

Dickson Township Zoning Ordinance
of March 1987, as Amended
Through June 13, 2007.

[Annotated]

Date Printed July 2, 2007

Effective from March 20, 1998 to _____, 19__

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ARTICLE 1: TITLE, PURPOSES AND LEGAL CLAUSES

101. Title

Dickson Township Zoning Ordinance shall be known as the "Dickson Township Zoning Ordinance", hereinafter called the "Ordinance".

[Annotation: This ordinance was recodified by amendment adopted February 8, 1995 and again on March 20, 1998, resulting in article and section numbering changes as well as relocation of the order of some sections.]

102. Purposes

This Ordinance is based upon the Dickson Township Comprehensive Plan and designed:

- A. To promote and protect the public health, safety and general welfare;
- B. To protect the character and stability of the agricultural, forestry, recreational, residential, commercial and industrial areas within the unincorporated portions of Dickson Township and promote the orderly and beneficial development of the Township;
- C. To regulate the intensity of use of land and parcel areas in a manner compatible with the Dickson Township Comprehensive Plan and to determine the area of open spaces surrounding buildings and structures necessary to provide adequate light and air and to protect the public health;
- D. To lessen and avoid congestion on the public highways and streets;
- E. To provide for the needs of agriculture, forestry, recreation, residence, commerce, and industry in future growth;
- F. To promote healthful surroundings for family life in residential and rural areas;
- G. To set reasonable standards to which buildings and structures shall conform;
- H. To prohibit uses, buildings or structures which are incompatible with the character, development, uses, building or structures permitted within specified zoning districts;

[Annotation: Section is changed by amendment, effective March 20, 1998.]

- I. To prevent such additions to or alteration or remodeling of existing structures which avoid the regulations and limitations imposed hereunder;
- J. To protect against fire, explosion, noxious fumes and odors, heat, dust, smoke, noise, vibration, radioactivity, and other nuisances and hazards;
- K. To prevent the overcrowding of land and undue concentration of buildings and structures so far as is possible and appropriate in each zoning district;
- L. To conserve the value of land, buildings, and structures throughout the Township;
- M. To provide for the completion, restoration, reconstruction, and extension of nonconforming uses;
- N. To create an Appeals Board and to define the powers and duties thereof;
- O. To designate and define the power and duties of the official or officials in charge of the administration and enforcement of this Ordinance;
- P. To provide for the payment of fees for land use permits;
- Q. To provide penalties for the violation of the Ordinance; and
- R. To accomplish any other purposes contained in P.A. 110 of 2006, as amended (being the Michigan Zoning Enabling Act, M.C.L. 125.3101 *et. seq.*)

[Annotation: Added by amendment effective March 20, 1998.]

[Annotation: Subsection R amended June 13, 2007; effective June 28, 2007.]

103. Legal Basis

This Ordinance is enacted pursuant to P.A. 184 of 1943, as amended, (being the Township Rural Zoning Act, M.C.L. 125.271 *et. seq.*), P.A. 110 of 2006, as may be amended; and any other applicable laws.

[Annotation: Section amended June 13, 2007; effective June 28, 2007.]

104. Effective Date

This Ordinance was adopted by the Township Board of the Township of Dickson, Manistee County, Michigan, at a meeting held on March 11, 1987 and a notice of publication ordered published in the *Manistee News Advocate*, a newspaper having general circulation in said Township, as required by P.A. 184 of 1943, as amended, (being the Township Rural Zoning Act, M.C.L. 125.271 *et. seq.*)

DATE: March 11, 1987

S/ Carl Mezeske
Township Supervisor

DATE: March 11, 1987

S/ Joan M. Crow
Township Clerk

Effective April 20, 1987 at 12:01 a.m.

105. Scope

This Ordinance is not intended to repeal, abrogate, annul or in any way impair or interfere with existing provisions of deed restrictions; subdivision regulations; private restrictions placed upon property by covenants; condominium rules, ownership association rules; ordinances, laws, regulations of any federal, state or county agency. When this Ordinance has more restrictive regulations, limitations or requirements, then this Ordinance shall control. The Administrator shall not be engaged in the enforcement of deed restrictions or private restrictions placed upon property by covenants.

[Annotation: This section added by amendment, effective March 20, 1998. Material here was previously in Article 98.]

ARTICLE 5: DEFINITIONS

501. Purpose

For the purpose of this Ordinance certain terms are defined. When not inconsistent with the context, the present tense includes the future, words used in the singular number include the plural number.

[Annotation: Section is changed by amendment, effective March 20, 1998.]

502. Undefined Words

Any word not defined herein, or not referred to in the S.I.C. Manual, shall be interpreted within its common and approved usage.

503. Definitions of words:

ACCESSORY STRUCTURES means a structure which shall be construed to include, but not limited to, the following: playground equipment, sport courts, children's playhouses, domestic animal shelters, fallout shelters, swimming pools, unattached decks, gazebos, barbecue stoves, parking lots, loading docks and radio and television antennas, but shall not include fences, hunting blinds, signs.

[Annotation: Definition was changed by amendment, effective March 20, 1998.]

ADMINISTRATOR means the Dickson Township Zoning Administrator as created in Section 8201 *et. seq.* (entire article).

[Annotation: Definition added by amendment, effective March 20, 1998.]

ALTERED/ALTERATIONS means any construction; use; modification, remodeling, repair, improvement; relocation; replacement of a structure, building, dwelling, accessory building or structure which needs a permit under the provisions of section 8401 *et. seq.* (entire article) or under the provisions of section 8601 *et. seq.* (entire article).

APPEALS BOARD means the Dickson Township Board of Appeals, created in section 9601 *et. seq.*, pursuant to P.A. 110 of 2006, as amended (being the Michigan Zoning Enabling Act, M.C.L. 125.3101 *et. seq.*)

[Annotation: Definition added by amendment, effective March 20, 1998.]

[Annotation: Definition amended June 13, 2007; effective June 28, 2007.]

ARTICLE means the main divisions of this Ordinance. Articles are further divided by sections.

[Annotation: Definition added by amendment, effective March 20, 1998.]

BUFFER AREA means an area which does not have any structures which is designed to buffer noise, light, visual and other impacts by use of distance or setback greater than otherwise required, berm, walls, fences, vegetation between incompatible land uses. (See also Vegetation Belt, Greenbelt.)

[Annotation: Definition added by amendment, effective March 20, 1998.]

BUILDING means any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, chattel, or property of any kind. Buildings shall include awnings; eaves to the drip line; attached decks and porches with or without a roof; and trailers, whether mounted or on wheels and situated on private property and used for purposes of a building.

BUILDING AREA means the total exterior foundation or framing area taken on a horizontal plane at the largest floor level of a building or an accessory building exclusive of unroofed porches, terraces, patios and steps, and of awnings and nonpermanent canopies.

BUILDING ENVELOPE means that portion of a parcel excluding the setbacks and applied to that parcel by this Ordinance.



BUILDING HEIGHT means the vertical distance measured from the lowest elevation of the ground next to the building to the highest point of the roof (for flat roofs, to the deck line), but not including chimneys, antennas, steeples, and other similar non-inhabitable structures or portions of structures.

COMMISSION means the Dickson Township Planning Commission created pursuant to section 11 of P.A. 168 of 1959, as amended, (being Township Planning Act, M.C.L. 125.331), and has vested with it all the powers and duties of a zoning board pursuant to P.A. 110 of 2006, as amended, (being the Michigan Zoning Enabling Act, M.C.L. 125.3101 *et. seq.*)

[Annotation: Definition changed (was "Planning Commission") by amendment, effective March 20, 1998.]
 [Annotation: Definition amended June 13, 2007; effective June 28, 2007.]

COMMUNICATION TOWER FACILITIES means a facility, which includes transmitters, antenna structures, towers and other types of equipment necessary for, but not limited to, providing radio broadcasts, available to the public (for-profit or not-for-profit) which give subscribers the ability to access or receive calls from the public switched telephone network. Common examples are radio and television broadcasting stations, repeater stations, radiotelephone, telegraph, cable television receiver stations, dispatching, Personal Communications Systems (PCS), cellular radiotelephone services, and paging [48-4899]. Also included are services that are non-licensed, but are deployed through equipment authorized by the FCC and common carrier wireless exchange services designed as competitive alternatives to traditional wireline local exchange providers. Communication tower facilities does not include antennas and their towers at a person's home for his personal use for television and radio reception, and citizen band or HAM radio hobby activity.

[Annotation: Definition added by amendment, effective May 10, 2000.]

CONSTRUCTION CODE means the Michigan Construction Code as promulgated by the Michigan State Construction Code Commission under provisions of Public Act 230 of 1972, as amended, being M.C.L. 125.1501 *et. seq.*, and administrative rules promulgated by the Michigan State Construction Code Commission.

[Annotation: Definition changed (was "Planning Commission") by amendment, effective March 20, 1998.]

DEQ means the Michigan Department of Environmental Quality.

[Annotation: Definition added by amendment, effective March 20, 1998. Formerly Land and Water Division of Michigan Department of Natural Resources. By executive order of the governor, wetland, inland lake and stream, great lakes shorelands, critical sand dunes regulatory functions of the DNR are transferred to the Michigan Department of Environmental Quality.]

DNR means the Michigan Department of Natural Resources.

[Annotation: Definition added by amendment, effective March 20, 1998. Formerly Land and Water Division of Michigan Department of Natural Resources. By executive order of the governor, State forestry, farmland and open space and natural rivers programs remain with the DNR.]

DWELLING means the core living area of any structure that serves as an abode for one or more persons and is constructed of the same general materials in a like manner to produce one continual unit within its dimensions. External additions of an unlike manner, porches, decks, landings, steps or roof eave overhangs, etc. are not part of the core living area.

[Annotation: Definition added by amendment July 9, 2003; effective August 11, 2003.]



2 "A" is the highest point (not including chimneys, antennas, steeples, etc.); "B" is the lowest point of the ground's surface around the perimeter of the structure; and "C" is the vertical distance measured for the height.

EASEMENT means a private irrevocable agreement of record between landowners, public utilities, persons, for a specific purpose such as but not limited to utilities, driveways, pipelines, pedestrian ways, roads.

[Annotation: Definition has been changed by amendment, effective March 20, 1998.]

ENVIRONMENT ASSESSMENT means a summary review of environmental impacts of a project.

[Annotation: Definition has been changed by amendment, effective March 20, 1998.]

ENVIRONMENTAL IMPACT STATEMENT means a document which is a detailed review of the impacts on the environment by a proposed project.

[Annotation: Definition has been changed by amendment, effective March 20, 1998.]

EXISTING BUILDING means a building existing in whole or whose foundations are complete, and whose construction is being diligently pursued on the effective date of this Ordinance.

FAMILY means an individual or a collective number of individuals living together in one house under one head, whose relationship is of a permanent and distinct domestic character, and cooking as a single housekeeping unit. However, this shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, occupants of a counseling house, lodging house or hotel, or organization which is not a recognized religious order, nor include a group of individuals whose association is temporary and resort-seasonal in character or nature.

FAMILY DAY-CARE HOME means 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 day care home includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year.

[Definition added by amendment June 13, 2007; effective June 28, 2007.]

FENCE means a constructed barrier or planted hedge which is designed to do any one, or more, of the following:

- A. restrict passage through it regardless if the fence has a gate(s) or not,
- B. prevent viewing through it, and/or
- C. be decorative.

[Annotation: Definition added by amendment, effective March 20, 1998.]

FLOOR AREA means the sum of the horizontal areas of each story of the building measured from the exterior faces of the exterior walls, but not including basements, unfinished attics, attached garages, breezeways and enclosed or unenclosed porches.

[Annotation: Definition added by amendment, effective March 20, 1998.]

GREENBELT means a landscaped area for purposes of aesthetics and for purposes of a buffer area. (See also Buffer Area, Vegetation Belt.)

[Annotation: Definition added by amendment, effective March 20, 1998.]

GREENWAY means a contiguous or linear open space, including habitats, wildlife corridors, and trails, that link parks, nature reserves, cultural features, or historic sites with each other, for recreation and conservation purposes.

[Annotation: Definition added by amendment June 13, 2007; effective June 28, 2007.]

GROUP DAY CARE HOME means a private home in which more than six (6) but not more than twelve (12) 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 the family by blood, marriage, or adoption. Group day care home includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year.

[Annotation: Definition added by amendment June 13, 2007; effective June 28, 2007.]

HAZARDOUS SUBSTANCES means one or more of the following:

- A. A chemical or other material which is or may become injurious to the public health, safety, or welfare or to the environment.
- B. "Hazardous substance" as defined in the comprehensive environmental response, compensation and liability act of 1980, Public Law 96-510,94 Stat. 2767.
- C. "Hazardous waste" as defined in Article II Chapter 3 Part 111 of P.A. 451 of 1994, as amended, (being the Hazardous Waste Management part of the Natural Resources and Environmental Protection Act, M.C.L. 324.11101 *et. seq.*)
- D. "Petroleum" as defined in Article II Chapter 8 Part 213 of P.A. 451 of 1994, as amended, (being the Leaking Underground Storage Tanks part of the Natural Resources and Environmental Protection Act, M.C.L. 324.21301 *et. seq.*).

[Annotation: M.C.L. 324.45101 *et. seq.* is formerly P.A. 64 of 1979 (being M.C.L. 299.501 to 299.551, the Hazardous Waste Management Act).]

[Annotation: M.C.L. 324.45101 *et. seq.* is formerly P.A. 478 of 1988 (being M.C.L. 299.831 to 299.850, the Leaking Underground Storage Tank Act).]

[Annotation: Definition added by amendment adopted February 8, 1995.]

HOBBY means an activity carried out by a person primarily for pleasure and self-entertainment.

HOUSING UNIT means a house, apartment, mobile home, group of rooms, or single room occupied as a separate living quarter (or if vacant, intended for occupancy as a separate living quarter.) Separate living quarters are those in which

the occupants live and eat separately from any other persons in the building and which have direct access from the outside of the building or through a common hall.

[Annotation: Definition added by amendment, effective March 20, 1998.]

JUNK means

- A. old scrap ferrous or nonferrous material, rubber, cloth, paper, rubbish, refuse, litter;
- B. materials from demolition, waste building materials; and
- C. junked, abandoned, scrap, dismantled or wrecked (including parts of) motorized vehicles, farm equipment, boats, trailers, mobile homes, appliances and all other machines.

But shall not include:

- a. Items being held for a customer while parts are being sought for its repair;
- b. Items that are classic or antique, kept and collected for their antique or collectable value; and
- c. Items and junk kept at a licensed Type I, II, or III landfill for purposes of disposal of solid waste, incineration, recycling and resource recovery.

[Annotation: Definition added by amendment, effective March 20, 1998.]

LIVESTOCK means horses, cattle, sheep, swine, fowl, and other farm or ranch animals, but not domestic house pets.

MOBILE HOME means a dwelling, transportable in one or more sections which is built on a permanent chassis, and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein and is installed by a Michigan Licensed Mobile Home dealer or Michigan Licensed Mobile Home installer as required by P.A. 96 of 1987, as amended, (being the Mobile Home Commission Act, M.C.L. 125.2301 *et. seq.*) and administrative rules promulgated thereunder.

NONCONFORMING BUILDING, STRUCTURE means a structure or building lawfully constructed that does not conform to the requirements of the district in which it is situated and that existed prior to the effective date of this Ordinance.

[Annotation: Definition changed by amendment, effective March 20, 1998.]

NONCONFORMING USE means structure, building, plot, premise or land lawfully occupied by a use that does not conform to the regulations of the district in which it is situated and that lawfully existing on the effective date of this Ordinance.

[Annotation: Definition changed by amendment, effective March 20, 1998.]

OWNERSHIP means the proprietor of the land who is a natural person, or his heirs, executors, administrator, legal representatives, successors, assigns, firm, association, partnership, corporation or government, or combination of any of them.

PARCEL means any tract or contiguous parcels of land in the same ownership, whether one or more platted lots or parts of lots, tracts of land, as identified by one property tax parcel number in the Dickson Township Assessment roll, and a single unit (including limited commons area) site condominium.

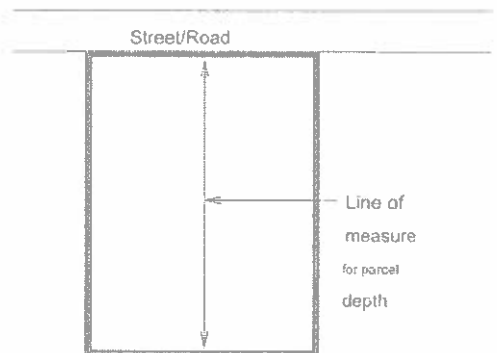
[Annotation: Definition changed to add provisions about site condominiums, effective March 20, 1998.]

PARCEL AREA means the total land area encompassed by the property lines, including any combination of lots or parcels of record or portions thereof, but in no case shall include easement for road right of ways, or an area of a public road which is there by historic use.

[Annotation: Definition added by amendment, effective March 20, 1998.]

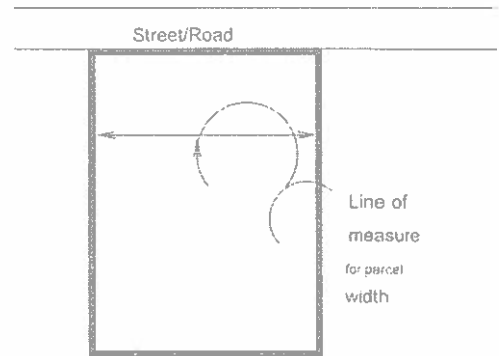
PARCEL MEASUREMENTS means:

- a. **DEPTH** of a parcel shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the front property line and rearmost points of the rear property line.



b. WIDTH

1. The distance between the side property lines.
2. In determining parcel width on odd-shaped parcels, if the parcel abuts a curving street and, as a result, the side property lines are not parallel, the measurement of the width shall be at the front yard setback line.
3. In determining parcel width on other odd-shaped parcels, the average width is measured at right angles to its depth.



[Annotation: Definition changed by amendment, effective March 20, 1998.]

PARKING SPACE means one unit of parking area provided for the parking of one automobile.

PERSON means an individual, partnership, firm, corporation, association, organization, trust, company, local unit of government or other political subdivision of the state, or a state or state agency as well as an individual.

[Annotation: Definition changed by amendment (was in section 501), effective March 20, 1998.]

PERSONAL PROPERTY SALES means events such as garage sales, yard sales, basement sales, auctions or other similar events where personal property is offered for sale on a limited basis and not for a duration of more than three days within any three month period.

PLANNED UNIT DEVELOPMENT means a special use which encompasses more than one residential unit and/or more than one commercial use.

[Annotation: Definition added by amendment, effective March 20, 1998.]

PRIVATE ROAD means a road which is part of a recorded subdivision and is shown as a private road on the plat, or a road which is not public which services one or more dwellings or businesses, and shall meet or exceed standards for public roads as set by the Manistee County Road Commission. Private Road shall not include driveways to a dwelling or business or accessory building thereto when the driveway is located on the same parcel of land as the serviced structure, a United States Forest Service road, a county road as shown on maps certifying same to the Michigan Department of Transportation and two-track trails which have been in common use for fifteen (15) years or more and provide the only access to a vacant parcel of property.

[Annotation: Definition amended July 9, 2003; effective August 11, 2003.]

PROPERTY LINE means the outside perimeter of a legally described parcel of land.

PUBLIC UTILITY means any person, firm, corporation, municipal department or Board fully authorized to furnish, under federal, state, or municipal regulations, electricity, gas, steam, communications, telegraph, transportation, water or sanitary or storm water sewerage facilities to the public. For the purposes of this ordinance, communication tower facilities are not included in the definition of a Public Utility or exempt from a permit as a Public Utility's structure.

[Annotation: Last sentence added to definition by Amendment, effective May 20, 2000.]

RIGHT-OF-WAY means a public or private way for road purposes.

[Annotation: Definition of "Rubbish or Waste Materials" has been deleted by amendment, effective March 20, 1998.]

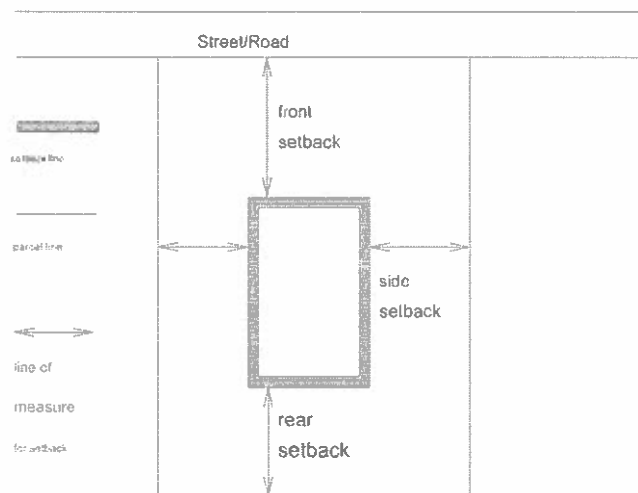
SECTION means a part of this Ordinance, being the next division under an Article. A section is cited by article number and section number, "XXX", with the last two digits being the section number, and the remaining digits to the left being the article number. Sections may be further divided into subsections "A.", divisions "1.", paragraphs "a.", and subparagraphs "(1)", for example.

[Annotation: Definition added by amendment, effective March 20, 1998.]

SETBACK means a line parallel to a property line which is a specified distance toward the center of a parcel from the property lines or water front. Side, front, rear and waterfront setbacks correspond to the respective yard. See yard in section 503.

[Annotation: Definition changed by amendment, effective March 20, 1998.]

SEX-ORIENTED BUSINESS means any Retail Trade (G), Service (I), establishment and Home Occupation which has more than ten percent (10%) of its business involving the sale, use, participation, and observation of:



- A. anything tangible, including any material which is capable of being used or adapted to arouse shameful or morbid interest in nudity, sex, or excretion, whether through the medium of reading, observation, sound or in any other manner, including but not limited to, anything printed or written, any book, magazine, newspaper, pamphlet, picture, drawing, pictorial representation, motion picture, photograph, video tape, video disk, film, transparency, slide, or any other medium used to electronically produce or reproduce images on a screen, or any mechanical, chemical, or electronic reproduction.
- B. representations or descriptions of normal or perverted, actual or simulated sexual intercourse, fellatio, cunnilingus, anal intercourse, or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body, or depictions or descriptions of sexual bestiality, sadomasochism, masturbation, or excretory functions;
- C. representations or descriptions of masturbation, excretory functions, or a lewd exhibition of the genitals.

Further, if any of the above meets all of the following criteria:

- A. that the average individual, applying contemporary community standards, would find that the material taken as a whole, appeals to the shameful or morbid interest in nudity, sex, or excretion;
- B. that the material, taken as a whole, lacks serious literary, artistic, political, or scientific value;
- C. that the material depicts or describes, in a patently offensive way, sexual conduct. "Material" includes undeveloped photographs, molds, printing plates, and other latent representational objects notwithstanding that processing or other acts may be required to make its content apparent.

SHALL means a mandatory directive. The word "shall" is always mandatory and not merely permissive.

[Annotation: Definition changed by amendment (was in section 501), effective March 20, 1998.]

SIGN means any structure or wall or other object used for the display of any message.

SIGN DISPLAY SURFACE means the entire area within a circle, triangle or parallelogram enclosing the extreme limits of writing, representation, emblem or any other figure similar character together with any frame or other material or color forming an integral part of display or used to differentiate the sign from the background against which it is placed; excluding necessary supports or uprights on which said sign is placed. Where a sign has two or more surfaces, the area of all faces shall be included in determining the area of the sign; except that when two such faces are placed back to back and are at no point more than three (3) feet from one another, the area of the sign shall be taken as the area of the larger face if the two faces are of unequal size.

[Annotation: Definition added by amendment, effective May 10, 2000.]

STATE LICENSED RESIDENTIAL FACILITY means a structure constructed for residential purposes that is licensed by the state under the Adult Foster Care Facility Licensing Act, 1979 P.A. 218, M.C.L. 400.701 to 400.737, or 1973 P.A. 116, M.C.L. 722.111 to 722.128, and provides residential services for six or fewer persons under 24 hour supervision or care.

[Annotation: Definition added by amendment June 13, 2007, effective June 28, 2007.]

STORY means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it then the space between any floor and the ceiling next above it.

STRUCTURE means anything constructed, erected or placed with a fixed location on the ground or affixed to something having a fixed location on the ground, except, structure shall not include automobiles, trucks, trailer, hunting blinds, fences, hedges, sidewalks, gardens, shore stabilization devices.

[Annotation: Definition changed by amendment, effective March 20, 1998.]

SUBSTANDARD PARCEL means a parcel of record or a parcel which is described in a land contract or deed executed and delivered prior to the effective date of this Ordinance, which does not have adequate size, width or which is not big enough to provide for the minimum setbacks and building size required in this Ordinance.

[Annotation: Definition added by amendment, effective March 20, 1998.]

SUPERVISOR means the chief elected official of Dickson Township Board.

[Annotation: Definition added by amendment, effective March 20, 1998.]

TOWNSHIP means the Township of Dickson, a Michigan municipal corporation.

[Annotation: Definition added by amendment, effective March 20, 1998.]

TOWNSHIP BOARD means the Dickson Township Board of Trustees.

[Annotation: Definition added by amendment, effective March 20, 1998.]

TRAILER means a vehicle which can be drawn on a highway and is used exclusively for recreational or camping purposes. Includes the terms motor home, pole-trailer, trailer coach, trailer, mobile home as defined in P.A. 300 of 1949, as amended, (being the Michigan Motor Vehicle Code, M.C.L. 257.1-257.82), and including camping units, tents, or any other temporary dwellings.

[Annotation: Section is changed by amendment, effective March 20, 1998.]

USE means the purpose for which land or a building thereon is designed, arranged or intended to be occupied or used, or for which it is maintained.

USED or OCCUPIED means the physical presence of a person to use a structure and include the words "intended", "designed", or "arranged" to be used or occupied.

[Annotation: Definition changed by amendment (was in section 501), effective March 20, 1998.]

VARIANCE means a relaxation of the terms of the this Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the Ordinance would result in unnecessary or practical difficulty.

VEGETATION BELT means an area which does not have any buildings which is designed to mitigate the movement of nutrients in the ground into a water body by use of woody plant material who's roots are likely to remove nutrients from the soil prior to the nutrients reaching the water body, and for erosion and bank stabilization. (See also Buffer Area, Greenbelt.)

[Annotation: Definition added by amendment, effective March 20, 1998.]

WATER BODIES means surface water, lakes, wetlands, rivers, streams, ponds, springs but does not include man-made farm ponds, storm water retention ponds, sediment ponds or impromptu or uncontrolled collection of storm water.

WATER'S EDGE means the line where the water and shore meet when the water level is static. For other fluctuating water bodies, it shall be the line where the water and shore meet when the water is at its annual high level.

[Annotation: Definition added by amendment, effective March 20, 1998.]

WETLAND means land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support wetland vegetation or aquatic life, and is commonly known as the delta area of the Big Manistee River or Little Manistee River and characterized by a soil type which is hydric, alluvial land, undifferentiated, variably textured flood plane sediments.

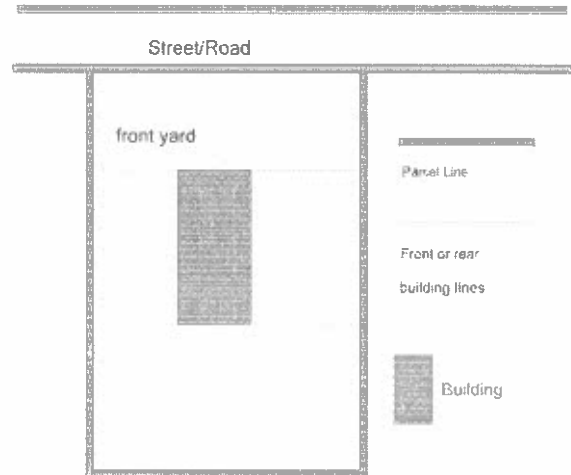
[Annotation: Definition added by amendment, effective March 20, 1998.]

WOODY PLANT MATERIAL means vegetation characterized as having a wooden stem or trunk (as opposed to a fibrous or grass stem) and may include those plantings recommended in Lakeland Report Number 12 on Greenbelts; A Circle of Protection For Inland Lakes prepared by University of Michigan Biological Station, Douglas Lake, February 1979.

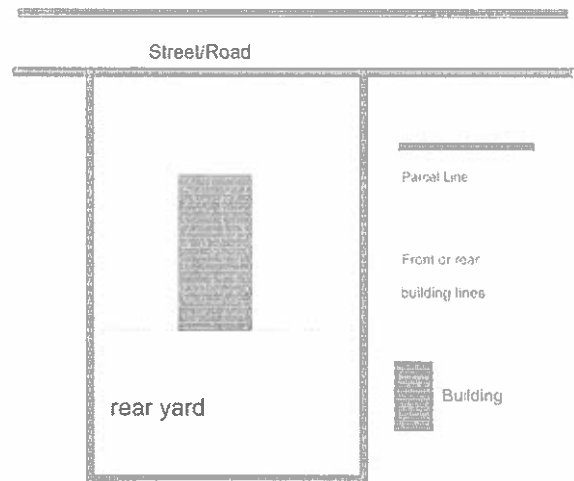
YARD means an open space extending the full width of a parcel from the front property line to the rear property line. Designations of side, rear, front, waterfront yards and side, rear, front, waterfront setbacks shall have a direct correlation.

[Annotation: Section is changed by amendment, effective March 20, 1998.]

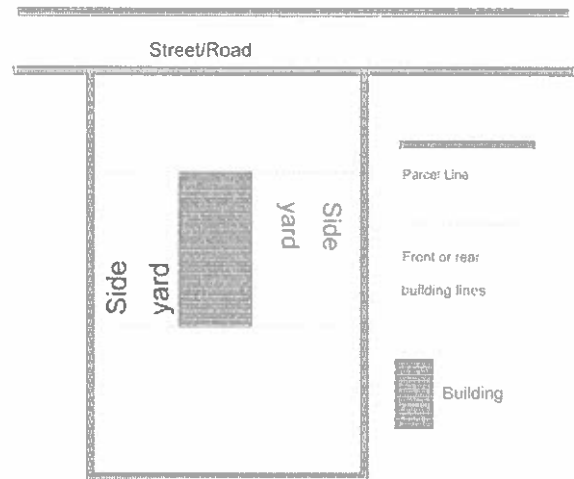
- A. Front Yard means a yard between the front property line, which is adjacent to a road right-of-way, and the nearest building line:



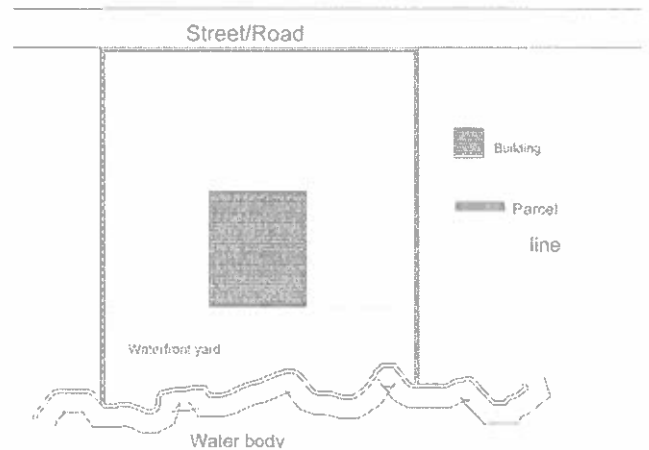
- B. Rear yard means a yard between the property line on the opposite side of the parcel from the property line adjacent to a road right-of-way and the rear building line:



- C. Side yard means the remaining yard(s) between the front and rear building lines, and the side line(s) of the parcel:

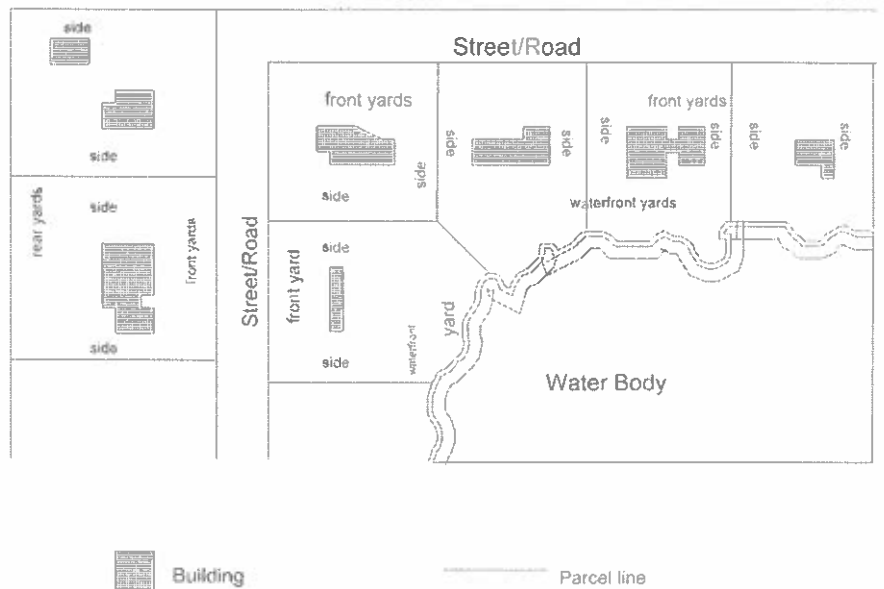


- D. Waterfront yard means a yard between the water's edge and a building line. It may be situated in what would be a side or rear yard if the water body was not present:



- E. A parcel may have any combination of yards, so that it may not have a rear yard, it may have two front yards, etc.:

[Annotation: Definition of "yard" is added by amendment. Former definitions of "Yard, front," "Yard, rear" and "Yard, side" have been deleted by the same amendment, effective March 20, 1998.]



504. Standard Industrial Classification Manual

- A. For purposes of this Ordinance, where "uses" and "special uses" are listed for each land use district, those terms are defined in Section 505 of this Ordinance.
- B. Terms denoting "uses" which are not defined in Section 505 of this Ordinance, but which are followed by a capital letter and/or number or series of numbers enclosed in brackets ([]) shall be defined as found under the respective Standard Industrial Classification Code, as found in the Standard Industrial Classification Manual, 1987 published by the Executive Office of the United States President, Office of Management and Budget, and adopted by reference herein. Terms defined by use of the Standard Industrial Classification Code shall be exclusive and shall include only those uses or activities found included in the respective Standard Industrial Classification(s). A listing of more general classifications shall include all sub-classifications included within the general classification. If a term denoting a use is defined in Section 505 of this Ordinance, that use shall not be considered within the respective Standard Industrial Classification(s), Standard Industrial Classification Manual, 1987 notwithstanding.
- C. Terms denoting "uses" which are not defined in Section 505 of this Ordinance, and not followed by a bracketed Standard Industrial Classification reference shall be interpreted within its common and approved usage.

[Annotation: Section 504 (previously 502) was changed by amendment, effective March 20, 1998.]

505. Definitions of Uses:

ACCESSORY BUILDINGS means a use which is a supplementary building or structure on the same parcel as the main building, or part of the main building, occupied by or devoted exclusively to an accessory use. Such use shall not include any building used for dwelling, residential or lodging purposes, or sleeping quarters for human beings, unless a part of a farm.

[Annotation: Section is changed by amendment, effective March 20, 1998.]

ACCESSORY USE means a use naturally and normally incidental to, subordinate to, and devoted exclusively to the main use of the land or buildings, but not including uses considered accessory buildings or accessory structures.

AGRICULTURAL LAND means substantially undeveloped land devoted to the production of plants and animals useful to humans, including, but not limited to, forage and sod crops, grains, feed crops, field crops, dairy products, poultry and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees, and other similar uses and activities.

[Annotation: Added by amendment June 13, 2007; effective June 28, 2007.]

APARTMENT BUILDING means a use which is a dwelling designed for three housing units or more or occupied by three or more families, with separate housekeeping, cooking, and bathroom facilities for each.

CAMPGROUND means a use on a parcel or tract of land licensed by the State under the control of a person in which sites are offered for the use of the public or members of an organization either free of charge or for a fee, for the establishment of temporary living quarters for three or more recreational units which includes trailers as defined in this Ordinance.

CENTRAL PRODUCTION FACILITY means a use which a secondary or primary processing facility and is characterized as a series of tanks, heater treaters and other equipment for processing oil and gas wells but does not involve any sweetening --sulfur removal-- of natural gas unless the operation is designed to remove small quantities of sulfur by use of a sponge scrubber, but shall not include facilities located at, and designed to service, one oil or gas well.

DUPLEX means a use which is a dwelling designed for two housing units or occupied by two families only, with separate housekeeping, cooking, and bathroom facilities for each which complies with the standards given in this Ordinance.

DWELLING means a use which is a structure, mobile home, premanufactured or precut dwelling structure designed as a single housing unit and used for the complete living accommodations of one (1) family which complies with the standards given in this Ordinance.

[Annotation: Section is changed by amendment, effective March 20, 1998.]

FARM means a business enterprise engaged in agricultural production, (and otherwise known as farms, ranches, dairies, nurseries, orchards) of crops, livestock or trees and:

- A. Includes forty (40) or more acres of land in one ownership which is primarily devoted to agricultural use, or
- B. Has five (5) or more acres of land in one ownership, but less than forty (40) acres, devoted primarily to agricultural use, which has produced a gross annual income from agriculture of two hundred dollars (\$200.00) per year or more per acre of cleared and tillable land, or
- C. Has been designated by the Michigan Department of Agriculture as a specialty farm in one ownership which has produced a gross annual income from an agricultural use of two thousand dollars (\$2,000.00) or more.

[Annotation: Definition added by amendment, effective March 20, 1998.]

HOME OCCUPATION means a use which includes any activity carried out for gain by a resident and conducted as an accessory use in the person's home, but not a hobby.

MOBILE HOME PARK means a use which is a parcel of land under the control of a person upon which three or more mobile homes are located on a continual nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary mobile home or trailer.

OUTDOOR RECREATION - PARKS means uses which are public or private playgrounds, vest pocket parks, nature areas, natural areas, ball fields, open space preserves, arboretums, gardens, beaches, and so on but not including facilities designed for overnight or camping use.

STATE LICENSED RESIDENTIAL FACILITIES means a use which is a structure constructed for residential purposes that is licensed by the state, pursuant to P.A. 218 of 1979, as amended, (being the Adult Foster Care Licensing Act, M.C.L. 400.701 *et. seq.*) or P.A. 116 of 1973, as amended, (M.C.L. 722.111 *et. seq.*) which care for six or fewer elderly (senior) citizens.

[Annotation: Section is changed by amendment, effective March 20, 1998.]

SWEETENING PLANT means a use which is a secondary processing facility or plant which is designed for the removal of sulfur compounds from natural gas from gas and oil wells.

ARTICLE 10: GENERAL REGULATIONS

100. General

1001. Purpose

It is the purpose of this Article to provide regulations that apply in all zoning districts to all permitted uses and special uses.

1002. Scope

Zoning applies to all parcels of land and to every building, structure or use. No parcel of land, no building, structure or part thereof and no new building, structure or part thereof shall hereafter be located, erected, altered, occupied or used except in conformity with this Ordinance.

1003. Bulk Regulations

- A. The continuing maintenance of and association with required spacial relationships and physical requirements of this ordinance for the permitting of a use, structure, building, and parcel shall be the obligation of the owner(s) of the use, structure, building and parcel.

[Annotation: Section is changed by amendment, effective March 20, 1998.]

- B. Required spacial relationships and physical requirements of this Ordinance shall be allocated to be in connection with only one use, structure, building, parcel and are not transferable, not to be split or divided by any means, not to be shared, unless;
1. any of the uses, structures, buildings, parcels involved in the transfer does not result in failing to meet required spacial relationships and physical requirements of this Ordinance or other applicable statutes or ordinances including, but not limited to, the Township, Manistee County and State of Michigan subdivision control laws.
[Annotation: Section is changed by amendment, effective March 20, 1998.]
 2. specifically permitted elsewhere in this Ordinance.

- C. Required spacial relationships and physical requirements of this Ordinance shall apply uniformly within each respective zoning district to all uses, structures, buildings and parcels except that the following can be located anywhere on a parcel:

1. those parts of a building which are unroofed porches, terraces, patios and steps, and awnings and nonpermanent canopies;
2. flag poles;
3. hydrants;
4. clothes lines;
5. arbors, trellises, trees, plants, shrubs;
6. recreation equipment, outdoor cooking equipment; and
7. sidewalks, private driveways and walkways.

- D. As used in this section;

1. "Required spacial relationships" means all the requirements of this Ordinance dealing with minimum or maximum size, area or space required for an approved use, structure, building and parcel, including but not limited to, buffer areas, greenbelt, building area, building envelope, parcel area, parcel measurements (width, setback), parking space, vegetation belt, yard.
2. "Physical Requirements" means all the requirements of this Ordinance dealing with designated areas for specific physical (tangible) improvements or uses/functions required for an approved use, structure, building and parcel, including but not limited to, placement of accessory structures, improvements within buffer areas, building height, easement, floor area, improvements within a greenbelt, all requirements found in Section 1001 *et. seq.* of this Ordinance, access drive, drives, loading areas, solid waste storage areas, service drive, parking areas.

[Annotation: Section is changed by amendment, effective March 20, 1998.]

1004. General Provisions

No parcel, building or structure in any district shall be used or occupied in manner which creates any dangerous, injurious, noxious or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises. Any use permitted by this Ordinance may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following performance requirements:

[Annotation: Section is changed by amendment, effective March 20, 1998.]

- A. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved as is required by applicable provisions of the Construction Code and/or the State Fire Marshal.
- B. Activity which emits radioactivity at any point, or electrical disturbance shall not be permitted in excess of the applicable federal, state, or local regulations or rules promulgated thereunder, including but not limited to, regulations of the Federal Nuclear Regulatory Commission or Public Service Commission or Michigan Department of Health and Department of Radiology.
- C. No vibration or noise shall be permitted in excess of the standards in the Manistee County Noise Ordinance, as amended.
- D. No malodorous gas or matter shall be permitted in excess of the applicable state or federal air pollution statutes or regulations promulgated by rule thereunder or the applicable air quality permits.
- E. No pollution of air by fly-ash, dust, vapors, or other substances shall be permitted in excess of the applicable state or federal air pollution statutes or regulations promulgated by rule thereunder.
- F. No pollution of water bodies shall be permitted in excess of the applicable state or federal water pollution statutes or regulations promulgated by rule thereunder.
- G. No storm water runoff, which is a result of development site design, or other manmade alternatives, shall be allowed to collect which results in water standing on the surface, unless the standing water is a part of a properly managed and maintained storm water retention system, sediment pond; or the standing water is in a natural wetland or water body.

[Annotation: Section is changed by amendment, effective March 20, 1998.]

[Annotation: Section is changed by amendment, effective March 20, 1998.]

The Administrator shall enforce this section by cooperating with and reporting suspected violations to the respective enforcement agency(s) responsible for enforcement of the statutes, rules or ordinances cited above. The Township Board may take direct enforcement action of this section only after a finding that cooperation by the Administrator with other agencies has not been successful.

[Annotation: Section is changed by amendment, effective March 20, 1998.]

101. Environmental, Water

1010. Water Supply and Sewage Facilities

- A. A structure which is for human or animal occupancy shall be connected to a public sewer and water supply or to such private facilities in compliance with the Manistee County Sanitary Code, as amended.
- B. The Administrator shall enforce this section by cooperating with and reporting suspected violations to the respective enforcement agency(s) responsible for enforcement of the statutes, rules or ordinances cited above. The Township Board may take direct enforcement action of this section only after a finding that cooperation by the Administrator with other agencies has not been successful.

[Annotation: Section is changed by amendment, effective March 20, 1998.]

1011. Water Protection

Notwithstanding anything to the contrary contained in this Ordinance, the following provisions shall apply:

- A. No structure shall be built, located or constructed closer than one hundred (100) feet measured on a horizontal plane to the water's edge, except that for every two (2) feet of elevation above the surface of the water ten (10) feet may be subtracted from the above setback as measured on a horizontal plane to the edge of bodies of water, so long as the total set back shall not be less than fifty (50) feet measured on a horizontal plane to the edge of bodies of water in any land use district. In the event the water's edge moves landward, the setback line shall also be construed as to have moved landward a distance equal to the water's edge. In cases where parcels are smaller than the minimum parcel size allowed in the particular district so that applicable setbacks given here and in a particular district result in a building envelope less than 25 by 40

feet the Appeals Board shall grant a further reduction of side yard setback and/or a front yard setback prior to reducing the required water front setback.

- B. Within ten (10) feet of the water's edge (or landward beach/vegetation line) a vegetation belt shall be maintained by not removing trees with a three inch trunk diameter at breast height (4½ feet), or greater, unless dead or chronically diseased. Trees and other woody plant material of a smaller diameter at breast height, shall not be removed, except to prune or clear a filtered view of the water body. It shall be the landowner's responsibility to maintain this vegetation belt in a healthy state.
- C. No building or structure shall be built, located or constructed within a 100 year flood plane of any water bodies in any land use district as may be determined by the DNR or DEQ.

[Annotation: Section is changed by amendment, effective March 20, 1998.]

1012. Hazardous Substance Groundwater Protection.

- A. All businesses and facilities which use or generate hazardous substances (except (1) fuel stored in a fuel tank which is part of a motor vehicle for purposes of use by that vehicle's motor, (2) materials in a five gallon, or smaller, pre-packaged sealed containers and is for purposes of resale and located inside a retail establishment):
 - 1. in quantities greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) per month or ninety five (95) liters (approximately twenty five (25) gallons) per month, whichever is less, or
 - 2. stores greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) or ninety five (95) liters (approximately twenty five (25) gallons), whichever is less,
 shall comply with the following groundwater protection requirements.

[Annotation: Section is changed by amendment, effective March 20, 1998.]

- B. Groundwater Protection requirements:
 - 1. Groundwater Protection, generally:
 - a. The project and related improvements shall be designed to protect the natural environment, including lakes, ponds, streams, wetlands, floodplains, groundwater, street slopes, and natural and man-made drainage systems.
 - b. Stormwater management and drainage facilities shall be designed to retain the natural retention and storage capacity of any wetland, water body, or watercourse, and shall not increase flooding or the potential for pollution of surface or groundwater, on-site or off-site.
 - c. General purpose floor drains and storm drains shall be:
 - (1) connected to an on-site holding tank (not a septic tank/drain field or a dry well) in accordance with state, county and municipal requirements, or
 - (2) authorized through a state groundwater discharge permit, or
 - (3) connected to a public sewer system.
 - d. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharge to groundwater, including direct and indirect discharges, shall be allowed without appropriate state and county permits and approvals.
 - e. In determining conformance with the standards in this Ordinance, the Administrator or Commission, whichever one is applicable, shall take into consideration the publication titled "Small Business Guide to Secondary Containment; Practical Methods for Above-ground Storage and Containment of Hazardous Substances and Polluting Materials" published by the Clinton River Watershed Council, May 1990, and other references.
 - f. Out-of-service water wells shall be sealed and abandoned in accordance with applicable requirements of the Michigan Department of Public Health and the Manistee-Mason District Health Department.
 - g. If the site plan includes territory within a Wellhead Protection Overlay Zone submit a signed statement providing permission for periodic follow-up groundwater protection inspections by the Administrator, county and state officials.
 - 2. Above-ground Storage

- a. Primary containment of hazardous substances shall be product-tight containers which are protected from weather, leakage, accidental damage, and vandalism.
 - b. Secondary containment for the storage of hazardous substances and polluting materials is required. Secondary containment shall be one of the following, whichever is greatest:
 - (1) sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance, or
 - (2) shall be at least as great as volumes required by state or county regulations, or
 - (3) shall, if not protected from rainfall, contain a minimum of
 - (a) 110 percent of the volume of the largest storage container within the dike of the secondary containment area, plus
 - (b) the volume that is occupied by all other objects within and below the height of the dike of the secondary containment area plus
 - (c) the volume of a 6 inch rainfall.
 - c. Secondary containment structures such as out buildings, storage rooms, sheds and pole barns shall not have floor drains which outlet to soils, groundwater, or nearby drains or rivers.
 - d. Areas and facilities for loading/unloading of hazardous substances and polluting materials, as well as areas where such materials are handled, stored or used, shall be designed and constructed to prevent discharge or runoff to floor drains, rivers, lakes, wetlands, groundwater or soils.
 - e. At a minimum, State of Michigan and Federal agency requirements for storage, leak detection, record keeping, spill prevention, emergency response, transport and disposal shall be met.
 - f. Bulk storage of pesticides shall be in accordance with requirements of the Michigan Department of Agriculture.
3. **Underground Storage**
- a. Underground storage tank installation, operation, maintenance, closure and removal shall be in accordance with the requirements of the State Police Fire Marshal Division and the DEQ.
 - b. Bulk storage facilities for pesticides and fertilizers shall be in compliance with requirements of the Michigan Department of Agriculture.

[Annotation: Entire section added by amendment adopted February 8, 1995.]

102. Environmental, Solid Waste

1020. Waste Accumulation and Outside Storage

- A. It shall be unlawful for any person to accumulate junk on any land except in a permitted junkyard or licensed sanitary landfill or as allowed by Township ordinance.
- B. No sewage, waste water or water containing foreign substances shall be deposited or drained into any water bodies unless the same has first been approved by state and county health authorities.
- C. The provisions of this section are not to be deemed to prohibit storing or spreading of manure, fertilizers, or other soil conditioners as part of a permitted farm, forestry or home garden or lawn operation, botanical and zoological gardens [84], parks.

104. Parcel and Setback Regulations

1040. Height

- No building or structure or part thereof shall be erected or altered to a height exceeding thirty five (35) feet, except
- A. that non-dwelling buildings or structures other than accessory buildings or structures, may be erected or altered to a height not exceeding fifty (50) feet.
 - B. Appendages to structures which are ornamental in purpose, such as church steeples, belfries, cupolas, domes, towers and flag poles so long as such appendages to structures do not exceed twenty (20) percent of the roof area.

C. Appendages to structures relating to its mechanical or structural functions, such as chimney and smoke stacks, water tanks, elevator and stairwell penthouses, ventilators, bulkheads, antennas and their towers.

D. Commercial free-standing towers, such as radio television, telephone antennas and their towers.

Any building or structure or part thereof may be erected or altered to any height if the building or structure includes built-in fire fighting systems on its upper floors and has alternative power or water delivery capability during a fire and if approved by the Appeals Board, pursuant to its power to grant variances or the Commission in connection with a Special Use Permit application approval. This paragraph does not apply to radio, television and telephone antenna systems and their towers.

[Annotation: Section is changed by amendment, effective March 20, 1998.]

1041. Parcel Width to Depth Ratio

Any parcel created after the effective date of this Ordinance shall not have a depth which is more than four (4) times its width.

[Annotation: Section is added by amendment, effective March 20, 1998.]

1042. Fences

Fences over six (6) feet high shall be set back the required distance for the respective land use district. Fences within the setback area shall not exceed six (6) feet in height. Fences located in the front yard and waterfront yard portion(s) of a parcel shall not exceed four (4) feet in height.

[Annotation: Section is added by amendment, effective March 20, 1998.]

105. Vehicle Access/Roads/Parking

1050. Private Roads

A. Private Roads Permitted.

- 1. Private Roads are permitted provided they conform to the requirements of this Article.
- 2. All private roads, which serve subdivisions, as defined by the Subdivision Control Act of 1967, and have received approval through the Manistee County Subdivision and Condominium Act of 1986, shall be exempt from the requirements of this Article.

B. Private Roads Standards

- 1. The creation of a private road that serves a parcel, a division of land, or a development shall meet or exceed the construction standards established by the Manistee County Road Commission for public roads.
- 2. All private roads shall have a minimum right-of-way easement of at least sixty-six (66) feet, or the current Manistee County Road Commission designated right-of-way width, whichever is greater.
- 3. No structure or development activity shall be established within the approved rights-of-way or easements.
- 4. All private road easements shall contain provisions for the placement of public utilities, including but not limited to:
 - a. Telephone Lines
 - b. Electrical Lines
 - c. Cable Television Lines
 - d. Natural Gas Lines
 - e. Municipal Water Lines
 - f. Municipal Sewer Lines
 - g. Street Identification and traffic direction signs

C. Maintenance Agreement

- 1. Continued maintenance of private roads shall be the responsibility of the property owner(s) served by the private roads.
- 2. Prior to issuance of land use permits, said property owner(s) shall enter into a legally binding Private Road Maintenance Agreement.
- 3. Upon execution, the Private Road Maintenance Agreement shall be recorded with the Township Clerk and Manistee County Register of Deeds.
- 4. At a minimum, the Private Road Maintenance Agreement shall contain the following:

- a. **Maintenance Costs:** The Private Road Maintenance Agreement shall acknowledge that the road surface and easement areas are privately owned, and therefore all construction, improvements, and maintenance within the easement will be contracted and paid for by the signatories to the Agreement. The Agreement shall set forth a workable method of apportioning maintenance costs.
- b. **Township and County Not Responsible:** The provisions in the Private Road Maintenance Agreement shall be written so that no provision shall be construed to obligate the Township or the County to perform regular inspections of the easement area or to provide necessary repairs or maintenance and furthermore the Township shall be held harmless as to liability.
- c. **Maintenance Needs:** The Private Road Maintenance Agreement shall acknowledge the responsibility of the signatories to the Agreement to maintain the following:
 - i. Surface grading and resurfacing at regular intervals.
 - ii. Snow and ice removal.
 - iii. Repair of potholes.
 - iv. Maintenance of road drainage systems.
 - v. Regular cutting of weeds and grass within the easement.
 - vi. Replacement or reconstruction of the roadway and all related improvements, such as road base, road surface, culverts, bridges, catch basins, drains, and traffic signs.
- d. **Continuing Obligation:** The Private Road Maintenance Agreement shall specify that the obligation to maintain the easement shall be an obligation running with the land to be served by the private road, and shall be binding upon the owner(s) of such land and their heirs, successors, and assigns.
- e. **Township Intercession:** The Private Road Maintenance Agreement shall permit the Township to maintain, repair, and take possession of the private road if, in the sole opinion of the Township Board:
 - i. A health or safety hazard exists,
 - ii. Or, if the Township determines that no other feasible means of maintenance is likely to exist.
 - iii. The Township may charge the property owners with all costs associated with such maintenance according to the apportionment sections of the Private Road Maintenance Agreement.
- f. **Designated Contact:** The Private Road Maintenance Agreement shall specify an individual to serve as the property owner(s) contact with the Township.

[Annotation: Section is changed by amendment, effective March 20, 1998.]
[Annotation: Section amended July 9, 2003; effective August 11, 2003.]

1051. Traffic Visibility at Corners

- A. No use, structure or plant material, such as parking spaces, fences, signs, berms, hedges, or planting of shrubs, which obstructs safe vision at a road corner, shall be located, erected or maintained within a triangular area formed by the greater of the three following described triangles:
 - 1. Two sides of the triangle are formed by lines extending from a point "A" at the intersection of centerline of the two roads the distance specified in section 1051.B of this Ordinance to point "B" located on the centerline of one road and point "C" on the centerline of the other road. The third side --the setback line-- is then formed by a line extending between point "B" and point "C".

B. The distance between point "A" to point "B" and between point "A" to point "C" shall be:

	Speed (mph)	Distance (feet)
1.	10	45
2.	15	70
3.	20	90
4.	25	110
5.	30	130
6.	35	155
7.	40	180
8.	50	220
9.	60	260
10.	70	310

C. The setbacks required in this section may be modified by the Appeals Board based on geometric design and other traffic controls at the particular intersection and only after consultation with, and following the advice of, a traffic engineer, Manistee County Road Commission or other qualified professional.

[Annotation: Section is changed by amendment, effective March 20, 1998.]

1052. Vehicular Parking Space and Access

A. For each principal building or establishment hereafter erected or altered and located on a public road in any land use district, including buildings and structures used principally as a place of public assembly, there shall be provided and maintained suitable space off the public right-of-way which is adequate for the parking or loading of motor vehicles in the proportions shown below. The parking spaces called for hereunder shall be considered minimum requirements under this Ordinance and in the case of more than one use on a parcel, the minimum shall be the sum of the required parking for each use:

1. Dwellings, Duplexes and Apartment Buildings: Two (2) parking spaces for each family unit occupying the premises.
2. Hotels and other Lodging Places [70]: One (1) parking space for every three (3) spaces of legal sleeping capacity.
3. Nursing and Personal Care Facilities [805], Hospitals [806]: Institutions of a Similar Nature: One (1) parking space for each four (4) beds, plus one (1) space for each doctor.
4. Motion Picture Theaters [783]; Amusement and Recreation Services [79]; Membership Organization's [86] halls; Public Administration [J] halls/meeting centers; Theaters; Auditoriums and any other places of public assembly: One (1) parking space for each four (4) seats of legal capacity.
5. Offices; Finance, Insurance, and Real Estate [H]; Offices of Physicians, Dentists, Osteopathic Physicians and other health practitioners [801-804]; Legal Services [81]; Social Services [83]; Miscellaneous Services [89]; Public Administration [J]: One (1) parking space for every two hundred (200) square feet of floor area; provided, however, that doctors' offices and clinics shall also be provided with three (3) spaces for each doctor employed in the building.
[Annotation: Division is changed by amendment, effective March 20, 1998.]
6. Eating and Drinking Places [58]: One (1) parking space for each three (3) seats of legal capacity.
7. Any other Retail Trade [G]: One (1) parking space for each one hundred (100) square feet of floor area.
8. Any other Services [I]: One (1) parking space for each two hundred (200) square feet of floor area.

B. In addition to the above requirements, parking space in the proportion of one (1) space for every two (2) persons employed at the establishment shall be provided. Where no specific requirement is designated for other businesses, parking space which is adequate shall be provided. Adequacy of parking shall be based upon the anticipated intensity of use of the business establishment by patrons and employees and by reference to the standards contained in Section 1052.A. The Zoning Administrator shall establish the number of parking spaces required in the Land Use Permit.

C. A parking space shall be a minimum area of ten (10) feet by twenty (20) feet, with center and cross aisles in the parking lot being a minimum of twenty (20) feet wide.

[Annotation: Sub-section is changed by amendment, effective March 20, 1998.]

- D. Approval for location of all exits and entrances shall be obtained from the Manistee County Road Commission for all roads. Such approval shall also include the design and construction thereof in the interests of safety, adequate drainage and other public requirements.
- E. Parking areas required under this section, and publicly owned parking lots, shall not be used for the storage or continuous parking of recreational vehicles, trailers, motor vehicles without a current license plate, and junk for more than a twenty-four (24) hour period.

[Annotation: Subsection E is added by amendment, effective March 20, 1998.]

106. Aesthetics, Signs

1060. Signs

- A. The number and size of signs may be distracting to motorists and pedestrians, can create a traffic hazard. The number and size of signs can also reduce the effectiveness of signs needed to direct the public and may mar the appearance of the landscape. The provisions of this section are intended to apply the minimum amount of regulation in order to avoid the problems stated above.
- B. No signs or any commercial messages, except ones which advertise some product, service, activity, event, person, institution or business, or the sale or rental of such premises,
 - 1. located on the parcel where the sign is located and,
 - 2. for businesses located within Dickson Township, at a maximum of four (4) other locations in the Township if with the permission of the landowner on which the sign is located, and
 - 3. are a permitted or special use in that district.
 shall be permitted in any zoning district established by this Ordinance. Any structure formerly used as a sign, and not in use for any other purpose for more than thirty (30) days after its use for a sign has ceased, shall be removed.

[Annotation: Subsection is changed by amendment, effective March 20, 1998.]

- C. Section 1060.A and section 1060.B of this Ordinance does not apply to any sign which is:
 - 1. not visible to motorists or pedestrians on any road, alley, water body, public lands, or adjacent parcels;
 - 2. that is a specific information panel for the direction of motorists which may be located, under authority of any statute, on any county, city, village road; state and federal highway;
 - 3. permitted and regulated with home occupations, in section 1083 of this Ordinance;
 - 4. a political message directly associated with a campaign on a pending ballot issue or candidate during a period of the political campaign prior to the election, nor more than ten (10) days after the election;
 - 5. ten (10) square feet in display surface area for sale or rent of a parcel;
 - 6. temporary personal property sales in a residential district.

[Annotation: Division 5 is changed by amendment, effective May 10, 2000.]

[Annotation: Division 6 is changed by amendment, effective March 20, 1998.]

- D. No sign advertising the sale or rental of property shall be placed or installed in the Township if the display surface area exceeds sixteen (16) square feet.

[Annotation: Section D is changed by amendment, effective May 10, 2000.]

- E. The sign display surface area of all other signs, except those pertaining to home occupations, pursuant to Section 1083 D. of this ordinance, shall not exceed thirty-two (32) square feet, or twenty percent (20%) of the wall area, nor twenty percent (20%) of the height of the side of the building, whichever is greater.

[Annotation: Section E is changed by amendment, effective May 10, 2000.]

1061. Sex-oriented Businesses

- A. Purpose: It is recognized there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of surrounding neighborhoods. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area.
- B. A Sex-Oriented Business, in addition to all other applicable standards and regulations of this Ordinance, shall not be located closer than:

1. Five hundred (500) feet from a dwelling, duplex, or apartment building.
 2. One thousand (1,000) feet from Camps and Trailer Parks [703]; Campground; Amusement and Recreation Services [79]; Educational Services [82]; Museums, Art Galleries, Botanical and Zoological Gardens [84]; Religious Organizations [866]; Parks-Outdoor Recreation establishments; and other Sex-Oriented Businesses.
- C. A Sex-Oriented Business shall be conducted entirely within an enclosed building, so no activity can be seen from a road or from the property line.
- D. A Sex-Oriented Business shall not have more than one sign, section 1060 and other sign regulations contained in this Ordinance notwithstanding, which shall be affixed to the building in which the Sex-Oriented Business is located within, flush, flat against the side of said building or painted on the side of said building. The sign shall not contain any graphics or drawings, but shall be limited to display of block lettering of various sizes to state the name of business and type of business. The sign shall not exceed five (5) feet in height and seven (7) feet in length and the top of the sign shall not be more than 10 feet higher than the ground.

107. Structure Regulations

1070. Temporary Dwellings

- A. No person shall use or permit the use of any temporary dwelling or "trailer" as defined in this Ordinance as a principal or seasonal dwelling on any site, lot, field, parcel or tract of land, except:
1. As temporary quarters during the construction and installation of a dwelling conforming to Section 1080 of this Ordinance when the following conditions are met:
 - a. The location of the temporary dwelling or trailer shall comply with all setback requirements of this Ordinance.
 - b. The use of the temporary dwelling or trailer shall not be contrary to the public health, safety or welfare.
 - c. The use of the temporary dwelling or trailer shall be limited to twelve (12) months beginning with the issuance of a permit. The permit may be renewed for not more than twelve (12) months at a time upon approval of the administrator for good cause shown.
 2. As part of a campground licensed by the Michigan Department of Public Health.
 3. As temporary recreation on a non-commercial/no rental basis by tourists, campers and sportsmen on public land where such activity is allowed by state or federal regulations or on one's own land not to exceed a period of sixty (60) days in a calendar year.
 4. Storage of temporary dwellings, recreational vehicles, trailers, etc. shall:
 - a. only be on a parcel on which exists a principal dwelling and;
 - b. inside a building or in the rear or side yard of the owner's dwelling; and
 - c. set back the required distance for the respective land use district, unless stored on a gravel or paved driveway; and
 - d. screened from view from the side and front property line.

Unoccupied parking or storage of temporary dwellings on a road or front yard is prohibited.
[Annotation: Division is added by amendment, effective March 20, 1998.]
- B. If electric service is to be provided to the parcel, then anything else in this section notwithstanding, the trailer or temporary dwelling shall be considered a permanent structure which shall comply with section 1080, or shall not be permitted on the parcel.
[Annotation: Sub-section is added by amendment, effective March 20, 1998.]
- C. If a trailer or temporary dwelling is on a parcel on the effective date of this ordinance, the use of the temporary dwelling or trailer may continue, until replaced or removed from the parcel. If replaced, section 8001 *et. seq.* of this Ordinance notwithstanding, the trailer or temporary dwelling shall comply with section 1070.A or 1070.B. of this ordinance.
[Annotation: Sub-section is added by amendment, effective March 20, 1998.]

1071. Location of Accessory Buildings and Structures

- A. All accessory buildings and structures shall be located:

1. in the side yard or rear yard if in the Residential or Commercial-Residential districts,
 2. in any yard when built as part of the main building,
 3. in any yard if in the Forest Preservation or Agricultural Residential districts, and
 4. in the side or front yards if built on a parcel which abuts water bodies in any zoning district not withstanding anything else in this section.
- B. An accessory building attached to the principal building of a parcel shall be made structurally a part thereof, and shall comply in all respects with the requirements applicable to the principal building.
- C. An accessory building and structure, unless connected with a roof at least four (4) feet wide attached and made part of the principal building as provided, shall not be closer than ten (10) feet to the principal building, and shall meet all setback requirements of the district in which it is to be erected, moved, altered or used.

[Annotation: Section is changed by amendment, effective March 20, 1998.]

1072. Communication Tower Facilities (Permitted Use)

- A. Wireless Communication Facilities may locate in any zoning district, as a permitted use, if
1. Located on an existing building or structure, or is otherwise hidden from view by being incorporated in an existing building, or if it co-locates on an existing tower, and the proposed height does not require lighting by FCC and/or FAA regulations, and
 2. Shall be removed and the site restored to its original condition by the property owner or lessee within ninety (90) days of being abandoned (no longer used).
 3. Shall be so constructed and placed that there is no danger of the structure falling on adjacent properties or off premises electric power lines and further the operation of any such facilities shall not interfere with normal radio/television reception in the area.
- B. Any other private or individual television/radio reception tower shall be so constructed and placed that there is no danger of the structure falling on adjacent properties or off premises electric power lines and further the operation of any such facilities shall not interfere with normal radio/television reception in the area.

[Annotation: Section added by amendment, effective May 10, 2000.]

108. Dwelling/Residential Standards

1080. Dwellings

No person shall use, occupy or permit the use or occupancy of a structure as a dwelling, or duplex, which does not comply with dwelling standards of this Ordinance, or standards of the State of Michigan and United States Department of Housing and Urban Development, whichever is applicable, within any district, except in a designated mobile home park, and except as hereinafter provided. All dwelling structures shall comply with the following minimum standards:

- A. No dwelling shall hereinafter be erected which shall have less than six hundred (600) square feet of core living area and has a minimum width twenty (20) feet across any front, side or rear elevation including a minimum height of seven and one-half (7 ½) feet in all habitable rooms.

[Annotation. Section amended July 9, 2003; effective August 11, 2003.]

- B. A dwelling or duplex shall comply in all respects with the Michigan State Construction Code (hereafter "Construction Code"), including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Construction Code, then and in that event such federal or state standard or regulation shall apply.
1. Foundations: Dwellings and duplexes shall be firmly attached to a permanent foundation constructed on site in accordance with said Construction Code and shall have the same perimeter dimensions of the dwelling, except cantilevers, and constructed of such materials and type as required in the said Construction Code for dwellings, or, in the case of mobile homes, that dwelling shall be installed pursuant to the manufacturer's set-up instructions and shall be secured to the foundation by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission or said Construction Code, whichever is stricter, and with the wheels removed and shall not have any exposed towing mechanism, undercarriage or chassis;
 2. Framing: Dwelling and duplex framing structural, insulation shall comply with the said Construction Code, or in the case of mobile homes, shall comply with the "mobile home construction and safety standards" as promulgated by the United States Department of Housing

and Urban Development, being 24 CFR 3280, as amended, and which bears a HUD seal or certification by a certified inspector signifying inspection and compliance with the same;

3. When finished dwellings and duplexes shall comply with the said Construction Code.
- C. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- D. It shall contain only additions or rooms or other areas which are constructed with similar quality workmanship as the original structure. Further, it shall include permanent attachment to the principal structure as long as such attachment does not include a bearing load on a mobile home.
- E. The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to ten (10) percent of the square footage of the dwelling or one hundred (100) square feet, whichever shall be less.
- F. The foregoing standards shall 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 in this Ordinance pertaining to such parks.
- G. All construction required by this section are commenced only after a construction permit has been obtained in accordance with the applicable construction code provisions and requirements.

[Annotation: Section is changed by amendment, effective March 20, 1998.]

1081. Second Dwelling on a Parcel

- A. A second dwelling that is otherwise not permitted under this Ordinance, will be allowed. Those circumstances are to recognize the need for extended family to take residence near the home of the relative but in separate living quarters due to age, illness, or handicap which prevents them from caring for themselves. If allowed, the second dwelling must still protect the character of the single family neighborhood.
- B. A second dwelling may be placed on the same parcel where a dwelling already exists if all the following conditions are met:
 1. The application for a use permit shall include a site plan, pursuant to section 9401, *et. seq.*
 2. The second dwelling shall comply with all applicable construction, height, yard and setback regulations of this Ordinance. The Appeals Board shall not grant variances to construction, minimum size, height, yard and setback regulations of this Ordinance to the principal and second dwellings when both are located on the same parcel.
 3. The minimum parcel size shall be twice the minimum parcel size required for a dwelling in the respective district.
 4. The distance between the principal and second dwelling shall be equal to twice the side yard setback required in the respective district.
 5. The second dwelling shall be located in the rear yard.
 6. The dwelling is on a parcel with frontage on a public road, with a driveway adequate to provide off-road parking for two dwellings (at least, but not limited to, three parking spaces), which has access to public road or alley.
 7. Occupancy of a second dwelling shall be only by family members or extended family members and who are:
 - a. over 65 years old, or
 - b. handicapped,
 and not able to take care of themselves.
 8. The design of the second dwelling shall be a moveable structure and shall be temporary, to be immediately removed when no longer occupied by qualified resident (see 1081.B.7). Before a permit is issued, the applicant shall provide security pursuant to section 9413 to cover removal costs.

[Annotation. Subsection amended July 9, 2003; effective August 11, 2003.]

9. The application shall include a written medical doctor or Community Mental Health professional or judge statement that the individual is handicapped or elderly and not able to fully take care of themselves.

C. The permit, when issued, shall indicate it is a temporary permit and not transferable to another individual.

[Annotation: Section is added by amendment, effective March 20, 1998.]

1082. Additional Living Unit in Dwellings.

- A. This section is to recognize there are many large, older homes which are expensive to keep up and recognize the desire to attempt to maintain these homes by use of a minor amount of space for an additional living quarter, while also recognizing there is desire for extended members of family to take residence in the same home, but in separate living quarter, while always protecting the character of the dwelling and a single family neighborhood.
- B. Regardless of regulations elsewhere in this Ordinance, one additional living unit may be permitted in a dwelling if the following conditions are met:
 1. The application for a use permit shall include a site plan, pursuant to section 9401, *et. seq.*
 2. The dwelling has more than one thousand six hundred (1,600) square feet living area.
 3. The additional living unit is rented by the month, or sold, or leased, so the tenants or owners are permanent residents rather than transients.
 4. The dwelling is 25 years, or more, old.
 5. No additional rooms may be added to the dwelling to accommodate the additional living unit.
 6. The additional living unit is six hundred (600) square feet, or less, so that the additional living unit remains an accessory use to the dwelling, and does not result in the creation of a duplex or apartment building.
 7. Only one front entrance shall be visible from the front yard, so there is no external evidence of occupancy by more than one family.
 8. The dwelling is serviced by water and sewer.
 9. The on-site-septic system capacity is found to be adequate by the Manistee-Mason District Health Department, in writing.
 10. The additional living unit is approved by the Construction Code Inspector, in writing.
 11. The dwelling is on a parcel with frontage on a public road, with a driveway adequate to provide off-road parking, which has access to a public road or alley.

[Annotation: Section is added by amendment, effective March 20, 1998.]

1083. Home Occupations

Home occupations shall not be allowed in any zoning district except as hereinafter provided:

- A. The home occupation(s) takes place in a dwelling owned by the resident, or the landlord co-signs the home occupation permit application with the resident-tenant, and where the resident engaging in the home occupation lives on a full time basis.
- B. The home occupation(s) shall be accessory to the residential use of the property.
- C. The activities and carrying on of the home occupation shall be operated in such a manner that other residents of the area, under normal circumstances, would not be aware of the existence of the home occupation.
- D. The home occupation(s) shall be conducted entirely within the enclosed dwelling or auto garage accessory to the house with no external evidence of activity except for a sign with a display surface area that shall not exceed sixteen (16) square feet in size and located on the parcel where the home occupation exists.

[Annotation: Section D changed by amendment, effective May 10, 2000.]

- E. The home occupation(s) shall not involve the
 1. generation of any hazardous waste as defined in Article II Chapter 3 Part 111 of P.A. 451 of 1994, as amended, (being the Hazardous Waste Management part of the Natural Resources and Environmental Protection Act, M.C.L. 324.11101 *et. seq.*), or
[Annotation: M.C.L. 324.11101 *et. seq.* is formerly P.A. 64 of 1979 (being M.C.L. 299.501 to 299.551, the Hazardous Waste Management Act).]
 2. use of materials which are used in such quantity, or are otherwise required, to be registered pursuant to the Code of Federal Regulations, Title 29, Chapter XVII, part 1910(2), except this provision shall not apply to material purchased retail over the counter for household cleaning, lawn care, operation of a photocopy machine, paint, printing, art and craft supplies or heating fuel.

- [Annotation: Subsection is changed by amendment, effective March 20, 1998.]

F. The home occupation shall employ no one at the residence except those who live there.

[Annotation: Subsection is added by amendment, effective March 20, 1998.]
- G. No additional rooms or accessory structures may be added to the dwelling to accommodate the home occupation.**

[Annotation: Subsection is added by amendment, effective March 20, 1998.]
- H. Home occupation is listed as a permitted use in the respective district.**

[Annotation: Subsection is added by amendment, effective March 20, 1998.]

ARTICLE 16: SPECIAL USE SPECIFIC STANDARDS

1601. Purpose

In addition to general special use standards (section 8608 of this Ordinance) there are specific standards for Special Uses. The specific standards for determining if the following types of Special Use Permits are to be granted or not are provided in this Article.

1602. Any in Big Manistee River Corridor District

For all special uses in the Big Manistee River Corridor District:

- A. Shall be located more than one hundred (100) feet from the Big Manistee River, Big Bear Creek and associated wetlands.
- B. Any parking, camping, playground or other structures shall be located on existing dry land within portions of the district.
- C. The proposed use shall not require fill in wetland portions of the district, but may include fill on dry land portions of the district.
- D. Minimum land area for the use is large enough, and under one ownership, to accommodate the proposed uses and structures without endangering or compromising the intent and purpose of this district.
- E. Adequate measures have been taken in design and site plan to insure protection of the wetland area for the purposes and intent of this district.

[Annotation: Section is changed by amendment, effective March 20, 1998. Changed reflect that dwellings are no longer considered special uses in the Big Manistee River Corridor District.]

1603. Campgrounds

For Campgrounds:

- A. the location of a campground shall front on a public road or the developer shall agree to provide the funds to upgrade or will upgrade a private road to a public road.
- B. the campground shall conform to all applicable regulations of any rules promulgated by the Michigan Department of Health under authority of sections 1201 *et. seq.* of P.A. 368 of 1978, as amended, (being the Michigan Health Code, M.C.L. 333.1201 *et. seq.*).
- C. the application for a zoning Special Use Permit for a campground shall contain all the elements and parts which are required by the Health Department for a campground license under authority of sections 12501 to 12516 of P.A. 369 of 1978, as amended, (being the Michigan Health Code, M.C.L. 333.12501 *et. seq.*), in addition to the Special Use Permit application requirements presented in this Ordinance.
- D. the minimum parcel area shall be 2,000 square feet for each proposed campsite.
- E. Campsites in the campground shall be only rented on a day(s), week, or month basis, but not on a permanent basis.
- F. management headquarters, recreation facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to the operation of a campground are permitted as accessory uses provided:
 1. such establishments and the parking area primarily related to their operations shall not occupy more than ten (10) percent of the campground.
 2. They comply with all other statutes and provisions of this ordinance.
- G. no campsite shall be located so any part intended for sleeping purposes is within one hundred (100) feet of the right-of-way line of a road. Setback spaces may be reduced if occupied by plant material and/or a berm. In no case shall the setback be less than 40 feet, and allowed only in instances when screening is an opaque fence or berm. In all cases, plant materials shall be maintained in a setback area. Plant materials shall be of sufficient size when installed to assure immediate and effective screening of the campground from adjacent roads and properties. The plans and specifications for a campground shall include the proposed arrangement of such plantings.

[Annotation: Section is added by amendment, effective March 20, 1998.]

1604. Mobile Home Parks

For Mobile Home Parks:

- A. The location of a mobile home park shall front or have public access to an existing paved or blacktopped surfaced county road, existing state trunkline, existing county primary road or the developer shall agree to provide the funds to upgrade or will upgrade an existing county or private road to a county road which is paved, blacktopped, or to a county primary road.
- B. The mobile home park shall conform to all applicable regulations of the Michigan Mobile Home Commission Rules promulgated by the Michigan Mobile Home Commission under authority of, P.A. 419 of 1976, as amended, (being the Mobile Home Commission Act, M.C.L. 125.1101 *et. seq.*), and thus mobile homes which locate within said mobile home park shall be exempt from Dwelling Regulations, above.
- C. The mobile home park shall provide at least two (2) 'entrances/exits' to a state trunkline or county road.
- D. The application for a zoning Special Use Permit for a mobile home park shall contain all the elements and parts which are required by the administrative rules of the Michigan Mobile Home Commission promulgated pursuant to P.A. 419 of 1976, as amended, (being the Mobile Home Commission Act, M.C.L. 125.1101 *et. seq.*), for an application for license to operate a mobile home park in addition to the Special Use Permit application requirements presented in this Ordinance.

1605. Mining

For mining operation of a duration of more than two (2) years:

- A. A map and/or aerial photograph of the property which shall indicate:
 - 1. Proposed location, aerial extent, and depth of intended mine excavation;
 - 2. Proposed location of the mine, waste dumps, tailing ponds, sediment basins, stockpiles, structures, roads, railroad lines, utilities or other permanent or temporary facilities used in mining.
 - 3. Estimated depth to groundwater.[Annotation: Subsection is changed by amendment, effective March 20, 1998.]
- B. A description of the mining and processing equipment to be used;
- C. A description of measures to be taken to control noise and vibrations from the operation;
- D. A description of measures to be taken to screen the operation from view;
- E. Proposed primary travel routes to be used to transport the mined material to processing plants or markets away from the property;
- F. A description of the plans for topsoil storage;
- G. A reclamation plan which shall include:
 - 1. A map or plan and description of the proposed reclamation including grading, final slope angles, highwall reduction, benching and terracing of slopes, slope stabilization and vegetation where applicable, and erosion control, and alternative future land uses;
 - 2. Description of topsoil stripping and conservation during storage and replacement;
 - 3. Plan and description of anticipated final topography, water impoundments, and artificial lakes on the property;
 - 4. Description of plans for disposition of surface structures, roads, and related facilities after cessation of mining;
 - 5. A plan for disposal or treatment of any harmful or toxic materials found in any formations penetrated by the mining operation or produced during the processing of minerals on the affected land, and of chemicals or materials used during the mining or processing operations;
 - 6. The estimated cost of reclamation for the total project;[Annotation: Subsection is changed by amendment, effective March 20, 1998.]
- H. A statement in writing and adequate evidence to indicate the duration of the operation in years;
- I. A timetable of the commencement, duration and cessation of mining operations;
- J. All mining permits held by the applicant within the state.

1606. Temporary mining

For mining on a temporary (two (2) or fewer years) basis:

- A. As may be required by the Commission, a map and/or aerial photograph of the land with any or all of the information as listed in section 1605, relating to requirements for maps and/or aerial photographs for regular mining Special Use Permits;

- B. As may be required by the Commission, any or all of the information listed in section 1605, relating to requirements for information for regular mining Special Use Permits.

1607. Manufacturing, Trucking and Warehousing

For Manufacturing [D] and Trucking and Warehousing [42]:

- A. The use and associated activity is carried on entirely within an enclosed building, and, if there is a yard work area and storage area, it shall be enclosed as specified below. Whenever the Manufacturing [D] and Trucking Warehousing [42] property boundary is contiguous to a road, a water body, and another type of land use, then along that property boundary there shall be:
 - 1. a solid wall six (6) feet, or more, high or
 - 2. a berm six (6) feet, or more, high or
 - 3. a buffer area of fifty (50) feet back, or
 - 4. a proportionately adjusted combination of the above.
- B. Odor shall not be detectable by normal human senses under normal operational circumstances at a distance of six hundred (600) feet from the manufacturing [D] and trucking and warehousing [42] establishment.
- C. Noise shall not be over 60 decibels at the parcel boundary.
- D. A pollution incident prevention plan, if required by state or federal regulation, and fiscal impact study may be required by the Commission to obtain additional information needed to make a determination of compliance with the standards, requirements and purposes of this Ordinance.
- E. Upon review of the Special Use Permit application, the Commission may require upgrading of roads from the proposed establishment to the closest road already constructed to adequately service anticipated traffic. Upon mutual agreement between the Commission and applicant, upgrading of road(s) to a more distant road already constructed to adequately service anticipated traffic may be required. The cost of upgrading of roads shall be the responsibility of the applicant unless a cost sharing agreement is mutually agreed to between the applicant, Township Board and Manistee County Road Commission.

[Annotation: Section is added by amendment, effective March 20, 1998.]

1608. Junkyards

For junkyards [5015 and 5093]:

- A. Has a Michigan Sales Tax license;
- B. Has records of sales and other transactions which are required by, and whose business falls under the jurisdiction of, P.A. 350 of 1917, as amended, (the Second Hand Junk Dealers Act, being M.C.L. 445.401 *et. seq.*)
- C. Shall be designed to comply with one of the following:
 - 1. Shall be set back from parcel boundaries at least 300 feet. Shall be set back 300 feet from a road right-of-way or 333 feet from the centerline of a road, whichever is greater.
 - 2. Shall have a buffer area to screen it from view from a road and from adjacent parcels by means of an opaque fence, vegetation, earth berm, or another form of screening, or a combination of the above; or
 - 3. Shall not be visible from a road or from adjacent parcels.
- D. Shall be set back from parcel boundaries at least 100 feet. Shall be set back 100 feet from a road right-of-way or 133 feet from the centerline of a road, whichever is greater.
- E. Shall be designed and operated so noise, under normal operational circumstances, shall not be over 60 decibels at the boundary of the parcel and the nearest road right-of-way line.
- F. Shall comply with P.A. 219 of 1966, as amended, (being the Control of Junkyards Adjacent to Highways Act, M.C.L. 252.201 *et. seq.*); P.A. 350 of 1917, as amended, (being the Second Hand Junk Dealers Act, M.C.L. 445.401 *et. seq.*); Article II Chapter 3 Part 115 of P.A. 451 of 1994, as amended, (being the Solid Waste Management part of the Natural Resources and Environmental Protection Act, M.C.L. 324.11501 *et. seq.*) and, if applicable Township licensing of junk yards.
- G. Shall not operate a landfill, as defined in Article II Chapter 3 Part 115 of P.A. 451 of 1994, as amended, (being the Solid Waste Management part of the Natural Resources and Environmental Protection Act, M.C.L. 324.11501 *et. seq.*), as an accessory function to a junkyard.

[Annotation: M.C.L. 324.11501 *et. seq.* is formerly P.A. 641 of 1978, as amended, (being the Solid Waste Management Act, M.C.L. 299.401 *et. seq.*)]

[Annotation: M.C.L. 324.11501 *et. seq.* is formerly P.A. 641 of 1978, as amended, (being the Solid Waste Management Act, M.C.L. 299.401 *et. seq.*)]

H. The parcel boundary shall be more than 1,000 feet from a school, campground, or park.

[Annotation: Section is added by amendment, effective March 20, 1998.]

1609. Central Production Facility and Sweetening Plants

For central production facility and sweetening plants:

- A. A central production facility shall be isolated from existing residents, commercial, manufacturing establishments; wetlands, surface water, a minimum of six hundred (600) feet. A sweetening plant shall be isolated from existing residents, commercial, manufacturing establishments; wetlands, surface water, of a minimum of one thousand three hundred (1,300) feet.
- B. Placement of the central production facility and sweetening plants shall be so that no subdivisions, apartment buildings, residential developments, mobile home parks, or other land uses that result in a dense population are within two thousand six hundred (2,600) feet.
- C. The maximum density of central production facilities and sweetening plants shall not be more than one per square mile of land. A central production facility or sweetening plant shall not be within four miles of another central production facility or sweetening plant, respectively, and shall be designed to service all oil and gas wells anticipated that are expected to need such service within a two mile radius. If upon documentation by the application that
 - 1. an existing central production facility or sweetening plant located within the same section of land or within two miles is being operated at capacity and can not be feasibly expanded,
 - 2. and can not be expanded or modified to accept oil or gas from the applicant's wells,
 - 3. and that the owners of the existing central production facility or sweetening plant refuse, after reasonable offers and negotiations of terms have been made, to share central production facilities or sweetening plants to service the applicant's wells, then the Planning Commission may act to waive the density standard given here.
- D. The applicant for a central production facility and sweetening plant shall hold an interest ownership in the parcel of land, or life-time lease for use of the parcel of land, on which the central production facility or sweetening plant is to be situated.
- E. The sweetening plant and central production facility shall have a buffer area to screen it from view from nearby roads, residents and commercial establishments by vegetation or berm or a combination of both, placed near the property boundary of the parcel of land the sweetening plant or central production facility is located on so the perimeter road and equipment are within the vegetation/berm and adequate air circulation through the sweetening plant site is provided for. Lights installed to illuminate the site shall be shaded and/or screened by the vegetation berm or by apparatus on the light fixture so direct light is not visible beyond the parcel boundary. The sweetening plant shall comply with all applicable setbacks in this Ordinance. The sweetening plant shall be made secure so pedestrians and unauthorized persons can not gain access to the site.
- F. Emissions and/or effluent from the central production facility and sweetening plant shall meet or exceed all applicable state and federal air pollution, surface and groundwater quality standards. A sweetening plant shall be fitted with a warning siren audible for one mile in all direction on a calm day which is triggered to sound when concentrations of hydrogen sulfide exceeds two hundred (200) parts per million within the plant site. The siren shall be periodically tested on a regular basis during the life of the plant. All solid wastes from the site shall be transported by a Michigan-licensed hauler to a licensed Type I or Type II landfill. No brine pits, or other earthen pits shall be allowed as part of the plant. Steel tanks shall be used instead.
- G. Odor from the central production facility sweetening plant shall not be detectable by normal human senses under normal operational circumstances at a distance of six hundred (600) feet from the central processing facility and one thousand three hundred (1,300) feet from the sweetening plant.
- H. Noise shall not be over 50 decibels at a distance of six hundred (600) feet from a central production facility and one thousand three hundred (1,300) feet from a sweetening plant.
- I. A Pollution Incident Prevention Plan is filed with the Commission as part of the special use permit application and is approved by
 - 1. the Dickson Township Fire Chief,
 - 2. the Manistee County Emergency Services Coordinator,
 - 3. Michigan State Police Fire Marshal,

- 4. DEQ Geological Survey Division,
 - 5. DEQ Air Quality Division, and
 - 6. DEQ Ground Water Quality Division;
- in as much as it deals with fire, evacuation of the community, communications and warnings of incidents, and a mechanism whereby the owner/operator works with the Dickson Township Fire Department and the Manistee County Emergency Services Coordinator for periodic updating of the plan. Costs of an evacuation, fire, etc. shall be the responsibility of the owner/operator of the establishment.
- J. Upon review of the special use permit application, the Commission may require upgrading of roads from the central production facility or sweetening plant to the closest road already constructed to adequately service anticipated traffic. Upon mutual agreement between the Planning Commission and applicant, upgrading of roads to a more distant road already constructed to adequately service anticipated traffic may be required. The cost of upgrading of roads shall be the responsibility of the applicant unless a cost sharing agreement is mutually agreed to between the applicant, township board and Manistee County Road Commission.
 - K. The application for a central production facility and sweetening plant include information as to the maximum expected life of the operation of the establishment, if such an estimate is possible and a reclamation plan that includes disassembling the central production facility and sweetening plant and returning the condition of the land to its original state, or other condition acceptable for future use, when the establishment's useful life has ended; and costs for the reclamation in the year it is anticipated the reclamation would take place.
 - L. Prior to issuing a central production facility and sweetening plant Special Use Permit the owner / operator shall deliver to the Township:
 - 1. Security required for any improvements, and/or costs of reclamation shall be supplied as provided in Section 9413; and
 - 2. an agreement which provides the Township the right to inspect the central production facility and sweetening plant from time to time, and
 - 3. an agreement which obligates the owner/operator to provide the Township Supervisor a copy of all pollution incident reports within 10 days of the report being prepared for other agencies.

[Annotation: Section is changed by amendment, effective March 20, 1998. This section was applicable to sweetening plants. Change is to make this section applicable to both sweetening plants and central production facilities.]

1610. Communication Tower Facilities

- A. Communication Tower Facilities may be permitted by special use permit pursuant to Article 86 of this Ordinance provided said use:
 - 1. Shall be located centrally on a contiguous parcel of not less than one (1) times the height of the tower measured from the base of said tower to all points on each property line. The setback standard may be reduced by up to fifty (50%) percent, if the construction plan, the tower, and its guying/anchoring systems are certified by a Registered Professional Engineer as being safe from the hazard of falling onto public roads or adjoining properties.
 - 2. All guy wires/cables and anchors shall meet the zoning setback standards of the district.
 - 3. No antenna or similar sending/receiving devices appended to the tower, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the tower thereby jeopardizing the tower's structural integrity.
- B. The following standards will be required for all Communication Tower Facilities:
 - 1. Wireless Communication Facilities may be permitted if it is found that there is no reasonable opportunity to be built as a permitted use and complies with section 1040 of this ordinance. Information must be submitted to show efforts made to screen, co-locate or place such facilities on an existing structure.
 - 2. The proposed height meets FCC and/or FAA regulations.
 - 3. Towers must be equipped with devices to prevent unauthorized climbing or the base enclosed by a fence to prevent unauthorized access to the tower.
 - 4. All reasonable measures are taken to blend the tower into the landscape, including greenbelt planting and/or screening, painting and/or concealing the tower in a "stealth" design.
 - 5. New towers should be engineered as appropriate for future co-location of additional antennae.

6. Protective fencing and screening may be required to be placed around all guy wire anchor points as appropriate to the site.
7. All communication tower facilities shall be removed and the site restored to its original condition by the property owner or lessee within ninety (90) days of being abandoned (no longer used).

[Annotation: Section is added by amendment, effective May 10, 2000.]

ARTICLE 18: GENERAL ZONING DISTRICT PROVISIONS

1801. Establishment of Districts

The Township is hereby divided into the following zoning districts as shown on the Official Zoning Map:

- A. Special area districts:
 - 1. Big Manistee River Corridor
- B. Rural, agriculture and forestry districts:
 - 1. Forest Preservation
 - 2. Agricultural-Residential
- C. Residential districts:
 - 1. Residential
- D. Commercial districts:
 - 1. Residential-Commercial
- E. Industrial districts: (none)
- F. Overlay districts: (none)

1802. Provision for Official Zoning Map

For the purpose of this Ordinance the zoning districts as provided in section 1801 of this Ordinance are bounded and defined as shown on a map entitled "Official Zoning Map of Dickson Township", a copy of which accompanies this Ordinance and which, with all explanatory matter thereon, is hereby incorporated into and made a part of this Ordinance by reference.

1803. Identification of 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 Dickson Township", together with the effective date of this Ordinance.

1804. Changes to Official Zoning Map

If, in accordance with the procedures of this Ordinance and of P.A. 110 of 2006, as amended, (being the Michigan Zoning Enabling Act, M.C.L. 125.3101 *et. seq.*) a change is made in a zoning district boundary, such change shall be made by, or under the direction of, the Township Supervisor promptly after the amendment authorizing such change shall have been adopted and published.

[Annotation: A 300 by 600 foot area of land in SE¼ of the SE¼ of section 8 of T22N R14W was added to the Residential-Commercial District by amendment, adopted in June 1993.]
[Annotation: Section amended June 13, 2007; effective June 28, 2007.]

1805. Authority of Zoning Map

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the Dickson Township Hall shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building or structure in the Township.

1806. Replacement of Official Zoning Map

In the event 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 resolution authorize the transcribing and drawing of a duplicate original Official Zoning Map which shall supersede the prior Official Zoning Map. The duplicate Official Zoning Map may correct drafting or other errors or omissions on the prior Official Zoning Map, but no such correction shall have the effect of amending the Zoning Ordinance or the prior Official Zoning Map. The duplicate 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 Dickson Township duplicated on _____ which replaces and supersedes the Official Zoning Map which was adopted on _____."

1807. Rules of Interpretation

Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules of interpretation shall apply:

- A. A boundary indicated as approximately following the centerline of a highway, road, alley or easement shall be construed as following such line.
- B. A boundary indicated as approximately following a recorded parcel line or a property line shall be construed as following such line.
- C. A boundary indicated as approximately following the corporate boundary line of a city, village or Township shall be construed as following such line.
- D. A boundary indicated as following a railroad line shall be construed as being the centerline of the railroad right of way or former railroad right of way.
- E. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in a shoreline shall be construed as following the actual shoreline.
- F. A boundary indicated as following the centerline of a water body shall be construed as following such centerline.
- G. A boundary indicated as parallel to, or an extension of, a feature indicated in corrections A through F above shall be so construed.
- H. A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- I. Where a physical or cultural feature existing on the ground is at variance with that shown on the Official Zoning Map, or in any other circumstance not covered by subsections A through H above, or question in interpreting subsections A through H above, the Appeals Board shall interpret the zoning district boundary.

1808. Application of Regulations

The regulations established by this Ordinance 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 building, dwellings and structures throughout each district. Where there are practical difficulties or unnecessary hardship in the way of this Ordinance, the Board of Appeals shall have power in passing upon appeals to vary or modify any rules, regulations or provisions of this Ordinance so that the intent and purposes of this Ordinance shall be observed, public safety secured and substantial justice done.

[MODEL\ZONE10S.ANY]

ARTICLE 23 - BIG MANISTEE RIVER CORRIDOR DISTRICT

2301. Purpose

It is the intent of this district to protect the free flowing conditions of the Big Manistee River and Big Bear Creek down stream from Coates Highway in Dickson Township, to preserve the values of a natural river and its valley for present and future generations, to prevent economic and ecological damages, to prevent unwise development patterns, to prevent flood damages due to interference with the natural flood plain, to prevent development of land which is unsuited for building purposes, while at the same time to provide for residential and other permitted uses that complement the natural characteristics of the Big Manistee River, Big Bear Creek down stream from Coates Highway and their valley corridors.

2302. Permitted Uses

Only the following uses shall be permitted, by permit as specified in Section 8401 *et. seq.* of this Ordinance:

- A. Dwelling (single family).
[Annotation: Use "dwelling" was moved from a special use to a permitted use by amendment, effective March 20, 1998.]
- B. Outdoor Recreation - Parks.
- C. Forestry [08] if practiced with a forest management plan which includes safeguards for erosion prevention on slopes of the river valley and does not include clear-cutting practices and complies with setbacks in section 2304 of this Ordinance.
- D. Agricultural pasture land, livestock raising, cropland and cultivated tree farms if practiced with a management plan which includes safeguards for erosion prevention on slopes of the river valley and complies with setbacks in section 2304 of this Ordinance.
[Annotation: Subsection is changed by amendment, effective March 20, 1998.]
- E. A single dock per parcel which complies with state regulations.
[Annotation: Use added by amendment, effective March 20, 1998.]

2303. Special Uses

Only the following uses shall be permitted, by special use permit as specified in Section 8601 *et. seq.* of this Ordinance:

- A. Campgrounds.
- B. Accessory Buildings, structures and uses to the above and to any permitted uses listed in Section 2302 of this ordinance.

2304. Regulations and Standards

The following regulations shall apply to permitted uses and special uses in all the Big Manistee River Corridor District.

- A. Parcel Area - No building or structure shall be established on any parcel less than ten (10) acres in area.
[Annotation: Subsection is changed by amendment, effective March 20, 1998.]
- B. Buildable Area - Each parcel shall have a minimum of 15,000 square foot buildable area per principal unit, which shall not include:
 - 1. beach contiguous to a lake or stream,
 - 2. wetland,
 - 3. area which is not accepted by the Manistee-Mason District Health Department for on-site sewage disposal unless an alternate system of sewage disposal is approved by the Manistee-Mason District Health Department,
 - 4. that part of a flood plane where flood waters are expected to have a destructive current,
 - 5. existing public utility easements,
 - 6. existing public rights-of-way, and
 - 7. waterfront setback areas.[Annotation: Subsection is added by amendment, effective March 20, 1998.]

- C. Parcel Width - The minimum parcel width shall be three hundred thirty (330) feet and shall front on a public or allowed private road.

[Annotation: Subsection amended July 9, 2003; effective August 11, 2003.]

- D. Vegetation Strip - A strip one hundred (100) feet wide on each side of and parallel to the Big Manistee River, Big Bear Creek, and associated wetlands, shall be maintained in trees and shrubs or in its natural state, except that (1) dead, diseased, unsafe, or fallen trees, as well as noxious plants may be removed; and (2) a filtered view, in a downstream direction from the dwelling, may be made by trimming mature tree branches and selected removal of immature trees, shrubs, vegetation, to the river's or associated wetland's edge up to 100 feet in width.

- E. Yard and Setback Requirements - The following requirements shall apply to every parcel, building or structure:

1. Front Yard: The minimum setback shall not be less than forty-five (45) feet from front property line, or seventy (70) feet from the centerline of a road, whichever is greater.
2. Side Yards: The minimum width of either yard shall not be less than one hundred (100) feet.
3. Rear Yard: The minimum setback shall not be less than one hundred (100) feet.
4. Waterfront Yard:

The minimum setback shall not be less than one hundred (100) feet from the landward side of the vegetation strip. If there is a natural rim (ridge, bluff or the like) located in the vegetation strip, or the setback area, which is at least two hundred (200) feet in length and roughly parallel to the river or associated wetlands' edge, and rises at least five (5) feet above the Hodenpyle Dam Failure Inundation Map water level, as shown on maps prepared for Consumers Power in 1993, then and only then; the combination of the vegetation strip and setback area may be reduced by five (5) feet for every one (1) foot of elevation above the high water mark. However, in no case shall the setback be less than twenty five (25) feet from the edge of the said natural rim.

[Annotation: Division is changed by amendment, effective March 20, 1998.]

ARTICLE 33 - FOREST PRESERVATION DISTRICT

3301. Purpose

It is the intent of this district to preserve large areas of forest for recreation and forestry purposes, to prevent spot development within these areas, to prevent the need to construct or upgrade roads, to encourage landowners to retain large acreage parcels of land for cost effective forest management purposes, to preserve special and unique environment of the Marilla Hills, to preserve the special and unique environment of large blocks of undeveloped land in the Marilla Hills, while at the same time providing for limited residential use of land along existing public roads, to provide a natural resource for forestry industry, recreation, and compatibility with land management programs of the United States Forest Service.

3302. Permitted Uses

Only the following uses shall be permitted, by permit as specified in Section 8401 *et. seq.* of this Ordinance:

- A. Dwellings when located on a parcel of land which has frontage on an existing year-round maintained public road.
- B. Forestry [08].
- C. Lumber and wood products [24]
- D. Fishing, Hunting, Trapping [09].
- E. Parks - Outdoor recreation.
- F. Accessory Buildings, Structures and uses to the above.
- G. Agricultural pasture land, livestock raising, cropland and cultivated tree farms if practiced with a management plan which includes safeguards for erosion prevention on slopes and complies with setbacks in section 2304 of this Ordinance.
[Annotation: Subsection is changed by amendment, effective March 20, 1998.]
- H. Home occupations.

3303. Special Uses

Only the following uses shall be permitted, by special use permit as specified in Section 8601 *et. seq.* of this Ordinance:

- A. Campground.
- B. Accessory buildings, structures and uses to the above, including signs.

3304. Regulations and Standards

The following regulations shall apply to permitted uses and special uses in all Forest-Preservation districts.

- A. Parcel Area - No building or structure shall be established on any parcel less than ten (10) acres in area.
- B. Buildable Area - Each parcel shall have a minimum of 15,000 square foot buildable area per principal structure or building, which shall not include:
 - 1. wetland,
 - 2. area which is not accepted by the Manistee-Mason District Health Department for on-site sewage disposal unless an alternate system of sewage disposal is approved by the Manistee-Mason District Health Department,
 - 3. existing public utility easements, and
 - 4. existing public rights-of-way.[Annotation: Subsection is added by amendment, effective March 20, 1998.]
- C. Parcel Width - The minimum parcel width shall be three hundred thirty (330) feet and shall front on a public or allowed private road.
[Annotation: Section amended July 9, 2003; effective August 11, 2003.]
- D. Yard and Setback Requirements - The following requirements shall apply to every parcel, building or structure.
 - 1. Front Yard: The minimum setback shall not be less than forty-five (45) feet from front property line, or seventy (70) feet from centerline of a road, whichever is greater.
 - 2. Side Yards: The minimum width of either yard shall

not be less than twenty five (25) feet; except in the case of a corner parcel where the side yard on the road or street side shall not be less than forty five (45) feet, or seventy (70) feet from centerline of a road, whichever is greater.

3. Rear Yard: The minimum setback shall not be less than fifty (50) feet.

ARTICLE 34 - AGRICULTURAL-RESIDENTIAL DISTRICT

3401. Purpose

It is the intent of this district to provide for neighborhoods of a rural character with a mix of forestry practices, agricultural practices, residential uses, resort-residential uses, small retail and service businesses in a homogeneous manner while at the same time discouraging manufacturing; wholesale; major retail and service businesses, etc.; and other major institutional or community services.

3402. Permitted Uses

Only the following uses shall be permitted, by permit, as specified in Section 8401 *et. seq.* of this Ordinance:

- A. Agricultural production - crops [01].
- B. Agricultural production - livestock [02].
- C. Forestry [08].
- D. Construction [C].
- E. Lumber and Wood Products [24].
- F. Hotels and other Lodging Places [70].
- G. Beauty Shops [723].
- H. Barber Shops [724].
- I. Dwelling.
- J. Duplex.
- K. Parks - Outdoor Recreation.
- L. Home Occupations.
- M. Accessory Buildings.
- N. Signs.
- O. State licensed residential facility with no more than six adults.
[Subsection added by amendment June 13, 2007; effective June 28, 2007.]
- P. Family day care homes with no more than six minor children or adults.
[Subsection added by amendment June 13, 2007; effective June 28, 2007.]

3403. Special Uses

Only the following uses shall be permitted, by special use permit, as specified in Section 8601 *et. seq.* of this Ordinance

- A. Agricultural Services [07].
- B. Fishing, Hunting, Trapping [09].
- C. Communication Tower Facilities.
[Annotation: Added by amendment, effective May 10, 2000.]
- D. Mining [B].
- E. Central Production Facility and Sweetening Plant.
- F. Trucking and Warehousing [42].
- G. Retail [G].
- H. Laundry, Cleaning, and Garment Services [721].
- I. Shoe Repair and Hat Cleaning Shops [725].
- J. Funeral Service and Crematories [726].
- K. Miscellaneous Personal Services [729].
- L. Business Services [73].
- M. Auto Repair, Services and Garages [75].
- N. Miscellaneous Repair Services [76].
- O. Motion Pictures [78].
- P. Amusement and Recreation Services [79].
- Q. Health Services [80].

- R. Legal Services [81].
- S. Educational Services [82].
- T. Social Services [83].
- U. Membership Organizations [86].
- V. Apartment Building.
- W. Mobile Home Park.
- X. Miscellaneous Services [89].
- Y. Campground.
- Z. Wholesale Groceries and Related Products [514].
- AA. Wholesale Farm Products, Raw Materials [515].
- BB. Group Day Care Home
 - 1. Is located not closer than 1,500 feet to any of the following:
 - a. Another licensed group day care home.
 - b. Another adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act, 1979 P.A. 218, M.C.L. 400.701 to 400.737.
 - c. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed under Article 6 of the Public Health Code, 1978 P.A. 368, M.C.L. 333.6101 to 333.6523.
 - d. A community corrections center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
 - 2. Has appropriate fencing for the safety of the children in the group day care home as determined by the local unit of government.
 - 3. Maintains the property consistent with the visible characteristics of the neighborhood.
 - 4. Does not exceed 16 hours of operation during a 24-hour period. The local unit of government may limit but not prohibit the operation of a group day care home between the hours of 10 p.m. and 6 a.m.
 - 5. Meets regulations, if any, governing signs used by a group day care home to identify itself.
 - 6. Meets regulations, if any, requiring a group day care home operator to provide off-street parking accommodations for his or her employees.
 - 7. Complies with all regulations set forth in 125.3206 of P.A. 110 of 2006, the Michigan Zoning Enabling Act.

[Subsection added by amendment June 13, 2007; effective June 28, 2007.]

3404. Regulations and Standards

The following regulations shall apply to permitted uses and special uses in agricultural-residential district:

- A. Parcel Area - No building or structure shall be established on any parcel less than sixty thousand (60,000) square feet in area.
- B. Buildable Area - Each parcel shall have a minimum of 15,000 square foot buildable area per principal structure or building, which shall not include:
 - 1) beach contiguous to a lake or stream,
 - 2) wetland,
 - 3) area which is not accepted by the Manistee-Mason District Health Department for on-site sewage disposal unless an alternate system of sewage disposal is approved by the Manistee-Mason District Health Department,
 - 4) that part of a flood plane where flood waters are expected to have a destructive current,
 - 5) existing public utility easements,
 - 6) existing public rights-of-way, and
 - 7) waterfront setback areas.
- C. Parcel Width - The minimum parcel width shall be one hundred fifty (150) feet and shall front on a public or allowed private road.

[Annotation: Subsection is added by amendment, effective March 20, 1998.]
- D. Yard and Setback Requirements - The following requirements shall apply to every parcel, building or structure:

[Annotation: Section amended July 9, 2003; effective August 11, 2003.]

1. **Front Yard:** The minimum setback shall not be less than forty five (45) feet from front property line, or seventy (75) feet from centerline of the road, whichever is greater.
2. **Side Yards:** The minimum width of either yard shall not be less than thirty (30) feet; except in the case of a corner parcel where the side yard on the road or street side shall not be less than forty five (45) feet, or seventy (70) feet from centerline of the road, whichever is greater.
3. **Rear Yard:** The minimum setback shall not be less than fifty (50) feet.

ARTICLE 44 - RESIDENTIAL DISTRICT

4401. Purpose

It is the intent of this district to provide for more densely developed neighborhoods for residential and certain controlled immediate area retail and service businesses in certain parts of Dickson Township, to promote a compatible arrangement of land uses for homes, to keep neighborhoods relatively quiet and free from detrimental uses.

4402. Permitted Uses

Only the following uses shall be permitted, by permit, as specified in Section 8401 *et. seq.* of this Ordinance:

- A. Hotels and other Lodging [70].
- B. Beauty Shops [723].
- C. Barber Shops [724].
- D. Dwelling.
- E. Duplex.
- F. Apartment Building.
- G. Parks - Outdoor Recreation.
- H. Home Occupations.
- I. Accessory Buildings.
- J. Signs.
- K. State licensed residential facility with no more than six adults.
[Annotation: Subsection added by amendment June 13, 2007; effective June 28, 2007.]
- L. Family day care homes with no more than six minor children or adults.
[Annotation: Subsection added by amendment, June 13, 2007; effective June 28, 2007.]

4403. Special Uses

Only the following uses shall be permitted, by special use permit, as specified in Section 8601 *et. seq.* of this Ordinance:

- A. Construction [C].
- B. Educational Services [82].
- C. Social Services [83].
- D. Membership Organizations [86].
- E. Miscellaneous Services [89].
- F. Mobile Home Park.
- G. Group Day Care Home
 - 1. Is located not closer than 1,500 feet to any of the following:
 - a. Another licensed group day care home.
 - b. Another adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act, 1979 P.A. 218, M.C.L. 400.701 to 400.737.
 - c. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed under Article 6 of the Public Health Code, 1978 P.A. 368, M.C.L. 333.6101 to 333.6523.
 - d. A community corrections center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
 - 2. Has appropriate fencing for the safety of the children in the group day care home as determined by the local unit of government.
 - 3. Maintains the property consistent with the visible characteristics of the neighborhood.
 - 4. Does not exceed 16 hours of operation during a 24-hour period. The local unit of government may limit but not prohibit the operation of a group day care home between the hours of 10 p.m. and 6 a.m.

5. Meets regulations, if any, governing signs used by a group day care home to identify itself.
6. Meets regulations, if any, requiring a group day care home operator to provide off-street parking accommodations for his or her employees.
7. Complies with all regulations set forth in 125.3206 of P.A. 110 of 2006, the Michigan Zoning Enabling Act.

[Subsection added by amendment June 13, 2007; effective June 28, 2007.]

4404. Regulations and Standards

The following regulations shall apply to permitted uses and special uses in Residential District.

- A. Parcel Area - No building or structure shall be established on any parcel less than fifteen thousand (15,000) square feet in area.
- B. Buildable Area - Each parcel shall have a minimum of 15,000 square foot buildable area per principal structure or building, which shall not include:
 1. beach contiguous to a lake or stream,
 2. wetland,
 3. area which is not accepted by the Manistee-Mason District Health Department for on-site sewage disposal unless an alternate system of sewage disposal is approved by the Manistee-Mason District Health Department,
 4. that part of a flood plane where flood waters are expected to have a destructive current,
 5. existing public utility easements,
 6. existing public rights-of-way, and
 7. waterfront setback areas.

[Annotation: Subsection is added by amendment, effective March 20, 1998.]

- C. Parcel Width - The minimum parcel width shall be one hundred (100) feet and shall front on a public or allowed private road.

[Annotation: Section amended July 9, 2003; effective August 11, 2003.]

- D. Yard and Setback Requirements - The following requirements shall apply to every parcel, building or structure.
 1. Front Yard: The minimum setback shall not be less than twenty five (25) feet from front property line, or sixty (60) feet from centerline of a road, whichever is greater.
 2. Side Yards: The minimum width of either yard shall not be less than fifteen (15) feet; except in the case of a corner parcel where the side yard on the road or street side shall not be less than twenty five (25) feet from the property line, or sixty (60) feet from the centerline of a road, whichever is greater.
 3. Rear Yard: The minimum setback shall not be less than fifteen (15) feet.

ARTICLE 54 - RESIDENTIAL-COMMERCIAL DISTRICT

5401. Purpose

It is the intent of this district to provide for the most dense and intensive residential development in Dickson Township, to provide for a commercial area in unincorporated town of Brethren along thoroughfare roads, to provide for commercial enterprises for an immediate area shopping or trade center within the township.

5402. Permitted Uses

Only the following uses shall be permitted, by permit, as specified in Section 8401 *et. seq.* of this Ordinance:

- A. Construction [C].
- B. Local and Interurban Passenger Transit [41].
- C. U. S. Postal Service [43].
- D. Transportation Services [47].
- E. Public Utility
- F. Wholesale [F].
- G. Retail Trade [G.]
- H. Finance Insurance and Real Estate [H].
- I. Hotels and other Lodging Places [70].
- J. Personal Services [72].
- K. Business Services [73].
- L. Auto Repair, Services and Garages [75].
- M. Miscellaneous Repair Services [76].
- N. Health Services [80].
- O. Legal Services [81].
- P. Educational Services [82].
- Q. Social Services [83].
- R. Dwelling.
- S. Duplex.
- T. Apartment Building.
- U. Miscellaneous Services [89].
- V. Parks - Outdoor Recreation.
- W. Home Occupations.
- X. Accessory Buildings.
- Y. Signs.
- Z. State licensed residential facility with no more than six adults.
[Annotation: Subsection added by amendment June 13, 2007; effective June 28, 2007.]
- AA. Family day care homes with no more than six minor children or adults.
[Annotation: Subsection added by amendment June 13, 2007; effective June 28, 2007.]

5403. Special Uses

Only the following uses, except those included within the categories listed below which are found listed in Section 5402 of this Ordinance, shall be permitted, by special use permit, as specified in Section 8601 *et. seq.* of this Ordinance

- A. Agricultural Services [07].
- B. Manufacturing [D]
- C. Trucking and Warehousing [42].
- D. Motion Pictures [78].
- E. Amusement and Recreation Services [79].
- F. Membership Organizations [86].
- G. Mobile Home Parks.
- H. Public Administration [J].

- I. Campground.
- J. Group Day Care Home
 - 1. Is located not closer than 1,500 feet to any of the following:
 - a. Another licensed group day care home.
 - b. Another adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act, 1979 P.A. 218, M.C.L. 400.701 to 400.737.
 - c. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed under Article 6 of the Public Health Code, 1978 P.A. 368, M.C.L. 333.6101 to 333.6523.
 - d. A community corrections center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
 - 2. Has appropriate fencing for the safety of the children in the group day care home as determined by the local unit of government.
 - 3. Maintains the property consistent with the visible characteristics of the neighborhood.
 - 4. Does not exceed 16 hours of operation during a 24-hour period. The local unit of government may limit but not prohibit the operation of a group day care home between the hours of 10 p.m. and 6 a.m.
 - 5. Meets regulations, if any, governing signs used by a group day care home to identify itself.
 - 6. Meets regulations, if any, requiring a group day care home operator to provide off-street parking accommodations for his or her employees.
 - 7. Complies with all regulations set forth in 125.3206 of P.A. 110 of 2006, the Michigan Zoning Enabling Act.

[Subsection added by amendment June 13, 2007; effective June 28, 2007.]

5404. Regulation and Standards

The following regulations shall apply to permitted uses and special uses in the Dickson Residential-Commercial District.

- A. Parcel Area - No building or structure shall be established on any parcel less than fifteen thousand (15,000) square feet in area.
 - B. Buildable Area - Each parcel shall have a minimum of 15,000 square foot buildable area per principal structure or building, which shall not include:
 - 1. beach contiguous to a lake or stream,
 - 2. wetland,
 - 3. area which is not accepted by the Manistee-Mason District Health Department for on-site sewage disposal unless an alternate system of sewage disposal is approved by the Manistee-Mason District Health Department,
 - 4. that part of a flood plane where flood waters are expected to have a destructive current,
 - 5. existing public utility easements,
 - 6. existing public rights-of-way, and
 - 7. waterfront setback areas.
- [Annotation: Subsection is added by amendment, effective March 20, 1998.]
- C. Parcel Width - The minimum parcel width shall be one hundred (100) feet and shall front on a public or allowed private road.
- [Annotation: Section amended July 9, 2003; effective August 11, 2003.]
- D. Yard and Setback Requirements - The following requirements shall apply to every parcel, building or structure:
 - 1. Front Yard: The minimum setback shall not be less than twenty five (25) feet from front property line, or sixty (60) feet from centerline of a road, whichever is greater.
 - 2. Side Yards: The minimum width of either yard shall not be less than fifteen (15) feet; except in the case of a corner parcel where the side yard on the road or street side shall not be less than twenty five (25) feet, or sixty (60) feet from a centerline of a road, whichever is greater.
 - 3. Rear Yard: The minimum setback shall not be less than thirty (30) feet.

ARTICLE 80: NONCONFORMITIES

8001. Purpose

Within the districts established by this Ordinance or by amendments thereto, there exist buildings and structures and uses of parcels, lots, buildings, and structures which were lawful before this Ordinance was adopted or amended and which would be prohibited, regulated or restricted under this Ordinance. These uses are referred to as nonconformities and may continue until they are discontinued, damaged or removed but are not encouraged to survive. These nonconformities are declared by this Ordinance to be incompatible with the buildings and structures and uses of parcels, lots, buildings and structures permitted by this Ordinance in certain districts. It is further the intent of this Ordinance that such nonconformities shall not be enlarged, expanded or extended except as provided herein nor to be used as grounds for adding other buildings and structures and uses of parcels, lots, buildings and structures prohibited elsewhere in the same district.

8002. Regulations

No such nonconforming use of land shall be moved in whole or in part to any other portion of such land, or to a different parcel, not occupied on the effective date of adoption of amendment of this Ordinance, except as provided in Section 8003.

[Annotation: Section is added by amendment, effective March 20, 1998.]

8003. Extensions

A nonconforming structure and use may not be added to, extended, reconstructed, structurally altered or expanded during its life; and a parcel may not be used or built upon; except for any one or combination of the following and subject to the following restrictions:

- A. If the nonconformity is a use which is not otherwise allowed in the zoning district; then the use and the structures upon which the use is associated shall not be expanded more than fifty (50) percent in size, hours of operation or level of service, or any other extension than what exists at the time of adoption of this Ordinance. Under no condition shall the parcel be expanded and the use be expanded to a contiguous parcel.
- B. If the nonconformity is that the parcel is too small and already has existing uses and structures; then the structures shall not be expanded more than:
 1. fifty (50) percent of the ground area occupied by the structure at the time of adoption of this Ordinance, or
 2. spatially possible while such expansion shall comply with all applicable setback regulations in this Ordinance.whichever is less. Any expansion of the structure shall comply with all other provisions of this Ordinance. Nothing here is intended to prevent the acquisition of adjacent land to bring the parcel into compliance, or to lessen the nonconformity if the use is permitted in the respective zoning district.
- C. If the nonconformity is that the parcel is too small, and the parcel is vacant; then a use or structure shall not be permitted unless contiguous land is added to the parcel, to make the parcel large enough, except:
 1. It is documented by the applicant that contiguous land, or enough contiguous land, can not be purchased, and
 2. The parcel is large enough to accommodate required on-site sewage, if needed; well, with proper isolation; as determined by the Manistee-Mason District Health Department, and
 3. The nonconforming parcel was not created by division, which does not comply with both the zoning ordinance in effect at the time of the division and this Ordinance.
- D. If the nonconformity is that the structure is too small; then the use shall not be expanded more than fifty (50) percent in hours of operation or level of service, or other similar extension than what exists at the time of adoption of this Ordinance. Nothing here is intended to prevent any amount of addition to the size of the structure, if:
 1. The size of the structure is the only nonconformity, and

- 2. The addition results in the structure being in full compliance, or as a second choice, closer to compliance.

[Annotation: Section is added by amendment, effective March 20, 1998. Former sections on Nonconforming uses of parcels and nonconforming buildings and structures and Substandard Nonconforming Parcels of Record have been deleted.]

8004. Repairs and Maintenance

Nothing in this Ordinance shall prevent the repair, reinforcement, improvement or rehabilitation of nonconforming buildings, structures, or part thereof existing at the effective date of this Ordinance, rendered necessary by wear and tear, deterioration or depreciation; nor prevent compliance with the provisions of the Construction Code relative to the maintenance of buildings or structures; provided, however, that the cost of such repair, reinforcement, improvement, rehabilitation or compliance shall not exceed sixty (60) percent of the replacement value of such building at the time such work is done; and provided, further, there shall be no change of use which would expand the nonconformity of such building at the time such work is commenced; and provided, further, there shall be no change of use of said building or part thereof.

[Annotation: Section is changed by amendment, effective March 20, 1998.]

8005. Building Damage

No building damaged by fire, act of God or other causes to the extent that the damage is total (i.e. the insurance coverage, if it existed, would pay the full amount insured) shall be repaired or rebuilt, except

- A. in conformity with the non-use provisions of this Ordinance; and in conformity with the permitted and/or special use provisions of this Ordinance, or
- B. reconstruction, repair or restoration of the original use shall be completed within one (1) year following the damage and resumption of use takes place within ninety (90) days of completion. The one (1) year may be extended by the Administrator if he finds one of the following conditions to exist:
 - 1. The delay was not avoidable due to weather;
 - 2. The delay was a result of a criminal investigation;
 - 3. The delay was a result of a dispute between the owner and an insurance company concerning what is covered by insurance, or
 - 4. Property held in probate.

[Annotation: Section is added by amendment, effective March 20, 1998.]

8006. Completion

Nothing in this Ordinance shall require any change in the construction or intended use of a building or structure, the construction of which shall have been diligently prosecuted prior to the passage of this Ordinance or any amendment thereto, and the construction of which shall have been completed within twelve (12) months after said date of adoption.

[Annotation: Section is changed by amendment, effective March 20, 1998.]

8007. Non-Use and Intent to Abandon

Any building, structure or land that has been used for nonconforming purposes but which has not been occupied by such nonconforming use for one (1) year or more shall be conclusively presumed to have abandoned the nonconforming use and shall not thereafter be used unless it conforms to the provisions of this Ordinance. An extension may be granted by the Administrator for any one of the following reasons:

- A. Property held in Probate;
- B. Insurance settlement in dispute; or
- C. Criminal investigation.

[Annotation: Section is added by amendment, effective March 20, 1998.]

8008. Historic Buildings

A variance to Section 8003.C of this Ordinance to expand and replace nonconforming buildings may be granted by the Board of Appeals if any one of the following conditions is met:

- A. The proposed expansion or replacement is an enhancement of an historic district, building, or adjacent historic building.

[Annotation: Section is added by amendment, effective March 20, 1998.]

8009. Change of Tenancy or Ownership

There may be change of tenancy, ownership or management of an existing nonconforming use, building or structure, provided there is no change in the nature or character of such nonconforming use, building or structure.

8010. Nonconforming Special Uses

- A. There are uses which were permitted by right under the Dickson Township Zoning Ordinance in effect immediately prior to this Ordinance which are not permitted uses under this Ordinance. Of those uses, there are some which are listed as potential special uses in this Ordinance. Those existing uses which were permitted uses, and are listed as special uses in this Ordinance, shall not be considered nonconforming uses.
- B. Those uses, or parts of uses, which exist as a permitted use immediately prior to this Ordinance, and are listed as special uses in this Ordinance shall be considered to be an approved existing special use with the configuration shown on a site plan drawn to reflect how the use exists at the time of adoption of this Ordinance. Parts of uses which are nonconforming immediately prior to the adoption of this Ordinance shall continue to be nonconforming under this Ordinance. A permit in existence pursuant to this subsection shall be known as an Pre-existing Special Use Permit.
- C. An owner of an Pre-existing Special Use Permit may, at no charge to the owner, obtain from the Commission a certification of a site plan reflecting how the use exists at the time of adoption of this Ordinance with identification of nonconforming parts, if any. In the case of a dispute over facts on what existed at the time of adoption of this Ordinance, aerial photographs flown in May 1995 by Manistee County or other aerial photographs, flown to the same or greater standards for mapping as the county's photos, taken after the County photos but before the adoption of this Ordinance, shall be given the greatest weight as evidence to establish a certified site plan. For purposes of this section, the above mentioned photo(s) may be accepted as the site plan for the Pre-existing Special Use Permit.
- D. When a special use owner applies to amend the unwritten Special Use Permit for expansion or change, a written Special Use Permit shall be prepared for the entire use and parcel. In review of the Special Use Permit amendment application for expansion or change, the Commission shall only review and act on the expansion or change portion of the Special Use Permit. If the application for amendment of the Special Use Permit is approved, approved with conditions, denied or denied in part, the action shall not change or alter those parts of the special use that are shown on the Pre-existing Special Use Permit.

[Annotation: Section is added by amendment, effective March 20, 1998.]

8011. Nonconforming Uses

The administrator shall survey the Township and file with the Commission a written statement of the nature and extent of the nonconforming uses after adoption of this Ordinance, or any amendments thereto. The determination of when a nonconforming use may be replaced, extended, substituted or substandard parcels used shall be determined in the first instance by the administrator. Any determination concerning nonconformities may be appealed to the Appeals Board.

ARTICLE 82: ADMINISTRATION OF THIS ORDINANCE

8201. Purpose

It is the purpose of this Article to provide the procedures for the administration of the Ordinance, issuance of permits, inspection of properties, collection of fees, handling of violations and enforcement of the provisions of this Ordinance and amendments thereto.

8202. Zoning Administrator

- A. The provisions of this Ordinance shall be administered by the Dickson Township Zoning Administrator (administrator). Applicants for the office of administrator shall be interviewed by the Commission. The Commission shall make its recommendations to the Township Board regarding the qualifications of the applicants. The Township Board shall appoint, from the list of applicants recommended by the Commission, an administrator who shall serve for such term, subject to such conditions, and at such rate of compensation as the Township Board shall determine, and the duty of the enforcement of this Ordinance shall rest with the administrator as shall be authorized by law.
- B. Eligibility. Elected officials of Dickson Township and/or members of the Commission and Appeals Board shall be ineligible for appointment to the office of administrator, except as otherwise provided in Section 8202.C.
- C. Interim Administrator. In the event of the resignation, death, disability, vacation or disqualification of the administrator, the secretary of the Commission shall serve as interim administrator until a new administrator shall be appointed by the Township Board, or the existing administrator again assumes his duties.
- D. In issuing an order, requirement, decision or determination on any discretionary matter referred to him or upon which he is required to pass under this Ordinance, it shall be sufficient for the administrator to reasonably conclude that in addition to the standards set forth in this Ordinance, the proposed order, requirement, decision or determination is compatible with the present uses of adjacent land, is consistent with and promotes the intent and purposes of this Ordinance, is compatible with the natural environment, is consistent with the capabilities of public services and facilities affected by such order, requirement, decision or determination and protects the public health, safety and welfare, and is consistent with constitutional requirements of due process and equal protection of the law.

8203. Zoning Administrator Duties

The administrator shall submit to the Commission annual reports fully explaining the type and nature of uses permitted by right; the nature and extent of violations of this Ordinance; and the type and nature of nonconforming uses, buildings, and structures.

ARTICLE 84: PERMITS

8401. Land Use Permits

No land shall be occupied or used and no building or structure shall hereafter be erected, altered or relocated under the provisions of this Ordinance until a permit authorizing the same shall be issued by the administrator.

8402. Land Use Applications

- A. If a use is listed in a respective land use district as a permitted use, anyone with a lawful interest in a parcel may apply for a land use permit under this section. Land use permit applications are made on a form prepared by the administrator and presented to the administrator.

[Annotation: Subsection is added by amendment, effective March 20, 1998.]

- B. Nothing in this Ordinance is intended to prohibit an applicant from having a preapplication meeting with the administrator.

[Annotation: Subsection is added by amendment, effective March 20, 1998.]

- C. The administrator shall require that the application include the form, copies of plans, specifications and such other information as he may deem necessary. Such other information shall include, but not be limited to:

1. A site plan, drawn to the specifications of section 9404 or 9405 of this Ordinance.
[Annotation: Division is added by amendment, effective March 20, 1998.]
2. The legal seating and/or sleeping capacity of all buildings and structures, if applicable.
3. A concise statement of all operations and uses which will be conducted on the land and buildings.
4. A concise statement of the services, if any, to be offered to the public, if applicable.
5. Any other information required by this Ordinance.
6. A non-refundable fee. The fee shall be established from time to time by the Township Board.
7. For complex applications an amount shall be collected and held by the Township in escrow to pay for all costs of professional review expenses of engineers, community planners, lawyers, and any other professionals whose expertise the Commission values and hires to review an application. The amount of escrow funds shall be established from time to time by the Township Board, or the amount shall be estimated by the Administrator for the particular application. The applicant shall receive a copy of the statement of fees for those professionals who worked on the application. If actual professional review costs exceed the amount held in escrow, the applicant shall pay the balance due prior to receipt of any Permit. If any unexpended balance remains in the escrow account it shall be returned to an applicant.
[Annotation: Division is added by amendment, effective March 20, 1998.]
8. A copy of any other necessary permits required prior to a Construction Code Permit or a copy of a written agreement for, or written intent for concurrent approval for those permits.
[Annotation: Division added by amendment adopted February 8, 1995.]

- D. The application, and all the supporting documents, shall be kept by Township as part of the Administrator's permanent records.

[Annotation: Subsection is added by amendment, effective March 20, 1998.]

- E. The application and site plan, if applicable, shall show the proposed use and structures which will be developed in compliance with all aspects of this Ordinance.

[Annotation: Subsection is added by amendment, effective March 20, 1998.]

- F. Upon receipt of a land use permit application, the zoning administrator shall review the application to insure it is complete, to coordinate its review with other agencies, if required, and act on the application within ten (10) days:

1. If the application is not complete, the administrator shall return the application with a letter that specifies the additional material required.
2. If the application is complete, but is found not to conform with this Ordinance, a permit denial shall be sent to the applicant, in writing, listing the violations of the Ordinance, and what changes

would be necessary to obtain a permit, if any changes made would make it possible for a permit to be issued.

- 3. If the application is complete and the proposed land use and structures are found to comply with this Ordinance, a land use permit shall be issued.

[Annotation: Subsection is added by amendment, effective March 20, 1998.]

- G. A land use permit shall be required prior to the issuance of a Construction Code permit.

[Annotation: Subsection is added by amendment, effective March 20, 1998.]

8403. Permit Exemptions

Section 8402 notwithstanding, a land use permit or fee is not needed under this section for the following uses. Nothing in this section exempts or requires construction permits, other than required by the Construction Code.

- A. Exterior or interior repair and improvement which does not structurally alter the premises or change the exterior shape or form of any building in any manner, and the use of the land remains one of those listed as permitted in the respective land use district.
[Annotation: Subsection is changed by amendment, effective March 20, 1998.]
- B. Relocation or replacement of machinery or equipment within a building located in a commercial or industrial zone, conforming to the provisions of this Ordinance and used for commercial or industrial purposes, nor for any modification to such building in connection with said relocation or replacement, unless said modification structurally alters the premises or changes the exterior shape or form in any manner.
- C. The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of over ground or underground gas, electrical, water, communication, or sewer systems, for the local distribution and/or collection systems via pipes, drains, sewers, wires, cables, traffic signals, hydrants, towers, pools, electrical substations, gas regulation stations, and similar equipment and accessories reasonably necessary for furnishing adequate service to individual customers/clients, but not including regional, long distance, interstate distribution or collection systems.
[Annotation: Subsection is changed by amendment, effective March 20, 1998.]
- D. Open Space.
- E. Individual recreation uses such as boating, hiking, hunting, fishing and trapping.
- F. Plowing and planting cash crops, row crops, orchards, or use of land as pasture or fallow when part of a permitted agricultural operation on one or more parcels of land.
- G. Harvesting of timber as part of a forest management activity when part of a forest management plan.
- H. Hedges, arbors, trees, gardens, plants, shrubs.
- I. Sidewalks, driveways to dwellings, duplexes, apartment buildings.
- J. Domestic animal shelters.
- K. Accessory structures to dwellings and duplexes which are constructed by minors or children for purposes of play by the same minors and children including, but not limited to, playhouses, dollhouses, treehouses, forts, hideouts, and so on, so long as such accessory structures adhere to setback requirements of this Ordinance.
- L. Personal property sales.
- M. Signs which indicate land is private property, trespassing is not allowed, hunting or other specific activities are not allowed.
[Annotation: Subsection is added by amendment, effective March 20, 1998.]

8404. Start Work Deadline

A permit issued under this Article is void if the use is not commenced within one (1) year. A renewal may be granted by the Administrator after a restudy of the permit at no cost to the applicant, and the applicant continues to meet all requirements for a permit.

8405. Void Permits

- A. A violation of any condition or specification in a permit issued under this Article shall void the permit.
- B. Any improper or incorrect information contained in the application for permit issued under this Article shall void the permit until properly corrected upon the permit application; provided that, as corrected, the applicant continues to meet all requirements for a permit.

ARTICLE 86: SPECIAL USES

8601. Purpose

This Ordinance divides the Township into districts in which specific uses are permitted which are mutually compatible. In addition, there may be certain other uses which may be appropriate to include in a district due to the specific circumstances surrounding the use, the impact on neighboring uses and public facilities. Such uses, because of their particular location or the particular nature of the service offered, may be established in a district through a Special Use Permit.

[Annotation: Section is changed by amendment, effective March 20, 1998.]

8602. Authority to Grant Permits

The Commission has the authority to approve or disapprove Special Use Permits in accordance with this Ordinance. If approved by the Commission, the administrator shall issue these permits.

[Annotation: Section is changed by amendment, effective March 20, 1998.]

8603. Application and Fee

- A. If a use is listed as a possible special use in any district, anyone with a lawful interest in the property may apply for a Special Use Permit. A Special Use Permit application shall be made on a form provided by the administrator and submitted to the administrator along with required information and the required fee. The fee will be established from time to time by the Board. Any additional costs incurred in processing the application, beyond that covered by the fee, shall be paid by the applicant before the permit is issued. No portion of the fee shall be refundable.
- B. Security for costs shall be provided for complex applications an amount which shall be held in escrow by the township to pay for all costs of professional review expenses of engineers, community planners, lawyers, and any other professionals whose expertise the Commission values and hires to review an application. The amount of escrow shall be established from time to time by the Township Board, or the amount shall be estimated by the Administrator for the particular application. The applicant shall receive a copy of the statement of fees for those professionals which worked on the application. If actual professional review costs exceed the amount of an escrow, the applicant shall pay the balance due prior to receipt of any Permit. If any unexpended balance remains in the escrow it shall be returned to an applicant.

[Annotation: Section is changed by amendment, effective March 20, 1998.]

8604. Information Required in Application

- A. An application for Special Use Permit shall include:
 1. An application form which includes, at a minimum:
 - a. The applicant's name and address.
 - b. A signed affidavit shall be submitted by the applicant. If the applicant is not a title owner the applicant shall either present proof in writing that the consent of the title owner is not necessary or an affidavit signed by the owner consenting to the application. When requiring an affidavit of the owner, an affidavit signed by an individual acting on behalf of the owner will suffice.
[Annotation: Paragraph is changed by amendment, effective March 20, 1998.]
 - c. The address and legal description of the property.
 - d. A specific statement and supporting information regarding the required findings for the Special Use Permit, as stated in Section 8608.
 - e. A complete description of the proposed development including: Areas of the site, the number of parcels or units; and the number and characteristics of the population impact such as density, elderly persons, school children, tourists, family size, and related material as applicable.
[Annotation: Paragraph is added by amendment, effective March 20, 1998.]
 - f. Expected demands on community services, and how these services are to be provided, to specifically include: school classroom needs, volume of sewage for treatment, volume of water consumption related to groundwater reserves or community system capacity,

change in traffic volume on adjacent roads and other factors that may apply to the particular development.

[Annotation: Paragraph is added by amendment, effective March 20, 1998.]

- g. Statements relative to the impact of the proposed development on soil erosion, shoreline protection, wildlife habitat, air pollution, water pollution (ground and surface), noise and the scale of development in terms of the surrounding environment.

[Annotation: Paragraph is added by amendment, effective March 20, 1998.]

2. A site plan:

- a. A detailed site plan as specified in Section 9406 of this Ordinance.
- b. Evidence of having received or having an agreement for, or concurrent approval for what is shown on the site plan for any other necessary permits required prior to a Construction Code Permit.

[Annotation: Division is changed by amendment, effective March 20, 1998.]

B. In addition, the applicant may be required to furnish:

- 1. Elevations on all buildings, including accessory buildings.
- 2. An environmental assessment.
- 3. Measures which will be undertaken to control soil erosion, shoreline protection, excessive noise, or adverse impacts of the development on the surrounding properties.

[Annotation: Subsection is added by amendment, effective March 20, 1998.]

C. The applicant shall certify that the information included is correct and that measures proposed to mitigate adverse impacts will be completed in a timely fashion, if the Special Use Permit is approved.

[Annotation: Subsection is added by amendment, effective March 20, 1998.]

8605. Review for Completeness

Upon receipt of the Special Use Permit application, the administrator will review the application to insure it is complete.

- A. If the application is not complete, the administrator will return the application to the applicant with a letter that specifies the additional material required.
- B. If the application is complete, except for the site plan pursuant to 8604.A.2 of this ordinance, at the applicants option the administrator may find the application is not complete or the administrator shall find the application is complete for purposes of reviewing and issuing a preliminary Special Use Permit only.

[Annotation: Subsection is added by amendment, effective March 20, 1998.]

- C. If the application is complete, the administrator and chairman of the commission shall establish a date to hold a public hearing on the Special Use Permit application.

8606. Notice of Public Hearing

- A. Notice of the public hearing request shall be published in a newspaper of general circulation in Dickson Township not less than 15 days before the date of the hearing.
- B. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. 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.
- C. 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:
 - 1. Describe the nature of the request.
 - 2. 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.
 - 3. State when and where the request will be considered.
 - 4. Indicate when and where written comments will be received concerning the request.

[Annotation: Section amended June 13, 2007; effective June 28, 2007.]

8607. Hearing and Decision

- A. The commission shall hold a public hearing to receive input on the Special Use Permit application.
- B. Within sixty (60) days following the receipt of a complete application (unless a formal extension is mutually agreed to between the applicant and Commission), the commission shall either grant, grant with conditions, or deny the application. The decision shall be in writing and reflect the reasons for the decision. At a minimum the record of the decision shall include:
 - 1. A summary of public comments made at the hearing,
 - 2. Formal determination of the facts,
 - 3. The conclusions derived from the facts (reasons for the decision), and
 - 4. The decision which shall be one of the following:
 - a. grant the Special Use Permit,
 - b. grant with conditions the Special Use Permit (including a written list of all conditions upon which issuing a permit is issued or occupancy is allowed),
 - c. in the case of a preliminary Special Use Permit application only, pursuant to section 8605.B of this ordinance, issue a Special Use Permit with a written list of conditions, which at a minimum shall include final approval of the site plan, pursuant to section 8604.A.2 of this ordinance within one year,
 - d. deny the Special Use Permit,
- C. A special use permit and site plan shall be approved simultaneously, or a special use permit is issued prior to approval of a site plan and conditioned upon approval of the site plan.

[Annotation: Section is added by amendment, effective March 20, 1998. It incorporates parts of other sections no longer in the text of these sections.]

8608. Special Use Permit Standards

- A. The standards for determining if a Special Use Permit is to be granted or not are:
 - 1. Will be harmonious with and in accordance with the general objectives, intent and purposes of this Ordinance, both generally and for the particular district.
 - 2. Will be designed, constructed, operated, maintained and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.
 - 3. Will be served adequately by essential public facilities and services such as highways, roads, police and fire protection, drainage structures, refuse disposal, or the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
 - 4. Will not be hazardous or disturbing to existing or future neighboring uses.
 - 5. Will not create excessive additional requirements at public cost for facilities and services.
 - 6. Will be consistent with the general public health, safety and welfare of the Township.
 - 7. Will not affect adversely the Land Use Plan for physical development of the Township as embodied in this Ordinance and in any comprehensive plan or portion thereof adopted by Dickson Township.
 - 8. Will not affect adversely the purposes of this Ordinance and the specific purposes of the respective land use district embodied in this Ordinance.
 - 9. Will be in conformance with any specific standards given with special or temporary uses listed elsewhere in this Ordinance.
 - 10. The use complies with other general and specific standards in Section 1601 et. seq. of this Ordinance, the respective district, and general provisions of this ordinance.
 - 11. The design complies with all applicable general regulations and specific district regulations listed elsewhere in this Ordinance.
- B. The burden of proof of facts which might establish a right to a Special Land Use under the standards herein set forth shall be upon the applicant.

8609. Special Use Permit Conditions

- A. Special Use Permits can be granted with conditions, limitations, or additional requirements imposed by the commission. Any conditions, limitations or requirements upon which approval is based shall be:
 - 1. reasonable and designed to protect natural resources, the health, safety and welfare of the public;

2. relevant to the social and economic well-being of the owners and occupants of the lot in question, of the area adjacent thereto and of the community as a whole;
 3. a valid exercise of the police power;
 4. related to the purposes which are affected by the proposed use or activity;
 5. consistent with the intent and purpose of this Ordinance, generally and specifically, for the respective District;
 6. designed to insure compatibility with adjacent uses of land and the natural environment, or
 7. designed to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
- B. The Commission shall have the right to limit the duration of a Special Land Use Permit where the same is for mining, and Sweetening Plant or Central Production Facilities operation and may reserve the right of annual review of compliance with the conditions and limitations imposed upon such use.

[Annotation: Subsection is changed by amendment, effective March 20, 1998.]

8610. Record of Special Use Permit

A notice of the Special Use Permit in recordable as provided by law shall be recorded with a property description with the Manistee County Register of Deeds, miscellaneous records. The application and all other information relating to the Special Use Permit shall be filed with the township by the administrator.

[Annotation: Section is added by amendment, effective March 20, 1998. It incorporates parts of other sections no longer in the text of those sections.]

8611. Security Requirement

- A. To insure compliance with the site plan and Ordinance and any conditions, limitations or requirements imposed by the administrator or Commission as necessary to protect natural resources or the health, safety and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area, the administrator, upon advice and consent of the Commission, may require
1. a cash deposit,
 2. certified check,
 3. irrevocable bank letter of credit or
 4. surety bond,
- in an amount and under the conditions permitted by law.
- B. Such security shall be deposited with the Township Clerk at the time of the issuance of the permit authorizing the commencement of such project. Where the project will take more than ninety (90) days to be completed, the administrator or Commission may authorize a rebate of any cash deposit in reasonable proportion to the ratio of the work completed as the work progresses.
- C. Such security shall not exceed the estimated cost of the required conditions, limitations, requirements for which the security is designed to insure compliance with.

[Annotation: Section is added by amendment, effective March 20, 1998. It incorporates parts of other sections no longer in the text of those sections.]

8612. Amendment of Special Use Permits

Amendments to Special Use Permits shall be handled in the same manner as the initial Special Use Permit application. However, minor non-substantive changes may be made to an existing Special Use Permit by mutual agreement between the township and applicant, if done prior to the issuance of an occupancy permit.

8613. Transfer of Special Use Permit

A Special Use Permit, with any and all associated benefits, conditions and required security may be transferred to a new owner. The responsibility for effecting the transfer shall be the original owner. If not transferred, the original owner shall continue to be held responsible for any conditions, security, etc. required by the Special Use Permit. The original owner, upon transferring the Special Use Permit shall advise the zoning administrator of said transfer in order to insure the continued validity of the permit, compliance with security and other conditions.

[Annotation: Section is changed by amendment, effective March 20, 1998.]

8614. Construction Code Permit

A Special Use Permit shall be required prior to the issuance of a Construction Code Permit.

[Annotation: Section is added by amendment, effective March 20, 1998.]

8615. Expiration of Special Use Permits

A Special Use Permit shall be valid for as long as the approved special use continues in accordance with the terms and conditions of the approved permit. The Special Use Permit will expire on the occurrence of one or more of the following conditions:

- A. If replaced or superseded by a subsequent Special Use Permit.
- B. If replaced or superseded by a permitted use.
- C. If the applicant requests the rescinding of the Special Use Permit.
- D. If the use is not used, moved or vacated for a period of one year. Notice of the expiration shall be given to the property owner in writing by the administrator.
- E. If the special use permit was issued, conditioned upon approval of a site plan and evidence of obtaining all other necessary permits, pursuant to section 8604.A.2 of this ordinance, and the site plan was not submitted after one year.

[Annotation: Section is changed by amendment, effective March 20, 1998.]

8616. Violation of Permit

Any violation of the terms, conditions or limitations of a Special Use Permit shall be cause for revocation or suspension of the Permit. The Commission may either revoke or suspend, pending correction of the violation, any Special Use Permit. The act to revoke or suspend the Permit shall occur after giving notice to the permit holder, specifying the violation(s) alleged to exist and when a hearing will be held on the matter. The notice shall be delivered by registered mail. Any interested party may appear in person or by attorney at the hearing. The act to revoke or suspend the Permit shall occur after or at the hearing on the matter. Before revoking or suspending the permit the Commission shall make a finding that a material violation of the Special Use Permit exists. The permit holder shall be given a reasonable opportunity to correct the violation(s).

[Annotation: Section is added by amendment, effective March 20, 1998.]

ARTICLE 88: PLANNED UNIT DEVELOPMENT

[Annotation: Entire Article 88 added by amendment, effective March 20, 1998.]

8801. Purpose

This section recognizes that it may be desirable to modify certain restrictions of this Ordinance in the context of an innovative, efficient, planned unit development. The rationale for this departure from normal policy is virtually the entire Ordinance is drafted in contemplation of regulating separate, individually proposed uses. Whenever it can be demonstrated the needs of the community will be better served by a private plan which combines multiple structures or uses on a single area, it may be possible to modify some of the regulations which inhibit such a plan without formal amendment of this Ordinance by issuing a Special Use Permit for a Planned Unit Development.

8802. Eligibility

No use shall be eligible for special treatment under this section unless all of the following are determined:

- A. the application proposes a planned unit development as defined by this Ordinance;
- B. planned unit development of the type contemplated is authorized by Special Use Permit in the relevant District;
- C. Every use contemplated in the planned unit development in the respective Districts are
 1. listed as permitted uses in that District,
 2. listed as special uses in that District, and
 3. Hotels and Other Lodging Places;
- D. If a proposed use in a planned unit development is one or more of the following:
 - a. Retail Trade;
 - b. Finance, Insurance and Real Estate; and
 - c. Services establishments (except Hotels and Other Lodging Places):

and is not listed as a permitted use or special use in the respective district in which the planned unit development is proposed; the use may still be a part of the planned unit development if the following conditions are met:

1. The use is clearly an accessory use to the principal function(s) in the Planned Unit Development;
 2. The use is conducted entirely within an enclosed building except for parking, signs, arrival and departure of shipping, other incidental activities which are not permanent in nature;
 3. The use has all outside accessory and work areas enclosed by a solid wall;
 4. The minimum size of the structure is six hundred (600) square feet in building area; and
 5. The maximum size all structures (building areas and total interior floor areas, whichever is less) is three thousand (3,000) square feet in area;
- E. The proposed Planned Unit Development is on a parcel which is twenty (20) times the size of the minimum parcel size required in the respective District, or larger, in size.
Where P is minimum Parcel size in the district
Where G is the minimum Gross parcel size for the Planned Unit Development.

$$P \times 20 = G$$

If the Planned Unit Development is in two Districts then perform the calculation for that part of the Planned Unit Development in each district and multiply the result by the percent of the Planned Unit Development in each District and then sum the results;

where P is minimum Parcel size in the district.
where px is the percent of Planned Unit Development in each respective district.
where Rx is the Result.
where M is the Minimum Planned Unit Development parcel size.

$$P \times 20 \times p1 = R1$$

$$P \times 20 \times p2 = R2 \rightarrow R1 + R2 = M$$

- F. The proposed Planned Unit Development is on a parcel which shall have a minimum of 15,000 square foot buildable area per unit, which shall not include:
1. sand dune with slopes greater than 18 percent,
 2. beach contiguous to a lake or stream,
 3. wetland,
 4. area which is not accepted by the Manistee-Mason District Health Department for on-site sewage disposal unless an alternate system of sewage disposal is approved by the Manistee-Mason District Health Department,
 5. high risk erosion area,
 6. that part of a flood plane where flood waters are expected to have a destructive current,
 7. existing public utility easements,
 8. existing public rights-of-way, and
 9. water setback areas;
- and
- G. The application is otherwise consistent with the legislative policy expressed in Section 8801.

8803. Procedure

- A. Applications for planned unit development are essentially Special Use Permit applications which request a waiver of basic dimensional restrictions. Accordingly, they shall be processed by the Commission under Section 8601 *et. seq.*, except that:
1. the specific procedures of state zoning enabling statute shall be followed whenever they are inconsistent with Section 8601 *et. seq.*'s procedures; and
 2. any basic restriction relating to minimum lot size, minimum usable floor area, maximum height or set-backs may be modified in accordance with Section 8804.
- B. In addition to the procedure for reviewing site plans and special use permits, when the application is for a Planned Unit Development the Commission shall also consult with the following agencies prior to issuing a Planned Unit Development special use permit or approving the Planned Unit Development site plan:
1. The Dickson Township Water Department, if applicable;
 2. The Dickson Township Fire Department.
 3. The Manistee-Mason District Health District sanitarian or DEQ, which ever is applicable, concerning on site sewage disposal.

8804. Basic restrictions and Modification Procedure

- A. The Commission shall calculate the gross acreage of the site proposed for the planned unit development by dividing the gross acreage of the development by the density of principal structures allowed in the District.
1. When calculating available land area, all the land involved in the proposed Planned Unit Development may be used for gross acreage, regardless if the land is all in one zoning District or not.
 2. If the gross acreage is located in more than one District, then the density shall be calculated separately for each area in each respective zoning district. The Product shall be added together to represent the density permitted for the total area of the proposed Planned Unit Development.
- The product of that calculation shall be the density allowed in the Planned Unit Development.

where G is Gross acreage (all of the land)
 where D is Density in the District
 where L is the number of Living Units allowed in the Planned Unit Development

$$G / D = L$$

- B. The District in which most of the land is located shall be used to determine which District regulations dealing with parking, setbacks, building height, maximum percentage of lot coverage, minimum square feet of building area and signs.
- C. The density obtained in section 8804.A.2 represents maximum number of dwellings or principal structures which may be permitted for development. The density shall be expressed as total number of living units in the Planned Unit Development. The following equivalents shall be used for density:
 - 1. 1 living unit equals 1 dwelling unit (single family dwelling).
 - 2. 2 living units equals 1 two-family dwelling (duplex)
 - 3. 1 living unit equals 1 dwelling unit in a multiple family dwelling (an apartment).
 - 4. 1 living unit equals 1 for the first 1,000 square feet of retail establishment (except Eating and Drinking places space. Plus 0.25 living units for each additional 1,000 square feet.
 - 5. 1 living unit equals 0.5 for the first 1,000 square feet of Eating and Drinking places space. Plus 1 living units for each additional 500 square feet.
 - 6. 1 living unit equals 1 for the first 1,000 square feet of Finance, Insurance and Real Estate establishment space. Plus 0.25 living units for each additional 1,000 square feet.
 - 7. 1 living unit equals 1 for the first 1,000 square feet of service establishment. (except Hotels and Other Lodging Places) space. Plus 0.25 living units for each additional 1,000 square feet.
 - 8. 1 living unit equals 4 rooms in a Hotels and Other Lodging Places.
 - 9. 1 living unit equals 2 rooms with a kitchenette in a Hotels and Other Lodging Places.
- D. Following these calculations, the Commission then may:
 - 1. permit clustering of development and/or allow a reduction in the size of individual lots within the planned unit development below the minimum area required so long as the density for the entire available land area is not exceeded; and/or
 - 2. waive, wholly or in part, any minimum usable floor area requirement, setback, or maximum height, specified by the restrictions of the respective District if doing so results in:
 - a. Additional public property in the development and/or public easement on property in the development that is acceptable to the Township and/or
 - b. Lower costs for installation and/or maintenance of public utilities to be owned and operated by the Township, and/or
 - c. Public Park land developed in or near the development, and/or
 - d. Preservation of open space and environmental (sand dune, beach contiguous to a lake or stream, wetland, high risk erosion area, flood plane, water setback areas, areas not suitable for on-site sewage disposal) or visual benefits to the township, and/or
 - e. Enhance recreation opportunities, and/or
 - f. Provide a particular image or appearance at the entrance way, and/or
 - g. Some other public value to the Township.

[MODEL\ZONE80S.ANY]

ARTICLE 94: SITE PLAN

[Annotation: Entire Article changed by amendment adopted February 8, 1995.]

9401. Purpose

It is recognized by this Ordinance that there is a value to the public in establishing safe and convenient traffic movement to higher density sites, both within the site and in relation to access streets; that there is value in encouraging a harmonious relationship of buildings and uses both within a site and in relation to adjacent uses; further that there are benefits to the public in conserving natural resources. Toward this end, this Ordinance requires site plan review by the Commission under the provisions of a Special Use Permit and provides for the option of site plan review by the administrator.

9402. Site Plan Review

- A. Every application for a land use permit shall include a site plan, drawn according to the specifications of this article. (A demand for appeal before the Appeals Board shall include a site plan drawn according to the specifications of this article.) The administrator shall review the site plan prior to issuing a land use permit, or the administrator shall transmit the site plan to the Commission for their review.
- B. There shall be three levels of site plans, for different complexities of proposed land uses:
 1. A Basic Site Plan (Section 9404), for dwellings, additions to dwellings and construction of accessory structures to dwellings. These site plans shall only be subject to review by the Administrator.
 2. A Medium Site Plan (Section 9405), for any permitted use --which is not a dwelling, addition to a dwelling, construction of accessory structures to dwelling-- and for any matter before the Appeals Board which would not need a Detailed Site Plan. The Commission shall publish policy for when a Medium Site Plan --not drawn for purposes of an Appeal-- shall be required to be reviewed by the Commission and/or a committee of the Commission, or the Administrator.
 3. A Detailed Site Plan (Section 9406), for any Special Use, Planned Unit Development. These site plans shall only be subject to review by the Commission.
- C. Whenever possible site plan review by the administrator and Commission shall be coordinated and done simultaneously with other reviews by the administrator and Commission on the same application.

9403. Optional Sketch Plan Review

Prior to submitting an application, or site plan, for a land use permit an applicant may choose to submit a sketch plan for review by the administrator and/or Commission. The sketch plan shall be superimposed on an air photo of the parcel or shall be a scaled drawing of the parcel showing the location of existing and proposed parcel, parcel boundaries, all structures, natural features, all improvements, streets, sidewalks, easements and drainage systems. The review shall be informal and advisory only, and not constituting any form of approval or authorization of granting any type of permit. The review shall be done without cost to the applicant, but must be scheduled as an item of business on the Commission's agenda if the sketch plan is to be reviewed by the Commission.

9404. Required Data for a Basic Site Plan

The Basic Site Plan shall be a sketch, drawn to scale, or superimposed on an air photo, or superimposed on a survey, of the parcel. The following shall be shown on the Basic Site Plan:

- A. The property, identified by parcel lines and location and size.
- B. Name and address of the property owner(s), developer(s), and designer(s), and their interest in said properties.
- C. The scale, north point
- D. Natural features such as woodlot, water bodies, wetlands, high risk erosion areas, slopes over 25%, beach, sand dunes, drainage and similar features.
- E. The location of proposed and main and accessory buildings, existing structures, fences on the site, the height of all buildings and square footage of floor space.
- F. The proposed driveway, if any.

- G. Show any changes or modifications required for any applicable regulatory agencies' approvals. (Site plan or design plan changes required after the Commission issues a Special Use Permit shall also be changed in accordance with procedures established in this Ordinance for minor adjustments or amendments to Special Use Permits.)

9405. Required Data for a Medium Site Plan

The site plan shall be drawn to scale and shall be on paper which measures at least 8.5 by 11 inches, but not more than 36 by 42 inches. The drawing shall be such that the administrator can readily interpret the site plan, and shall include more than one drawing where required for clarity and shall include the following information, unless specifically waived by the administrator upon the determination that the requirements to be waived are not reasonably related to the proposed use.

- A. All the data required for a Basic Site Plan, spelled out in Section 9404 of this Ordinance.
- B. The parcel's legal description.
- C. Boundary dimensions of natural features such as woodlot, water bodies, wetlands, high risk erosion areas, slopes over 25%, beach, sand dunes, drainage and similar features.
- D. Location dimensions of existing and proposed man-made features such as buildings, structures, utility easements, water, storm sewer and sanitary sewer lines, storm water drainage and retention lines,
- E. Neighboring driveways, and other vehicular circulation features within and adjacent to the site; also the location, size and number of parking spaces in the off-street parking areas and the identification of service lanes, service parking and snow storage areas.
- F. Any proposed alterations to the topography and other natural features shall be indicated.
- G. Any proposed location of connections to existing utilities and proposed extensions thereof.
- H. A description of the proposed development.
- I. A vicinity map showing the location of the site in relation to the surrounding street system.

9406. Required Data for a Detailed Site Plan

A site plan which shall be of a scale not to be greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet, and of such accuracy that the Commission can readily interpret the site plan, and shall include more than one drawing where required for clarity and shall include the following information, unless specifically waived by the administrator upon the determination that the requirements to be waived are not reasonably related to the proposed use. The Commission, upon initial review of the site plan, may act to require any information specifically waived by the administrator to be submitted. Such site plan shall be designed and prepared by a registered professional architect, landscape architect, engineer, land surveyor or community planner (or, if acceptable to the Commission, owner or other qualified individual). Unless so waived, all site plans shall include the following information:

- A. All the data required for a Basic Site Plan, set forth in Section 9404 of this Ordinance and for a Medium Site Plan, spelled out in Section 9405 of this Ordinance.
- B. The proposed location of any open spaces, landscaping and buffering features such as greenbelts, fences, etc.
- C. The location, proposed finished floor and grade line elevations.
- D. Site plans for residential development shall include a density schedule showing the number of dwelling units per acre, including a dwelling schedule showing the unit type and number of each unit type.
- E. Any proposed roads, sidewalks and other vehicular and pedestrian circulation features within and adjacent to the site;
- F. Topography information based on USGS datum NAD 83, or selected on-site elevations. More detailed information may be required where the Commission determines that the site and use warrant a more critical review of topography.
- G. Generalized soil analysis data, which may include data prepared by the Manistee County Soil Conservation District or Manistee County Planning Department regarding the soils and their adaptability to the use. More detailed information may be required where the Commission determines that the site and use warrant a more critical review of soils.
- H. Soil erosion and sediment control measures which shall include preventative soil erosion devices or measures, both during and after any site work related to the development, when required.

9407. Required data for a site plan involving special groundwater protection provisions.

- A. All businesses and facilities which use or generates hazardous substances (except (1) fuel stored in a fuel tank which is part of a motor vehicle for purposes of use by that vehicle's motor, (2) materials in a five gallon, or smaller, pre-packaged sealed containers and is for purposes of resale and located inside a retail establishment):
 - 1. in quantities greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) per month or ninety five (95) liters (approximately twenty five (25) gallons) per month, whichever is less, or
 - 2. stores greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) or ninety five (95) liters (approximately twenty five (25) gallons), whichever is lessshall be subject to site plan review requirements.
- B. In addition to all the data required for a Basic Site Plan, set forth in Section 9404, Medium Site Plan set forth in Section 9405, or a Detailed Site Plan set forth in Section 9406, whichever is applicable; the following shall also be shown in the site plan:
 - 1. Location and size of interior and exterior areas and structures to be used for storage, use, loading/unloading, recycling, or disposal of hazardous substances.
 - 2. Location of all underground and above ground storage tanks for such uses as fuel storage, waste oil holding tanks, chemical storage, hazardous waste storage, collection of contaminated stormwater or wash water, and all similar uses.
 - 3. Location of exterior and interior drains, on-site sewage systems, dry wells; catch basins; retention/detention areas; sumps and other facilities designed to collect, store or transport stormwater or wastewater. The point of discharge for all drains and pipes shall be specified on the site plan.
 - 4. Location of all water wells on the site and within 150 feet surrounding the parcel's property boundaries.
 - 5. Delineation of areas on the parcel which are known or suspected to be contaminated, together with a report on the status of site cleanup.
 - 6. Submission of the "Hazardous Substances Reporting Form for Site Plan Review".
 - 7. Submission of the "State/County Environmental Permits Checklist".
 - 8. If the area covered by the site plan includes territory within a Wellhead Protection Overlay Zone submit a site plan review report prepared by a Manistee County Groundwater Staff Review Group (c/o Manistee County Planning Department). The site plan review report shall be a written document reporting on a county review of the same site plan prepared for this section. If the area covered by the site plan does not include territory within a Wellhead Protection Overlay Zone a site plan review report prepared by the Manistee County Groundwater Staff Review Group may be submitted at the option of the applicant or may be required at the option of the Commission or administrator, which ever is applicable.

9408. Submission of a Site Plan

Three (3) copies of a site plan shall be submitted with a land use permit application to the administrator. In the case where a committee of the Commission or the Commission is reviewing the site plan, eight (8) copies of the site plan shall be submitted to the administrator.

9409. Review for Completeness.

The Administrator shall review the site plan received to insure it is complete, and contains all the elements required by this Ordinance. Such finding shall be done concurrently with similar required findings that a zoning application is complete.

- A. If the site plan is not found to be complete, the administrator shall return the site plan to the applicant with a written list of items needed to make the site plan complete.
- B. If the site plan is found to be complete, the administrator shall:
 - 1. Only as applicable, forward copies of the site plan to the Township Engineer, County Road Commission, Township Department of Public Works, County Soil Erosion Inspector, County Drain Commissioner, County Health Department, Michigan Department of Highways, for their recommendations to be subsequently forwarded with the site plan, and

2. Determine if the site plan is to be reviewed and acted upon by him, and then do so, or
3. Determine if the site plan is to be reviewed and acted upon by the Appeals Board, and then forward the copies of the site plan to each member of the Appeals Board a week prior to their meeting, or
4. Determine if the site plan is to be reviewed and acted upon by the Commission or a committee of the Commission, and then set up a site plan review meeting and forward the copies of the site plans to each member of the Commission (or a committee of the Commission) a week or more prior to the Commission's meeting.

9410. Standards for Site Plan Review

The following standards shall be used by the Commission and administrator to review site plans:

- A. All applicable regulations of this Ordinance which apply generally to all districts, and all applicable regulations of this Ordinance which apply to the specific zoning district, to any conditions imposed with the granting of a Special Use Permit or variance, shall be shown on the site plan as being complied with.
- B. All utility easements shall be distributed on site in a manner which is least harmful to surrounding properties. Electric, telephone, coaxial cable and other lines shall be located underground unless this requirement is specifically waived by the administrator, Commission or Appeals Board upon review of the site plan.
- C. Water lines, sewer lines, all provisions of surface water drainage shall be approved by the Township and designed in compliance with any applicable federal and state statute, township and county ordinance.

9411. Approval and Compliance

- A. In cases where the administrator reviews the site plan pursuant to section 9402; within seven (7) days of the site plan being found complete, as specified in section 9409, the Administrator shall act to approve, approve with modifications, or disapprove the site plan in writing with reasons.
- B. In cases where the Commission, or a committee of the Commission, reviews the site plan; within sixty (60) days of the site plan being found complete, as specified in section 9409, the Commission shall act to approve, approve with modifications, or disapprove the site plan in writing with reasons.
- C. The action shall be recorded in a record of the zoning application and shall be filed with the administrator. The administrator or Commission shall notify the applicant in writing of its decision. If rejected, the reasons for rejection and, if approval is possible, the requirements for approval, shall be given to the applicant, in writing, attached to the rejection. If the administrator or Commission does not act on the site plan, and put its action in writing within the prescribed time, the site plan shall be conclusively presumed to have been approved. If the proprietor and administrator or Commission mutually agree, the time limit may be extended.

9412. Conditions of Site Plan Approval

- A. A site plan can be approved with conditions necessary to comply fully with the intent of this Ordinance. All conditions shall be shown on the approved site plan and/or shall be in writing.
- B. Reasonable conditions may include conditions necessary to:
 1. insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity,
 2. protect the natural environment and conserve natural resources and energy,
 3. insure compatibility with adjacent uses of land, and
 4. promote the use of land in a socially and economically desirable manner.
- C. Conditions imposed shall meet all of the following requirements:
 1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.

3. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

9413. Security Requirement

- A. To insure compliance with the site plan and Ordinance and any conditions, limitations or requirements imposed by the administrator or Commission as necessary to protect natural resources or the health, safety and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area, the administrator or the Commission may require
 1. a cash deposit,
 2. certified check,
 3. irrevocable bank letter of credit or
 4. surety bond.in an amount and under the conditions permitted by law.
- B. Such security shall be deposited with the Township Clerk at the time of the issuance of the permit authorizing the commencement of such project. Where the project will take more than ninety (90) days to be completed, the administrator or Commission may authorize a rebate of any cash deposit in reasonable proportion to the ratio of the work completed as the work progresses.
- C. Such security shall not exceed the estimated cost of the required conditions, limitations, requirements for which the security is designed to insure compliance.

9414. File Copies

At least two (2) copies of the site plan, all accompanying documents, record of approval, list of conditions, security shall be kept by the Township for its records.

9415. Land use permits

No land use permit or Construction Code building permit, shall be issued or otherwise authorized until after the site plan has been approved and any required securities have been received.

9416. Amendment of Site Plan

An application may be considered to amend an existing site plan, and shall be handled in the same manner as the initial site plan review prescribed by Section 9401 *et. seq.* of this Ordinance. By mutual agreement between the Township and applicant, minor nonsubstantive changes may be made to an existing approved site plan if such change is sought prior to the issuance of an occupancy permit for work authorized by the Special Use Permit.

ARTICLE 96: APPEALS BOARD

9601. Appeals Board Established

There is hereby established an Appeals Board, which shall perform its duties and exercise its powers as provided in P.A. 110 of 2006, as amended, (being the Michigan Zoning Enabling Act, M.C.L. 125.3101 *et. seq.*), in such a way the objectives of this Ordinance shall be enforced, the public health and safety secured, and substantial justice done.

[Annotation: The section amended June 13, 2007, effective June 28, 2007.]

9602. Duties of the Appeals Board

The Appeals Board shall hear and decide such matters as the Appeals Board is specifically authorized to pass on as provided in this Ordinance and such matters as may be provided by law, including, but not limited to, variances, interpretation of this Ordinance text and map.

[Annotation: Section is changed by amendment, effective March 20, 1998.]

9603. Variance

A variance from the terms of this Ordinance shall not be granted by the Appeals Board unless and until:

- A. A written application for a variance is submitted, demonstrating:
 - 1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
 - 2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
 - 3. That the special conditions and circumstances do not result from the actions of the applicant.
 - 4. That granting the variance will not alter the essential character of the area.
 - 5. That no nonconforming use of neighboring lands, structures, or buildings, in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.
- B. The Appeals Board shall make findings that the requirements of this Ordinance have been met by the applicant for a variance.
- C. The Appeals Board shall further make a finding that the reasons set forth in the application justify the granting of the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- D. The Appeals Board shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
- E. In granting any variance, the Appeals Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance and including requirements for a buffer area, greenbelt, vegetation belt. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under section 9804.
- F. Under no circumstances shall the Appeals Board 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.

9604. Voiding of and Reapplication for Variance

The following provisions shall apply:

- A. Each variance granted under the provisions of this Ordinance shall become null and void unless:
 - 1. The construction authorized by such variance or permit has begun within one (1) year after the granting of such variance and pursued diligently to completion; or

2. The occupancy of land or buildings authorized by such variance has taken place within one (1) year after the granting of such variance.
- B. No application for a variance which has been denied wholly or in part by the Appeals Board shall be resubmitted for a period of one (1) year from such denial, except on grounds of new evidence or proof of changed conditions found by the Appeals Board to be valid.

9605. Interpretation of Ordinance Text

- A. Interpretation - Pursuant to the requirements of P.A. 110 of 2006, as amended, (being the Michigan Zoning Enabling Act, M.C.L. 125.3101 *et. seq.*); nothing contained herein shall be construed as prohibiting the Appeals Board from interpreting the text of this Ordinance in such a fashion that will allow in a land use district buildings, uses and structures which are sufficiently similar to the specifically delineated permitted or special uses in that land use district, under the same permitted or special use regulations. Such interpretation shall not have the effect of granting a variance but rather shall be deemed only to be an interpretation of the Ordinance text.

[Annotation: Section amended June 13, 2007; effective June 28, 2007.]

- B. Standards - In determining whether a proposed building, use or structure is sufficiently similar to a specifically delineated permitted or special use, the Appeals Board shall consider the relevant policies for the Land Use District in question as set forth in the Comprehensive Plan, the nature, use and purpose of the proposed building, use or structure and whether or not the proposed building, use or structure is a permitted or special use in any other Land Use District.
- C. Precedent - An earlier determination under this section shall be considered a precedent for other applications proposing an identical building, use or structure in the same Land Use District, provided the earlier determination was made with respect to a building, use or structure sufficiently similar to a specifically delineated permitted use in the Land Use District and not with respect to a specifically delineated special use. An earlier determination with respect to an identical, sufficiently similar special use shall be considered as a precedent only to the extent that such sufficiently similar special use shall be considered as a candidate for a Special Use Permit in that Land Use District, but shall otherwise be subject to all requirements of section 8608.

9606. Appeals to the Appeals Board

The following provisions shall apply:

- A. Appeals, How Taken - Appeal from the ruling of the Administrator or the Commission or the Township Board concerning the enforcement, administration, and interpretation of this Ordinance text and map may be made to the Appeals Board, by the filing with the Administrator a demand for appeal specifying the grounds thereof within thirty (30) days of the date a decision is received by the appellant. Date of receipt shall be presumed to be five days after the date shown on the decision. The demand for appeal shall be on a form prepared by the Township for that purpose and shall also include a site plan. The Administrator shall forthwith transmit to the Appeals Board all the papers constituting the record upon which the action appealed from was taken.
- B. Who May Appeal - Appeals to the Appeals Board may be taken by any person aggrieved or by any officer, department, Board, agency, or bureau of the Township, County, or State.
- C. Fee for Appeal - A fee prescribed by the Township Board shall be paid to the administrator at the time of filing the demand for appeal. If the Township Board finds an applicant to be indigent, the fee may be waived by the Township Board.
- D. Effect of Appeal: Restraining Order - An appeal stays all proceedings in furtherance of the action appealed from unless Administrator certifies to the Appeals Board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the Appeals Board or by the Circuit Court, on application, on notice to the Administrator and on due cause shown.
- E. Upon receive of a written request seeking an interpretation of the zoning ordinance or an appeal of an administrative decision, a notice stating the time, date and place of the public hearing shall be published by the administrator in a newspaper of general circulation within the township and shall be sent to the person requesting the interpretation not less than 15 days before the public hearing. In addition, if the request for

an interpretation or appeal of an administrative decision 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. In addition, notification shall include Appeals Board members and the Township's attorney.

[Annotation: Section amended June 13, 2007; effective June 28, 2007.]

- F. Representation at Hearing - Upon the hearing, any party or parties may appear in person or by agent or by attorney.
- G. Decisions of the Appeals Board and Appeals to the Circuit Court - The Appeals Board shall decide --by an affirmative vote of a majority of all its members-- upon all matters appealed within sixty days of the receipt of a demand for appeal, and fee by the administrator, unless mutually agreed by both parties to extend the time, and may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Administrator, or Commission, from whom the appeal is taken for administration and enforcement of this Ordinance. The Appeals Board decision of such appeals shall be in the form of a resolution containing a full record of the findings and determination of the Appeals Board in each particular case. Any person having an interest affected by such decision shall have a right to appeal to Circuit Court as provided by law.

9607. Appeals Board Members

The Appeals Board shall consist of the following three (3) members:

- A. First member shall be a member of the Planning Commission.
- B. Second and third members shall be selected and appointed by the Township Board from among the electors residing in the Township. One regular member may be a member of the legislative body, but shall not serve as chairperson of the Zoning Board of Appeals. An employee or contractor of the legislative body may not serve as a member of the Zoning Board of Appeals.

[Annotation: Section amended June 13, 2007; effective June 28, 2007.]

- C. In the case where two or more members can not hear an appeal due to conflict of interest, illness or other absence, the Township Board may appoint alternate(s) for that appeal.

[Annotation: Section is added by amendment, effective March 20, 1998. Formerly it was the last subsection of the previous section.]

- D. A member of the Zoning Board of Appeals may be removed by the legislative body for misfeasance, malfeasance or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

[Section added by amendment June 13, 2007; effective June 28, 2007.]

- E. The terms of office for members appointed to the Zoning Board of Appeals shall be for three (3) years, except for members serving because of their membership on the zoning commission or legislative body, whose terms shall be limited to the time they are members of those bodies. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.

[Section added by amendment June 13, 2007; effective June 28, 2007.]

ARTICLE 98: AMENDMENT VALIDITY PENALTIES

9801. Initiating Amendments and Fees

The Township Board may from time to time, on recommendation from the Commission, amend, modify, supplement or revise the district boundaries or the provisions and regulations herein established whenever the public necessity and convenience and the general welfare require such amendment. Said amendment may be initiated by resolution of the Township Board, the Commission, or by petition of one or more owners of property to be affected by the proposed amendment. Except for the Township Board, or the Commission, the petitioner or petitioners requesting an amendment shall at the time of application pay a filing fee as set from time to time by the Township Board.

9802. Amendment Procedure

The procedure for making amendments to the Ordinance shall be in the manner provided by law, with all amendment proposals being referred to the Commission for statutorily required notices, hearing, review by Manistee County Planning Commission, transmission of the proposed amendments and summary of comments made at the public hearing to the Township Board for their action with or without an additional public hearing. If the Township Board holds an additional hearing, it shall comply with Section 125.3401 of P.A. 110 of 2006, as amended (being the Michigan Zoning Enabling Act, M.C.L. 125.3101 et. seq.) and the Commission members shall be required to attend. Within fifteen (15) days of adoption, a notice to that effect shall be published in a newspaper and a copy of the amendment filed with the Township Clerk.

[Annotation: Section amended June 13, 2007; effective June 28, 2007.]

9803. Conformance to Court Decree

Any amendment for the purpose of conforming a provision thereof to the decree of a court of competent jurisdiction shall be adopted by the Township Board and the amendments published without referring the same to any other Board or agency.

9804. Violations and Penalties: Nuisance Per Se: Abatement

- A. Nuisance Per Se. Any building or structure which is erected, reconstructed, altered, converted, maintained, or used or any use of land or premises which is begun, maintained or changed in violation of any provisions of this Ordinance is hereby declared to be a nuisance *per se*.
- B. Authorized Local Official. The Township Zoning Administrator is hereby designated as the authorized local official to issue municipal civil infraction citations.
- C. Violations; Civil Infractions. Any person, including, but not limited to, an individual, partnership, corporation, limited liability company, or other incorporated or unincorporated, voluntary association, who violates any provision of this Ordinance shall be guilty of a civil infraction. Violation of this Ordinance and its penalties shall be judicially enforced through the 85th Judicial District Court. Enforcement for violations of this Ordinance shall be as follows:
 1. Unless immediate action is necessary upon the determination by the Township Zoning Administrator that there is a danger to the public health, safety, or welfare, the person violating this Ordinance shall be served personally or through first class mail with a notice of violation requiring that the violation be corrected within thirty (30) days of the notice;
 2. Upon failure to correct the violation or in cases when immediate action is necessary, a person violating this Ordinance shall be issued a citation requiring their appearance in the 85th Judicial District Court. A person who violates this Ordinance shall be guilty of a civil infraction and shall be fined not less than \$150.00 nor more than \$500.00 plus costs.
 3. A person who violates this Ordinance shall be guilty of a civil infraction and when having been previously found responsible or admitted responsibility for a violation of this Ordinance in a civil infraction proceeding within one (1) year immediately preceding the issuance of the second citation, shall be fined not less than \$300.00 nor more than \$500.00 plus costs.

4. A person who violates this Ordinance shall be guilty of a civil infraction and when having been found responsible or admitted responsibility for violation of this Ordinance in a civil infraction proceeding on at least two prior occasions within two (2) years immediately preceding the issuance of the third or later citation, shall be fined \$500.00 plus costs.
- D. **Violations; Civil Action.** The Township Board, the Township Zoning Administrator, the Board of Appeals, the Attorney for the Township, or any owner or owners of real estate within the Land Use District in which such building, structure or land is situated, may institute a nuisance, injunction, mandamus, abatement or any other appropriate action or actions, proceeding or proceedings, to prevent, enjoin, abate, or remove any building or structure or use, which has been erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance.
- E. **Cumulative Remedies.** The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law. The issuance of a municipal civil infraction citation and a finding or admission of responsibility for violation of this Ordinance in a civil infraction proceeding shall not bar a civil action seeking equitable relief beyond the jurisdiction of the 85th Judicial District Court under subsection D. hereof, arising from the same violation.

[Annotation: This section amended 9/13/00.]

9805. Caption

The captions used in this Ordinance shall not be deemed to be a part of this Ordinance and shall not be construed to enlarge or restrict the rights and obligations otherwise contained herein.

9806. Repeal of Ordinance

The Dickson Township Zoning Ordinance adopted on July 18, 1975, and effective August 21, 1975, and all amendments thereto are hereby repealed effective coincident with the effective date of this Ordinance.

9807. Pending Zoning Applications

All applications for permits, appeals and variance requests pending before the Administrator, the Planning Commission, or the Appeals Board on the effective date of this Ordinance shall be acted upon only in conformance with this provisions of the zoning ordinance in effect prior to this Ordinance.

9808. Conflict With Other Laws

- A. Where any condition imposed by any provision of this Ordinance upon the use of any parcel, building or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance or by the provision of an ordinance adopted under any other law, the provision which is more restrictive or which imposes a higher standard or requirement shall govern.
- B. This Ordinance is not intended to abrogate or annul any easement, covenant or other private agreement provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant or other private agreement, the provision of this Ordinance shall govern.

9809. Validity and Severability Clause

If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not effect any other provisions of this Ordinance not specifically included in said ruling. If any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular land, parcel, district, use, building or structure, such ruling shall not effect the application of said provision to any other land, parcel, district, use, building, or structure not specifically included in said ruling.

9810. Period of Effectiveness

This Ordinance shall remain in full force and effect henceforth unless repealed.

[MODEL.ZONE90S.ANY]

ADOPTION AND AMENDMENT HISTORY

Public Hearing Notices:

Public Hearing:

Recommended for adoption by Dickson Township Planning Commission:

Reviewed by Manistee County Planning Commission: January 21, 1987.

Adopted by Dickson Township Board: March 11, 1987.

Effective date: April 20, 1987, 12:01 a.m.

AMENDMENTS:

#1 (Rezone 300 x 600 area within SE¼ of SE¼ of section 8 of T22N R14W to residential- commercial)

Public Hearing Notices: April 22, 1993 and May 2, 1993 in the Manistee News Advocate.

Public Hearing: May 13, 1993.

Recommended for adoption by Dickson Township Planning Commission: May 13, 1993.

Reviewed by Manistee County Planning Commission: November 17, 1993.

Adopted by Dickson Township Board: December 1993.

Effective date: December __, 1993.

#2

Public Hearing Notices: September 21, 1994 and October 11, 1994

Public Hearing: October 13, 1994.

Recommended for adoption by Dickson Township Planning Commission: November 10, 1994.

Reviewed by Manistee County Planning Commission: December 21, 1994.

Adopted by Dickson Township Board: February 8, 1995.

Effective date: February __, 1995.

#3

Public Hearing Notices: September 23, 1997 and October 15, 1997.

Public Hearing: October 23, 1997.

Recommended for adoption by Dickson Township Planning Commission: December 11, 1997.

Reviewed by Manistee County Planning Commission: January 21, 1998.

Adopted by Dickson Township Board: March , 1998.

Effective date: March 20, 1998

#4

Public Hearing Notices: May 5, 1999 and May 19, 1999

Public Hearing: May 27, 1999

Recommended for adoption by Dickson Township Planning Commission: May 27, 1999

Reviewed by Manistee County Planning Commission: June 16, 1999

Adopted by Dickson Township Board: May 10, 2000

Effective date: May 10, 2000

#5

Public Hearing Notices: February 9, 2000 and February 23, 2000

Public Hearing: March 2, 2000

Recommended for adoption by Dickson Township Planning Commission: March 2, 2000

Reviewed by Manistee County Planning Commission: March 23, 2000

Adopted by Dickson Township Board: September 13, 2000

Effective date: September 13, 2000

#6

Public Hearing Notices:

Public Hearing: March 13, 2003

Recommended for adoption by Dickson Township Planning Commission: February 6, 2003

Reviewed by Manistee County Planning Commission: March 27, 2003

Adopted by Dickson Township Board: July 9, 2003

Effective date: August 11, 2003

#7

Public Hearing Notices:

Public Hearing: May 17, 2007

Recommended for adoption by Dickson Township Planning Commission: May 17, 2007

Reviewed by Manistee County Planning Commission: May 24, 2007

Adopted by Dickson Township Board: June 13, 2007

Effective date: June 28, 2007

[TOWNS:ZONEDRAFT.DIC].