

**APPENDIX A**

**OFFICIAL ZONING MAPS OF MORAN TOWNSHIP**

Map #1- Township Zoning Map

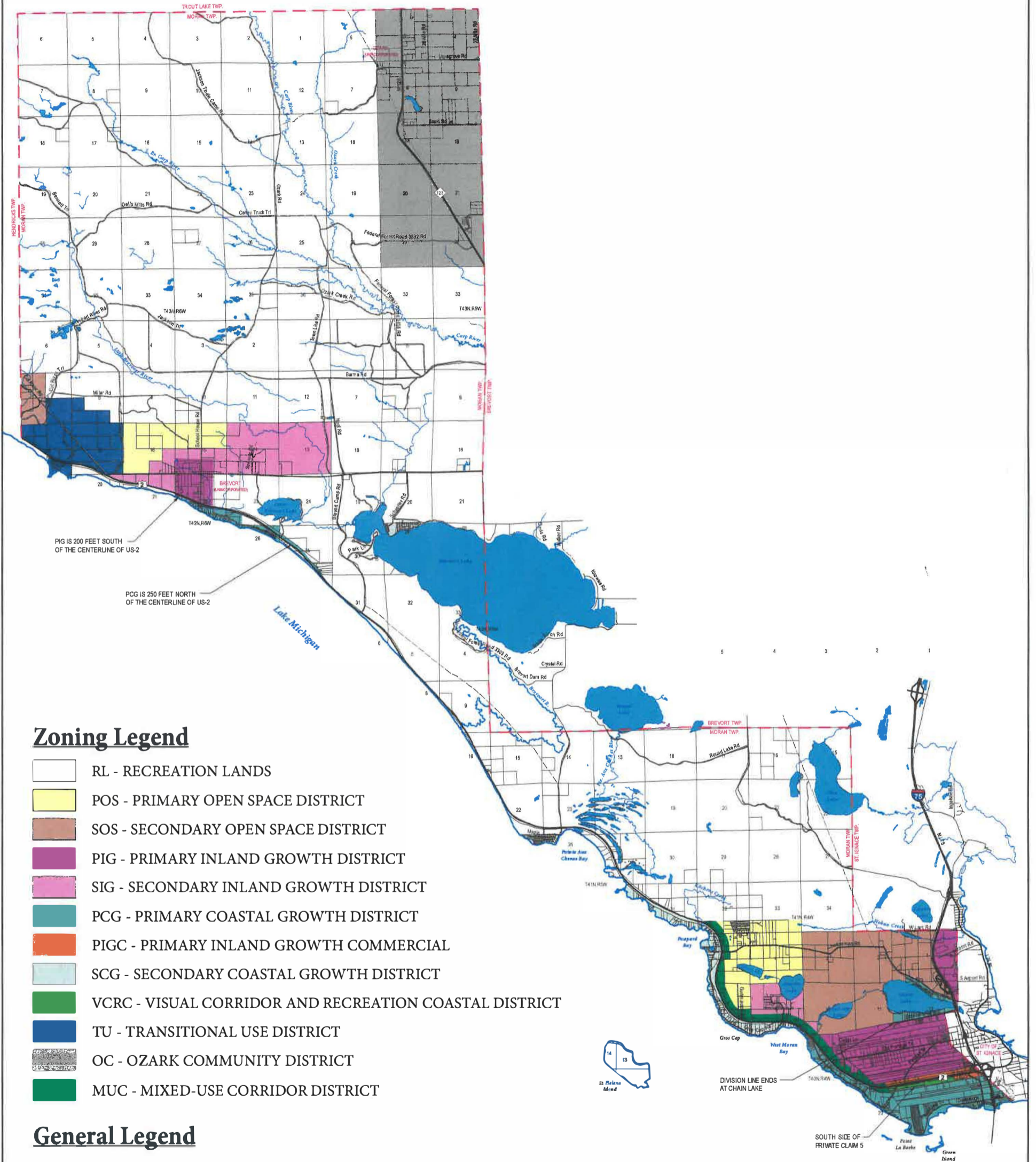
## **APPENDIX B**

### **OFFICIAL ENVIRONMENTAL OVERLAY ZONING MAPS OF MORAN TOWNSHIP**

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# Adopted Zoning Map Moran Township, Mackinac County, Michigan

Effective Date: September 3, 2005  
Amended Through: October 4, 2017



## Zoning Legend

- RL - RECREATION LANDS
- POS - PRIMARY OPEN SPACE DISTRICT
- SOS - SECONDARY OPEN SPACE DISTRICT
- PIG - PRIMARY INLAND GROWTH DISTRICT
- SIG - SECONDARY INLAND GROWTH DISTRICT
- PCG - PRIMARY COASTAL GROWTH DISTRICT
- PIGC - PRIMARY INLAND GROWTH COMMERCIAL
- SCG - SECONDARY COASTAL GROWTH DISTRICT
- VCRC - VISUAL CORRIDOR AND RECREATION COASTAL DISTRICT
- TU - TRANSITIONAL USE DISTRICT
- OC - OZARK COMMUNITY DISTRICT
- MUC - MIXED-USE CORRIDOR DISTRICT

## General Legend

- Federal or State Highways
- Public Roads
- Two Track Roads
- ++ Railroads
- Township Boundary
- Lakes
- Creeks, Streams & Rivers
- Parcel Boundary Lines



# MORAN TOWNSHIP ZONING ORDINANCE

Prepared for:

## Moran Township Planning Commission

Moran Township Hall  
West US-2  
St. Ignace, MI 49781

Effective Date: April 1, 2007

Prepared by:  
Gosling Czubak Engineering Sciences, Inc.  
1280 Business Park Drive  
Traverse City, MI 49686  
800-968-1062 231-946-9191 Fax: 231-941-4603

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#### OFFICIAL ZONING MAPS OF MORAN TOWNSHIP

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# **ZONING ORDINANCE**

## **TOWNSHIP OF MORAN**

### **TITLE**

An Ordinance enacted under Act 110 of 2006 as amended governing the unincorporated areas of Moran Township to provide for:

- the establishment of Zoning Districts within which the proper use of land and natural resources may be encouraged and regulated;
- the regulation of building heights, sizes, and locations along with sizes of yards and open spaces;
- the establishment of population and building densities along with necessary land treatments between buildings;
- the protection of properties from nuisance matters;
- the administration and amendment of said Ordinance including enforcement and penalties;
- the establishment of a Zoning Board of Appeals and its respective organization and procedures;

### **PREAMBLE**

Pursuant to the authority conferred by the Public Acts of the State of Michigan in such case, made and provided and for the purpose of promoting, and protecting the public health, safety, peace, morale, comfort, convenience and general welfare of the inhabitants of the Township of Moran by protecting and conserving the character and social and economic stability of the residential, commercial, industrial and other use areas; by securing the most appropriate use of land; preventing overcrowding of the land and undue congestion of population; providing adequate light, air and reasonable access; and facilitating adequate and economical provision of transportation, water, sewers, schools, recreation and other public requirements, and by other means, all in accordance with the Moran Township Master Land Use Plan now therefore:

### **ENACTING CLAUSE**

The Township of Moran ordains:

## ARTICLE ONE (1) - SHORT TITLE

This Ordinance shall be known and cited as the "Moran Township Zoning Ordinance of 2006". The 2006 version shall replace the 1989, 1995, and 2004 versions in their entirety and shall supercede all previous editions, revisions and versions.

### Sec. 1.01 Purpose

Pursuant to the authority conferred by the Public Acts of the State of Michigan, this Ordinance has been established for the purpose of:

- a. Promoting and protecting the public health, safety, and general welfare;
- b. Promoting and protecting the natural ecology, resources, and environmental features of Moran Township;
- c. Protecting the character and the stability of the agricultural, residential, and non-residential areas within Moran Township and promoting the orderly and beneficial development of such areas;
- d. Providing adequate light, air, privacy and convenience of access to property;
- e. Regulating the intensity of use of land and lot areas and determining the area of open spaces surrounding buildings and structures necessary to provide adequate light and air and to protect the public health;
- f. Lessening and avoiding congestion on the public highways and streets;
- g. Providing for the needs of the environment, agriculture, housing, and commerce in future growth;
- h. Promoting healthful surroundings for family life in residential and rural areas;
- i. Protecting the public and adjacent uses from fire, explosion, noxious fumes or odors, excessive heat, dust, smoke, glare, noise, vibration, radioactivity, and other health and safety hazards;
- j. Preventing the overcrowding of land and undue concentration of buildings and structures so far as possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them;
- k. Enhancing social and economic stability in the Township;
- l. Conserving the taxable value of land, buildings and structures in the Township;

- m. Enhancing the aesthetic desirability of the environment throughout the Township;  
and
- n. Conserving the expenditure of funds for public improvements and services to conform with the most advantageous uses of land.

### **Sec. 1.02 Legislative Intent**

By their very nature, zoning cases force a confrontation between landowner and the public interest, or landowners against each other. In this light the primary consideration of this Ordinance has been to devise technical solutions that minimize or eliminate conflicts promoted by traditional zoning regulations. This Ordinance contains performance criteria to protect the community's general welfare.

Each zoning district has a different purpose and is based on the Moran Township Land Use Plan. The districts are sized to be adequate to handle long-term needs yet must be monitored relative to any necessary changes or updating as time passes.

### **Sec. 1.03 Application of Ordinance Program and Articles**

All standards and regulations set forth in this Article apply to all parts of this Ordinance without exception.

## **ARTICLE TWO (2)**

### **DEFINITIONS**

#### **Sec. 2.01 Construction of Language:**

The following rules of construction shall apply to the text of this ordinance:

- a. All words and phrases shall be construed and understood according to the plain, ordinary, and common usage of the language, but technical words and phrases that may have a peculiar or special meaning in the law shall be construed as they are defined herein. In case of conflict between common and technical language, meaning, or usage, the last edition of Webster's International Dictionary shall prevail.
- b. The particular shall control the general.
- c. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- d. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- e. When not inconsistent with the context, words in the present tense shall include the future and words in the singular number shall include the plural.
- f. The word "building" includes the word "structure"; and the word "dwelling" includes the word "residence". A "building" or "dwelling" includes any part thereof.
- g. The words "used" or "occupied" include the words "intended", "designed", or "arranged" to be used or occupied.
- h. The word "person" includes any firm, association, organization, partnership, trust, corporation, or similar entity, as well as an individual.
- i. The word "lot" includes the words "plot" and "parcel".
- j. 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 erection.
- k. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", "either...or", the conjunction shall be interpreted as follows:



1. "And" indicates that all connected items, conditions, provisions, or events may apply singly or in any combination.
  2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
  3. "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
- l. Words in the singular number shall include the plural number and words in the plural number shall include the singular number. The masculine gender shall include the feminine and the feminine gender shall include the masculine.
  - m. Whenever a reference is made to several sections and the section numbers are connected by the word "to", the reference includes both sections whose numbers are given and all intervening sections.
  - n. In computing a period of days, the first day is excluded and the last day is included. If the last day of any period 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.

## **Sec. 2.02 Definitions:**

For the purpose of this Ordinance, words pertaining to access, building, property, land use, building use, building measurement, and enforcement shall have the following meaning:

- Accessory Building: A building customarily incidental and subordinate to the principal building and located on the same lot as the principal building.
- Accessory Use: A use customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.
- Agriculture: Any land or building used for pasturage, floriculture, dairying, horticulture, forestry, and livestock or poultry husbandry.
- Alley: A public or legally established private thoroughfare, other than a street, affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.
- Alterations: Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams or girders; or any change which may be referred to herein as "altered" or "reconstructed".

- Apartment: A dwelling unit in a "multiple family dwelling" as defined herein.
- Automobile Service Stations: A structure used for the retail sale or supply of fuels, lubricants, air, water and 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, minor motor repair, or servicing, but not including bumping, painting, refinishing, or conveyor-type car wash operations.
- Basement: that portion of a building which is partly or wholly 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. A basement shall not be counted as a story.
- Bed & Breakfast: A residential home with 5 or less bedrooms for rent by travelers with private or shared bathrooms. Only breakfast will be served on premises.
- Berm: A man-made, formed, earth mound of definite height and width used for obscuring purposes; the intent of which is to provide a transition between uses of differing intensity.
- Block: The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river, stream, or other barrier to the continuity of development.
- Board: The Board of Zoning Appeals of the Township of Moran.
- Boat well: An unenclosed structure used to store boats.
- Breezeway: An enclosed structure connecting an accessory building with the principal dwelling unit. For purposes of determining yard and area requirements such buildings shall be considered as one integral unit.
- Buffer Yard: A strip of land, including any specified type and amount of planting or structures which may be required to protect one type of land use from another, or minimize or eliminate conflicts between them.
- Building: Any structure having a roof supported by columns or walls, for the shelter, support, enclosure of persons, animals or property
- Building Height: The vertical distance measured from the mean elevation of the natural ground to the highest point on the roof (see definition of grade).
- Building Line: A line parallel to the front lot line, which, for purposes of this Ordinance, is the same, as the minimum required front setback line. (See illustration).

- Building, Principal: A building in which is conducted the main or principal use of the lot on which said building is located.
- Campground: A plot of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes.
- Campground, Rustic: A campground that does not have an associated improved commercial areas such as a store, restaurant, or recreational facility (such as a miniature golf course or pool).
- Carport: A partially open structure intended to shelter one or more vehicles. Such structures shall comply with all yard requirements applicable to private garages.
- Certificate of Zoning Compliance: A certificate issued by the Zoning Administrator to a party or parties intending to initiate any work or change any use of property in the Township.
- Church: A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.
- Cluster Development: A form of development that permits a reduction in lot area and bulk requirements in exchange for open space.
- Club: An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or similar activities, but not operated for profit and open only to members and not the general public.
- Commercial Garage: A premises where the following services may be carried out in a completely enclosed building: general repairs, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service such as body, frame, or fender straightening and repair; painting and under-coating of automobiles.
- Condominium: A form of property ownership and land development as detailed in the State of Michigan Condominium Act, Public Act 59 of 1978, as amended.
  - a. Condominium Project: A plan or project consisting of not less than two (2) condominium units established in conformity with P.A. 59 of 1978, as amended.
  - b. Condominium Unit: That portion of a condominium project designed and intended for separate ownership and use, as described in the master deed, whether it is intended for residential, office, industrial, business, recreational, use of a time share unit, or other type of use, in accordance with P.A. 59 of 1978, as amended.

- c. Condominium, Standard: For the purposes of clarifying the intent of this Ordinance, a Standard Condominium is defined as any plan or project where two or more Condominium Units have a common boundary, abut against one another, or are within two (2) feet or less of separation between the legal descriptions of one another, and are not separated on all sides by co-owned or common lands from another Condominium Unit, whether it is intended for residential, office or other use as described above. Uses of Standard Condominiums are equivalent to multi-family dwellings, resort hotels, office complexes, and shopping malls.
  - d. Condominium, Site: For the purposes of clarifying the intent of this Ordinance, a Site Condominium is defined as any plan or project where two or more Condominium Units do not have a common boundary, do not abut against one another, or are separated by more than two (2) feet between legal descriptions of one another, and are separated on all sides by co-owned or common lands from another Condominium Unit, whether it is intended for residential, office or other use as described above. Uses of Site Condominiums are equivalent to single family residences, campgrounds, individual offices, and separate retail shops.
- Daycare Center: See Nursery School definition.
  - Density: The number of dwelling units situated on or to be developed on a net acre of land
  - District: An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements and height regulations
  - Dwelling: A detached building or portion thereof designed or used exclusively as the home, residence or sleeping place of one or more persons. In the case of a mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for purposes of this Ordinance and shall comply with the provisions herein relative to dwellings. Garage space, whether in an attached or detached garage shall not be considered as part of a dwelling for meeting area requirements.
  - Dwelling, Single-Family: A detached building, designed for or occupied exclusively by one family.
  - Dwelling, Standard: A dwelling unit that meets the following requirements:
    - a. The dwelling complies with the minimum square footage and performance requirements for the district within which located;
    - b. The dwelling complies in all respects with the Michigan State Construction Code as promulgated by the State Construction Commission in accordance with Act 230 of the Public Acts of 1972, as amended;

- c. The dwelling is firmly attached to a permanent foundation constructed on the site in accordance with the Township building code;
  - d. The dwelling is compatible in design and appearance with other residences in the vicinity including either a roof overhang of not less than six inches on all sides or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; and has not less than two exterior doors with the second one located in either the rear or side of the dwelling;
  - e. The dwelling has no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein;
  - f. The dwelling complies with all pertinent building and fire codes;
  - g. The forgoing standards do not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required by the Township pertaining to such parks.
- Dwelling, Two Family: A building, designed for or occupied by two families living independently of each other.
  - Dwelling, Multiple Family: A building used or designed as a residence for three or more families living independently of each other.
  - Dwelling Unit: One or more rooms with bathroom and principal kitchen facilities designed as a self-contained unit for occupancy by one family for living, cooking and sleeping purposes.
  - Earth Sheltered Home: A dwelling which is partially or entirely below grade and is designed and intended to be used as a single-family dwelling.
  - Efficiency Apartment: A dwelling unit with a bathroom and principal kitchen facilities designed as a self-contained unit for living, cooking and sleeping purposes and having no separate designated bedroom.
  - Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead gas, communication, telephone, electrical, steam, fuel or water transmission or distribution systems, collections, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare, but not including office buildings, substations, structures which are enclosures or shelters for service equipment, maintenance depots, telecommunications towers, or wind energy conversion

systems.

- Excavation: Any breaking of ground, except common household gardening, general farming and ground care.
- Exotic Animal: Any animal that is not indigenous to Moran Township, used for agricultural purposes, or commonly raised (such as a cat or dog).
- Family: An individual, or two or more persons related by blood, marriage or adoption, or parents along with their direct lineal descendants, and adopted or foster children (including domestic employees) or a group not to exceed two persons not related by blood or marriage, occupying a premises and living as a single housekeeping unit with single cooking facilities. Every additional group of two or less persons living in such housekeeping units shall be considered a separate family for the purpose of this Ordinance. Said definition shall not apply to state licensed residential facilities.
- Family Daycare: A private home in which one (1) but fewer than seven (7) minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family Daycare includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.
- Farm: Any parcel of land containing at least five (5) acres, which is used for agricultural purposes. It includes the necessary farm structures and the storage of equipment used. It excludes the raising of fur-bearing animals, commercial dog kennels, riding academies and stone, gravel or sand quarries
- Farm Animal: Any horse, swine, cattle, sheep, goat, llama, chicken, goose, turkey, or rabbit or any other animal that, other than dogs and cats that is raised for commercial purposes.
- Fence: An artificially constructed barrier of wood, metal, stone, or any manufactured materials erected for the enclosure of yard areas.
- Filling: The depositing or dumping of any matter into or onto the ground except common household gardening and general maintenance.
- Flag Lot: A lot which has minimum frontage on a public or private street, is provided access via a private drive or lane, and whose width some distance back from the street right-of-way, meets all ordinance requirements.
- Floor Area, Gross: The sum of all gross horizontal areas of the several floors of a building or buildings, measured from the outside dimensions of the structure. Unenclosed porches, courtyards, or patios, whether covered or uncovered shall not be considered as a part of the gross floor area unless used for commercial purposes such as nursery beds or sales of outdoor

equipment.

- Floor Area Ratio: An intensity measured as a ratio, derived by dividing the total floor area of a building by the site area.
- Floor Area, Usable: For purposes of computing parking requirements, is that area to be used for the sale of merchandise or services, or for use to serve patron, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, for hallways, stairways and elevator shafts, or for utilities or sanitary facilities shall be excluded from this computation of "usable floor area". 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.
- Forestry or Silviculture: The practice of raising, managing and harvesting trees within a plan prepared by a professional forester trained in the methods of the practice.
- Garage, Private: An accessory building, or portion of a principal building, designed or used solely for the storage of non-commercial motor vehicles, boats, and similar items or equipment, and having no public sales or shop services in connection therewith.
- Golf Course, Standard: A development or parcel of land used for recreational purposes for the sport of golf spread over a large area consisting of nine (9) or more holes with tees, fairways, greens and related items.
- Golf Course, Miniature, Mountain, Putt-Putt: A development or parcel of land used for recreational purposes for the sport of imitating golf on a small parcel of land intensively developed.
- Grade: The mean elevation of the established natural grade for the purpose of controlling the height of any structure. The building grade shall be determined by the level of the ground adjacent to the walls of any structure if the finished grade is level. If the ground is not level, the grade shall be determined by averaging the elevation of the ground for each face of the structure
- Group Daycare: A private home in which more than six (6) but not more than twelve minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of family by blood, marriage, or adoption. Group Daycare includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar
- Hotel: An establishment that provides lodging, usually meals, and services for travelers and other paying guest.
- Home Occupation: Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling

for dwelling purposes and does not involve any alteration of the structure or change the character thereof.

- Inoperable or Abandoned Motor Vehicle: Any wheeled vehicle which is selfpropelled and/or intended to be self-propelled, and which by reason of dismantling, disrepair or other cause is incapable of being propelled under its own power. This definition shall not be deemed to include farm machinery other than automobiles or trucks.
- Junk: For the purpose of this Ordinance the term "junk" shall mean any inoperable motor vehicles, machinery, appliances, products, or merchandise with parts missing or scrap metals or other scrap materials that are damaged or deteriorated.
- Junk Yard: Any land or building used for abandonment, storage, keeping, collecting, or baling of paper, rags, scrap metals, other scrap or discarded materials, or for abandonment, demolition, dismantling, storage or salvaging of automobiles or other vehicles not in normal running conditions, machinery or parts thereof.
- Kenel, Commercial: Any lot or premises used for the commercial sale, boarding, or treatment of dogs, cats, or other domestic pets.
- Lot: Land occupied or to be occupied by a building, structure, land use or group of buildings together with such open spaces or yards as are required under this Ordinance and having its principal frontage upon a street.
- Lot Area: The total horizontal area within the lot lines of a lot.
- Lot, Corner: A lot which has at least two contiguous sides abutting upon a street for their full length.
- Lot, Depth Of: The average distance from the front lot line of the lot to its opposite rear line measured in the general direction of the sidelines of the lot.
- Lot, Interior: A lot other than a corner lot.
- Lot, Lake: Any lot having frontage on any body of water, including the Great Lakes, Inland Lakes and all streams and rivers.
- Lot Line(s): Any of the lines bounding a lot as defined herein. (See Illustration).
  - a. Front Lot Line: In the case of an interior lot, it is that line separating said lot from the street. In the case of a through lot, it is that line separating said lot from either street. In the case of a corner lot, the shorter street line shall be considered the front lot line, except in the case of both street lines being equal, the choice may be made at the discretion of the property owner. Once declared and so indicated on the building permit



application, the designated front lot line shall remain as such. On lake lots the front lot line shall be the lot line facing the street.

- b. Rear Lot Line: That lot lines opposite and most distant from the front lot line. In the case of an irregularly shaped lot, the rear lot line shall be an imaginary line parallel to the front lot line not less than ten (10) feet in length, lying farthest from the front lot line and wholly within the lot. On lake lots the rear lot line shall be the lot line facing the water.
  - c. Side Lot Line: Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
- Lot of Record: A lot which is part of a subdivision, the map of which has been recorded in the Office of the Register of Deeds, Mackinac County, Michigan, or a parcel or lot described by metes and bounds, the deed to which has been recorded in the Office of the Register of Deeds, Mackinac County, Michigan, prior to the adoption of this Ordinance.
  - Lot, Through: A double frontage lot, not a corner lot, having a street for both front and rear lot lines.
  - Lot, Width: The straight-line horizontal distance between the side lot lines, measured between the two points where the building line intersects the side lot lines.
  - Major Thoroughfare: An arterial street which is intended to serve as a large volume traffic-way for both the immediate area and the region beyond
  - Marquee: A roof-like structure of a permanent nature projecting from the wall of a building.
  - Maximum Lot Coverage: That portion of a lot which may be paved and includes paved driveways, paved parking areas, buildings, sidewalks, and patios.
  - Mini-Warehouse: A facility consisting of a building or a group of buildings in a controlled-access compound, where individual stalls or lockers are rented out to different tenants for the dead storage of customers' goods and wares. The use of the premises shall not be used for the servicing, repair, or fabrication of any vehicle, boat, trailer, appliance, or similar item; or for the operation of power tools, compressors, kilns, or similar equipment. Limited sales to tenants of products and supplies incidental to the principal use, such as packing materials, identification labels, rope, locks, tape, etc., shall be permitted on the site devoted to this use. The storage of combustible or flammable liquids, combustible fibers or explosive materials, as defined in the fire protection code, or toxic materials are expressly prohibited
  - Mobile Home: A moveable or portable dwelling which is constructed to be towed on its own chassis, is capable of being connected to public utilities, and is designed for year-round living as

a single-family dwelling unit without the necessity for a permanent foundation. The term "mobile home" shall not include pick-up campers, travel trailers, motor homes, converted buses, tent trailers, or other transportable structures designed for temporary use.

- Mobile Home Park: Any lot, parcel or tract of land under the control or management of any person, occupied or designated for occupancy by more than two (2) mobile homes including any accessory building, structures or enclosures comprising facilities used by park residents. To be a Mobile Home Park, the facility must be properly licensed by the Michigan Mobile Home Commission and meet all state and federal regulations.
- Mobile Home Subdivision: A subdivision of land in accordance with Public Act 288 of 1967, as amended, and platted for the sole purpose of providing for the sale of individual lots for mobile home owners.
- Modular (Pre-Manufactured) Housing Unit: A dwelling unit constructed solely within a factory, as a single unit, or in various sized modules or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a single-family dwelling unit, and meeting all codes and regulations applicable to standard dwellings.
- Moran Township Master Land Use Plan: A statement of policy relative to the agreed upon and officially adopted guidelines for a desirable physical pattern for future community development. The plan consists of a series of maps, charts and written materials representing in summary form, the soundest concept for land use thereby creating the very best community living conditions.
- Motel: An establishment providing lodging for motorists usually having direct access to parking area.
- Nonconforming Building (Nonconforming Structure): A building or structure (or portion thereof) lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto, that does not conform to the provisions of this Ordinance relative to height, bulk, area, placement or yards for the zoning district in which it is located.
- Nonconforming Use: A use or activity that was lawful prior to the adoption, revision, or amendment of the zoning ordinance but does not comply with the present requirements of the zoning district because of an adoption, revision, or amendment. Nuisance: An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeated invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things including but not limited to:

- a. Noise;

- b. Dust;
  - c. Smoke;
  - d. Odor;
  - e. Glare;
  - f. Fumes;
  - g. Flashes;
  - h. Vibrations;
  - i. Objectionable effluent;
  - j. Noise of a congregation of people, particularly at night;
  - k. Passing traffic; or
  - l. Invasion of street frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities.
- Nuisance, Attractive: A use, practice, structure or condition that meets the criteria as contained in the "classic statement of the doctrine of attractive nuisance" (2 Restatement of Torts, 2d 339, p 167; 76 Mich. App. 137 - June 1977).
  - Nursery School (Day-Care Center): A public or private school, kindergarten or child care facility wherein day-care, or day-care and education is provided for five (5) or more minors.
  - Nursing Home: An installation other than a hospital, having as its primary function the rendering of nursing care for extended periods of time to persons afflicted with illness, injury, or an infirmity
  - Open Space, Required: The yard space of a lot which is established by and between the street, or the lot lines and required setback line and which shall be open, unoccupied and unobstructed by any structure or any part thereof, except as otherwise provided in this Ordinance.
  - Parking Space: An area of not less than one hundred eighty (180) square feet in area, exclusive of drives, aisles or entrance giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles.
  - Planned Unit Development (PUD): A tract of land of ten (10) acres or more in size developed under single ownership or management as a separate neighborhood or community unit. The

development shall be based on an approved site plan which allows flexibility of design not available under normal zoning district requirements. The plan may contain a mixture of housing types, common open space and other land uses. The plan may consist of regular subdivisions, standard condominiums, site condominiums, performance subdivisions or any combination thereof.

- Planning Commission: The Township Planning Commission of the Township of Moran.
- Point of Intersection: The triangular area formed by the intersecting street right-of-way lines and a straight line intersecting them at points which are on said right-of-way lines.
- Porch: A roofed open area, which may be screened, that is attached to the structure.
- Principal Use: The main use to which the premises are devoted and the principal use for which the premises exist
- Public Utility: Any person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public; gas, steam, electricity, sewage disposal, communication, telephone, telegraph, transportation or water.
- Residential Facility, State Licensed: A building constructed for residential purposes that is licensed by the State to provide residential services for 6 or less persons under 24-hour supervision or care for persons in need of that supervision or care, including foster care homes. This definition does not apply to persons released from or assigned to correctional institutions.
- Restaurant, Drive-In or Fast Food: An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state, for consumption:
  - a. within the restaurant building or in outdoor areas designed for people to eat, such as decks and porches;
  - b. within a motor vehicle parked on the premises; or
  - c. off the premises as carryout orders, and whose principal method of operation includes the following characteristics; food and/or beverages are usually served in edible containers or in paper, plastic or other disposable containers.
- Restaurant, Standard: An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state, and whose principal method of operation includes one or both of the following characteristics:
  - a. customers, normally provided with an individual menu, are served their food and beverage by a restaurant employee, at the same table or counter at which food and

beverage are consumed within a building or in outdoor areas specifically designed for eating;

- b. a cafeteria-type operation where food and beverage generally are consumed within the restaurant building or in outdoor areas specifically designed for eating.
- Right-of-Way: A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.
  - Roadside Stand: A structure that is used seasonally for display and sale of agricultural produce. The operation of a roadside stand shall not constitute a commercial use.
  - Sanitary Landfill: A method of disposing of refuse on land without creating nuisance or hazards to public health or safety, by utilizing principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of suitable cover at the conclusion of each day's operation or at more frequent intervals, as necessary, and maintained in accordance with the provisions of Michigan Public Act 541 of 1994, as amended.
  - Screen: A structure providing enclosure, such as a fence, and a visual barrier between the area enclosed and the adjacent property. A screen may also be nonstructured, consisting of shrubs or other growing materials.
  - Setback: The minimum unoccupied distance between the lot line and the principal and accessory buildings, as required herein.
  - Setback, Front: The minimum required unoccupied distance, extending the full lot width, between the principal building and the front lot line
  - Setback, Rear: The minimum required unoccupied distance, extending the full lot width, between the principal and accessory buildings and the lot line opposite the front lot line.
  - Setback, Side: The minimum required unoccupied distance, extending from the front setback to the rear setback, between the principal and accessory buildings and the side lot line.
  - Shopping Center: Is a business or group of businesses, which provide a variety of merchandise and/or services, which requires a location on a major road and a large parking area to accommodate vehicular traffic. Such a center may be a small neighborhood center, a discount store, or a mall, though this does not limit such use to be one or any of these.
  - Sign: Any device including words, numerals, figures, designs, pictures or trademarks painted upon or otherwise affixed to a building, wall, board, or any structure, so as to inform or attract

attention.

- Site Plan: A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance.
- Special Use Permit: A permit issued by the Township Board stating that the special use meets all the required conditions and provisions.
- Stable, Riding or Boarding: A facility where more than three (3) horses for hire, sale or boarding are kept.
- Story: That part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the space between the floor and the ceiling next above it. A basement shall not be counted as a story
- Story, Half: That part of building between a pitched and the uppermost full story, said part having a finished floor area which does not exceed one-half (1/2) of the floor area of a full story
- Street: A public dedicated right-of-way which affords traffic circulation and principal means of access to abutting property.
- Structure: Anything constructed or erected which requires permanent location on the ground or attachment to something having such location on the ground including but not limited to all buildings, and free-standing signs and not including sidewalks, drives, patios, and utility poles.
- Structural Alterations: Any change in the supporting members of a building such as the bearing walls, beams or girders, or any change in the dimension or configuration of the roof or exterior walls.
- Subdivision: The division of a lot, tract, or parcel of land into lots, tracts, or parcels of land, in accordance with all standards, regulations, and permits as stipulated in the Land Division Act, P.A. 288 of 1967, as amended, for the purpose, whether immediate or future, of sale or of building development.
  - a. Subdivision, Regular: A regular subdivision consists of individual lots with no provisions for clustering of structures, reduction of lot sizes below the specified lot area, or required community or neighborhood open space. A regular subdivision is characterized by division of the entire subject parcel into individual lots.
  - b. Subdivision, Performance: Performance subdivisions permit the developer considerable freedom in design. It allows adjustments in lot sizes and clustering of dwelling units to better adjust to the constraints of a site or of adjoining uses. Further, it insures adequate open space for the residents of each such subdivision.

- Substandard Lot: A lot or parcel of record as the time of adoption of this Ordinance which does not meet the lot area or width requirements of the district within which it is located.
- Township Board: The Township of Moran Trustees
- Variance: A modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.
- Wind Energy Conversion System- Small (Residential): A wind energy conversion system as defined herein, consisting of a wind turbine, a tower, and associated control or conversion electronics, which a rated capacity of not more than 100 Kilowatts (Kw) and which is intended to primarily reduce on-site consumption of utility power.
- Wind Energy Conversion System-Large (Commercial): A wind energy conversion system as defined herein, consisting of a wind turbine, a tower, and associated controls or conversion electronics, which has a rated capacity of more than 100 kilowatts (Kw)
- Yards:
  - a. Yard, Front: An open space extending the full width of the lot and lying between the front line of the lot and the nearest line of the principal building.
  - b. Yard, Rear: An open space extending the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.
  - c. Yard, Side: An open space between the side line of the lot and the nearest line of the principal building and extending from the front yard to the rear yard.
- Zoning Administrator: The authorized representative charged with the responsibility of administering this Ordinance, as appointed employee by the Township Board.

## ARTICLE THREE (3)

### GENERAL PROVISIONS

#### **Sec. 3.01     Application of Regulations:**

Except as specified in this Ordinance, no building, structure, or premises shall hereafter be used or occupied, and no building, structure, or part thereof shall be erected, moved, reconstructed, extended, enlarged or altered except in conformity with the regulations herein specified. Furthermore, no lot shall be divided, no yard or setback reduced, or building height, density, or lot coverage increased so as to be in violation of this Ordinance, except where such reduction or increase has been brought about by the expansion or acquisition of a public right-of-way and/or a variance has been approved by Board of Zoning Appeals.

#### **Sec. 3.02     Unsafe Buildings:**

Nothing in this Ordinance shall prevent compliance with an order by the Zoning Administrator or other appropriate authority to correct, improve, strengthen, or restore to a safe condition any building or any part of a building declared to be unsafe.

#### **Sec. 3.03     One Principal Building Per Lot:**

No more than one principal building may be permitted on a lot or parcel, unless specifically provided for elsewhere in this Ordinance.

#### **Sec. 3.04     Access to a Street (Lot of Record):**

Any one lot of record created before the effective date of this Ordinance without any frontage on a street shall not be occupied without access to a street provided by an easement or other right-of-way no less than twenty (20) feet wide. Under this provision, no more than one lot may be served by such an access route. Additional lots however, may be served by a single access upon application for and receipt of a Special Use Permit.

#### **Sec. 3.05     Building Grades:**

The finished surface of the ground areas outside the walls of any building constructed or altered shall be designed so that surface waters shall flow away from the building walls in a direction and collection that inconvenience or damage to adjacent properties does not occur.

#### **Sec. 3.06     Required Water Supply and Sanitary Sewerage Facilities:**

Every building hereafter erected, altered or moved upon any premises and used in whole or in part for dwellings (year-round or seasonal), recreational, business, commercial or industrial purposes, including churches, schools, and other buildings in which persons customarily congregate, shall be



provided with a safe and sanitary water supply system and with means for collecting and disposing of all human excreta and of all water-carried domestic, commercial, industrial, and other wastes that may adversely affect the public health. All buildings shall comply with the requirements of the District Health Department.

**Sec. 3.07 Moving Buildings:**

The moving of a building to a different location, even if on the same lot, shall be considered the same as the erection of a new building and all provisions, regulations, or requirements relative to the erection of a new building shall be applicable.

**Sec. 3.08 Prior Building Permits:**

Any building permit issued prior to the effective date of this Ordinance shall be valid even though not conforming to the provisions of this Ordinance; provided that construction is commenced within ninety (90) days after the date of permit issuance and carried on diligently without interruption for a continuous period in excess of ninety (90) days. In the event construction is not so commenced within this period, the building, structure, or use for which the permit was issued shall be required to conform to all of the provisions of this Ordinance.

**Sec. 3.09 Fences, Walls and Screens:**

The following regulations shall apply to all fences, walls, screens, or similar devices.

- a. No fence, wall, sign, or screen or any planting shall be erected or maintained in such a way as to obstruct vision or interfere with traffic visibility on a curve, or within thirty (30) feet of the point of intersection of two streets.
- b. No fence, wall, sign, screen or planting shall be erected or maintained in such a way as to obstruct vision, between a height of three (3) and ten (10) feet, within twenty (20) feet of the point of intersection of a street and a driveway.

**Sec. 3.10 Accessory Buildings:**

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

- a. Any accessory building, including carports, attached to the principal building shall be considered structurally a part of the structure, and shall comply with the requirements of this Ordinance applicable to the principal building. Breezeways, as an attachment between the garage or carport and the main building, shall be considered part of the main building, but shall not be considered livable floor area.
- b. An accessory building, unless attached and made structurally a part of the principal building, shall not be closer than ten (10) feet to any other structure on the lot.

- c. No accessory building shall be closer than ten (10) feet to any interior side or rear lot line.
- d. Accessory buildings are subject to all setback requirements from the street applicable to the principal building.
- e. An accessory building shall not occupy more than thirty (30) percent of the area of any rear or front yard.

**Sec. 3.11 Yard Encroachments Permitted:**

The following elements of structures may extend or project into a required yard area.

- a. Certain architectural features such as cornices, eaves, gutters, chimneys, bay windows, balconies and similar features.
- b. Unenclosed porches, patios, paved terraces, and decks.
- c. Fire escapes or open stairways.

**Sec. 3.12 Requirements for Lake Frontage Lots:**

Lots having water frontage shall maintain the required rear yard setback requirement along the lakeside portion of the lot and shall conform to all the regulations of this ordinance. An uncovered boat well shall be permitted provided it does not exceed twenty five (25) feet in shoreline length and conforms with all pertinent State regulations.

**Sec. 3.13 Requirements for Double Frontage Lots:**

In the case of double frontage lots (lots having frontages on two or more streets) all sides of the lot that are adjacent to a street shall be considered the front and the front setback requirements shall apply.

**Sec. 3.14 Access Through Yards:**

Access drives may be placed in the required front or side yards to provide access to the rear yard and/or accessory or attached structures. Further, any walk or other pavement serving alike function shall not be considered a structure and shall be permitted in any required yard.

**Sec. 3.15 Use of Temporary Buildings and Structures:**

Temporary buildings and structures may be placed on a lot or parcel and occupied only under the following conditions.

- a. During renovation of a permanent building damaged by fire. The temporary building or structure shall be removed when repair of fire damage is complete, but in no case shall it be located on the lot or parcel for more than ninety (90) days.

- b. Temporary buildings and structures incidental to construction work, except single-family residences. Said temporary buildings shall be removed within fifteen (15) days after construction is complete, but in no case shall the building or structure be allowed for more than twelve (12) months, unless expressly authorized after petition to the Board of Zoning Appeals.
- c. Temporary buildings incidental to a church or school, provided that all wiring, plumbing, fire protection and exits are approved by the Fire Chief and Building Inspector, and by relevant state agencies.

**Sec. 3.16      Solar Access:**

No landowner shall use his or her land in any manner that will unduly impede solar access to any adjacent property.

**Sec. 3.17      Earth Sheltered Homes:**

No provision of this Ordinance shall unduly apply to earth sheltered homes where any conventional single-family dwelling would be permitted.

**Sec. 3.18      Use of Flag Lots:**

A flag lot may be used for residential purposes without the minimum required frontage on a street, in the following instances and with the following stipulations:

- a. The flag lot makes it possible to better utilize irregularly shaped properties or areas with resource limitations.
- b. Where flag lots are utilized to eliminate direct access to major arterial roadways.
- c. Stipulations:
  - 1. Access shall be provided by a right-of-way, no less than twenty (20) feet wide.
  - 2. No more than one lot may be served by such an access route. Additional lot(s) however, may be served by a singular access upon application for and receipt of a special use permit.
  - 3. All site development standards of the applicable zoning district shall be met.
  - 4. No more than ten (10) percent of the lots in a subdivision may be flag lots.
  - 5. Flag lots shall not be permitted in a subdivision when their intent would be to avoid the developmental costs of constructing an access road.

### **Sec. 3.19     Lighting:**

The outdoor lighting of yards, parking areas, buildings, grounds, signs, private roads, and waters shall be designed and constructed to insure that direct or directly reflected light is confined to the site on which the light is located and lamps and luminaries are hooded to insure that there will be no direct light spillage beyond the boundaries of the site or road right-of-way.

### **Sec. 3.20     Antennas/Satellite Dishes:**

Antennas may be attached to existing structures, including light standards, power poles, water towers, telecommunication towers, or buildings. Antennas shall extend no higher than ten (10) feet above the structure to which they are attached. Antennas shall be grounded for protection against a direct strike by lightning and shall comply as to electrical connections and wiring and as to structural integrity with all applicable state and local building codes and the applicable standards for towers published by the Electronics Industries Association, as amended from time to time.

A satellite dish that is one meter or less (3 feet 3 inches) in diameter, is or is not attached to a building or structure, and conforms to the setback requirements of the district within which located, shall not require the issuance of a Certificate of Zoning Compliance. Larger satellite dishes, whether located on the ground or on a structure, shall conform to the setback requirements of the district within which located and shall not be erected until the Zoning Administrator has issues a Certificate of Zoning Compliance.

### **Sec. 3.21     Solid Waste Enclosures:**

Any solid waste container large enough to require a mechanical device to empty shall be located in an enclosure that is screened on three (3) sides by a solid wood fence or masonry wall at least as high as the container. The fourth side of the enclosure may be left open if the container has a lid that is kept locked except when waste is being deposited or removed.

The solid waste container and enclosure shall be located, at a minimum, 50 feet from any adjacent property line. The solid waste container and enclosure shall be so situated that trucks collecting waste from the container shall not conflict with the orderly flow of traffic onto or through the parcel.

### **Sec. 3.22     Collection or Storage of Rubbish:**

It shall be unlawful to store, collect, dispose of, or place building materials, refuse, junk, garbage, inoperable and/or unlicensed automobiles, vehicle parts, animal waste, or any such materials or substances anywhere in the Township except where specifically permitted by this Ordinance or if it is part of an active composting operation.

**Sec. 3.23      Access Management Overlay Regulations – U.S. 2:**

- a. Purposes. The purposes of access management overlay regulations are to coordinate access on to the U.S. 2 in the interests of:
- enhancing traffic safety;
  - reducing traffic congestion;
  - maintaining traffic capacity;
  - minimizing highway expansion;
  - protecting public investment in the street system;
    - implementing provisions of the Moran Township Master Plan;
    - while providing continuing opportunities for growth and development within the highway corridor.

It is the intent of this Ordinance that land uses share access wherever possible or provide alternative access as means to accomplish these purposes.

- b. Site Plan Review Required. In addition to the Site Plan requirements, all site plans for development with frontage on U.S. 2 shall show how the proposed development complies with the access management overlay regulations.
- c. Regulations. The following regulations shall be applicable to all lots abutting U.S.2 in Moran Township. No building, shall be erected or enlarged, no use shall be changed and no access shall be constructed or altered except in conformance with the following access management regulations, however, the enlargement of an existing one-family dwelling shall not require conformance with these regulations.
1. Access Spacing. The minimum horizontal distance between the centerline of any two accesses on the same side of the U.S.2 , whether streets or driveways, as measured from their centerlines, shall be 300 feet. This spacing requirement shall apply to all uses and may be accomplished by any of the following means:
- (a) By owning sufficient frontage on the highway to meet the spacing requirement;  
or
  - (b) By assembling sufficient frontage to meet the spacing requirement; or
  - (c) By sharing access via shared driveways, easements and/or cross access agreements, or
  - (d) In the event the access spacing standards cannot be satisfied on an individual parcel due to frontage deficiencies, one temporary private driveway may be approved, provided an access management plan is submitted by the applicant, and approved by the Planning Commission, that incorporates the principles of shared driveways, cross easements, or alternative access and, further provided, said access design is approved by the Michigan Department of Transportation and/or County. Individual one and two-family dwellings shall not be required to have an access management plan.

2. Corner Clearance. Where a lot abuts both U.S. 2 and a crossroad, access to U.S. 2 shall conform to the access spacing requirements. The first private driveway or street access to the crossroad, as measured from the edge of the pavement of U.S. 2, shall be no less than 330 feet.
3. Residential Access. No new private residential driveway access shall be permitted directly to the U.S. 2 unless no other alternative is available. Wherever two or more residential lots are created which have no alternative access, a single shared driveway or road access shall be required.
4. Existing Individual Driveways. If a lot or use has one or more existing individual driveway accesses to U.S. 2, said accesses shall be allowed to remain in use provided they are not relocated or altered. In the event such accesses are altered, they shall be made to more fully comply with the access requirements of this Section.
5. Access Design and Approval. The design of any direct access to U.S. 2 shall be as required and approved by the Michigan Department of Transportation. The requirements of this Section shall supercede the issuance of a driveway permit by the Michigan Department of Transportation.
6. Flexibility Allowed. As part of the site plan review process, the actual location of an access may be varied by the Planning Commission if it can be demonstrated that the intent of this Section to minimize the number of individual driveways and coordinate accesses is fulfilled in the interests of maintaining highway capacity, reducing congestion, and improving traffic safety.

### **Sec. 3.24      Outdoor Furnace:**

An outdoor furnace is a device located outside of a dwelling and is used to burn combustible materials, such as wood, for the purpose of generating heat inside the dwelling.

- a. Outdoor furnaces shall be considered accessory structures and are subject to the setback requirements.
- b. Outdoor furnaces are not permitted in the front yard.
- c. No outdoor furnace shall be within fifty (50) feet of another outdoor furnace.
- d. The chimney for an outdoor furnace shall be a maximum height of fifteen (15) feet.
- e. Only one (1) outdoor furnace per a lot.
- f. The outdoor furnace shall comply with all applicable building and fire codes.

**Sec. 3.25 Keeping of Animals**

- a. The keeping of household pets, including dogs, cats, rabbits, fish, birds, hamsters and other animals generally regarded as household pets is permitted as an accessory use to any residential zoning district. The quantity of these pets is not to exceed the number discussed in the Mackinac County Animal Control Ordinance.
- b. The keeping of animals other than domesticated pets is only permitted as provided for in the following table. The keeping of equine and livestock is prohibited in all other zoning districts. On lots greater than 10 acres in the permitted zoning districts the provisions of this table do not apply provided all other applicable state and county requirements are met.

<b>Animal</b>	<b>Zoning Districts Allowed</b>	<b>Minimum Lot Area for First Animal</b>	<b>Lot Area for Each Additional Animal</b>
Chickens, turkeys or rabbits	PIG, SCG, OZARK, POS,SOS, RL	1 acre	.1 acre
Horses, ponies, other equine mules, burros, llamas and alpaca	PIG, SCG, OZARK, POS,SOS, RL	2.5 acres	1 acre
Sheep, goats	PIG, SCG, OZARK, POS,SOS, RL	2.5	.5
Swine	PIG, SCG, OZARK, POS,SOS, RL	5	.5
Cattle, bison, ostriches or elk, deer,	PIG, SCG, OZARK, POS,SOS, RL	5	.5

- c. The keeping of dogs (other than described in a. above) is permitted as an allowable use in all residential zoning areas with the approval of a special use permit as outlined below:
  - 1. All commercial kennels shall be operated in conformance with all applicable county, state, and federal regulations.
  - 2. Keeping of dogs for personal enjoyment without remuneration (noncommercial kennels) shall be limited to three dogs for the first acre and one additional acre shall be required for each dog after the first three (dogs). A maximum of 9 dogs shall be permitted. The keeping of said dogs shall not become a nuisance or a public health hazard and must be in conformance with all applicable county, state and federal regulations.
- d. All grazing areas shall be fenced. An accessory structure shall be provided to house such animals. Any barn, or stable structure and any outdoor feed (non-grazing) area, training or exercising corrals shall be setback at least one hundred (100) feet from any occupied

(residential) dwelling.

- e. Veterinary hospitals and clinics- Veterinary hospitals and clinics shall be located on not less than one acre and may provide pet grooming and pet boarding services. These activities when offered, however, must occur or be offered from within the confines of the primary veterinary hospital or clinic structure and shall not be permitted to be offered from a separate ancillary structure on the same property. In addition, the area in square footage devoted to these services cannot exceed the area in square footage that is devoted to the primary use of a hospital or clinic. Veterinary hospitals or clinics may also have a small outdoor confinement area for supervised airing of pets provided the same is not closer than thirty (30) feet to a property line, however, outdoor runs shall not be permitted. Veterinary hospitals or clinics *with* outdoor runs and/or exercise areas shall be located on not less than two (2) acres and shall be limited to the POS, SOS, and Ozark and RL districts.
- f. Public Riding Stables- a public riding stable, for the keeping of horses for remuneration, hire, or sale subject to the following:
  - 1. Stables are allowed in the following zoning area with a special use permit:  
RL,POS,SOS, and Ozark
  - 2. Public riding stables shall be a minimum of ten (10) acres.
  - 3. All buildings in which animals are kept shall be located no closer than seventy-five (75) feet to any property line.
  - 4. Persons renting horses shall be adequately supervised so as to avoid conflict with nearby property owners.
  - 5. The area on which the concentrated storage or stockpiling of manure shall be a minimum of one hundred (100) feet from any property line.

### **Sec. 3.26      Cross Parcel Zoning**

When a parcel of land contains two (2) or more zoning districts within its boundaries then the entirety of that parcel shall be classified as the same as the zoning district incorporating the majority of land within its boundaries.

However, if one of the zoning districts is VCRC, Visual Corridor and Recreation Coastal District, then the entirety of that parcel shall be zoned VCRC.

### **Sec. 3.27      Tent Structures**

Structures that are made of a fabric or canvas-like material and that are used to store a vehicle, boat, or other items and are located at a site for more than three (3) days shall comply with all of the required setbacks.



**Sec. 3.28      Wind Energy Conversion System-Small**

One Small Wind Energy Conversion System will be permitted in all zoning districts with the following conditions:

- (1) Tower height is one hundred (100) feet or less
- (2) Property setbacks-the distance between the on-site energy system and the owner's property lines shall be least 1½ times the total height of the wind energy system. No part of the wind energy system structure including the guy wire anchors may extend closer than ten (10) feet to the owner's property lines.
- (3) System shall comply with all applicable local, state, and/or federal construction and electrical codes and aviation regulations.

**ARTICLE FOUR (4)**

**ZONING DISTRICTS AND MAP**

**Sec. 4.01        Establishment of Districts:**

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

- RL        - RECREATION LANDS DISTRICT
- POS      - PRIMARY OPEN SPACE DISTRICT
- SOS      - SECONDARY OPEN SPACE DISTRICT
- SCG      - SECONDARY COASTAL GROWTH DISTRICT
- SIG      - SECONDARY INLAND GROWTH DISTRICT
- PCG      - PRIMARY COASTAL GROWTH DISTRICT
- PIG      - PRIMARY INLAND GROWTH DISTRICT
- PIGC     - PRIMARILY INLAND GROWTH COMMERCIAL DISTRICT
- VCRC    - VISUAL CORRIDOR AND RECREATION COASTAL DISTRICT
- TU       - TRANSITIONAL USE DISTRICT
- OC       - OZARK COMMUNITY DISTRICT

**Sec. 4.02        Zoning Districts Map:**

The boundaries of the respective districts enumerated in Sec. 4.01 are defined and established as depicted on the map entitled "OFFICIAL ZONING MAP OF THE TOWNSHIP OF MORAN, MACKINAC COUNTY, MICHIGAN" which is an integral part of this Ordinance and contained within Appendix A. This map, with all notations and explanatory matter thereon, shall be published as part of this ordinance as is fully described herein.

This Official Zoning map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bearing the effective date of September 3, 2005.

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 made on the Official Zoning map after an amendment has been approved by the Township Board.

One copy of the Official Zoning Map is to be maintained and kept up-to-date by the Township Clerk, accessible to the public and shall be the final authority as to the current zoning status of properties in the Township.

**Sec. 4.03        Replacement of Official Zoning Map:**

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made thereto, the Township Board may, by Ordinance, adopt a new Official Zoning Map that shall supersede the prior Official Zoning Map. The Official

Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk and bear the seal of the township under the following words: "This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of Moran Township effective date of September 3, 2005." Unless the prior Official Zoning map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment. Two (2) copies of the Official Zoning Map are to be maintained and kept up-to-date, one (1) in the Township Clerk's office, and one (1) in the Township Hall.

**Sec. 4.04     Interpretation of District Boundaries:**

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

- a. The boundaries of zoning districts are intended to follow centerlines of alleys, streets or other rights-of-way, or lot lines, or be parallel or perpendicular thereto, unless such District boundary lines are otherwise clearly indicated on the Official Zoning Map.
- b. Where district boundaries are so indicated that they approximately follow lot lines, such lines shall be construed to be boundaries.
- c. In unsubdivided property, or where a district boundary divides a lot, the location of such boundary, unless shown by dimensions on the Zoning Map, shall be determined by use of the map scale shown thereon.
- d. Boundaries indicated as approximately following Township limits shall be construed as following Township limits.
- e. Boundaries indicated as following railroad lines and/or divided highways shall be construed to be midway between the main tracks and/or traffic lanes.
- f. 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 centerline of streams, rivers, lakes, or other bodies of water shall be construed to follow such centerlines.
- g. A boundary indicated as parallel to, or an extension of, a feature indicated above, the Planning Commission shall interpret the district boundaries.
- h. Where 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 items (a) through (g) above, the Planning Commission shall interpret the district boundaries.

**Sec. 4.05        Zoning of Vacated Areas:**

Whenever any street, alley, railroad or other right-of-way within the Township has been vacated by official government action the zoning districts adjoining each side of the right-of-way shall be extended to the center of such vacation and all areas included in the vacation shall automatically be subject to the regulations of the extended districts.

**Sec. 4.06        Zoning of Filled Land; Use of Waters:**

Whenever any fill is placed in any lake or stream, the land thus created shall automatically and without further governmental action thenceforth be subject to the same zoning regulations as are applicable for lands to which same is adjacent, and the same be used for those purposes as are permitted under this Ordinance for such adjoining lands. No use of the surface of any lake or stream shall be permitted for any purpose not permitted on the land from which the use emanates.

**Sec. 4.07        Application of District Regulations:**

The regulations herein established within each Zoning District shall be the minimum regulations for promoting and protecting the public health, safety and general welfare, and shall be uniform for each class of land or buildings and structures throughout each district. Where there are practical difficulties or hardships in the way of carrying out the strict letter of this Ordinance, the Board of Zoning Appeals shall have power in passing upon appeals to vary or modify regulations and provisions of this Ordinance so that the intent and purposes of this Ordinance shall be observed, public safety secured and substantial justice done.

**Sec. 4.08        Scope of Provisions:**

- a. Uses are permitted by right only if specifically listed as uses permitted by right in the various zoning districts. Where not specifically permitted, uses are thereby prohibited unless construed by the Planning Commission to be similar to a use expressly permitted by the District.
- b. Accessory uses are permitted as indicated for the various Zoning Districts if such uses are clearly incidental to the permitted principal uses.
- c. The uses permitted subject to special conditions are recognized as possessing characteristics of such unique and special nature (relative to location, design, size, etc.) as necessitating individual standards and conditions in order to safeguard the general health, safety, and welfare of the community.
- d. No part of a setback area, or other open space, or off-street parking or loading space required about or in connection with any use, building or structure, for the purpose of complying with this Ordinance, shall be included as part of a setback area, open space, or off-street parking or loading space similarly required for any other use, building or structure.
- e. No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in

dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein.

- f. No portion of one lot once established and/or improved with a building or structure shall be sold unless each lot resulting from each such reduction, division, or sale, shall conform to all of the requirements established herein.

**Sec. 4.09            Conflicting Regulations:**

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

# **ARTICLE FIVE (5)**

## **Recreation Lands District**

### **Sec. 5.01 Purpose:**

The Recreation Lands District is intended to acknowledge and preserve the extensive natural and environmentally sensitive properties that presently exist within the Township and are critical in establishing and maintaining the overall character of Moran Township and its economic well-being. As a result of the critical role these properties play in providing wildlife habitats, controlling surface runoff, protecting groundwater quality and quantity, providing recreational opportunities and a visual landscape unique to only few areas across the nation, these lands are intended to remain in their present state with minimal disturbance and very low residential densities. Improved infrastructure and public services should not occur in these areas. The vast majority of this land is expected to be publicly owned. This designation is intended to implement the goals and policies of the Moran Township Master Plan and provides a zoning district that corresponds to the development guidelines of the Forest/Recreation land use classification.

### **Sec. 5.02 Use Permitted by Right:**

The following uses and structures are permitted in the RL District as a matter of right.

- a. Public conservation areas and structures for the development, protection, and conservation of open space, watersheds, water, soil, forests, and wildlife resources.
- b. Public recreational facilities of a non-commercial nature, including hiking and skiing trails, bikeways, rustic campgrounds and similar recreational facilities of low impact, low density use.
- c. Forestry and silvicultural practices.
- d. Standard single-family dwelling unit.
- e. Family Daycare
- f. State licensed residential facility.
- g. Storage unit for recreational vehicles, such as snowmobiles, campers, and boats.
- h. Group Daycare if approved by Special Review by the Zoning Administrator. Prior to the issuance of a permit, the Zoning Administrator shall review the site plan for the Group Daycare to determine if the following standards are met.

1. It is located no closer than 1,500 feet to any of the following:

- a. Another licensed group daycare home
  - b. A foster care home licensed under the Adult Foster Care Facility Licensing Act. P.A. 218 of 1979
  - c. A facility offering substance abuse and rehabilitation service to seven (7) or more people licensed under P.A. 368 of 1979
  - d. A community correction center, resident home, halfway house, or other similar facility which house inmate population under the jurisdiction of the Department of Corrections.
2. Has appropriate fencing for the safety of the children in the group daycare home as determined by the local unit of government.
  3. Maintains the property consistent with visible characteristics of the neighborhood.
  4. Meets all applicable sign regulations.
  5. Does not exceed sixteen (16) hours of operation within a twenty-four (24) hour period.

**Sec. 5.03 Permitted Accessory Uses:**

The following are permitted accessory uses.

- a. Accessory uses or structures, clearly incidental to any of the above permitted uses, with a maximum size not to 25% of the ground coverage of the principal structure.
- b. Agricultural or horticultural activities for the sole use of permitted single-family residences

**Sec. 5.04 Uses Permitted by Special Use Permit:**

The following uses of land and structures may be permitted in this District, by the application for and the issuance of a Special Use Permit.

- a. Public buildings and public service installations, including federal, state or municipal, administrative or public service buildings, public service facilities and uses related to serving recreational or environmental needs.
- b. Clustered Development.
- c. Soil, sand, or gravel removal, including quarries and other mining operations, in accordance with the requirements and procedures of Article 15, Transitional Use District.

**Sec. 5.05 Site Development Standards:**

The following maximum and minimum standards apply to all uses and structures in the RL District.

a. Minimum Lot Area:

1. Standard single-family detached dwellings shall require a minimum parcel size of not less than forty (40) acres.
2. All other permitted uses shall require a minimum parcel size of eighty (80) acres.

b. Minimum Lot Width: The minimum lot width shall be:

1. Standard single-family detached dwelling one thousand (1,000) feet.
2. All other uses – one thousand, three hundred and twenty (1,320) feet or the equivalent of a subdivision section.

c. Maximum Lot Coverage: The maximum lot coverage shall not exceed.

1. Standard single-family detached dwelling: a maximum of eight thousand (8,000) square feet.
2. All other uses: a maximum of twenty thousand (20,000) square feet.

d. Yard and Setback Requirements:

1. Front Yard: One hundred and fifty (150) feet of which one half (1/2) shall be retained in its natural state.
2. Side Yard: Two hundred (200) feet of which one half (1/2) shall be retained in its natural state.
3. Rear Yard: Two hundred (200) feet of which one half (1/2) shall be retained in its natural state.

e. Maximum Height Requirements:

No structure shall exceed a maximum height of thirty-five (35) feet. Accessory buildings and structures shall not exceed a height of twenty (20) feet. Silos used for agricultural purposes shall not exceed eighty (80) feet.

**Sec. 5.06 Other Requirements:**

- a. A front yard buffer area of not less than seventy-five (75) feet in width, located between the front lot line and building setback line, shall be provided and consist of the vegetation found on site prior to any agricultural or vegetative clearing activities. Up to thirty (30)



feet of the linear buffer area may be cleared for the purposes of providing access to the lot. Under no circumstances shall the buffer area consist of manicured turf.

- b. Subject to the Performance Requirements listed in Article 16.

# **ARTICLE SIX (6)**

## **Primary Open Space District**

### **Sec. 6.01 Purpose:**

The POS Primary Open Space District is intended to acknowledge and preserve the extensive natural and environmentally sensitive properties that exist within the Township, while allowing for residential development that is compatible with the surrounding areas at relatively low densities. Regulations in this designation are to insure development does not detract from or negatively impact adjacent properties. They are intended to implement the goals and policies stated in the Master Plan. The Master Plan for Moran Township provides development guidelines for this designation in the Rural Open Space and Development land use classification.

### **Sec. 6.02 Use Permitted by Right:**

The following uses and structures are permitted in the POS District as a matter of right.

- a. Public conservation areas and structures for the development, protection, and conservation of open space, watersheds, water, soil, forests, and wildlife resources.
- b. Public recreational facilities of a non-commercial nature, including hiking and skiing trails, bikeways, rustic campgrounds and similar recreational facilities of low impact, low density use.
- c. Forestry and silvicultural practices.
- d. Standard single-family dwelling unit.
- e. Family Daycare
- f. State licensed residential facility.
- g. Clustered Subdivisions.
- h. Storage unit for recreational vehicles, such as snowmobiles, campers, and boats.
- i. Group Daycare if approved by Special Review by the Zoning Administrator. Prior to the issuance of a permit, the Zoning Administrator shall review the site plan for the Group Daycare to determine if the following standards are met.
  1. It is located no closer than 1,500 feet to any of the following:
    - a. Another licensed group daycare home

- b. A foster care home licensed under the Adult Foster Care Facility Licensing Act. P.A. 218 of 1979
  - c. A facility offering substance abuse and rehabilitation service to seven (7) or more people licensed under P.A. 368 of 1979
  - d. A community correction center, resident home, halfway house, or other similar facility which house inmate population under the jurisdiction of the Department of Corrections.
2. Has appropriate fencing for the safety of the children in the group daycare home as determined by the local unit of government.
  3. Maintains the property consistent with visible characteristics of the neighborhood.
  4. Meets all applicable sign regulations.
  5. Does not exceed sixteen (16) hours of operation within a twenty-four (24) hour period.

**Sec. 6.03 Permitted Accessory Uses:**

The following are permitted accessory uses.

- a. Accessory uses or structures, clearly incidental to any of the above permitted uses, with a maximum size not to 25% of the ground coverage of the principal structure.
- b. Agricultural or horticultural activities for the sole use of permitted single-family residences

**Sec. 6.04 Uses Permitted by Special Use Permit:**

The following uses of land and structures may be permitted in this District, by the application for and the issuance of a Special Use Permit.

- a. Public buildings and public service installations, including federal, state or municipal, administrative or public service buildings, public service facilities and uses related to serving recreational or environmental needs.
- b. Telecommunication tower.
- c. Soil, sand, or gravel removal, including quarries and other mining operations, in accordance with the requirements and procedures of Article 15, Transitional Use District.

**Sec. 6.05 Site Development Standards:**

The following maximum and minimum standards apply to all uses and structures in the POS District.

a. Minimum Lot Area:

1. Standard single-family detached dwellings shall require a minimum parcel size of not less than ten (10) acres.
2. All other permitted uses shall require a minimum parcel size of twenty (20) acres.

b. Minimum Lot Width: The minimum lot width shall be:

1. Standard single-family detached dwelling three hundred and thirty (330) feet.
2. All other uses – four hundred and sixty six (466) feet.

c. Maximum Lot Coverage: The maximum lot coverage shall not exceed.

1. Standard single-family detached dwelling: a maximum of eight thousand (8,000) square feet.
2. All other uses: a maximum of twenty thousand (20,000) square feet.

d. Yard and Setback Requirements:

1. Front Yard: One hundred (100) feet of which one half (1/2) shall be retained in its natural state.
2. Side Yard: One hundred (100) feet of which one half (1/2) shall be retained in its natural state.
3. Rear Yard: One hundred (100) feet of which one half (1/2) shall be retained in its natural state.

e. Maximum Height Requirements:

No structure shall exceed a maximum height of thirty-five (35) feet. Accessory buildings and structures shall not exceed a height of twenty (20) feet. Silos used for agricultural purposes shall not exceed eighty (80) feet.

f. Minimum Building Floor Area:

Every single family detached dwelling hereafter erected shall have a minimum gross living space per dwelling unit of not less than seven hundred fifty (750) square feet, exclusive of basements, garages, porches, and breezeways.

**Sec. 6.06 Other Requirements:**

- a. A front yard buffer area of not less than seventy-five (75) feet in width, located between the front lot line and building setback line, shall be provided and consist of the vegetation found on site prior to any agricultural or vegetative clearing activities. Up to thirty (30) feet of the linear buffer area may be cleared for the purposes of providing access to the lot. Under no circumstances shall the buffer area consist of manicured turf.
- b. Subject to the Performance Requirements listed in Article 16.

# ARTICLE SEVEN (7)

## Secondary Open Space District

### **Sec. 7.01 Purpose:**

The SOS Secondary Open Space District is intended to preserve natural and environmentally sensitive properties while allowing development. The Township recognizes the District's value as a low-density development area during present times and its potential increase in density in the future based on growth trends.

Some of the lands found in the SOS District are currently used for sand and gravel extraction operations and exist within the SOS District as non-conforming uses. As these extraction operations were initiated before the adoption of this Ordinance and may not be subject to the regulations of this Ordinance addressing such uses, it is critical to note that such uses are transitional in nature and do not represent a final use. The final use of such lands will occur at the time these lands are fully reclaimed. Accordingly, it is the intent of this article that the final use of such lands shall be in accordance with the standards and regulations herein. All development within the SOS District should comply fully with the Moran Township Master Plan goals, policies, and corresponding land use classifications.

### **Sec. 7.02 Use Permitted by Right:**

The following uses and structures are permitted in the SOS District as a matter of right.

- a. Public conservation areas and structures for the development, protection, and conservation of open space, watersheds, water, soil, forests, and wildlife resources.
- b. Public recreational facilities of a non-commercial nature, including parks, playgrounds, camps, hiking and skiing trails, bikeways, rustic campgrounds and similar recreational facilities of a low impact use.
- c. Public buildings and public service installations, including federal, state or municipal, administrative or public service buildings, public service facilities and uses related to serving recreational or environmental needs.
- d. Forestry and silvicultural practices.
- e. Standard single-family dwelling unit.
- f. Family Daycare
- g. State licensed residential facility.

- h. Regular subdivisions, performance subdivisions, site condominiums, and cluster developments.
- i. Storage unit for recreational vehicles, such as snowmobiles, campers, and boats.
- j. Group Daycare if approved by Special Review by the Zoning Administrator. Prior to the issuance of a permit, the Zoning Administrator shall review the site plan for the Group Daycare to determine if the following standards are met.
  - 1. It is located no closer than 1,500 feet to any of the following:
    - a. Another licensed group daycare home
    - b. A foster care home licensed under the Adult Foster Care Facility Licensing Act. P.A. 218 of 1979
    - c. A facility offering substance abuse and rehabilitation service to seven (7) or more people licensed under P.A. 368 of 1979
    - d. A community correction center, resident home, halfway house, or other similar facility which house inmate population under the jurisdiction of the Department of Corrections.
  - 2. Has appropriate fencing for the safety of the children in the group daycare home as determined by the local unit of government.
  - 3. Maintains the property consistent with visible characteristics of the neighborhood.
  - 4. Meets all applicable sign regulations.
  - 5. Does not exceed sixteen (16) hours of operation within a twenty-four (24) hour period.

**Sec. 7.03 Permitted Accessory Uses:**

The following are permitted accessory uses.

- a. Accessory uses or structures, clearly incidental to any of the above permitted uses.
- b. Agricultural or horticultural activities for the sole use of permitted single-family residences.

**Sec. 7.04 Uses Permitted by Special Use Permit:**

The following uses of land and structures may be permitted in this District, by the application for and the issuance of a Special Use Permit.

- a. Golf Course (standard).
- b. Planned unit development (PUD).

- c. Soil, sand, or gravel removal, including quarries and other mining operations, in accordance with the requirements and procedures of Article 15, Transitional Use District.

**Sec. 7.05 Site Development Standards:**

The following maximum and minimum standards apply to all uses and structures in the SOS District.

a. Minimum Lot Area:

- 1. Standard single-family detached dwellings shall require a minimum parcel size of not less than five (5) acres.
- 2. All other permitted uses shall require a minimum parcel size of fifteen (20) acres.

b. Minimum Lot Width:

The minimum lot width shall be: three hundred (300) feet.

c. Maximum Lot Coverage: The maximum lot coverage shall not exceed.

- 1. Standard single-family detached dwelling: a maximum of eight thousand (8,000) square feet.
- 2. All other uses: a maximum of fifteen thousand (15,000) square feet.

d. Yard and Setback Requirements:

- 1. Front Yard: Sixty (60) feet of which one half (1/2) shall be retained in its natural state.
- 2. Side Yard: One hundred (100) feet of which one half (1/2) shall be retained in its natural state.
- 3. Rear Yard: One hundred (100) feet of which one half (1/2) shall be retained in its natural state.

e. Maximum Height Requirements:

No structure shall exceed a maximum height of thirty-five (35) feet. Accessory buildings and structures shall not exceed a height of twenty (20) feet.

f. Minimum Building Floor Area:



Every single family detached dwelling hereafter erected shall have a minimum gross living space per dwelling unit of not less than seven hundred fifty (750) square feet, exclusive of basements, garages, porches, and breezeways.

**Sec. 7.06 Other Requirements:**

- a. A front yard buffer area of not less than seventy-five (75) feet in width, located between the front lot line and building setback line, shall be provided and consist of the vegetation found on site prior to any agricultural or vegetative clearing activities. Up to forty (40) feet of the linear buffer area may be cleared for the purposes of providing access to the lot. Under no circumstances shall the buffer area consist of manicured turf.
- b. Subject to the Performance Requirements listed in Article 16.

# ARTICLE EIGHT (8)

## Secondary Coastal Growth District

### **Sec. 8.01 Purpose:**

The SCG Secondary Coastal Growth District is established to provide opportunities for land development in a manner that protects and generally preserves the overall existing character of Moran Township. There is a natural affinity for human beings to be drawn to the coastal environments that this District offers in the way of dune formations, Lake Michigan access, and splendid panoramic views. To fully deny access or use of these areas would be overly restrictive to the respective landowners and as such, this District provides regulatory guidelines that allow for the use of these land parcels in a manner that minimizes disturbance to these highly sensitive environmental ecosystems while acknowledging the potential for development. This District is void of any public water and sewer services. The intent of this District is to preserve the overall existing natural features and character of the area through lot size and related regulations thereby meeting the goals and policies of the Moran Township Master Plan.

The real estate value of shoreline property cannot be understated as can be seen throughout the State. As current or future pressure for development of parcels within the SCG District may be inevitable, one must not lose sight of the fact that it is the Lake Michigan shoreline and its associated features that help to make Moran Township a unique community. Further, it is the lake environment and its associated natural features that play a critical role in the economic well-being of the Township through tourists coming to the area to experience the breathless vistas and abounding beauty. This District establishes a mechanism for limited development while not substantially sacrificing the natural character of the District as has been done in other areas of the Township and State. It is critical that any development in this area follows the land use guidelines presented in the Moran Township Master Plan.

### **Sec. 8.02 Use Permitted by Right:**

The following uses and structures are permitted in the SCG District as a matter of right.

- a. Public conservation areas and structures for the development, protection, and conservation of open space, watersheds, water, soil, forests, and wildlife resources.
- b. Standard single-family dwelling unit.
- c. Family Daycare
- d. State licensed residential facility.
- e. Regular subdivisions, performance subdivisions, site condominiums, and cluster developments.

- f. Group Daycare if approved by Special Review by the Zoning Administrator. Prior to the issuance of a permit, the Zoning Administrator shall review the site plan for the Group Daycare to determine if the following standards are met.
  1. It is located no closer than 1,500 feet to any of the following:
    - a. Another licensed group daycare home
    - b. A foster care home licensed under the Adult Foster Care Facility Licensing Act. P.A. 218 of 1979
    - c. A facility offering substance abuse and rehabilitation service to seven (7) or more people licensed under P.A. 368 of 1979
    - d. A community correction center, resident home, halfway house, or other similar facility which house inmate population under the jurisdiction of the Department of Corrections.
  2. Has appropriate fencing for the safety of the children in the group daycare home as determined by the local unit of government.
  3. Maintains the property consistent with visible characteristics of the neighborhood.
  4. Meets all applicable sign regulations.
  5. Does not exceed sixteen (16) hours of operation within a twenty-four (24) hour period.

### **Sec. 8.03 Permitted Accessory Uses:**

The following are permitted accessory uses.

- a. Accessory uses or structures, clearly incidental to any of the above permitted uses.
- b. Agricultural or horticultural activities for the sole use of permitted single-family residences.

### **Sec. 8.04 Uses Permitted by Special Use Permit:**

The following uses of land and structures may be permitted in this District, by the application for and the issuance of a Special Use Permit.

- a. Public and non-commercial boat docks and launching ramps so long as no electrical, sanitary pump-out, or fueling facilities are provided.
- b. Public recreational facilities of a non-commercial nature, including hiking and skiing trails, bikeways, rustic campgrounds and similar recreational facilities of low impact, low density use.
- c. Storage unit for recreational vehicles, such as snowmobiles, campers, and boats.

- d. Soil, sand, or gravel removal, including quarries and other mining operations, in accordance with the requirements and procedures of Article 15, Transitional Use District.

**Sec. 8.05 Site Development Standards:**

The following maximum and minimum standards apply to all uses and structures in the SCG Secondary Coastal Growth District.

a. Minimum Lot Area:

No building or structure shall be established on any parcel less than two and half (2.5) acres in size.

b. Minimum Lot Width:

The minimum lot width shall be: two hundred (200) feet.

c. Maximum Lot Coverage:

The maximum lot coverage shall not exceed five (5) percent of the total area. For lots that meet the definition of “Lot of Record” and qualify for the Substandard Lots setback reduction in Section 18.12 of this Ordinance, the maximum lot coverage may be increased to twenty (20) percent of the total area.

d. Yard and Setback Requirements:

1. Front Yard: Sixty (60) feet.
2. Side Yard: Fifty (50) feet.
3. Rear Yard: Twenty-five (25) feet, except in the case of lake lots where the rear yard shall not be less than one hundred (100) feet of which one half (1/2) shall be retained as a greenbelt. (See Section 17.02).

e. Maximum Height Requirements:

No structure shall exceed a maximum height of thirty-five (35) feet. Accessory buildings and structures shall not exceed a height of twenty (20) feet.

f. Minimum Building Floor Area:

Single-family detached dwelling: Every dwelling hereafter erected shall have a minimum gross living space per dwelling unit of not less than seven hundred fifty (750) square feet, exclusive of basements, garages, porches, and breezeways.

**Sec. 8.06 Other Requirements:**

- a. Environmental standards as detailed in Article 17, Section 17.02 for Class One Land. Compliance with other Land Classifications may be required.
- b. Subject to the Performance Requirements listed in Article 16.

## **ARTICLE NINE (9)**

### **Primary Coastal Growth District**

#### **Sec. 9.01 Purpose:**

The PCG Primary Coastal Growth District is established to provide opportunities for land development along certain areas of the Township's Lake Michigan shoreline in a manner that allows for increased land use density along the lakeshore. The intent of this District is to provide for higher density coastal development without sacrificing the health, safety, and welfare of Township residents, visitors, and natural character. Development should be sited in locations that preserve the view of the Mackinaw Bridge.

If a zoning ordinance is to be realistic and effective the Ordinance must respond to the needs of the community it serves while, at the same time, avoid being overly restrictive and recognize land values and land development pressures. While the Township is committed to the preservation of its many natural resources including its shoreline, the Township also recognizes the value of these lands from an economic standpoint to the landowner and the draw these lands present to potential homebuyers. Accordingly, the PCG District provides for the continued use of these areas in a way that meets the goals and objectives of the Moran Township Master Plan.

#### **Sec. 9.02 Use Permitted by Right:**

The following uses and structures are permitted in the PCG District as a matter of right.

- a. Public conservation areas and structures for the development, protection, and conservation of open space, watersheds, water, soil, forests, and wildlife resources.
- b. Standard single-family dwelling unit.
- c. Regular subdivisions, performance subdivisions, and site condominiums.
- d. Boutiques or establishments operated expressly for the sale of art, antiques, collectibles, and similar merchandise.
- e. Planned Unit Developments (PUDs).
- f. Golf courses (standard).
- g. Clustered developments.
- h. Family and group daycares.

- i. State licensed residential facility.
- j. Storage unit for recreational vehicles, such as snowmobiles, campers, and boats.
- k. Group Daycare if approved by Special Review by the Zoning Administrator. Prior to the issuance of a permit, the Zoning Administrator shall review the site plan for the Group Daycare to determine if the following standards are met.
  - 1. It is located no closer than 1,500 feet to any of the following:
    - a. Another licensed group daycare home
    - b. A foster care home licensed under the Adult Foster Care Facility Licensing Act. P.A. 218 of 1979
    - c. A facility offering substance abuse and rehabilitation service to seven (7) or more people licensed under P.A. 368 of 1979
    - d. A community correction center, resident home, halfway house, or other similar facility which house inmate population under the jurisdiction of the Department of Corrections.
  - 2. Has appropriate fencing for the safety of the children in the group daycare home as determined by the local unit of government.
  - 3. Maintains the property consistent with visible characteristics of the neighborhood.
  - 4. Meets all applicable sign regulations.
  - 5. Does not exceed sixteen (16) hours of operation within a twenty-four (24) hour period.

**Sec. 9.03 Permitted Accessory Uses:**

The following are permitted accessory uses.

- a. Accessory uses or structures, clearly incidental to any of the above permitted uses.
- b. Any structural or mechanical use customarily incidental to the permitted principal use.

**Sec. 9.04 Uses Permitted by Special Use Permit:**

The following uses of land and structures may be permitted in this District, by the application for and the issuance of a Special Use Permit.

- a. Public and private recreation facilities, including commercial and non-commercial parks, playgrounds, camps, hiking and skiing trails, bikeways, campgrounds, centers, parkways and similar recreational facilities.
- b. Soil, sand, or gravel removal, including quarries and other mining operations, in accordance with the requirements and procedures of Article 15, Transitional Use

District.

**Sec. 9.05 Site Development Standards:**

The following maximum and minimum standards apply to all uses and structures in the PCG Primary Coastal Growth District.

a. Minimum Lot Area:

No building or structure shall be established on any parcel less than one (1) acre.

b. Minimum Lot Width:

The minimum lot width shall be: one hundred (100) feet.

c. Maximum Lot Coverage:

Twenty (20) percent of total lot area.

d. Yard and Setback Requirements:

1. Front Yard: The required front yard shall not be less than twenty-five (25) feet.
2. Side Yard: Fifteen (15) feet, except in the case of a corner lot where the side yard on the street side shall not be less than the setback required for the front yard.
3. Rear Yard: Twenty-five (25) feet, except in the case of lake lots where the rear yard shall not be less than one hundred (100) feet of which one half (1/2) shall be retained as a greenbelt. (See Section 17.02).

e. Maximum Height Requirements:

No structure shall exceed a maximum height of thirty-five (35) feet. Accessory buildings and structures shall not exceed a height of twenty (20) feet.

f. Minimum Building Floor Area:

Single-family detached or two-family dwelling: Every dwelling hereafter erected shall have a minimum gross living space per dwelling unit of not less than seven hundred fifty (750) square feet, exclusive of basements, garages, porches, and breezeways.

**Sec. 9.06 Other Requirements:**



- a. The location and heights of all structures on a lot shall be such as to avoid any screening of the views of the Mackinac Bridge from motorists along U.S. Route 2. When a property contains a view of the Mackinac Bridge, the property owner shall submit to the Planning Commission sufficient plan and profile drawings, as prepared by a licensed architect, to clearly illustrate that the proposed development will in no way screen parts or all the views to the Mackinac Bridge from the entire length of U.S. Route 2 within this District.
- b. Exterior materials shall be stone, brick or wood of dark, non-reflective colors that blend into the landscape. White and other highly reflective colors and materials shall not be utilized. Windows shall be recessed or oriented as to not reflect large expanses of glare that may be seen from the Mackinac Bridge, U.S. Route 2, and Lakes Huron & Michigan. Landscaping materials shall be utilized to break up the outline and reflectiveness of structures and accessory uses.
- c. Subject to the Performance Requirements listed in Article 16.

# **ARTICLE TEN (10)**

## **Secondary Inland Growth District**

### **Sec. 10.01 Purpose:**

The SIG Secondary Inland Growth District is established to provide opportunities for land development in a manner that protects and generally preserves the overall existing character of Moran Township. Soil and natural conditions vary throughout this District including wetlands, woodlands, coastal dunes, and lake front areas. These areas are considered to be suitable primarily for rural residential development and provisions contained within this District support a continuation of its rural character as these sections of the Township lack traditional suburban facilities including public sewer, water, and extensive roadway facilities. Further, such facilities are not anticipated for these areas in the near future.

The natural character of Moran Township, as established by the expansive areas of wetlands, woodlands, shoreline, streams, lakes and similar environmental elements, is held in high esteem by the residents of Moran Township and are critical in establishing the local atmosphere which makes the Township an attractive place to live. While development is permitted in this District, this development does not take priority over the natural resources of the District and development shall be based upon the conservation of these areas and the maintenance of the health, safety and welfare of area residents.

It should be understood that, although the rural character and natural resource features of these areas are important, these regulations are not intended solely to preserve such characteristics. The most important factor is that these regulations will permit a present use of land that will not prematurely preempt more appropriate future uses. The District serves to encourage the orderly transition of land from agricultural or undeveloped use, to low-density residential and prohibits uses incompatible with this objective. This designation implements the goals and policies of the Master Plan by allowing for development that is consistent with the Master Plan's Future Growth Area land use classification.

### **Sec. 10.02 Use Permitted by Right:**

The following uses and structures are permitted in the SIG District as a matter of right.

- a. Public conservation areas and structures for the development, protection, and conservation of open space, watersheds, water, soil, forests, and wildlife resources.
- b. Public and private recreation facilities, including commercial and non-commercial parks, playgrounds, camps, hiking and skiing trails, bikeways, campgrounds, centers, parkways and similar recreational facilities.
- c. Public building and public service installations including federal, state or municipal, administrative or public service buildings, and public service facilities and users.
- d. Standard single-family dwelling unit.

- e. Educational institutions including public or private elementary and secondary schools, nursery schools, and daycare centers.
- f. Religious institutions including churches, convents, parsonages, and other housing for religious personnel.
- g. Regular subdivisions, performance subdivisions, and site condominiums.
- h. Boutiques or establishments operated expressly for the sale of art, antiques, collectibles, and similar merchandise.
- i. Planned Unit Developments (PUD) only if they meet the procedures and requirements listed in Section 21.08.
- j. Golf courses (standard).
- k. Clustered developments.
- l. Family daycare.
- m. State licensed residential facility.
- n. Storage unit for recreational vehicles, such as snowmobiles, campers, and boats.
- o. Group Daycare if approved by Special Review by the Zoning Administrator. Prior to the issuance of a permit, the Zoning Administrator shall review the site plan for the Group Daycare to determine if the following standards are met.
  - 1. It is located no closer than 1,500 feet to any of the following:
    - a. Another licensed group daycare home
    - b. A foster care home licensed under the Adult Foster Care Facility Licensing Act. P.A. 218 of 1979
    - c. A facility offering substance abuse and rehabilitation service to seven (7) or more people licensed under P.A. 368 of 1979
    - d. A community correction center, resident home, halfway house, or other similar facility which house inmate population under the jurisdiction of the Department of Corrections.
  - 2. Has appropriate fencing for the safety of the children in the group daycare home as determined by the local unit of government.
  - 3. Maintains the property consistent with visible characteristics of the neighborhood.
  - 4. Meets all applicable sign regulations.
  - 5. Does not exceed sixteen (16) hours of operation within a twenty-four (24) hour period.

**Sec. 10.03 Permitted Accessory Uses:**

Any structural or mechanical use customarily incidental to the permitted principal use.

**Sec. 10.04 Uses Permitted by Special Use Permit:**

The following uses of land and structures may be permitted in this District, by the application for and the issuance of a Special Use Permit.

- a. Small office establishments with 4 or less parking spaces, which perform services on the premises, including, but not limited to:
  - 1. Financial Institutions.
  - 2. Insurance offices.
  - 3. Real Estate offices
  - 4. Offices for attorneys, accountants, architects, engineers, and similar professionals.
  - 5. Photographic studios
  - 6. Other office establishments similar to and compatible with the above establishments.
- b. Small professional service establishments with 4 or less parking spaces providing human health care, on an out-patient basis.
- c. Miscellaneous small business service establishments with 4 or less parking spaces.
  - 1. Consumer credit reporting agencies.
  - 2. Mailing list and stenographic services.
  - 3. Business management consulting services.
  - 4. Duplicating services.
  - 5. Other establishments similar to and compatible with the above establishments.
- d. Multi-family dwellings (apartments and standard condominiums).

- e. Telecommunication tower meeting the requirements listed in Section 21.18 of this ordinance on parcels of land twenty (20) acres and greater.
- f. Soil, sand, or gravel removal, including quarries and other mining operations, in accordance with the requirements and procedures of Article 15, Transitional Use District.

**Sec. 10.05 Site Development Standards:**

The following maximum and minimum standards apply to all uses and structures in the SIG Secondary Inland Growth District.

a. Minimum Lot Area:

No building or structure shall be established on any parcel less than one (1) acre.

b. Minimum Lot Width:

The minimum lot width shall be: one hundred and fifty (150) feet.

c. Maximum Lot Coverage:

Twenty (20) percent of total lot area.

d. Yard and Setback Requirements:

- 1. Front Yard: The required front yard shall not be less than thirty (30) feet or equal to the established setback line.
- 2. Side Yard: Fifteen (15) feet.
- 3. Rear Yard: Thirty (30) feet.

e. Maximum Height Requirements:

No structure shall exceed a maximum height of thirty-five (35) feet. Accessory buildings and structures shall not exceed a height of twenty (20) feet.

f. Minimum Building Floor Area:

- 1. Every single-family dwelling hereafter erected shall have a minimum gross living space per dwelling unit of not less than seven hundred fifty (750) square feet, exclusive of basements, garages, porches, and breezeways.

2. Multiple-Family Dwelling: The minimum gross living space in a multiple-family dwelling shall be provided in accordance with the following schedule:

Efficiency	350 square feet
One-bedroom unit	650 square feet
Two-bedroom unit	800 square feet
Three-bedroom unit	1,000 square feet

**Sec. 10.06 Other Requirements:**

- a. Subject to the Performance Requirements listed in Article 16.

# ARTICLE ELEVEN (11)

## Primary Inland Growth District

### **Sec. 11.01 Purpose:**

The PIG Primary Inland Growth District is intended to accommodate most of the anticipated residential and non-residential growth in Moran Township during the next twenty years. The PIG District will provide for a residential environment dominated by moderate density development (in terms of the hierarchy of zoning districts) including standard single-family detached dwellings in platted subdivisions as well as alternative residential types. Further, it provides for commercial, industrial and institutional uses in accordance with specified performance criteria. Land within this District will generally be located adjacent to major thoroughfares and within areas of the Township containing or expected to contain public sewer and/or water facilities. Therefore, it consists of areas where development should logically be attracted to, due to deliberate decisions regarding support infrastructure. The Master Plan for Moran Township stresses that development should occur in these areas, and describes them as the Urban Growth Area and Town Locale.

The Primary Inland Growth District is designed to minimize the cost of extending or expanding public services. It is a planned, logical accommodation of growth intended to serve areas suitable for development and to avoid unsuitable areas. Unlike conventional zoning districts that segregate various land uses, the PIG District allows varied uses and places the emphasis on minimizing or buffering any nuisance factors between such uses. The segregation of uses has never provided adequate protection, especially at the edges of use districts. The provisions contained herein anticipate the likelihood and desirability of mixing land uses and imposes criteria to resolve any possible problems and eliminate what might be negative impacts where unlike land uses are located in close proximity.

### **Sec. 11.02 Use Permitted by Right:**

The following uses and structures are permitted in the PIG District as a matter of right.

- a. Standard single-family dwelling unit.
- b. Regular and performance subdivisions, and site condominiums.
- c. Two-family dwelling unit (duplex).
- d. Multi-family dwellings (apartments and standard condominiums).
- e. Religious institutions including churches, convents, parsonages, and other housing for religious personnel.

- f. Educational institutions including public or private elementary and secondary schools, nursery schools, and day care centers.
- g. Public or private recreational facilities, including parks, playgrounds, camps, parkways, and similar recreational facilities.
- h. Golf courses (standard).
- i. Public buildings and public service installations including municipal, administrative or public service buildings, utility and public service facilities and uses.
- j. Business and professional office establishments which perform services on the premises, including but not limited to:
  - 1. Financial institutions.
  - 2. Insurance offices.
  - 3. Real estate offices.
  - 4. Offices for attorneys, accountants, architects, engineers and similar professionals.
  - 5. Photographic studios.
  - 6. Business management consulting services.
  - 7. Mail or duplicating services.
- k. Professional service establishments providing human health care, including hospitals, clinics, doctor offices, nursing homes, and similar establishments.
- l. Establishments customarily related to medical and dental uses when located in a medical or dental building or complex and when intended primarily to serve the occupants of the building or complex in which they are located; including but not limited to:
  - 1. Pharmacies.
  - 2. Medical, dental, and optical laboratories.
  - 3. Doctor and dentist offices.
  - 4. Stores offering supportive or corrective garments and prosthetic appliances.



- m. Offices of non-profit organizations, such as professional membership organizations, labor unions, civic, social and fraternal associations, and political organizations.
- n. Retail establishments whose principal activity is the sale of new merchandise to the public. These include such establishments as household appliance stores; furniture stores; drug stores; hardware stores; clothing stores; specialty stores selling flowers, books, stationery, jewelry, novelties and gifts, tobacco, and sundry small household articles; convenience stores selling fruit, meat, dairy products, produce, and alcoholic beverages; and other retail establishments similar to and compatible with the above.
- o. Office or convenience commercial uses located in a structure originally erected for residential purposes, provided all commercial structure standards of the Township Building Code are complied with.
- p. Retail sales typically incidental to contractors' establishments that require a workshop and retail outlet or show room as accessory uses, including:
  - 1. Plumbing and electrical contractors.
  - 2. Building material suppliers and wholesalers such as lumber yards and other similar uses.
  - 3. Carpenter shops including door, sash, or tin manufacturing.
  - 4. Jobbing and machine repair shops.
  - 5. Plastic products forming and molding.
  - 6. Printing and publishing.
  - 7. Trade and industrial schools.
  - 8. Air conditioning and heating dealers including incidental sheet metal work.
  - 9. Sign painting establishments.
  - 10. Establishments producing and selling monuments, cut stone, stone and similar products.
  - 11. Other uses similar to and compatible with the above uses.
- q. Theaters, restaurants (standard), bars, clubs and other similar entertainment facilities, where the patrons are seated within a building or on porches and decks.

- r. Hotels, motels, and motor hotels
- s. Open air businesses such as retail sales of nursery stock, garden supplies and the like.
- t. Cluster developments.
- u. State licensed residential facility.
- v. Family daycare.
- w. Temporary outdoor uses or sales incidental to the business conducted on the premises.
- x. Group Daycare if approved by Special Review by the Zoning Administrator. Prior to the issuance of a permit, the Zoning Administrator shall review the site plan for the Group Daycare to determine if the following standards are met.
  - 1. It is located no closer than 1,500 feet to any of the following:
    - a. Another licensed group daycare home
    - b. A foster care home licensed under the Adult Foster Care Facility Licensing Act. P.A. 218 of 1979
    - c. A facility offering substance abuse and rehabilitation service to seven (7) or more people licensed under P.A. 368 of 1979
    - d. A community correction center, resident home, halfway house, or other similar facility which house inmate population under the jurisdiction of the Department of Corrections.
  - 2. Has appropriate fencing for the safety of the children in the group daycare home as determined by the local unit of government.
  - 3. Maintains the property consistent with visible characteristics of the neighborhood.
  - 4. Meets all applicable sign regulations.
  - 5. Does not exceed sixteen (16) hours of operation within a twenty-four (24) hour period.

**Sec. 11.03 Permitted Accessory Uses:**

Any structural or mechanical use customarily incidental to the permitted principal use.

**Sec. 11.04 Uses Permitted by Special Use Permit:**

The following uses of land and structures may be permitted in this District, by the application for and the issuance of a Special Use Permit.

- a. Mobile Home Park or subdivision.
- b. Non-manufacturing research and development establishment, including:

1. Laboratories, offices, and other facilities for research, both basic and applied, conducted by or for any individual, organization or concern.
  2. Production of prototype products, limited to the scale necessary for full investigation of the merits of the products.
  3. Any use charged with the principal function of basic research, design, and pilot or experimental product development, when conducted within a completely enclosed building.
- c. Wholesale and Warehousing: The sale at wholesale or warehousing of automotive equipment; dry goods and apparel; groceries and related products; raw firm products except livestock; electrical goods; hardware, plumbing, heating equipment and supplies; machinery and equipment; tobacco and tobacco products, beer, wine and distilled alcoholic beverages; paper and paper products; furniture and home furnishings; and, any commodity the manufacture of which is permitted in this District, also storage or transfer buildings, commercial laundries or cleaning establishments and frozen food lockers.
  - d. Planned neighborhood, community or regional shopping center and shopping malls.
  - e. Motor vehicle, boat, camper; sales, rentals, and outdoor displays.
  - f. Automobile service stations and commercial garages, bump shops and repair shops.
  - g. Automatic and self-serve car wash establishments.
  - h. Drive-in or fast food restaurants.
  - i. Manufacturing uses.
  - j. Industrials uses, excluding soil, sand, gravel, or mineral extraction operations.
  - k. Mortuaries and funeral homes.
  - l. Commercial and private kennels.
  - m. Amusement enterprises, such as miniature golf courses, golf mountains, water slides, theme parks and other similar establishments.

- n. Planned unit development (PUD).
- o. Airport Hangers.
- p. Soil, sand, or gravel removal, including quarries and other mining operations, in accordance with the requirements and procedures of Article 15, Transitional Use District.

**Sec. 11.05 Site Development Standards:**

The following maximum and minimum standards apply to all uses and structures in the PIG Primary Inland Growth District.

- a. Minimum Lot Area:
  - 1. Standard single-family detached dwellings shall require a minimum parcel size of not less than ten thousand (10,000) square feet of lot area.
  - 2. All other permitted uses shall require a minimum parcel size of twenty thousand (20,000) square feet of lot area.
- b. Minimum Lot Width: The minimum lot width shall be:
  - 1. Single-family detached dwelling – sixty five (65) feet.
  - 2. All other uses – one hundred fifth (150) feet.
- c. Maximum Lot Coverage: The maximum lot coverage shall not exceed:
  - 1. Single-family detached dwelling – thirty five (35) percent.
  - 2. All other uses – thirty five (35) percent.
- d. Yard and Setback Requirements:
  - 1. Front Yard: Thirty (30) feet.
  - 2. Side Yard: Ten (10) feet except in the case of a corner lot where the side yard on the street shall not be less than the setback required for the front yard. Five (5) feet of side yard width shall be added to the ten (10) feet required for each ten (10) feet of building height, or fraction thereof, above twenty (20) feet.
  - 3. Rear Yard: Thirty (30) feet.

e. Maximum Height Requirements:

No structure shall exceed a maximum height of thirty-five (35) feet. Accessory buildings and structures shall not exceed a height of twenty (20) feet.

f. Minimum Building Floor Area:

1. Single-family detached or two-family dwelling: every dwelling hereafter erected shall have a minimum gross living space per dwelling unit of not less than seven hundred fifty (750) square feet, exclusive of basements, garages, porches, and breezeways.
2. Multiple-Family Dwelling: The minimum gross living space in a multiple-family dwelling shall be provided in accordance with the following schedule:

Efficiency	350 square feet
One-bedroom unit	650 square feet
Two-bedroom unit	800 square feet
Three-bedroom unit	1,000 square feet

**Sec. 11.06 Other Requirements:**

- a. Subject to the Performance Requirements listed in Article 16.

# ARTICLE TWELVE (12)

## Primary Inland Growth Commercial District

### **Sec. 12.01 Purpose:**

The PIGC Primary Inland Growth Commercial District is intended to accommodate commercial growth in Moran Township. The PIGC District allows for commercial operations along US-2 in areas where public water and sewer is or will be available. Since these businesses are visible, their design and placement need to be considered during site plan review. Strict application of the access management provisions is needed in this area. These businesses will serve Township residents, visitors, and the traveling public.

### **Sec. 12.02 Use Permitted by Right:**

The Township Planning Commission permits the following uses and structures in the PIGC District with site plan approval.

- a. Business and professional office establishments that offer the following services on the premises:
  1. Financial institutions.
  2. Insurance offices.
  3. Real estate offices.
  4. Offices for attorneys, accountants, architects, engineers and similar professionals.
  5. Photographic studios.
  6. Business management consulting services.
  7. Mail or duplicating services.
- b. Establishments customarily related to medical and dental uses when located in a medical or dental building or complex and when intended primarily to serve the occupants of the building or complex in which they are located; including but not limited to:
  1. Pharmacies.
  2. Doctor and dentist offices.

3. Stores offering supportive or corrective garments and prosthetic appliances.
- c. Professional service establishments providing human health care, including hospitals, clinics, doctors' office, and nursing homes.
- d. Offices of non-profit organizations, such as professional membership organizations, labor unions, civic, social and fraternal associations, and political organizations.
- e. Retail establishments whose principal activity is the sale of new merchandise to the public. These include such establishments as household appliance stores; furniture stores; drug stores; hardware stores; clothing stores; specialty stores selling flowers, books, stationery, jewelry, novelties and gifts, tobacco, and small household articles; convenience stores selling fruit, meat, dairy products, produce, and alcoholic beverages; and other retail establishments similar to and compatible with the above
- f. Office or convenience commercial uses located in a structure originally erected for residential purposes, provided all commercial structure standards of the Township Building Code are complied with.
- g. Theaters, restaurants (standard), bars, clubs and other similar establishments, where the patrons are seated within a building or on porches and decks.
- h. Hotels and motels.
- i. Open air businesses such as retail sales of nursery stock, garden supplies, and fresh produce.
- j. Temporary outdoor uses or sales incidental to the business conducted on the premises.
- k. Group Daycare if approved by Special Review by the Zoning Administrator. Prior to the issuance of a permit, the Zoning Administrator shall review the site plan for the Group Daycare to determine if the following standards are met.
  1. It is located no closer than 1,500 feet to any of the following:
    - a. Another licensed group daycare home
    - b. A foster care home licensed under the Adult Foster Care Facility Licensing Act. P.A. 218 of 1979
    - c. A facility offering substance abuse and rehabilitation service to seven (7) or more people licensed under P.A. 368 of 1979
    - d. A community correction center, resident home, halfway house, or other similar facility which house inmate population under the jurisdiction of the Department of Corrections.
  2. Has appropriate fencing for the safety of the children in the group daycare home as determined by the local unit of government.

3. Maintains the property consistent with visible characteristics of the neighborhood.
4. Meets all applicable sign regulations.
5. Does not exceed sixteen (16) hours of operation within a twenty-four (24) hour period.

**Sec. 12.03 Permitted Accessory Uses:**

Any structural or mechanical use customarily incidental to the permitted principal use.

**Sec. 12.04 Uses Permitted by Special Use Permit:**

The following uses of land and structures may be permitted in this District, by the application for and the issuance of a Special Use Permit.

- a. Public or private recreational facilities, including parks, playgrounds, camps, parkways and similar recreational facilities.
- b. Public buildings and public service installations including municipal, administrative or public service buildings, utility and public service facilities and uses
- c. Laboratories, offices and other facilities for research, both basic and applied, conducted by or for any individual, organization or concern.
- d. Drive-in or fast food restaurants.
- e. Commercial and private kennels.
- f. Amusement enterprises, such as miniature golf courses, water slides, theme parks and other similar establishments.
- g. Educational institutions including public or private elementary and secondary schools, nursery schools and day care centers.
- h. Automobile repair shops
- i. Automatic and self-serve car wash establishments.
- j. Planned Unit Development.
- k. Soil, sand, or gravel removal, including quarries and other mining operations, in accordance with the requirements and procedures of Article 15, Transitional Use District.



**Sec. 12.05 Site Development Standards:**

The following maximum and minimum standards apply to all uses and structures in the PIGC Primary Inland Growth Commercial District.

a. Minimum Lot Area:

All uses shall require a minimum parcel size of twenty thousand (20,000) square feet of lot area.

b. Minimum Lot Width:

The minimum lot width shall be one hundred fifty (150) feet.

c. Maximum Lot Coverage:

The maximum lot coverage shall not exceed thirty-five (35) percent.

d. Yard and Setback Requirements:

1. Front Yard: Thirty (30) feet.

2. Side Yard: Ten (10) feet except in the case of a corner lot where the side yard on the street shall not be less than the setback required for the front yard. Five (5) feet of side yard width shall be added to the ten (10) feet required for each ten (10) feet of building height, or fraction thereof, above twenty (20) feet.

3. Rear Yard: Thirty (30) feet.

e. Maximum Height Requirements:

No structure shall exceed a maximum height of thirty-five (35) feet. Accessory buildings and structures shall not exceed a height of twenty (20) feet.

**Sec. 12.06 Other Requirements:**

a. All structures constructed within this District shall comply with the Access Management Provisions as regulated in Article 3 of this Ordinance.

b. Subject to the Performance Requirements listed in Article 16.

# ARTICLE THIRTEEN (13)

## Visual Corridor and Recreation Coastal District

### **Sec. 13.01 Purpose:**

The VCRC District is intended to maintain the strong positive visual image of Moran Township as the "welcome mat" to the thousands of tourists and residents crossing the Mackinac Bridge from the Lower Peninsula. This area provides unique shoreline environments for aquatic and wildlife species and beautiful panoramic vistas from the bridge.

Though not designated as an "open space" zone, the VCRC District's foundation has a strong open space/recreation character, but also recognizes the District's inherent economic land value due to its natural features, proximity to St. Ignace and Mackinac Bridge, and existing and anticipated public utility services. The purposes of this District are to provide opportunities for land development and conserve the natural character and economic well-being of the Township.

### **Sec. 13.02 Use Permitted by Right:**

The following uses and structures are permitted in the VCRC District as a matter of the right.

- a. Public conservation areas and structures for the development, protection and conservation of open space, watersheds, water, soil, forests and wildlife resources.
- b. Public recreational facilities of a non-commercial nature, including parks, playgrounds, camps, hiking and skiing trails, bikeways, rustic campgrounds and similar recreational facilities.
- c. Public buildings and public service installations, including federal, state or municipal, administrative or public service buildings, public service facilities and uses related to serving recreational or environmental needs.
- d. Forestry and silvicultural practices.
- e. Standard single-family dwelling unit.
- f. Golf courses (standard).
- g. Family daycare.
- h. State licensed residential facility.

- i. Group Daycare if approved by Special Review by the Zoning Administrator. Prior to the issuance of a permit, the Zoning Administrator shall review the site plan for the Group Daycare to determine if the following standards are met.
  1. It is located no closer than 1,500 feet to any of the following:
    - a. Another licensed group daycare home
    - b. A foster care home licensed under the Adult Foster Care Facility Licensing Act. P.A. 218 of 1979
    - c. A facility offering substance abuse and rehabilitation service to seven (7) or more people licensed under P.A. 368 of 1979
    - d. A community correction center, resident home, halfway house, or other similar facility which house inmate population under the jurisdiction of the Department of Corrections.
  2. Has appropriate fencing for the safety of the children in the group daycare home as determined by the local unit of government.
  3. Maintains the property consistent with visible characteristics of the neighborhood.
  4. Meets all applicable sign regulations.
  5. Does not exceed sixteen (16) hours of operation within a twenty-four (24) hour period.

**Sec. 13.03 Permitted Accessory Uses:**

Any structural or mechanical use customarily incidental to the permitted principal use.

**Sec. 13.04 Uses Permitted by Special Use Permit:**

The following uses of land and structures may be permitted in this District, by the application for and the issuance of a Special Use Permit.

- a. Planned unit developments (PUDs)
- b. Theaters, restaurants (standard), bars, clubs and other similar entertainment facilities, where the patrons are seated within a building or in outdoor areas designed for seating.
- c. Performance subdivision and site condominiums.
- d. Motels, hotels, resort facilities, and similar uses.
- e. Regular subdivisions, performance subdivisions, and site condominiums.
- f. Soil, sand, or gravel removal, including quarries and other mining operations, in accordance with the requirements and procedures of Article 15, Transitional Use District.

### **Sec. 13.05 Site Development Standards:**

The following maximum and minimum standards apply to all uses and structures in the VCRC District.

a. Minimum Lot Area:

No building or structure shall be established on any parcel having less than five (5) acres of lot area.

b. Minimum Lot Width:

The minimum lot width shall be four hundred (400) feet.

c. Maximum Lot Coverage:

The maximum lot coverage shall not exceed twenty-five (25) percent.

d. Yard and Setback Requirements:

1. Front Yard: The required front yard shall not be less than seventy-five (75) feet.
2. Side Yard: Fifty (50) feet, except in the case of a corner lot where the side yard on the street side shall not be less than the setback required for the front yard.
3. Rear Yard: One hundred (100) feet.

e. Maximum Height Requirements:

No structure shall exceed a maximum height of thirty-five (20) feet. Accessory buildings and structures shall not exceed a height of twenty (15) feet.

f. Minimum Building Floor Area:

Standard single-family detached dwelling hereafter erected shall have a minimum gross living space per dwelling unit of not less than seven hundred fifth (750) square feet, exclusive of basements, garages, porches, and breezeways.

### **Sec. 13.06 Other Requirements:**

- a. The location and heights of all structures on a lot shall be such as to avoid any screening of views of the Mackinac Bridge from motorists along U.S. Route 2. The property owner shall submit to the Planning Commission sufficient plan and profile drawings, as prepared by a licensed architect, to clearly illustrate that the proposed development will in no way screen parts or all the views to the Mackinac Bridge from the entire length of U.S. Route 2 within this District.
  
- b. Parking
  - 1. Landscaped parking islands of minimum equal dimensions to the adjacent car stalls shall be situated so as to provide for no more than eight (8) car stalls next to each other.
  - 2. No more than sixty four (64) car stalls may be located within a single parking lot.
  - 3. Parking lots of thirty three (33) car stalls or more shall be separated from other such lots by a minimum of thirty linear feet of landscaped driveway void of parking stalls.
  - 4. Berms and plant materials shall be used to screen all parking lots that are visible from U.S. Route 2, the Mackinac Bridge, and Lakes Huron & Michigan.
  
- c. Exterior materials shall be stone, brick or wood of dark, non-reflective colors that blend into the landscape. White and other highly reflective colors and materials shall not be utilized. Windows shall be recessed or oriented such as to not reflect large expanses of glare that may be seen from the Mackinac Bridge, US Route 2 and Lakes Huron and Michigan. Landscaping materials shall be utilized to break up the outline and reflectiveness of structures and accessory uses.
  
- d. Subject to the Performance Requirements listed in Article 16.

# **ARTICLE FOURTEEN (14)**

## **Ozark Community District**

### **Sec. 14.01 Purpose:**

The OC Ozark Community District is intended to accommodate and preserve the unique character of the Ozark Community, its agriculturally based economy, and rural community atmosphere. The OC District will provide an environment highly supportive of agricultural endeavors and protect these agricultural lands from encroachment by certain other land uses that may be debilitating to the continuance of these agricultural endeavors. In line with protecting the area's special rural atmosphere, the predominant land uses allowed within this district shall be limited to farming and associated facilities and large-lot residential dwellings.

The intent of this zone is to designate and protect that land area associated with the community of Ozark in a manner, which will support the current character, and lifestyle of the region. The history, nature, and charm of this community are unique unto itself within the larger highly unique Township. The nature of its location protects this community from most present and near future development trends. However, a zoning district protecting this agricultural based region and the cultural and natural environment associated with this community is critical. The intent of this zone is to maintain existing agricultural and open spaces and ensure all future land development is in accordance with preservation practices and maintenance of the current visual experience throughout the Ozark community. This designation reflects the Moran Township Master Plan goals, policies, and land use guidelines for the Ozark community.

### **Sec. 14.02 Use Permitted by Right:**

The following uses and structures are permitted in the OC District as a matter of the right.

- a. Public conservation areas and structures for the development, protection and conservation of open space, watersheds, water, soil, forests and wildlife resources.
- b. Public and private recreational facilities, including parks, playgrounds, camps, centers, parkways and similar recreational facilities.
- c. Public buildings and public service installations, including federal, state or municipal, administrative or public service buildings, public service facilities and uses.
- d. Educational institutions including public or private elementary and secondary schools, nursery schools, and day care centers.

- e. Religious institutions, including churches, convents, parsonages, and other housing for religious personnel.
- f. Agricultural or horticultural activities, including general and specialized farming and related activities not limited to:
  - 1. Dairying.
  - 2. Raising of grain, grass, mint, and seed crops.
  - 3. Orchards.
  - 4. Apiculture (beekeeping).
  - 5. Floriculture (cultivation of ornamental flowering plants).
  - 6. Raising of tree fruits, nuts, and berries.
  - 7. Sod farming.
  - 8. Raising or growing of ornamental trees, shrubs and nursery stock, including retail sales on the premises.
  - 9. Vegetable raising.
  - 10. Greenhouses.
  - 11. Raising of fur-bearing animals, horses, ponies, and animals for profit or personal use.
- g. Forestry and silvicultural practices, including Christmas tree farms.
- h. Standard single-family dwelling unit.
- i. Family daycare.
- j. State licensed residential facility.
- k. Storage unit for recreational vehicles, such as snowmobiles, campers, and boats.
- l. Group Daycare if approved by Special Review by the Zoning Administrator. Prior to the issuance of a permit, the Zoning Administrator shall review the site plan for the Group Daycare to determine if the following standards are met.

1. It is located no closer than 1,500 feet to any of the following:
  - a. Another licensed group daycare home
  - b. A foster care home licensed under the Adult Foster Care Facility Licensing Act. P.A. 218 of 1979
  - c. A facility offering substance abuse and rehabilitation service to seven (7) or more people licensed under P.A. 368 of 1979
  - d. A community correction center, resident home, halfway house, or other similar facility which house inmate population under the jurisdiction of the Department of Corrections.
2. Has appropriate fencing for the safety of the children in the group daycare home as determined by the local unit of government.
3. Maintains the property consistent with visible characteristics of the neighborhood.
4. Meets all applicable sign regulations.
5. Does not exceed sixteen (16) hours of operation within a twenty-four (24) hour period.

**Sec. 14.03 Permitted Accessory Uses:**

Any structural or mechanical use customarily incidental to the permitted principal use.

**Sec. 14.04 Uses Permitted by Special Use Permit:**

The following uses of land and structures may be permitted in this District, by the application for and the issuance of a Special Use Permit.

- a. Regular subdivision
- b. Performance subdivision and site condominiums
- c. Commercial facilities catering to the areas tourist industry including:
  1. Shops offering convenience goods such as food, liquor, and gifts.
  2. Restaurants (standard) and bars.
  3. Similarly related and compatible tourist facilities.
- d. Riding and boarding stables.
- e. Cluster development.
- f. Telecommunication tower.



- g. Soil, sand, or gravel removal, including quarries and other mining operations, in accordance with the requirements and procedures of Article 15, Transitional Use District.

**Sec. 14.05 Site Development Standards:**

The following maximum and minimum standards apply to all uses and structures in the OC District.

a. Minimum Lot Area:

- 1. Single-family detached dwellings shall require a minimum parcel size of not less than five (5) acres.
- 2. All other permitted uses shall require a minimum parcel size of ten (10) acres.

b. Minimum Lot Width: The minimum lot width shall be:

- 1. Single-family detached dwelling: two hundred (200) feet.
- 2. All other uses: three hundred (300) feet.

c. Maximum Lot Coverage: The maximum lot coverage shall not exceed:

- 1. Single-family detached dwelling: one half (1/2) percent, up to a maximum of six thousand (6,000) square feet.
- 2. All other uses: one half (1/2) percent, up to a maximum of eighteen thousand (18,000) square feet.

d. Yard and Setback Requirements:

- 1. Front Yard: Sixty (60) feet.
- 2. Side Yard: Fifty (50) feet.
- 3. Rear Yard: One hundred (100) feet.

e. Maximum Height Requirements:

No structure shall exceed thirty-five (35) feet measured from the average finished grade at the building face to the peak of the roof. Residential accessory buildings shall not exceed a height of twenty (20) feet.

f. Minimum Building Floor Area:

Standard single-family detached dwelling hereafter erected shall have a minimum gross living space per dwelling unit of not less than seven hundred fifth (750) square feet, exclusive of basements, garages, porches, and breezeways.

**Sec. 14.06 Other Requirements:**

- a. Subject to the Performance Requirements listed in Article 16.

# ARTICLE FIFTEEN (15)

## Transitional Use District

### **Sec. 15.01 Purpose:**

The purpose of the TU Transitional Use District is to protect public health, safety and general welfare; protect the area's natural environment, promote aesthetic values, and provide for environmentally sound reclamation of land disturbed by mining activities through an impartial series of standards and regulations governing the extraction of material from the earth. It should be understood that excavation type land uses are transitional in nature and are by no means representative of the final end use. Accordingly, the intent of this zone is to designate those land areas which use is transitional by nature and establish operational and reclamation guidelines which promote the public health, safety and welfare and the reclamation of these land areas so they do not remain as visually obtrusive elements. Lands affected by mining and related activities shall be reclaimed and rehabilitated to a condition capable of supporting the uses that it was capable of supporting prior to any mining. Regulations in this designation are designed to implement Moran Township Master Plan goals, policies, and land use guidelines for mining activities.

### **Sec. 15.02 Definitions:**

- a. Mining - The extraction, excavation, quarrying from the earth for sale or use by the operator, of mineral aggregates such as sand, gravel, or stone and includes any processes such as crushing, screening, scalping, dewatering and blending.
- b. Mining - Disturbed Land - Land which has been changed from its pre-excavating condition for the removal of materials from the earth. This term includes land that contains active or inactive, or reclaimed mines and quarries.
- c. Mining Operation - The process involved in the extraction of all materials from the earth, including sand, gravel, or stone from the earth, whether by surface or underground methods including all processing facilities, and related structures equipped waste dumps and tailing disposal areas.
- d. Operator - Any person engaged or who has applied for a permit to engage in mining operations whether individually, jointly or through subsidiaries, agents, employees, contractors, or any person engaged in or controlling a mining operation.
- e. Reclamation - The process of rehabilitation of the mined site including, but not limited to, establishment of adequate vegetative cover, stabilization of soil conditions, prevention of environmental pollution and where practical, restoration of natural resources, such as fish, plant and wildlife habitat or to an end use compatible with the Township Master

Land Use Plan.

- f. Reclamation Plan - The operator's proposal for the reclamation and rehabilitation of the project site that must be approved by the Planning Commission and the Township Board.
- g. Tailing Ponds - Those areas where liquefied accumulations of waste from the processing of mining are placed on land surface.
- h. Waste Dump - All accumulations of unprocessed waste mine rock, and overburden placed on the land surface.

### **Sec. 15.03 Uses Permitted by Right:**

The following uses and structures are permitted in the TU District as a matter of right.

- 1. Public buildings and public service installations, including municipal, administrative or public service buildings, utility and public service facilities and uses, excluding storage yards, transformer stations and substations.
- 2. Storage unit for recreational vehicles, such as snowmobiles, campers, and boats.

### **Sec. 15.04 Permitted Accessory Uses:**

The following are permitted accessory uses:

- a. Accessory uses or structures, clearly incidental to any of the above permitted uses.
- b. Any structural or mechanical use customarily incidental to the permitted principal use.

### **Sec. 15.05 Uses Permitted by Special Use Permit:**

The following uses of land and structure may be permitted in this District by the application for and the issuance of a Special Use Permit.

- a. Soil, sand, or gravel removal, including quarries and other mining operations.
- b. Wind Energy Conversion System
- c. Telecommunication tower

### **Sec. 15.06 Site Development Standards for Uses Permitted by Right:**

a. Minimum Lot Area:

The minimum lot area shall not be less than twenty (20) acres.

b. Minimum Lot Width:

The minimum lot width shall be six hundred (600) feet.

c. Maximum Lot Coverage:

The maximum lot coverage shall not exceed two (2) percent.

d. Yard and Setback Requirements:

1. Front Yard: Fifty (50) feet.
2. Side Yard: Fifty (50) feet.
3. Rear Yard: Fifty (50) feet.

e. Maximum Height Requirements:

No structure shall exceed thirty-five (35) in height. Accessory Buildings shall not exceed a height of twenty (20) feet.

**Sec. 15.07 Site Development and Operating Standards for Mining and Related Activities:**

- a. Setback - Mining operations, sedimentation ponds, and stockpiling of excavated materials shall not be conducted closer than two hundred (200) feet to the boundary of any district where such operations are not permitted, nor shall such operations be conducted closer than two hundred (200) feet to the boundary of any adjoining property residentially-zoned and continuing occupied single-family residence(s), unless the written consent of the owner in fee of such adjoining property is first secured. Mining operations, sedimentation ponds and stockpiling shall not be conducted closer than fifty (50) feet to the right-of-way line of any existing or platted street, road, or highway, except that mining may be conducted within such limits in order to reduce the elevation thereof in conformity to the existing or platted street, road or highway. Any area excavated along a street, road or highway within the fifty (50) foot setback shall be backfilled within twelve (12) months after completion of excavation to result in elevation in substantial conformity to the adjoining street, road or highway. The setback area shall not be used for any use in conjunction with the mining operations, except access roads, directional

signs, public notice signs identifying quarry, business sign identifying occupant and landscaping. No mining operations shall have its outer boundaries nearer than one thousand (1,000) feet from the nearest property line of any church, school, recreational facility, or public building.

b. Property Protection

1. Each mining operation within five hundred (500) feet of a residential area shall be enclosed by a fence of chain link construction, with a minimum height of six (6) feet. Such fence shall be maintained at all times.
2. Where practical, an earth bank or vegetative screen shall be erected and maintained to screen the mining operation from view. The Planning Commission shall determine the practicality and necessity of aesthetic screening in each individual mining operation.

c. Minimum Area - Any tract of land to be granted a permit for mining operations shall have a minimum area of twenty (20) acres. However, there shall be no minimum area limitation where the tract applied for is contiguous to an active mining operation already permitted, provided:

1. Both tracts are developed by the same operator under a coordinated master restoration plan; or
2. If tracts are developed by different operators, the Planning Commission shall review the operations and reclamation plans of both natural source developments, and certify the workability of such plans and the mutual boundaries, such as drainage, restoration, grades, timing and type of planting.

d. Frontage and Access

1. Each tract of land to be granted a permit for mining shall have a minimum highway frontage of two hundred fifty (250) feet, except that the Township Planning Commission may approve a tract with less or no frontage if:
  - a. Proof of legal right of access is submitted; and
  - b. All means of access to the property from any street shall be so located and designed as to avoid the routing of vehicles to and from the property over streets that primarily serve abutting residential development.
2. Not more than one (1) entrance and one (1) exit from a highway or road shall be provided to the area of operations. Such vehicular access shall be permitted only to one of the following

types of streets:

- a. Controlled access routes – major highway;
  - b. Local access routes – major highway
  - c. Connection of secondary (arterial) highway; or
  - d. Private road connecting only with any of the above highways and not directly connected with any residential subdivision stated.
3. If required by the Planning Commission, acceleration and deceleration strips shall be provided on either side of such entrance and exit, of not less than one hundred (100) feet in length each, and shall be paved of such material as shall be required by the County Road Commission having jurisdiction. Further, if also required, a paved road from the entrance and exit, a distance not less than three hundred (300) feet from the right-of-way line into the area of operation shall be provided in order to minimize the deposit of dirt and gravel from trucks onto the public highway. Such pavement shall be in accordance with the specifications of the County Road Commission.
- e. Safeguards
1. During operation, no slope steeper than 60o as measured from vertical shall be permitted to exist for more than thirty (30) days.
  2. All operations shall be conducted in a safe manner, with respect to the likelihood of: (a) hazard to persons; (b) physical damage to adjacent land or improvements; and (c) damage to any street by reason of slides, sinking, collapse or blasting.
  3. Where topsoil is removed, sufficient arable soil shall be set aside for respreading over the excavated area in accordance with the Reclamation Plan. Such overburden stockpiles shall be treated to minimize the effects of erosion by wind or water upon public roads, streams, or adjacent residence(s).
- f. Screening - Mining operations shall be screened in such a manner that they are not readily visible from a public street or adjoining properties. An opaque screen shall be installed and maintained as necessary in order to minimize visibility. At this option, the operator shall install such screening along the street and along the perimeter of the visible portion of the area being operated.

The required screen shall have a total height of not less than six (6) feet. Where there is a difference in elevation on the opposite side of the screen, the height shall be measured from the highest elevation. A screen shall consist of one or a combination of the

following types:

1. Walls: A wall shall consist of concrete, stone, brick, tile or similar type of solid masonry material with a minimum of four (4) inches thick.
2. Berms: A berm shall be constructed of earthen materials, and it shall be landscaped.
3. Fences, Solid: a solid fence shall be constructed of wood and shall form an opaque screen
4. Fences, Open: An open weave or mesh-type fence, when not used in combination with a berm, shall be combined with plant materials to form an opaque screen.
5. Planting: Plant materials, when used as a screen, shall consist of dense evergreen plants. They shall be of a kind or used in such a manner so as to provide continuous opaque screen within twenty-four (24) months from commencement of operations in the area to be screened. Plant materials shall not be limited to a maximum height. Said design shall be prepared by a licensed landscape contractor or a registered professional landscape architect.
6. Intersections: Required screening shall be set back at least twenty (20) feet from the point of intersection of:
  - a. A vehicular accessway or driveway and a street;
  - b. A vehicular accessway or driveway and a sidewalk; and
  - c. Two (2) or more vehicular accessways, driveways, or streets.
7. Installation: Required screening shall be installed prior to commencement of operations.
- g. Hours of Operation - Except by special permission from the Township Board, said operations shall be permitted only between the hours of 7:00 a.m. and 5:00 p.m. Monday through Friday: 7:00 a.m. and 1:00 p.m. on Saturday. Operations shall not be permitted on Sundays or legal holidays.
- h. Environmental Protections
  1. All mining operations shall conform to applicable air and water quality standards.
  2. No mining operations, sedimentation ponds, or stockpiling of materials shall be conducted within three hundred (300) feet of Land Classes 1, 2, 3, or 4 as detailed in Article 17.



3. All private access roads shall be surfaced with bituminous or other treated dust free surface for a distance of three hundred (300) feet from the public highway with a minimum width of twenty-five (25) feet.
4. Noise, vibration and air pollution at the property lines shall be within the levels established within this Ordinance and by the Township Board, or applicable State laws.

### **Sec. 15.08 Site Reclamation:**

- a. Purpose - The land affected by mining and related activities shall be reclaimed and rehabilitated to a condition capable of supporting the uses which it was capable of supporting prior to any mining, so long as such use of uses do not present any actual or probable hazard to public health or safety or pose any actual or probable threat of water diminution or pollution, and the permit operator's declared proposed land use following reclamation is not Moran Township Zoning Ordinance Article 15, Transitional Use District Page 6 of 13 deemed to be impractical or unreasonable, inconsistent with applicable land use policies and plans, involves unreasonable delay in implementation, or is in violation of Federal, State or local law. In cases where the Township finds that unrehabilitated sites, previously used for extractive operations, are susceptible to misuse, may contain examples of gross erosion, constitute a threat to public safety, and allow an unproductive use of the community's land resources, therefore, additional purposes of this Section are:
  1. To provide for the prevention of soil erosion which may menace life and limb, endanger property or affect the safety, usability or stability of any public property
  2. To curb misuse of previously mined tracts, which may become an unauthorized disposal area for solid wastes, which could not only pollute the ground water, but may become a breeding ground for insects and rodents.
  3. To eliminate the unsightly appearance of unrehabilitated areas that detract from the aesthetic value of the landscape.
  4. To protect against the unproductive use of the Township's land resources, to prevent the general decline of the community facilitated by a potential decrease in land value.
- b. Reclamation Application Plan Requirements - The application submitted for a mining permit shall be accompanied by a reclamation plan that shall include the following

information:

1. A map or plan and description of the proposed reclamation including final land use of site, final land shape, estimated final topography, physical structures, roads, parking areas, recreation facilities, and the staged sequence of reclamation activity to be conducted;
2. Hydrological data, including: (1) ground water levels; (2) rainfall data; and (3) capacity of streams and rivers on or in close proximity to site;
3. Location of all stream flow points, including: (1) inflow points; (2) outflow points; and catchment areas;
4. A description of the utility and capacity of the reclaimed land to support the proposed sequential use;
5. A description of soil types, soil erodability, stability of existing and proposed slopes; topsoil stripping, topsoil storage, topsoil replacement thickness and time sequence of replacement; and soil erosion and sediment control plan during storage and replacement;
6. A map or plan and description of grading and backfilling sequences, final slope angles, highwall reduction, benching and terracing of slopes, slope stabilization, and erosion control;
7. A map or plan and description of reclamation or removal of waste dumps, tailings ponds, sediment ponds, haulage roads, access roads, surface structures and related facilities;
8. A map or plan and description of final surface drainage, water impoundments, and artificial lakes on the affected property;
9. A planting plan including existing vegetation, proposed vegetation including description of plant types, planting sequences, and maintenance, or replacement of vegetative cover both during mining operations and upon completion of site reclamation;
10. A plan for disposal of any harmful or toxic materials found in any formations penetrated by the mining operation, produced during the processing of mineral materials on the affected land, and chemicals or materials used during the mining or processing operations;
11. The estimated cost of reclamation on a per acre of total project basis;

12. Other pertinent information may be required to determine the nature of the reclamation of the operation and the effect upon the surrounding area;
13. A description of the proposed use of the land following reclamation, including a discussion of the feasibility and capacity of reclaimed land to support a variety of alternative uses and the relationship of such uses to existing land use policies and plans;
14. A detailed description of the methods and materials proposed for reclamation including backfilling, seed stabilization and compacting, grading, restoration of topsoil, and revegetation;
15. A detailed estimated timetable for the accomplishment of each major step in the reclamation plan.
16. Plans illustrating appropriate assurance that the post mining land use will be:
  - a. Compatible with adjacent land uses.
  - b. Feasible according to data regarding expected need and market.
  - c. Assured of investment in necessary public facilities.
  - d. Supported by commitment from public agencies where appropriate.
  - e. Practicable with respect to private financial capability for completion of the proposed use.
  - f. Planned pursuant to a schedule attached to the reclamation plan to integrate the mining operation and reclamation with the post mining land use.
  - g. Designed by a registered engineer or registered landscape architect in conformance with professional standards established to assure the stability, drainage, and configuration necessary for the intended use of the site.
  - h. The proposed use shall be consistent with adjacent land uses, and existing Township's Land Use Plan and Zoning Ordinance and County development plans and programs.
  - i. In compliance with all other requirements of this ordinance shall be met.

- c. Timing - Restoration shall proceed in a continuous manner and shall be subject to review and approval at each annual inspection and at the end of the permit period. Specifically, the following standards shall apply:
1. Topsoil grading and planting of the area designated for restoration during the permit period shall be completed before a mining permit is renewed.
  2. Overburden shall not be removed from an area larger than that mined within one (1) year.
  3. Where groundcover or other planting is indicated on the approved reclamation plan, the planting shall be made in areas where excavation is completed and land is not being used for material storage, before further overburden is removed.
- d. Standards -
1. All stumps, boulders, and other debris resulting from the excavation or related activities shall be removed from the site and disposed by approved methods. Under exceptional circumstances, such debris may be disposed on the site, if covered with a minimum of two (2) feet of soil.
  2. All banks shall be left in accordance with topography established in reclamation plans, with no slopes greater than two (2) feet horizontal to one (1) foot vertical. If water is to be left in the pit in areas below the water table, the slope can be greater than 2:1.
  3. When topsoil is removed, sufficient arable soil shall be set-aside on the site for respreading over the excavated area. These overburden stockpiles shall be used to minimize the effects of erosion of wind or water upon public roads, streams, or adjacent land uses and shall not be sold or removed from the property.
  4. Reclamation shall be in a manner that natural and storm drainage, where it enters and Moran Township Zoning Ordinance Article 15, Transitional Use District Page 9 of 13 leaves the premises, be altered only to the least degree necessary to carry out excavation and related activities. Any alteration of natural and storm drainage shall not adversely affect public roads or neighboring uses.
  5. After the area is cleared of debris, it shall be covered with a layer of topsoil to a depth of at least two (2) inches, except for areas under water. If the pit is to be used as a basin for spreading water, the topsoil shall not be placed.

6. Plant a diverse, effective, and permanent native vegetative cover on the regraded areas. The vegetation shall be capable of self-regeneration.
7. In the event filling of the mined area is necessary during reclamation, fill material shall be non-organic only.
8. If on-site mining or processing operations are not continuously carried out for a period of one (1) year at any location, the same will be considered to have been abandoned and prior to any further excavation or processing, a new use permit under the current ordinance will be required.
9. If mining has ceased for a period of twelve (12) months, the Planning Commission and Township Board shall hold a hearing to determine the future disposition of the site and the source of liability for expenses incurred for restoration of the site.

### **Sec. 15.09 Mining Operator Reporting Requirements:**

- a. Each operator shall furnish a report to the Planning Commission for each project site every twelve (12) months after issuance of the permit and within thirty (30) days after cessation of all mining at the project site, which shall contain the following information:
  1. The name and address of the operator and the permit number;
  2. A map or plan of the operation and a description of the quantity of land affected during the report period for mineral extraction, reclamation, waste and tailings disposal, surface structures, haulage roads, stockpiles, storage yards, and water containment, storage and treatment facilities;
  3. A description of any actions taken to control both anticipated and unforeseen environmental conditions that occurred during the reporting period;
  4. A description of any environmental monitoring activities carried out during the reporting period;
  5. An estimate of the location and extent of land to be affected by the operation during the subsequent reporting period;

6. A description of restoration activities that have occurred during the reporting period;
  7. Such other pertinent information and maps as may be required to evaluate the extent of mining and reclamation, if any, accomplished during the permit year.
- b. Each operator shall submit a final reclamation report to the Planning Commission within one (1) year after cessation of operations and prior to final release of bonds that shall contain the following information:
1. Name and address of the operator and the permit number;
  2. A map or plan showing the final contours and slope angles of the affected land and the locations of any remaining structures and roads;
  3. A description of all final reclamation activities leading to completion of the approved reclamation plan including: topsoil disposition, topsoil replacement and thickness, revegetation practices and plant types, disposition of waste dumps, tailings ponds, sediment ponds, surface structures, haulage roads, and access roads, grading practices and slope angles, surface water drainage and sediment control, size, depth, and capacity of artificial lakes or ponds, and planned sequential use of the land;
  4. Such other pertinent information and maps as may be required to evaluate the completion of reclamation and the advisability of returning the operator's bond.

### **Sec. 15.10 Existing Mining Operations:**

Any operator producing mining materials from a mining operation at the time of enactment of this Ordinance shall be issued a temporary operating permit valid for a one (1) year time period. The period of the temporary operating permit is establish to allow the operator time in which to submit a permit application as required under this Section. Failure to apply for and receive a valid permit by the end of the temporary permit period shall result in revocation of the temporary permit and cessation of the mining operation until such time as a valid operating permit shall be issued.

### **Sec. 15.11 Inspections:**

- a. Upon issuance of a special use permit for the purpose of mining, the Township is permitted to inspect the property. Such inspections shall be at designated times and with notice to determine compliance with the provisions of this Ordinance.
- b. The Township shall notify the operator by regular mail of any portions of the site that it deems abandoned and/or ready for reclamation. Upon receipt of such notification, the operator shall have said areas restored within ninety (90) days, or within ninety (90) days supply the Township a written reply indicating the dates of anticipated restoration. The Township or its designated agents may accept or reject such dates. If said dates are accepted, they shall be binding on both parties.
- c. The Township may inspect any required records of a mining operation to determine compliance with the Ordinance. Any public or private complaint against an operator may result in an inspection of the mining operation to determine the validity of the complaint.

### **Sec. 15.12 Regulation of Permitted Mining Operations:**

The Township may obtain the services of qualified technicians and professionals to monitor the operations of the permit holder at such intervals as they consider necessary to report to the Township whether the operations are being conducted in accordance with the terms of the permit and provisions of this Ordinance and whether or not the operations are resulting in any nuisance or any hazard to the public health, safety or general welfare or are causing pollution, impairment or destruction of natural resources.

### **Sec. 15.13 Payment of Cost of Mining Regulation – Effect of failure to Pay:**

Upon receiving bills for the services and expenses of the persons designated to monitor the operations, the Township Treasurer shall forward them to the operation by first class mail. The mining operation shall pay them within thirty (30) days of mailing by the Township Treasurer. Whenever any such bill has not been paid within the time specified above, the permit shall automatically be suspended until payment is made.

### **Sec. 15.14 Mining Enforcement:**

The Township Zoning Administrator or any Ordinance Enforcement Officer appointed by the Township Board shall enforce this Ordinance. The Township Clerk and/or their representatives, and Enforcement Officers, shall have the authority to issue Appearance Tickets for a violation hereof pursuant to Act 175, of Public Acts of 1929, as amended, of the State of Michigan.

### **Sec. 15.15 Performance Bond:**

To ensure the required Site Reclamation is performed in accordance with this Ordinance, the Township shall require the permit applicant to furnish and post a performance bond in an amount not to exceed the estimated cost to restore the permitted acreage, as determined by an independent Licensed Professional Engineer.

### **Sec. 15.16 Repeal and Savings Clause:**

All ordinances or parts of ordinances inconsistent with the provisions of this Article are hereby repealed. The repeal of the above ordinances or parts of ordinances, and/or any amendments adopted to this Ordinance, shall not affect or impair any act, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted, or inflicted.

### **Sec. 15.17 Severability:**

This Article and the various parts, sections, and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid, it is hereby provided the remainder of the ordinance shall not be affected thereby.

### **Sec. 15.18 Other Provisions:**

- a. If there exists more restrictive provisions of Federal, State, or other regulations affecting any part or section of this Article, those more restrictive provisions shall prevail.
- b. All land uses are subject to the Performance Requirements listed in Article 16
- c. In accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, an application shall not be denied by the Township unless very serious consequences would result from the mining operation. In determining whether very serious consequences would result from the mining operation, the Township shall consider all of the following factors, if applicable:
  1. The relationship of extraction and associated activities with existing land uses.
  2. The impact on existing land uses in the vicinity of the property.



3. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
4. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
5. The impact on other identifiable health, safety, and welfare interests in the local unit of government.
6. The overall public interest in the extraction of the specific natural resources on the property.

# ARTICLE FIFTEEN A (15A)

## Mixed-Use Corridor (MUC) Zoning District

### **Sec. 15A.01 Purpose:**

The purpose of the MUC Mixed-Use Corridor District is to establish regulations to provide orderly commercial development along the U.S. 2 corridor, to encourage the most appropriate use of adjacent lands, to maintain the rural characteristic of the area, and to promote the safe and efficient movement of traffic. The U.S. 2 corridor is the heart of the community and establishes an image of the quality of life in the Township for visitors and residents alike. Preservation of this natural beauty is required to enhance trade, capital investment, tourism and the general welfare. These regulations will discourage intensive strip-commercial uses and industrial uses, but allow for limited commercial, institutional and light industrial uses in such manner that will reduce or eliminates visual clutter and poor site layout.

### **Sec. 15A.02 Uses Permitted by Right:**

The following uses and structures are permitted in the MUC District as a matter of right.

- a. Standard single-family dwelling unit.
- b. Regular and performance subdivision and site condominiums.
- c. Two-family dwelling unit (duplex).
- d. Multi-family dwellings (apartments and standard condominiums).
- e. Housing for the elderly including memory care and independent living facilities.
- f. Bed and breakfast.
- g. Religious institutions including churches, convents, parsonages and other housing for religious personnel.

- h. Educational institutions including public or private elementary and secondary schools, nursery schools and day care centers.
- i. Public or private recreational facilities, including parks, playgrounds, camps, parkways and similar recreational facilities.
- j. Public buildings and public service installations including municipal, administrative or public service buildings, utility and public service facilities and uses.
- k. Business and professional office establishments which perform services on the premises, including, but not limited to: financial institutions, insurance offices, real estate offices, offices for attorneys, accountants, architects, engineers and similar professionals, photographic studios, business management consulting services and mail or duplicating services.
- l. Professional service establishments providing human health care, including clinics, doctors' and dentist's offices, and nursing homes, but excluding hospitals.
- m. Establishments customarily related to medical and dental uses when located in a medical or dental building or complex and when intended primarily to serve the occupants of the building or complex in which they are located; including but not limited to pharmacies, medical and dentist offices, medical, dental and optical laboratories, stores offering supportive or corrective garments and prosthetic appliances, and stores and café's offering sundries, food and coffee for sale solely to employees, tenants and visitors of the building.
- n. Offices of non-profit organizations, such as professional membership organizations, labor unions, civic, social and fraternal associations, and political organizations.
- o. Retail establishments, not exceeding fifteen thousand (15,000) square feet in floor area, whose principal activity is the sale of new merchandise to the public. These include such establishments as household appliance stores; furniture stores; drug stores; hardware stores; clothing stores; specialty stores selling flowers, books, stationery, jewelry, novelties and gifts, tobacco, and small household articles; convenience stores selling

fruit, meat, dairy products, produce, and alcoholic beverages; and other retail establishments similar to and compatible with the above.

- p. Office or convenience commercial uses located in a structure originally erected for residential purposes, provided all commercial structure standards of the Township Building Code are complied with.
- q. Cluster developments.
- r. State licensed residential facility.
- s. Family day care.
- t. Group day care, if approved by Special Review by the Zoning Administrator, subject to the standards of Section 11.02, x.

**Sec. 15A.03 Permitted Accessory Uses:**

Any structural or mechanical use customarily incidental to the permitted principal use.

**Sec. 15A.04 Uses Permitted by Special Use Permit:**

The following uses of land and structure may be permitted in this District by application for and the issuance of a Special Use permit.

- a. Amusement enterprises, such as miniature golf courses, water slides, theme parks and other similar establishments.
- b. Commercial automobile garages, bump shops and repair shops.

- c. Commercial and private kennels.
- d. Mortuaries and funeral homes.
- e. Hospitals
- f. Theaters, restaurants (standard), bars, clubs and other similar establishments, where the patrons are seated within a building or on porches and decks.
- g. Hotels, motels and motor hotels.
- h. Open air businesses such as retail sales of nursery stock, garden supplies, and fresh produce.
- i. Non-manufacturing research and development establishment, including:
  - 1. Laboratories, offices and other facilities for research, both basic and applied, conducted by or for any individual, organization or concern.
  - 2. Production of prototype products, limited to the scale necessary for full investigation of the merits of the products.
  - 3. Any use charged with the principal function of basic research, design, and pilot or experimental product development, when conducted within a completely enclosed building.
- j. Industrial and manufacturing uses, not exceeding fifteen thousand (15,000) square feet in floor area, excluding soil, sand, gravel, or mineral extraction operations.
- k. Wholesale and Warehousing: The sale at wholesale or warehousing of automotive equipment; dry goods and apparel; groceries and related products; raw farm products

except livestock; electrical goods; hardware, plumbing, heating equipment and supplies; machinery and equipment; tobacco and tobacco products, beer, wine and distilled alcoholic beverages; paper and paper products; furniture and home furnishings; and, any commodity the manufacture of which is permitted in this District, also storage or transfer buildings, commercial laundries or cleaning establishments and frozen food lockers.

- l. Mini-warehouses.
- m. Parcels with two (2) or more permitted uses or uses allowed with a special use permit.
- n. Planned Unit Development.

**Sec. 15A.05 Site Development Standards:**

The following maximum and minimum standards shall apply to all uses and structures in the MUC District:

- a. Minimum Lot Area:
  - 1. Standard single-family detached dwellings shall require a minimum parcel size of not less than ten thousand (10,000) square feet of lot area.
  - 2. All other permitted uses shall require a minimum parcel size of twenty thousand (20,000) square feet of lot area.
- b. Minimum Lot Width:
  - 1. Single-family detached dwelling – sixty five (65) feet.
  - 2. All other uses - one hundred fifty (150) feet.

c. Maximum Lot Coverage:

1. The maximum lot coverage shall not exceed thirty (30) percent.

d. Yard and Setback Requirements:

1. Front Yard: Thirty (30) feet.
2. Side Yard: Ten (10) feet, except in the case of a corner lot where the side yard on the street side shall not be less than the setback required for the front yard. Five (5) feet of side yard width shall be added to the ten (10) feet required for each ten (10) feet of building height, or fraction thereof, above twenty (20) feet.
3. Rear Yard: Thirty (30) feet.

e. Maximum Height Requirements:

1. Subject to the maximum height limitations of Article 15B, Section 15B.03, Corridor Viewshed Preservation Overlay District.

f. Minimum Building Floor Area:

1. Single-Family Detached or Two-Family Dwelling: Every dwelling hereafter erected shall have a minimum gross living space per dwelling unit of not less than seven hundred fifty (750) square feet, exclusive of basements, garages, porches and breezeways.
2. Multiple-Family Dwelling: The minimum gross living space in a multiple-family dwelling shall be provided in accordance with the following schedule:

Efficiency	350 square feet
------------	-----------------

One-bedroom unit	600 square feet
Two-bedroom unit	800 square feet
Three-bedroom unit	1,000 square feet

g. Outdoor Display and Storage:

1. Merchandise may be displayed or stored only within enclosed buildings. The Planning Commission, upon application of the property owner, may modify this requirement to permit, during business hours, limited displays immediately adjacent to the building, upon finding the display is customarily found in connection with the nature of the operation or use.
2. The outdoor storage of goods and materials, except as may otherwise be provided for in this Article, shall be prohibited.

**Sec. 15A.06 Other Requirements:**

Subject to the Performance Requirements listed in Article 16.



# ARTICLE FIFTEEN B (15B)

## Corridor Viewshed Protection (CVP) Overlay District

### Sec. 15B.01 Purpose:

The purpose of the U.S. 2 Corridor Viewshed Protection (CVP) Overlay District is to preserve and enhance the unique scenic and rural qualities of the U.S. 2 corridor while promoting future development along the corridor that respects the natural beauty of the landscape. The CVP Overlay District is intended to encourage development practices that will not detract from the scenic and rural qualities of the countryside along U.S. 2, including the preservation of open space and the splendid and unique scenic viewsheds and panoramic views of Lake Michigan and its shoreline, Green Island, St. Helena Island, and the Mackinac Bridge

### Sec. 15B.02 Application:

The CVP Overlay District applies to all parcels within the Township with frontage on U.S. 2. The CVP Overlay District regulations apply to these parcels in addition to those regulations required by the underlying zoning district in which the parcel is located.

### Sec. 15B.03 Site Development Standards:

The following maximum and minimum standards shall apply to all uses and structures in the CVP Overlay District.

a. Height Restrictions:

1. No structure shall exceed a maximum height of twenty-five (25) feet or two stories. Accessory buildings and structures shall not exceed a height of fifteen (15) feet.
2. The orientation and height of all structures on a lot shall be arranged in such a manner as to avoid the obstruction of views of Lake Michigan and its shoreline, Green Island, St. Helena Island, and the Mackinac bridge from the right-of-way of U.S. 2, as determined by the Planning Commission. The property owner shall submit to the Planning Commission sufficient plan and profile drawings, as

prepared by a licensed professional, to demonstrate that the proposed development will not obstruct views to the Lake Michigan and its shoreline, Green Island, St. Helena Island, and the Mackinac Bridge from the right-of-way of U.S. 2.

3. Outdoor advertising structures, telecommunication towers, and wind energy conversion systems (WECS) are not permitted in the CVP Overlay District.

b. Site Design:

1. Building placement, design and orientation, site access and parking, stormwater control and landscaping shall take into account the natural characteristics and features of the site so as to accomplish the protection thereof.
2. For new installations, utility lines must be placed underground, unless deemed unfeasible by the Planning Commission due to site constraints.

c. Access Management:

1. See Section 3.23, Access Management Overlay Regulations – U.S. 2.

d. Signs:

Moran Township seeks to balance the rights of persons to convey their messages through signs, the right of the public to be protected against the unrestricted proliferation of signs and, the preservation of the scenic and rural qualities of the corridor. To further this goal, the following standards shall apply to all parcels in the CVP Overlay District in addition to the sign regulations in Article 20. Where the regulations in this section are more stringent than those in Article 20, this section shall supersede.

1. Freestanding Sign Type. Freestanding pole signs, as defined in this Ordinance, shall be prohibited within the CVP Overlay District. Freestanding ground signs may be allowed.

2. Height. The maximum height of freestanding ground signs shall be twelve (12) feet. Where a sign is located on the top of a berm or area of the ground that has been built-up, the sign height is measured from the finished grade below the berm.
3. Materials. Sign materials shall reflect the regional landscape, rustic architectural character, cultural, and historical perspective and styles. Acceptable materials include brick, wood, stone, textured and etched metal finishes, hand painted graphics, etc. The below examples are provided as an illustration of acceptable sign materials.



4. Sign Illumination. Signs shall not be internally illuminated. Signs may be externally illuminated, shielded and directed so that no direct rays from it are visible from any public right-of-way or from an abutting property. Neon signs are prohibited.

e. Exterior Lighting Standards:

Moran Township recognizes that proper lighting can enhance the safety and nighttime enjoyment of the unique scenic and rural qualities of the of the U.S. 2 corridor.

1. Exterior light fixtures shall have a shield to reduce glare, eliminate upward and outward directing light, and eliminate the “trespass” of light off of the exact place where it is needed.
2. Maximum Height of Light Fixtures:
  - (a) For parcels with non-residential uses, the maximum height for light fixtures shall be twenty (20) feet.
  - (b) For parcels with residential uses, the maximum height for light fixtures shall be fifteen (15) feet.
3. All light fixtures shall be of a sharp cut-off design. Fixtures that allow light to shine on adjoining property or create horizontal glare shall not be approved. Lighting designs that allow light to shine into a public street or right-of-way shall not be approved.
4. Light fixtures on the side of buildings shall point downward to illuminate landscaping and not pointed outward from the building.
5. Lighting Curfew. For parcels with non-residential uses, lighting in vehicle parking areas containing ten (10) or more parking spaces be reduced to fifty percent (50%) of permitted levels one hour after the business closing to one hour before the business opens.
6. Non-residential developments and residential subdivision developments must submit a light or photometric plan as part of the site plan review process.

## ARTICLE SIXTEEN (16)

### PERFORMANCE STANDARDS AND PROVISIONS

#### Sec. 16.01 Purpose:

This Article provides detailed regulations and restrictions to protect neighboring uses from possible adverse impacts associated with a given use and to protect the general health, safety and welfare by limiting where uses may be established, insuring that traffic congestion is minimized, controlling the intensity of use and prescribing other such performance criteria as may be necessary to meet the goals and objectives of this Ordinance and the Township's Master Plan.

#### Sec. 16.02 Definitions

Several terms are used within the text or tables of this Article that warrant clarification for the users of this document. In addition to the definitions set forth in Article 2, the following words shall have the meanings hereinafter set forth.

- a. Bufferyard: A strip of land, including any specified type and amount of planting or structures which may be required to protect one type of land use from another, or minimize or eliminate conflicts between them.
- b. Land Use Types: A hierarchy of certain land uses that require compliance with specific performance standards as a criteria of their approval in a given zoning district.
- c. Subdivision: The division of a lot, tract or parcel of land into five (5) or more lots, tracts or parcels of land in accordance with all standards, regulations, and permits as stipulated in the Land Division Act, P.A. 288 of 1967, as amended, for the purpose, whether immediate or future, of sale, or of building development. The meaning of the terms "subdivision" shall not, however, apply to the partitioning or dividing of land into tracts or parcels of land of more than ten (10) acres.
- d. Subdivision, Regular: A regular subdivision consists of single family dwellings on individual lots with no provisions for clustering of dwelling units, reduction of lot sizes below the specified lot area, or required community or neighborhood open space. A regular subdivision is characterized by division of the entire subject parcel into individual lots.
- e. Subdivision, Performance: Performance subdivisions permit the residential builder considerable freedom in design. It allows adjustments in lot sizes and clustering of dwelling units to better adjust to the constraints of a site or of adjoining uses. Further, it insures adequate open space for the residents of each such subdivision.

- f. Planned Unit Development (PUD): A tract of land of ten (10) acres or more in size developed under single ownership or management as a separate neighborhood or community unit. The development shall be based on an approved site plan which allows flexibility of design not available under normal zoning district requirements. The plan may contain a mixture of housing types, common open space and other land uses.

**Sec. 16.03            Bufferyards:**

A bufferyard is a designated unit of yard or open area that has plant materials, berms, and/or fences. The amount of land and the type and amount of landscaping specified are designed to lessen impacts between adjoining land uses. By using both distance and landscaping, potential nuisances such as noise, glare, dirt, unsightly parking areas and so forth, will be minimized.

The bufferyard requirements must be flexible. A single standard applied to all circumstances may not function well or might impose unnecessary hardship (cost) on a developer to say nothing of promoting monotony. As expressed in the following charts, differing requirements are obviously warranted depending upon the characteristics of the uses involved. It is a further intent of one following provisions to provide flexibility to the developer or property owner through the manipulation of four basic elements -- distance, plant material type, plant material density and land forms.

- a. Location of Bufferyards: Bufferyards shall be located on the side and rear lot lines of a parcel extending to the lot or parcel boundary line. Bufferyards shall not extend into or be located within any portion of an existing street right-of-way (front lot line).
- b. Determination of Bufferyard Requirements: To determine the type of bufferyard required between two adjacent parcels, the following procedure shall be followed:
1. Identify the Land Use Type of the proposed use by referring to the Table in Sec. 16.04(a).
  2. Identify the Land Use Type of each adjoining use by referring to the Table in Sec. 16.04(a).
  3. Determine the bufferyard requirements for those side and rear lot lines or portion thereof, on the subject parcel, by referring to the tables in Sections 16.04 b and 16.04 c. Existing plant material or fences may be counted as contributing to the total bufferyard requirement. The bufferyards specified are to be provided on each lot or parcel independent of adjoining uses or adjoining bufferyards.
  4. Should a developed use increase in intensity from a given land use type to a higher one (e.g., Type III to Type IV), the Planning Commission shall, during the site plan review process, determine if additional bufferyard is needed and if so to what extent and type.

Note: Bufferyard requirements are stated in terms of the width of the bufferyard and the number of plant units required per one hundred (100) linear feet of bufferyard.

c. Plant Materials

1. All plant materials required within a specified bufferyard shall be completely installed in the ground within six (6) months from date of site plan approval and shall be properly maintained thereafter.
  - (a) Dead plant material shall be replaced within one year after written notification by the Zoning Administrator.
2. Plant materials used in meeting the bufferyard requirements shall be considered hardy to survive in average minimum winter temperatures of -10° to -20°F., as documented by published landscape nursery trade literature, botanical or horticultural literature, or similarly recognized and accepted literature within the landscape architectural profession.
3. Plant materials used in meeting the bufferyard requirements shall provide for seasonal color and interest including plant flowering sequence, flower color, and summer and fall leaf color.
4. No plant materials shall be used in meeting the bufferyard requirements which are characterized by weak wood, high susceptibility to storm damage, or short life span (less than 20 years). Plant materials not acceptable include, but are not necessarily limited to, the following; Eastern Cottonwood, Lombardy Poplar, Willows, Boxelders, and Scotch Pine.
5. Plant materials used in meeting bufferyard requirements shall be installed at the following minimum sizes:  
  
Shade Trees: 2-1/2" caliber or 12' high  
Ornamental Trees: 1-1/2" caliber or 8' high  
Evergreen Trees: 6' high  
Shrubs: 3' high  
  
For a more varied and healthier landscaping, no more than forty (40) percent of any one (1) type of tree shall be planted.
6. Required evergreen tree and shrub bufferyard plant material quantities may be reduced by as much as twenty (20) percent (or nearest whole number) through the provision of minimum three (3) foot high earth berms along bufferyard length, as approved the Planning Commission. Berms shall not exceed grades of twenty five (25) percent or greater. Berms shall be landscaped to prohibit erosion and maintain visual aesthetics.

**Sec. 16.04**            **Land Use Types:**

This section classifies all land uses permitted by this Ordinance according to their type of degree of intensity, or impact they are likely to impose on adjacent land use situations. All uses within a specific class are considered to have equal impact relative to neighboring uses. The impacts of greater intensity may include, increased vehicular or pedestrian traffic and associated noise and congestion, larger signs, exterior lighting, more dominating buildings, increased stormwater runoff associated with larger roof surfaces and parking areas and other similar factors. The individual zoning district controls whether or not a specific use can develop on a lot in that district, while the land use classes are fundamental in determining the level of protection required in the all-important bufferyard.

a.     Land Use Type Number and General Use Category

TYPE I

Agriculture  
Open Space/Conservation Uses

TYPE II

Planned Unit Development (PUD)  
Performance Subdivision and Site Condominiums  
Single-Family Detached Residences (not part of a subdivision)  
Non-Commercial Recreational Facilities

TYPE III

Religious Institutions  
Educational Institutions  
Public Buildings/Public Service Installations  
Conventional Subdivision  
Two-Family Dwellings  
Multi-Family Dwellings (Apartments and Standard Condominiums)  
Hotels, Motels, Resorts

TYPE IV

Offices  
Service Establishments  
Convenience Retail Establishments

TYPE V

General Retail Establishments  
Other Commercial Uses  
Other Office or Service Uses  
Research and Development Uses  
Wholesale and Warehousing  
Other Industrial Uses



Junkyards  
 Landfills  
 Sexually Oriented Businesses

b. TABLE OF BUFFERYARD REQUIREMENTS

PROPOSED DEVELOPMENT LAND USE TYPE	ADJACENT EXISTING LAND USE TYPE				
	I	II	III	IV	V
I	*	A	C	D	E
II	A	A	B	D	D
III	C	B	A	B	C
IV	D	D	C	B	B
V	E	D	C	B	C
REDUCED BUFFERYARD CATEGORY					

\* No Bufferyard Required

NOTE: If a development is being proposed on a site adjacent to undeveloped lands, the bufferyard type required shall be based upon the most intense land use allowed on the undeveloped lands according to the zoning district requirements.

c. DESCRIPTION OF BUFFERYARD CATEGORIES

BUFFERYARD CATEGORY	BUFFERYARD WIDTH	NUMBER OF PLANTS PER 100 LINEAR FOOT OF BUFFERYARD		
		EVERGREEN TREES	DECIDUOUS TREES	SHRUBS
A	25 FEET	5	5	5
B	35 FEET	7	5	6
C	45 FEET	10	7	8
D	55 FEET	12	7	10
E	75 FEET	15	9	12

## Sec. 16.05

### Detailed Performance Requirements:

Within this section are specified detailed regulations applicable to specific land uses. It is felt that standards, above and beyond those imposed by other sections of this ordinance, are necessary for certain uses.

- a. Performance Subdivision: A performance subdivision may contain one or more of the housing development types as specified in this subsection. All dwelling types shall be single family residences, having approved public sanitary sewer and/or water unless waived by the Planning Commission and Board of Trustees. By complying with stipulated performance criteria, flexibility in design is encouraged, thereby promoting lower land development costs, increased open space within subdivisions and protection of certain natural features.

Requirements for performance subdivision include:

1. General Standards:

- (a) For each square foot of land gained under the provisions of this Section in a performance subdivision, through the reduction in lot size below the minimum requirements for the zoning district in which it is located, equal amounts of land shall be dedicated to the common use of lot owners of the subdivision in a manner approved by the Planning Commission. Such dedicated area shall remain undeveloped.
- (b) Wherein land proposed for usage as a performance subdivision is immediately contiguous on one or more sides to an existing single family detached subdivision of ten (10) acres or larger in size, the net density per acre of the performance subdivision shall not exceed the net density per acre of said existing subdivision. Contiguity shall mean having immediate contact along a property line; properties separated by public road rights-of-way shall not be considered contiguous.

2. Single-Family Dwelling Standards: This dwelling type consists of a standard single-family dwelling located on a privately owned lot having yard area on all four sides of the house. The following specifies the minimum standards for this traditional method of single-family housing in comparison to those standards specified in the individual zoning districts.

- (a) Minimum lot areas may be reduced by as much as 30%, but in no case shall be less than 5,000 square feet.
- (b) Minimum lot widths may be reduced by as much as 20%, but in no case shall they be less than 60 feet.
- (c) Maximum lot coverage may be increased by as much as 10% of the lot

coverage maximum specified for individual zoning districts.

- (d) Minimum front yard setbacks may be reduced by as much as 20%.
- (e) Minimum rear yard setbacks may be reduced by as much as 20%.
- (f) Minimum side yard setbacks may be reduced by as much as 20%.

3. Zero Lot Line House Standards. This dwelling type consists of a single-family residence, located on an individual lot. The dwelling, however, may abut a side lot line provided:

- (a) Exterior windows are prohibited for that portion of the structure that abuts the lot line;
- (b) A five (5) foot maintenance easement (for painting, repair, etc.) shall be provided for the property owner on the adjoining property.

Placement of the garage or other non-living space as that portion of the residence abutting the side lot line is encouraged. In addition, the following specifies the minimum standards for a lot line house:

- (a) Standards shall be the same as those specified in Section 16.05, a, 1 except as follows:

The minimum side yard requirements applied to the remaining undeveloped side lot area shall be increased to a distance of two and a half times the distance specified in Section 16.05, a,1.

4. Town House Standards. This dwelling type consists of a semi-detached single-family residence located on an individual lot. The dwelling may be attached to one or more single-family dwellings at a side lot line through the use of one or more of the following characteristics:

- (a) a common party wall through the garage portion of adjacent structures;
- (b) an architectural wall detail which does not form interior room space between any two units; and,
- (c) a common party wall that meets all fire resistance and sound transmission requirements of the Township Building Code.

The attached dwellings shall be typified insofar as possible by characteristics commonly associated with single-family dwellings in the Township, including the expression of individuality of each dwelling unit; privacy; and a sense of spaciousness.

- c. Institutional (Public or Quasi-Public) Uses or Structures: In as much as the institutional uses (schools and other public buildings) permitted in residential districts may have an adverse effect on residential properties if not properly located and designed, the following performance standards shall be met prior to development of such uses:
1. Hazardous areas shall be adequately fenced to avoid accidents; such areas include public utility substations.
  2. If possible, all permitted institutional uses shall front on a major street (minor arterial or collector).
  3. Motor vehicle entrance and exit shall be made on a major street to avoid the impact of traffic generated by the institutional use upon the residential area.
  4. Site locations shall be chosen which offer natural or manmade barriers that would lessen the effect of the intrusion of a institutional use into an established residential area.
  5. Institutional uses shall not be located so as to cause costly public improvements.
  6. Institutional structures shall be located no closer than fifty (50) feet to adjacent property lines.
- d. Two-Family and Multi-Family Dwellings: In addition to the Site Development Standards and Performance Criteria required for two-family or multi-family uses in a specific zoning district, the following standards shall be met prior to development of such uses:
1. No multiple family building designed, erected or used for ten or more families shall be located closer than fifty (50) feet to any district zone line. Where Planning Commission studies indicate adjoining property will eventually assume similar development as property in question, the Commission may waive the fifty (50) foot minimum.
  2. No single building or connected buildings may exceed two hundred (200) feet in any one dimension. All buildings shall be so arranged as to permit emergency vehicle access, by some practical means, to all sides.
  3. The distance of separation between grouped buildings shall be a minimum of twenty-five (25) feet.
  4. No entrance to a multiple family structure shall be located closer to any street intersection access road, driveway or parking area than twenty-five (25) feet.
- e. Office, Service or Convenience Commercial Structures or Uses: In addition to the Site Development Standards and Performance Criteria required for office, service or convenience commercial uses in a specific zoning district, the following standards shall be met prior to

development of such uses:

Where one or more lot lines abut a residential use, an elevation drawing of the proposed structure shall be submitted for Planning Commission review and approval. The Planning Commission may stipulate that such office or commercial structures be constructed with a residential facade and/or be a residential scale (mass) and character or suitably landscaped to blend the proposed structure into the community.

f. All Uses: In addition to the site development standards and performance criteria required, structures and uses shall meet the following standards:

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

In Decibels

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

2. Vibration: All machinery shall be so mounted and operated as to prevent transmission of ground vibration exceeding a displacement of 0.003 of one inch, as measured at the property line.

3. Odor: The emission of noxious, odorous matter in such quantities as to be readily detectable at any point along lot lines when diluted in the ratio of one volume of odorous air to four or more volumes of clean air or as to produce a public nuisance or hazard beyond lot lines is prohibited.

4. Gases: The escape of or emission of any gas which is injurious or destructive or explosive shall be unlawful and may be summarily cause to be abated.

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

6. Light: Exterior lighting shall be so installed that the surface of the source of light shall be so arranged as far as practical to reflect light away from any residential use, and in no case shall more than one foot candle power of light cross a lot line five (5) feet above the ground in a residential district. All outdoor lighting, whether wall mounted, post mounted, or otherwise, shall be sited and designed to minimize views of the luminaries from residents, motorists and watercraft. Due to the hazards prevalent with mercury compounds and due to their harsh glare characteristics, no mercury-vapor lights shall be permitted in Moran Township. All exterior lighting

shall conform to the standards as shown on the detail drawings following (Sections 16.05.f.6(a) and (b)).

7. Electromagnetic Radiation: Applicable rules and regulations of the Federal Communications Commission in regard to propagation of electromagnetic radiation are hereby made a part of this ordinance.
  
8. Smoke and Air Emissions: Discharge of emissions into the air shall be in compliance with the standards and regulations of the U.S. Clean Air Act and Michigan Air Pollution Act, P.A. 348 of 1965, as amended. It shall be unlawful to discharge into the atmosphere from any single source of emission whatsoever any air contaminator for a period or periods aggregating more than four (4) minutes in any one-half (1/2) hour which is:
  - (a) As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart. The Ringelmann Chart, as published by the United States Bureau of Mines, which is hereby made a part of this ordinance, shall be the standard. However, the Umbrascope readings of smoke densities may be used when correlated with the Ringelmann Chart. A Ringelmann Chart shall be on file in the office of the Zoning Administrator.
  - (b) Of such opacity as to obscure an observer's view to a degree equal to or greater than the smoke described in (a) above, except when the emission consists only of water vapor.
  
9. Drifted and Blown Materials: The drifting or airborne transmission to areas beyond the lot line of dust, particles, or debris from any open stockpile or operation shall be unlawful and may be summarily cause to be abated.
  
10. Radioactive Materials: Radioactive materials shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards and U.S. EPA, as amended from time to time. Facilities intending to produce, handle, or emit radioactive materials shall apply for and be granted a Special Use Permit by the Township Board, since the Township Board has previously passed a resolution declaring Moran Township as a Nuclear Free Zone.
  
11. Sewage Wastes: All industrial sewage discharges into the public sewers shall be subject to the Moran Township Sanitary Sewer Ordinance and all limitations or criteria set forth therein.

## **Sec. 16.06            Cluster Development:**

A cluster development is a type of development that allows for dwelling units to be grouped closer together than would normally be allowed under traditional zoning. These groupings of dwelling are to be on the most buildable portions of a site so that the remainder of the site can be preserved as open space. Cluster developments are an allowed use in more developed zoning districts and allowed by a special use permit in other zoning districts.

a. The regulations in this section are also intended to accomplish the following purposes, at a minimum:

1. Preserve the natural drainage systems, open space, farmlands, rural character, woodlands and wetlands, natural topography, and environmental sensitive areas.
2. Achieve a higher quality of development than could be achieved under conventional zoning.
3. Promote development that is consistent with the Master Plan.
4. Preserve as much natural vegetation and terrain as possible.

b. Permitted Density.

1. The permitted density of residential uses in a cluster development shall not exceed the limits specified for the designated zoning district.
2. Modifications permitted under the Cluster Development option that result in a reduction in land area dedicated to individual dwelling units shall be compensated for by an equivalent amount of open space, which shall be maintained and preserved in accordance with the standards specified in this section.
3. The allowable number of units shall be clustered on the site, so as to allow at least fifty (50%) percent of the site to remain as protected open space by means of a conservation easement, plat dedication, restrictive covenant or other legal means, acceptable to the Planning Commission, that will protect the open space in perpetuity.

c. Cluster Development Requirements.

Cluster developments shall provide and maintain at least fifty percent (50%) of the gross site area as usable open space that is dedicated to continued open space or agricultural uses, which shall comply with the following requirements:

1. Open spaces shall be located on the parcel to meet the following objectives:
  - a. To preserve distinctive natural features and rural characteristics.
    1. To preserve farm lands.
    2. To minimize impact from development on wetlands, rivers, and other sensitive environmental areas.
    3. To maintain open, rural character along main roads.

2. Any undeveloped land area may be included as required open space, provided such land meets the requirements defined in PA 177 of 2001. Additionally the required open space shall not include the area of any public or private road, the area of any easement providing vehicular access to the site, or the area of any required setbacks.
3. The required open space shall be set aside by the developer through a conservation easement, whereby all rights to develop the land are conveyed to a land conservation organization or other public body, assuring the open space will be used according to the site plan. Such conveyance shall:
  - a. Indicate the proposed use(s) of the required open space.
  - b. Provide maintenance standards and a maintenance schedule.
  - c. Be recorded with Mackinac County Register of Deeds to provide a record of the restrictions to all persons having an interest in the property contained in the Cluster Development.

d. Building Location.

Where feasible, cluster developments shall comply with the following building location requirements. Modifications to the location requirements may be approved by the Township as part of the review process, upon making the determination that other building locations would be more appropriate because of topography, existing trees or vegetation, proposed grading or landscaping, or other existing or proposed site features or conditions.

1. Buildings shall be located on the edges of fields and in wooded areas to minimize the visual impact of development.
2. Buildings shall not be located on the top of ridges or in areas with slopes that exceed thirty-three percent (33%).
3. Buildings shall not be located in wetlands, floodplains, or in critical dune areas.
4. Building shall be set far back from public roads as possible so as to maintain the rural appearance of the Township from the road. This goal can also be achieved by placing buildings behind or within a woodlands or tree line that screens the buildings from the road.

e. Existing Structures

Adaptive reuse of existing structures for residential use or permitted accessory residential



uses shall be permitted.

**ARTICLE SEVENTEEN (17)**  
**ENVIRONMENTAL STANDARDS AND PROVISIONS**

**DELETED**

## ARTICLE EIGHTEEN (18)

### NONCONFORMING USES, BUILDINGS, AND STRUCTURES

#### **Sec. 18.01**            **Purpose:**

It is the purpose of this article to permit the continuance of a lawful use of any building or land existing at the effective date of this Ordinance, although such use of land or structure may not conform with the provisions of this Ordinance. It is recognized, however, that those nonconformities, which adversely affect orderly development and the value of nearby property, are not permitted to continue without restriction.

The zoning regulations established by this Ordinance are designed to guide the future use of land in Moran Township by encouraging appropriate groupings of compatible and related uses, provide appropriate bufferyards between dissimilar uses and thus to promote and protect the public health, safety, and general welfare. The continued existence of nonconformities is frequently inconsistent with the purposes for which such regulations are established, and thus their gradual elimination is generally desirable. The regulations of this Article permit such nonconformities to continue without specific limitation of time but are generally intended to restrict further investments that would make them more permanent.

This article distinguishes between major nonconforming uses or structures and minor nonconformities. Different regulations are established for each of these categories. The degree of restriction over each category is a function of the degree to which that category of nonconformity is a nuisance or incompatible with the purposes and regulations of this Ordinance.

#### **Sec. 18.02**            **Major Nonconforming Use:**

- a.     A major nonconforming use consists of uses such as junkyards, landfills, or industrial uses situated in a zoning district, which does not allow for such uses.
- b.     A major nonconforming use shall not be changed to any use other than a use permitted in the zoning district in which it is located.
- c.     Major nonconforming uses shall not be re-established in their nonconforming condition in any zoning district after damage or destruction, if the estimated expense of reconstruction exceeds fifty (50) percent of the appraised replacement cost of the use or structure.

#### **Sec. 18.03**            **Minor Nonconforming Use:**

- a.     A minor nonconforming use is any nonconforming use that is not a major nonconforming use.

**Sec. 18.04**                    **Minor Nonconforming Uses of Land:**

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

- a.     No such nonconforming use shall be enlarged or increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- b.     No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
- c.     Nonconforming uses shall not be changed to another nonconforming use, except after approval of the Board of Zoning Appeals. Before granting such approval, the Board shall determine that such change in use will have a less deleterious effect on neighboring properties than the existing nonconforming use.
- e.     No nonconforming use shall be extended to displace a permitted (conforming use).

**Sec. 18.05**                    **Minor Nonconforming Buildings and Structures:**

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

- a.     Nonconforming structures shall not be altered or expanded without the prior approval of the Board of Zoning Appeals, except that the following structural alterations may be permitted without prior approval of the Board of Zoning Appeals:
  - 1.     Structural alterations or extensions adding to the bulk of a structure which is nonconforming only by reason of lot size or lot width shall be permitted without prior approval of the Board of Zoning Appeals provided that such structure alteration or extension shall not increase the extent of nonconformity and shall satisfy all other site development regulations which are applicable.
  - 2.     Structural alterations that do not add to the bulk of the structure or increase the intensity of use of the structure shall not require prior approval of the Board of Zoning Appeals.
- b.     Nonconforming buildings or structures may be structurally altered so as to prolong the life of the building or structure.

- c. Nonconforming buildings or structures may be re-established on the same lot in their nonconforming condition after damage or destruction of the nonconforming structure, if such building or structure is nonconforming due only to its having an insufficient setback or due to its being located on a site having a size, width or both, less than prescribed in the applicable Sections of this Ordinance.

**Sec. 18.06            Minor Nonconforming Uses of Structures and Land:**

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

- a. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- b. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- c. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use provided the Board of Zoning Appeals, by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Ordinance.
- d. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded or changed to a permitted use, shall thereafter conform to the regulations for the district in which such structure is located and shall not revert back to a nonconforming use.

**Sec. 18.07            Repairs and Maintenance:**

Repairs and maintenance may be performed on any building devoted in whole or in part to a nonconforming use; including ordinary repairs or repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding fifty (50) percent of the assessed value (twenty-five percent of true cash value) of the building during any period of twelve (12) consecutive months. However, the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased. Nothing in this Article shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

**Sec. 18.08**                    **Prior Construction Approval:**

Nothing in this article shall prohibit the completion of construction and use of a nonconforming building for which a building permit has been issued prior to the effective date of this Ordinance, provided that construction is commenced within ninety (90) days after the date of issuance of the permit, that construction is carried on diligently and without interruption for a continuous period in excess of thirty (30) days; and that the entire building shall have been completed according to the plans filed with the permit application within two (2) years after the issuance of the building permit.

To avoid undue hardship, nothing in this article shall be deemed to require a change in the plans, construction or designated use of any building on which construction was lawfully begun prior to the effective date of adoption or amendment of this article, and upon which actual construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

**Sec. 18.09**                    **Change of Tenancy or Ownership:**

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

**Sec. 18.10**                    **Discontinuance of Nonconforming Uses:**

Any building, structure, or land that has been used for nonconforming purposes (either minor or major) and the owner does not intend for the nonconforming use to continue, shall comply with the provisions of this Zoning Ordinance.

The owner’s intent to no longer continue use of the nonconforming uses shall be established by a preponderance of the following points of evidence:

- a.        Utilities have been disconnected.
- b.        If there were signs, the signs have been removed or have fallen into disrepair.
- c.        Fixtures within and outside the building have been removed.
- d.        The property has fallen into disrepair or is considered “blighted.”
- e.        U.S. Mail delivery has been terminated or mail is forwarded to another address.
- f.        The classification of the property for tax purposes has been changed to reflect another use.
- g.        Other similar changes to the nonconforming building or use.

Action to determine if a nonconforming use was intended to be discontinued by the owner may be delayed if any of the following is ongoing:

- a. Property held in Probate.
- b. Insurance settlement in dispute.
- c. Criminal investigation.

**Sec. 18.11            Elimination of Nonconforming Use or Structure:**

The Township Board may acquire by purchase, condemnation or other means, private property or an interest in private property for the removal of any nonconforming use or structure. The cost or expense or a portion thereof may be paid from general funds or assessed to a special district in accordance with applicable statutory provisions.

**Sec. 18.12            Substandard Lots:**

Any lot that was of record as of the effective date of this Ordinance may be used for any permitted principal use even though the lot area and/or the width is less than required by the district. In instances where the setback requirements would make the lot unbuildable, the side and rear setback requirements may be reduced by 50%.

**Sec. 18.13            Use Variances**

As enabled in the Michigan Zoning Enabling Act, PA 110 of 2006, section 604 (9) the Zoning Board of Appeals in Moran Township has the authority to grant variances from uses of land. This authority is due to the Zoning Board of Appeals granting use variances prior to February 15, 2006. Approval for a Use Variance requires a vote of 2/3 of the members of the Zoning Board of Appeals. Use Variances shall be subject to the same approval criteria as 24.05 of this Zoning Ordinance.

## ARTICLE NINETEEN (19)

### OFF-STREET PARKING AND LOADING REQUIREMENTS

#### Sec. 19.01 Purpose:

It is the purpose of these requirements that parking space shall be provided and adequately maintained by each property owner in every zoning district for the off-street storage of motor vehicles used by the occupants, employees or patrons of each building constructed or altered under the provisions of this Ordinance.

#### Sec. 19.02 Off-Street Parking General Provisions:

At the time any building or structure is erected, enlarged or increased in capacity, or uses established, off-street parking spaces shall be provided as hereinafter prescribed:

- a. Plans and specifications showing required off-street parking spaces, including the means of access and interior circulation shall be submitted to the Zoning Administrator for review at the time of application for a building permit.
- b. Off-street parking for other than residential uses shall be either on the same lot or within five hundred (500) feet of the building it is intended to serve, measured from the building entrance to the nearest point of the parking lot.
- c. No parking area which exists at the time this Ordinance becomes effective and is provided for the purposes of complying with the provisions of this Ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance.
- d. No commercial repair work, servicing or selling of any kind shall be conducted on any parking area except that which is specifically permitted by this Ordinance. No items such as plastic animals, streamers, cloth signs, children's' play area, mechanical entertainment devices or other similar devices shall be permitted in the parking area.
- e. Where the owners of two buildings, or uses, desire to utilize common off-street parking facilities, the Zoning Administrator may grant approval of such dual function off-street parking facilities, subject to a finding that the following conditions have been met:
  - (1) The common parking lot meets the off-street parking requirements of the larger building or use plus thirty-three (33) percent of said requirement.
  - (2) The common parking lot meets all locational requirements of this Ordinance with respect to each building or use.



- f. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.

**Sec. 19.03                    Schedule of Requirements:**

Parking spaces shall be provided in accordance with the design standards of this ORDINANCE and the following schedule. For those uses not mentioned, the Board of Zoning Appeals may determine the parking requirements.

<u>Use</u>	<u>Number of Motor Vehicle Parking Spaces Required Per Unit Measure</u>
 <u>RESIDENTIAL</u>	
One Family and Two Family	Two (2) for each dwelling unit plus one (1) additional space for each roomer if any.
Multiple Family	Two (2) for each dwelling unit, plus expansion capacity of twenty-five (25) percent.
Mobile Home Parks	Two (2) for each mobile home or mobile home site.
 <u>INSTITUTIONAL</u>	
Churches or Temples	One (1) for each five (5) seats or ten (10) lineal feet of pews in the main room for worship.
Hospitals	One (1) for each one (1) bed.
Homes for the Aged and Convalescent Homes	One (1) for each two (2) beds.
Elementary and Junior High Schools	One (1) for each one (1) teacher, and administrator in addition to the requirements of the auditorium.
Senior High Schools	One (1) for each one (1) teacher, and administrator and one for each ten (10) students, in addition to the requirements of the auditorium.
Theaters and Auditoriums	One (1) for each four (4) seats plus one (1) for each two (2) employees.

Stadium, Sports Arena or similar place of outdoor assembly

One (1) for each three (3) seats or six (6) feet of benches.

Dance Halls, Civic Clubs, Fraternal Orders, Union Halls or any similar type use

One (1) space for every four (4) persons permitted to occupy the building by local ordinance or State law, plus additional parking for 25 percent excess capacity.

Private Golf Clubs, Ski Clubs, Swimming Clubs or Beaches, Tennis Clubs or similar uses

One (1) space per four (4) persons of maximum anticipated capacity as approved by the Planning Commission, plus additional parking for 25 percent excess capacity.

Golf Courses Open to the General Public, except Miniature or "Par-Three"

Six (6) for each one golf hole and one (1) for each employee.

#### BUSINESS AND COMMERCIAL

Shopping Centers or Discount Department Stores Containing at least 25,000 square feet

Six (6) per one thousand (1,000) square feet of gross leasable floor area.

Furniture and Appliance, Household Equipment, Repair Shops, Showroom of a Plumber Decorator, Electrician or Similar Trade, Shoe Repair and similar uses

One (1) for each eight hundred (800) square feet of usable floor area.

Supermarket, Self-Service Food or Beverage Shop

One (1) for each two hundred (200) square feet of usable floor area.

Motor Vehicle Sales and Service Establishments

One (1) for each two hundred (200) square feet of usable floor space of sales room and one (1) for each one (1) auto.

Retail Stores except as otherwise specified herein

One (1) for each one hundred and fifty (150) square feet of usable floor area.

Restaurants, Taverns, Bars and Nightclubs	One (1) for each 75 square feet of usable floor area, plus one for every four (4) seats, or one for 37.5 square feet of usable floor area, whichever is greater.
Drive-in and Fast-food Restaurants and Self-Service Restaurants	One (1) for every three (3) patron seats or one (1) for each thirty (30) square feet of usable floor area whichever is greater.
Barber Shops, Beauty Shops	Two (2) spaces for each chair.
Laundromats and Coin Operated Dry Cleaners	One (1) for each two (2) washing machines.
Drive-in Banks or Laundries	Three (3) standing spaces for each drive-in window in addition to normal parking required for banks or laundries.
Drive-in Car Washes, Automatic	Fifteen (15) standing spaces for each washing bay, plus one (1) space for each two (2) employees.
Drive-in Car Washes, Self-Service	Three (3) standing spaces for each washing bay.
Gasoline Service Stations	One (1) for each service bay, and one (1) for each two (2) employees.
Bowling Alleys	Five (5) for each one (1) alley, in addition to any requirement for other uses such as bar, restaurant, or billiard room.
Miniature or "Par-three" Golf Courses	Three (3) for each one (1) hole plus one (1) for each one (1) employee.
Mortuary Establishments	One (1) for each fifty (50) square feet of usable floor space.
Motels, Hotels, or other commercial lodging establishments	One (1) for each one (1) occupancy unit plus extra spaces for dining rooms, ball rooms or meeting rooms as required by this Title. Should units revert to multiple-type use then two (2) spaces per unit shall be provided.

OFFICES

Business or Professional Offices and Banks, Medical	One (1) for every one hundred and fifty (150) square feet of floor
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Offices and Clinics area.  
INDUSTRIAL

Industrial or Research Establishments One (1) for every two (2) employees in the largest working shift.

Warehousing or Wholesale Establishments One (1) for every two (2) employees in the largest working shift, or one (1) for every seventeen hundred (1,700) square feet of usable floor space, whichever is greater.

**Sec. 19.04 Off-Street Parking Development Standards:**

Whenever the off-street parking requirements in Sec. 19.03 require the building of an off-street parking facility, such off-street parking lots shall be designed, constructed and maintained in accordance with the following standards and regulations.

- a. Plans for all off-street parking lots providing spaces for more than five (5) vehicles shall be submitted as part of the Site Plan Review process and must be approved by the Planning Commission prior to construction.
- b. Each off-street parking space for vehicles shall not be less than one hundred eighty (180) square feet in area, exclusive of access drives or aisles.
- c. Each space shall be clearly marked and reserved for parking purposes.
- d. There shall be provided a minimum access drive of twenty (20) feet in width and so located as to secure the most appropriate development of the individual property. Where a turning radius is necessary, it shall be of an arc that reasonably allows an unobstructed flow of vehicles.
- e. Parking aisles shall be of sufficient width to allow a minimum turning movement into and out of parking spaces. The minimum width of such aisles shall be in accordance with the following minimum regulations:

<u>Parking Pattern</u>	<u>Maneuvering Lane Width</u>		<u>Parking Space Width</u>	<u>Parking Space Length</u>	<u>Total Width of Two Tiers of Spaces Plus Maneuvering Lane</u>	
	<u>One Way</u>	<u>Two Way</u>			<u>One Way</u>	<u>Two Way</u>
0° (parallel parking)	11 Ft.	18 Ft.	8.5 Ft.	8.5 Ft.	28 Ft.	35 Ft.
30° to 53°	12 Ft.	20 Ft.	9 Ft.	21 Ft.	54 Ft.	62 Ft.

54° to 74°	13 Ft.	22 Ft.	9 Ft.	21 Ft.	55 Ft.	64 Ft.
75° to 90°	15 Ft.	24 Ft.	9.5 Ft.	20 Ft.	55 Ft.	64 Ft.

- f. All off-street parking areas shall be drained so as to eliminate surface water ponding and prevent drainage onto abutting properties. The surface of the parking lot, including drives and aisles, excepting landscaped areas, shall be constructed of a dustless and durable all-weather surface.
- g. Any lighting fixtures used to illuminate off-street parking shall be down casting (shoebox style) and shall be arranged as to reflect the light away from any adjoining residential properties, institutional premises, or street and highways; and shall be installed in such manner as to allow the reduction of the amount of light after normal parking hours each day.
- h. Where a parking area with a capacity of five (5) or more vehicles adjoins a residential district, a buffer at least twenty (20) feet in width shall be provided between the parking area and the adjoining property and a vertical screen shall be erected consisting of structural (fence) or plant materials no less than five (5) feet in height.
- i. Where a parking area with a capacity of five (5) or more vehicles adjoins a public street, a buffer at least ten (10) feet wide shall be provided between the parking area and the adjacent street. Plantings or a berm shall be provided to screen the parking area from view along the entire length of this buffer strip. Plantings in this buffer area shall be maintained in a healthy condition. No more than two (2) driveway approaches may be permitted to break this buffer from a major street or no more than one (1) driveway from a minor street. When parking lots are larger than fifty (50) vehicles the required buffer shall be twenty (20) feet between the parking area and the public street.
- j. In addition to any landscaping required in any particular district or article, all parking areas of ten (10) or more vehicles shall be landscaped within the parking area. Such landscaping shall be accomplished throughout the parking area on the basis of two hundred (200) square feet of grass and planted area (parking island) for each ten (10) parking spaces. All landscaping shall be adequately maintained in a healthy condition.

**Sec. 19.05                    Off-Street Loading and Unloading:**

On the same premises with every building, or part thereof, erected and occupied for manufacturing, storage, warehouse, goods display, department store, wholesale store, market, laundry, dry cleaning, or other uses similarly 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 services in order to avoid undue interferences with public use of the streets, alleys, or any required

access aisles for off-street parking areas.

- a. Such loading and unloading space, unless adequately provided for within a building, shall be an area ten (10) feet by forty (40) feet, with fifteen (15) foot height clearance, and shall be provided according to the following schedule:

<u>Gross Floor Area In Square Feet</u>	<u>Loading and Unloading Spaces Required In Terms of Square Feet of Gross Floor Area</u>
0 - 1,999	None.
2,000 - 19,999	One (1) space.
20,000 - 99,999	One (1) space plus one (1) space for each 20,000 square feet in excess of 20,000 square feet.
100,000 - 500,000	Five (5) spaces plus one (1) space for each 40,000 feet in excess of 100,000 square feet.

- b. The location and design of loading and unloading areas shall be reviewed at the time of Site Plan submission to insure adequate protection is afforded adjacent districts, especially residential districts, from noise and other disruptive elements normally associated with such facilities.

# ARTICLE TWENTY (20)

## SIGNS

### **Sec. 20.01 Purpose:**

This article regulates signs in Moran Township that are on lands open to the public, visible from public road rights-of-way, private roads, public facilities, trails open to the public, and navigable waterways. It is a basic tenet of this article that unrestricted signing does not benefit either private enterprise or the community-at-large. Depending on their size, numbers, and character, signs may attract or repel visitors, affect the visual quality enjoyed by daily residents, affect the safety of vehicular traffic, and define the character of the area. Thus aesthetic considerations impact economic values as well as public health, safety, and welfare. Therefore this article of the ordinance sets standards for the following purposes:

- a. Maintain and enhance the visual quality of the community.
- b. Improve pedestrian and motorist safety by minimizing distractions and obstacles to clear views of the road and directional or warning signs.
- c. Support and complement the land use objectives of the Moran Township Master Plan and this ordinance.
- d. Protect and enhance economic viability by assuring that Moran Township will be a visually pleasant place to visit or live.
- e. Protect property values and private/public investments in property.
- f. Protect views of the natural landscape and sky.
- g. Avoid personal injury and property damage from structurally unsafe signs.
- h. Provide businesses with effective and efficient opportunities for identification by reducing
  - i. competing demands for visual attention.
- j. Reflect the primary purpose of signing as being the identification of a particular user or use on a property, but not necessarily every activity or service performed thereon.
- k. Avoid excessive signing in order 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.

- l. Achieve some uniformity and balance in the size, number and placement of signs.
- m. Accommodate special circumstances or events that may create a need for temporary signs for a limited and reasonable time period.

## **Sec. 20.02 Definitions:**

In addition to the definitions set forth in article 2, the following words shall have the meanings hereinafter set forth.

- a. **Signs:** A name, identification, description, display, or illustration which is affixed to, painted or represented, directly or indirectly, upon a building, structure, parcel, or lot and which directs attention to an object, product, place, activity, person, institution, organization, or business. Signs include, but are not limited to, figures, devices, objects, pennants, emblems, and pictures. Any of the above which is not placed out-of-doors, when placed inside near the surface of a window in such a way as to be in view of the general public and used or intended to be used to attract attention or convey information to motorists and pedestrians, shall also be considered as a sign.
  - i. **On-Premises:** A sign whose message relates to a business, service, commodity, or profession lawfully being conducted, sold or offered on the same premises.
  - ii. **Off-Premises:** A sign whose message relates to a business, service, commodity, or profession lawfully being conducted, sold or offered on premises other than that upon which the sign is located.
- b. **Outdoor Advertising Structure:** A sign that is affixed to or erected upon a free-standing framework designed or intended to be used for posting information not pertaining directly to the use of the premises on which it is located.
- c. **Free-Standing Signs:** A sign which is erected upon or supported by the ground and not attached to any building. Such signs include ground signs and pole signs.
- d. **Ground Signs:** A three dimensional, self supporting, base-mounted freestanding sign, consisting of two or more sides extending up from the base, and upon which a message, business, group of businesses or center name is affixed.
- e. **Illuminated Signs:** A sign that provides artificial light directly (or through any transparent or translucent material) from a source of light connected with such sign, or a sign illuminated by a light so shielded that no direct rays from it are visible from any public right-of-way or from the abutting property.
- f. **Marquee Sign:** An identification sign attached to a marquee, canopy or awning projecting from and supported by the building, above sidewalk level.



- g. Permanent Sign: A sign other than a portable sign or temporary sign. Such signs are intended to be used indefinitely, or used indefinitely without change, in the same state or place, and include freestanding signs, marquee signs, pole signs, projecting signs, and wall signs.
- h. Pole Signs: A free-standing sign supported by one (1) or more uprights, poles or braces placed in or upon the ground surface and not attached to any building.
- i. Portable Signs: A free-standing sign not permanently anchored or secured to either a building or the ground, but usually anchored or secured to a trailer or frame capable of being moved from place to place.
- j. Projecting Signs: A sign which projects from and is supported by a wall of a building and does not extend beyond the minimum required setback line or into and over street right-of-way, and not less than nine (9) feet, at its lowest point, above sidewalk or ground level.
- k. Surface Display Area: The surface display area of any sign is the entire area within a single continuous perimeter enclosing the extreme limits of lettering, representations, emblems, or other figures, together with any material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. Structural members bearing no sign copy shall not be included. On a two-sided sign where the faces are parallel to each other, only one (1) face is counted in computing the sign's area.
- l. Temporary Sign: A sign, display or other informational device constructed of cloth, canvas, fabric, plastic or other light temporary material, with or without a structural frame, which is intended for a limited period of display.
- m. Wall Sign (Facia Sign): A sign which is attached directly to or painted upon a building wall and which does not extend more than eighteen (18) inches there from not above the roof line, with the exposed face of the sign in a plane parallel to the building wall.
- n. Window Sign: Signs affixed to, in contact with, or within twelve (12) inches of a window; installed for purposes of viewing from outside the premises. This does not include merchandise located in a window.

**Sec. 20.03 Permanent Signs Permitted in All Districts:**

The following signs shall be permitted in all districts subject to the requirements stated herein.

- a. Non-illuminated wall signs, not exceeding two (2) square feet in display surface area and not exceeding one (1) per street frontage.

- b. Signs which are either: (1) cut into the face of a masonry surface; or (2) constructed of bronze or other noncombustible material when located flat on the face of a building.
- c. Flags, whether containing a commercial or non-commercial message.
- d. Traffic, or other municipal signs, also private traffic control signs which conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices.
- e. Signs which are installed as a measure to prevent trespassing or to prevent injuries due to potentially hazardous conditions, not exceeding two (2) square feet in area, shall be permitted.
- f. Signs located on properties registered as a National or State Historic Site, when in compliance with the Michigan State Historic Preservation Office's standards for National or State Historic Site plaques.
- g. Signs located on properties owned or controlled by essential service providers and generally required by federal or state laws or for public safety purposes.
- h. Signs required to be erected to meet federal or state laws when in compliance with the sign design and placement specifications of such federal or state laws.
- i. Signs located on property containing a farm, farm market or stable which is engaged in the accessory sale of farm products
- j. Signs not exceeding six (6) square feet in area and four (4) feet in height, measured from grade, when located along the edge of a driveway and intended to be visible from a public road. Only one such sign may be allowed at each driveway access to a public road and no such sign shall be allowed within the public right-of-way.
- k. Signs not exceeding two (2) square feet in area and six (6) feet in height, measured from grade, when located along the edge of, and intended to be visible from, an internal access driveway, internal pedestrian walkway, or off-street parking space.

**Sec. 20.04 Temporary Signs Permitted in All Districts:**

Temporary signs, as defined in this article, shall be permitted in all districts subject to the requirements herein.

- a. Placement of such signs shall be wholly within the property boundaries of the site.
- b. Temporary signs shall not be illuminated by any means.
- c. Temporary signs must be properly maintained and not be allowed to become unsightly through disrepair or action of the elements.

- d. Within the Primary Inland Growth Districts, temporary signs shall not exceed thirty-two (32) square feet in surface display area and eight (8) feet in height. For all other zoning districts, temporary signs shall not exceed twelve (12) square feet in surface display area and six (6) feet in height.
- e. No more than one (1) temporary sign per street frontage is allowed. Additional temporary signs are allowed during certain time periods, as follows:
  - 1. During and up to seven (7) days after an election, up to three (3) additional temporary signs per street frontage are allowed.
  - 2. During the time period noted on a building permit issued by Moran Township allowing for construction activities to occur on the site, one (1) additional temporary sign per street frontage is allowed.
  - 3. During the time period where the property is actively listed for sale, one (1) additional temporary sign per street frontage is allowed.

**Sec. 20.05 Signs for Residential Uses in All Districts:**

Any sign not expressly permitted is prohibited. The following are permitted in all districts:

- a. Home Occupation: One (1) non-illuminated sign on the property of a home occupation or professional service not to exceed two (2) square feet in surface display area and attached flat against a building wall.
- b. Subdivision or Development Entry: A permanent freestanding sign may be permitted by Planning Commission approval for each separate street frontage occupied by a subdivision, apartment, multi-family development or condominium complex or for each means of entrance to the subdivision, apartment, multi-family development or condominium complex from a public road, provided that the sign and structure shall be harmonious and appropriate in appearance with the existing and intended character of the general vicinity.
- c. Apartment Building Sign: One (1) sign per street frontage may be permitted by Planning Commission approval to be placed flat against an apartment building provided that it shall not exceed twelve (12) square feet in surface display area. Such a sign may be illuminated provided that the source of the light is not visible beyond the property lines of the parcel upon which it is located.

**Sec. 20.06 Signs for Non-Residential Uses in Residential Districts:**

Any sign not expressly permitted is prohibited. The following signs are permitted for non-residential uses in all districts zoned for residential uses:

- a. One (1) wall and one (1) freestanding sign, or combination thereof, may be permitted for any permitted non-residential use or lawful nonconforming use within a residential district. Such sign shall not exceed twenty (20) square feet in surface area and six (6) feet in height.

**Sec. 20.07 Signs for Non-Residential Uses in Districts Zoned for Office or Commercial Uses:**

Any sign not expressly permitted is prohibited. The following signs are permitted in all districts zoned for commercial uses.

a. Free-Standing Signs:

- 1. Freestanding Signs Sizes are regulated by number of lanes and vehicle speed:

#Lanes of road from which directed access is taken	Posted Speed (mph)	Surface Display Area (sq. ft.)
2	35 or less	20
2	36 – and over	35
4	35 or less	30
4	36 – and over	65
4 and a State Highway	55 and over	80

- 2. The signs may be located in the front yard with the leading edge of the sign at least thirty (30) feet back of the right-of-way line.
- 3. The top of free-standing signs shall be no higher than three (3) feet from ground level, or, in the alternative, the top of the sign may be as high as twenty (20) feet with the bottom of the sign no lower than ten (10) feet above the ground level.
- 4. Only one (1) freestanding sign per parcel.

b. Wall Signs:

- 1. One (1) per building, not exceeding ten (10) percent of the building face to which it is attached.
- 2. Wall signs shall be placed flat against the main building or parallel to the building on a canopy and may only face public streets or parking areas that are part of the development.
- 3. Wall signs shall not project above the roofline or cornice.

c. Marquee Signs:

- 1. Marquee signs shall not exceed the surface display area permitted for wall signs.

2. No portion of a marquee sign shall be higher than the roofline or cornice.

d. Projection Signs:

1. One (1) per building, with a surface display area not exceeding one and one-half (1-1/2) square feet in area for each lineal foot of building frontage up to a maximum of fifty (50) square feet.
2. Projecting signs shall be attached directly to a building by means of building amounts or hung from a mast arm. These support members may also include decorative appurtenances, but external bracing such as guy wires and metal framework shall be prohibited.
3. Signs must project at a 90° angle to the building surface to which attached.
4. Projecting signs shall not extend beyond the minimum required setback line or into and over street right-of-way.
5. The minimum clearance of a projecting sign over a sidewalk shall be nine (9) feet.

e. Window Signs:

1. Permanent window copy, painted or otherwise attached to the window surface shall be limited in area to twenty (20) percent of the total window surface of the window involved.
2. Window signs are permitted on first floor windows only.
3. Temporary window signs shall not exceed twenty (20) percent of the surface of the window to which attached.

f. Illuminated Signs:

1. Signs may be illuminated but no flashing or moving illumination shall be permitted.
2. The source of illumination shall not be visible beyond the property line of the parcel on which the sign is located.
3. Neon signs shall be permitted.
4. Signs shall not revolve or move in any manner.

g. Service Station Signs:

1. On property occupied by a gasoline service station, one additional sign face, not exceeding twelve (12) square feet in surface display area, may be permanently

attached to the support pole of a permitted freestanding sign. If the support pole is poorly located, said sign face may be attached with the bottom of the sign face no lower than six (6) feet from ground level.

2. There shall be no signs located in fuel pump islands or canopies except those constituting an integral part of the fuel pump itself or those required by State law or regulation.

h. Awning Signs:

1. Awnings are permitted and may contain sign copy not exceeding twenty (20) percent of the total awning surface area.

**Sec. 20.08 Signs for Industrial Uses in All Districts:**

Any sign not expressly permitted is prohibited.

- a. All limitations governing office or commercial use shall apply.

**Sec. 20.09 Illuminated Signs:**

Signs other than outdoor advertising structures (billboards) may be illuminated by a direct or indirect source of light provided the light source is shielded in a manner such that no direct rays or glare emanating from the light source are visible from any public right-of-way or from the abutting properties. Signs that incorporate any flashing or intermittent lights are prohibited. Illuminated signs shall be installed in such a manner as to allow the reduction of the amount of illumination after normal business hours each day. Outdoor advertising structures (billboards) shall not be illuminated.

**Sec. 20.10 Moving or Revolving Signs:**

Any sign which revolves or has any visible moving parts, visible revolving parts or visible mechanical movement of any type, or other apparent visible movement achieved by electrical, electronic or mechanical means shall be prohibited.

**Sec. 20.11 Signs Not to Constitute a Traffic Hazard:**

No sign shall be erected at or near the intersection of any street in such a manner as to obstruct free and clear vision; or at any location where by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device; or which makes use of the words "stop", "look", "danger" or any word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.

**Sec. 20.12 Portable Signs:**

Any free-standing sign not permanently anchored or secured to either a building or the ground, including but not limited to "A" frame, "T" frame, or inverted "T" shaped structures, including those signs mounted on wheeled trailers, shall be permitted in only Primary Inland Growth Districts and only in accordance with the following provisions:

- a. Portable signs may be permitted for a period not to exceed ninety (90) days.
- b. All illuminated portable signs shall comply with the requirements of Sec. 20.09
- c. All portable signs shall be located no closer than one-half the setback distance for a permanent structure, to the street right-of-way line.
- d. Any portable signs shall not exceed fifty (50) square feet in surface display area.

### **Sec. 20.13 Outdoor Advertising Structures:**

Outdoor advertising structure and billboards other than those signs which exclusively advertise businesses on the premises on which they are located, shall be permitted only by Special Use Permit in accordance with the following limitations:

- a. Outdoor advertising structures shall be located at least thirty (30) feet, but no more than two hundred (200) feet from the right-of-way line of the street on which it fronts.
- b. Maximum total height of structure shall not exceed sixteen (16) feet.
- c. Outdoor advertising structures shall not be lighted.
- d. Faces of the sign shall not exceed ten (10) feet high by thirty (30) feet long.
- e. Outdoor advertising structures shall comply with all pertinent state statutes.
- f. Outdoor advertising structures shall be spaced no closer than one-quarter mile apart.
- g. Outdoor advertising structures shall be allowed only in Primary Inland Growth (PIG) and Secondary Inland Growth (SIG) Districts.

### **Sec. 20.14 Existing Nonconforming Signs:**

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

advertising structures within Moran Township shall be subject to the conditions and requirements set forth herein.

- a. **Structural Changes:** The faces, supports, or other parts of any nonconforming sign or outdoor advertising structure shall not be structurally changed, altered, substituted, or enlarged unless the resultant changed, altered, substituted, or enlarged sign or outdoor advertising structure conforms to the provisions of this ARTICLE.
- b. **Repairs, Alterations and Improvements:** However, nothing herein shall prohibit the repair, reinforcement, alteration, improvement, or modernizing of a lawful nonconforming sign or outdoor advertising structure, provided such repair does not exceed an aggregate cost of thirty (30) percent of the appraised replacement cost as determined by the Building Inspector, unless the subject sign or outdoor advertising structure is changed by such repair, reinforcement, alteration, improvement, or modernizing to a conforming structure. Nothing in this Section shall prohibit the periodic change of message on any outdoor advertising structure.
- c. **Restoration of Damage:** Any lawful nonconforming sign or outdoor advertising structure damaged by fire, explosion, or an act of God, or by other accidental causes, may be restored, rebuilt or repaired, provided that the estimated expense of reconstruction does not exceed fifty (50) percent of the appraised replacement coast as determined by the Building Inspector.
- d. **Discontinuance or Abandonment:** Whenever the activity, business or usage of a premises to which a sign is attached or related has been discontinued for a period of ninety (90) days or longer, such discontinuance shall be considered conclusive evidence of an intention to abandon legally the nonconforming sign attached or related thereto. At the end of this period of abandonment, the nonconforming sign shall either be removed or altered to conform to the provisions of this Section.
- e. **Elimination of Non-Conforming Signs:** The Township Board may acquire any nonconforming sign or outdoor advertising structure, with or without acquiring the property on which such sign or structure is located, by condemnation or other means, and may remove such sign or structure.

**Sec. 20.15 Substitution Clause:**

The owner of any sign which is otherwise allowed under this Article 20 may substitute noncommercial copy in lieu of any other commercial or noncommercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision prevails over any more specific provision to the contrary. This provision does not create a right to increase the total amount of signage on a lot or allow the substitution of an off-site commercial message in place of an on-site commercial message.

**Sec. 20.16 Severability Clause:**



If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this Article 20 is declared invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of Article XX.

## ARTICLE TWENTY-ONE (21)

### SPECIAL USE PERMITS

Sec. 21.01 Purpose: Until recent years, the regulation of all uses of land and structures through zoning has been accomplished by assigning each use to one or more use districts. However, the functions and characteristics of an increasing number of new kinds of land uses combined with conclusive experience regarding some of the older, more familiar kinds of uses call for a more flexible and equitable procedure for properly accommodating these activities in the community. It should be recognized that the forces that influence decisions regarding the nature, magnitude, and location of such types of land use activities are many and varied depending upon functional characteristics, competitive situations and the availability of land. Rather than assign all uses to special, individual, and limited zoning districts, it is important to provide controllable and reasonable flexibility in requirements for certain kinds of uses that will allow practicable latitude for the investor, but that will, at the same time, maintain adequate provision for the security of the health, safety, convenience and general welfare of the community's inhabitants.

In order to accomplish such a dual objective, provision is made in this Ordinance not only for flexibility in individual district regulations, but also for a more detailed consideration of certain specified activities as each may relate to proposed conditions of location, design, size, operation, intensity of use, generation of traffic and traffic movements, concentration of population, processes and equipment employed, amount and kind of public facilities and services required, together with many other possible factors. Land and structure uses possessing these particularly unique characteristics are designated as special uses and may be authorized by the issuance of special use permit with such conditions and safeguards attached as may be deemed necessary for the protection of the public welfare.

The following sections, together with previous references in other articles, designate what uses require a Special Use Permit. With any exception noted, the procedures for obtaining such a permit apply to all special uses indicated.

#### Sec. 21.02 Application Procedures:

a. Applicant: Any person owning or having an interest in the subject property may file an application for one or more special use permits provided for in this Ordinance in the zoning district in which the land is situated.

b. Application: Applications shall be submitted through the Zoning Administrator to the Planning Commission. Each application shall be signed by the property owner and accompanied by the payment of a fee in accordance with the duly adopted "Schedule of Fees" to cover costs of processing the application. No part of any fee shall be refundable.

c. Data Required in Application: Every application shall be accompanied by ten (10) copies of the following information and data:

1. Special form supplied by the Zoning Administrator filled out in full by the applicant.
2. A site plan drawn to a readable scale, and containing that information specified in Article 22.
3. Environmental statement in accordance with Article 17.
4. A statement with supporting evidence regarding the required findings specified in Sec. 21.04.

5. Additional data as may be required according to zoning district requirements and the Township Planning Commission.

d. The property owner shall transmit one (1) copy of the application to each of the following agencies considered to be impacted or affected by the land use with a request for their review and comment (e.g. county drains - Mackinac County Drain Commissioner; curb cut access - Mackinac County Road Commission, etc.). The Zoning Administrator has discretion in the transmittal of the application and may waive an agency's review:

1. Mackinac County Road Commission or State Department of Transportation
2. LMAS District or State Health Department
3. Mackinac County Drain Commissioner
4. Michigan Department of Natural Resources, U.S. Army Corps of Engineers and U.S. Fish and Wildlife Service
5. Moran Township School District - Superintendent of Schools
6. Fire Chief for St. Ignace, Trout Lake, or Hendricks Township Volunteer Fire Departments and Emergency Services
7. County Sheriff

The property owner shall have these agencies forward their review and comments directly to the Planning Commission. The Planning Commission, upon receiving the comments of the above affected agencies shall proceed with a public hearing on the request.

Sec. 21.03 Review and Findings:( refer to Sec. 28.01)

a. Planning Commission Public Hearing: The Planning Commission shall review the application at its next regular meeting following filing and shall set a date for public hearing within forty-five (45) days thereafter. The Township Clerk shall cause to be published one (1) notice of public hearing, not less than fifteen (15) days in advance of such hearing and shall notify by regular mail or personal delivery the parties of interest and all property owners within three hundred (300) feet of the subject property and to all occupants of structures within 300 feet. Such notice shall describe the nature of the request; indicate the property involved, include a listing of all existing street addresses within the property, state the time and place of the hearing and indicate when and where written comments will be received concerning the request.

b. Planning Commission Recommendation: Upon conclusion of such hearing procedures, the Planning Commission shall transmit a written recommendation within thirty (30) days to the Township Board setting forth the reasons for the acceptance, denial or modification of the special use permit application. Such recommendation shall be forwarded to the Township Clerk.

c. Township Board Action: Upon receipt of the Planning Commission recommendation at its next regular meeting, the Township Board shall consider the special use permit application at its next regular meeting. The Township Board shall accept or reject the application based upon materials received and testimony recorded at the public hearing. The Township Board shall state verbally and in written form the reasons for the acceptance, denial, or modification of the Special Use Permit application. The Township Board's actions shall be forwarded to the Township Clerk. Following favorable action by the

Township Board, the Zoning Administrator shall issue a Special Use Permit, subject to conditions as may have been placed on such permit by the Planning Commission and Township Board. All conditions shall be clearly specified in writing.

Sec. 21.04 General Standards for Making Determinations:

The Planning Commission shall review the particular facts and circumstances of each proposal in terms of the following standards and shall find adequate evidence showing that the proposed use:

- a. Will be harmonious with and in accordance with the general objectives or with any specific objectives of the Master Land Use Plan of current adoption;
- b. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area;
- c. Will not adversely affect the existing natural environment of the area and result in the loss of significant special natural features, local heritage, and scenic views.
- d. Will not be hazardous or disturbing to existing or future neighboring uses;
- e. Will be a substantial improvement to property in the immediate vicinity and to the community as a whole;
- f. Will be served adequately by essential public facilities and services; such as highways, streets, police and fire protection, drainage structures, refuse disposal, or schools; or that the persons or agencies responsible for the establishments of the proposed use shall be able to provide adequately any such service;
- g. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- h. Will not involve uses, activities, processes, materials and equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- i. Will be consistent with the intent and purposes of this Ordinance.

Sec. 21.05 Conditions and Safeguards:

- a. Prior to granting any Special Use Permit, the Township Board may impose any additional conditions or limitations upon the establishment, location, construction, maintenance or operation of the use authorized by the Special Use Permit as in its judgment may be necessary for the protection of the public interest. Conditions imposed shall further be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well-being of those who will utilize the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity and the community as a whole; and be consistent with the general standards as established in this Ordinance and therefore be necessary to meet the intent and purpose of the regulations contained therein.

b. Conditions and requirements stated as part of Special Use Permit authorization shall be a continuing obligation of Special Use Permit holders. The Zoning Administrator shall make periodic investigations of developments authorized by Special Use Permit to determine compliance with all requirements.

c. In authorizing a Special Use Permit, the Township Board may require that a cash deposit, certified check, bond or other financial guarantee acceptable to the Township, of ample sum be furnished by the developer to insure compliance with such requirements as drives, walks, utilities, parking, landscaping and the like. The financial guarantee shall be deposited with the Township Clerk at the time of issuance of the permit authorizing the use or activity. As work progresses, the Township Board may authorize a proportional rebate of the financial guarantee upon completion of significant phases or improvements.

d. All plans, specifications and statements submitted with the application for a Special Use Permit shall become, along with any changes ordered by the Township Board, a part of the conditions of any Special Use Permit issued thereto.

e. No application for a Special Use Permit which had been denied wholly or in part of the Township Board shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions found to be sufficient to justify consideration by the Township Board.

f. The foregoing general standards are basic to all special uses; and the specific requirements accompanying the following Sections relating to particular uses are in addition to and shall be required in all applicable situations.

g. Special Use Permits shall be issued for a time period as determined by the Township Board. Special Use Permits may be renewed in the same manner as originally applied for.

h. Approval of a Special Use Permit shall lapse twelve (12) months after the date of approval by the Township Board unless:

1. land use permits and building permits are obtained for commencement of construction, if such permits are required;
2. activities described in the Special Use Permit have commenced;
3. the Township Board specifies a different time period in which building permits must be obtained or activities must commence in its action to approve the permit;
4. the applicant formally requests an extension of the Special Use Permit.

#### Sec. 21.06 Appeals:

Recourse for a person considering himself aggrieved by a decision of the Township Board in the granting or denial of a Special Use Permit shall be to the Zoning Board of Appeals and then to the Circuit Court of Mackinac County as provided by law.

#### Sec. 21.07 Non-Residential Structures and Uses Adjacent to Residential Developments:

a. General Standards: Inasmuch as the non-residential uses permitted in residential districts may have an adverse effect on residential properties if not properly located and designed, the following general standards must be met prior to development of such uses:

1. Hazardous areas must be adequately fenced to avoid accidents, such areas include public utility substations.
2. If possible, all permitted non-residential uses should front on a major street (minor arterial or collector).
3. Motor vehicle entrance and exit should be made on a major street to avoid the impact of traffic generated by the non-residential use upon the residential area.
4. Site locations should be chosen which offer natural or manmade barriers that would lessen the effect of the intrusion of a non-residential use into a residential area.
5. Non-residential uses should not be located so as to cause costly public improvements.

Sec. 21.08 Planned Unit Developments (PUD):

a. It is the intent of this Section to provide for an added degree of flexibility in the placement and interrelationship of buildings incorporating a variety of residential dwellings, and encouraging a more creative approach to development. Such criteria are further intended to:

1. Result in a more efficient development pattern with shorter streets and utility networks.
2. Preserve existing natural assets, such as stands of trees, floodplain, open fields and the like.
3. Accomplish a more desirable residential environment than would be possible through the strict application of minimum requirements of the Zoning Ordinance.
4. Encourage the utilization of open space and the development of recreational facilities generally located within a reasonable distance of all living units.
5. Such development may consist of individual lots or common building sites. Common land and open space are essential elements of the plan related to affecting the long-term aesthetic and economic values of the entire development.

b. General Requirements, Restrictions and Standards:

1. Minimum Project Area: Minimum project area allowable for a PUD shall be ten (10) acres.
2. Location: PUD's may be located in a designated zoning district approval of the Township Board.
3. Uses Permitted: Only the following land and/or building uses may be permitted under the provisions of this Section:

(a) All uses permitted in the district for which the PUD is approved.

(b) Any additional uses which can be shown to be compatible with the general objectives of the Township's Comprehensive Development Plan as well as integral to the specific PUD scheme in which they are contained. For the purpose of this Section, an integral use shall be defined as a use which has a specific functional relationship with other uses contained in the development, as for example, a Day Care Center that serves primarily the needs of residents of the development.

4. Performance Objectives:

(a) Yard, setback, lot size, type of dwelling unit, height, and frontage requirements restrictions are waived for the PUD, provided, however, that the spirit and intent of this Section, as defined in the intent clause, are incorporated within the total development plan. The Planning Commission may determine that certain setbacks be established within all or a portion of the perimeter of the site, and shall determine the suitability of the total development plan in accordance with the intent clause of this Section.

(b) Access: Every structure or dwelling unit shall have access to a public street, walkway or other areas dedicated to common use.

(c) Land Usage: The approximate location of structures, shown on the conceptual development plan, shall be so arranged as not to be detrimental to existing or proposed structures within the development or surrounding neighborhood.

(d) Privacy: Each development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, walls, barriers, and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views or uses, and reduction of noise.

(e) Off-Street Parking: Parking convenient to all dwelling units and other uses, shall be provided pursuant to the minimum requirement of Article 19 of this Ordinance. Common driveways, parking areas, walks and steps may be required together with appropriate lighting, in order to insure the safety of the occupants and the general public. Screening of parking and service areas may be required through use of trees, shrubs, hedges or screening walls.

(f) Development Concept: All of the elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of plot, the character of adjoining property, and the type and size of buildings. Arrangement of buildings shall be done in such a way to utilize natural topography, existing vegetation and views within and beyond the site.

(g) Utilities: PUD's shall provide for underground installation of utilities (including electricity and telephone) in both public ways and private extensions thereof. Provisions shall be made for minimizing the construction of storm sewer facilities including grading, gutters, piping, and ditches. Alternative provisions to storm sewers shall be swales and treatment of turf to handle storm waters and to prevent erosion and the formation of dust. This could include the establishment of retention basins and wetlands in order to minimize storm water runoff.

(h) Pedestrian Circulation: The pedestrian circulation system and its related walkways shall be insulated as completely and as reasonably as possible from vehicular movement.

(i) Recreation Areas: Recreational facilities for the resident of the project, not impairing the view and privacy of the living units, shall be provided in easily accessible locations.

(j) Planting: The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; additional new

landscaping shall be added for privacy, shade, beauty of buildings and ground and to screen out objectionable features.

5. Density: The density (dwelling units per acre) in a PUD shall not exceed the density of the zone in which it is located. When more than one zone is involved, the density of the project will be the average of the zones, weighted in direct proportion to the size of the property within the project in each zone. Only one-half (1/2) of the total portion of the site comprised of floodplain, swamps, (wetland) or a water body, may be used in the calculation of densities of a project.

6. Bonus Densities: The Township Board may approve PUD's developed at densities in excess of the allowed maximum, when the developer can compensate for the increased densities by providing unique and extraordinary amenities, incorporating special site planning and landscape design techniques or preserving substantial areas of natural assets. Increased densities permitted through various bonus density provisions shall be cumulative, but not exceed fifty (50) percent. Criteria for reviewing bonus density requests shall include:

(a) Design - ten (10) percent for distinctiveness and desirable variations in design including: landscaping, siting and design features.

(b) Open Space - common open space amenities including; twenty (20) percent for dedicated public open space; ten (10) percent for commercial recreation (golf course, etc.) or open space in excess of the stated requirements.

(c) Natural Assets - preservation or provision of unique amenities, including twenty (20) percent for woodlot preservation or provision of a permanent pond, both of which must be twenty thousand (20,000) square feet or larger in size.

7. Open Spaces: "Common Open Space" is defined as a parcel or parcels of land or an area of water or a combination of land and water designed and intended for the use or enjoyment of the residents of the PUD or of the general public. "Common Open Space" does not include proposed street rights-of-way, open parking area, or commercial areas. Common Open Space may contain accessory structures and improvements necessary or desirable for religious, educational, non-commercial, recreational or cultural uses. A variety of open space and recreational areas is encouraged such as: children's informal play areas in close proximity to individual dwelling units, according to the concentration of dwellings; formal parks, picnic areas; playgrounds; and scenic open areas and communal non-commercial, recreational facilities.

(a) The area of Common Open Space within a PUD project may not be less than twenty-five (25) percent of the total land area of the project.

(b) All Common Open Space shown on the final development plan must be reserved or dedicated by lease or conveyance of title to a corporation, association or other legal entity, or by reservation by means of a restrictive covenant. The terms of such lease or other instrument must include provisions guaranteeing the continued use of such land for the purposes intended and for continuity of proper maintenance of those portions of the open space land requiring maintenance.

8. Circulation Facilities: The arrangements of public and common ways for pedestrian and vehicular circulations shall be coordinated with other existing or planned streets in the area.

c. Procedures:



1. Applications: Applications shall be submitted through the Township Clerk to the Planning Commission.

2. Preliminary Review for Special Use Permit:

(a) In addition to those requirements set forth in Sec. 21.02, the developer must submit the following, for the initial phase of project review.

(1) A development plan, drawn to a readable scale, of the total property involved showing its location in the Township and its relationship to adjacent property.

(2) A site plan indicating the proposed types and location of dwelling units and other uses including the anticipated population density associated with each type as well as the entire project.

(3) A site plan indicating the location and purpose of all non-residential structures, traffic circulation, parking layout and pedestrian pathways.

(4) A site plan showing the acreage, nature and location of common open space, and a general statement as to the means by which the developer will guarantee its continuity and maintenance.

(5) Plans and data as may be required under article 17 and/or the Planning Commission.

(b) Following receipt and review of the application, the Planning Commission shall hold a legally advertised public hearing on the proposed development. Upon conclusion of the public hearing, the Planning Commission shall transmit a recommendation to the Township Board, as provided in Sec. 21.03.

3. Secondary Review for Special Use Permit:

(a) Prior to receiving secondary approval, the developer must submit the following to the Planning Commission for their review.

(1) A site plan indicating engineering recommendations for water, sanitary sewer, storm drainage, natural gas, video cable, electric and telephone systems.

(2) A site plan indicating recommendations for road alignments, with provisions for dealing with topography, environmental concerns, watersheds, erosion control and soil conditions.

(3) A site plan indicating existing contours and the final topographic conditions proposed for the site after grading.

(4) A detailed landscaping plan.

(5) A specific schedule of the intended development and construction details, including phasing or timing as they relate to open space, recreational features, common use areas, utilities and screening requirements.

(b) The Township Board will make a final decision to approve or deny the project based on Planning Commission review of final detailed information specified above. The Township Board shall state verbally and in written form its reasons for approval or denial of the project.

4. Commencement and Construction: The applicant shall commence construction for an approved PUD within one (1) year following recording of approved final plat or Special Use Permit if no plat is necessary. Failure to do so will invalidate the permit. The applicant may request one (1) extension for not more than one (1) year from the Township Board, providing request is received prior to the expiration of the original permit.

Sec. 21.09 Automobile Service Stations and Commercial Garages:

a. It is the intent of this Section to provide standards for automobile service stations and commercial garages. Generally, automobile service stations will be located adjacent to arterial or collector streets and intended to serve residential neighborhoods. Commercial garages shall be located near high volume arterial highways.

b. Permitted Uses:

1. The following uses may be permitted in conjunction with automobile service stations:

- (a) Retail sales of gasoline, oil and similar products.
- (b) Automobile washing.
- (c) Automobile maintenance, including minor mechanical repairs.

2. The following use may be permitted in conjunction with commercial garages:

- (a) Automobile towing, including parking of a wrecker and operative vehicles waiting for immediate repair.
- (b) Parking and storage of inoperative vehicles, provided that such parking or storage area shall be within an enclosed building or shall be screened by an opaque fence not less than six (6) feet in height.
- (c) Automobile body repairs.

c. Site Development Standards:

1. The Township Board shall only issue Special Use Permits for automobile service stations and commercial garages which comply with the following site development standards:

- (a) The minimum site size shall be twenty thousand (20,000) square feet and, in addition, the following:
  - (1) Automobile service stations shall have five hundred (500) square feet of site area for each additional pump over four (4), and one thousand (1,000) square feet of site area for each additional vehicle storage space.
  - (2) Commercial garages shall have one thousand (1,000) square feet of site area for each additional service bay over two (2). There shall also be three hundred (300) square feet of additional site area for each space intended for storage of inoperable vehicles.
- (b) The minimum site width shall be one hundred fifty (150) feet.

(c) All points of entrance or exit for motor vehicles shall be no closer than thirty (30) feet from the intersection of the right-of-way lines for those streets on which it fronts. Points of entrance or exit for motor vehicles shall be no closer than twenty (20) feet from any adjacent property line. The minimum driveway width at the curb line shall be twenty-two (22) feet and the maximum driveway width at the curb line shall be thirty (30) feet. The minimum width of access drive shall be sixteen (16) feet. The angle of intersection of the centerline of any driveway with the centerline of the street shall not be less than sixty (60) degrees unless separated acceleration and deceleration lanes are provided.

(d) A buffer strip not less than twenty five (25) feet wide shall be developed adjacent to all automobile service station and commercial garage site property lines. This buffer strip shall be graded with a berm at least three (3) feet above the highest ground elevation within twenty five (25) feet of the buffer strip. Berm slopes shall be sufficiently gradual to prevent erosion. The berm shall be continuous along that portion of the buffer strip which abuts adjacent property, except that it need be developed only along thirty (30) percent of the buffer strip laying adjacent to thoroughfare rights-of-way. The berm shall be designed and located so as not to interfere with the safety of persons or vehicles entering or leaving the area.

(e) All equipment including hydraulic hoist, pits, and oil lubrication, greasing and automobile washing, repairing equipment and body repair shall be entirely enclosed within a building. Any such portion of a building containing auto body shop or washing areas shall consist of a solid masonry wall or equivalent, approved by the Zoning Administrator, with no openings other than those required for access. There shall be no outdoor storage of merchandise such as tire, lubricants and other accessory equipment except that outdoor trash storage may be provided in a properly screened container.

(f) All activities, except those required to be performed at the fuel pump, shall be carried on inside a building. All vehicles upon which work is performed shall be located entirely within a building.

#### Sec. 21.10 Drive-In or Fast Food Restaurants:

a. It is the intent of this Section to provide development regulations for drive-in or fast food restaurants which potentially present special problems in their relationships to adjacent uses and traffic patterns in the districts in which they are permitted.

#### b. Site Development Standards:

1. The Township Board shall only issue Special Use Permits for drive-in restaurants which comply with the following site development standards:

(a) The minimum site size shall be twenty thousand (20,000) square feet.

(b) The minimum lot width shall be one hundred fifty (150) feet.

(c) All points of entrance or exit for motor vehicles shall be no closer than thirty (30) feet from the intersection of the right-of-way lines of two streets and no closer than twenty (20) feet from an adjacent property line. The minimum driveway width at the curb line shall be

thirty (30) feet. No more than two driveway approaches shall be permitted on any street frontage.

(d) The outdoor space used for parking and vehicle stacking shall be hard surfaced and adequately drained.

(e) All areas used for the storage of trash and rubbish shall be enclosed on at least three sides by a structure, with the fourth side or access point having a view-obstructing door.

(f) Drive-in restaurant management shall provide adequate trash and litter containers, and policing for the parking lot and the shoulders of adjacent roadways. These areas shall be completely cleared of accumulated debris as often as necessary.

#### Sec. 21.11 Public or Private Junkyards:

a. It is the intent of this Section that certain minimum standards of operation be established for junkyards as uses that because of prior functional characteristics have a high potential of impact surrounding properties or the aesthetic quality of the community as a whole.

b. Such uses shall be established and maintained in accordance with all applicable State of Michigan statutes and regulations.

c. The minimum site area allowable for a junkyard, shall be ten (10) acres.

d. Shall be fenced around the entire periphery of the property in use with a solid screen of sound construction, painted, or otherwise finished neatly and inconspicuously.

e. All activities shall be confined within the fenced areas. No equipment, material, signs, or lighting shall be used or stored outside the fenced area.

f. Fences shall be set back fifty (50) feet from any public street.

g. No burning beyond the limited amount normally associated with a residence shall be permitted.

h. Junk, automobiles or other debris may not be stacked in any manner such that it could be visible outside the site. Junk yards or landfills shall not be located in areas which are impossible to screen from view from adjacent properties or public streets.

#### Sec. 21.12 Public or Private Sanitary Landfills:

a. It is the intent of this Section that as with other special uses, certain minimum standards of construction and operation be established for sanitary landfills. Said standards are those required by the State of Michigan, adopted herein by reference. Given the significant potential impacts of such a use, the Township Board reserves the option of imposing additional, reasonable requirements or safeguards.

b. All landfills shall be established and maintained in accordance with all applicable State of Michigan statutes and regulations.

c. Approval of the site plan and site geologic suitability must be obtained from the appropriate regulatory division within the Department of Natural Resources prior to review of a Special Use Permit application.

d. All minimum conditions, safeguards and operating procedures as specified by the State of Michigan and regulations promulgated thereto, shall be complied with. The Township Board may impose such additional conditions, safeguards or operating procedures deemed necessary for the public health, safety and general welfare; the protection of individual properties; and for insuring the intent and purpose of this Ordinance.

Sec. 21.13 Mobile Home Parks:

a. It is the intent of this Section to provide for the establishment in a district of comparable intensity of land use, well designed mobile home parks. The regulations and conditions contained in this Section are designed to ensure that mobile home parks will provide a comfortable and pleasing environment for persons who seek mobile home residence. Regulations and conditions contained in this Section are intended to ensure that mobile home park developments will be served adequately by essential public facilities and services such as access streets, public water, sanitary sewer and storm drainage facilities, refuse disposal, schools, and police and fire protection.

The Township Board may, by the issuance of a Special Use Permit, authorize the establishment of a mobile home park in the Inland Growth Districts. Authorization shall be granted only when all the applicable procedures and requirements stated wherein are complied with.

b. General Requirements, Restrictions and Standards:

1. Minimum Project Area: Minimum project area for a mobile home park development shall be fifteen (15) acres.

2. Location: Mobile home parks may be located only in the Primary Inland Growth District or the Secondary Inland Growth District, upon approval of the Planning Commission and in accordance with the following standards:

(a) The site shall be adjacent to and serviced by a major arterial or county primary street.

(b) The site shall be serviced by existing or programmed essential public facilities and services such as access streets, public water, sanitary sewer and storm drainage facilities, and police and fire protection.

3. Uses Permitted: Only the following land and/or building uses may be permitted under the provisions of this Section:

(a) Mobile homes as defined in this Ordinance.

(b) One office building exclusively for conducting the business operations of the mobile home park.

(c) Utility buildings for laundry facilities and auxiliary storage space for mobile home tenants.

(d) Recreation areas, community building, playground and open space for use by mobile home park tenants.

(e) Such additional accessory buildings and uses as are customarily incidental to mobile home park development, except that this shall not include the sale of mobile home units

other than by their individual resident owners or the servicing of mobile home units except as is required for normal maintenance by the individual resident owner or his contractors.

(f) Signs pertaining exclusively to the mobile home park.

4. General Development Standards:

(a) The design and development of mobile home parks shall be subject to all current provisions of the Mobile Home Commission General Rules as adopted by the Michigan Mobile Home Commission, which are hereby Moran Township Zoning Ordinance Article 21, Special Use Permits Page 16 of 29 incorporated by reference as a part of this Ordinance.

5. Operating Standards:

(a) The operation and business practices of mobile home parks shall be subject to all current provisions of the Mobile Home Commission General Rules as adopted by the Michigan Mobile Home Commission, which are hereby incorporated by reference as a part of this Ordinance.

(b) No part of any mobile home park shall be used for non-residential purposes, except such uses that are required for the direct servicing and well being of park residents and for the management and maintenance of mobile home parks.

(c) Home occupations shall be prohibited from mobile home parks.

(d) The keeping of livestock shall be prohibited from mobile home parks.

Sec. 21.14 Mobile Home Subdivision:

a. It is the intent of this Section to provide for the establishment of mobile home subdivisions in an attractive and orderly manner in Moran Township. It is the further purpose to promote well-designed mobile home subdivisions in districts of a comparable intensity of land use, thereby providing a comfortable and pleasing environment for persons desiring mobile home residence on individually owned lots. Regulations and conditions contained herein after intended to ensure that such developments will be adequately served by essential public facilities and services.

b. General Requirements, Restrictions and Standards:

1. Minimum Project Area: Minimum project area for a mobile home subdivision shall be fifteen (15) acres.

2. Location: Mobile home subdivisions may be located only in the Primary Inland Growth District and Secondary Inland Growth District, upon approval of the Planning Commission and in accordance with the following standards:

(a) The site shall be adjacent to and serviced by a major arterial or county primary street.

(b) The site shall be serviced by existing or programmed essential facilities and services such as access streets, potable water, sanitary sewer and storm drainage facilities, and police and fire protection.

3. Uses permitted: Only the following land and/or building use may be permitted under the provisions of this Section:

- (a) Single-family detached dwellings.
- (b) Mobile homes as defined in this Ordinance.
- (c) Accessory uses.
- (d) Recreation areas, community building, playground and/or open space for use by subdivision residents.

4. Site Development Standards: The Site Development Standards of the District in which the mobile home subdivision is located, including lot area, width, coverage and yard and setback requirements, shall apply.

5. Subdivision Review: The specifications and procedural requirements of the Land Division Act of 1967 (Act 288, P.A. of 1967, as amended), shall be met.

Sec. 21.15 Private Roads Serving More Than One Lot:

a. It is the intent of this Section to establish provisions allowing for the construction of limited single-family housing developments served by private roads or drives rather than public roadways. Such development would be created as a result of individual lot splits and not under the control of the Land Division Act. This section is intended to allow some measure of flexibility in land parceling, yet without diminished consideration for safe and adequate access.

A zoning ordinance provision permitting the construction of more than one single family on a private roadway access is certainly a departure from traditional zoning practice. It is not the intent of Moran Township to stifle efficient usage of five or ten acre parcels, "bowling alley" (long and narrow) lots or other properties. Further, it is not the Township's desire to create regulations that are too stringent or costly in their compliance. The major responsibility of this ordinance is to promote and protect the public health, safety and welfare. Given the potential nuisance or hazard factors associated with private roads, the township feels that certain safeguards, as contained in standards of construction, need to be imposed to ensure the protection of public health, safety and welfare. In order to balance all of these needs/issues, the Moran Township Planning Commission will monitor the private road provision for a period of one year after adoption of this ordinance. During this time frame, the Commission will work towards establishment of those standards they feel are appropriate to properly implement this section. In the interim all special use requests for private roads will be reviewed on a case-by-case basis, applying the following as additional review criteria; road gradient, angle of intersecting streets, roadway width, roadway surface and sub-grade, depth and material type, roadway drainage, proposed construction practices.

b. General Requirements: In addition to those requirements set forth in Sec. 21.02, the applicant shall submit the following information to the Planning Commission for their review.

- 1. Typical cross-section of the private roadway to be constructed.
- 2. All existing and proposed grades, and drainage patterns.
- 3. The location, size and depth of any proposed drainage facilities or structures.

4. The location of all lots and the situation of proposed buildings on said lots.
5. At least two proposed names for the private road.

c. Restrictions:

1. Prior to the approval of the proposed private road, the applicant shall submit to the Township a set of deed restrictions in a form acceptable to the Township which shall provide for the creation of the private road easement and the creation of a homeowners association whose members shall only be those property owners to be served by said road. The association shall be responsible for the up-keep and maintenance of said private road. No more than one association shall be responsible for any one private road. Said restrictions shall be recorded prior to the completion of the road. Future inclusion of other or non-adjacent properties shall require modification of the special use permit, deed restrictions, and homeowners association.
2. The applicant shall also submit to the Township a document, in a form sufficient for recording with the Mackinac Register of Deeds stating that in no event shall the association, the individual homeowners, the applicant or their heirs or assigns hold the township liable for the costs of road signs, traffic control signs, maintenance, lighting or snow removal.
3. For any parcel of land fronting on a private road, an easement for the construction and maintenance of various utilities including natural gas, electric, telephone, sewer, water, storm sewer, or similar improvement shall be provided. No building permit shall be granted for any parcel fronting on the private road until such easement has been provided by the applicant.
4. A permit must be obtained from the Mackinac County Road Commission for any construction within the right-of-way of county roads.
5. Except as provided in this ordinance, no building permit shall be issued until such time that all roadway, ditching and drainage improvements are installed.
6. Building permits may be issued prior to completion of all roadway, ditching and drainage improvements if:

(a) The required sub-base is installed and

(b) The applicant supplies a cash deposit, certified check, bond, or other financial guarantee acceptable to the Township, guaranteeing completion of the private road according to the standards provided herein. In fixing the amount of such financial guarantee, the Township shall take into account the size of the proposed private road, the current prevailing costs of completing the road upon default of the applicant, the estimated expense to compel the applicant to comply with the terms of this ordinance by court order or such other conditions and facts as might be relevant in determining the sum reasonable in light of all facts and circumstances surrounding each application.

Sec. 21.16 Accessory Apartment or "Echo" Housing:

- a. It is the intent of this Section to provide standards that will allow extended family living in what have traditionally been single-family only, zoning districts and neighborhoods. Such provisions will permit the conversion of a single-family dwelling to include an accessory apartment, as a means of accommodating an elderly parent or other family member, or extending this economic life of a large, older home. Also permitted will be the placement of detached, removable, self-contained residential units designed for



installation on the same lot as the principal dwelling - usually in the back yard. It is intended that by providing housing opportunities for the elderly or an extended household - allowing independence, yet close contact to younger family members - a vital need can be met, yet without diminishing the quality of affected neighborhoods.

b. Accessory Apartment: In addition to those requirements set forth in Sec. 21.02, the following provisions shall be met.

1. Only owner-occupiers are permitted to install or rent accessory apartments.
2. There shall be no visible change in the exterior appearance of the dwelling containing the accessory apartment.
3. All improvements associated with construction of the accessory apartment shall meet current, applicable codes.
4. Any additional parking as needed or required by this ordinance shall be provided in off-street space.
5. Adequate provision for wastewater disposal, either by public sanitary sewer or expanded private on-site facilities, shall be required.

c. Elder Cottage Housing Opportunities (ECHO): In addition to those requirements set forth in Sec. 21.02, the following provisions shall be met.

1. Only owner-occupiers of the principal dwelling are permitted to install echo-housing units.
2. Said echo housing units shall be temporary in nature and are to be removed upon cessation of the occupancy for which they are intended. Special Use Permits for echo housing may be issued for time periods as determined by the Township Board.
3. The front and side yard requirements applicable to the principal dwelling shall be complied with in placement of the echo-housing unit. The Township Board shall determine rear yard requirements upon consideration of lot size and placement of surrounding structures or uses.
4. The echo-housing unit shall meet all applicable codes for manufactured housing or mobile home dwelling.
5. Any additional parking as needed or required by this ordinance shall be provided in off-street space.
6. The Township Board may impose any other reasonable conditions including lot coverage, landscaping, skirting of mobile home units and similar requirements deemed necessary to protect adjoining properties and the public welfare.

Sec. 21.17 Wind Energy Conversion System (WECS):

a. It is the intent of this Section to provide standards for the placement of wind energy conversion systems. Wind energy conversion systems are only allowed in locations where their visual impact will be minimal to the surrounding properties and roads. Wind energy conversion systems influence the landscape; therefore they require special consideration when being placed in residential areas. A wind energy conversion system consists of a wind turbine and associated control or conversion electronics and is intended to provide an alternative source of energy. For purposes of this Ordinance, anemometer

towers are regulated as wind energy conversion systems.

The Township Board may, by issuance of a Special Use Permit, authorize the placement of a Large Wind Energy Conversion System on a parcel located in the Transitional Use (TU) District only. All listed provisions and requirements shall be met prior to approval being granted.

Two or more Small Wind Energy Conversion Systems will require a Special Use Permit.

b. Definitions:

Anemometer: an instrument for measuring and recording the speed of wind.

Anemometer Tower: a structure, including all accessory facilities, temporarily erected for more than two (2) years, on which an anemometer is mounted for the purposes of documenting whether a site has wind resources sufficient for the operation of a wind turbine generator.

Generators: an apparatus inside the nacelle that converts mechanical energy to electrical energy.

Maximum Height: when referring to a wind turbine, the distance measured from the ground level to the blade extended at its highest point.

Minimum Height: when to a wind turbine, the distance from the ground level to the blade at its lowest point must be ten (10) feet or greater.

Nacelle: the enclosed part of the wind turbine that contains the mechanisms to operate the wind turbine such as the generator. Rotor blades are connected to the nacelle on top of the tower.

Rotor Blade: a flat, wind-driven device that provides mechanical energy for the wind turbine. Rotor blades are located on the nacelle portion of the wind turbine.

Tower: a tall structure that supports the wind turbine, i.e. the nacelle and the rotor blades.

Wind Turbine: a machine with turbine apparatus (rotor blades, nacelle, and tower) capable of producing electricity by converting the kinetic energy of wind into rotational, mechanical and electrical energy; provided the term does not include electrical distribution or transmission lines, or electrical substations.

c. Site Standards

1. The minimum project site area shall be forty acres, but a minimum of fifteen (15) acres of site area is required for each additional wind turbine tower proposed within a project property. For example, a minimum of eighty (80) acres is need for three (3) wind turbine towers.

2. The area of a project site dedicated to roads, right-of-ways, and easements shall be included in the total acreage for a project.

d. Uses Permitted A wind energy conversion system, along with the mechanical equipment and buildings associated with the operation of the WECS. All structures shall conform to all minimum building setbacks and height.

e. Development Standards:

1. The maximum height permitted shall be one hundred and ninety-nine (199) feet. The lowest reach of the rotor blade shall be forty (40) feet from the ground.
2. The wind turbine tower base shall be setback from all property lines a distance equal to two and half (2 ½) times the associated wind turbine height.
3. The wind turbine tower base shall be setback from the closest right-of-way and/or easement a distance equal to two and half (2 ½) times the wind turbine height. The visibility of the wind turbine tower base shall be limited from adjacent residential properties and roads. The wind turbine tower base shall be a minimum of 2,500 feet from the US 2 right-of-way.
4. The minimum distance between wind turbine tower bases shall be equal to the tallest wind turbine.
5. A WECS shall be equipped with both manual and automatic controls to limit the rotational speed of the blade below the design limits of the rotor. The application shall include a statement by a Michigan registered mechanical engineer certifying that the rotor and overspeed controls have been designed and fabricated for the proposed use in accord with good engineering practices.
6. Wind turbine towers shall be secured or protected to prohibit access by authorized persons. A six (6) foot high security fence shall be placed around the tower base if it is determined to be in the best interest of the community by the Planning Commission.
7. All electrical and other utility wires associated with the WECS shall be buried underground.
8. The maximum level of noise permitted to be generated by any WECS shall be sixty-five (60) decibels measured at the nearest property line.
9. The entire WECS (including generators) shall be filtered and/or shielded to prevent the emission of generated radio frequency energy which would cause any interference with radio, and/or television broadcasting or reception, and shall comply with Federal Communication Rules.
10. A WECS shall be located or installed in compliance with the guidelines of the Federal Aviation Administration with regard to airport approach zones and clearance.
11. A fee, that is to be determined by an Engineer and approved by the Township Board, shall be paid to the Township prior to the placement of a WECS. This fee shall be held in escrow by the Township Board and to be used for the removal and disposal of a wind turbine tower in the event that the tower's use is discontinued for a period of 180 days and the last known owner refuses to remove the tower at his or her own expense. This fee shall be returned, with interest, in the event the owner removes the tower.
12. A wind turbine that has not produced energy for one hundred and eighty (180) calendar days for reasons other than lack of wind, shall be dismantled and removed from the property within ninety (90) days following the period of inactivity. This includes removing the tower, the tower foundation, all associated electrical wiring and structures.
13. The site shall be revegetated with native plant material after a wind turbine has been removed.

14. At least one sign shall be posted at the base of the tower at the service entrance with the following information:

- a. Minimum power output (kW), rated voltage (volts) and current;
- b. Normal and emergency shutdown procedures;
- c. The maximum wind speed and the WECS in automatic unattended operation can sustain without damage to structural components or loss of the ability to function normally; and
- d. Emergency contact telephone numbers.

Sec .21.18 Telecommunication Towers:

It is the intent of this Section to provide standards for the placement of telecommunication towers. Telecommunication Towers are only allowed in locations where their visual impact will be minimal to the surrounding properties and roads. Telecommunication Towers influence the landscape; therefore they require special consideration when being placed in residential areas.

The Township Board may, by issuance of a Special Use Permit, authorize the placement of a Telecommunication Tower on a parcel located in the Transitional Use (TU) District Primary Open Space (POS) District, or the Ozark Community (OC) or on areas of lands twenty (20) acres or greater in the Secondary Inland Growth (SIG) district. All listed provisions and requirements shall be met prior to approval being granted.

- a. Any nonconforming situations on the site shall be brought into conformance prior to the erection of the wireless communication facility.
- b. Towers and accessory buildings shall be required to meet the development regulations of the district within which located.
- c. A landscape buffer with a minimum height of six (6) feet shall be required to screen the structure base, accessory buildings and enclosure from adjacent uses and public rights-of-way. A maintenance plan detailing maintenance for landscaping shall be submitted with the application.
- d. Towers shall be a minimum of 2,500 feet from the US 2 right-of-way.
- e. The base of the tower shall be enclosed with a six (6) foot high security fence.
- f. Towers shall be set back a distance equal to the height of the tower from all property lines but in no case shall a tower be taller than 500 feet.
- g. Towers shall not be located within parking lots or other areas where they will interfere with the operation of a business on the property.
- h. To reduce visual obtrusiveness, towers shall maintain either a galvanized or concrete appearance unless constructed as a camouflaged tower.
- i. There shall not be displayed on the tower advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.

- j. Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned and/or leased by the applicant.
- k. No tower shall be constructed as a speculative tower. Prior to construction, each tower shall have at least one contracted carrier and evidence shall be provided of such contract at the time of application.
- l. Colocation of antennas is required. Each tower shall be designed and built to accommodate multiple antennas.
- m. Before any tower is considered, the applicant shall demonstrate in writing that there are no other colocation options available in the area and provide a map that illustrates existing and known proposed wireless communication facilities within Moran Township and adjacent communities, which are relevant in terms of potential colocation or to demonstrate the need for the proposed facility.
- n. A maintenance plan, and any applicable maintenance agreement, for the tower and tower compound shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonably prudent standard.
- o. The name, address and phone number of the person to contact for engineering, and other notice purposes shall be provided at the time of application and shall be continuously updated during all times the facility is on the premises.
- p. If a tower ceases to operate for a period of six months, the tower shall be deemed abandoned and shall be removed upon written notice by the Zoning Administrator within one year of abandonment.
- q. All towers shall meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- r. Where a feasible alternative exists, towers, alternative tower structures and supporting structures shall not utilize a power source which generates noise able to be heard by a person of normal aural acuity at adjoining property lines or public property; however, this section shall not be construed as limiting the use of temporary generators or similar devices used to create power during periods of interruption of the primary power source.
- s. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views. Any aviation hazard lighting shall be detailed on the plans.
- t. Antenna and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical connections and wiring and as to structural integrity with all applicable state and local building codes and the applicable standards for towers published by the Electronic Industries Association, as amended from time to time.

u. Accessory structures shall not exceed six hundred (600) square feet of gross building area. Accessory buildings shall be a maximum of fourteen (14) feet high and shall be set back in accordance with the requirements for principal buildings in that zoning district.

v. New telecommunication towers in allowed zoning districts shall not be located within a two and one-half (2½) mile radius of an existing telecommunication tower. This requirement may be waived by the Planning Commission if one of the following conditions is met:

1. Collocation on an existing telecommunication tower would exceed the existin tower's structural capacity.
2. The telecommunication tower will only serve a governmental or educational institution.
3. The telecommunication tower will fill a void in coverage area that is due to topographic or other similar conditions.

w. A fee, that is to be determined by an Engineer and approved by the Township Board, shall be paid to the Township prior to the placement of a telecommunication tower. This fee shall be held in escrow by the Township Board and to be used for the removal and disposal of the telecommunication tower in the event that the tower's use is discontinued for a period of 180 days and the last known owner refuses to remove the tower at his or her own expense. This fee shall be returned, with interest, in the event the owner removes the tower.

#### Sec.21.19 Sexually Oriented Businesses:

It is the intent of this Section to require certain minimum standards of operation for sexually oriented businesses. It is understood that there are some uses that, because of their very nature, have serious objectionable operational characteristics. Particularly when several of them are concentrated in certain circumstances, the adjacent properties are negatively affected. Special regulations of these uses are necessary to insure that these adverse effects will not contribute to the blighting or downgrading of surrounding properties.

The Township Board may, by issuance of a Special Use Permit, authorize the placement of a Sexually Oriented Business on a parcel located in the Primarily Inland Growth Commercial (PIGC) District. All listed provisions and requirements shall be met prior to approval being

#### a. Definitions

**Adult Arcade:** Any place to which the public is permitted or invited wherein coinoperated of slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images for any form of consideration to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas as defined herein.

**Adult Book and Video Store:** A business which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

- a) Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video reproductions, slides, or other visual representations which depict or describe specified sexual activities or specified anatomical areas; or

b) Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

Adult Cabaret: A nightclub, bar, restaurant or similar business which regularly features:

- a) persons who appear in a state of semi-nudity or nudity;
- b) live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities;
- c) films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
- d) persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

Adult Massage Parlor: A massage parlor that provides for any form of consideration, the rubbing, stroking, kneading, tapping or rolling of the body in a manner that is characterized by an emphasis on specified sexual activities or specified anatomical areas.

Adult Motel and Hotel: A hotel or motel or similar commercial establishment that:

- a) offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproduction;
- b) offers a sleeping room for rent for any form of consideration for a predesignated period of time that is less than twelve hours; or
- c) allows a tenant or occupant of a sleeping room to sub-rent the room for any form of consideration for a period of time that is less than twelve hours.

Adult Motion Picture Theater: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction of specified sexual activities or specified anatomical areas.

Adult Novelty Store: A business that sells devices for any form of consideration that stimulate human genitals or are designed for sexual stimulation.

Adult Panorama: A business where patrons are entertained for any form of consideration by viewing individual booths, films, tapes or live entertainment showing specified sexual activities or specified anatomical areas.

Adult Theater: A theater, concert hall, auditorium or similar business establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

**Burlesque Hall:** A business that regularly features entertainers showing specified anatomical areas or specified sexual activities.

**Escort Agency:** A person or business, who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for any form of consideration.

**Nude Model Studio:** A place where a person who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculpted, photographed or similarly depicted by other persons who pay money or any form of consideration.

**Sexual Encounter Center:** A business that, as one of its principal business purposes, offers for any form of consideration:

- a) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- b) activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.

**Specified Anatomical Areas:** The male genitals and female breasts in a state of arousal and/or the vulva or more intimate parts of the female genitals.

**Specified Sexual Activities:** including any of the following:

- a) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
- b) sex acts, actual or simulated, including intercourse, oral copulation or sodomy;
- c) masturbation, actual or simulated; or
- d) excretory functions as part of or in connection with any of the activities set forth in a. through c. above.

**b. Development and Operating Standards:**

1. **Location.** Sexually-oriented businesses shall be located a minimum horizontal distance of 500 feet from another sexually-oriented business, a residential district; and the property line of a religious institution, school, or child day care center.
2. **Minors on Premises.** Persons operating a sexually oriented business shall not permit any person under the age of eighteen to be on the premises either as an employee or a customer.
3. **Hours of Operation.** The sexually oriented business shall operate only between the hours of and 8:00 a.m. and 12:00 midnight, Monday through Saturday.
4. **Displays.** Sexually oriented businesses shall display no services or products or pictures or illustrations or gifts so as to be visible from any street or neighboring property.
5. **Signs.** Signage shall not include photographs, silhouettes, drawings, or pictorial representations of specified anatomical areas or specified sexual activities, or include animated or flashing illumination.



6. Outdoor Storage. The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or the adjacent streets.

7. Posting of Entrances. Entrances to a sexually oriented business shall be posted on both the exterior and interior walls in a location clearly visible to those entering and exiting the business. Lettering shall be no less than two inches in height that: 1) "Persons under the age of 18 are not permitted to enter the premises" and 2) "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission".

8. Lighting of Parking Areas. Off-street parking shall be illuminated during all hours of operation of the sexually oriented business until one hour after the business closes.

9. Bufferyard. A buffer yard that complies with 16.03 of this Zoning Ordinance (Bufferyards) is required.

#### Sec.21.20 Bed and Breakfasts

a. Bed & Breakfasts permitted. A bed and breakfast will be permitted by special use permit in all residential districts if all the following conditions are met:

1. The dwelling has no more than five (5) rental bedrooms.

2. The dwelling shall be the principal residence of the operator and the operator shall live in the dwelling unit while the bed and breakfast facility is in operation.

3. Only breakfast will be served and to overnight paying guests.

4. All facilities must comply with current Food and Drug Administration (FDA) code and Michigan Food Laws.

5. Signage shall be limited to one (1) non-illuminated wall-mounted and not to exceed four (4) square feet in area.

#### Sec. 21.21 Mini-Warehouses:

a. Building separation between self-storage buildings on the same site shall be a minimum of twenty-four (24) feet or equal to the building height, whichever is greater.

b. The total lot coverage of all structures shall be limited to thirty-five (35) percent of the total lot area.

c. Parking shall be provided in accordance with the following: two (2) spaces for the resident manager, one (1) additional space for each additional employee, and two (2) additional spaces for customers shall be provided adjacent to the rental office.

d. Internal driveway aisles shall be a minimum of twenty-four (24) feet in width.

e. All off-street parking areas and driveways shall be hard surfaced and drained so as to preclude drainage onto adjacent property.

- f. All ingress and egress from the site shall be onto a major street (minor arterial or collector).
- g. Building height shall not exceed one (1) story or fifteen (15) feet except that a caretaker or resident manager's unit may be allowed a building height of two (2) stories or twenty-five (25) feet.
- h. No single storage building shall exceed 7,500 square feet.
- i. A ten (10) foot landscaped bufferyard shall be provided between the property line and wall required along all street frontages and where the site abuts any residential use.
- j. All storage on the property shall be kept within an enclosed building

## ARTICLE TWENTY-TWO (22)

### SITE PLAN REVIEW

#### **Sec. 22.01**            **Purpose:**

It is the purpose of this Section to require site plan review approval for certain buildings, structures and uses that can be expected to have an impact on natural resources, traffic patterns, adjacent parcels and the character of future development. The regulations contained herein are intended to provide and promote the orderly development of the Township; safe and convenient traffic movement, both within a site and in relation to access streets; the stability of land values, and investments, by preventing the impairment or depreciation of land values and development, by the erection of structures or additions or alterations thereto, without proper attention to setting or to unsightly or undesirable appearances; harmonious relationships of buildings, other structures and uses, both within a site and/or adjacent sites; and the conservation of natural amenities and resources.

#### **Sec. 22.02**            **Approval Required:**

Site plan review approval is required as follows:

- a. For any use requiring a Special Use Permit as specified elsewhere in this Ordinance.
- b. For all land uses, excepting a single-family dwelling or a non-residential use requiring four (4) or less parking spaces.

#### **Sec. 22.03**            **Procedures for Site Plan Review:**

- a. Application: Application for Site Plan Review shall be submitted through the Zoning Administrator to the Planning Commission on a special application form for that purpose. Each application shall be accompanied by the payment of a fee in accordance with the duly adopted "Schedule of Fees" to cover the costs of processing the application. No part of any fee shall be refundable.
- b. Data Required in Application: Every application shall be accompanied by the following information and data:
  1. Application form supplied by the Zoning Administrator filled out in full by the applicant.
  2. Ten (10) copies of a site plan, plot plan, or development plan, drawn to a readable scale showing:
    - (a) Property dimensions.

- (b) Size, shape and location of existing and proposed buildings and structures. Plans showing the building elevations and/or architectural drawings.
- (c) The location of parking areas, all parking spaces and driveways.
- (d) Existing public rights-of-way, and/or private easements.
- (e) Water courses and water bodies, including surface drainage ways.
- (f) Existing significant vegetation.
- (g) A landscaping plan indicating locations of proposed planting and screening, fencing, signs and advertising features.
- (h) Zoning classification of abutting properties.
- (i) Additional data as may be required by the Planning Commission.

c. Planning Commission Review

1. The property owner shall transmit one (1) copy of the application for Site Plan Review, including all data required in Sec. 22.03(b), to each of the following agencies considered to be impacted or affected by the request for their review and comment (e.g., county drains - Mackinac County Drain Commission; curb cut access - Mackinac County Road Commission, etc.)
  - (a) Mackinac County Road Commission or State Department of Transportation
  - (b) LMAS District or State Health Department
  - (c) Mackinac County Drain Commissioner
  - (d) Michigan Department of Natural Resources, U.S. Army Corps of Engineers and U.S. Fish and Wildlife Service
  - (e) Moran Township School District - Superintendent of Schools
  - (f) Fire Chief for St. Ignace, Trout Lake, or Hendricks Township Volunteer Fire Departments and Emergency Services
  - (g) County Sheriff

The property owner shall have these agencies forward their review and comments directly to the Planning Commission.

The Zoning Administrator shall transmit the remaining copies of the site plan to the Planning Commission.

2. The Planning Commission upon receiving the comments of the above affected agencies shall proceed with review of the site plan to determine compliance with permitted land use, density of development, general traffic and pedestrian circulation, and other provisions of this Ordinance.

The Planning Commission shall respond to the applicant within forty-five (45) days of filing as to the approval, denial or approval with modifications of the site plan. If denied, the Commission shall cite reasons for denial and if approved a Certificate of Site Plan Approval shall be issued to the applicant by the Zoning Administrator.

#### **Sec. 22.04            Standards for Site Plan Approval:**

- a. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of buildings. The site will be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
- b. The landscaping shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and by topographic modifications that result in maximum harmony with adjacent areas.
- c. Special attention shall be given to proper site surface drainage so that removal of storm waters will not adversely affect neighboring properties or cause soil erosion.
- d. The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein. Fences, walks, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
- e. All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.
- f. Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use.
- g. There shall be provided a pedestrian circulation system that is insulated as completely as reasonably possible from the vehicular circulation system.
- h. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential properties or public thoroughfares, shall be screened, by a vertical screen consisting of structural (fence) or plant materials no less than six (6) feet in height.

- i. Exterior lighting shall be so arranged that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.
- j. Conformance to all other applicable requirements as noted elsewhere in this ordinance.

**Sec. 22.05            Action by Planning Commission:**

The Planning Commission shall have the function, duty and power to approve or disapprove, or to approve subject to compliance with such modifications or conditions as it may deem necessary to carry out the purpose of these regulations, the design and site plan of all proposed buildings or structures, or the development of the entire property, the specifications of all exits, entrances, streets, highways, or other means of ingress and egress, the proposed timing of construction, the proposed manner of dedication to the public or maintenance of same and the construction of appropriate screens or buffers. A site plan disapproved by the Planning Commission may be revised and resubmitted to the Planning Commission at its next regularly scheduled meeting.

**Sec. 22.06            Modification of Approval of Site Plan:**

No change shall be made to an approved site plan prior to or during construction except upon application to the Planning Commission in accordance with the following procedures:

- a. Minor Change. A change to a site plan involving minor changes in the siting of buildings, the adjustment of utilities, walkways, traffic ways and parking areas and similar minor changes may be approved or disapproved by the Zoning Administrator or referred to the Planning Commission.
- b. Major Change. A change or amendment involving a change in the number and location of accesses to public streets and alleys; an increase or decrease of over ten percent in gross floor area or in the number of parking spaces; a major relocation or re-siting of a building, a reduction in open space and similar major changes shall require the approval of the Planning Commission. A major change to a site plan before or during construction shall be approved by the Planning Commission.

**Sec. 22.07            Financial Guarantees:**

In approving the site plan, the Planning Commission may require that a cash deposit, certified check, bond, or other financial guarantee acceptable to the Township, of ample sum be furnished by the developer to insure compliance with such requirements as drives, walks, utilities, parking, landscaping and the like. The financial guarantee shall be deposited with the Zoning Administrator at the time of issuance of the permit authorizing the project or activity. As work progresses, the Planning Commission may authorize a proportional rebate of the financial guarantee upon completion of significant phases or improvements.

**Sec. 22.08**

**Appeals and Questions of Interpretation of Ordinance:**

Any person considering himself aggrieved by the decision of the Planning Commission in granting or denial of Site Plan Approval shall have the right to appeal said decision to the Township Board. The appeal shall be exclusive and must be filed with the Township Clerk within ten (10) days of the decision of the Planning Commission.

## **ARTICLE TWENTY-THREE (23)**

### **ADMINISTRATION AND ENFORCEMENT**

#### **Sec. 23.01            Administration:**

The administration and enforcement of this Ordinance shall be the responsibility of the Township Supervisor. The Township Board shall have the right to delegate said responsibility to appropriate Township officers or employees and may entertain recommendations for such officers or employees from the Township Supervisor. The person or persons administering and enforcing this Ordinance shall be known as the Zoning Administrator(s). Said Zoning Administrator(s) shall have the power of a public officer in the enforcement of this Ordinance.

#### **Sec. 23.02            Duties of Zoning Administrator:**

- a.     The Zoning Administrator shall have the power to issue Certificates of Zoning Compliance and to make inspections of premises and collect such investigative data deemed necessary to carry out his duties in the enforcement of this Ordinance. No person shall refuse to permit the Zoning Administrator to inspect any premises at reasonable times nor shall any person molest or resist the Zoning Administrator in the discharge of his duties.
  
- b.     If the Zoning Administrator finds that any provision of this Ordinance is being violated, he/she shall order discontinuance of any illegal work being done; or shall take such action as authorized by this article to insure compliance with, or to prevent violation of the provisions of this Ordinance.
  
- c.     The Zoning Administrator shall not vary, change or grant exceptions to any terms of this Ordinance to any person making application under the requirements of this Ordinance.
  
- d.     It shall be unlawful for the Zoning Administrator to issue Certificate of Zoning Compliance or other such permits, for any construction or use until he/she has inspected such plans and found them to conform to this Ordinance.

#### **Sec. 23.03            Certificate of Zoning Compliance:**

- a.     A building permit for erection, alteration, moving or repair of any building shall not be issued until a preliminary certificate of Zoning Compliance has been issued. Issuance of such certificate shall indicate that the plans for which the building permit is requested complies with the Zoning Ordinance. The Zoning Administrator shall provide written notice to the applicant stating the reasons why a Preliminary Certificate of Zoning Compliance cannot be issued and shall be sent to the applicant within fifteen (15) days after the Zoning Administrator is provided with the plans for which the building permit is requested.
  
- b.     It shall be unlawful to use or occupy or permit the use or occupancy of any building or



premises, or both, or part thereof, erected, changed, converted, or wholly or partly altered, or enlarged in its use or structure until a final Certificate of Zoning Compliance has been issued 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 Certificates of Zoning Compliance and said record shall be open for public inspection. Failure to obtain a Certificate of Zoning Compliance shall be a violation of this Ordinance.
- d. It shall not be necessary for a legal nonconformity existing on the effective date of this Ordinance to obtain a Certificate of Zoning Compliance in order to maintain its legal, nonconforming status. However, no nonconforming building, structure, or use shall be renewed, changed, or extended until a preliminary Certificate of Zoning Compliance has been issued by the Zoning Administrator. The certificate shall state specifically wherein the nonconforming building, structure or use differs from the provisions of this Ordinance.
- e. The applicant for a final Certificate of Zoning Compliance shall notify the Zoning Administrator when final inspection is desired. The final Certificate of Zoning Compliance shall be issued upon final inspection or written notice shall be given to the applicant stating the reasons why said Certificate cannot be issued. Such notice shall be sent to the applicant not later than fifteen (15) days after the Zoning Administrator is notified that the building, structure or premises is ready for inspection.

**Sec. 23.04            Building Permits:**

- a. No building permit for erection, alteration, moving or repair of any building greater than 200 square feet or for the erection of a fence higher than six (6) feet shall be issued until a Certificate of Zoning Compliance has been issued.
- b. No building or other structure shall be erected, moved, added to, or structurally altered without a Building Permit issued by the Building Inspector.
- c. No Building Permit shall be issued by the Building Inspector except in conformity with this Ordinance, unless he receives a written order from the Board of Appeals or Zoning Administrator in the form of an administrative review or a variance, as provided by this Ordinance.
- d. Plans submitted in application for a Building Permit shall contain information necessary for determining conformity with this Ordinance, including a copy of the Certificate of Zoning Compliance.

**Sec. 23.05            Enforcement and Violation:**

- a. Authority. The Zoning Administrator(s) shall have the authority to enforce and initiate proceedings to enforce and abate violations of the provisions of this Ordinance. Any land, dwellings, buildings, or structures, used, erected, altered, razed or converted in violation of this Ordinance or in violation of any regulations, conditions, permits or other

rights granted, adopted or issued pursuant to this Ordinance are hereby declared to be a nuisance per se.

- b. Investigation; correction period. The Zoning Administrator shall investigate each alleged violation and shall send to the alleged violator by registered mail a written notice specifying all violations and ordering him or her to correct the violation within thirty (30) days of the notice.
- c. Violations. Any person who fails to correct a violation of any provision of this Ordinance within (30) days of the date of the notice ordering the correction shall be guilty of a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Each day this Ordinance is violated shall be considered as a separate violation.
- d. Enforcement. The Zoning Administrator is hereby designated as the authorized Township official to issue municipal civil infraction citations requiring alleged violators of this Ordinance to appear in court.
- e. Abatement. In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.
- f. Dispute Resolution. Where it is alleged by an adjoining property owner or the Zoning Administrator that a structure is being constructed in violation of the provisions of this Ordinance or any conditions imposed by the Township on a permit, the Zoning Administrator shall have the authority to issue an order to stop the construction to allow for resolution of the dispute. The Zoning Administrator may, at his or her discretion, order the preparation of a boundary survey to determine whether a violation exists, which survey shall be paid for by the zoning permit applicant.

**Sec. 23.06            Fees:**

- a. The Township Board shall periodically establish by resolution a schedule of fees for administering this Ordinance. The schedule of fees shall be posted on public displaying the office of the Zoning Administrator and may be changed only by the Township Board. No certificate shall be issued unless such fees have been paid in full. Fees shall be established for the following:
  - 1. Zoning permits.
  - 2. Special Use permits.
  - 3. Appeals to or requests for interpretations by the Zoning Board of Appeals. Appeals and requests for interpretations initiated by the Township Board or Zoning Administrator shall not be subject to a zoning fee.
  - 4. Classification of unlisted property uses.

5. Requests for variances from the Zoning Board of Appeals.
6. Requests for rezoning of property by individual property owners. Rezoning of property initiated by the Township Board shall not be subject to a zoning fee.
7. Site plan reviews.
8. Temporary dwelling permits issued by the Zoning Administrator.
9. Any other discretionary decisions by the Township Board, Planning Commission, or Zoning Board of Appeals.

The amount of these zoning fees shall cover the costs associated with the review application or appeal, including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spend by staff, and time spent by the members of the Township Board, Planning Commission, and Zoning Board of Appeals. The basic fees are non-refundable, even when an application or appeal is withdrawn by the applicant.

- b. **Additional Fees.** If the Planning Commission or Zoning Board of Appeals determines that the basic zoning fees will not cover the actual costs of the application review or appeal, or if the Planning Commission or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary, then the applicant shall deposit with the Township Clerk such additional zoning fees in an amount determined by the Planning Commission or Zoning Board of Appeals equal to the estimated additional costs. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Planning Commission or Zoning Board of Appeals may require the applicant to deposit additional fees into escrow in an amount determined by the Planning Commission or Zoning Board of Appeals to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective thereby justifying the denial of the application or the dismissal of the appeal. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the Township in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or the release of a final decision on an appeal.

## **ARTICLE TWENTY-FOUR (24)**

### **BOARD OF ZONING APPEALS**

#### **Sec. 24.01            Creation and Membership:**

- a.     A Board of Zoning Appeals is hereby established in accordance with Act 110 of the Public Acts of 2006, as amended. The Board shall consist of five (5) members: the Chairman of the Planning Commission; a member of the Township Board appointed by the Township Board; and the remaining members appointed by the Township Board from the electors residing in the unincorporated area of the Township. The term of office of the member from the Township Board shall not exceed his/her term of office on the Township Board.
  
- b.     Members may be reappointed. An elected officer of the Township shall not serve as chairperson of the Board of Zoning Appeals. An employee or contractor of the Township may not serve as a member of the Board. A member of the Board shall disqualify himself or herself from a vote in which the member has a conflict of interest.

#### **Sec. 24.02            Procedures:**

- a.     The Board of Zoning Appeals shall adopt rules and regulations to govern its procedures. The Board of Zoning Appeals shall appoint one of its members as Chairman. The concurring vote of a majority of the members of the Board of Zoning Appeals shall be necessary to revise any order, requirements, decision or interpretation of the Zoning Administrator or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance. In the case of use variances, approval shall required 2/3 majority vote of the members of the Board of Zoning Appeals.
  
- b.     Meetings of the Board of Appeals shall be at the call of the Chairman and at such other times as the Board of Appeals in its rules of procedure may specify. Minutes shall be kept of each meeting and the Board shall record into the minutes all findings, conditions, facts, and other relevant factors, including the vote of each member upon each question, or if absent or failing to vote indicating such fact, and all of its official actions. All meetings and records shall be open to the public. All minutes shall be filed in the office of the Township Clerk.
  
- c.     The Board of Zoning Appeals shall fix a reasonable time and date for a hearing. The Board shall give due notice of the hearing by regular mail to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property. If the occupant is not known, the term “occupant” may be used. The notice shall be sent and published not less than fifteen (15) days before the application will be considered for approval. The notice of the meeting shall also be published in a newspaper of general circulation in Moran Township. The notice shall describe the nature of the request, indicate the property that is the subject of the request, it shall include a listing of all existing street addresses within the property, state when and where the request will be considered, and indicate when and where comments will be received concerning the request.

#### **Sec. 24.03            Powers:**

- a.     The Board of Zoning Appeals shall perform its duties and exercise its powers as provided in

Act 110 of the Public Acts of 2006, as amended, so that the objectives of this Ordinance shall be attained, the public health, safety, and welfare secured, and substantial justice done. The Board of Zoning Appeals shall hear and decide only those matters which it is specifically authorized to hear and decide as provided herein including appeals, variances, and changes to nonconforming buildings and structures and approval of temporary buildings.

- b. The Board of Zoning Appeals shall not have the power to alter or change the Zoning District classification of any property, nor make any change in the terms or intent of this Ordinance, but does have power to act on those matters for which this Ordinance provides an administrative review, interpretation, variance or exception.
- c. As enabled in the Michigan Zoning Enabling Act PA 110 of 2006, section 604.(9) the Zoning Board of Appeals in Moran Township has the authority to grant variances from uses of land. This authority is due to the Zoning Board of Appeals granting use variances prior to February 15, 2006. Use Variances shall be subject to the same approval criteria as 24.05 of the Zoning Ordinance.

**Sec. 24.04            Duties:**

- a. The Board of Zoning Appeals shall hear and decide appeals from and review any order, requirements, decision or determination of the Zoning Administrator.
- b. The Board of Zoning Appeals shall have the power to:
  - 1. Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of this Ordinance.
  - 2. Determine the precise location of the boundary lines between Zoning Districts when there is dissatisfaction with a decision made by the Zoning Administrator.
  - 3. Classify a use that is not specifically mentioned as a part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district.
  - 4. Determine the parking space requirements of any use not specifically mentioned either by classifying it with one of the groups listed in Article 19 by an analysis of the specific needs.
  - 5. Approve the change of an existing non-conforming use to another non-conforming use, so as long as the use will have a less deteriorating effect on neighboring properties than the existing non-conforming use.
  - 6. Approve the placement of a temporary building/structures.

**Sec. 24.05            Variances:**

- a. The Board of Zoning Appeals shall have the authority to authorize upon appeal in specific cases such variance from the provisions of this Ordinance as will not be contrary to the

public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship or practical difficulty.

- b. A variance shall not be granted by the Board of Zoning Appeals unless and until the following conditions are all met:
  - 1. Non-use Variance: A non-use variance may be allowed by the Board on Zoning 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 Ordinance 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.
  - 2. Use Variances: The Board of Zoning 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 Land Use Plan, nor be a detriment to adjacent properties.
    - (d) The variance will not materially impair the intent and purpose of this Ordinance 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 applicant.
- c. Any nonconforming use of neighboring lands, structures, or buildings shall not be considered grounds for the issuance of a variance.
- d. The Board of Zoning Appeals shall make findings that the requirements of this Section have been met by the applicant.
- e. The Board of Zoning Appeals shall further find that the reasons set forth in the application justify the granting of the variance, and that it is the minimum variance that will make possible the reasonable use of the land, building or structure.
- f. In granting any variance, the Board of Zoning Appeals may prescribe appropriate conditions

and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.

- g. Under no circumstances shall the Board of Zoning Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.
- h. In exercising the above-mentioned powers, the Board of Zoning Appeals may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm wholly or partly or may modify the order, requirements, decision, or determination appealed from and may make such order, requirements, decision, or determination as ought to be made, and to that end shall have the powers of the public official from whom the appeal is taken.
- i. Each variance granted under the provisions of this Ordinance shall become null and void unless the occupancy of land or buildings, or the construction authorized by such variance has commenced within one hundred eighty (180) days after the granting of such variance.

**Sec. 24.06      Appeals:**

- a. Appeals concerning interpretation and administration of this Ordinance shall be made by filing a notice of appeal specifying the grounds thereof with the Township Clerk within a period of thirty (30) days from the occurrence of the contested action. The Clerk shall transmit to the Board copies of all papers constituting the record upon which the action appealed from was taken.
- b. A fee shall be paid to the Township Clerk at the time of filing the notice of appeal and shall be deposited in the Township's general fund. The appeal fee shall be established by the Township Board.
- c. Any party or parties may appear at the hearing in person or by agent or attorney.
- d. The Board of Zoning Appeals shall decide upon all matters within a reasonable time. The decision of the Board shall be in the form of a resolution containing a full record of its findings and determinations in each case.
- e. An appeal shall stay all proceedings in furtherance of the action appealed, unless the Building Inspector or Zoning Administrator certifies to the Board, that a stay would in his opinion, cause imminent peril to life or property, in which case the proceedings should not be stayed, other than by a restraining order granted by the courts.

**Sec. 24.07      Duties on Matters of Appeal:**

All questions concerning application of the provisions of this Ordinance shall first be presented to the Zoning Administrator. Such questions shall be presented to the Board of Zoning Appeals only on appeal from the decisions of the Zoning Administrator.

All variance requests shall be submitted directly to the Zoning Board of Appeals. The Township Planning Commission does not review variance requests.

Recourse from decisions of the Board of Zoning Appeals shall be to the Circuit Court of Mackinaw County, as provided by law.



## **ARTICLE TWENTY-FIVE (25)**

### **TOWNSHIP PLANNING COMMISSION**

#### **PLANNING AND ZONING AUTHORITY**

##### **Sec. 25.01      Designation:**

The Moran Township Planning Commission hereby designated the Commission as specified in Section 1, of Act 168 of the Public Acts of 1959, as amended.

##### **Sec. 25.02      Constituency**

The constituency of the Commission shall conform to the following requirements, as stipulated under Section 4 of Act 168 of the Public Act of 1959, as amended, as well as all other regulations contained within said Act;

- a. The Planning Commission shall consist of not less than five nor more than nine members, who shall be representative of major interests as the exist in the Township, such as agriculture, recreation, education, public health, government, commerce, transportation and industry. All members shall be qualified electors and property owners 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 Township Board. Members may be removed by the Township Supervisor, after a hearing, with the approval of the Township Board.
- c. The term of each member shall be for three years, except that of the members first appointed, one third shall serve for one year, one third for two years and one third for three years. A successor shall be appointed not more than one 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.

##### **Sec. 25.03      Duties**

The duties of the Commission shall conform to the following, as stipulated within Act 168 of the Public Act of 1995,as amended, as well another regulations contained within said Act;

- a. Preparation of plans to promote public health, safety and general welfare; to encourage the use of resources in accordance with their character and adaptability; to avoid the overcrowding of land by buildings or people; to lessen congestion on public roads and streets; to facilitate provision for a system of transportation, sewage disposal, safe and

adequate water supply, recreation and other public improvements; and to consider the character of the Township and its suitability for particular uses judged in terms of such factors as the trend in land and population development.

- b. Formulation of a Township Master Plan and Zoning Ordinance and recommendations to the Township Board pertaining to amendment to these documents.
- c. Advise the Township Board on matters of zoning and planning within the Township.

**ARTICLE TWENTY-SIX (26)**  
**CHANGES AND AMENDMENTS**

**Sec. 26.01**            **Intent:**

For the purpose of establishing and maintaining sound, stable and desirable development within the territorial limits of Moran Township, this Ordinance shall not be amended except to correct an error in the Ordinance, or because of changed or changing conditions in a particular area in the Township generally, to rezone an area, extend the boundary of an existing district, or to change the regulations and restrictions thereof.

**Sec. 26.02**            **Amendment Initiation:**

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

**Sec. 26.03**            **Summary of Amendment Process:**

- a.        Petitioner submits application and fee.
- b.        Clerk transmits application to Planning Commission, sets hearing date, and publishes notices of hearing as prescribe in Sec. 26.04, below.
- c.        Planning Commission holds hearing, and makes a decision, a summary of the comments received at the public hearing along with the decision are then forwarded to the Township Board.
- d.        The Township Board either enacts or rejects proposed changes as an Ordinance amendment or, if the Township Board considers amendments, changes, additions, or departures advisable to the proposed Ordinance provision, it shall refer the same to the Planning Commission for a report thereon within a time specified by the Township Board. After receiving the report, the Township Board shall grant a hearing on a proposed ordinance provision to a property owner who, by certified mail addressed to the Clerk of the Township Board, requests a hearing, and the Township Board shall request the Planning Commission to attend the hearing. After hearing at a regular meeting or at a special meeting called for that purpose, the Township Board may adopt, by a majority vote of its membership, pursuant to the Zoning Act, a zoning ordinance or amendments to the zoning ordinance with or without amendments that have been previously considered by the Planning Commission or at a hearing, and shall thereafter cause the Ordinance or amendment thereto to be published as required by law.

## **Sec. 26.04 Procedures:**

The procedure for making amendments to this Ordinance shall be in accordance with Act 110 of the Public Acts of 2006, as amended.

- a. A petition, together with a completed and signed application and fees, shall be filed with the Township Clerk. The Clerk shall review the application as to form and, when it is approved, transmit it to the Township Planning Commission for review and report. The application must be received by the Township Clerk not less than forty-five (45) days prior to a regularly scheduled meeting of the Township Planning Commission. The Clerk shall, at the same time, establish a date for a public hearing on the petition for the Planning Commission and shall give proper notice of the hearing as provided in Act 110, Public Act 2006, as amended. The Clerk shall also, for any proposed amendment to the Zoning Map, give notice thereof, and of the public hearing, to the owner of the property in question, to all persons to whom any real property within three hundred (300) feet of the premises in question is assessed, and to the occupants of properties within three hundred (300) feet. The notice shall be delivered personally or by mail to the respective owners. If the notice is delivered by mail, an affidavit of mailing shall be filed with the Planning Commission prior to the hearing. The notice shall be sent not less than fifteen (15) days prior to the hearing.
- b. The Clerk shall give notice of hearing in the following manner:
  1. In a newspaper of general circulation in the Township, the notice shall be printed not less than fifteen (15) days before the date of the hearing.
  2. By mailing, using regular mail, not less than fifteen (15) days prior to the hearing, a notice of hearing to each gas, pipeline and telephone company that chooses to register its name mailing address with the Township Clerk for the purpose of receiving such notice. An affidavit of mailing shall be maintained.
  3. The notice shall include the following:
    - a. Describe the nature of the request.
    - b. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if not such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
    - c. State when and where the request will be considered.
    - d. Indicate when and where written comments will be received concerning the request.

## **Sec. 26.05 Application Information:**

The petitioner shall submit a detailed description of the petition to the Township Clerk. When the petition involves a change in the Zoning Map, the petitioner shall submit the following information:

- a. A legal description of the property.
- b. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
- c. The name and address of the petitioner.
- d. The petitioner's interest in the property, and if the petitioner is not the owner, the name and address of the owner.
- e. Date of filing with the Township Clerk.
- f. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.
- g. The desired change and reasons for such change.
- h. A description of the public and private infrastructure including water, sewer, septic, roads, sidewalks, trails, parks, and other utilities.

**Sec. 26.06            Fact Finding:**

- a. In reviewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition, and shall report its findings in full, along with its recommendations for disposition of the petition, to the Township Board, within sixty (60) days of the filing date of the petition.
- b. The facts to be considered by the Planning Commission shall include, but not be limited to, the following:
  - 1. Whether the requested zoning change is justified by a change in conditions since the original Ordinance was adopted or by an error in the original Ordinance.
  - 2. The precedents, and the possible effects of such precedents, which might likely result from approval or denial of the petition.
  - 3. The ability of the Township or other government agencies to provide any services, facilities, and/or programs that might be required if the petition were approved.
  - 4. Are there any significant and negative environmental impacts which would reasonably occur if the petitioned zoning change and resulting permitted structures were built; including but not limited to, surface water drainage problems, wastewater disposal problems, or the loss of locally valuable natural resources.
  - 5. Will there be any significant and negative impacts on the public and/or private infrastructure including water, sewer, septic, roads, sidewalks, trails, parks, and other

utilities if the rezoning was permitted.

6. Effect of approval of the petition on adopted development policies of Moran Township and other government units.
6. All findings of fact shall be made a part of the public records of the meetings of the Planning Commission and the Township Board. An amendment shall not be approved unless these and other identified facts be affirmatively resolved in terms of the general health, safety, welfare, comfort and convenience of the citizens of Moran Township, or of other civil divisions where applicable.

### **Sec. 26.07 Conditional Rezoning:**

a. Intent.

It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of the Michigan Zoning Enabling Act (PA 110 of 2006) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

b. Application and Offer of Conditions.

1. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
3. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
4. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
5. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.

6. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
  7. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily in writing by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation
- c. Planning Commission Review.
1. The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in this Ordinance, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered in writing by the owner.
  2. In performing its review under this section, the Planning Commission may retain whatever planning and legal assistance it needs to permit it to adequately review the proposed conditional rezoning and the conditions to be attached thereto as well as the proposed Statement of Conditions which would be attached to the conditional rezoning as set forth in section E below.
  3. The cost of such legal and/or planning assistance shall be borne by the owner(s) of the subject property and the Township may require that the estimated cost of such legal and/or planning assistance be deposited with the Township prior to retaining such assistance. Following completion of the conditional rezoning process, any sums deposited with the Township in excess of the sum required for such legal and/or planning assistance shall be refunded forthwith to the owner(s). Likewise, any sums owed by the owner(s) to the Township in excess of those deposited shall be paid forthwith.
- d. Township Board Review.
1. After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in this Ordinance. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner in writing, then the Township Board shall, in accordance with the Michigan Zoning Enabling Act (PA 110 of 2006) refer such amendments to the Planning Commission for a

report thereon within a time specified by the Township Board and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

2. In performing its review under this section, the Township Board may retain any additional planning and legal assistance it needs to permit it to adequately review the proposed conditional rezoning and the conditions to be attached thereto as well as the proposed Statement of Conditions which would be attached to the conditional rezoning as set forth in section E below.
3. The cost of such legal and/or planning assistance shall be borne by the owner(s) of the subject property and the Township may require that the estimated cost of such legal and/or planning assistance be deposited with the Township prior to retaining such assistance. Following completion of the conditional rezoning process, any sums deposited with the Township in excess of the sum required for such legal and/or planning assistance shall be refunded forthwith to the owner(s). Likewise, any sums owed by the owner(s) to the Township in excess of those deposited shall be paid forthwith.

e. Approval.

1. If the Township Board finds the rezoning request and offer of conditions acceptable and all fees due from the owner(s) have been paid, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning.
2. The Statement of Conditions shall:
  - (a) Be in a form recordable with the Register of Deeds of the County in which the subject land is located or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
  - (b) Contain a legal description of the land to which it pertains.
  - (c) Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
  - (d) Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.



- (e) Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the Register of Deeds of the County in which the land referenced in the Statement of Conditions is located.
  - (f) Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
- 3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
- 4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the Register of Deeds of the County in which the land is located. The owner(s) of the subject land shall reimburse the Township for the cost of such recording, as well as any other costs provided for in this Ordinance, prior to implementing the use authorized by the conditional rezoning.
- 5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.
- f. Compliance with Conditions.
  - 1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
  - 2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.
- g. Time Period for Establishing Development or Use.

Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and (2) the Township Board finds that there has not

been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

h. Reversion of Zoning.

If approved development and/or use of the rezoned land does not occur within the time frame specified under Subsection G above, then the land shall revert to its former zoning classification. The reversion process shall be confirmed by the Township Board after receiving a report from the Zoning Administrator, concurred in by the Planning Commission after notice to the owner(s) of the subject property, that the approved development and/or use of the rezoned land did not occur within the time frame specified under Subsection G above.

i. Subsequent Rezoning of Land.

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Subsection H above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. The Township Clerk shall record with the Register of Deeds of the County in which the land is located a notice that the Statement of Conditions is no longer in effect.

j. Amendment of Conditions.

1. During the time period for commencement of an approved development or use specified pursuant to Subsection G above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.
2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

k. Township Right to Rezone.

Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act.

l. Failure to Offer Conditions.

The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

## ARTICLE TWENTY-SEVEN (27)

### INTERPRETATION, SEVERABILITY, VESTED RIGHT, REPEAL, PENALTIES, AND EFFECTIVE DATE

#### **Sec. 27.01**      **Interpretation and Conflict:**

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

#### **Sec. 27.02**      **Severance Clause:**

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision thereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any other part thereof, other than the part so declared to be unconstitutional or invalid.

Further, if any court shall declare invalid the application of any provision of this Ordinance to a particular parcel, lot use, building or structure, such ruling shall not affect the application of said provision to any other parcel, lot use building or structure not specifically included in said ruling.

#### **Sec. 27.03**      **Vested Right:**

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

#### **Sec. 27.04**      **Repeal:**

All ordinances and amendments thereto enacted and/or adopted by the Charter Township of Moran and/or the Township board of the Township of Moran by virtue of Act 110 of the Public Acts of 2006, as amended, and all ordinances and parts or ordinances inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. The repeal of existing ordinances or parts of ordinances and their amendments does not affect or impair any act done, offense committed or right accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time it was enforced, prosecuted or inflicted.

**Sec. 27.05                    Effective Date:**

This Ordinance shall take effect following adoption and upon publication in accordance with the provisions and procedures of Act 110 of the Public Acts of 2006 as amended.

Made and passed by the Township Board of Moran, Mackinac County, Michigan on this

- 
1.     Date of Public Hearing(s):
  2.     Date of Adoption by Township Board
  3.     Date of Publication
  4.     Amendments to this Zoning Ordinance became effective

# ARTICLE TWENTY-EIGHT (28)

## TABLES

**Sec. 28.01**

**TOWNSHIP PUBLIC HEARING AND NOTICE REQUIREMENTS**  
**MICHIGAN ZONING ENABLING ACT OF 2006**

<b>MICHIGAN ZONING ENABLING ACT: NOTICE REQUIREMENTS AND PROCEDURES</b>	
<b>A. PUBLIC HEARING NOTICES – GENERAL</b>	
1.	Publish notice of the request in a newspaper of general circulation in the local unit of government
2.	Send by mail or personal delivery to the owners of the property for which approval is being considered. The notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property, and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction
3.	The notice shall be given not less than 15 days before the date the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. The notice shall do all of the following: <ul style="list-style-type: none"> <li>(a) Describe the nature of the request.</li> <li>(b) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.</li> <li>(c) State when and where the request will be considered.</li> <li>(d) Indicate when and where written comments will be received concerning the request.</li> </ul>
<b>B. PUBLIC HEARING NOTICES – ALL ZO AMENDMENTS (TEXT AMENDMENTS, AND REZONINGS)</b> Also applicable to legislative body when holding their own public hearings	
1.	Notice of the time and place of the public hearing shall also be given by mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport that registers its name and mailing address with the clerk of the legislative body for the purpose of receiving the notice of public hearing.
2.	The notice shall include the places and times at which the proposed text and any maps of the zoning ordinance may be examined.
<b>C. PUBLIC HEARING NOTICES – MULTIPLE REZONINGS</b> Also applicable to legislative body when holding their own public hearings	
1.	If an individual property or 10 or fewer adjacent properties are proposed for rezoning, the planning commission shall give a notice of the proposed rezoning in the same manner as required under section A.
2.	If 11 or more adjacent properties are proposed for rezoning, the planning commission shall give a notice of the proposed rezoning in the same manner as required under “A” above, except for the requirement of section A.2 and except that no individual addresses of properties are required to be listed under section A.2. (b).
<b>D. ZONING ORDINANCE AMENDMENTS (TEXT AND REZONING) – NOTICE OF ADOPTION</b>	
1.	An amendment shall take effect upon the expiration of 7 days after publication as required by this section or at such later date after publication as may be specified by the legislative body, unless the amendment is the subject of a petition.
2.	Following adoption of the amendment by the legislative body, the amendment shall be filed with the

clerk of the legislative body, and a notice of ordinance adoption shall be published in a newspaper of general circulation in the local unit of government within 15 days after adoption.

3. A copy of the notice required under section D.2 shall be mailed to the airport manager of an airport entitled to notice under section B.1.
4. The notice required under this section shall include all of the following information:
  - (a) In the case of a newly adopted zoning ordinance, the following statement: "A zoning ordinance regulating the development and use of land has been adopted by the legislative body of the [county, township, city, or village] of \_\_\_\_\_."
  - (b) In the case of an amendment to an existing zoning ordinance, either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.
  - (c) The effective date of the ordinance or amendment.
  - (d) The place where and time when a copy of the ordinance or amendment may be purchased or inspected.

**E. PUBLIC HEARING NOTICES – SPECIAL LAND USES**

1. For a special land uses, provide notice of the request as required under section A.
2. The notice shall indicate that a public hearing may be requested by any property owner or the occupant of any structure located within 300 feet of the property being considered for a special land use, regardless of whether the property or occupant is located in the zoning jurisdiction.
3. At the initiative of the body or official responsible for approving the special land use, or upon the request of the applicant, a real property owner whose real property is assessed within 300 feet of the property, or the occupant of a structure located within 300 feet of the property, a public hearing shall be held before a discretionary decision is made on the special land use request.

**F. PUBLIC HEARING NOTICES – PLANNED UNIT DEVELOPMENTS**

1. For a PUD request, the body or official responsible for the review and approval shall hold at least 1 public hearing on the request in the same manner as required under section A.
2. If amendment of a zoning ordinance is required by the PUD regulations, the requirements of sections A through D shall be followed, except that the hearing and notice required by section F.1 shall fulfill the public hearing and notice requirements of section B.

**G. PUBLIC HEARING NOTICES – ZONING BOARD OF APPEALS (VARIANCES, INTERPRETATIONS, AND APPEALS)**

1. For a variance, the zoning board of appeals shall give notice as provided in section A.
2. For an interpretation of the zoning ordinance or an appeal of an administrative decision, the notice shall:
  - (a) State the time, date, and place of the public hearing
  - (b) Be published in a newspaper of general circulation within the local unit of government not less than 15 days before the public hearing
  - (c) Be sent to the person requesting the interpretation not less than 15 days before the public hearing.
  - (d) If the request involves a specific parcel, written notice stating the nature of the interpretation request and the time, date, and place of the public hearing on the interpretation request shall be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used.