHAPTER 13**  
**PUD – PLANNED UNIT DEVELOPMENT DISTRICT**

**SECTION 13.01 INTENT AND PURPOSE**

- A. The intent of the PUD district is to permit coordinated development on larger sites in order to achieve the following:
1. Permit flexibility in the regulation of land development allowing for higher quality of projects through innovation in land use, variety in design, layout, and type of structures constructed.
  2. Provide the opportunity to mix compatible uses or residential types.
  3. Allow clustering of residential units to preserve common open space and significant natural features.
  4. Ensure compatibility of design and function between neighboring properties.
  5. Promote efficient provision of public services, utilities and transportation facilities.
  6. Provide convenient vehicular access throughout the development and minimize adverse traffic impacts.
  7. Provide complete non-motorized circulation to, from and within developments.
  8. Provide adequate housing and employment opportunities.
  9. Encourage development of convenient recreational facilities as an integral part of residential developments.
  10. Encourage development that is consistent with the goals stated within the Master Plan.
- B. These Planned Unit Development regulations are not intended to be used for circumventing the more specific standards and requirements of this Ordinance, or the planning upon which they are based. Rather, these provisions are intended to result in development that is substantially consistent with the zoning requirements as generally applied to the proposed uses, but with specific modifications that, in the judgment of the Township, assure a superior quality of development. If this improved quality is not clearly apparent upon Township review, a site shall not qualify for the modifications allowable under this Chapter.

**SECTION 13.02 QUALIFYING CONDITIONS**

The following provisions shall apply to all planned unit developments:

- A. PUDs shall not be applied to the CF or AR Districts. Open Space Developments are the preferred application for those districts.
- B. A Planned Unit Development (PUD) submitted by an applicant shall be under the control of a single owner or unified group of owners and shall be capable of being planned and developed as an integral unit. A PUD initiated by the Township shall be capable of being developed in a coordinated manner. If a PUD is approved, the requirements shall be transferred to all future owners, and any changes shall require approval of both the Township and the affected landowners within the PUD.
- C. A PUD shall be established on a minimum of four (4) acres.



- D. Residential densities shall not exceed three (3) units per acre.
- E. All land included in a PUD application shall be contiguous.
- F. The application shall demonstrate the PUD will result in recognizable and substantial benefits to the residents or occupants of the site, visitors to the site, adjacent properties and the Township in contrast to development permitted under conventional zoning. The applicant must provide compelling evidence that demonstrates these benefits through drawings, reports or other submittals that contrast development under conventional zoning with the design and uses proposed. Such benefits can be provided from amongst the following:
  - 1. Transition areas from adjacent land uses.
  - 2. High quality architectural design and materials, with clear guidelines that must be met with future site plan submittals
  - 3. Extensive landscaping and preservation of quality woodlands or other natural features.
  - 4. Assured preservation of unique historic site features, or viewsheds.
  - 5. Greenways that link to adjacent greenway corridors.
  - 6. Unified access and circulation that reduces the number of driveways.
  - 7. Provision of open space and social space.
  - 8. Provision of extensive pathway systems through the project.
  - 9. Provision of recreational facilities, such as playground equipment and courts.
  - 10. Use or enhancement of natural systems for stormwater detention.
  - 11. More extensive setbacks or buffering between development and water features.
  - 12. Coordinated site design elements such as lighting, signs and greenbelt design.
  - 13. Coordinated development of several small parcels.
  - 14. Design improvements (public and/or private) to mitigate traffic impacts.
  - 15. Elimination of nonconforming situations.
  - 16. Removal or renovation of blighted buildings.

### **SECTION 13.03 APPLICATION AND REVIEW PROCEDURES**

- A. Pre-Application Meeting:
  - 1. An applicant desiring to submit an application for a Planned Unit Development may attend a pre-application meeting with staff members or consultants the Township Zoning Administrator deems advisable.
  - 2. The purpose of the pre-application meeting is to determine general compliance with PUD eligibility and design requirements, and to identify issues of significance regarding the proposed application.
  - 3. If the applicant proceeds with the PUD application, a report on the findings of the pre-application meeting shall be forwarded to the Planning Commission.

**B. Preliminary PUD Site Plan Submittal Requirements:**

The purpose of the Preliminary review is to provide the applicant with a substantive review of the proposed project in order to prepare final site engineering and architecture plans and to execute necessary agreements between the applicant and the Township. Twelve (12) copies of each of the following items shall be submitted by the applicant. (Sheet size of submitted drawings shall be at least 24-inches by 36 inches, with graphics at an engineer's scale):

1. Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement.
2. A completed application form, supplied by the Zoning Administrator, and an application fee. A separate escrow deposit may be required for administrative or consultant charges to review the PUD submittal.
3. Cover Sheets providing:
  - a. A Plan Sheet(s) labeled "Existing Site Conditions", that includes the location of existing buildings and structures, rights-of-way and easements, significant natural and historical features, existing drainage patterns (by arrow), surface water bodies, floodplain areas, wetlands, the limits of major stands of trees and a tree survey of landmark trees. This sheet shall also illustrate existing topography of the entire site at five (5) foot contour intervals and a general description of grades within one-hundred (100) feet of the site.
  - b. A narrative description of the relationship between the PUD and the goals of the Master Plan.

**C. Standards for Approval of Preliminary PUD Site Plan:**

Based upon the following standards, the Planning Commission may recommend denial, approval, or approval with conditions, and the Board of Trustees may deny, approve, or approve with conditions the proposed planned unit development.

1. The planned unit development meets the qualification requirements of this Chapter.
2. In contrast to development under conventional zoning, the proposed PUD shall have a significant beneficial effect in terms of public health, safety and welfare, as described in the sections above.
3. The uses proposed will not adversely affect the public utility and circulation system, surrounding properties, or the environment.
4. The planned unit development is generally consistent with the goals, objectives and future land use map of the Master Plan.
5. The PUD be designed, constructed and maintained 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.
6. Be served adequately by essential public facilities and services, such as streets, pedestrian ways, police and fire protection, drainage structures, refuse disposal, water and sewer facilities.

7. Not create excessive additional requirements at public cost for public facilities and services.
  8. Be developed in accordance with the Objectives of the Planned Unit Development District.
  9. Preserve, to the maximum extent feasible, significant natural and historical features, surface and underground water bodies and the integrity of the land.
  10. Promote safe, convenient, uncongested, and well-defined vehicular circulation within and to the site. Drives, streets and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points.
  11. A comprehensive pathway system shall be provided that links all components within the PUD and links the PUD with existing or planned public sidewalk or pathway systems. The pathway system may consist of sidewalks, paved pathways or natural trails, as deemed appropriate by the Township.
  12. Common open space shall be provided including natural areas, community greens, plazas and recreation areas. The open space and all other elements shall be in an appropriate location, suitably related to each other, the site, and surrounding lands. The required common open space shall not include narrow corridors or isolated sections of a site. The required open space shall be:
    - a. Centrally located and of sufficient size to be usable for recreation;
    - b. Along the road frontage of the development;
    - c. Located to preserve significant natural features;
    - d. Located to connect open spaces throughout the development; or provide a buffer from adjacent land uses.
    - e. Considerate of connections with adjacent open space, public land or existing or planned pedestrian/bike paths.
  13. Required open space shall be exclusive of all buildings, setbacks or building spacing required under conventional zoning, required greenbelts, paved areas, rights-of-ways, easements for roads or overhead utilities, fenced detention ponds, and any submerged area of a pond lake river or stream.
  14. At least twenty-five percent (25%) of required open space shall be exclusive of ponds, non-fenced stormwater detention facilities, wetlands and golf courses.
  15. Grading and utility installation in the open space shall be minimal, with the intent to preserve existing significant topographic features where such resources exist.
- D. Preliminary PUD approval is valid for up to two (2) years. If final PUD approval is not sought by the end of this timeframe, the approval shall be considered null and void.
- E. Final PUD Site Plan Submittal Requirements:  
The final submittal shall include twelve (12) copies of each of the following items:
1. All materials, in detail, as required by Chapter 16, Site Plan Review.

2. A draft PUD Agreement outlining such items as road and utility financing, development conditions, permanent dedication of common open space, maintenance schedule and financing of PUD amenities and common areas, performance guarantees, development phasing schedule, etc.

F. Standards for Approval of Final PUD Site Plan:

Based upon the following standards, the Planning Commission may recommend denial, recommend approval, or recommend approval with conditions. The Board of Trustees may deny, approve or approve with conditions the proposed planned unit development.

1. The Final PUD Plan and associated documents shall be reviewed for consistency with the approved Preliminary PUD Plan, and associated documents and any conditions required by the Township.
2. The Final PUD Plan and associated documents shall be reviewed in accordance with Chapter 16 Site Plan Review, Subdivision Regulations, and any other applicable legal requirements.
3. The Township may impose additional reasonable conditions to ensure compliance with the standards of this Section, and ensure that public streets, services and facilities will be capable of accommodating increased demands created by the PUD.

#### SECTION 13.04 ADMINISTRATION

A. Amendments and Deviations from Approved Final PUD Site Plan

1. Deviations: Deviations from the approved Final PUD Site Plan may occur only when an applicant or property owner granted Final PUD Site Plan approval notifies the Zoning Administrator of the proposed amendment to such approved site plan in writing, accompanied by a site plan illustrating the proposed change, and receives approval consistent with section 16.11. The request shall be received prior to initiation of any construction in conflict with the approved Final PUD Site Plan.
2. Procedure: Within fourteen (14) days of receipt of a request to amend the Final PUD Site Plan, the Zoning Administrator shall determine whether the change is major, warranting review by the Planning Commission, or minor, allowing administrative approval.

B. Schedule of Construction

Final site plan approval of a PUD, PUD phase, or a building within a PUD shall be effective for a period of three (3) years. Further submittals under the PUD procedures shall be accepted for review upon a showing of substantial progress in development of previously approved phases, or upon a showing of good cause for not having made such progress.

C. Appeals and Violations

Subject to the provisions of this Section, the Township Board, after recommendation by the Planning Commission, shall have the power to waive or alter the specific provisions only in cases where there is evidence that all of the following conditions are met:

1. There are exceptional or extraordinary circumstances or conditions applying to the property. Exceptional or extraordinary circumstances or conditions include:

- a. Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Ordinance; or
  - b. By reason of exceptional topographic or environmental conditions or other extraordinary situation on the land, building or structure; or
  - c. By reason of the use or development of the property immediately adjoining the property in question.
  - d. The waiver or alteration will not be detrimental to adjacent property and the surrounding neighborhood.
  - e. The granting of the waiver or alteration will better serve to achieve the Intent and Purpose of the PUD.
2. Violations: A violation of the PUD plan or agreement shall be considered a violation of this Ordinance. Notwithstanding any other relief available to the Township pursuant to this Ordinance or the law, the Board of Trustees may revoke its approval of a PUD plan for a violation of the PUD plan or agreement.

D. Appeals

Decisions granting PUD approval or any regulatory modifications are not subject to variance approval of the Zoning Board of Appeals. No part of a PUD may be appealed to the Zoning Board of Appeals nor shall an application for variance be accepted. This provision shall not preclude an individual lot owner from seeking a variance following final approval of the PUD, provided the variance does not involve alterations to open space areas as shown on the approved PUD site plan and otherwise meets the applicable review standards applicable to variances in this Ordinance.

**CHAPTER 14**  
**U.S. HIGHWAY 2 ACCESS MANAGEMENT OVERLAY AND SCENIC ROAD OVERLAY**

**SECTION 14.01 OVERLAY DESIGNATION**

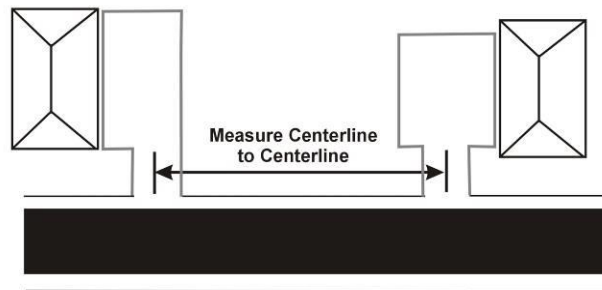
- A. The intent of access management regulations is to provide access requirements that will facilitate through traffic operations, ensure public safety along roadways, and protect the public investment in the street system; while providing property owners with reasonable, though not always direct, access. The standards of this Section shall apply to all lands with frontage along U.S. Highway 2 and along adjacent streets within three hundred (300) feet of the U.S. Highway 2 right-of-way. The standards herein apply in addition to, and simultaneously with, the other applicable regulations of the underlying zoning districts.
- B. The intent of the scenic road overlay is to protect natural and scenic amenities within the Township, especially along public corridors. It is recognized that the Township is known for and depends upon its natural beauty for tourism and economic development. The image and protection of natural amenities also greatly contributes to quality of life in the Township.

**SECTION 14.02 DESIGN STANDARDS**

- A. The access requirements contained in this subsection shall apply to all uses on lots with frontage on U.S. Highway 2, except permitted one and two-family residential uses. The setback requirements shall apply to all uses on lots with frontage on U.S. Highway 2.
- B. The access requirements contained herein shall be required in addition to, and where not in conflict shall supersede, the requirements of the Michigan Department of Transportation (MDOT).
- C. For expansion and/or redevelopment of existing sites where the Township determines that compliance with all the access requirements of this Section is unreasonable, the requirements shall be applied to the maximum extent possible. In these situations, suitable alternatives that substantially achieve the purpose of this Section may be accepted by the Planning Commission, provided that the applicant demonstrates that one of the following apply:
1. Size of the parcel is insufficient to meet the dimensional standards.
  2. The spacing of existing, adjacent driveways or environmental constraints prohibit adherence to the access standards at a reasonable cost.
  3. The use will generate less than five hundred (500) total vehicle trips per day or less than seventy-five (75) total vehicle trips in the peak hour of travel on the adjacent street, based on the most recent rates developed by the Institute of Transportation Engineers.
  4. There is no other reasonable means of access.
- D. Setbacks
1. Except for an area East of U.S. Highway 141 to the corporate limits of Crystal Falls, the front setback for all properties abutting U.S. Highway 2 shall be two hundred feet (200) feet from the center line of the road. The exempted area shall have a setback of eighty (80) feet from the center line of the road.

2. An easement for public sidewalk of not less than ten (10) feet and a sidewalk of not less than five (5) feet may be required along all frontages in this district.
- E. Number of Driveways
1. In commercial, industrial, or multi-family zoning districts, access to a parcel may be required to consist of either a single two-way driveway or a pair of one-way driveways wherein one (1) driveway is designed and appropriately signed to accommodate ingress movements and the other egress movements.
  2. Where parcel frontage is insufficient to provide a driveway meeting the minimum driveway width and radii, a shared driveway or other means of access may be required.
  3. Where a parcel has frontage along two (2) streets, access shall be provided only along the street with the lower average daily traffic volume, unless the Planning Commission determines this would negatively affect traffic operations or surrounding land uses.
  4. Where the property has continuous frontage of over three hundred (300) feet and the applicant can demonstrate, using the Institute of Transportation Engineers manual Trip Generation or another accepted reference, that a second access is warranted, the Planning Commission may allow an additional access point.
- F. Shared Access, Frontage Roads, Parking Lot Connections and Rear Service Drives.
1. Shared use of access between two (2) or more property owners may be required as part of a lot split or site plan review process. The use of driveways constructed along property lines, connecting parking lots and on-site construction of frontage roads and rear service drives (where frontage dimensions are less than three hundred (300) feet) at locations with sight distance problems, and/or along road segments experiencing congestion or accidents shall be considered. In these cases, shared access of some type may be the only access design allowed.
  2. In cases where a site is adjacent to an existing frontage road, parking lot of a compatible use, or rear service drive, a connection to the adjacent facility shall be required by the Planning Commission, where feasible.
  3. In cases where a site is adjacent to undeveloped property, the site shall be designed to accommodate a future frontage road, parking lot connection and/or rear service drive
  4. The applicant shall provide the Zoning Administrator with irrevocable, registered access easements to adjacent properties.
  5. Frontage roads, rear service drives and drives connecting two (2) or more parking lots shall be constructed in accordance with the following requirements:
    - a. Drive width shall be no more than thirty (30) feet, measured face of curb to face of curb; intersection approaches may be widened to thirty-nine (39) feet for a left turn lane.
    - b. Frontage roads shall have a setback of at least thirty (30) feet between the outer edge of pavement and the right-of-way line, with at least sixty (60) feet of uninterrupted stacking space at the intersections.
    - c. Parking along or which backs into a frontage road shall be prohibited.

- G. Rear service drives shall be no closer than ten (10) feet from the rear property line, except in the case of shared driveways along property lines.
- H. Directional Driveways, Divided Driveways and Deceleration Tapers
1. Directional driveways, divided driveways, and deceleration tapers and/or by-pass lanes shall be required by the Planning Commission where they will reduce congestion and accident potential for vehicles accessing the proposed use or site.
  2. Driveways shall be designed with twenty-five (25) foot radii or thirty (30) foot radii where daily semi-truck traffic is expected.
- I. Commercial Driveways
1. Minimum spacing requirements between a proposed commercial driveway and an intersection either adjacent to the property or on the opposite side of the street may be set on a case-by-case basis, but in no instance shall be less than two hundred (200) feet.
  2. Minimum spacing between two (2) commercial driveways shall be not less than three hundred (300) feet along the parcel frontage. The minimum spacing is measured from centerline to centerline.



3. To reduce left-turn conflicts, new commercial driveways shall be aligned with those across the roadway, where possible. If alignment is not possible, driveways shall be offset a minimum of two hundred fifty (250) feet from those on the opposite side of the roadway. These requirements may be reduced by the Planning Commission in cases where compliance is not possible.

### SECTION 14.03 SCENIC ROADS

The requirements contained in this subsection shall apply to Idlewild Road from U.S. Highway 2 to the Tobin-Alpha Road, County Road 639 (Pentoga Trail) from U.S. Highway 2 to County Road 424, State Highway M-69 from U.S. Highway 2 to Lake Mary Road, and U.S. Highway 2 throughout Crystal Falls Township.

1. All lots abutting a designated scenic road shall maintain in current existing tree and shrubs condition a fifty (50) foot wide strip of land inward from the right-of-way line of the county or state road where it abuts the lot. Removal of dead trees and minor trimming of vegetation is permitted for public safety considerations. In commercial districts a two-hundred (200) square foot area may be cleared to enhance visibility of the business signs and structure.



2. Where there is a lack of vegetation in the Scenic Road buffer, the Zoning Administrator or Planning Commission may require that the buffer area be augmented to create a vegetative buffer. If the buffer is required to be augmented, one (1) tree of fifteen (15) feet in height and one (1) shrub shall be provided for every one hundred (100) square feet of buffer area. Native vegetation is encouraged and the buffer area should be maintained in a natural state (to retain rural character) rather than being overly groomed.
3. One drive cut is permitted per parcel for residential uses. If vehicle turn-around areas are used they must be provided outside the required buffer area. Eyebrow driveways for one dwelling are not permitted.

**CHAPTER 15**  
**W-S – WATERFRONT-SHORE LAND OVERLAY**

**Section 15.01 INTENT AND PURPOSE**

The surface water resources of the Township are a valuable asset to the citizens of the Township and the State of Michigan. The purpose of this district is to provide specific regulations which shall further the maintenance of safe and healthful conditions; prevent and control water pollution; reduce hazards to persons and damage to property as a result of flood conditions; protect fish and other aquatic life; provide for the wise utilization of water and related land resources; and control development so as to preserve the economic and natural environmental value of shore lands. It is further recognized that the surface water resources of the Township are a shared resource of relatively fixed supply and, thus, must be regulated in a manner which will ensure reasonable usage by riparian property owners and the general public.

The Waterfront-Shore land Zoning District includes all lands in any zoning district within five hundred (500) feet of the ordinary high water mark of lakes and tributaries in the Township.

**Section 15.02 SITE DEVELOPMENT STANDARDS**

- A. Shore land Vegetation. The cutting of trees and shrubbery shall be regulated so as to protect natural beauty, control erosion and reduce the flow of sediments and nutrients from the shore land area.
1. A fifty (50)-foot strip bordering and adjacent to all waters within the Waterfront-Shore land District shall be established as a "Vegetative Buffer Strip."
  2. The "Vegetative Buffer Strip" shall be maintained in grass lands, trees and shrubs or its natural state. Natural growth shall be preserved as far as practical and when removed, it shall be replaced with other vegetation that is equally effective in controlling runoff.
  3. In the strip of land fifty (50) feet wide inland from the ordinary high water mark of a lake, pond, or flowage or the full bank stage of a river or stream, not more than thirty (30) feet in any one hundred (100) feet of frontage may be denuded to monitor persons in the water and to place stairs, pathways, boat launches, or boardwalks (see Section 3.08). The removal of vegetation shall not cause excessive erosion and sedimentation of an adjacent watercourse.
  4. The tree and shrubbery cutting regulations outlined herein shall not apply to the removal of dead, diseased or dying trees or shrubs. Pruning trees of over twelve (12) inches in diameter is permitted up to fifteen (15) feet above the ground to enhance the view of the water.
- B. Building Setback. On waterfront lots, a setback of one hundred (100) feet shall be maintained from the ordinary high water mark of a natural lake, pond, or tributary to the nearest part of any building. This setback requirement does not apply to ponds constructed by an owner of a property which are under five (5) acres in area.
- C. The construction of any wastewater disposal system within a wetland in the Waterfront-Shore land District is prohibited and raising the elevation of ground by adding fill materials to create a mounded disposal tile field is prohibited.

1. Any activity which may adversely impact a wetland or an inland lake or stream shall submit approval by the State of Michigan pursuant to provisions of the Natural Resources Environmental Protection Act, Public Act 451 of 1994, as amended, being MCL 324.101 et seq.
2. Slopes greater than fifteen percent (15%) within the Waterfront Shore land District may not be denuded. When applying for a development permit that affects steep slopes, a property owner shall provide to the Township evidence, in writing, that a plan has been prepared for the disposal of storm waters without serious erosion of top soil or impairment of slope stability and without sedimentation of any water body.
3. The construction of any canal or channel or similar activity within the Waterfront Shore land District must be done in accordance with State of Michigan rules and regulations.
  - a. The construction of a canal, channel or any artificial waterway which traverses a wetland for the primary purpose of providing a navigable waterway which would promote or encourage development of a contiguous upland area is prohibited.

## CHAPTER 16 SITE PLAN REVIEW

### SECTION 16.01 PURPOSE

The purpose of this Chapter is to provide for consultation and cooperation between the applicant and the Planning Commission in order that the applicant may realize planned objectives in the use of land within the regulations of this Zoning Ordinance. It is also intended to ensure that the development be completed with minimum adverse effect on the use of adjacent streets and highways, and on the existing and future uses and the environment in the general vicinity.

### SECTION 16.02 SITE PLANS REVIEWED

- A. In accordance with the provisions of this Chapter, a Site Plan Review by the Planning Commission shall be required prior to the establishment of a new use or the erection of a building in the Districts and conditions cited below, unless excepted by B, below:
1. All uses permitted in the following districts:
    - a. C- Commercial District
    - b. Light Industrial District
    - c. MHC Manufactured Home Community
  2. Multi-family developments in any district
  3. Special Land Uses in all Zoning Districts
  4. Site condominiums in any District
  5. Private Roads and associated lot splits
  6. Planned Unit Developments
  7. Grading, excavation, filling, soil removal, creation of ponds, or clearing of land over one (1) acre
- B. Site plan review and approval by the Planning Commission shall not be required for one and two family dwellings (except as may be provided in a site condominium development), agricultural uses, a change of use that does not result in the change in the building footprint or parking requirements, family day care and foster care facilities, and accessory buildings and uses. Site plan (plot plan) review for these uses will be conducted by the Zoning Administrator. The Zoning Administrator may take a plot plan to the Planning Commission where unusual circumstances warrant additional review.

### SECTION 16.03 SITE PLAN REVIEW REQUIREMENTS

- A. Optional Preliminary Site Plan Review.
1. Twelve (12) copies of a preliminary site plan may be submitted by the applicant for review by the Planning Commission prior to final site plan submittal. The purpose of this optional procedure is to allow discussion between the applicant and the Planning Commissioners, to better inform the applicant of the

acceptability of the proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval.

2. Preliminary site plan submittal shall include the information as listed within subsection C, below, unless deemed unnecessary by the Zoning Administrator. Preliminary site plans shall be at a scale not to exceed 1 inch equals 100 feet (1" = 100').
3. The Planning Commission shall review the preliminary site plan and make any recommendations to the applicant that will cause the plan to be in conformance with the review standards required by this Chapter. The Planning Commission shall advise the applicant as to the general acceptability of the proposed plan, but shall not be bound by any statements or indications of acceptance of the plan.

**B. Final Site Plan Review**

1. If submission of a preliminary site plan is not desired by the applicant, twelve (12) copies of a final site plan prepared by a professional competent in such matters may be submitted for review without first receiving a review of a preliminary plan. Final site plans shall be at a scale not less than one inch equals twenty feet (1"=20') for property under three (3) acres and at least one inch equals one hundred feet (1"=100') for those three (3) acres or more.
2. Applications for final site plan reviews shall include the information as listed within subsection C, below, unless deemed unnecessary by the Zoning Administrator, and the requirements of Section 16.04-A.

**C. Required Site Plan Submission Requirements:**

<b>Preliminary Site Plan</b>	
A location sketch showing at minimum, properties, roads and use of land within one-half ½ mile of the area.	
Zoning of surrounding properties.	
Legal description of the subject property.	
The date, north arrow, and scale.	
Name and address of the property owner or petitioner.	
Name and address of the person and/or firm who drafted the plan and the date on which the plan was prepared.	
Existing zoning and use of all properties abutting the subject property.	
All buildings, parking and driveways within one hundred (100) feet of all property lines.	
Narrative: shown	The overall objectives of the proposed development.

<b>Preliminary Site Plan</b>	
on the site plan or submitted separately, describing in general terms:	Size (in acres) of the subject property and approximate number of acres allocated to each proposed use and gross area in building, structures, parking, public roads and drives, and open space.
	Dwelling unit densities by type, if applicable.
	Proposed method of providing sewer and water service, as well as other public and private utilities.
	Proposed method of providing storm drainage.
Property lines, approximate dimensions and setbacks.	
Existing adjacent roads and proposed roads.	
Parking lots and access points.	
Proposed buffer strips or screening.	
Significant natural features; and other natural characteristics, including but not limited to open space, wetlands, stands of trees, brooks, ponds, floodplains, hills, slopes of over 15%, and similar natural assets or hazards (including abandoned mine shafts).	
Any signs not attached to the building(s).	
General topographical features at contour intervals no greater than 5 feet.	
Existing and proposed uses, buildings and structures.	
<b>Final Site Plan</b>	
Seal, name, and firm address of the professional individual responsible for the preparation of the site plan.	
Property lines and required setbacks shown and dimensioned.	
Dimensions of all existing and proposed structures on the subject property including dwelling unit densities by type, if applicable.	
Size and location of existing and proposed utilities, including any proposed connections to public, or private community sewer or water supply systems.	
All existing and proposed drives (including dimensions and radii), acceleration/deceleration lanes, sidewalks, signs, exterior lighting, curbing, parking areas (including the dimensions of a typical parking space and the total number of parking spaces to be provided), fire lanes, and unloading areas.	
Existing and proposed topographic contours.	

Preliminary Site Plan
Drive width and right-of-way width of all roads, streets, and access easements within one hundred (100) feet of the subject property.
Location and size of all surface water drainage facilities.
Location of all solid waste disposal facilities, including recycling, and screening.
Location and specifications for existing or proposed outside, above or below ground storage facilities for hazardous materials.
All existing vegetation and the location, type, and size of all proposed landscaping, and the location, height and type of existing and proposed fences and walls.
Recreation areas, common use areas, flood plain areas and areas to be conveyed for public use and purpose.
Exterior lighting showing area of illumination and indicating the type and height of fixture to be used.

D. Additional Information

The Planning Commission, prior to granting approval of a site plan, may request from the applicant any additional graphics or written materials, prepared by a qualified person or person(s) to assist in determining the appropriateness of the site plan. Such material may include, but need not be limited to, aerial photography, photographs, impacts on significant natural features and drainage, impacts on surface or groundwater, traffic study, soil tests and other pertinent information.

**SECTION 16.04 APPLICATION AND REVIEW**

- A. Required site plans, application form, escrow fees (if applicable), and an application fee shall be submitted to the Zoning Administrator prior to the next regular Planning Commission meeting. Applications shall not be accepted unless all required materials and fees are submitted and are declared complete by the Zoning Administrator.
- B. The Planning Commission shall approve, deny, or approve subject to conditions, the site plan, in accordance with the provisions of this Chapter.
- C. Any conditions or modifications recommended by the Planning Commission shall be recorded in the minutes.
- D. Two (2) copies of the final approved site plan shall be signed and dated by the Zoning Administrator or designee and the applicant. The Township shall keep one (1) of these approved copies on file, one (1) shall be returned to the applicant or his designated representative.
- E. Each development subject to site plan review shall be substantially under construction within one (1) year after the date of approval of the site plan, except as noted below.
  - 1. The Planning Commission may grant a single one (1) year extension of the time period, provided the applicant requests, in writing, an extension prior to the date of the expiration of the site plan.

2. The extension shall be approved if the applicant presents reasonable evidence to the effect that the development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period.
3. If neither of the above provisions are fulfilled or the one (1) year extension has expired prior to construction, the site plan approval shall be null and void.

#### **SECTION 16.05 ADMINISTRATIVE AND ESCROW FEES**

- A. Any site plan application shall be accompanied by a fee, in an amount to be established by the Township Board by resolution. The application fee shall be for the purpose of payment for the administrative costs and services expended by the Township in the implementation of this Chapter and the processing of the application. No part of this fee shall be returnable.
- B. A separate deposit may be collected from the applicant, as determined by the Planning Commission, and used to reimburse another party retained by the Township to provide expert consultation and advice including but not limited to legal, planning, and engineering professionals regarding the application. The amount of the deposit must be based on a reasonable estimate to provide such services. Any unused portions of this fee shall be returned to the applicant after all costs have been received by the Township.

#### **SECTION 16.06 REVIEW STANDARDS**

- A. The following standards shall be utilized by the Planning Commission in reviewing all site plans. These standards are intended to provide a frame of reference for the applicant in the preparation of site plans as well as for the reviewing authority in making judgment concerning them. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention, or innovation.
- B. Site Development Standards
  1. The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site shall take into account topography, size of the property, the uses on adjoining property and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
  2. The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein and adjacent thereto. Fences, walls, barriers, and landscaping shall be used, as appropriate, to accomplish these purposes.
  3. All buildings and groups of buildings shall be arranged so as to permit necessary emergency vehicle access as required by the Fire Code.
  4. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not interfere with the vision of motorists along adjacent roads. Lighting of buildings or structures shall be minimized to reduce light pollution.
  5. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from Residential Districts or public



roads, shall be screened by a vertical screen consisting of structural or plant materials no less than six (6) feet in height.

6. Site plans shall conform to all applicable requirements of County, State, and Federal agencies. Approval may be conditioned on the applicant receiving necessary County, State, and Federal permits before final site plan approval or an occupancy permit is granted.
7. Appropriate fencing may be required by the Planning Commission around the boundaries of the development if deemed necessary to minimize or prevent trespassing or other adverse effects on adjacent lands.
8. The general purposes and spirit of this Ordinance and the Master Plan shall be maintained.

C. Vehicular and Pedestrian Standards

1. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. Drives, roads and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points.
2. The arrangement of public or private vehicular and pedestrian connections to existing or planned roads in the area shall be planned to provide a safe and efficient circulation system for traffic within the Township.
3. All roads and driveways shall be developed in accordance with the Township access management standards.
4. Sidewalks or pathways appropriate for pedestrians or non-motorized vehicles shall be required but may be deferred with an appropriate performance guarantee.
5. The minimum number of vehicular entrances and exits shall be provided at appropriate locations so as to maximize the convenience and safety for persons entering or leaving the site. The number of vehicular entrances to and exits from the site shall be determined with reference to the number of dwelling units or other land uses within the site, the nature and location of the surrounding roads, the effect of traffic in the area, nearby topography, and other factors.
6. The Planning Commission may require shared driveways, cross-access or the consolidation of existing driveways where appropriate.

D. Environmental and Natural Features Standards

1. Removal or alteration of significant natural features shall be restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission may require that landscaping, buffers, and/or buffer strips be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
2. Areas of natural drainage such as swales, wetlands, ponds, or swamps shall be protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.

3. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate stormwater on-site, prevent erosion and the formation of dust. The use of detention/retention ponds may be required and shall look natural. Dispersing storm water management techniques throughout the site are preferred. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. Catch basins may be required to contain oil filters or traps to prevent contaminants from being directly discharged to the natural drainage system.
4. Stormwater drainage design shall recognize existing natural drainage patterns. Stormwater removal shall not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate stormwater on-site, as deemed necessary by the Township's consulting engineer using sound engineering practices.

#### **SECTION 16.07 DESIGN STANDARDS**

- A. All proposed developments subject to site plan approval comply with the following architectural guidelines:
  1. The applicant shall use quality architecture to ensure that buildings are compatible with surrounding uses, protect the investment of adjacent landowners, and maintain a positive image for the Township.
  2. Building and sign materials shall relate well with the surrounding area.
  3. Buildings shall possess architectural variety, but enhance the overall cohesive community character. The scale and proportion of existing structures in the area should be considered. Roof shape and materials shall be architecturally compatible with adjacent buildings and enhance the predominant streetscape.
  4. It is encouraged that the first floor of commercial buildings facing a road shall be comprised of at least fifty percent (50%) clear glass.
  5. It is encouraged that any side of a building facing a road shall be covered with, or constructed of, at least fifty percent (50%) of the following materials:
    - a. Brick.
    - b. Decorative concrete block.
    - c. Cut stone.
    - d. Logs.
    - e. Other materials approved as part of the site plan.

#### **SECTION 16.08 SITE PLAN APPROVALS**

- A. As part of an approval to any site plan, the Planning Commission may impose any additional conditions or limitations as in its judgment may be necessary for protection of the public interest. A record of conditions shall be maintained. The conditions shall remain unchanged unless an amendment to the site plan is approved in accordance with this Ordinance.

- B. Conditions imposed shall be related to and ensure that the review standards of this Chapter are met and shall meet the requirements of the Zoning Act.
- C. Approval of a site plan, including conditions made as part of the approval, shall apply to the property described as part of the application and to all subsequent owners and occupants.
- D. A record of the decision of the Planning Commission, the reason for the decision reached, and any conditions attached to the decision shall be kept and made a part of the minutes of the Planning Commission.
- E. The Zoning Administrator shall make periodic investigations of developments for which site plans have been approved. Failure to maintain or comply with the requirements and conditions of the approved site plan shall be considered violations of this Ordinance.
- F. Zoning permits shall not be issued for a property until a final site plan has been approved and filed with the Township.
- G. No application which has been denied wholly or in part by the Board shall be resubmitted for a period of one (1) year from the date of the last denial, unless permitted by the Zoning Administrator after a demonstration by the applicant of a substantial change of circumstances from the previous application.
- H. Any site plan review approval may be voided by the Zoning Administrator or Planning Commission if it has been determined that a material error in the original approval has been discovered either because of inaccurate information supplied by the applicant or administrative error by a staff member or other agency. The voiding of an approved site plan shall be communicated in writing with reasons for revocation to the property owner. The appropriate construction code building officials shall also be notified to withhold permits until a new site plan is approved.

#### **SECTION 16.09 PERFORMANCE GUARANTEES**

The Planning Commission may require a performance guarantee in accordance with Section 21.07 to ensure compliance with the approved site plan.

#### **SECTION 16.10 APPEAL**

If any person shall be aggrieved by the action of the Zoning Administrator or Planning Commission, appeal in writing to the Zoning Board of Appeals may be taken in accordance with the provisions of Chapter 20, within fourteen (14) days after the date of the action. The Zoning Board of Appeals shall fix a time and place for a public hearing to be published in a newspaper prior to the hearing at which all interested parties shall be afforded the opportunity to be heard. After the hearing, the Zoning Board of Appeals shall affirm or reverse the action of the Zoning Administrator or Planning Commission, stating its findings and the reasons for its action and a written copy of such findings, reasons, and action shall be given to the appellant.

#### **SECTION 16.11 CHANGES IN THE APPROVED SITE PLAN**

- A. The holder of an approved site plan shall notify the Zoning Administrator of any proposed change to the site plan.
- B. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) meet the standards of the Ordinance and the intent of the design

and will not alter the basic design or any specified conditions imposed as part of the original approval. Minor changes shall include the following:

1. Change in the building size, up to five percent (5%) in total floor area.
  2. Movement of buildings or other structures by no more than ten (10) feet.
  3. Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size.
  4. Changes in approved building materials to a comparable or higher quality.
  5. Relocation of an outdoor waste receptacle.
  6. Modification of up to ten percent (10%) of the total parking area provided the number of parking spaces is not reduced below that required by this Ordinance.
  7. Sign location or reduction in size or height.
  8. The addition of small accessory buildings of not more than two hundred (200) square feet in area.
  9. Changes in floor plans which do not alter the character of the use.
  10. Changes required or requested by a County, State, or Federal regulatory agency in order to conform to other laws or regulations.
- C. A proposed change not determined by the Zoning Administrator to be minor shall be submitted to the Planning Commission as a site plan amendment and shall be reviewed in the same manner as the original application. If the Zoning Administrator determines that a proposed minor change may have a major impact on the area involved, he may refer the plan to the Planning Commission and the plan shall be reviewed in the same manner as the original application.

**CHAPTER 17**  
**SITE DEVELOPMENT REQUIREMENTS**

**SECTION 17.01      LANDSCAPING, BUFFERING AND SCREENING FOR COMMERCIAL,  
INDUSTRIAL, SITE CONDOMINIUM AND MULTI-FAMILY  
DEVELOPMENTS**

- A. A landscape plan shall be submitted as part of any site plan review application. The landscape plan shall include, but not necessarily be limited to, the following items:
1. Identification of natural features, natural drainage areas, woodlots, existing free standing trees outside of a woodlot over twelve (12) inches in diameter, and vegetative cover to be preserved.
  2. Location, spacing, size and descriptions for each plant type proposed for use within the required landscape area.
  3. Identification of areas to be grass or other ground cover and method of planting.
  4. Typical straight cross-section including slope, height, and width of berms and swales, or height and type of construction of wall or fence, including footings.
  5. Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns.
- B. Landscaping Requirements for uses which require site plan review:
1. Landscaping requirements may be waived if the existing vegetation to be retained on site meets or exceeds Ordinance requirements for landscaping, screening or buffering.
  2. All required setbacks shall be landscaped with a minimum ratio of one (1) canopy or shade tree and four (4) shrubs, for each thirty (30) lineal feet (or major portion thereof) of lot lines. Access ways from public rights-of-way shall not be subtracted from the lineal dimension used to determine the minimum number of trees and shrubs required.
  3. Note: Landscaping may be clustered and distributed throughout the setback. The ratio is provided to ensure a minimum amount of landscaping materials.
  4. Parking lots exceeding twenty (20) parking spaces shall provide the equivalent of one (1) landscape island or perimeter bump-out for every twenty (20) spaces of parking. Landscape islands or bump-outs shall be at least 180 square feet in size, with a minimum width of three (3) feet. Landscape islands shall be landscaped with one (1) canopy or ornamental tree and two (2) shrubs for every sixty (60) square feet of landscaping island. Receded landscape islands are encouraged to manage storm water on site.
  5. Additional landscaping may be required adjacent to the front or side of buildings to break up long building expanses and walls void of windows.
  6. Landscaping may be required to serve as windbreaks.
- C. Screening requirements
1. Screening shall be required on the subject parcel in the following situations, except as may be provided elsewhere in this Ordinance.
    - a. Around all trash, recycling or grease dumpsters in all districts.

- b. Around designated outdoor storage areas in the commercial and industrial zones.
    - c. Around any loading/unloading area.
    - d. Around both roof and ground-mounted outdoor mechanical equipment.
  2. Screening shall be required on the subject parcel even if the surrounding area or adjacent parcels are unimproved.
  3. When any developed parcel changes to a more intense land use, screening shall be provided in compliance with this Ordinance.
  4. If existing conditions on the subject parcel are such that a parcel cannot comply with the screening requirements, the Zoning Administrator or Planning Commission, as appropriate, shall determine the character of the screen based on the following criteria:
    - a. Traffic access and circulation.
    - b. Building and parking lot coverage.
    - c. Outdoor sales, display, or manufacturing area.
    - d. Physical characteristics of the site and surrounding area such as topography, vegetation, etc.
    - e. Views and noise levels.
    - f. Public health, safety, and welfare.
- D. Dumpsters
  1. Dumpsters shall not be located in the front yard, unless otherwise approved by the Planning Commission and shall be as far as practical, and in no case be less than, twenty (20) feet from any adjacent residential use or district.
  2. Dumpsters shall be easily accessed by refuse vehicles without potential damage to automobiles parked in designated parking spaces.
  3. Dumpsters shall be a minimum of five (5) feet from any commercial or industrial building and shall comply with fire code.
- E. Screening Standards

All required screens shall meet the following standards:

  1. A solid, sight-obscuring fence or wall six (6) feet high.
  2. Enclosed on all sides and not containing any openings other than a gate for access which shall be closed at all times when not in use.
  3. The fence or wall shall be constructed of masonry, treated wood or other material approved by the Planning Commission if determined to be durable, weather resistant, rust proof, and easily maintained.
  4. All other applicable standards of this Section shall be met.
- F. The Planning Commission may require a landscaped buffer zone in conjunction with any approval of a site plan, Planned Unit Development, or Special Land Use. When a buffer zone is required for a use in a Nonresidential District between a Residential and a Nonresidential District, it shall be placed on the Nonresidential District side. The

Planning Commission shall approve the location, size, shape, materials and other specifications for the buffer zone subject to the general requirements of this Section.

G. Buffer Zone Development Standards

1. The required buffer zone may be comprised of berms, required plant material in section 17.01(B) above, additional plant material where required landscaping materials are insufficient to screen, walls, fences, or any combination thereof. The Planning Commission shall determine if the alternate materials will provide the same degree of screening and buffering (or better) than required by these standards.
2. Unless otherwise stated in this Ordinance, minimum width shall correspond to the setback requirements for parking areas as prescribed in the Schedule of Regulations, but shall not be less than ten (10) feet.
3. All areas within the buffer zone which do not contain trees or planting beds shall be covered with grass or other living ground cover.
4. Detention/retention areas shall be permitted within required buffer zone provided they do not hamper the screening intent of the buffer zone or jeopardize the survival of the plant materials.

H. Landscaping Standards

1. Landscaping shall be installed such that, when mature, it does not obscure traffic signs, fire hydrants, lighting, drainage patterns on site or adjacent properties, or obstruct vision for safety of ingress or egress.
2. A raised, rolled, or sub-surface curb or curb stops shall protect all landscape islands and landscaped areas immediately adjacent to parking spaces. There shall also be a means of protecting site trees against injury from mowing equipment.
3. Unless used as street trees, all landscaped areas shall be arranged to simulate a natural setting such as staggered rows or clusters.
4. Landscaping shall be designed to blend with that on adjacent parcels where a road, walkway or other pathway flows between parcels.
5. All landscaping shall be maintained in a healthy, neat and orderly state free from refuse and debris. Any dead or diseased plants shall be removed and replaced within six (6) months. Native species are preferred.
6. Minimum plant sizes at time of installation shall be according to the chart below.

Plant Type	Minimum Size
Deciduous Canopy Tree	2.5 in. caliper
Deciduous Ornamental Tree	2 in. caliper
Evergreen Tree	6 ft. height
Deciduous Shrub	18 in. height
Upright Evergreen Shrub	2 ft. height
Spreading Evergreen Shrub	18 to 24 in. spread

7. Mixing of Species: The overall landscape plan shall not contain more than twenty-five percent (25%) of any one (1) plant species.
8. Where a berm is provided for the purposes of screening and buffering, it shall have a maximum slope of one foot of vertical rise to three feet of horizontal distance (1:3) with a crest area at least four (4) feet wide.
9. The following trees are not permitted as they split easily; their wood is brittle and breaks easily; their roots clog drains and sewers; and they are unusually susceptible to disease or insect pests:

PROHIBITED SPECIES FOR NEW LANDSCAPING	
Common Name	Horticultural Name
Box Elder	Acer Negundo
Ginkgo	Ginkgo Biloba (female only)
Honey Locust	Gleditsia Triacanthos (with thorns)
Mulberry	Morus Species
Poplars	Populus Species
Black Locust	Robinia Species
Willows	Salix Species
American Elm	Ulmus Americana
Siberian Elm	Ulmus Pumila
Slippery Elm; Red Elm	Ulmus Rubra
Chinese Elm	Ulmus Parvifolia
Russian Olive	Elaeagnus-angustifolia

- I. The Planning Commission may require a performance guarantee in accordance with the requirements of Section 21.07 of sufficient amount to ensure the installation of all required landscaping.

**SECTION 17.02 PARKING - GENERAL REQUIREMENTS**

- A. Unless otherwise provided for in this Ordinance, off-street parking shall not be located within the required front or side yards. Parallel access drives may be located in the



- required front yard. Parking lots shall be a minimum of ten (10) feet from the rear lot line.
- B. Off-street parking for all non-residential Districts and uses shall be either on the same lot or within three hundred (300) feet of the building or use it is intended to serve, measured from the nearest public entrance of the building to the nearest point of the off-street parking lot. Commercial areas for public parking shall be paved.
  - C. Residential off-street parking spaces shall consist of parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve.
  - D. Off-street parking existing at the effective date of this Ordinance, or amendment thereto, in connection with the operation of an existing building or use, shall not be reduced to an amount less than required for a similar new building or new use. Additional parking space for the additional floor space shall be provided and maintained in amount hereafter specified for that use.
  - E. Two (2) or more buildings or uses may collectively provide the required off-street parking.
  - F. Maximum Parking Requirement
    - 1. To minimize excessive areas of pavement which detract from the aesthetics of the Township and contribute to high rates of stormwater runoff, no parking lot shall have parking spaces totaling more than an amount equal to ten percent (10%) greater than the minimum parking space requirements, as determined by Off-Street Parking Requirements, except as may be approved by the Planning Commission.
    - 2. The Planning Commission may grant additional parking spaces above the maximum permitted, provided that the Commission determines that the parking will be required, based on documented evidence of actual use and demand provided by the applicant.
  - G. The Planning Commission may defer construction of the required number of parking spaces if the following conditions are met:
    - 1. Areas proposed for deferred parking shall be shown on the site plan.
    - 2. Areas shall be sufficient for construction of the required number of parking spaces in accordance with the standards of this Ordinance for parking area design and other site development requirements.
    - 3. Alterations to the deferred parking area may be initiated by the owner or required by the Zoning Administrator. Each alteration shall require the approval of the Zoning Administrator of an amended site plan, submitted by the applicant accompanied by evidence documenting the justification for the alteration.
    - 4. All or a portion of such deferred parking shall be constructed if required by the Zoning Administrator upon a finding that such additional parking is needed.

### **SECTION 17.03      PARKING LOT DESIGN STANDARDS**

- A. Minimum dimensions of parking spaces and maneuvering aisles shall be in accordance with the following requirements:

Parking Pattern	Two-Way Aisle Width	One-Way Aisle Width	Parking Space Width	Parking Space Length
Parallel Parking	18 Ft.	12 Ft.	9 Ft.	25 Ft.
30-75 degree angle	24 Ft.	12 Ft.	9 Ft.	21 Ft.
76-90 degree angle	24 Ft.	15 Ft.	9 Ft.	20 Ft.

- B. The Zoning Administrator may authorize minor adjustments to the dimensions prescribed in this Section if consistent with generally recognized design standards for off-street parking facilities.
- C. The Planning Commission may permit stabilized gravel for low use parking areas adjacent to water (e.g. public boat launch sites) or in parking areas used exclusively for utility vehicle or truck storage.
- D. All parking lots shall be constructed so as to permit proper drainage and prevent puddles or storage of water within the lot. Drainage shall be in accordance with the requirements of the Township.
- E. All parking areas containing ten (10) or more parking spaces must be screened from view from public right-of-way, public open space, public buildings and abutting residential districts in a manner approved by the Planning Commission.

#### **SECTION 17.04 OFF-STREET PARKING REQUIREMENTS**

- A. Required off-street parking spaces are noted in the following table for the uses listed. For those uses not specifically mentioned, the requirements for off-street parking shall be in accord with a use which the Zoning Administrator considers similar in type.
- B. When units of measurement determining the number of required off-street parking spaces result in the requirement of a fractional space that fraction shall require one (1) parking space.
- C. The minimum number of off-street parking spaces shall be determined in accordance with the following tables. All floor areas are considered gross floor area (GFA) unless otherwise specified as usable floor area (UFA):

USE	PARKING SPACE PER UNIT OF MEASUREMENT
<b>Residential</b>	
Single family dwellings	2 for each dwelling unit
Two family dwellings	2 for each dwelling unit
Multiple family dwellings	2 for each dwelling unit + 1 for each 4 dwelling units for visitor spaces
Housing for the elderly	1 for each 2 dwelling units, + 1 for each employee, + 1 for each 5 dwelling units to be marked as visitor spaces
<b>Institutional</b>	
Boat launch sites	At least 50% of the total area devoted to the launch site shall be devoted to parking
Churches, theaters, assembly areas, auditoriums, gymnasiums	1 for each 4 seats or each 8 feet of pew or bench length
Hospitals	2 per bed
Schools, elementary and middle	2 for each 3 employees, + amount required for auditorium or gymnasium seating
Group day care homes and group foster care homes	1 for each 4 clients, + 1 for each employee
Nursing or convalescent home	1 per each 3 beds or 2 rooms, plus 10 spaces marked for visitors
Schools, secondary and institutions of higher learning	1 for each 8 students, + 1½ for each classroom, + amount required for auditorium or gymnasium seating
<b>Commercial</b>	
Assembly halls without fixed seats	1 for each 3 persons allowed within the maximum occupancy load established by any applicable codes or Ordinances
Beauty/barber shop	2 for each chair
Bowling alleys	4 for each bowling lane + required spaces for each accessory use
Convenience store	1 per 200 sq. ft. of UFA
Funeral homes and mortuary establishments	1 for each 50 sq. ft. of UFA
Day Care Center	1 per each 3 clients computed on the basis of the greatest number of clients on site at a given time in addition to those required for the residence
Hotels and motels	1 for each guest room, + required spaces for each accessory use
Marinas	1½ per boat slip or rack storage bin + required spaces for any accessory uses
Motor vehicle service stations	1 for each service stall + 1 for each pump island + required spaces for convenience store, motor vehicle, or other uses
Motor vehicle wash (self service)	1 for each 5 stalls

USE	PARKING SPACE PER UNIT OF MEASUREMENT
Personal service establishments	1 for each 400 sq. ft. of UFA
Restaurants without drive-through facilities	1 for each 100 sq. ft. of UFA or 1 for each 2 persons allowed within the maximum occupancy load established by Fire codes, whichever is greater
Restaurants with drive-through facilities	1 for each 75 sq. ft. of UFA or 1 for each 1½ persons allowed within the maximum occupancy load established by any applicable codes or Ordinances, whichever is greater
Retail stores not otherwise specified	1 for each 300 sq. ft. of UFA
Video rental stores	1 for each 100 sq. ft. of UFA + 1 for the maximum number of employees on the premises at any one time
<b>Office</b>	
Banks, credit unions, savings and loan associations and other similar uses	1 for each 200 sq. ft. of UFA + 3 stacking spaces per drive-through window
Medical and dental offices and clinics	1 for each 75 sq. ft. of waiting room area + 1 for each examining room, dental chair, or similar use area
Offices not otherwise specified	1 for each 300 sq. ft. of UFA
<b>Industrial</b>	
Manufacturing, processing, and research establishments	1 for each 1000 sq. ft. + spaces required for offices
Warehouses and wholesale establishments	1 for each 2000 sq. ft. + spaces required for offices

### SECTION 17.05 OFF-STREET LOADING REQUIREMENTS

- A. On the same premises with every building or structure involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading. This space shall be placed so as to avoid undue interference with public use of dedicated rights-of-way and parking areas.
- B. Loading spaces shall not be located in the front yard.
- C. At least one (1) loading space shall be provided for each commercial or industrial use. All loading spaces shall be at least ten feet by fifty feet (10 x 50), or a minimum of five hundred (500) square feet in area. A minimum fourteen (14) foot clearance height shall be provided.

## CHAPTER 18 SIGNS

### SECTION 18.01 PURPOSE AND INTENT

- A. The purpose of these requirements 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 a basic intent of this Chapter that unrestricted signs do not benefit either private enterprise or the community-at-large. It is intended through the provisions contained herein to:
1. Give recognition to the legitimate needs of business, industry and other activities, in attaining their identification and informational objectives.
  2. Reflect the primary purpose of signs as being the identification of a particular user or use on a property, but not necessarily every activity or service performed thereon.
  3. Promote signs that are visible and can be readily seen from moving vehicles with the least amount of distraction and to prevent confusion that may cause abrupt, unsafe vehicular maneuvers.
  4. Improve the quality of community life by encouraging signs compatible with the overall street setting and neighborhood character, appropriate and in harmony with the principal activities and structures being served and to promote legible signs in scale with the area in which they are seen.
  5. Protect the public welfare and enhance the landscape by providing signs that do not create problems due to excessive size, height, number, or movement for users of public rights-of-way or contiguous properties.
  6. Avoid excessive number of signs to give each business or use optimum visibility to passer-by traffic and if possible, prevent clutter, and to prevent one sign from blocking the view of another sign.
  7. Retain property values by reducing visual blight because of such factors as clutter, poor maintenance, and light glare.
  8. Safeguard the public use and nature of streets and sidewalks for pedestrian and vehicular traffic.
  9. Support and complement the land use objectives of the Master Land Use Plan and this Ordinance.
  10. Place and size signs in such a way that scenic views are respected and visual obstructions to the natural landscape are minimized.
  11. Place and size signs in such a way to prevent visual obstructions in traveled rights-of-way that may obscure traffic signs, distract motorists or impair drivers' sight lines.
  12. Protect the character of the Township by encouraging the design of signs that reflect the Township's favorable environment as a rural resort community with a significant natural resource base.

13. Maintain and enhance economic stability by retaining aesthetic appeal to residents and visitors, and encourage sign practices that will complement the Township's character and natural environment.
14. Promote safety and security in and around businesses.

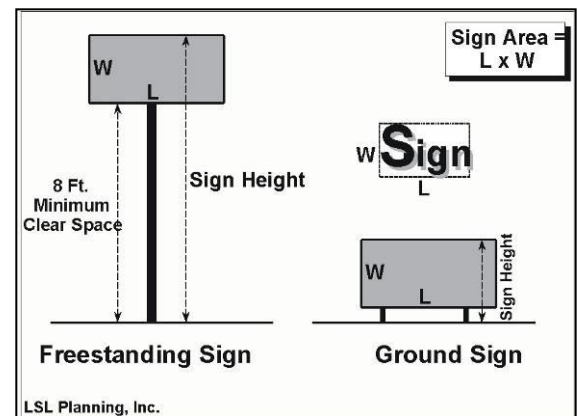
### **SECTION 18.02 JURISDICTION**

- A. Signs not strictly permitted are prohibited. A permit shall be obtained for the erection, construction, alteration and/or replacement of any sign; except as hereinafter provided.
- B. All regulated signs shall be approved by the Zoning Administrator as to their conformance with the requirements of this Ordinance. The applicant shall provide the following:
  1. Total display area of the sign in square feet.
  2. Proposed setback of the sign from the road right-of-way, drives and adjacent properties.
  3. Sign type, purpose and height, and ground clearance if applicable.
  4. Height and width of building if the sign is a wall or wall projecting type.
  5. Lighting, type and screening, as appropriate.
  6. Landscaping plans, as appropriate.
  7. Site area and frontage.
  8. Site and building photos.

### **SECTION 18.03 GENERAL REQUIREMENTS**

- A. All signs and sign structures shall conform to all applicable codes adopted by the Township. Signs shall be installed in a workmanlike manner and be maintained at all times in a state of good repair, with all braces, bolts, clips, supporting frame, and fastenings free from deterioration, insect infestation, rot, rust or loosening. All signs shall be kept neatly finished, including all metal parts and supports that are not galvanized or made of rust-resistant metals.
- B. Signs erected in the Township shall not obstruct the clear view of traffic. If the location or design of a sign may result in a conflict with pedestrian or vehicular movement or circulation, the Zoning Administrator may require a clearance of up to ten (10) feet from the finished grade level or curb elevation to the lowest part of such sign.
- C. The leading edge of freestanding signs shall be a minimum of ten (10) feet from the road right-of-way and a side property line.
- D. If a sign advertises a business, attraction, or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and the sign faces shall be removed and replaced with blank faces within sixty (60) days after written notification from the Zoning Administrator to the sign owner, owner of the property where the sign is located, or other party having control over the sign. Any expense incurred by the Township incidental to removal shall be paid by the sign owner, owner of the property or other party having control over the sign. The expenses associated with sign removal may constitute a lien upon the property to be collected in the same manner as real property taxes.

- E. Signs erected shall comply with the appropriate electrical code.
- F. All pole signs shall meet wind loading limits as designated in the Building Code.
- G. Any light used for the illumination of a sign shall be so that the light will not shine directly on adjacent properties or create a traffic hazard or distraction to operators of motor vehicles on public thoroughfares. Every external artificial light source shall be directed solely to, and concentrated sharply on, the sign.
- H. The area of a sign (excluding support structures) shall be measured from the outside of the sign structure, on only one (1) face of the sign, and shall include the sign message and all of the elements of the matter displayed.
- I. Off-premise signs except billboards regulated herein or tourist oriented directional signs placed in cooperation with the Township shall adhere to specific document standards as established by the Township for off-premise signage.



#### SECTION 18.04 PROHIBITED SIGNS

The following listed signs are prohibited in any zoning district of the Township:

- A. A sign displaying intermittent lights and lights resembling the flashing lights customarily used in traffic signals, or police, fire, ambulance, or rescue vehicle or signs which imitate official traffic directional signs or devices.
- B. A sign using the words, "Stop", "Danger", or any other words, phrases, symbols, or characters, in such a manner as to interfere with, mislead, or confuse a vehicle driver.
- C. Signs affixed to trees, shrubs or similar natural features.
- D. Signs affixed to fences or utility poles or structural elements not capable to support such signs.
- E. Any sign which obstructs the ingress or egress from a required door, window, or other required exit.
- F. Signs on parked vehicles, or trailers licensed or unlicensed where the sign is the primary use of the vehicle.
- G. Temporary signs and devices including inflatable devices, pennants, pinwheels, searchlights or other devices with similar characteristics, except when used temporarily for periods not to exceed fifteen (15) days.
- H. Signs which overhang or extend into a dedicated public right-of-way without the written consent of the Township. Any signs which encroach upon the public right-of way do not qualify as legal nonconforming signs. Such signs shall be considered an illegal use and shall be removed.
- I. Signs that have concrete foundations or other solid anchoring devices that project above the surface of the ground more than 18" (eighteen inches).
- J. Signs which are painted, placed or constructed directly on or project from a roof.

- K. Off-premise signs except billboards regulated herein or tourist oriented directional signs placed in cooperation with the Township.
- L. Signs with visible moving, revolving, rotating parts, or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means.
- M. Externally illuminated signs which can bleed light, interfere with the Township's "night sky", cast glare in the public right-of-way distracting drivers, and shining into adjacent residential areas interfering with resident's enjoyment of their personal property.
- N. Signs prohibited by Section 18 of the Highway Advertising Act of 1972, as amended, being MCL 252.318.

#### **SECTION 18.05 EXEMPT SIGNS**

The following signs, provided such signs are established in a lawful manner and placed so as not to cause a nuisance or create a safety hazard, are permitted without a permit:

- A. Up to two (2) real estate sale and "For Rent" or "Lease" or construction sign per property not exceeding eight (8) square feet in display area when located within a residential district. For all other districts, one real estate sale and "For Rent" or "Lease" sign per major bordering.
- B. On-site political campaign signs not exceeding thirty-two (32) square feet in display area. It is recommended that they are not erected any sooner than thirty (30) days prior to the scheduled day of election for which they are made and removed within 10 days of the election.
- C. "No Hunting", "No Trespassing", and on-premise "Garage Sale" signs not exceeding four (4) square feet in display area.
- D. One banner per business which advertises a special event or sale, provided it is not posted for more than thirty (30) days. Premises or properties with frontage on more than one (1) street shall be permitted one (1) sign on each separate street frontage.
- E. On-premise directional signs approved as part of the site plan process provided they do not exceed two signs per road frontage, twelve (12) square feet in display area or six (6) feet in height.
- F. Signs identifying a building's address and/or the names of the occupants but not exceeding four (4) square feet in display area.
- G. Historic markers, signs identifying the names of a building or date of erection of a structure.
- H. Official notices of any court or public agency not exceeding twelve (12) square feet in display area.
- I. Window signs covering up to twenty five percent (25%) of the structure's total window area.
- J. Traffic control, directional, warning, or informational signs when authorized by a public agency having appropriate jurisdiction.
- K. Signs required by federal or state agencies in connection with federal or state grant projects and programs.
- L. The flags of government or noncommercial institutions.



**SECTION 18.06 PERMITTED SIGNS IN ALL DISTRICTS EXCEPT THE COMMERCIAL AND INDUSTRIAL DISTRICTS**

- A. Entranceway monument signs are permitted for residential developments of up to thirty-two (32) square feet. One (1) sign for each major public road frontage may be provided. Signs shall not exceed eight (8) feet in height from grade level.
- B. Internally illuminated monument signs of up to thirty-two (32) square feet for lawful institutional uses such as churches and schools. Signs shall not exceed eight (8) feet in height from grade level.
- C. One (1) non-illuminated wall sign of up to eight (8) square feet for a home occupation.
- D. Changeable copy or message boards shall be part of a fixed, permanent sign and shall have rigid letters.

**SECTION 18.07 PERMITTED SIGNS IN THE COMMERCIAL DISTRICT**

- A. Signs shall pertain exclusively to the business carried on within the building.
- B. Signs may be illuminated, but no flashing or moving illumination shall be permitted.
- C. One freestanding monument, or pole sign is permitted per property, regardless of the number of businesses there, except that one additional freestanding sign may be erected per road frontage when the development has parallel frontage on more than one major street or corner frontages on major streets totaling over 600 linear feet.
- D. Wall Signs shall not exceed ten (10) percent of the surface area of the commercial portion of the front building face and may be placed on any wall. In the case where the building is over one hundred feet (100') from the road, this allotment may be fifteen percent (15%) of the front face of the storefront.
- E. Signs shall be placed against the principal building or on a canopy. Signs shall not project above the roof line or cornice. No wall sign shall interrupt or conceal the architectural details of a building. A sign attached to a mansard shall be considered a wall sign.
- F. A zoning compliance permit is required for signs exceeding eight (8) feet from grade level. Signs above sixteen (16) feet shall additionally demonstrate compliance with wind load requirements of the building code.

**SECTION 18.08 PERMITTED SIGNS IN THE INDUSTRIAL DISTRICT**

- A. Signs shall pertain exclusively to the business carried on within the building.
- B. Signs may be illuminated, but no flashing or moving illumination shall be permitted.
- C. One freestanding monument, or pole sign is permitted per property, regardless of the number of businesses there, except that one additional freestanding sign may be erected per road frontage when the development has parallel frontage on more than one major street or corner frontages on major streets totaling over six hundred 600 linear feet.
- D. Wall Signs shall not exceed ten (10) percent of the surface area of the front building face and may be placed on any wall. In no case shall wall signs exceed three hundred (300) square feet. In the case where the building is over one hundred feet (100') from the road, this allotment may be fifteen percent (15%) of the front face of the storefront.

- E. Signs shall be placed against the principal building or on a canopy. Signs shall not project above the roof line or cornice. No wall sign shall interrupt or conceal the architectural details of a building. A sign attached to a mansard shall be considered a wall sign.
- F. Billboards, provided:
1. Billboard supports shall be at least seventy-five (75) feet from any residential use or zone and shall be spaced at least three hundred 300 feet from another billboard. Such distance shall not be measured from across a street.
  2. The top of the billboard shall not exceed twenty 20 feet above the average grade on a vacant lot and 35 feet above the average grade on a lot with a principal structure. Average grade shall be determined by; the ground on which the billboard sits or; the grade of the abutting roadway, whichever is higher.
  3. Billboards shall not be illuminated because of their potential to: bleed light, interfering with the Township's "night sky" objectives; cast glare in the public right-of-way, distracting drivers; take attention from on-premise businesses; shine into adjacent residential areas impacting resident's enjoyment of their personal property.
  4. A landscaped strip of at least twenty five square feet shall be located immediately adjoining the supporting structure of the billboard.
- G. The leading edge of the sign face shall comply with setback requirements of the district.

#### SECTION 18.09 SIGN AREA AND HEIGHT LIMITATIONS

Street Frontage (linear ft.)	Maximum square footage of Sign Area	Maximum Height
50 and under	25	15
51-60	34	15
61-70	38	15
71-80	42	15
81-90	46	15
91-100	50	15
101-110	54	15
111-120	58	15
121-130	62	15
131-140	66	15
141-150	70	15
151-160	74	20
161-170	78	20
171-180	82	20
181-190	86	20
191-200	90	20
201-210	94	20
211-220	98	20
221-230	102	20
231-240	106	20
241-250	110	20

Street Frontage (linear ft.)	Maximum square footage of Sign Area	Maximum Height
251-260	114	25
261-270	118	25
271-280	122	25
281- 290	126	25
291-300	130	25
301-310	134	25
311-320	138	25
321-330	142	25
331-340	146	25
341-350	150	25
351-360	154	30
361-370	158	30
371-380	162	30
381-390	166	30
391-400	170	30
401-410	174	30
411-420	178	30
421-430	182	30
431-440	186	30
441-450	190	30
451-460	194	30
461-470	198	30
Over 470	200	30

### SECTION 18.10 NONCONFORMING SIGNS

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

- A. The burden of proving a sign is a legally nonconforming sign shall rest with the person claiming such status for the sign.
- B. The frame faces, supports, or other parts of any nonconforming sign shall not be structurally changed, altered, substituted, or enlarged unless the resultant changed, altered, substituted, or enlarged sign becomes less nonconforming or conforms to the provision of this Ordinance. Any nonconforming sign, billboard or portion thereof may be diminished in size or dimension without jeopardizing the privilege of nonconforming use.

**SECTION 18.11 SIGN REMOVAL**

- A. If the building official, zoning administrator or their authorized representative of the Township determines that any sign regulated by this section is unsafe or constitutes a hazard to the public, such as obstructing vision of vehicle drivers or pedestrians, or has been constructed, erected or maintained in violation of the provisions of this section, after due notice, the official or inspector may remove the sign or require its immediate removal. Any expense incurred by the Township incidental to the sign removal shall be paid by the sign owner, owner of the property where the sign is located, or other party having control over said sign.
  
- B. Any sign placed or erected in a public street, alley or right-of-way or other public place, which is not specifically permitted in such place, shall be deemed an unlawful sign and the department of the Township having jurisdiction over the maintenance of the public place shall remove the sign. Such removal may be without written or other notice to the owner, lessee or person of the property adjacent to the public street, alley, right-of-way, or other public place upon which the sign is located.

## CHAPTER 19 SPECIAL LAND USES

### SECTION 19.01 PURPOSE

Special Land Uses are those uses of land which are not essentially incompatible with uses permitted in a District, but possess characteristics or locational qualities which require individual review and discretion in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. Protection of surrounding property values and compatibility with existing and intended uses of the land are important considerations. The purpose of this Chapter is to establish equitable procedures and criteria which shall be applied in the determination of requests to establish Special Land Uses. The criteria for decision and requirements provided for under the provisions of the Chapter shall be in addition to those required elsewhere in this Ordinance which is applicable to the Special Land Use under consideration.

### SECTION 19.02 APPLICATION AND REVIEW PROCEDURES

- A. An application for permission to establish a Special Land Use shall be submitted in accordance with the following procedures:
1. Applications for a Special Land Use shall be submitted to the Planning Commission through the Zoning Administrator who will review the application for completeness, then transmit it to the Planning Commission. Applications not meeting the requirements shall be returned to the applicant for completion.
  2. An application for a Special Land Use approval shall consist of the following:
    - a. Twelve (12) copies of a Site Plan meeting the requirements of Chapter 16.
    - b. A completed application form, as provided by the Township.
    - c. Payment of a fee, in accordance with a fee schedule, as determined by the Township Board from time to time; to be paid when the application is determined complete and accepted by the zoning administrator.
    - d. A legal description of the entire property which is the subject of the Special Land Use.
    - e. A statement with regard to compliance with the criteria required for approval in Section 19.03.A.1-5, and other specific criteria imposed by this Ordinance affecting the Special Land Use under consideration.
    - f. Other materials as may be required by the Planning Commission.
- B. Public Hearing
1. Upon receipt of an application for a Special Land Use, the Planning Commission shall schedule a public hearing for the purpose of receiving comments relative to the Special Land Use application.
  2. At least fifteen (15) days before the meeting one (1) notice of the public hearing for a Special Land Use shall be published in a newspaper that circulates in the Township and a letter shall be sent to property-owners and occupants of structures within three hundred (300) feet of the boundary of the property. The notices shall include:

- a. The property that is subject of the request
  - b. The nature and location of the request.
  - c. When and where the request shall be considered.
  - d. When and where the Ordinance, request and pertinent material may be examined.
  - e. When and where written comments shall be received concerning the request.
3. The application for a Special Land Use permit shall be submitted at least thirty (30) days prior to the next regular Planning Commission meeting.
  4. If the Special Land Use permit is denied by the Planning Commission, the reasons for such denial shall be stated in the minutes of the Planning Commission meeting and the applicant shall be provided a copy or a written explanation. The applicant may appeal the decision to the Zoning Board of Appeals, which must restrict their review to the Planning Commission record and use the same criteria as the Planning Commission as a basis for determination under this Section.
  5. No application which has been denied wholly or in part by the Board shall be resubmitted for a period of one (1) year from the date of the last denial, unless permitted by the Zoning Administrator after a demonstration by the applicant of a substantial change of circumstances from the previous application.

### **SECTION 19.03 BASIS OF DETERMINATION**

Prior to approval of a Special Land Use application, the Planning Commission shall insure that the standards specified in this Section, as well as applicable standards established elsewhere in this Ordinance, shall be satisfied by the completion and operation of the Special Land Use under consideration.

- A. The Planning Commission shall review the particular circumstances of the application under consideration in terms of the following standards, and shall approve a Special Land Use only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance:
  1. The Special Land Use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
  2. The Special Land Use shall not change the essential character of the surrounding area.
  3. The Special Land Use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the creation of hazardous or potentially hazardous situations or the excessive production of traffic, noise, odor, smoke, dust, fumes, glare or site drainage.
  4. The Special Land Use shall not place demands on public services and facilities in excess of current capacity.
  5. The Special Land Use shall be in general agreement with the Township's adopted Master Land Use Plan.

- B. The Planning Commission may impose conditions with the approval of a Special Land Use which are necessary to insure compliance with the standards for approval stated in this Section and any other applicable standards contained in this Ordinance. Such conditions shall be considered an integral part of the Special Land Use permit and shall be enforced by the Zoning Administrator.
- C. The Planning Commission may require a performance bond to be posted by the applicant or by some other reasonable surety to ensure that the special land use complies with the conditions of approval.
- D. If, after the establishment of the Special Land Use, the actual use is found not to be in compliance with the approval granted by the Planning Commission, said use shall be corrected in sixty (60) days to eliminate any problems as determined by the Planning Commission. If infractions are not corrected within the sixty (60) days, the provisions of Section 19.05 shall be initiated.

#### **SECTION 19.04 APPROVAL TERM AND EXPIRATION**

- A. A Special Land Use approval, including conditions imposed, is attached to and shall run with the land for which the approval is granted, and shall be binding upon subsequent owners and all occupants of the subject land, and shall be recorded by the applicant with the Iron County Register of Deeds after final approval and prior to the issuance of a zoning or building permit.
- B. A Special Land Use approval shall be valid for two (2) years from the date of approval, and the Planning Commission may grant up to a one (1) year extension, unless approval is revoked as provided in Section 19.05, or the Special Land Use has been initiated, or construction necessary for such use has been initiated and is proceeding meaningfully toward completion.
- C. If, by the end of the one (1) year extension, the Special Land Use has not been initiated or construction necessary for such use has not been initiated or, if construction has been initiated but is not proceeding meaningfully toward completion, then the Special Land Use shall be deemed expired and no longer valid, and any building permit shall be revoked.
- D. Reapplication for approval of an expired Special Land Use approval shall be considered in the same manner as the original application.

#### **SECTION 19.05 REVOCATION OF SPECIAL LAND USE APPROVAL**

The Planning Commission may revoke any Special Land Use approval, or take any other action allowed by law, if the applicant fails to comply with any of the applicable requirements in this Chapter, any conditions placed on the approval by the Planning Commission, or any other applicable provisions of this Ordinance. Prior to revoking a Special Land Use approval, the Planning Commission shall conduct a public hearing and give notice of such hearing in accordance with Section 19.02.B.

#### **SECTION 19.06 SPECIFIC SPECIAL LAND USE STANDARDS**

The following Special Land Uses shall be subject to the requirements of the District in which they are located, in addition to all the applicable conditions, standards, and regulations as are cited in this Section. The following uses have such conditions, standards, or regulations:

- A. Agricultural service establishments

- B. Airports (public and private).
- C. Amusement Parks, Fair Grounds and Flea Markets.
- D. Bed and breakfast establishments.
- E. Boat and canoe liveries and yards.
- F. Boat launches, public or private.
- G. Bulk oil, gasoline, liquid propane gas, and compressed natural gas distribution and storage facilities.
- H. Campgrounds, public or private.
- I. Cemeteries, publicly owned athletic fields, parks, except playgrounds, and similar uses.
- J. Commercial greenhouses and nurseries, when operated primarily as wholesaling operations and limited retail sales.
- K. Commercial kennels.
- L. Commercial extraction and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
- M. Concrete and asphalt plants.
- N. Confined feedlots and livestock holding facilities.
- O. Communication towers.
- P. Country clubs and golf courses.
- Q. Day care center.
- R. Drive-through establishments including banks, dry cleaners, pharmacies, and similar services with drive-through service but excluding drive-through restaurants.
- S. Drive-through restaurants.
- T. Equine boarding stable and training facility
- U. Elderly Housing
- V. Farm market.
- W. Funeral homes and mortuary establishments.
- X. Home-based businesses.
- Y. Hotels and motels.
- Z. Junk yards/salvage yards.
- AA. Marinas.
- BB. Migrant Agricultural labor housing.
- CC. Mini-storage.
- DD. Nursing or convalescent homes.
- EE. Open air businesses.
- FF. Open space development
- GG. Outdoor recreation development



- HH. Places of Religious Worship
  - II. Raising of fur-bearing animals or game birds.
  - JJ. Resorts
  - KK. Schools; public, parochial, private, or charter.
  - LL. Sexually-oriented businesses.
  - MM. Shooting, rifle and handgun ranges.
  - NN. Slaughter houses, meat packing plants, and stock yards.
  - OO. State licensed residential care facilities; small and large group homes.
  - PP. Truck and freight terminals.
  - QQ. Vehicle body and repair shops.
  - RR. Vehicle service stations.
  - SS. Vehicle wash establishments, either self-serve or automatic.
  - TT. Veterinary clinics and hospitals.
  - UU. Wind energy conversion systems.
- A. Agricultural Service Establishments
- 1. Uses shall include, but are not limited to, grain elevators for storage, drying and sales, bulk feed and fertilizer outlets and distribution centers, seed dealership outlets and distribution centers, crop truck and cartage facilities, agricultural products, production and processing operations and auctions for livestock.
  - 2. Minimum lot size shall be five (5) acres.
  - 3. Minimum frontage shall be three hundred (300) feet.
  - 4. Trucking, outside storage, loading and dock areas shall be fenced and screened, pursuant to the buffering landscaping requirements of Section 17.01.
  - 5. No storage or loading activities shall be permitted within one hundred (100) feet of any lot line.
  - 6. All buildings shall be set back a minimum of seventy-five (75) feet from any lot line.
  - 7. All agricultural service activities shall be located at least three hundred (300) feet from any residential district and one hundred (100) feet from the property line of an adjacent residential use.
  - 8. The lot shall be located so at least one (1) side abuts a County Road and shall access shall be from that road.
  - 9. Access to the site shall be located at least one hundred (100) feet from any intersection or driveway.
- B. Airports (public and private)
- 1. The minimum lot size shall be twenty (20) acres.
  - 2. The use shall be located at least one-half (1/2) mile from a residential district.

3. All structures directly associated with the use shall be set back a minimum of one hundred (100) feet from all property lines and two hundred fifty (250) feet from the property line of a residential use.
- C. Amusement Parks, Fair Grounds and Flea Markets.
1. The minimum lot size shall be twenty (20) acres.
  2. The lot shall be located so at least one (1) side abuts a primary road or State designated highway and all access shall be from that road(s).
  3. Access to the site shall be located at least one hundred (100) feet from any intersection or driveway.
  4. Entry drives and parking areas shall be a minimum of one hundred (100) feet from adjacent property lines.
  5. The main and accessory buildings shall not be located nearer than two-hundred (200) feet to any residential dwelling located on adjacent property.
  6. Maximum building coverage shall be twenty-five percent (25%).
  7. Any amusement enterprises located within five hundred (500) feet of any adjacent dwelling shall not be open later than 10:00 p.m.
  8. The Planning Commission may require the entire premises to be surrounded by a six (6) foot cyclone fence at or near the boundary property lines.
  9. No entrances or exits shall be from a gravel road or residential road.
  10. A landscaped area of at least twenty five (25) feet in width shall be maintained around the periphery of the property. Screening which complies with the landscaping provisions of Section 17.01 shall be provided adjacent to Residential Districts.
- D. Bed and breakfast establishments.
1. The establishment shall be serviced by adequate water and sanitary sewer services, as approved by the Dickinson-Iron County Health Department.
  2. The establishment shall be located on property with direct access to a public road.
  3. No such use shall be permitted on any property where there exists more than one (1) other bed-and-breakfast establishment within six hundred and sixty (660) feet, measured between the closest property lines.
  4. Such uses shall only be established in a single-family dwelling.
  5. Parking shall be located to minimize negative impacts on adjacent properties.
  6. The number of guest rooms in the establishment shall not exceed five (5), plus one (1) additional guest room for each ten thousand (10,000) square feet or fraction thereof by which the lot area of the use exceeds one (1) acre, not to exceed a maximum of nine (9) guest rooms in any case.
  7. Exterior refuse storage facilities beyond what is normally expected for a single family dwelling shall not be located in any front yard and shall be properly fenced in or screened from view on three sides.

8. Signs for bed and breakfast establishments shall be limited to one (1) ground sign, or one (1) wall sign. A ground sign shall not exceed sixteen (16) square feet in size, or six (6) feet in height, and must be set back at least five (5) feet from all property lines. A wall sign shall not exceed five (5) percent of the wall area to which it is attached. Neither sign may be illuminated.
  9. The establishment shall contain the principal residence of the operator.
  10. Accessory retail or service uses to a Bed and Breakfast Establishment shall not be permitted.
  11. Interior design of the establishment must adhere to typical residential characteristics so that the dwelling unit retains its inherent single-family character.
  12. All guest rooms must have interior access to common areas (e.g., dining sitting, restrooms, etc.)
- E. Boat and canoe liveries and yards.
1. No outside sales shall take place within a required setback.
  2. All accessory structures shall be set back a minimum of one hundred (100) feet from the ordinary high water mark of a watercourse.
  3. All repair services shall be conducted within a completely enclosed structure.
  4. All storage, parking, vehicle maneuvering areas, and drive entrances shall be located to minimize negative effects on adjacent properties.
  5. All storage of watercraft shall be located in the rear yard and completely screened on all sides.
- F. Boat launches, public or private.
1. No building, structure, dock, or parking area which is part of a boat launch site shall be located nearer than thirty five (35) feet to any Residential District.
  2. All accessory structures shall be set back a minimum of one hundred (100) feet from the ordinary high water mark of a watercourse.
  3. Required parking facilities shall not be used for storage of boats or trailers for periods exceeding seventy-two (72) hours, from May 1st to September 15th.
  4. The lot area used for parking or other activity using motor vehicles shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water.
- G. Bulk oil, gasoline, liquid propane gas, and compressed natural gas distribution and storage facilities.
1. Minimum lot size shall be ten (10) acres.
  2. The lot shall be located so that at least one (1) side abuts a primary road as determined by the Board of County Road Commissioners of the County of Iron or State designated highway and all access shall be from that road(s).
  3. No storage shall take place closer than two hundred (200) feet from any property line, or five hundred (500) feet from any Residential District, or a greater distance if required by applicable State or Federal regulations.

4. Accessory buildings, if any, shall be approved by the Planning Commission in connection with the Special Land Use approval.
  5. Fencing, lighting, security, and other appropriate conditions, which may be more stringent than, but not inconsistent with, Federal or State requirements may be imposed.
  6. Outdoor storage of empty tanks for sale or lease to the public shall be permitted only in the L-1 District.
  7. The site shall be designed to permit easy access by emergency vehicles.
  8. Access to the site shall be located at least one hundred (100) feet from any intersection or driveway.
- H. Campgrounds, public or private.
1. Campsites shall not be located closer than fifty (50) feet of any property line.
  2. Minimum lot area shall be ten (10) acres.
  3. Retail commercial uses may be permitted within the campground provided that the following requirements are met:
    - a. All commercial uses allowed shall occupy no more than two thousand (2,000) square feet.
    - b. No merchandise for display, sale or lease shall be located in any manner outside the main building, except for those specific items approved by the Planning Commission
  4. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or across any property line.
  5. Each camp site shall have a minimum square footage of one thousand five hundred (1,500) square feet.
  6. Common area at the ratio of one thousand (1,000) square feet for each campsite shall be provided.
- I. Cemeteries, publicly-owned athletic fields, parks, and similar uses.
1. All uses have a minimum area of five (5) acres and a minimum frontage of two hundred (200) feet.
  2. The use shall be located on property with direct access to a public road.
  3. Any outdoor activity areas shall be set back one hundred (100) feet from any Residential District.
  4. Buildings, including buildings for storage of equipment, shall be set back two hundred (200) feet from an existing Residential District.
  5. Driveways and parking areas shall be at least fifty (50) feet from any adjacent property line.
- J. Commercial greenhouses and nurseries, when operated primarily as wholesaling operations and limited retail sales.
1. Minimum lot size shall be five (5) acres.

2. The lot area used for parking, display, or storage shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water.
  3. Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.
  4. Driveways and parking areas shall be at least fifty (50) feet from any adjacent property line.
  5. Ingress and egress to the lot shall be from a primary road.
  6. Access to the site shall be located at least one hundred (100) feet from any intersection or driveway.
- K. Commercial kennels.
1. The minimum lot size shall be two (2) acres for the first ten (10) animals, plus one (1) additional acre for each additional five (5) animals.
  2. All buildings or areas in which the animals are kept or exercised shall be set back a minimum of one hundred (100) feet from any adjoining property.
  3. A screened/landscaped area shall be provided between all buildings or areas in which the animals are kept or exercised, and any adjacent residential use.
  4. Animal waste shall be managed to prevent odors and other nuisances.
  5. A kennel permit shall be obtained from the Iron County, Michigan Animal Control.
- L. Commercial extraction and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources (not including oil or gas).
1. No soil, sand, gravel, or other earth material shall be removed from any land within the Township without Special Land Use approval, with the following exceptions:
    - a. When the earth removal is incidental to an operation for which a building permit has been issued by the Township.
    - b. When the earth removal involves any normal landscaping, driveway installation and repairs, or other minor projects.
    - c. When the earth removal involves less than five hundred (500) cubic yards.
    - d. When the earth removal is for construction of a swimming pool.
  2. In addition to the information required for site plan review, the application for Commercial Extraction and Processing of Soil, Sand, Gravel, or Other Mineral Resources, shall include the following:
    - a. A written legal description of all of the lands proposed for the use.
    - b. Twelve (12) copies of a plan for mineral removal, drawn and sealed by a registered civil engineer, and including the following, at a minimum:
      - (1) A north arrow, scale, and date.
      - (2) Shading indicating the extent of land area on which mineral removal operations and activities will take place.

- (3) The location, width, and grade of all easements or rights-of-way on or abutting the lands.
  - (4) The location and nature of all structures on the lands.
  - (5) The location and direction of all water courses and flood control channels that may be affected by the mineral removal operations.
  - (6) Existing elevations of the lands at intervals of not more than five (5) feet.
  - (7) Typical cross sections showing the estimated extent of overburden, and estimated extent of mineral material location in, or on the lands, and the water table.
  - (8) Mineral processing and storage areas (including crushing, washing, asphalt plants, etc.).
  - (9) Proposed fencing, gates, parking areas, and signs.
  - (10) Roads for ingress to, and egress from the lands, including on-site roads, other areas to be used for movement of vehicles and a description of the proposed measures to limit dust generated by mineral removal activities and movement of vehicles.
  - (11) A map showing access routes between the subject lands and the nearest County paved road.
  - (12) Areas to be used for ponding.
  - (13) Proposed method of managing overburden (e.g., seeding, grading, erosion and sedimentation control, etc.)
  - (14) Estimated depth of intended mine excavation.
- c. A narrative description and explanation of the proposed extraction operations and activities, including:
- (1) The date of commencement.
  - (2) Proposed hours and days of operation.
  - (3) Estimate of type and quantity of mineral materials to be removed.
  - (4) Description of extraction and processing methods, including proposed equipment and the noise rating of each type thereof.
  - (5) A summary of the procedures and practices that will be used to ensure compliance with the conditions of this subsection.
  - (6) Description of size of trucks and daily volume of traffic entering and leaving the site.
- d. A site rehabilitation plan including the following:
- (1) A written description of planned site rehabilitation and end-use(s), including potential methods of accomplishment and phasing;
  - (2) A plan showing:
    - (a) Final grades of the lands as rehabilitated, at contour intervals not exceeding five (5) feet;

- (b) Water courses, ponds, or lakes, if any;
    - (c) Landscaping and plantings;
    - (d) Areas of cut and fill; and
    - (e) All of the components of the proposed end-use(s);
  - (3) A description of the proposed methods or features that will ensure that the end-use is feasible, and can comply with all applicable requirements of this Ordinance.
- e. The Planning Commission may require an environmental impact statement, engineering data, or other additional information concerning the need for, and consequences of, such extraction if it is believed the extraction may have very serious consequences on groundwater, drainage, water bodies, flood plains, or other natural features.
- f. Each site rehabilitation plan shall be reviewed by the Planning Commission and shall comply with all of the following standards and requirements:
  - (1) Topsoil shall be replaced on the site to a depth of not less than six (6) inches, except where the end-use activities or features do not involve the planting of lawns or growing of vegetation.
  - (2) Slopes shall be graded and stabilized to such extent as will accommodate the proposed end-use.
  - (3) The plan shall indicate the phasing of site rehabilitation, if the same is to take place in phases, and if so, topsoil shall be replaced and slopes shall be graded and stabilized before mineral removal operations or activities are commenced in another area of the site.
  - (4) Final slopes shall have a ratio of not more than one (1) foot of elevation to three (3) feet of horizontal distance.
  - (5) Plantings of grass, shrubs, trees, and other vegetation shall be made so as to maximize erosion protection, screen less attractive areas of end-uses, and enhance the beauty of the site as rehabilitated.
- 3. No machinery shall be erected or maintained within one hundred (100) feet of any exterior property line. No cut or excavation shall be made closer than fifty (50) feet to any road right-of-way line or property line in order to ensure subterranean support to surrounding property. The Planning Commission may require greater distances for the location of machinery, storage or parking of equipment, or limits of excavation where the site is located within two hundred (200) feet of any Residential District.
- 4. No business or industrial buildings or structures of a permanent nature shall be erected, except when such building is a permitted use within the district in which the excavation pit is located.
- 5. The Planning Commission shall recommend routes for truck movement to and from the site in order to minimize the wear on public roads, and to prevent hazards and damage to properties in the community. Access roads within the area of operation shall be provided with a dustless surface and the entry road

- shall be hard surfaced for a distance established by the Planning Commission to minimize dust, mud, and debris being carried onto the public road.
6. Proper measures shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon the practice of stockpiling excavated material upon the site.
  7. Access to the site shall be located at least one hundred (100) feet from any driveway or two hundred and fifty (250) feet from street intersections.
  8. During activities and operations for the removal of mineral material, no mineral material or other excavated materials shall be left during weekends or overnight in such condition or manner as to constitute a danger to children or others who may enter the removal areas. All banks of excavated material shall be graded to slopes having a vertical to horizontal ratio of not greater than one (1) foot of elevation for each two (2) feet of horizontal distance, after the cessation of daily operations. However, the Planning Commission may permit some lesser daily grading requirement if the applicant provides a substantially constructed and maintained welded wire fence, or fence of equally substantial material. Such fence shall be at least four (4) feet in height, so located that any slopes steeper than one (1) foot of elevation for each two (2) feet of horizontal distance cannot inadvertently be approached by any persons who may enter the removal area.
  9. The Planning Commission may require compliance with such other conditions as may be necessary to ensure compliance with the terms of this subsection. Such conditions may include, though need not be limited to, weed controls, erosion and sedimentation controls, fencing and visual screening including berms, requirements for groundwater monitoring wells, preservation of trees and other vegetation, and fuel loading and storage requirements.
  10. An applicant for a permit shall submit a performance bond in accordance with the requirements of this Ordinance, naming the Township as the insured party, and conditioned upon the timely and faithful performance by the applicant of all of the terms and conditions of the permit. The bond shall have such other terms and shall be in such amount as is recommended by the Zoning Administrator as reasonably necessary to ensure compliance with all of the terms and conditions of this subsection and the permit.
    - a. The performance bond shall not be refunded, reduced, or transferred until the mineral removal operations and activities, land reclamation or restoration, and all other required activities have received final inspection by the Zoning Administrator. Further, the performance bond shall be refunded only if the Planning Commission has determined that the applicant, or its successor, has fully complied with all of the terms, conditions, site rehabilitation and restoration requirements, and all other matters required of the applicant under the terms of the permit.
    - b. The timely and faithful compliance with all of the provisions of the performance bond shall be a condition of any mineral removal operations. In the absence of any such compliance with the terms of the performance bond, or if the special use is revoked, expires, or is not renewed, the Planning Commission need not approve the renewal of any permit, even if the applicant has otherwise complied with all other terms and provisions of the current permit.



## M. Concrete and asphalt plants.

1. All structures and storage areas associated with the use shall be set back a minimum of one thousand three hundred twenty (1,320) feet from any residential district and two hundred fifty (250) feet from the property line of any Residential use.
2. All outdoor storage of vehicles, equipment, or materials associated with the facility shall be entirely enclosed by a fence that is no less than six (6) feet in height.
3. Driveways and parking areas shall be at least one hundred (100) feet from any adjacent property line.
4. Routes of supply vehicles or material handling vehicles shall be arranged to minimize nuisances or hazards to existing residential neighborhoods or commercial businesses.
5. The Planning Commission may require that ingress and egress to the facility must be from a primary road, as determined by the Board of County Road Commissioners of the County of Iron.
6. Access to the site shall be located at least one hundred (100) feet from any intersection or driveway.

## N. Confined feedlots and livestock housing facilities

1. Minimum lot size shall be twenty (20) acres.
2. Confined feedlots shall adhere to the generally accepted agricultural management practices (GAAMPS) promulgated by the State Department of Agriculture with respect to buffer areas, manure management, odor management, etc.

## O. Communication Towers.

1. A television, radio, cellular or wireless communication tower shall meet these required standards:
2. A security fence at least six (6) feet in height, but not higher than ten (10) feet, shall be constructed around the tower and any other related appurtenances.
3. The tower base shall be setback from all lot lines a minimum distance equal to one-half ( $\frac{1}{2}$ ) the height of the tower. All other buildings, structures, and guy wires shall meet the minimum setback requirements of the zoning district.
4. Where possible, joint use (co-location) of tower facilities shall be required in order to minimize the number of separate towers and individual locations throughout the Township. As a condition of approval, the applicant shall:
  - a. Agree to permit future users to share the tower facility, and
  - b. Demonstrate that it is not feasible to locate the proposed tower on public lands, or co-locate on an existing tower.
5. No new tower shall be erected within a three (3) mile radius of an existing radio, television, or cellular wireless transmission tower; unless located on the same

site or tower with another user or where the Planning Commission finds, based on evidence presented by the applicant, that such location is necessary.

6. No signs, except for warning, or other cautionary signs shall be permitted on the site.
  7. A condition of every approval of a communication tower shall be adequate provisions for removal of all or part of the facility by users and owners. The application shall include a performance guarantee to be posted at the time of receiving a building permit for the facility to ensure its removal if it is ever abandoned, or is no longer in use. In this regard, the guarantee shall, at the election of the applicant, be in the form of cash, or surety bond establishing a promise of the applicant to remove the facility in a timely fashion.
  8. All towers and antennas shall be located so that they do not interfere with reception in nearby residential areas. In the event a communication tower causes interference, the communication company shall take all steps necessary to correct and eliminate such interference.
  9. No communication tower and antenna shall be greater than two hundred (200) feet in height, except if in the opinion of the planning commission, the applicant has sufficiently demonstrated that a proposed communication tower in excess of two hundred (200) feet will reduce the total number of potential communication towers in the area.
  10. The planning commission may require a ten (10) foot wide buffer of planted material that effectively screens the view of the tower compound.
- P. Country Clubs and Golf Courses.
1. The site plan shall indicate the location of service roads, entrances, driveways and parking areas and shall be designed in relationship to the public road or street to ensure pedestrian and vehicular traffic safety.
  2. Development features shall be shown on the site plan, including the main and accessory buildings, structures and parking areas, and these areas shall be located to minimize adverse effects upon adjacent property.
  3. Buildings and parking areas shall be not less than one hundred (100) feet from any property line or abutting Residential Districts; provided that where topographic conditions are such that buildings would be screened from view. The Planning Commission may reduce this requirement where additional screening is provided.
  4. Whenever a swimming pool is to be provided, it shall be located at least one hundred (100) feet from abutting Residential Districts and shall be provided with a protective fence six (6) feet in height and entry shall be by means of a controlled gate.
  5. The minimum site area for tennis, or other racket sport shall be two (2) acres and the courts shall be located at least one hundred (100) feet from abutting Residential Districts.
  6. Where the site abuts a Residential District, screening shall be provided along that property line. Grass, plant materials, and sight-obscuring fences or walls, of a type approved by the Planning Commission, shall be placed within the buffer

- strip. The Planning Commission shall use Section 17.01 when determining screening is needed.
7. A fifty (50) foot minimum natural vegetation strip between turf areas and natural water bodies, watercourses or wetlands must be maintained. The natural vegetation strip shall not be chemically treated.
  8. The outdoor storage of trash or rubbish shall be screened in accordance with the screening requirements of Section 17.01.
  9. Accessory uses may include; clubhouse/pro shop, managerial facilities, maintenance shed, toilets, lockers, restaurant and bar, driving range, tennis, racket sport, and swimming facilities.
  10. Major accessory uses such as a restaurant and bar shall be housed in a single building with 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.
  11. The clubhouse design is to be of a residential character and exterior materials are to be primarily wood or brick.
  12. No building shall be erected to a height greater than that permitted in the district in which it is located.
  13. The total lot area covered with principal and accessory buildings shall not exceed fifteen percent (15%) of the site.
  14. No outdoor loudspeaker or call system shall be audible on adjoining property.
  15. No dwelling units shall be provided on the premises except for living quarters for a resident manager, watchman or caretaker. Those living quarters, if any, shall be constructed as part of the main building or as an accessory use near the entry to the course.
  16. 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.
  17. A minimum of two (2) satellite restrooms or other acceptable facilities are required for each nine (9) holes. The facilities are to be located away from lot lines and painted or finished in an earth tone color. Such facilities shall be approved by the Dickinson-Iron County Health Department.
  18. Golf courses shall retain and preserve native vegetation over at least thirty percent (30%) of the total upland area of the course to reduce water demand, excessive soil erosion and heavy nutrient run-off.
  19. Water quality protective measures are required as follows:
    - a. Maintenance of erosion control barriers during construction and until all ground cover is established.
    - 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 from the premises.

- c. Site areas in proximity to fuel and chemical storage areas shall be designed to direct all runoff to an on-site ponding area.
  - d. A chemical storage area must be designated within an accessory building.
  - e. The area must provide secondary containment to prevent the spread of spills.
  - f. All herbicide, insecticide, fungicide and rodenticide chemicals must be stored in a locked enclosure.
  - g. An inventory manifest of stored chemicals must be posted at the entrance of the accessory building.
  - h. At any time widespread or non-spot application of herbicide, insecticide, fungicide or rodenticide is to occur, notification signs must be posted at lot lines. The signs are to state the type and name of the chemical, date and time of application, and other appropriate information.
  - i. All chemical applications must be by a Michigan Department of Agriculture Licensed Applicator.
  - j. 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.
20. In order to ensure that the site can be restored to prior conditions should golf course construction not be completed, the Township may require posting of a performance guarantee or other acceptable security.
- Q. Day Care Center
- 1. Facilities shall be located with direct access to a paved public road.
  - 2. A facility shall not exceed sixteen hours of operation in a twenty four (24) hour period .
  - 3. Playground equipment shall not be located in required front or side yards.
  - 4. All outdoor play areas shall be enclosed with fencing, a minimum of four (4) feet high or as required by the State of Michigan.
  - 5. An off-street drop-off area is to be provided with the capability to accommodate at least two (2) vehicles in addition to the parking normally required for employees.
  - 6. Activities associated with child care shall not be permitted in any accessory building, structure, or attached or detached garage other than the main building.
  - 7. There shall be provided on the site a useable outdoor area at the rate of at least sixty-six (66) square feet for each child, or as required by the State of Michigan.
- R. Drive-through establishments including financial institutions, dry cleaner, pharmacies, and similar service, but excluding drive through restaurants.
- 1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way nor

does it interfere with internal circulation of vehicles. A minimum of five (5) stacking spaces for each service station shall be provided.

2. Parking areas shall have a front yard setback of forty (40) feet, and side and rear yard setbacks of ten (10) feet.
3. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
4. Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward adjacent property.
5. Access driveways shall be at least fifty (50) feet from any adjacent property line.
6. Access to the site shall be located at least one hundred (100) feet from any intersection or driveway.

S. Drive-through restaurants.

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of ten (10) stacking spaces for the service ordering station shall be provided.
2. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property by vehicles not using the drive-through portion of the facility.
3. In addition to parking space requirements, at least three (3) parking spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.
4. Parking areas shall have a front yard setback of forty (40) feet, and side and rear yard setbacks of ten (10) feet.
5. Access driveways shall be at least fifty (50) feet from any adjacent property line.
6. Access to the site shall be located at least one hundred (100) feet from any intersection or driveway.
7. Waste or recycling dumpster enclosures shall be screened on at least three (3) sides.
8. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
9. Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward adjacent property.
10. The Planning Commission may establish reasonable hours of operation where it is determined that the proposed use may generate noise, glare, or similar disturbances upon nearby residents.

T. Equine boarding stable and training facility.

1. All lots shall have a minimum of three (3) acres for the first horse with one (1) additional acre per each additional horse, not including young equines below weaning age or six (6) months of age, whichever is greater.

2. Animal holding areas shall be a minimum of one hundred (100) feet from an exterior property line or the ordinary high water mark of surface water.
3. Fencing shall be a minimum of four (4) feet in height and constructed of materials with the appropriate structural strength to restrain the animals.
4. All areas used as arenas for exercising, training, or exhibition of animals shall be maintained in a dust-free manner by an approved and acceptable means for the prevention of detrimental and nuisance effects of dust emission to surrounding properties,
5. The keeping and maintenance of horses, as provided for in this Section, shall comply with all regulations and provisions of the health and sanitation laws of the County and State. All premises and facilities upon which animals are permitted to be kept shall be maintained in a clean, orderly and sanitary condition at all times. All manure shall be removed or spread so as not to constitute a nuisance and in accord with Michigan Department of Agriculture and State and County Health Department regulations. All premises and facilities shall be treated with biologically, ecologically and environmentally approved pesticides for the control of odors, insects and rodents, which in any way can be considered a clear and present nuisance or detriment to the health, safety, comfort and welfare of the general public.
6. Parking shall be provided at a minimum of one (1) parking space per two (2) animals, based on the number of horse stalls or maximum number of horses that can be accommodated in the stables.
7. Enclosed riding arenas associated with commercial equine establishments shall not exceed ten thousand (10,000) square feet in gross floor area on a minimum of ten (10) acre site, except that an additional one thousand five hundred (1,500) square feet of floor area may be permitted for each additional full acre in a lot area. No living quarters shall be located in any arena building or boarding stable.

U. Elderly Housing

1. Parking shall be provided at the rate of one (1) space per unit. Should units revert to general occupancy, then two (2) parking spaces per unit shall be provided.
2. Minimum lot size shall be one (1) acre with a minimum of two thousand, four hundred (2,400) square feet of lot area per dwelling unit.
3. All units in the building shall have a minimum of four hundred fifty (450) square feet per unit.
4. A covered drop-off and pick-up area shall be provided on-site in close proximity to the main entrance.
5. Walkways shall be provided from the main building entrances to the sidewalk along the adjacent public or private street(s).
6. Maximum height shall not exceed three (3) stories or fifty (50) feet.

V. Farm market

1. Minimum lot size shall be five (5) acres.
2. Any farm products sold shall be grown or produced on the farm.

3. Farm market activities may include entertainment functions associated with the farm including, but not necessarily limited to, cider processing, donut making, pumpkin carving, hayrides, apple dunking, and Christmas tree cutting.
  4. No activity or structure shall be located within fifty (50) feet of the public road right-of-way.
  5. All parking shall be out of the public right of way. A minimum of ten (10) parking spaces shall be provided for the market. Facilities providing entertainment functions shall provide a minimum (100) spaces for off-street parking.
  6. The access drive which shall be wide enough to accommodate two vehicles side-by-side. Two access drives may be required by the Township where a facility is large enough to need additional access points.
  7. Access to the site shall be located at least one hundred (100) feet from any intersection or driveway.
  8. Suitable containers for rubbish shall be placed on the premises for public use.
  9. Storage structures shall be permitted.
  10. Farm markets shall be located no closer than three-hundred (300) feet from any lot line which abuts a residential zone or dwelling unit.
- W. Funeral homes and mortuary establishments.
1. Minimum lot area shall be one (1) acre and minimum lot width shall be one hundred and fifty (150) feet.
  2. An off-street vehicle assembly area shall be provided to be used in support of funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.
  3. No waiting lines of vehicles shall extend off-site or onto any public road.
  4. Driveways and parking areas shall be at least one hundred (100) feet from any adjacent property line.
  5. Access to the site shall be located at least one hundred (100) feet from any intersection or driveway.
- X. Home-based Business
1. Home-based businesses shall not include vehicle repair or maintenance, junk yards or scrapping operations, septic system pumping services, and uses which must meet special building code requirements such as automatic fire suppression systems, explosion proof construction, paint booths, hazardous waste containment systems, and other such systems.
  2. With the Special Land Use application and associated site plan, the following information shall be included:
    - a. Type of business.
    - b. Hours of operation.
    - c. Number of employees.
    - d. Amount and type of waste (material and effluent) to be generated and the method of handling and disposing of all wastes.

- e. Anticipated levels of noise, odor, glare, dust, fumes, and related impacts.
  - f. Anticipated traffic levels (customer, delivery vehicles, etc.).
  - g. In the case of electrical interference, no equipment or process shall be used which creates unreasonable visual or audible interference in radio or TV receivers off the premises or causes fluctuations in line voltage off premises.
3. The parcel containing such home-based business shall be a minimum of three (3) acres and shall contain a single family dwelling.
  4. The home-based business shall be owned and operated by the owner of the dwelling located on the property.
  5. No more than three (3) persons who are not residents of the dwelling shall be employed on the premises at which the home business is conducted.
  6. Any need for parking generated by the conduct of such home business shall be provided off the road.
  7. The home-based business may be conducted entirely within one approved accessory building of up to three percent (3%) of the total land area of the parcel, not exceeding five thousand (5,000) square feet in area. All activities shall be conducted within such building and no outdoor storage of materials shall be permitted.
  8. Parking of commercial grade vehicles shall be a screened from public view and neighboring properties. The number of commercial grade vehicles shall be limited to five (5) vehicles.
  9. The accessory building in which the home-based business is conducted shall have a minimum front setback of fifty (50 feet) and shall not be closer than one hundred (100) feet to any side or rear property line.
  10. The home based business shall not result in the alteration of the dwelling, nor the construction of an accessory building, which is not customary to dwellings and residential accessory buildings.
  11. One non-illuminated sign may be permitted for the home-based business, not exceeding six (6) square feet in area and not higher than four (4) feet above grade.
  12. No merchandise, equipment, or articles for sale shall be displayed for advertising purposes so as to be viewable from outside the main building.
- Y. Hotels and motels.
1. Minimum lot area shall be four (4) acres and minimum lot width shall be two hundred (200) feet.
  2. Parking areas shall have a minimum front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
  3. Ingress and egress shall be from a paved primary road.
  4. Minimum floor area of each guest unit shall be two hundred and fifty (250) square feet.
  5. Maximum building height shall not exceed the height limits of the district.



- Z. Junk yards/salvage yards.
1. The property shall be a minimum of six (6) acres.
  2. Requests for a special land use approval for establishment of a salvage or junk yard shall also require submission of a detailed proposal identifying the predominant type of salvage or junk to be received, the methods of separation and/or recycling, and ultimate destination of waste materials.
  3. The Planning Commission may require that ingress and egress to the facility must be from a primary road, as determined by the Board of County Road Commissioners of the County of Iron.
  4. No portion of the storage area shall be located within one thousand (1,000) feet of any Residential District, one hundred (100) feet of any other property line, or within one hundred feet of any public road right-of-way line, nor shall it be located within one thousand (1,000) feet of any body of water.
  5. Any outdoor storage area shall be completely enclosed by a fence, wall, or dense evergreen planting strip at least six (6) feet, but no more than eight (8) feet, in height constructed of a sturdy, durable material and sufficiently opaque to ensure that salvage is not visible from outside the storage area. The screen enclosure shall have a minimum of two (2) non-transparent gates not exceeding forty-eight (48) feet in width providing access to the storage area for vehicles but shall not allow direct view of the storage area from adjacent properties or roads. The fence, wall and/or landscaping shall be continuously maintained in good condition.
  6. Stored materials shall not be placed outside the required fenced or screened area and shall be stored in a manner so as not to be visible from adjoining properties or rights-of-way. Materials stacked higher than eight (8) feet shall be set back a minimum of fifty (50) feet from the perimeter fence; unless otherwise specifically permitted by the Planning Commission.
  7. The fence or wall enclosing the storage area shall meet the applicable building setback requirements in the front yard.
  8. A management office shall be provided on site. A residence may be permitted for security personnel or on-site operator.
  9. Conditions within the storage area shall minimize the hazards of fire, environmental contamination and other threats to health and safety.
  10. All portions of the storage area shall be accessible to emergency vehicles.
  11. Vehicles or vehicle bodies shall be stored in rows with a minimum of twenty (20) foot continuous loop drives separating each row of vehicles.
  12. All batteries shall be removed from any vehicle, and all radiators, oil sumps, and fuel tanks shall be drained prior to the vehicle being placed in the storage yard. Salvaged batteries, oil and other such substances shall be removed by a licensed disposal company or be stored in a manner which prevents leakage. No fluids removed from vehicles shall be applied as a dust control method.

13. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard. The area used for any dismantling or any other activity associated with removing body parts or components shall be paved with asphalt or Portland cement binder and equipped with a drainage system that will allow the capture of any fluids or other materials. Any captured fluids shall be disposed of in a safe and sanitary manner.
  14. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to the hours of 6:00 a.m. and 7:00 p.m.
  15. The Planning Commission may impose other conditions which have a reasonable relationship to the health, safety and general welfare of the Township. These conditions may include a provision for an annual inspection by the Zoning Administrator to ensure continuing compliance with the above standards.
- AA. Marinas
1. Minimum lot size shall be one (1) acre.
  2. Buildings, docks, and parking areas shall be located no closer than thirty-five (35) feet from any residential property line.
  3. Adequate standing and parking 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.
  4. Accessory uses shall occupy no more than four hundred (400) square feet of building area.
  5. Screening may be required by the Planning Commission to reduce the impact on adjacent properties.
  6. Adequate secondary containment shall be employed if any petroleum or other such products are sold on the premises.
  7. A permit to erect, maintain, or operate a marina shall be secured from the State of Michigan in conjunction with any other approvals.
- BB. Migrant Agricultural Labor Housing
1. Farm size shall be a minimum of twenty (20) acres in size.
  2. Seasonal housing shall only be used for persons and their families directly employed by the owner of the farm dwelling.
  3. The rules, regulations, and standards of the State of Michigan governing the licensing and operation of seasonal housing shall apply where any dwelling is used to house one or more seasonal workers.
  4. Seasonal housing shall be located at least one hundred (100) feet from any public road, at least two hundred (200) feet from any other property line and four hundred (400) feet from any dwelling on adjacent property.
  5. No newly constructed seasonal housing unit shall have more than one story nor accommodate more than one family. No migrant housing structure shall be closer than thirty (30) feet to another structure.

6. To ensure adequate access for emergency vehicles and personnel, no seasonal housing unit shall be located closer than thirty (30) feet to a driveway or private road and no closer than ten (10) feet to any other building or structure.
7. All construction shall conform to the building codes adopted by the Township and other Ordinances where such regulations impose greater standards than state and federal regulations.
8. Any seasonal housing that is not occupied by seasonal workers during five (5) consecutive seasons shall be removed by the owner within six (6) months.

CC. Mini-storage

1. The use shall be developed on lots of at least two (2) acres, but not more than five (5) acres in size. No more than sixty percent (60%) of the lot may be used for buildings, parking lots and access.
2. The lot shall abut and gain access from a primary road.
3. Access to the site shall be located at least one hundred (100) feet from any intersection or driveway.
4. The Planning Commission may require a six (6) foot, solid fence of a material acceptable to enclose the area occupied by the use. The fence may be required to be set back at least thirty (30) feet from the front property line.
5. The Planning Commission may require the front yard, up to the fence, be landscaped in accordance with Section 17.01.
6. Outdoor storage of boats and recreational vehicles is permitted provided the storage area is properly screened.
7. Minimum side and rear yards as specified for the District shall be maintained.
8. There shall be a minimum of thirty-five (35) feet between storage facilities for driveway, parking, and fire lane purposes. Where no parking is provided within the building separation areas, the building separation need only be twenty-five (25) feet.
9. Traffic direction and parking shall be designated by signs or painting.
10. The Planning Commission may require that the lot area used for parking and access be a paved surface and shall be drained so as to properly dispose of all surface water.
11. Where the site abuts a Residential District, screening that complies with Section 17.01 shall be provided along that property line.

DD. Nursing or convalescent homes

1. Minimum lot size shall be three (3) acres with at least two hundred (200) feet of frontage.
2. The lot location shall be such that at least one (1) property line abuts a primary road. The ingress and egress for off-street parking areas for guests and patients shall be directly from that primary road.
3. Main buildings shall be set back at least seventy-five (75) feet from all property lines.

4. The facility shall be designed to provide a minimum of five hundred (500) square feet of open space for every bed used or intended bed to be used. This open space shall include landscaping and may not include off-street parking, driveways, required yard setbacks and accessory uses.
5. Access to the site shall be located at least one hundred (100) feet from any intersection or driveway.

EE. Open air businesses.

1. The lot area shall be at least two (2) acres with a minimum lot frontage of two hundred (200) feet.
2. No access to or from such establishment shall be permitted on any residential road.
3. A six (6) foot fence, wall, or appropriate greenbelt shall be constructed along the rear and sides of the lot, capable of keeping trash, paper, and other debris from blowing off the premises.
4. The lot area used for parking, display, or storage shall be provided with a durable and dustless surface, and shall be graded and drained so as to properly dispose of all surface water.
5. Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.
6. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.
7. Access to the site shall be located at least one hundred (100) feet from any intersection or driveway.

FF. Open Space Development

1. Minimum lot size shall be forty (40) acres.
2. The proposed development shall meet the purpose of Open Space design objectives which is to promote the continuation of a rural land use character, protection of environmental resources, and preservation of active agricultural lands through clustering homes rather than laying them out along public roads or in a grid or curvilinear pattern found in many traditional subdivisions.
3. The Open Space Development (OSD) design shall provide a sense of rural character for the residents of the individual developments affected by these regulations as well as the area as a whole.
4. The OSD design shall foster the preservation of significant natural features, large open spaces, woodlands or active agricultural land that would otherwise be altered from their natural or undeveloped condition.
5. All dwelling units shall be single-family detached housing.
6. The OSD design may include agricultural crops, golf courses, stables, and private airports. In no case, however, shall a golf course or airport be considered part of the required open space. The list of allowed uses shall be outlined in the special use permit.

7. The maximum base density and number of dwelling units permitted in the OSD shall be determined through the submission of a parallel plan showing the number of dwelling units that may be developed under the existing zoning classification. The Planning Commission may require additional detail or information as it may determine necessary to evaluate the feasibility of the parallel plan. The parallel plan shall meet the following minimum requirements:
  - a. The parallel plan shall contain enough detail to permit the Planning Commission to evaluate the feasibility of development for each lot.
  - b. All lots or buildings shown on the parallel plans shall be located on buildable lots, which, for the purposes of this Section shall mean lots that are of sufficient size and shape to meet existing zoning requirements and accommodate a main building, septic and well systems and required roads and driveways.
  - c. Areas of wetlands, water bodies, and other unbuildable areas shall not be included within buildable areas, but may be included in the lot area calculations.
  - d. In evaluating the feasibility of the parallel plan, the Planning Commission shall consider whether or not the plan would have been approved under the processes normally used to review site plans or subdivision plans, including such factors as access, lot orientation, road layout, and other considerations the Commission deems appropriate.
  
8. The Planning Commission may authorize further bonus densities in accordance with the table below for additional amenities provided by the developer of an open space development. In no case shall the density bonus total more than fifty percent (50%) of the density determined by the parallel plan.

Preservation of wetlands	5%
10% Additional open space provided	5%
20% Additional common waterfront frontage provided	5%
Trails and play equipment provided	10%
Wildlife habitat augmented (per Soil Conservation Service Standards)	5%
Community wastewater disposal system	30%
Community water service system	25%

9. Design Standards:
  - a. Cluster areas shall be designed to avoid a suburban subdivision appearance. Generally, neighborhood clusters should have not more than ten to fifteen (10-15) units per cluster for smaller developments and fifteen to twenty (15-20) units for larger developments.
  - b. Visual screening of dwellings from off-site road networks and open space preservation development boundaries shall be accomplished through the siting of residences, maximizing existing screens, and providing new natural screens and/or open space buffers where appropriate.
  - c. A series of dead-ends or cul-de-sacs serving the development are discouraged. Eyebrow, court, or stub roads are preferred.

- d. Entryways to OSDs shall be designed consistent with the rural, natural character of the surrounding area and shall consist of natural vegetation rather than groomed, landscaped areas.
  - e. Where adjoining areas are not subdivided, the arrangement of roads within the proposed open space community shall be required to be extended to the boundary line of the project to make provision for the future projection of roads into adjoining areas.
  - f. Road systems shall be designed so that their curvature or alignment produces 'terminal vistas' of open space elements, such as water features, meadows, or playing fields. This may commonly occur at the terminus of road intersections or where there are driveways provided on only one side of the road.
10. Development Setback
- a. Any building lot shall be located at least two hundred (200) feet from any public road right-of-way.
  - b. No native or natural vegetation shall be removed from the (200) foot setback, nor any grading or changes in topography occur, except that necessary for entrance roads, required utilities, or drainage improvements. The Planning Commission may modify this requirement provided the applicant demonstrates that the clearing of existing vegetation would contribute significantly to the purpose and objectives of the OSD.
  - c. The Planning Commission may reduce this setback to not less than one hundred (100) feet if existing landscaping or topography provides a natural screen that substantially blocks the view to the proposed development.
  - d. The Planning Commission may require a landscape plan for the development setback area showing additional landscaping to enhance the screening of the OSD from the adjacent road. This landscaping may consist of existing vegetation, land forms, or landscaped areas using native or natural materials, or a combination thereof.
  - e. OSD sites abutting more than one (1) public road shall be permitted to reduce the setback on the shortest side of the abutting roads to one hundred (100) feet without a natural screen. No native or natural vegetation shall be removed from the one hundred (100) foot setback, nor any grading or changes in topography occur, except that as may be necessary for entrance roads or utilities.
11. All PUDs shall meet the following requirements for open space.
- a. Designated open space shall be set aside through an irrevocable conveyance, approved by the Township Attorney, such as a recorded deed restriction, covenants that run perpetually with the land, a conservation easement, or dedication to a land trust. The dedicated open space shall forever remain open space, subject only to uses on the approved site plan. Further use of open space for other than recreation or conservation purposes, except for easements for utilities, shall be strictly prohibited. Any change in use of the open space from what is

- shown on the approved site plan shall require Township Board approval, and shall not diminish compliance with the requirements of this Chapter.
- b. Nothing herein shall prevent the conveyance of open space to a public agency or other non-profit entity for recreational or conservation use.
  - c. The designated open space shall be of functional value as it relates to opportunities for wildlife habitat, woodland preservation, agricultural use, recreation, visual impact, and access.
  - d. The open space and access to it shall be permanently marked and designed so individuals in the development are not forced to trespass to reach recreational or common open spaces.
  - e. The following land areas shall not be included as dedicated open space for the purposes of meeting minimum open space requirements:
    - (1) Area proposed as single family residential or site condominium lots.
    - (2) Area proposed to be occupied by multiple family dwellings, including the minimum required setbacks around buildings.
    - (3) The area of any street right-of-way or private road easement.
    - (4) Surface water, detention or retention basins, unless designed to have the appearance of a natural wetland, in which case they may be counted for up to fifty percent (50%) of the required open space.
    - (5) Golf courses.
    - (6) Parking and loading areas, except those exclusively associated with a recreation facility or common open space area.
    - (7) Any other undeveloped areas not meeting the intent and standards for open space stated in this Section, as determined by the Township Board.
12. On-site common open space shall be planned in locations visible and accessible to all in the development. The township Board shall determine if the proposed open space is usable and functional. The common open space may either be centrally located, located to preserve natural features, located to buffer adjacent uses, or located to connect open spaces throughout the development, provided the following areas shall be included within the open space area:
- a. Any significant natural features.
  - b. At least one-third (1/3) of the required common open space shall be usable open space for the residents of the development.
  - c. Open space, except for where trails and bike paths are located, shall have minimum dimensions of one hundred (100) feet.
  - d. Where an open space preservation development abuts a body of water, at least fifty percent (50%) of the shoreline, as well as reasonable access to it, shall be a part of the common open space land.

- e. A minimum fifty (50) foot wide undisturbed open space setback shall be maintained from the edge of any stream or wetland; provided that the Township Board may permit trails, boardwalks, observation platforms, or other similar structures that enhance passive enjoyment of the site's natural amenities within the setback.
- f. Where adjacent land includes open space, public land or existing or planned bike paths, open space connections shall be provided between the site and adjacent open space. Trails between adjoining open space developments shall be constructed to allow future interconnection.

GG. Outdoor Recreation development

- 1. Outdoor commercial recreation and entertainment uses shall include, but need not be limited to, the following:
  - a. Miniature golf.
  - b. Animal racing, go-cart, automobile or motorcycle tracks.
  - c. Amphitheaters
  - d. Amusement and water parks.
  - e. Drive-in theaters.
  - f. Airgun or survival games.
  - g. Amusement parks
  - h. Golf driving range
  - i. Fairgrounds
  - j. Batting cages
  - k. Ski slope
  - l. Skate board park
  - m. Uses similar to the above uses
  - n. Uses accessory to the above uses, such as refreshment stands, retail shops selling items related to the above uses, maintenance buildings, office for management functions, spectator seating and service areas, including locker rooms and rest rooms.
- 2. The site shall be located on, or shall take its principal access from a major thoroughfare.
- 3. All points of entrance or exit shall be located no closer than two hundred (200) feet from the intersection of any two streets or highways except miniature golf and driving ranges which shall be not less than one hundred (100) feet.
  - a. All vehicles shall have clear vision approaching a public street within one hundred (100) feet of the street for a sight distance of five hundred (500) feet in either direction along the street.
  - b. Acceleration and deceleration lanes shall be provided where physically possible; at points of ingress and egress.



- c. Adequate stacking area shall be provided for vehicles waiting to enter the lot.
  - d. No drive shall be closer than two hundred and fifty (250) feet from an intersection or one hundred (100) feet from another driveway.
  - e. The maximum number of driveways permitted on a major thoroughfare is two (2).
  - f. The outdoor space used for parking and vehicle stacking, shall be hard surfaced and adequately drained.
4. The minimum site area shall be:
- a. Three (3) acres for: flea markets, batting cages, skate board parks and mini-golf. Minimum lot width shall be two hundred (200) feet.
  - b. Ten (10) acres for: amphitheater and amusement parks. Minimum lot width shall be six hundred (600) feet.
  - c. Twenty (20) acres for all other listed commercial recreation uses. Minimum lot width shall be six hundred (600) feet.
5. Buffering Requirements:
- a. No building or spectator seating facility shall be located within one hundred (100) feet of a lot line of adjoining residentially zoned property. Whenever any use permitted in this subsection abuts a property which is in a residential, business or agricultural district, a landscaped buffer strip of at least one hundred (100) feet in width shall be provided between such use and the adjoining district in accordance with Section 17.01. Golf driving ranges and miniature courses shall have a minimum landscaped buffer strip of fifty (50) feet when adjacent to a residential, agricultural, or business district.
  - b. Front, side and rear yards shall be at least eighty (80) feet. The first fifty (50) feet of such yards shall be kept free of off-street parking and shall be landscaped.
  - c. Whenever parking areas are adjacent to land zoned or used for residential purposes, a five (5) foot wall or greater shall be provided along the sides of the parking area adjacent to such residential land.
  - d. Race tracks and drive-in theaters shall be enclosed around the entire periphery with an obscuring screen fence at least eight (8) feet in height. Fences shall be of permanent finished construction, painted or otherwise finished neatly, attractively and inconspicuously.
  - e. Golf driving ranges shall provide safety screening as deemed reasonable and necessary by the Planning Commission.
6. Performance Standards:
- a. The applicant shall provide evidence of compliance with all appropriate federal, state, county and local permits as appropriate.
  - b. Facilities which have a participant capacity greater than 500 people shall provide letters of review from the Office of the Iron County, Michigan

Sheriff and Board of County Road Commissioners of the County of Iron with respect to the proposed project.

- c. Exterior lighting shall be installed in such a manner that so that it does not impede the vision of traffic along adjacent streets.
- d. Facilities using night lighting adjoining a residentially zoned property shall deflect lighting away from these areas.
- e. Excessive dust, noise, traffic, and trespassing shall not be inflicted on adjacent properties.
- f. All sanitary facilities shall be designed and constructed in strict conformance with Dickinson-Iron County Health Department regulations.
- g. Sites shall be periodically cleared of debris so that litter does not accumulate on adjacent properties. Adequate trash receptacles shall be provided, as needed throughout the site.
- h. In no case shall a recreational accessory use predate the installation and operation of the principal use. When the principal use ceases to operate, the accessory use shall immediately cease.
- i. Accessory commercial activities shall be limited to those necessary to serve only the seasonal patrons of the facility.
- j. Not more than sixty five (65%) of the land area shall be covered by recreational uses.
- k. Central loudspeakers/paging systems are prohibited within one-hundred 100 feet of residentially zoned property.
- l. The intensity level of sounds shall not exceed seventy (70) decibels (dBA) at the lot line of industrial uses; sixty five (65) decibels at the lot line of commercial uses and fifty-five (55) decibels at the lot line of residential uses. The sound levels shall be measured with a type of audio output meter approved by the United States Bureau of Standards.
- m. All such recreational uses shall be located at least five-hundred (500) feet from any other such use.
- n. Drive-in theater picture screens shall not face any public street and shall be so located as to be out of view from any major thoroughfare. Drive-in theater picture screens shall not exceed seventy (70) feet in height above the existing ground elevation.
- o. 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 11:59 PM and may be prohibited on legal holidays.
- p. All outdoor recreation and entertainment establishments which serve alcohol shall receive approvals, sanctions or other requirements of the Michigan Liquor Control Commission.

HH. Place of Religious Worship.

1. The facility shall be located on a minimum lot size of two (2) acres; plus an additional fifteen thousand (15,000) square feet for each one hundred (100) seating capacity or fraction thereof in excess of one hundred (100) members.
  2. The facility shall have a minimum of two hundred (200) feet of frontage and have direct access to a paved collector street.
  3. Access driveways shall be located no less than one hundred fifty (150) feet from the centerline of the intersection of any street or fifty (50) feet from any residential driveway.
  4. The main and accessory buildings and structures shall not be located within fifty (50) feet of any Residential District.
  5. Lighting for parking or outdoor activity areas shall be shielded to prevent light from spilling over the property line.
- II. Raising of fur-bearing animals or game birds.
1. Minimum lot size shall be five (5) acres.
  2. Minimum setback of one hundred (100) feet from any property line is required for the area used for breeding, rearing, selling, and housing the animals or birds.
  3. Fencing will be required commensurate with that required to obtain a "Permit to Hold Wildlife in Captivity" permit from the Michigan Department of Natural Resources.
  4. Hunting of animals or birds for sport or profit may be permitted in designated areas subject to State laws pertaining to separation distances required between hunting areas and residential structures.
  5. Animal waste shall be disposed of in safe manner, as recommended by the Dickinson-Iron County Health Department. Such disposal shall not constitute a hazard or nuisance to adjacent property owners.
- JJ. Resorts
1. Minimum lot size shall be five (5) acres.
  2. Egress shall be provided from a major county road.
  3. Outdoor recreational facilities shall be setback a minimum of fifty (50) feet from side property lines.
  4. Each cottage or rooming unit shall provide a minimum of ten thousand (10,000) square feet of common open space on site.
  5. Each cottage or rooming unit shall have a minimum area of three hundred (300) square feet.
- KK. Schools; public, parochial or charter.
1. Such uses shall require a minimum lot size of ten (10) acres, except for parks and playgrounds, which shall meet the minimum lot requirement of the District in which they are located.
  2. The principal and accessory buildings and structures shall not be located within fifty (50) feet of any Residential District.
- LL. Sexually-oriented businesses.

1. In the development and execution of this subsection, it is recognized that there are some uses that, because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances or when one or more of them is located in proximity to a Residential District, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding area. These special regulations are itemized in this subsection. These controls are for preventing a concentration of these uses within any one area, or to prevent deterioration or blighting of nearby neighborhoods. These controls do not legitimize activities prohibited in other sections of the Zoning Ordinance.
2. Any sexually-oriented business use is permitted if:
  - a. The proposed use is not an accessory use or incidental use and the use is located within a zone district where the use may be permitted as a Special Land Use.
  - b. The use is not located within a one thousand (1,000) foot radius residential zoning district, or regular place of worship, a public or private nursery school, preschool, kindergarten, elementary or secondary school, public park or a licensed child care center.
  - c. The use shall not be within five hundred (500) foot radius of another such use or any establishment that serves alcohol. Separation distances between sexually oriented businesses may be waived by the Planning Commission, if the following findings are made:
    - (1) That the proposed use will not be contrary to the public interest or injurious to nearby properties and that the spirit and intent of this subsection will be observed.
    - (2) That the proposed use will not enlarge or encourage the development of a blighted or deteriorating area in its immediate surroundings.
    - (3) That the establishment of a regulated use, or an additional regulated use, in the area will not be contrary to any program of neighborhood conservation.
    - (4) That all applicable state laws and local Ordinances will be observed.
    - (5) Prior to the granting of any waiver as herein provided, the Planning Commission may impose any such conditions or limitations upon the establishment, location, construction, maintenance, or operation of the regulated use as may, in its judgment, be necessary for the protection of the public interest. Any evidence and any guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.
  - d. For purposes of this subsection, the separation between a sexually oriented business and a use listed in this subsection shall be measured from the sexually oriented business to the boundary line of the use or district in which the other use is located and the separation distance between a sexually oriented business and another sexually oriented

business shall be measured from the sexually oriented business' lot line to the other sexually oriented business' lot line.

- e. If any portion of the building or structure in which the sexually oriented business is located fails to meet the separation distance requirements of this subsection, then the entire building or structure shall be ineligible for a sexually oriented business use.
- f. The presence or existence of a city, county or other political subdivision boundary shall be irrelevant for the purposes of calculating and applying the separation distance requirements of this subsection.
- g. Parking spaces shall be provided at the ratio of one (1) space per person permitted by the maximum occupancy load established by Township, State, County or Township fire, health, or building codes.
- h. Parking shall be provided in front of the building.
- i. No sexually-oriented business shall remain open at any time between the hours of 11:00 p.m. and 10:00 a.m. and no such use shall be open on Sundays.
- j. No alcohol shall be served at any sexually-oriented business.
- k. No sexually-oriented business use shall permit any person under the age of eighteen (18) years to enter the premises. Signs shall be conspicuously posted noting that such minors are not allowed.
- l. All parking areas and the building shall be well lighted to ensure the safety and security of patrons. These areas shall remain lighted for one (1) hour after closing each night.
- m. The activities to be conducted or the materials to be distributed shall not be in violation of any applicable statute, code or Ordinance.

MM. Shooting, rifle and handgun ranges

- 1. Minimum lot area shall be twenty (20) acres for an outdoor range and five (5) acres for an indoor range.
- 2. Minimum front, side and rear yard setbacks shall be two hundred fifty (250) feet.
- 3. All landscaping and buffering shall comply with requirements of Section 17.01
- 4. All federal, state and local codes and Ordinances in regard to firearms shall be strictly adhered to. In addition, the requirements of the Sport Shooting Ranges Act, Public Act 269 of 1989, as amended, being MCL 691.1541 et seq shall be adhered to.
- 5. A site plan for the range, whether indoor or outdoor, shall be submitted 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.
- 6. The operator shall have the Office of Iron County, Michigan Sheriff review and comment on the site plan prior to submitting it to the Zoning Administrator.
- 7. Rifle and pistol ranges shall have adequate backstops that meet the approval of the Site Plan Review Committee.

8. A minimum of a five (5) foot high chain link fence shall be provided around any outdoor shooting area to assure that individuals will not unknowingly trespass on the property, particularly where firearms are being discharged. Signs designating the area as a shooting range shall be clearly posted.
  9. Hours of operation shall be between 8:00 a.m. and dusk.
  10. The intensity level of sounds shall not exceed sixty-five (65) decibels at the lot line of commercial uses and fifty-five (55) decibels at the common lot line when adjacent to residential uses and residential districts. The sound levels shall be measured with a type of audio output meter approved by the United States Bureau of Standards.
  11. Rifle and pistol ranges shall have sufficient backstop to prevent further range of a bullet or an errant shot.
  12. The layout of the shooting range shall follow guidelines available from public and nonprofit organizations maintained in the office of the Zoning Administrator, which are designed to enhance public safety, minimize accidents, guarantee insurance coverage and minimize liability.
- NN. Slaughter houses, meat packing plants, and stock yards.
1. The minimum site area shall be five (5) acres with a minimum lot width of two hundred (200) feet.
  2. No building, storage or corralling of animals shall be done within a minimum setback of two hundred (200) feet from a Residential Zoning District.
  3. Any area containing live animals shall have an opaque fence of at least four (4) feet in height and sufficiently strong to contain the animals held in the storage area.
  4. Animal waste and wastewater treatment shall adhere to the Generally Accepted Agricultural Management Practices promulgated by the Michigan Department of Agriculture.
- OO. State Licensed Residential Care Facilities, small and large group homes
1. Non-residential parking setback and screening provisions shall apply.
  2. The facility shall be at least one thousand five hundred (1,500) feet from any other similar facility.
- PP. Truck and freight terminals.
1. Minimum lot size shall be ten (10) acres with a minimum frontage of four hundred (400) feet.
  2. No structures, parking areas, or facilities shall be located within forty (40) feet of the front property line. The front setback shall be landscaped in accordance with Section 17.01.
  3. No portion of any structure, facility, access drive or parking area shall be located within one hundred (100) feet of any Residential District.
  4. Except for the required front yard setback, all developed areas of the site shall be enclosed by a minimum six (6) foot chain link fence (barbed or razor wire is prohibited).

5. Lighting shall be installed and shielded in a manner which shall not create a driving hazard on adjacent roads or which will cause direct illumination on adjacent property.
  6. The Planning Commission may require that ingress and egress to the facility must be from a primary road, as determined by the Board of County Road Commissioners of the County of Iron.
  7. Deceleration lanes may be required by the Planning Commission.
  8. It shall be determined that automotive or truck traffic will be no more hazardous nor the volume of traffic any greater than is normal for the road involved. The Planning Commission shall take into consideration vehicular turning movements in relation to routes of traffic flow, proximity and adequacy of interchanges.
  9. Access to the site shall be located at least one hundred (100) feet from any intersection or driveway.
  10. Disabled or inoperable trucks and on-site trailer storage shall not be parked outside of an enclosed building more than five (5) consecutive days.
  11. No trailers shall be stored on site for use as storage containers.
- QQ. Vehicle body and repair shops.
1. The principal and accessory buildings and structures shall not be located within one hundred (100) feet of any Residential District.
  2. Minimum lot area shall be one (1) acre and minimum lot width shall be one hundred and fifty (150) feet.
  3. All equipment and activities associated with vehicle repair operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.
  4. No more than three (3) inoperable vehicles shall be permitted on site. Inoperative vehicles left on the site shall be stored in an enclosed building within forty-eight (48) hours or in an area screened by an opaque fence not less than six (6) feet in height. Such fence shall be continuously maintained in good condition.
  5. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited unless appropriately screened.
  6. Where adjoining a Residential District, a twenty (20) foot buffer which complies with the requirements of Section 17.01 and fence six (6) feet in height shall be erected along any common lot line.
  7. Access to the site shall be located at least one hundred (100) feet from any intersection or driveway.
- RR. Vehicle service stations.
1. Minimum lot area shall be one (1) acre and minimum lot width shall be one hundred fifty (150) feet.
  2. Pump islands shall be a minimum of forty (40) feet from any public right-of-way or lot line.

3. Only one access driveway shall be permitted on any single road. All access driveways shall be located no less than one hundred (100) feet from another driveway.
  4. If retail sales of convenience goods are conducted on the premises, parking for such uses shall be computed and provided separately for that use without impedance of pump traffic.
  5. Canopy roofs shall be permitted to encroach into any required yard, provided that a minimum setback of twenty (20) feet from adjacent property lines is maintained and further provided that the fascia of such canopy is a minimum of fifteen (15) feet above the average grade.
  6. Where adjoining a Residential District, a twenty (20) foot buffer which complies with the landscaping standards of Section 17.01 and fence six (6) feet in height shall be erected along any common lot line. The fence shall be continuously maintained in good condition.
  7. The Planning Commission may establish reasonable hours of operation where it is determined that the proposed use may generate noise, glare, or similar disturbances upon nearby residents.
- SS. Vehicle wash establishments, either self-serve or automatic.
1. Sufficient stacking capacity for the drive-through portion of the vehicular wash establishment shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of ten (10) stacking spaces for an automatic wash facility shall be provided. For self-service establishments, each stall shall have at least two (2) stacking spaces at each entrance and one (1) space at each exit.
  2. Vacuuming activities, if outdoors, shall be at least one-hundred (100) feet from any Residential District.
  3. Wash bays for self-service establishments shall be located at least fifty (50) feet from any Residential District.
  4. Only one access driveway shall be permitted on any single road. All access driveways shall be located no less than one hundred (100) feet from another driveway.
  5. Where adjoining a Residential District, a solid fence or wall, six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.
  6. The Planning Commission may establish reasonable hours of operation where it is determined that the proposed use may generate noise, glare, or similar disturbances upon nearby residents.
- TT. Veterinary clinics and hospitals
1. Buildings which house animals, runs or exercise areas shall be located at least one hundred (100) feet from a property line and shall be screened in accordance with Section 17.01.
- UU. Wind Energy Conversion System (WECS).
1. Such facilities may be permitted as a principal use or an accessory use on a parcel.



2. Minimum lot size for a commercial WECS shall be twenty (20) acres, but a minimum of five (5) acres of site area is required for each WECS proposed within an eligible property. Minimum lot size for a non-commercial WECS shall be five (5) acres.
3. In addition to the requirements for Site Plan application, the following information shall be include with any application of a Special Land Use for a WECS:
  - a. Location of overhead electrical transmission or distribution lines.
  - b. Location and height of all buildings, structures, towers, guy wires, guy wire anchors, security fencing, and other above ground structures associated with the WECS.
  - c. Locations and height of all adjacent buildings, structures, and above ground utilities located within three hundred (300) feet of the exterior boundaries of the site housing the WECS and/or Testing Facility. The boundaries to include the outermost locations upon which towers, structures, fencing, facilities, and other items associated with a WECS are placed. Specific distances to other on-site buildings, structures, and utilities shall be provided.
  - d. A proper buffer or greenbelt to screen the use from any adjacent residential use or district and the public road as outlined in Section 17.01.
  - e. Existing and proposed setbacks of all structures located on the property in question.
  - f. Sketch elevation of the premises accurately depicting the proposed WECS and its relationship to all structures within three hundred (300) feet. For wind farms in which case numerous towers of similar height are planned, sketches are necessary only at borders of proposed project and when adjacent to other established structures within three hundred (300) feet.
  - g. Access road to the WECS and Testing Facility with detail on dimensions, composition, and maintenance.
  - h. Planned security measures to prevent unauthorized trespass and access.
  - i. WECS and testing facility maintenance programs shall be provided that describes the maintenance program used to maintain the WECS and testing facility, including removal when determined to be obsolete.
4. A copy of the manufacturer's installation instruction shall be provided. Included as part of or as an attachment to the installation instructions shall be standard drawings of the structural components of the wind energy conversion system and support structures, including base and footings provided along with engineering data and calculations to demonstrate compliance with the structural design provisions of the Building Code; drawings and engineering calculations shall be certified by a registered engineer licensed to practice in the State of Michigan.
5. Each WECS shall be grounded to protect against natural lightning strikes in conformance with the National Electrical Code. Additionally, WECS and Testing Facility electrical equipment and connections shall be designed and installed in adherence to the National Electrical Code.

6. A minimum of a 6-foot tall fence shall be provided around the perimeter of the WECS, or in the case of several WECS, around the perimeter of the site.
7. No part of a WECS or Testing Facility shall be located within or above any required front, side or rear yard setback of the zoning district in which it is located.
8. WECS towers shall be setback from the closest property line one (2) feet for every one (1) foot of system height.
9. WECS and Testing Facilities shall not be located within thirty (30) feet of an above ground utility line.
10. The height of a WECS and Testing Facility shall be measured from grade to the height of the blade in the vertical position or the highest point of the WECS, whichever is greater. Maximum height for a commercial WECS shall be two hundred (200) feet for a commercial WECS and maximum height of one hundred and thirty (130) feet for a non-commercial WECS.
11. WECS shall be of monopole design and shall not have guy wires.
12. Colors and surface treatment of the WECS and supporting structures shall minimize disruption of the natural characteristics of the site. No part of the structure shall be used for signs or advertising.
13. Blade-arcs created by the WECS shall have a minimum of thirty (30) feet of clearance over any structure, land or tree within a two hundred (200) foot radius of the tower.
14. To prevent unauthorized climbing, WECS and Testing Facility towers must comply with one of the following provisions:
  - a. Tower climbing apparatus shall not be located within twelve (12) feet of the ground.
  - b. A locked anti-climb device shall be installed on the tower.
  - c. Tower capable of being climbed shall be enclosed by a locked, protective fence at least six (6) feet high.
15. Each WECS and Testing Facility shall have one sign, not to exceed two (2) square feet in area posted at the base of the tower. The sign shall contain the following information:
  - a. Warning high voltage.
  - b. Manufacturer's name.
  - c. Emergency phone number.
  - d. Emergency shutdown procedures.
16. WECS and Testing Facilities shall not have affixed or attached any lights, reflectors, flashers or any other illumination, except for illumination devices required by Federal regulations.
17. WECS and Testing Facilities shall be designed and constructed so as not to cause radio and television interference.
18. Noise emanating from the operation of WECS and Testing Facilities shall not exceed forty-five (45) decibels, as measured on the dBA scale, measured at the

nearest property line. Estimates of noise levels shall be provided by applicant for property lines for normal operating conditions.

19. Any proposed WECS shall not produce vibrations humanly perceptible beyond the property on which it is located.
20. The on-site electrical transmission lines connecting the WECS to the public utility electricity distribution system shall be located underground.”
21. Add language stating that “The WECS shall be located and designed such that shadow flicker will not fall on, or in, any existing residential structure.”
22. No WECS shall be interconnected with a local electrical utility company until the utility company has reviewed and commented upon it. The interconnection of the WECS with the utility company shall adhere to the National Electrical Code.
23. The Township hereby reserves the right upon issuing any WECS or testing facility special land use permit to inspect the premises on which the WECS is located. If a WECS is not maintained in operational condition and poses a potential safety hazard, the owner shall take expeditious action to correct the situation.
24. Any WECS or testing facilities which are not used for six (6) successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner. The Township may require a performance guarantee in accordance with the provisions of Section 21.07 to ensure enforcement of this requirement.

**CHAPTER 20  
ZONING BOARD OF APPEALS**

**SECTION 20.01      CREATION AND MEMBERSHIP**

- A.     There is hereby established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided in the Zoning Act.
- B.     The Zoning Board of Appeals shall consist of three (3) members appointed by the Board. Each member shall hold office for a three (3) year term. One (1) member may be a member of the Planning Commission and one (1) member may be a member of the Board who each shall serve for the same terms as provided on the Board, as applicable.
- C.     Alternates
1.     The Board may appoint up to two (2) alternate members for the same term as regular members of the Board.
  2.     An alternate member may be called to serve in place of a regular member of the Zoning Board of Appeals in the absence of a regular member or for the purpose of reaching a decision in a case where the regular member has abstained for reasons of conflict of interest.
  3.     The alternate member having been called shall serve on the Zoning Board of Appeals until a final decision is made on the application(s) for which the member was called.
  4.     When serving as a member, an alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.
- D.     Members of the Zoning Board of Appeals may be removed by the Board for nonperformance of duty or misconduct in office upon written charges and after public hearing, if requested by the member to be removed. A member shall disqualify himself from a vote in which he has a conflict of interest. Failure of a member to disqualify himself from a vote in which he has a conflict of interest may constitute misconduct in office.

**SECTION 20.02      MEETINGS AND PROCEDURES**

- A.     All meetings of the Zoning Board of Appeals shall be held at the call of the chairperson or at any time as the Zoning Board of Appeals may determine.
- B.     Two (2) members of the Zoning Board of Appeals shall constitute a quorum for the conduct of its business.
- C.     Applications submitted to the Zoning Board of Appeals shall consist of the following, as applicable:
1.     An application form, as provided by the Zoning Board of Appeals.
  2.     An accurate scaled drawing, if applicable, with sufficient detail to indicate the nature and necessity of the request.
  3.     Payment of a fee, as may be prescribed from time to time by the Board, by resolution. The fee shall be paid to the Zoning Administrator at the time of the filing of the application.

4. The Zoning Administrator or the Zoning Board of Appeals in furtherance of decisions related to the application may request other such materials as may be deemed necessary.
- D. The Zoning Board of Appeals may subpoena and require the attendance of witnesses, administer oaths, and compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.

### **SECTION 20.03 JURISDICTION, POWERS, AND DUTIES**

#### **A. Appeals**

1. An appeal may be taken from any person or any governmental department affected or aggrieved, and review any order, requirement, decision or determination where it is alleged by the appellant that there is error or misinterpretation in any order, requirement, decision, grant or refusal made by the Zoning Administrator or other administrative official or body charged with the enforcement of any Section of this Ordinance.
  2. 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, that, by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, the proceedings shall not be stayed other than by a restraining order, which may be granted by a court of record.
  3. The Zoning Board of Appeals shall select a reasonable time and place for hearing the appeal, give due notice thereof to the parties, and render a decision on the appeal without unreasonable delay. A person may appear and testify at the hearing, whether in person or by duly authorized agent or attorney.
  4. In deciding the appeal, the Zoning Board of Appeals shall be limited to determining whether or not the decision that was made was done so using the proper standards and guidelines in the Ordinance. The decision of the Zoning Board of Appeals is limited to the information that was available to the administrative official or body who made the decision initially. Additional testimony is not appropriate.
  5. If a determination is made that the administrative official or body making the decision did so improperly, the Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the administrative official or body from whom the appeal was taken.
  6. The Zoning Board of Appeals may hear and decide appeals from the decisions of the Zoning Administrator pertaining to interpretations of the Zoning Map to determine the precise location of boundary lines between Zoning Districts. In making its determination of the boundary lines, the Zoning Board of Appeals shall be governed by the rules of this Section and the provisions of Section 4.03.
- B. Variances: The Zoning Board of Appeals, after public hearing shall have the power to decide applications for variances filed as provided in this Chapter.

1. Non-use Variance: A non-use variance may be allowed by the Zoning Board of Appeals only in cases where there is evidence of practical difficulty in the official record of the hearing and that all of the following conditions are met:
  - a. That there are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district. Exceptional or extraordinary circumstances or conditions may include:
    - (1) Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Chapter or amendment.
    - (2) By reason of exceptional topographic or environmental conditions or other extraordinary situation on the land, building or structure.
    - (3) By reason of the use or development of the property immediately adjoining the property in question, including, but not limited to, pre-existing ingress and egress rights.
  - b. That the variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same Zoning District and in the vicinity. The possibility that compliance with this Ordinance may prove to be more expensive or otherwise inconvenient shall not be part of the consideration of the Board.
  - c. The variance will not be detrimental to adjacent property and the surrounding neighborhood.
  - d. The variance will not materially impair the intent and purpose of this Ordinance or the provision from which the variance is requested.
  - e. That the immediate practical difficulty causing the need for the variance request was not created by the applicant.
2. Use Variances: The Zoning Board of Appeals shall not grant a use variance unless there is evidence of unnecessary hardship in the official record of the hearing that all of the following conditions are met:
  - a. That the condition, location, or situation of the specific piece of property or of the intended use of the property is unique to that property and the Zoning District in which it is located.
  - b. That the building, structure or land cannot be reasonably used in a manner consistent with the uses allowed in the Zoning District in which it is located.
  - c. That the use variance will not alter the essential character of the area the intent of the Master Plan, nor be a detriment to adjacent properties.
  - d. The variance will not materially impair the intent and purpose of this Chapter or the District in which the property is located.
  - e. That the immediate unnecessary hardship causing the need for the variance request was not created by the applicant.
3. Prior to reaching a decision on a request for a use variance, the Zoning Board of Appeals may request that the Planning Commission, upon presentation of the application by the applicant, forward an opinion to the Zoning Board of Appeals. If the opinion is requested, it shall be limited to the Planning Commission's

review of the effect of the proposal on the existing or intended character of the neighborhood and the ability of the property owner to use the property for a use already permitted under the existing zoning classification. The opinion of the Planning Commission shall be advisory only.

C. Interpretations

1. Text: The Zoning Board of Appeals may hear and decide upon requests for the interpretation of the provisions of this Ordinance.
  - a. Text interpretations shall be narrow and address only the situation to be interpreted, be based on a thorough reading of this Ordinance, and not have the effect of amending this Ordinance.
  - b. Interpretations shall give weight to practical interpretations by the Zoning Administrator and other administrative officials if applied consistently over a long period of time.
  - c. Records shall be kept of all interpretations.
  - d. Where the intent of this Ordinance is unclear and the facts cannot be read to support only one (1) interpretation, the benefit of doubt shall go to the property owner.
2. Zoning Map: Where due to the scale, lack of detail, illegibility, or physical or natural features existing on the ground are at variance with those shown on the Zoning Map, or in other circumstances not covered by Section 4.03 of this Ordinance, the Zoning Board of Appeals, upon written application or upon its own motion, shall interpret the district boundaries.
3. Nothing contained in this Section shall be construed to give or grant to the Zoning Board of Appeals Board the power or authority to alter or change this Ordinance or the Zoning Map.

**SECTION 20.04 PUBLIC HEARINGS, VOTING, AND DECISIONS**

A. Hearings

1. At least fifteen (15) days before the meeting one (1) notice of the public hearing for an appeal shall be published in a newspaper that circulates in the Township and a letter shall be sent to property-owners and occupants of structures within three hundred (300) feet of the boundary of the property. Letters of notification shall be to be sent to all schools and railroads. The notices shall include:
  - a. The property that is subject of the request
  - b. The nature and location of the request.
  - c. When and where the request shall be considered.
  - d. When and where the Ordinance, request and pertinent material may be examined.
  - e. When and where written comments shall be received concerning the request.
2. The Zoning Board of Appeals may require notices to other interested parties, as it shall prescribe.

- B. Voting Requirements: Except for administrative matters, such as approval of minutes, the concurring vote of at least three (3) members of the Zoning Board of Appeals is necessary to decide any matter upon which the Zoning Board of Appeals is authorized by this Chapter to render a decision, except that the concurring vote of at least four (4) members of the Zoning Board of Appeals is necessary to grant a use variance as permitted in this Chapter.
- C. Decisions:
1. In making any decision provided for in this Chapter, the Zoning Board of Appeals may attach thereto such conditions regarding the location, character and other features of the application as it may deem reasonable in furtherance of the intent and spirit of this Ordinance and the protection of the public interest or as otherwise permitted by law.
  2. Any decision of the Zoning Board of Appeals shall not become final until minutes of the meeting at which final action on the request was taken are officially approved and adopted by the Zoning Board of Appeals, unless the Zoning Board of Appeals shall find the immediate effect of such order is necessary for the preservation of property or personal rights and shall so certify on the record.
  3. The decision of the Zoning Board of Appeals shall be final; however, any person having an interest affected by any such decision shall have the right of appeal to the Iron County, Michigan Circuit Court on questions of law and fact.
  4. All documentation pertaining to the applicant information, any and all support documents presented by the applicant including drawings and hearing minutes are to be retained within one folder and stored in a designated area of the township.
  5. Time Limitations on Variances
    - a. Any approval given by the Zoning Board of Appeals under which the premises are not used or work is not started within one (1) year, or when the use or work has been abandoned for a period of six (6) months, shall lapse and cease to be in effect.
    - b. The holder of the variance may, at no cost, request up to one (1) three (3) month extension of the variance from the Zoning Board of Appeals, if applied for in writing prior to the expiration of the variance approval.
    - c. The Zoning Board of Appeals may only grant an extension when the original circumstances authorizing the variance have not changed and that the circumstances creating the need for the extension were beyond the control of the applicant.
  6. No application 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, unless permitted by the Zoning Administrator after a demonstration by the applicant of a substantial change of circumstances from the previous application.



**CHAPTER 21  
ADMINISTRATION AND ENFORCEMENT**

**SECTION 21.01 ZONING ADMINISTRATOR**

- A. Basic Duties: The Zoning Administrator shall have the power to grant certificates of zoning compliance and to make inspections of premises necessary to carry out his duties in the enforcement of this Ordinance, and to otherwise carry out the duties assigned herein.
- B. Deputy Administrator: Where the provisions of this Ordinance authorize or direct the Zoning Administrator to perform any act or carry out any function, such act or function may also be carried out by a deputy or deputies designated by the Township Board.
- C. Official Zoning Map: The Zoning Administrator or designee shall be responsible for maintaining the Official Zoning Map in accordance with the requirements of Chapter 4.
- D. Violations: The Zoning Administrator shall order discontinuance of illegal uses of land, buildings, or structures; removal of illegal buildings or structures; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with, or prevent violations of its provisions.

**SECTION 21.02 PLANNING COMMISSION**

- A. The planning commission shall consist of not less than 5 nor more than 9 members, who shall be representative of major interests as they exist in the township, such as agriculture, recreation, education, public health, government, commerce, transportation and industry. All members shall be qualified electors of the township. One member of the township board shall be a member of the planning commission.
- B. All members of the planning commission shall be appointed by the township supervisor with the approval of the Board. Members may be removed by the township supervisor, after a hearing, with the approval of the Board.
- C. The term of each member shall be for 3 years, except that of the members first appointed, 1/3 shall serve for 1 year, 1/3 for 2 years and 1/3 for 3 years. A successor shall be appointed not more than 1 month after the term of the preceding commission member has expired. All vacancies for unexpired terms shall be filled for the remainder of such term.

**SECTION 21.03 ZONING ORDINANCE AMENDMENTS, INITIATION**

- A. Time frame for Application Submittal: All applications for amendments to the Zoning Ordinance shall be submitted to the Zoning Administrator at least thirty (30) days prior to the first consideration by the Planning Commission.
- B. Initiation of Amendments and Application Requirements: Requests for amendments to the Zoning Ordinance may be initiated in writing by the owner of the property requested for rezoning, or his/her authorized representative. Requests may also be made by the Planning Commission or the Board through official action taken at a public meeting which has been properly noticed as required by law.
- C. In the case of an amendment requested by a property owner or his/her authorized representative, the request shall include the following:

1. Completion of a Zoning Amendment Application as provided by the Zoning Administrator. An application shall include:
  - a. The name and address of the person making the request and all persons having a legal or equitable interest in any land which is requested to be rezoned.
  - b. Property description.
  - c. In the case of a text amendment, the specific section to be amended and the proposed text change.
  - d. If a change in the zoning map is requested, the common address, legal description of the area requested for change, and present and proposed district classifications shall be provided. The applicant shall also indicate by a scaled map, the location of the property requested for rezoning.
  - e. The nature of the amendment shall be fully described in writing.
  - f. Payment of all fees as required by the Township.
2. If, in the opinion of the Zoning Administrator, Planning Commission, or Board, the information submitted does not provide a clear delineation of the specific area to be rezoned, the Zoning Administrator, Planning Commission, or Board may require the applicant to submit a boundary survey of the property in question. The survey shall include a written legal description and drawing of the area to be rezoned. The boundary survey, including legal description and map, shall be completed by a Land Surveyor licensed by the State of Michigan.

#### **SECTION 21.04 AMENDMENT PROCEDURE**

- A. After submission of the application and fee, amendments to this Ordinance at least fifteen (15) days before the meeting one (1) notice of the public hearing for the amendment shall be published in a newspaper that circulates in the Township and a letter shall be sent to property-owners and occupants of structures within three hundred (300) feet of the boundary of the property. The notices shall include:
  - a. The property that is subject of the request
  - b. The nature and location of the request.
  - c. When and where the request shall be considered.
  - d. When and where the Ordinance, request and pertinent material may be examined.
  - e. When and where written comments shall be received concerning the request.
- B. The following guidelines shall be used by the Planning Commission, and may be used by the Board in consideration of amendments to the Zoning Ordinance:
  1. Text Amendment:
    - a. The proposed text amendment would clarify the intent of the Ordinance.
    - b. The proposed text amendment would correct an error in the Ordinance.

- c. The proposed text amendment would address changes to the State legislation, recent case law or opinions from the Attorney General of the State of Michigan.
  - d. The proposed text amendment would promote compliance with changes in other County, State or Federal regulations.
  - e. In the event the amendment will add a use to a district, that use shall be fully consistent with the character of the range of uses provided for within the district.
  - f. The amendment shall not create incompatible land uses within a zoning district, or between adjacent districts.
  - g. The proposed text amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items.
  - h. As applicable, the proposed change shall be consistent with the Township's ability to provide adequate public facilities and services.
  - i. The proposed change shall be consistent with the Township's desire to protect the public health, safety, and welfare of the community.
2. Map Amendment. (Rezoning): In making its recommendation to the Board, the Planning Commission shall consider the following criteria:
- a. Whether or not the proposed rezoning is consistent with the goals, policies and future land use map of the Master Plan; or, if conditions have changed significantly since the Master Plan was adopted, the consistency with recent development trends in the area.
  - b. Whether the proposed district and the uses allowed are compatible with the site's physical, geological, hydrological and other environmental features. The potential uses allowed in the proposed zoning district shall also be compatible with surrounding uses in terms of land suitability, impacts on the community, density, potential influence on property values and traffic impacts.
  - c. Whether, if rezoned, the site is capable of the accommodating the uses allowed, considering existing or planned infrastructure including roads, sanitary sewers, storm sewer, water, sidewalks, and road lighting.
  - d. Other factors deemed appropriate by the Iron County, Michigan Planning Commission.
- C. Consideration of amendment by the County: Following the required hearing the township shall submit for review and recommendation the proposed amendment and supporting information (as appropriate) to the Iron County, Michigan Planning Commission.
1. The Iron County Planning Commission will have waived its right for review and recommendation if the recommendation of the Iron County, Michigan Planning Commission has not been received by the Township within thirty (30) days from the date the proposed ordinance is received by the Iron County, Michigan Planning Commission.

- D. Consideration of Amendment by Board: Upon receipt of a report and summary of hearing comments from the Planning Commission as provided for in the Zoning Act, the Board may modify the proposed amendment or adopt it as presented by the Planning Commission.

## **SECTION 21.05 ZONING AGREEMENTS**

### **A. Intent**

1. The Board recognizes that there are certain instances where it would be in the best interest of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions and limitations could be proposed by an applicant as part of an application for a rezoning. Therefore, it is the intent of this Section to provide a process by which an applicant seeking a change in zoning boundaries may propose a Zoning Agreement, with conditions and commitments attached thereto, as part of the application for the requested rezoning. These provisions shall be in accordance with the provisions of the Zoning Acts, as amended.
2. In addition to the requirements of Section 21.03(2) above, an applicant requesting a change in zoning boundaries may propose a Zoning Agreement, as defined in this Section. The required application and process shall be the same for rezoning requests except as modified by the requirements of this Section.

### **B. Definitions.**

The following definitions shall apply to this Section:

1. Rezoning Offer - shall mean conditions proposed by the applicant and approved by the Township processed as part of an approval under this Section. These conditions shall constitute requirements for and in connection with the development and/or use of the property approved with a Zoning Agreement.
2. Zoning Agreement shall mean a written agreement offered by the applicant and approved and executed by the applicant and the Township and recorded with the Iron County, Michigan Register of Deeds, incorporating the Rezoning Offer along with any requirements necessary to implement the Rezoning Offer. When necessary, the Zoning Agreement shall also include and incorporate, by reference, a site plan that illustrates the implementation of the Rezoning Offer. This plan shall not replace the requirement for a site plan as outlined in Chapter 16 or other approvals that may be required by this Ordinance.

### **C. Eligibility.**

1. An applicant for rezoning may submit a proposed Zoning Agreement with an application for rezoning. This election shall be made at the time the rezoning is filed, or may be made at a later time during the rezoning process. Election to file a rezoning with a Zoning Agreement shall be pursuant to the Zoning Acts, as amended, and this Section.
2. In order to be eligible for the proposal and review of a rezoning with a Zoning Agreement, an applicant must propose a rezoning of property and voluntarily offer certain conditions to be set forth in a Zoning Agreement, which are equally

or more restrictive than the regulations that would otherwise apply under the proposed new zoning district.

D. Zoning Agreement

The Zoning Agreement shall set forth the Rezoning Offer and shall include those terms necessary to implement the Agreement. In addition, the Zoning Agreement shall include the following acknowledgments and understandings that:

1. The Zoning Agreement and the Rezoning Offer were proposed voluntarily by the applicant, and that the Township relied upon the Agreement and may not grant the rezoning without the Rezoning Offer and terms spelled out in the Zoning Agreement.
2. The Zoning Agreement and its terms and conditions are authorized by all applicable State and Federal law and constitution, and that the Zoning Agreement is valid and was entered into on a voluntary basis, and represents a permissible exercise of authority by the Township.
3. The property shall not be developed and/or used in manner that is not consistent with the Zoning Agreement.
4. The approval and the Zoning Agreement shall be binding upon of the property owner and the Township, and their respective heirs, successors, assigns, receivers or transferees.
5. If a rezoning with a Zoning Agreement becomes void in accordance with Section 21.05 J., and/or in accordance with the Zoning Acts, no development shall take place and no permits shall be issued unless and until a new zoning district classification for the property has been established or a new rezoning with a Zoning Agreement has been approved.
6. Each of the requirements and conditions in the Zoning Agreement represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact or other condition created by the uses, activities or conditions represented in the approved rezoning and Zoning Agreement, taking into consideration the changed zoning district classification and the specific use(s), activities, or conditions authorized.
7. No part of the Zoning Agreement shall permit any activity, use, or condition that would otherwise violate any requirement or standard that is otherwise applicable in the new Zoning District.

E. Rezoning Offer

1. The Zoning Agreement shall specify the Rezoning Offer and any requirements necessary to implement it. However, the Rezoning Offer may not authorize uses or developments of greater intensity or density, and/or which are not permitted in the new zoning district; nor may any variances from height, area, setback or similar dimensional requirements in the Zoning Ordinance of the Township be allowed unless a variance has been previously granted by the Zoning Board of Appeals pursuant to the requirements of Chapter 20.

2. Any uses proposed as part of a Zoning Agreement that would otherwise require approval of a Special Land Use Permit shall be approved as required in Chapter 19 prior to establishment of or commencement of development of the use.
  3. The Rezoning Offer shall bear a reasonable and rational relationship and/or benefit to the property in question.
  4. The Rezoning Offer may include limitations on the uses permitted on the property in question, specification of lower density or less intensity of development and use, and/or may impose more restrictive measures on the location, size, height, or other measure for and/or of buildings, structures, improvements, setbacks, landscaping, buffers, design, architecture and other features.
  5. The Rezoning Offer may also include conditions related to the development of the property that are consistent with the intent of this Section and applicable State, Federal and local regulations. These conditions may include, for example, extension of or improvements to infrastructure serving the site, site specific improvements intended to minimize the impact of the development on surrounding properties, or such other conditions as deemed important to the development by the Applicant.
  6. A Rezoning Offer that includes provisions for preservation of natural features and/or open space, facilities for drainage, facilities for traffic and access, and similar activities that take place on private land shall include a written understanding for permanent maintenance of such features or improvements by entities other than the Township, unless a separate agreement for dedication of the property to the public has been executed. The Zoning Agreement shall also contain a provision for authorization and finance of maintenance by or on behalf of the Township, after notice, in the event that the property owner(s) fail(s) to timely perform necessary maintenance.
- F. Procedure for Application, Review and Approval
1. An application for rezoning shall be the same as outlined in Section 21.03. The Zoning Agreement in a recordable format acceptable to the Township shall be submitted in a recordable format acceptable to the Township, along with any plans necessary to illustrate the Rezoning Offer.
  2. The application may be amended during the process of consideration, provided that any amended or additional Rezoning Offers are entered voluntarily by the applicant.
  3. The Zoning Agreement shall be reviewed by the Township attorney prior to the required Planning Commission public hearing. The Township attorney shall determine that the Zoning Agreement conforms to the requirements of this Section and the Zoning Acts, as amended, and shall confirm that the Zoning Agreement is a form acceptable for recording with the Iron County, Michigan Register of Deeds.
- G. Standards of Review.
1. Following the public hearing, and further deliberations as deemed necessary by the Planning Commission, the Planning Commission shall make a recommendation based upon the Review Considerations of Section 21.05 D.. In addition, the Planning Commission shall consider whether the proposed Zoning Agreement and the Rezoning Offer:

- a. Are consistent with the intent of this Section.
  - b. Bear a reasonable and rational connection and/or benefit to the property being proposed for rezoning.
  - c. Are necessary to insure that the property develops in such a way that protects the surrounding neighborhood and minimizes any potential impacts to adjacent properties;
  - d. Are necessary to allow the rezoning to be approved, in that the property could not or would not be rezoned without the proposed Zoning Agreement and Rezoning Offer.
  - e. Lead to a better development than would have been likely if the property had been rezoned without a Zoning Agreement, or if the property were left to develop under the existing zoning classification.
  - f. Are clearly in the public interest, as compared to the existing zoning and considering the site specific land use proposed by the applicant. In making this determination, the Planning Commission shall find that the benefit to the public as a result of approving the rezoning and Zoning Agreement clearly outweigh any reasonably foreseeable detriments.
2. The Planning Commission may recommend approval, approval with recommended changes (related to the Zoning Agreement), or denial of the rezoning and Zoning Agreement; provided however, that any conditions which add to or amend the Rezoning Offer are acceptable to the applicant.
  3. Upon receipt of the Planning Commission's recommendations, the Board shall deliberate upon the rezoning and Zoning Agreement. The Board shall approve or deny the Zoning Agreement, provided that any conditions which add to or amend the Rezoning Offer are acceptable to the applicant.
- H. Revisions by the Board
1. Should a Rezoning Offer be revised following the Planning Commission public hearing and recommendation, the Board shall be required to conduct its own public hearing, in accordance with the requirements of the Zoning Act.
  2. Alternatively, should the Board determine that the revisions are of such substantial nature or effect that they are significantly different from the Zoning Agreement reviewed by the Planning Commission, the Board shall have the option to remand the application to the Planning Commission to hold a public hearing on the Zoning Agreement as revised and submit a report and recommendation to the Board.
  3. If an applicant proposes a Zoning Agreement after the Planning Commission has held a public hearing on a rezoning request, the Board shall first remand the application to the Planning Commission, who shall hold a new public hearing on the rezoning and proposed alternative Zoning Agreement and submit a report and recommendation to the Board.
- I. Approval.
1. If the rezoning and Zoning Agreement are approved, the zoning classification of the rezoned property shall consist of the district to which the property has been rezoned, plus a reference to the Zoning Agreement. The Zoning Map shall specify the new district, plus a small letter "a" to indicate that the property is

subject to a Zoning Agreement (i.e., "R-1a"). The Zoning Administrator shall maintain a listing of all properties subject to Zoning Agreements and shall provide copies of the Agreements upon request.

2. Upon rezoning, the use of the property in question shall conform to all of the requirements regulating use and development within the new zoning district; however, the more restrictive requirements of the Zoning Agreement shall apply, and the Rezoning Offer shall supersede all inconsistent regulations otherwise applicable under the Zoning Ordinance.
3. The approved Zoning Agreement shall be recorded with the Iron County, Michigan Register of Deeds.
4. Prior to development, a site plan shall be approved in accordance with Chapter 16.

J. Expiration.

1. Unless extended by the Board for good cause, the rezoning and Zoning Agreement shall expire two (2) years after adoption of the rezoning and Zoning Agreement, unless approved development of the property pursuant to building and other required permits issued by the Township commences within the two (2) year period and proceeds diligently to completion.
2. In the event that approved development has not commenced within the aforementioned two (2) years, the Zoning Agreement shall be void and of no effect.
3. Should the Zoning Agreement become void, all development on the subject property shall cease, and no further development shall be permitted. Until action satisfactory to the Township is taken to bring the property into compliance with the Zoning Agreement, the Township may withhold or, following notice to the owner and a public hearing, revoke permits and certificates (in addition to or in lieu of any other lawful action to achieve compliance).
4. If the property owner applies in writing for an extension of the Zoning Agreement at least fifty (50) days prior to the expiration date, the Township Board may, after recommendation by the Planning Commission, grant an extension of up to one (1) year. No further extensions may be granted.
5. If the rezoning and Zoning Agreement becomes void as outlined above, then the land shall revert back to its original zoning classification as set forth in the Zoning Acts. Such reversion shall be initiated by the Township with notice and hearing as required for rezonings by the Zoning Acts and this Ordinance.
6. Nothing in the Agreement, nor any statement or other provision shall prohibit the Township from rezoning all or any portion of the property that is part to the Agreement to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Zoning Acts.

K. Continuation.

1. Provided that all development and/or use of the property in question is in compliance with the Zoning Agreement, a use or development authorized under the agreement may continue indefinitely, provided that all terms of the Rezoning Offer and the Zoning Agreement continue to be adhered to.



2. Failure to comply with the Zoning Agreement at any time after approval may constitute a breach of agreement, and further use of the property may be subject to legal remedies available to the Township.

L. Amendment.

1. During the initial two (2) year period, or during any extension granted by the Township as permitted above, the Township shall not add to or alter the Rezoning Offer in the Zoning Agreement.
2. The Zoning Agreement may be amended after the expiration of the initial two (2) year period and any extensions, in the same manner as was prescribed for the original rezoning and Zoning Agreement.

**SECTION 21.06 ZONING PERMITS**

- A. Unless otherwise exempted by this Ordinance, the construction, erection, alteration, expansion, moving, repair, or use of any land, building, or structure shall require receipt alteration, expansion, moving or repair of any building or other structure until a zoning permit has been issued. Issuance of the zoning permit shall indicate that the use and plans for which the permit is requested comply with this Ordinance.
  1. Completion of a Zoning Permit Application as provided by the Zoning Administrator. An application shall include as a minimum:
    - a. The name and address of the person making the request and all persons having a legal or equitable interest in any land which is requested to be rezoned.
    - b. Property description.
    - c. The plans, drawings, and specifications for the proposed land use and buildings. Include north arrow, distances from roads and property lines.
    - d. Payment of all fees as required by the Township.
    - e. Other reasonable items as requested by Zoning Administrator.
- B. It shall be unlawful to use or occupy or permit the use or occupancy of any building, structure, or premises, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use as permitted under the terms of this Ordinance, until a zoning permit has been issued hereunder by the Zoning Administrator. The certificate shall state that the building, structure, and lot and use thereof, conform to the requirements of this Ordinance.
- C. The Zoning Administrator shall maintain a record of all zoning permits.
- D. Zoning Permits authorize only the use, arrangement and construction set forth in the application and any appended plans, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance, and is punishable as provided by

law. Any change in approved plans shall occur as provided for in this Ordinance and shall require the issuance of an amended zoning permit.

- E. Building Permits: In accordance with other codes, Ordinances and regulations duly adopted by the Board, and in accordance with this Ordinance, no building shall hereafter be erected, relocated or altered in its exterior or interior dimension or use, and no excavation for any building shall begin until a building permit has been issued. With respect to this Ordinance, eligibility for a building permit shall be established upon conformance with the provisions contained herein. This shall apply to all new construction and all major improvements to existing structures. A building permit is required for detached accessory buildings and structures, as provided herein.
- F. Certificates of Occupancy: No new main building or dwelling subject to the provisions of this Ordinance shall be occupied, inhabited or used until a certificate of occupancy is issued. Each dwelling unit and main building shall be equipped with adequate water-carried sewage disposal facilities to comply with all Dickinson-Iron County Health Department water and sanitary regulations in effect at the time of the erection of the dwelling or main building.
- G. A zoning permit may be revoked or modified by the Zoning Administrator if any one of the following findings can be made:
  - 1. That circumstances have changed.
  - 2. That the zoning permit was obtained by misrepresentation or fraud.
  - 3. That one (1) or more of the conditions of the zoning permit have not been met.
  - 4. That the permitted use violates any statute, ordinance, law, or regulation.

#### **SECTION 21.07 PERFORMANCE GUARANTEE**

- A. As a condition of approval of a site plan, Special Land Use, variance, or other zoning action, the Zoning Administrator, Planning Commission, Board, or Zoning Board of Appeals, as appropriate, may require a bond or other financial guarantee of sufficient sum to assure the installation of those features or components of the approved activity or construction which are considered necessary to protect the health, safety and welfare of the public and of users or inhabitants of the proposed development. Such features or components, hereafter referred to as "improvements," may include but shall not be limited to roadways, curbs, landscaping, fences, walls, screens, lighting, drainage facilities, sidewalks, utilities and similar items.
- B. Performance guarantees shall be processed in the following manner:
  - 1. The applicant shall prepare an itemized cost estimate of the required improvements, which shall then be reviewed and approved by the Zoning Administrator. The amount of the performance guarantee shall be one-hundred percent (100%) of the following costs:
    - a. Purchase and/or construction of improvements.
    - b. Installation of improvements.
    - c. Architectural and/or engineering design or related professional costs.

- d. Reasonable amount for contingencies, but in no case less than five percent (5%) of total costs for a-c above.
2. The required performance guarantee shall be in the form of an irrevocable bank letter of credit, surety bond, or other form of guarantee acceptable to the party requiring the guarantee.
3. Upon receipt of the required performance guarantee, the Zoning Administrator shall issue a zoning permit for the subject development or activity.
4. The Township, upon the written request of the applicant, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. 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.
5. When all of the required improvements have been completed, the applicant shall send written notice to the Zoning Administrator of completion of the improvements. Thereupon, the Zoning Administrator shall inspect the improvements and either approve, partially approve, or reject the improvements. The Zoning Administrator shall notify the applicant in writing of the action within thirty (30) days. Where partial approval is granted, the applicant shall be released from liability pursuant to relevant portions of the performance guarantee, except for that portion sufficient to secure completion of the improvements not yet approved.
6. A record of authorized performance guarantees shall be maintained by the Zoning Administrator.

## **SECTION 21.08      ORDINANCE VIOLATIONS**

- A. Any building or structure moved, erected, razed, converted, or used and any use of land or premises which is carried on in violation of this Ordinance is declared to be a nuisance per se. All buildings, structures, and land uses considered to be in violation of this Ordinance shall be reported to the Zoning Administrator.
- B. Any order to correct a violation issued by the Zoning Administrator shall include a time frame by which the property owner (owner of the property upon which the violation is located) shall have to correct the violation.
  1. If the violation cannot be corrected within this time, the Zoning Administrator may, with just cause, extend the correction period for an appropriate amount of time up to a period of six (6) months. The approved extension period shall be at the discretion of the Zoning Administrator.
  2. In all cases, a request for extending the period of time for correcting a violation shall be made in writing by the applicant to the Zoning Administrator no less than fourteen (14) days prior to the expiration of the extended time frame as originally approved by the Zoning Administrator.
  3. The request shall include specific detail on why the violation occurred, the requested time frame for correcting the violation, and actions to be pursued by the land owner to ensure correction of the violation.

4. In the event the Zoning Administrator determines the violation poses an imminent threat to the health, safety, and welfare of the occupants of the premises on which the violation is located or to the general public, he may require that immediate measures be taken to correct the violation.
- C. Any person, firm, corporation, or organization, who violates, disobeys, omits, or refuses to comply with any provisions of this Ordinance or lawful order of the Zoning Administrator, Planning Commission, Zoning Board of Appeals, or Board issued in pursuance of this Ordinance shall be responsible for a civil infraction punishable by the sanctions as set forth in this Section. Each day that a violation continues may be deemed a separate infraction.
  - D. Enforcing officials or other code enforcement officers are authorized officials to issue municipal civil infraction citations and municipal civil infraction violation notices of this Ordinance.
  - E. The sanction for any violation of this Ordinance which is a municipal civil infraction shall be a civil fine as provided herein, plus any costs, damages, expenses, and other sanctions authorized under Act 12 through 26, Public Acts of Michigan of 1994 and the Code of Ordinances of Crystal Falls Township.
    1. Increased civil fines will be imposed for repeated violations that occur within a six (6) month period. Civil fines for first offenses, repeat first offenses and repeat second offenses will be established from time to time by resolution of the Board.
    2. The Township shall also be entitled to equitable relief to abate the violations and to such other relief as may be available to the Township pursuant to Chapters 83 and 87 of the Michigan Revised Judicature Act, Public Act 236 of 1961, as amended, being MCL 600.101 et seq; at the present time or in the future.

#### **SECTION 21.09 STOP WORK ORDER**

- A. Notice to Owner. Upon notice from the Zoning Administrator or Building Official that any use is being conducted or that any work on any building or structure is proceeding contrary to the provisions of this Ordinance, such work or use shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, to owner's agent, or to the person doing the work and shall state the conditions, if any conditions, under which work or the use will be permitted to resume.
- B. Unlawful Continuance. Any person who shall continue to work in or about the structure, land or building or use it after having been served with a stop work order, except work that the person is directed to perform to remove a violation, shall be in violation of this Ordinance.

#### **SECTION 21.10 SEVERABILITY CLAUSE**

This Ordinance and the various articles, sections and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, section, clause or word is adjudged unconstitutional or invalid for any reason, by any Court of competent jurisdiction, such invalidity shall not affect the remaining portions or applications of this Ordinance which can be given effect without the invalid portion or application, provided such remaining portions are not determined by the Court to be inoperable.

**SECTION 21.11 CONFLICTING PROVISIONS**

Where a provision of this Ordinance conflicts with a provision of another Ordinance, the strictest provision shall prevail.

Real estate lying within the Wellhead Protection Areas of The Township of Crystal Falls, Wellhead Protection Area Ordinance, being Ordinance Number 103, shall not be granted any permits, approvals, variances and/or other authorizations by any kind under this Ordinance until complete compliance by the applicant with Ordinance Number 103 has occurred.

**SECTION 21.12 SAVINGS CLAUSE**

- A. This Ordinance shall not impair or affect any act done, offense committed or right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time this Ordinance takes effect, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if this Ordinance had not been adopted.
- B. Such proceedings may be consummated under and according to the Ordinance in force at the time such proceedings are or were commenced. All prosecution, or other actions, pending at the effective date of this Ordinance, or offenses or acts committed prior to the effective date of this Ordinance, may be continued or instituted under and in accordance with provisions of the Ordinance in force at the time of such offense.

**SECTION 21.13 EFFECTIVE DATE**

This Ordinance is hereby adopted at a regular meeting of the Crystal Falls Township Board held on the 14 day of April, 2015, and shall be effective May 1, 2015.

TOWNSHIP OF CRYSTAL FALLS

YEAS: Tom Lesandrini, Nancy Niemi, Donna Gustafson, Diane Kut, and Joanne Seppala

NAYS: None

ABSTAIN/ABSENT: None

ORDINANCE DECLARED ADOPTED

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance/Ordinance amendment adopted by the Township of Crystal Falls Board at a regular meeting held on April 14, 2015 pursuant to the required statutory procedures.

Respectfully submitted by:

Dated: April 14, 2015

Nancy Niemi, Clerk