

ARTICLE I**TITLE, PURPOSES AND LEGAL CLAUSES****Section 1.01 - Title**

Stronach Township Zoning Ordinance shall be known as the "Stronach Township Zoning Ordinance".

Section 1.02 - Purposes

This ordinance is based upon the Stronach Township Land Use 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 Stronach Township and promote the orderly and beneficial development of the township.**
- C. To regulate the intensity of use of land and lot areas in a manner compatible with the Stronach Township Land Use 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 of development or the uses, building or structures permitted within specified zoning districts;**
- I. To prevent such additions to or alteration or remodeling of existing structures in such a way as to avoid the regulations and limitations imposed hereunder;**
- J. To protect against fire, explosion, noxious fumes and odors, heat, dust, smoke, glare, noise, vibration, radioactivity, and other nuisances and hazards in the interest of the public health, safety and general welfare;**

- 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 a Board of Appeals and to define the powers and duties thereof;**
- O. To designate and define the power and duties of the official of officials in charge of the administration and enforcement of this Ordinance;**
- P. To provide for the payment of fees for zoning permits; and**
- Q. To provide penalties for the violation of the Ordinance.**

Section 1.03 - Legal Basis

This Ordinance is enacted pursuant to Michigan Zoning Enabling Act, Public Act of 2006MLC. 125.3101

Section 1.04 - Effective Date

This Ordinance was adopted by the Township Board of the Township of Stronach, Manistee County, Michigan, at a meeting held on September 11, 1985 and a notice of publication ordered published in the Manistee News Advocate, and a newspaper having general circulation in said Township, as required by Public Act 110 of 2006 MCL.125.3101

DATE: 3/11/15 *Philip Henderson*
Township Supervisor

DATE: 3-11-15 *Barbara Rishel*
Township Clerk

ARTICLE II

DEFINITIONS

Section 2.01 - Purpose

For the purpose of this Ordinance certain terms are herewith defined. When not inconsistent with the context, the present tense includes the future words used in the singular number include the plural number. The word "shall" is always mandatory and not merely permissive. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual. The words "used" or "occupied" include the words "intended", "designed", or "arranged" to be used or occupied.

Section 2.02 - Standard Industrial Classification Manual

For the purpose of this Ordinance where "uses" and/or "special uses" are listed for each land use district those items listed and followed by a letter or one, two, three or four digit number classification enclosed in parenthesis, that listed use or special use and code shall refer to the list of economic activities used and classified in the North American Industry Classification System, 2012 the Executive Office of the President, United States Office of Management and Budget for purposes of defining the uses. And special uses and for a more detailed list of the types of uses intended by this ordinance. Such listing with reference to the N.A.I. C. S. Manual shall be exclusive, and shall not include uses elsewhere classified in the manual.

Section 2.03 - Undefined Words

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

Section 2.04 - Definitions Note

All other definitions refer to the Michigan Zoning Enabling Act Pa 110 of 2006, as amended MCL 125.3101, et seq. (effective 1-1-2006; Current as of Public ACT 12 of 2008, as Amended

Section 2.05 - Definitions

ACCESSORY BUILDINGS means a supplementary building or structure on the same lot or parcel of land as the main building or buildings, or part of the main building occupied by or devoted

exclusively to an accessory use, but such use shall not include any building used for dwelling, residential or lodging purposes, or sleeping quarters for human beings.

ACCESSORY STRUCTURES shall be construed to include, but not limited to, the following: playground equipment, sport courts, children's playhouses, domestic animal Shelters, or similar pet accommodations, fallout shelters, swimming pools, gazebos, barbeque stoves, parking lots, loading docks and radio and television antennas, but shall not include fences, hunting blinds, signs.

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.

After The Fact Land Use Permit any required permit that was not obtained prior to any work commencing as stated in Article 14, Section 1 of this Ordinance

ALTERATIONS means any construction, modification, remodeling, repair, improvement, relocation, replacement of a structure, building, dwelling, accessory building or structure which needs a permit under the provisions of Section 14.01 of this ordinance or under the provisions of Section 15.01 of this ordinance.

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

BUILDING means any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind. Buildings shall include tents, awnings trailers, whether mounted or on wheels and situated on private property and used for purposes of a building.

BUILDING AREA means the total exterior area taken on a horizontal plan 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 within, or excluding, the setbacks applied to that parcel by this ordinance.

BUILDING HEIGHT means the vertical distance measured from grade to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the highest height between eaves and ridge for gable, hip and gambrel roofs.

CAMPGROUND means a parcel or tract of land under the control of a person in which sites are offered for the use of the public or

members of an organization either free of charge or for a fee, for the establishment of temporary living quarters for five or more recreational units which included trailers as defined in this ordinance.

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, television broadcasts, dispatching, wireless services and all commercial mobile services including all those that are 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 Communication 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 local exchange providers. Communication tower facilities does not include antenna 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.

DUPLEX means a dwelling designed for 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 structure, mobile home, premanufactured or precut dwelling structure designed and used for the complete living accommodations of a single family which complies with the standards given in this ordinance.

ENVIRONMENT ASSESSMENT means a summary review of environmental impacts of a project. Environmental assessment, as used here, means a document written according to guidelines or on a form used by Farm Home Administration, as administered by the United States Department of Agriculture (Form OMB N. 40-R3872 or FHA

449-10 5-23-73), unless an environment assessment is required by another reviewing or administrative agency, in which case that environmental assessment can be construed to be applicable here.

ENVIRONMENTAL IMPACT STATEMENT means a document which is a detailed review of the impacts on the environment by a proposed project, and written according to guidelines adopted from time to time by the Stronach Township Planning Commission.

EXISTING BUILDING means a building existing in whole or whose foundations are complete, and whose construction is being diligently prosecuted 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 boarding 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 Child Care Home and Group Child Care Home Terms; as defined in Section 1 of the 1973 PA 116 as Amended, MCL 722.111 and only applies to the bona fide private residence of the operator of the family or group child care home.

FENCE means an enclosure, barrier, or boundary made of post or stakes joined together by boards, wire, or nails.

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

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

Any parcel created in noncompliance with this ordinance shall not be eligible for any building permits, or zoning approvals, such as special land use approval or site plan approval, and shall not be recognized as a separate parcel on the assessment roll. In addition, violation of this ordinance shall subject the violator to the penalties and enforcement actions set forth in Section X of this ordinance, and as may otherwise be provided by law.

SECTION X

PENALTIES AND ENFORCEMENT

A violation of any of the provisions of this ordinance shall constitute a Municipal Civil Infraction subject to penalties. Any division of land in violation of any provision of this Ordinance shall not be recognized as a land division on the Township Tax Roll or Assessments Roll until the assessment officer refers the suspected violation or potential non-conforming to the County Prosecuting Attorney and gives written notice to the person requesting the division, and the person suspected of the violation or potential non-conformity of such referral to the Prosecuting Attorney. The Township shall further have the authority to initiate injunctive or other relief to prevent any violation or continuance of any violation of this Ordinance. Any division of land in violation of this Ordinance shall further not be eligible for any zoning or building permit for any construction or improvement thereto.

In addition any person, firm or corporation who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Public Act 12 of 1994, amending Public Act 236 of 1961, being Section 600.101 - 600.9939 of the Michigan Compiled Laws and shall be punishable by a civil fine of not more than five hundred dollars (\$500.00) plus cost. Each day this is violated shall be considered as a separate Violation. Any action taken

under this section shall not prevent civil proceeding for abatement of termination of the prohibited activity.

Pursuant to Section 267 of the Land Division Act (MCL. 560.267), an unlawful division or split shall also be voidable at the option of the purchaser and shall subject the seller to the forfeiture of all consideration received or pledged therefore, together with any damages sustained by the purchaser, recoverable in an action of law.

SECTION XI

SEVERABILITY

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this ordinance other than said invalid part or portion thereof.

SECTION XII

REPEAL

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed, except that this Ordinance shall not be construed to repeal any provision in the Township Zoning Ordinance.

SECTION XIII

EFFECTIVE DATE

This ordinance shall take effect 7 days following its publication after adoption.

**TOWNSHIP OF STRONACH
Donna J Jados, Clerk**

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 Michigan Public Act 419 of 1976 and administrative rules promulgated there-under.

MOBILE HOME PARK means a parcel of land under the control of a person upon which three or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, to-gather 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.

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 on existing date of this ordinance.

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

OUTDOOR RECREATON - PARKS means 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.

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 tract of land in the same ownership, whether one or more platted lots or parts of lots, as identified by property tax parcel number in the Manistee County Assessment roll.

PARCEL OR MEASUREMENTS means:

a. DEPTH of a parcel shall be considered to be the distance between the mid-points of straight lines connecting the foremost points of the property lines in front and rearmost points of the side property lines in rear.

b. WIDTH

- 1. The distance between straight lines connecting front and rear property lines at each side of the parcel.**
- 2. In determining parcel frontage on odd shaped parcels if the parcel a-butts on the outside curve boundary of a curving street and as a result the side property lines diverge toward the rear, the measurement of the width and parallel to the front building lines of the principal building.**
- 3. If the parcel abuts on an inside curve boundary of a curved street where in the property lines converge toward the rear, the measure shall be taken at a point seventy (70) feet from the street property line of said parcel.**

4. The average width measured at right angles to its depth.

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

PERSONAL PROPERTY / YARD SALES means events such as garage sales, yard sales basement sales or other similar events where the sale of unneeded or unwanted items of personal property is held on private property, open to the public.

A. Restrictions

- 1. Such display areas located at least 25 ft from the road right-of-away line**
- 2. Goods purchased for resale are not allowed.**
- 3. (6) Six consecutive days, limited to (6) six times a year. All tables and merchandise must be removed at the end of each six-day period of sale.**
- 4. Parking areas are available off the road right-of-way for prospective customers.**

PLANNING COMMISSION means the Stronach Township Planning Commission created pursuant of P.A. 168 of 1959, as amended, being MCLA 125.321 et. seq. and has vested with it all the powers and duties of a zoning board pursuant to P.A. 184 of 1943, as amended, being MCLA 125.271 et. seq.

PRIMARY ROADS

Primary roads are any roadways defined by the State of Michigan, or the Manistee County Road Commission.

PRIVATE ROAD means a road which is part of a recorded subdivision and shown as a private road on the plat, or a road which is not public which services more than one dwelling and business. Private Road shall not include driveways to a dwelling or business or accessory buildings 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 the same to the Michigan Department of Transportation; two-track trails which have been in common use for five (5) or more years and which provide the only access to a parcel of property.

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 purpose of this Ordinance Communication Tower Facilities are not included in the definition of Public Utility or exempt from a permit as a Public Utility's structure) fish, animal

RUBBISH OR WASTE MATERIALS means but not limited to, organic refuse, food wastes, ashes, dead animals, fish, animals bones, hides, rotten soap, grease, tallow, offal, food containers or wrapping, cans, bottles, jars, crockery, garbage, discarded furniture, cartons, boxes, crates, rags discarded clothing, bedding, floor covering wallpaper, sweepings, waste papers, newspapers or magazines, discarded appliances, rubbish, excrement, rot construction, debris including, but not limited to, lumber, bricks, block, plumbing or heating materials, roofing materials, concrete, cement, electrical materials or siding, yard debris or rubbish including, but limited to, grass clipping from hedges, or shrubs, or detached tree branches, industrial waste, unclean or nauseous fluids or gases, and industrial, or any other material which constitutes a threat or menace to the public health, safety, or general welfare.

SETBACK means a line measured on a horizontal plan established from the property line or high water line.

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

STATE HIGHWAYS

State highways are any roadways defined by the State of Michigan, or the Manistee County Road Commission.

STATE LICENSED RESIDENTIAL FACILITIES means a structure constructed for residential purposes that is licensed by the State under the Adult Foster Care Facility Licensing Act, 1979 PA 218 as Amended, MCL 400.701 to 400.373, or PA 116 as amended, MCL 722.111 to 722.128, and provides residential services for 6 or fewer individuals under 24-Hour supervision or care.

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 as defined in Section "3.21. "Fences", hedges, sidewalks, gardens, or dog houses of a size no larger than fifteen (15) square feet nor taller than five (5) feet in height.

TEMPORARY DWELLING means a structure or use permitted by the Township Zoning Administrator to exist during periods of construction of the main use or for special events.

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 the Michigan Motor Vehicle Code (Public Act 300 of 1949,MSA 9.1801-

9.1882) and including camping units, tents, or any other temporary dwelling.

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.

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

WETLAND, for purposes of the Wetland Preservation District, 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 Little Manistee River and is classified as forested or non-forested emergent or flats in the Manistee County Land Use/Cover Classification system prepared under the Michigan Resource Inventory Act and characterized by a soil type which is Alluvial land, undifferentiated, variable textured flood plain sediments.

YARD, FRONT means an open, unoccupied space extending the full width of the lot and situated between the front lot line, which is adjacent to a road right-of-way, and the nearest building line.

YARD, REAR means an open, unoccupied space extending the full width of the lot and situated between the rear line of the lot and the rear building line.

YARD, SIDE means an open, unoccupied space on the same lot with the main building, situated between the side building line and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear; and, if no front yard is required, the front

**boundary of the side yard shall be the front line of the lot,
and, if no rear yard is required, the rear boundary of the side
yard shall be the rear line of the lot.**



ARTICLE III

GENERAL REGULATIONS

Section 3.01 - Purpose

It is the purpose of the Article of the Ordinance to provide regulations for miscellaneous and other requirements that apply in all zoning districts to all permitted uses and special uses.

Section 3.02 - 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.

Section 3.03 - General Provisions

No parcel, building or structure in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises provided that 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:

- 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 State Construction Code and rules promulgated there-under and/or the State Fire Marshal.**

- B. No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.**
- C. No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.**
- D. No malodorous gas or matter shall be permitted which is offensive or as to produce a public nuisance or hazard on any adjoining lot or property.**
- E. No pollution or 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 there-under.**
- F. No direct or reflected glare shall be permitted which is visible from any property or from any public street, road or highway.**
- G. Pollution of water shall be subject to such requirements and regulations as are established by state, county or federal water pollution statutes or regulations promulgated by rule there-under.**
- H. Audible noise shall be subject to such requirements and regulations as are established by the Manistee County Noise Ordinance, as amended.**

Section 3.04 - Waste Accumulation and Outside Storage

- A. It shall be unlawful for any person to accumulate rubbish or waste materials of any kind on any land in Stronach Township except in a permitted junk yard or licensed sanitary landfill. No sewage, waste water or water containing foreign substances shall be deposited or drained into any open ditch, creek, stream, lake, pond, or other body of water unless the same has first been approved by state and county health authorities. The provisions of this Section shall not 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.**

Section 3.05 - Water Supply and Sewage Facilities

In the interests of protecting the public health and welfare, every building or structure hereafter erected, altered or moved upon any premise and used in whole or in part dwelling, recreational, business, commercial, or industrial purposes shall be provided with (a) safe and sanitary water supply: (b) collection and disposal of human excreta and domestic, commercial and industrial waste, by means of public sewage disposal system or individual disposal system which meets the requirements of the Manistee County Sanitary Code, as amended.

Section 3.06 - Essential Public Services

The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of overhead or underground gas, electrical, or water distribution or transmission systems, collection, communication, supply, disposal or sewer systems, including mains, drains, sewers, wires, cables, traffic signals, hydrants, towers, poles, electrical substations, gas regulation stations, and similar equipment and accessories in connection therewith reasonably necessary for furnishing adequate service by such public health or safety or general welfare, shall be permitted as authorized or regulated by law or other ordinances of the Township, in any land use district, it being the intention hereof to exempt such erection, construction, alteration and maintenance from the application of this Ordinance; provide, however, that the erection or construction of any or all new above-grade construction is designed and erected to conform harmoniously with the general architecture and plan of such district in which it is to be located, and complies with all provisions of Article III of this Ordinance.

Section 3.08 - Height

No building or structure or part thereof shall be erected or altered to a height exceeding two and a half (2 ½) stories, or thirty-five (35) feet, whichever is less, except 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 if approved

by the Zoning Board of Appeals, pursuant to its power to grant variances, or the Township Planning Commission in connection with a special use permit application approval and except that 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 Zoning Board of Appeals, pursuant to its power to grant variances or the Township Planning Commission in connection with a special use permit application approval. This section shall not apply to radio, television antenna systems.

Section 3.09 -Bulk Regulations

- A. The maintenance of setback, height, floor area ratio, coverage, open space, greenbelt, mobile home site, transition strip, parcel area and parcel area per dwelling unit required for one (1) use, parcel building or structure shall be a continuing obligation of the owner of such building or structure or of the parcel on which such use, building or structure shall be located is in existence. Furthermore, no setback, height, floor area ratio, coverage, open space, mobile home site, transition strip, greenbelt, parcel area per dwelling unit allocated to or required about or in connection with one parcel, use, building or structure may be allocated to any other parcel, use building or structure.**
- B. No one (1) parcel, once designated and improved with a building or structure, shall be reduced in area or divided into two (2) or more parcels, and no portion of one (1) parcel, once designated and improved with a building or structure, shall be sold unless each parcel resulting from each such reduction, division or sale, and designated and improved with a building or structure, shall conform with all of the bulk and yard regulations of the zoning district in which it is located and does not result in a violation of any other applicable statues or ordinances, including, but not limited to, the Subdivision Control Act.**

C. Setbacks and Yard Requirements - The setback and yard requirements established by this Ordinance shall apply uniformly in each zoning district to every parcel, building or structure except, notwithstanding any other provision of this Ordinance, that any of the following structures may be located anywhere on any parcel: open and unroofed terraces, patios, flag poles, fences, hydrants, clothes lines, arbors, trellises, recreation equipment, outdoor cooking equipment, sidewalks, private driveways, trees, plants, shrubs, and hedges.

Section 3.10 - Parcel, Yard and Area Measurements

A. Buildings per parcel. No more than one (1) main building with accessory buildings and structures shall be erected on any lot or parcel of land unless such parcel of land is held in single ownership and is used for multiple family dwellings, mobile home parks, or for agricultural, commercial, or manufacturing purposes.

Section 3.11 - Access to Public roads.

In any district every use, building or structure established after the effective date of this Ordinance shall be on a parcel which adjoins a public or private easement of access to a public road, such public road right-of-way or public or private easement to be at least sixty-six (30) feet in width unless a lesser width was duly established or recorded prior to the effective date of this Ordinance.

Section 3.12 - Private road.

Every private road which provides or may provide access to and from a public road for two (2) or more dwelling units or principal buildings shall meet the following conditions:

- A. Be constructed in a good and workmanlike manner upon and parallel to the centerline of an easement which is established by duly recorded conveyance and which is not less than sixty-six (66) feet in width.**
- B. Be constructed so as to sufficiently control storm water runoff and permit effective storm water drainage by such**

means as two foot deep ditches constructed parallel to and on either side of the street, by sloping, the sides of the street from the center thereof, or by other effective methods.

- C. Have sand, and gravel base of not less than eighteen (18) inches in depth of which not less than the top six (6) inches in depth shall be only process road gravel.**
- D. Have a road bed not less than twenty (20) feet wide.**
- E. Be constructed over adequate culverts where necessary to ensure the continuance of existing storm or water flow courses.**
- F. Other standards as may be adopted by the Manistee County Road Commission.**

Section 3.13 - Traffic Visibility at Corners

No automobile, item of personal property, fence, hedge, shrubs, trees or any structure shall be located within a distance of forty (40) feet from the corner point of the front line, which borders a public road, and side lot line which is adjacent to a public road, if said fence, automobile, item of personal property, hedge, shrub, or any other structure, is over thirty (30) inches in height above the elevation of the nearest road surface.

Section 3.14 - Signs

- A. To avoid a number and size of signs in Stronach Township which are distracting to motorists and pedestrians, can create a traffic hazard, and in places reduce the Effectiveness, of signs needed to direct the public if left unregulated: to avoid the appearance to Stronach Township from being marred by the excessive number of signs by applying the minimum amount of regulation necessary to achieve this purpose**
- B. No signs or any commercial messages, except one which advertises some products, service, activity, event, person, institution or business located on the parcel where the sign is located or the sale or rental of such premises, shall be**

permitted in any zoning district established by this Ordinance, if signs are listed as a permitted use or special use in that district. 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

C. Section 3.14 (A) and 3.14 (B) of this Ordinance does not apply to any sign which is not visible to motorists or pedestrians on any public highway, road, or alley, nor to any specific information panel for the direction of motorists which may be located, under authority of any statute, on any highway property of the State of Michigan; to signs permitted and regulated with home occupations. Section 3.20 of this Ordinance; to signs with 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; signs under sixteen (16) square feet in area for sale of the parcel.

D. All signs shall comply with maximum size and setback regulations provided for in each zoning district.

Section 3.15 - Vehicular Parking Space, Access and Lighting

A. For each dwelling, commercial, industrial, manufacturing, retail or service business 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 as follows. The parking spaces called for hereunder shall be considered minimum requirements under this Ordinance.

1. Dwellings, Duplexes and Apartment Buildings: Two (2) parking spaces for each family unit occupying the premises.

- 2. Motels, Hotels and Similar Establishments Offering Lodging: One (1) parking space for every three (3) spaces of legal sleeping capacity.**
 - 3. Hospitals, Rest Homes, Convalescent Homes and institutions of a Similar Nature: One (1) parking space for each four (4) beds, plus one (1) space for each doctor.**
 - 4. Theaters, Churches, Auditorium, Public and Private Halls, Amusement and Recreation Establishments, and all Places of Public Assembly: One (1) parking space for each four (4) seats of legal capacity.**
 - 5. Offices and Professional Buildings: One (1) parking space for every two hundred (200) square feet of floor area; provided, however, that doctors' offices and clinics shall be provided with three (3) spaces for each doctor.**
 - 6. Restaurants and Other Public Food Service Establishments: One (1) parking space for each three (3) seats of legal capacity.**
 - 7. Retail Stores and Shops: One (1) parking space for each one hundred (100) square feet of floor area.**
 - 8. Personal Service Shops, including Barber or Beauty Shops: One (1) parking space for each two hundred (200) square feet of floor area.**
 - 9. Taverns: One (1) parking space for every sixty-six (66) 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 according to the above standards shall be provided for employees and patrons.**
- C. A parking space shall be a minimum area of 10 feet x 20 feet, with center and cross aisles being a minimum of 20 feet wide.**
- D. All parking space required in this Section, except that required for a dwelling, shall be provided with adequate artificial lighting between the time, from one-half (1/2) hour before sunrise, when the non-dwelling establishment is open to the public.**

- E. Approval for location of all exits and entrances shall be obtained from the State Highway Department for all state truck line highways and from the County Road Commission for all other roads in the Township. Such approval shall also include the design and construction thereof in the interests of safety, adequate drainage and other public requirements.**

Section 3.16 - 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 current standards of the State of Michigan and United States Department of Housing and Urban Development, whichever is applicable, within any district within the township, except in a designated mobile home park, and except as hereinafter provided. All dwelling structures shall comply with the following minimum standards:

- A. It shall comply with the minimum square footage requirements of this Ordinance for the land use district in which it is located and has a minimum width across any front, side, length of rear measurement of twenty (20) feet.**
- B. It shall comply in all respects with the current Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under provisions of 1972, Public Acts 230, as amended, 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 current Michigan Building Code, then and in that event such federal or state standard or regulation shall apply.**
 - 1. Foundations: where it shall be firmly attached to a permanent foundation constructed on site in accordance with said State Construction Code and shall have the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the said State**

- Construction Code for dwellings, or, in the case of mobile homes, that dwelling shall be installed pursuant to the Manufacturer, 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 State Construction Code, whichever is stricter, and with the wheels removed and shall not have any exposed towing mechanism, undercarriage or chassis;**
- 2. Framing, structural, insulation; It shall comply with the said current State Construction Code, or in the case of mobile homes, shall comply with the current “mobile home construction and safety standards” as promulgated by the United State Department of Housing and Urban Development, being 24CFR3280, as amended, and which bears a HUD seal or certification by a competent inspector signifying inspection and compliance with the same;**
 - 3. Final finished: shall comply with the said State Construction Code.**
- C. It shall be connected to a public sewer and water supply or to such private facilities in compliance with the current Manistee County Sanitary Code, as amended, and approved by the local Public Health Department**
- D. The dwelling complies with all pertinent building and fire codes. In the case of 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 current “Mobile Home Construction and Safety Standards” as promulgated the United States Department of Housing and Urban Development, being 23CFR3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow and strength requirements**
- E. It shall be enclosed around the perimeter at the ground level with masonry.**

- F. It shall contain no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure including permanent attachment to the principal structure as long as such attachment does not include a bearing load on a mobile home and construction of a foundation as required herein.**
- G. 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 10% of the square footage of the dwelling or 100 square feet, whichever shall be less.**
- H. 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.**
- I. All construction required by this section shall be commenced only after a building permit has been obtained in accordance with applicable construction code provisions and requirements.**

Section 3.17 – Size and Location of Accessory Buildings and Accessory Structures.

1. Size Restrictions by Acres

- a. Less than (1) acre, Structure no larger than (960) Sq. Ft; Side walls no higher than 12 Ft.**
- b. (1) to (2.99) acres, Structure no larger than (1200) Sq. Ft. Side walls no higher than 12 Ft.**
- c. (3) to (4.99) acres, Structure no larger than (2000) Sq. Ft.**
- d. (5) to (9.99) acres. Structures no larger than (3400) Sq. Ft.**
- e. (10) acres and up, Structures no larger than (4000) Sq. Ft**
- f. (3) acres to (10) Sidewalls may not exceed (16) Ft. in height.**
- g. Application for an accessory building larger than that authorized herein may be filed under a Special Use Permit.**

- 2. An accessory building attached to the principal building of a lot shall be made structurally a part thereof, and shall comply in all respects with the requirements applicable to the principal building including compliance with all requirements of the Michigan Building Code.**
- 3. An accessory building, not attached to the principal building, shall be no closer than (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.**
- 4. No person shall use an “accessory building or structure” as defined in this ordinance as a principal or seasonal dwelling on any site, lot, field, or parcel of land.**

Section 3.18 - Temporary Dwelling, Structure or Trailer

No person shall use or permit the use of any “temporary dwelling, structure or trailer” as defined in this ordinance as a principal or seasonal dwelling on any site, lot, field, parcel or tract of land, except:

A. As temporary quarters during the construction and installation of a dwelling conforming to Section 3.16 of this Ordinance, and for so long as the temporary dwelling permit has first been secured from the Township Zoning Administrator, and upon the showing that all of the following conditions have been met:

- 1. The location of the temporary dwelling, structure, or trailer shall comply with all setback requirements of this ordinance.**
- 2. The use of the temporary dwelling, structure, or trailer shall not be contrary to the public health, safety or welfare.**
- 3. A permit for a temporary dwelling, structure or trailer shall be valid for a period of six (6) months from date of issue.**
- 4. The temporary dwelling permit issued pursuant to use as temporary quarters during the construction and/ or**

insulation of a permanent dwelling may be renewed for additional periods of six (6) months, provided that the construction of the new dwelling is making substantial progress; however under no circumstances may the temporary dwelling remain, with extensions, for a period to exceed eighteen (18) months.

- B. As part of a campground licensed by the Michigan Department of Public Health.**
- C. 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.**
- D. On one's land if the owner has obtained a temporary dwelling, structure or trailer permit, which is obtained from the Zoning Administrator, and upon demonstration that all of the following conditions have been met.**
 - 1. The current permit is prominently displayed on exterior of the temporary dwelling, structure or trailer. The permit must specify a date it shall be removed from parcel. The date shall not exceed (180) days on the specific parcel.**
 - 2. Extension of or renewal of temporary dwelling, structure or trailer permit may be issued after inspection from the Township Zoning Administrator and shall meet all requirements.**
 - 3. Shall not be more than one temporary dwelling, structure or trailer on a parcel.**
 - 4. The temporary dwelling, structure or trailer is located in such fashion that all setback requirements for the land use district in which it is located are complied with.**
 - 5. The temporary dwelling, structure or trailer is serviced by adequate temporary sanitary system such as holding tanks or porta-potty**
 - 6. Its use is restricted to temporary recreational on a non-commercial / no rental basis.**

- E. If temporary dwelling, structure or trailer does not have current permit, it shall be removed from parcel or shall be considered as a nuisance, per se.**
- F. Under no circumstances shall more than one temporary permit be issued to any person, under Section 3.18 (D), for a parcel of property, or adjacent property; that has one or more common owners, for any given calendar year. In addition, Section 3.18(A) (B) or (C) to extend the use of a temporary permit to extend beyond 180 days, except as specifically allowed pursuant to Section 3.18(A)**

Section 3.19 - Incomplete Structure

No basement, cellar, garage or any incompletely constructed structure may be occupied as a dwelling for a period of more than two (2) years without completing the exterior in a water-tight manner, including, but not limited to finished siding, windows and roofing.

Section 3.20 - Home Occupations

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

- A. The home occupation(s) takes place at a dwelling where the resident engaging in the home occupation lives on a full time basis.**
- B. There is not more than two home occupations pursued within a dwelling.**
- C. The home occupation(s) shall be accessory to the principal use (residential) of the property.**
- D. 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.**
- E. The home occupations(s) shall be conducted entirely within the enclosed dwelling or auto garage accessory to the house with no external evidence of the activity except for a sign that shall not exceed sixteen (16) square feet in size.**

- F. The home occupation(s) does not result in the employment and / or, self-employment of more than two individuals.**

Section 3.21 Fences

Fences to be placed on, or used to define a property line as said in, Article II, "Definitions", shall not exceed forty-eight (48) inches in height. Fences in the rear or side yard as defined in Article II, "Definitions", and which shall be placed or used to define a property line as set in Article II, "Definitions", shall not exceed six(6) feet in height.

A. A fence shall be of a kind and quality that is aesthetically appropriate for its location; said aesthetic value shall be determined by the Zoning Administrator.

B. A Land Use Permit is necessary for a fence. "No Fee Required"

Section 3.22 Wetland and Water Protection, shall hereafter read as follows;

A. Any structure, use or activity located on a parcel of land which is contiguous to the boundary of the Wetland Conservation District, Article V of this Ordinance, shall require written approval from the Michigan DEQ. Meet all State, Local, and Federal regulations. And shall comply to "Act 451 of 1994 Part 303 Wetlands Protection"

B. Any structure, use or activity located on a parcel of land located closer than fifty (50) feet from the edge of the flowing bodies of water in any land district. Shall, require written approval from the Michigan DEQ. And meet all State, Local, and Federal regulations, and comply to "Act 451 of 1994 Part 303 Wetland protection"

Section 3.23 -Structures

No person shall use, or permit the use of a non-dwelling structure that does not comply with the standards of this ordinance or the current standards of the State of Michigan Building Code, or State

of Michigan Residential Code, to be adopted and incorporated into this entire ordinance.

Section 3.24 – Outdoor Wood Burner

No person shall construct or install an outdoor wood burner without first applying for and securing a Land Use Permit. In addition to any other requirements, the following shall be necessary.

- A. It shall meet all state code requirements**
- B. Be situated no less than twenty – five (25) feet from other residences, unless otherwise specified in the Land Use Permit, together with meeting any other setback requirements as set forth in this Ordinance.**
- C. Must contain a smoke or exhaust stack of at least fifteen (15) feet (from the ground level in height), unless otherwise specified in the Land Use Permit and otherwise meet all other requirements in the building, mechanical or any other codes which relates to the same;**
- D. Shall only be used to burn fuel designed or intended to be burned in the furnace, except that no garbage, household trash, petroleum products, rubber, construction waste or other solid waste shall be burned in a furnace regardless of design or manufacture's intended fuel source.**

Section 3.25 Repair and Clean-Up of Damaged or Destroyed Buildings

The owner of any building or structure which has been damaged or destroyed by fire, windstorms, acts of God or any other form of casualty, shall repair such damage within one (1) year after its occurrence. In the event the building or structure is damaged beyond repair, any part left standing after such damage or destruction shall be razed pursuant to a permit therefore to be granted pursuant to this ordinance.

Section 3.26 Yard and Setback Requirements- The following requirements shall apply to every Parcel, building or structure all districts shall meet the minimum setbacks

- A. Front sixty (60) feet from the center of the road way, or 30 feet from property line, whichever is greater**
- B. Side Yards: The minimum setback width of either yard shall not be less than ten (10) feet; except in the case of a corner parcel where the side yard on the road or street side shall not be less than ten (10) feet, or forty (40) feet from a centerline of a road, which is greater.**
- C. Rear minimum ten (10) feet from property line.**

Section 3.27 Permitted Uses

Only the following shall be permitted, by permit, as specified in Article XIV of this Ordinance:

- 1. “Udell Residential District”; “Stronach Residential-Commercial District”; “Highway Commercial Overlay District” and” Residential Forest District”**
 - A. Dwellings**
 - B. Duplexes**
 - C. Private Households (814)**
 - D. Outdoor – Parks**
 - E. Home Occupations**
 - F. Signs**
 - G. Professional, Scientific, and Technical Services (541) except (5417) Scientific Research and Developments Services**
 - H. Other Services (81) except (8111, and Public Administration)**
 - I. Construction; Residential Building Construction (2361) Nonresidential Building construction (2362)**
 - J. Specialty Trade Contractors (238)**

Section 3.28 Special Uses

Only by a special use permit, include, but are not limited to, the following, in conjunction with Article XV, “Special Uses.” Highway Commercial Overlay Districts.

- A. Scientific Research and Development Services (5417).**

- B. Automotive Repair and Maintenance (8111).**
- C. Retail Trade (44-45) Except Manufacture (mobile) Home Dealer**
- D. Merchant Wholesalers, Durable Goods (423)**
- E. Paper and Paper Product Merchant Wholesalers (4241)**
- F. Apparel, Piece Goods, Notions Merchant Wholesalers (4242)**
- G. Health Care and Social Assistance (62)**
- H. Sawmills and Wood Preservation (321)**
- I. Other Miscellaneous Manufacturing (3399)**
- J. Architectural and Structural Metals Manufacturing (3323)**
- K. Accommodations (721)**
- L. Civic and Social Organizations (8134)**
- M. Accessory Buildings and uses to the above**
- N. Signs associated with and on same parcel as permitted special use listed in this section which is larger than (16) square feet**
- O. Adult or Sexually Oriented Businesses See section 19.01 Sexually Oriented Businesses**
- P. Wireless Communication Facilities systems provided that the same is in compliance with the Communication Tower Facilities Ordinance adopted and all subsequent amendments.**
- Q. Facilities provided that the same is in compliance with the Communication Tower Facilities Ordinance adopted and all subsequent amendments**

Section 3.29 Special Use Standards

The proposed special use shall be located on a parcel which fronts on or has approved access to a paved state highway or country primary road, if such approved access does not include travel on a county local road. Special uses in this district are subject to the following specific standards in addition to the general standards listed in Section 15.02(B) and 15.07 of this Ordinance.

- 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 trunk-line, 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, black-topped, or to a county primary road.**
- B. The mobile home park shall conform to all applicable regulations of the current Michigan Mobile Home Commission Rules promulgated by the Michigan Mobile Home Commission under authority of the current Michigan Mobile Home Commission Act, Public Act 419 of 1976, 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 truck-line 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 current Michigan Mobile Home Commission under P.A. 419 of 1976 for an application for license to operate a mobile home park in addition to the Special Use Permit application requirements given in Articles XV and XVI**
- E. The application for a Zoning Special Use Permit for a mining operation shall contain all the elements and parts listed below in addition to the special uses and site plan requirements given in Articles XV and XVI.**
 - 1. A map and/or aerial photograph of the property which shall indicate:**
 - a. Boundaries of the affected and adjacent lands;**
 - b. Surface drainage of the affected land;**
 - c. Location and names of all streams, roads, railroads, utility lines, and pipelines on or immediately adjacent to the area;**
 - d. Location of all structures within one thousand (1000) feet of the outer perimeter of the area,**

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;

- f. The estimated cost of reclamation for the total project;
8. A statement in writing and adequate evidence to indicate the duration of the lease in years;
9. A timetable of the commencement, duration and cessation of mining operations;
10. Any and all mining permits held by the applicant within the state;

F. For a Special Use Permit for mining on a temporary basis, only the following is required;

1. As may be required by the Zoning Board, a map and/or aerial photograph of the land with any or all of the information as listed in D(f)(m)(1) of this section, relating to requirements for maps and/or aerial photographs for regular mining Special Use Permits;
2. As may be required by the Zoning Board, any or all of the information listed in part D(1)(m)(1) through (10) inclusive of this section, relating to requirements for information for regular mining Special Use Permits;

G. Signs – The maximum size of a sign shall be seventy-five (75) square feet in area

Section: 3.30 Vacant Parcel Accessory Buildings and Structures

Buildings and structures shall be permitted on vacant parcels, but shall comply with the following requirements.

- A. Shall meet all set back requirements.
- B. Must meet all state and local codes
- C. No building or structure shall be hereinafter erected in all permitted districts which shall have less than two hundred (200) square feet of floor space in the first floor level.

- D. No building or structure shall be used for dwelling purposes.**
- E. Shall comply with section 3.17-Size and Locations Accessory Buildings and accessory Structures, 3.08-Height, 14.01-Land Use Permits and Building Permits**

Section 3.31 Animal and Livestock

The following shall apply to keeping of animals and livestock and shall comply with the following requirements. These requirements are subject to the current, Right to Farm Act and the subsequent generally accepted Agricultural Management practices.

- 1. Large livestock such as horses, cattle, sheep, and swine.**
 - A. Shall have a minimum of two (2) acres**
 - B. Such animals shall not be housed, or fenced closer than fifty (50) feet from the required setbacks.**
 - C. Shall be the minimum of fifty (50) feet from any dwelling.**
 - D. Up to two (2) livestock shall require the minimum of one (1) acre of fenced area.**
 - E. Shall be properly housed, fenced, maintained and controlled so as not to objectionable or offensive.**
 - F. Storage of manure will not create offensive odors to adjacent uses, and so that any run-off from such manure storage or accumulation will not degrade the quality of surface water.**
- 2. Small animals, rabbits, poultry, but not domestic pets shall comply with the following requirements.**
 - A. Except for individual pets or 4-H projects, shall not be permitted on parcels less than one (1) acre**
 - B. Shall be fenced and properly housed**
 - C. Shall not create offensive odors.**

Section 3.32 Portable Shelters and Carports, shall hereafter read as follows:

Carport shelters are not permitted on any property that does not have a residential structure which has received an occupancy permit, on the property carport shelters shall be permitted on

property that has an established residence that has received an occupancy permit, with the following limitations and requirements.

- A. Size**
- B. Will require a Land Use Permit**
- C. That the structure is reasonably necessary for convenience and safety of the construction proposed.**
- D. The Zoning Administrator may attach reasonable conditions to construction and uses of the structure.**
- E. Structure shall be removed from premises if conditions are not met or violated.**
- F. No building permit required.**
- G Shelter shall meet all manufactures specifications with or without side panels**
- H. The Zoning Administrator shall be notified of any changes, altercations, and movement.**
- I. Zoning Administrator shall be notified upon completion of the shelter for approval and photo's.**

Section 3.33 On-site Use Wind Energy Systems and Anemometer Tower.

An On-site Use Wind Energy System is an accessory use which shall meet the following standards:

- 1. Designed to primarily serve the needs of a home, farm, or small business.**
- 2. Shall have a tower height of 66 feet or less.**
- 3. Property Setback: The distance between an On-site Use Wind Energy System and the owner's property lines shall be equal to the height of the wind energy system tower including the top of the blade in its vertical position. The distance between an anemometer tower and the owner's property lines shall be equal to the height of the tower. No part of the wind energy system structure, including guy wire anchors, may extend closer than ten feet to the owner's property lines, or the distance of the required setback in the respective zoning district, whichever results in the greater setback.**

4. Sound Pressure Level: On-site Use Wind Energy Systems shall not exceed 55 dB(A) at the property line closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).

5. Construction Codes, Towers & Interconnection Standards: On-site Use Wind Energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. On-site Use Wind Energy Systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, Mel 259.431 et. seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, Mel 259.481 et. seq.), and local jurisdiction airport overlay zone regulations. An interconnected On-site Use Wind Energy System shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.

6. Safety: An On-site Use Wind Energy System shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor.

Sec 3.34 Wind Energy Conversion Systems.

In the case of a Wind Energy Conversion System (WECS) the Planning Commission shall find that each of the following site plan, site and performance requirements are satisfied.

1. **Additional site plan requirements.** In addition to the site plan requirements contained in this Ordinance, a site plan for a WECS shall include the following:
 - a. **Documentation establishing the legal ownership of the WECS and documentation reporting to the Planning Commission any changes in the legal ownership of the WECS within thirty (30) days of the effective date of the change of ownership.**
 - b. **Documentation establishing the legal mechanism for siting the WECS, that is, by easement, license, lease or by virtue of ownership of the parcel. Evidence of compliance with the Stronach Township Zoning Ordinance and the Land Division Act shall be required.**
 - c. **A visual impact analysis prepared by the applicant using mockup, photo montage, or other graphic depiction, to show the anticipated visual appearance of the WECS from important vantage points in the surrounding area. If multiple units are proposed or planned for the same view plain in the future, then the cumulative impact of all proposed and planned units shall be addressed in the visual impact analysis. Based on the visual impact analysis provided along with consideration of other information in the application, the Planning Commission may increase the lot area required and/or decrease the WECS height.**
 - d. **A site plan showing the locations of all existing overhead electrical transmission wires or distribution lines, whether utilized or not, and the location of each WECS with its specific dimensions.**
 - e. **A project description showing for each WECS its height above grade, diameter of the rotor and tower type.**
 - f. **A fire protection plan approved by the Fire Chief of the Stronach Township Fire Department.**

g. Construction plans and specifications for each proposed WECS and its anchoring system certified as structurally safe by a registered professional engineer licensed and insured in the State of Michigan.

h. A statement of survival wind speed for each WECS.

i. In the case of an interconnected WECS, proof of written notice to the local electric utility company of the proposed interconnection and the utility's response thereto. The owner and operator shall comply with all requirements of the servicing utility if the WECS is interfaced with the utility grid.

2. Size and Setbacks.

In addition to any required setback area for the land use district in which the WECS is located, there shall be an additional setback equal to not less than one (1) times the height of each WECS measured from the base of each WECS to all points on the underlying district's setback line.

- a. No minimum parcel size is required for a WECS. However, the Planning Commission shall establish in the special use permit a reasonable parcel size requirement for the WECS project site based on the height of each WECS proposed, the number of towers involved, the number and proposed location of all accessory buildings and structures, the setback requirements established by the preceding subsection, the existence and location of neighboring buildings and structures, including residential uses, access to public roads, and other relevant factors. The parcel size so established shall supersede all other parcel size requirements for the land use district in which the WECS is located.**
- b. The maximum height of a WECS, including rotor blade length of horizontal wind turbines, shall be 300 feet above grade unless otherwise prohibited by state or federal statutes or**

regulations or unless the applicant obtains a variance from the Zoning Board of Appeals.

- c. Where the parcel adjoins any residentially zoned property or land use, the owner shall plant two (2) alternating rows of evergreen trees with a minimum height of five (5) feet on 20 foot centers along the entire adjoining perimeter of the WECS parcel**

3. Accessory Structures.

a. Accessory buildings and structures directly associated with the operation of the WECS shall not exceed 500 square feet of gross building area.

b. All electrical lines or wires between a WECS and an accessory building or structure or between two or more WECS shall be buried underground.

4. Construction Standards.

a. Each WECS shall be a free-standing structure without guidewires, cables or anchoring mechanisms extending beyond the mounting foundation of the WECS

b. The maximum level of noise generated by any WECS shall not exceed sixty (60) decibels as measured on the dB(A) scaled measured at the lot line from the nearest WECS including consideration of downwind aspects of sound travel. The owner and operator shall provide certification after construction that such standard is met and upon request of the Township recertification that such standard is being maintained

c. The WECS rotor shall be located on the tower or support such that the minimum blade clearance above ground level at the tower location is not less than twenty (20) feet..

d. Each WECS shall be secured or protected to prohibit access by unauthorized persons. The Planning Commission may require this standard to be met by the installation of one or more security fences

e. Each WECS shall comply with all uniform or national building, electrical, mechanical and fire code

f. Under no circumstances shall a WECS produce vibrations humanly perceptible beyond the parcel boundaries.

g. Towers shall be designed and constructed in such a manner that climbing devices are only accessible with a separate ladder to a height of twelve (12) feet.

h. The entire WECS including turbines, alternators, generators and interconnect systems shall be filtered and/or shielded to prevent the emission of generated radio frequency energy which would cause any interference with radio and/or television broadcasting or reception or which would cause unreasonable interference with the operation of cell phones or other wireless devices and shall comply with Federal Communication Commission rules 47 CFR, parts 15 and 18, including all relevant subparts thereof.

i. No displays, advertising signs or other identification of any kind intended to be visible from the ground or other structures shall be permitted except as required for emergency purposes.

j. Each WECS shall be painted with non-reflective paint of an unobtrusive color designed to minimize off-site visibility of the WECS.

k. Lighting for each WECS shall comply with the legal minimums established by the Federal Aviation Administration

(FAA), the Michigan Aeronautical Commission (MAC) or their successor agencies. Such lighting shall be the lowest intensity allowable by the FAA and MAC; shall if possible avoid strobe lighting or other intermittent lighting fixtures; and may be a white or red top light that does not pulsate or blink.

I. The following information shall be provided on a weatherproof label or sign attached to each WECS tower subsystem in a visible and easily accessible location:

- 1) Equipment weight of the tower's subsystem**
- 2) Manufacturer's name and address**
- 3) Model number**
- 4) Serial number**
- 5) The speed in miles per hour and meters per second;**
- 6) Name of installer;**
- 7) Name of person responsible for maintenance**
- 8) Emergency telephone number for the installer person responsible for maintenance**

m. The following information shall be provided on a weatherproof label or sign attached to each WECS power conversion subsystem in a visible and easily accessible location

Maximum power input (KW) rated voltage (volts) and rated current output (amperes) of the generator, alternator or other power conversion device;

- 1.) Manufacturer's name and address;**
- 2). Model number**
- 3) Serial number**
- 4) Emergency and normal shutdown procedures**
- 5) Underwriter's label where appropriate**

n. The information contained in subsections l and m above shall be filed with the Planning Commission, the Fire Chief of the Stronach Township Fire Department, and Manistee County Central Dispatch.

o. All new powers transmission lines shall be installed underground.

p. The Planning Commission, Fire Chief of the Stronach Township Fire Department, and Manistee County Central Dispatch, shall be notified, in writing, of any change of ownership of the WECS within thirty (30) days of each change of ownership.

q. Existing onsite vegetation shall be preserved to the maximum extent practical.

5. Use Standard

a. No employees of the owner or operator shall be located on the site on a permanent basis. Occasional or temporary repair and service activities are excluded from this restriction.

b. A WECS shall be removed by the owner or operator or the property owner within six (6) months of being abandoned. For purposes of this paragraph, abandoned is defined as nonuse

6. Miscellaneous Standards

a removal bond or other performance guaranty for the removal of each WECS and all accessory buildings and structures shall be required conforming to the requirements for performance guarantees found in this Ordinance.

b. The special use application shall be signed by both the owner and operator of the WECS. Responsibility for the operation, repair, maintenance and removal of the WECS, as well as compliance with this Ordinance, shall be the joint and several responsibilities of the owner and operator.

c. The Planning Commission may require the applicant to deposit nonrefundable funds and pay the Township's costs associated with the Township's use of engineering, legal, planning or other consultants during the review of an application for a WECS.

7. MET Tower.

a. MET tower may be installed for a period of two (2) years. The structure must be set back from all property lines a distance equal to one (1) linear foot for each foot of tower height.

b. A MET tower may be installed upon issuance of a land use permit by the Zoning Administrator

ARTICLE V; WETLAND CONSERVATION DISTRICT

Addition to Section 5.03.1 Special Uses

“E. On-site Use Wind Energy Systems and Anemometer Tower as described in Section 3.33.”

ARTICLE VI; LITTLE MANISTEE RIVER CORRIDOR DISTRICT

Addition to Section 6.03.1 Special Uses

“D. On-site Use Wind Energy Systems and Anemometer Tower as described in Section 3.33.”

ARTICLE VII; FOREST PRESERVATION DISTRICT

Addition to Section 7.03.1 Special Uses

“H. On-site Use Wind Energy Systems and Anemometer Tower as described in Section 3.33.”

ARTICLE VIII; RESIDENTIAL FOREST DISTRICT

Addition to Section 8.03.1 Special Uses

“G. On-site Use Wind Energy Systems and Anemometer Tower as described in Section 3.33.”

ARTICLE IX; UDELL RESIDENTIAL DISTRICT

Section 9.03 Special Uses

“G. On-site Use Wind Energy Systems and Anemometer Tower as described in Section 3.33.”

ARTICLE X

Addition to Section 10.03.1 Special Uses

“S. On-site Use Wind Energy Systems and Anemometer Tower as described in Section 3.33.”

ARTICLE XI; INDUSTRIAL DISTRICT

System as described in Addition to Section 11.03.1 Special Uses

“F. On-site Use Wind Energy Systems and Anemometer Tower as described in Section 3.33.”

“G, Wind Energy Conversion Section 3.34.”



ARTICLE IV

GENERAL ZONING DISTRICT PROVISIONS

Section 4.01 - Establishment of Districts

The Township is hereby divided into the following zoning districts as shown on the Official Zoning Map which, together with all explanatory matter shown thereon, is hereby adopted and incorporated by reference and declared to be a part of this Ordinance.

- A. Wetland Conservation District**
- B. Little Manistee River Corridor District**
- C. Forest Recreation District**
- D. Forest Preservation District (low and medium densities)**
- E. Residential-Forest District**
- F. Udell Residential District**
- G. Stronach Residential – Commercial District**
- H. Highway Commercial Overlay District**
- I. Industrial District**

Section 4.02 - Provision for Official Zoning Map

For the purpose of this Ordinance the zoning districts as provided in Section 4.01 of the Ordinance are bounded and defined as shown on a map entitled “Official Zoning Map of Stronach 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.

Section 4.03 - 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 Stronach Township”, together with the effective date of this Ordinance.

Section 4.04 - Changes to Official Zoning Map

If, in accordance with the procedures of this Ordinance and of Public Act 110 of 2006 MCL.125.3101, a change is made in a zoning district boundary, such change shall be made by the Township

Supervisor promptly after the amendment authorizing such change shall have been adopted and published.

Section 4.05 - 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 Stronach 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.

Section 4.06 - Replacement of Official Zoning Map

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made thereto, the Township Board may by resolution authorize the transcribing and drawing of a duplicate 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 Stronach Township duplicated on _____ which replaces and supersedes the Official Zoning Map which was adopted on _____ ."

Section 4.07 - 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 centerline.**
- 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 village, or township shall be construed as following such line.**

- D. A boundary indicated as following a railroad line shall be construed as being midway between the main tracks.**
- 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 stream, river, canal, lake or other body of water shall be construed as following such centerline.**
- G. A boundary indicated as parallel to, or an extension of, a feature indicated in Paragraphs 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 Paragraphs A. through H. above, or question in interpreting Paragraphs A. through H. above, the Board of Appeals shall interpret the zoning district boundary.**

Section 4.08 - 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.



ARTICLE V

WETLAND CONSERVATION DISTRICT

Section 5.01 - Purpose

The purpose of the wetland & floodplain conservation district is to protect those lands that are of significant importance as wetlands and floodplains. All development must be in compliance with all Federal and State statutes and regulations; and consistent with the goals of the District to conserve and maintain the wetland and floodplains that fall within this District.

Section 5.02 - Permitted Uses

Only following uses shall be permitted, by permit as specified in Article XIV of this Ordinance:

- A. Water and wetland habitat-dependent game rearing operations, which do not involve fill or structures within wetland areas.**
- B. Dwellings and structures when located on a parcel of land which has frontage on an existing public road that is maintained year around.**
 - 1. That the applicant demonstrate, that the portion of the property that dwelling would be located upon is not a wetland, and would not violate any Federal and/or State statute; and/or regulation, including, but not limited to, Wetland Statutes and Regulations. A field survey would be required to demonstrate that the proposed building site is not on a wetland.**
 - 2. That the proposed building site fully complies with section 3.22 of this ordinance.**

Section 5.03.1 - Special Uses

Only the following uses shall be permitted by a special use permit, as specified in Article XV of this Ordinance:

- A. Outdoor recreation parks**
- B. Boat launching ramps**
- C. Parking**

Section 5.03.2 - Special Use Standards

Special uses in this district are subject to the following specific standards in addition to the general standards listed in sections 15.02(B) and 15.07 of this Ordinance. For consistent and uniform

administration of this Ordinance and similar provisions of other municipal ordinances around Manistee Lake, the determination of compliance with the standards listed below shall be done with the advice and counsel of the Manistee County Planning Commission, except that such advice and counsel shall only be advisory and final determination shall be made by the Stronach Township Planning Commission.

- A. Any parking, camping, playground or other structures shall be located on existing dry land within portions of the districts.**
- B. The proposed use shall not require fill in wetland portions of the district, but may include fill on dry land portions of the district.**
- C. Adequate measures shall be shown in design and site plan to insure protection of the wetland area for the purposes and intent of this district.**
- D. Dwellings or structures not located on a parcel of land which shall have frontage on an existing year-round maintained public road.**

Section 5.04 Regulations and Standards

The following regulations shall apply to permitted uses and special uses in the Stronach Wetland & Floodplain Conservation District.

- A. Parcel Area and Parcel Width: Shall comply to requirements in the district the wetland & floodplain reside in and complies with Section 5.02, B-2 of this Ordinance.**
- B. Building Area: No dwelling shall be hereafter erected or altered in this district which shall have less than six hundred (600) square feet of floor space in the first floor level.**

ARTICLE VI

RESIDENTIAL FOREST DISTRICT

Section 6.01 - Purpose

The purpose of the Residential Forest District is to provide a rural medium-high density zoning district. By comparison to typical residential districts, the Residential Forest District will be rather low density, and will not facilitate the development of higher density subdivisions. This district is to provide for a mixed use, including forest, agricultural and residential uses.

Section 6.02 - Regulations and Standards

The following regulations shall apply to permitted uses and special uses in residential-forest districts:

- A. Parcel Area - No building or structure shall be established on any parcel less than five (5) acres in area.**
- B. Parcel Width - The minimum parcel width shall be three hundred (300) feet and it shall front on a public street or highway.**
- C. Building Area - No dwelling shall be hereinafter erected, or altered in this district which shall have less than six hundred (600) square feet of floor space in the first floor level**



ARTICLE VII**LITTLE MANISTEE RIVER CORRIDOR DISTRICT****Section 7.01 - Purpose**

The purpose of the Little Manistee River Corridor District is to protect the free flowing waters of the Little Manistee River and the natural scenic beauty and stability of the valley in which it is located. All uses of property located within this District must be consistent with the purpose of the Little Manistee River Corridor District.

Section 7.02 - Permitted Uses

Only the following uses shall be permitted, by permit as specified in Article XIV of this Ordinance.

- A. Dwelling if on a parcel with frontage on an existing year-round maintained public road.**
- B. Forestry (113) 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 is not done within one hundred (100) feet of the Little Manistee River.**
- C. Accessory buildings, structures and uses to the above.**
- D. Home occupations.**

Section 7.03.1 - Special Uses

Uses by a special use permit, include, but are not limited to, the following, in conjunction with Article XV, "Special Uses":

- A. Agricultural Production (111 and 112).**
- B. Dwelling not located on a parcel of land which has frontage on an existing year-round maintained public road.**
- C. Accessory buildings, structures and uses to the above.**

Section 7.03.2 - Special Use Standards

Special uses in this district are subject to the following specific standards in addition to the general standards listed in sections 15.02(B) and 15.07 of this Ordinance.

- A. Any buildings constructed shall not be more than two floors or twenty (20) feet in height.**
- B. Buildings constructed on a parcel of land without frontage on an existing year-round maintained public road shall have (1) an**

instrument establishing permanent easement to an existing year-round maintained public road and a private method to provide maintenance on the easement or (2) shall provide year-round maintenance on a public road with approval of the Manistee County Road Commission or (3) shall be a temporary dwelling or structure.

Section 7.04 - Regulations and Standards

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

- A. Parcel Area - No building or structure shall be established on any parcel less than twenty (20) acres in area.**
- B. Parcel Width - The minimum parcel width shall be Two Hundred Fifty (250) feet and it shall front on a public road.**
- C. Building Area - No dwelling shall be hereinafter erected, or altered in this district which shall have less than six hundred (600) square feet of floor space in the first floor level.**
- D. Yard and Setback Requirements - The following requirements shall apply to every lot, building or structure.**
 - 1. That the building site fully complies with Section 3.22 of this ordinance.**

ARTICLE VIII

FOREST PRESERVATION DISTRICT
(low and medium densities)

Section 8.01 - Purpose

The purpose of the Forest Preservation District is to allow for a rural use in harmony with the National Forest property for that portion of the Township that border tracts of land owned and managed by the United States Forest Service, (USFS) and/or the Department of Natural Resources (DNR). The greater forest preservation district is further divided into low and medium districts. The higher density portion of the district allows for a lower minimum lot size. This District allows for residential, recreational, agricultural and forestry uses. The District would also allow the use of the property for Home Occupations that are not contrary to the primary uses of the land of the District. It is intended that the use of this District be limited to these that are compatible with the primary uses of the District.

Section 8.02 - Permitted Uses

Only the following uses shall be permitted, by permit as specified in Article XIV 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 (113).
- C. Fishing, Hunting, Trapping (114) but not Commercial Fishing (114111).
- D. Accessory Buildings, Structures and uses to the above.
- E. Home occupations.
- F. Animals and Live Stock as outlined in Section: 3.31 of this ordinance
- G. Signs

Section 8.03.1 - Special Uses

Only the following uses shall be permitted, by Special Use Permit as specified in Article XV of this Ordinance.

- A. Agricultural production (111 and 112)
- B. Outdoor recreation parks
- C. Dwellings not located on a parcel of land which shall have frontage on an existing year-round maintained public road.
- D. Accessory buildings, structures and uses to the above, including signs more than Sixteen (16)sq ft

Section 8.03.2 - Special Use Standards

Special uses in this district are subject to the following specific standards in addition to the general standards listed in Sections 15.02(B) and 15.07 of this Ordinance.

- A. Buildings constructed on a parcel of land without frontage on an existing year-round maintained public road shall have (1) an instrument establishing permanent easement to an existing year-round maintained public road, and a private method to provide maintenance for travel on the easement or (2) shall privately provide year-round maintenance on the public road with the approval of the Manistee Road Commission or (3) shall be a temporary dwelling or structure.
- B. Additional private of public road construction or activity does not contribute to the further fractionalization of land to the point of being in conflict with the purposes of this Ordinance or district.

Section 8.04 - 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 forty (40) acres in area in (low densities), and twenty (20) acres in area in (medium density).
- B. Parcel Width - The minimum parcel width shall be five hundred (500) feet in (low densities), two hundred fifty (250) feet in (medium densities) districts. And it shall front on a public road.
- C. Building Area - No dwelling shall be hereinafter erected, or altered in this district which shall have less than six hundred (600) square feet of floor space in the first floor level.

ARTICLE IX

UDELL RESIDENTIAL DISTRICT

Section 9.01 - Purpose

The purpose of the Udell Residential District is to provide for higher density residential suburban type development within the established higher density developments of the Township. Provision within this district should provide for residential use and development. Some types of home based businesses are compatible with the primary residential use of this district. It is intended that non-residential uses be limited to those that are compatible with the primary residential use

Section 9.02 - Regulations and Standards

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

- A. Lot Area - No building or structure shall be established on any parcel less than twenty thousand (20,000) square feet in area.**
- B. Lot Width - The minimum parcel width shall be one hundred (100) feet and it shall front on a public street or highway.**
- C. Building Area - No dwelling shall be hereinafter erected, or altered in this district which shall have less than six hundred (600) square feet of floor space in the first floor level.**



ARTICLE X

STRONACH RESIDENTIAL-COMMERCIAL DISTRICT

Section 10.01 - Purpose

The purpose of the Stronach Residential-Commercial District is to provide for high density residential and commercial use through a mix of uses within the “Village” of Stronach. Intentions are to allow for commercial enterprises in close proximity to a higher population of residents. The provisions of the district should promote walk ability and pedestrian movement through the inclusion of walkways and paths that interconnect the residential, commercial and park spaces found within this area of the township. Forethought should be given to proper provisions which will complement the mix of residential and commercial development. Regulatory provisions should encourage good commercial design, with neighboring residential uses. (i.e, restricted lighting, good access, pedestrian improvements, parking and signage), and the use of landscaping buffering and storm water provisions to maintain higher quality natural environments

Section 10.02 - Regulations and Standards

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

- A. Parcel Area - No building or structure shall be established on any parcel less than fifteen thousand (15000) square feet in area.**
- B. Parcel Width - The minimum parcel width shall be one hundred (100) feet and it shall front on a public street or highway.**
- C. Building Area - No dwelling shall be hereinafter erected, or altered in this district which shall have less than six hundred (600) square feet of floor space in the first floor level.**



ARTICLE XI**INDUSTRIAL DISTRICT****Section 11.01 - Purpose**

The purpose of this District is to allow for construction, manufacturing, wholesale, transportation and public utility use, while protecting Lake Manistee and its water quality from the potential impacts of industry, and particularly the heavy metals.

Section 11.02 - Permitted and Conditional Uses

Only the following uses shall be permitted by permit as specified in Article XIV of this Ordinance:

A. Any of the uses listed below if the activity meets the following conditions: The activity is carried on entirely within an enclosed building and if there is an accessory/work area it is enclosed by a solid wall; further, there shall be no polluted discharge or treated polluted discharge sent to Manistee Lake or Channel, no alteration to the lakeshore is to be done, no discharge of particulate or chemical matter into the air; and the land use is of such a nature that access to take water for economic advantages (for purposes of, but not limited to, large quantities of cooling or process water, shipping-dockage access, marine, naval or coast guard, railroad access) is an integral part of the site selection for the proposed use:

- 1. Construction**
- 2. Manufacturing**
- 3. Wholesale Trade**
- 4. Transportation and Public Utilities**
- 5. Accessory buildings, structures and uses to the above**

B. In addition to the general information and procedure for issuing a permit for permitted uses in Article XV of this Ordinance, permit applications for conditional uses listed in this subsection shall include a site plan and a letter confirming all conditions listed above in this subsection shall be adhered to and are normally practiced by the very nature of the normal business practices of the proposed use. The letter shall specifically address each of the conditions raised in this subsection. Letter shall become part of the application and shall be part of the conditions of

the use permit. If any of the conditions, above, are not adhered to, the use permit shall be void

Section 11.03.1 - Special Uses

Uses by a special use permit, include, but are not limited to, the following, in conjunction with Article XV, "Special Uses."

A. Any of the uses listed in this section as a permitted use when the proposed activity involves any one of the following:

- 1. The proposed use involves activity outside an enclosed building, and an accessory work area enclosed by a solid wall;**
- 2. Polluted discharge, treated or untreated, is sent to Manistee Lake or Channel (as used here, polluted discharge does not include cooling waters);**
- 3. Alteration of the lakeshore is proposed.**
- 4. Water front minimum setback shall not be one hundred (100) feet from the normal high water line, except that the Planning Commission may waive the setback, with cause shown, in the issuance of a Special Use Permit.**

B. Accessory structures to the above.

C. Signs over Sixteen (16) sq ft

Section 11.03.2 - Special Use Standards

Special uses in this district shall be subject to the following specific standards in addition to the general standards listed in Sections 15.02(B) and 15.07 of the Ordinance. For consistent and uniform administration of this Ordinance and similar provisions of other municipal ordinances around Manistee Lake, the determination of compliance with the standards listed below shall be done with the advice and counsel of the Manistee County Planning Commission, except that such advice and counsel shall only be advisory and final determination shall be made by Stronach Township Planning Commission.

- A. An environmental assessment and fiscal impact assessment shall be prepared. The Stronach Township Planning Commission may require an Environmental Impact Statement instead of an assessment or upon review may waive the requirement for assessments or Statements for minor work with cause, if filling, dredging or channelization is not included in the project, or is minor in nature, and no question exists concerning the environment.**

- B. A Pollution Incident Prevention Plan as specified in part V of the rules of the Michigan Water Resources Commission Act (P.A. 245, P.A. 1929, as amended), approved by the Michigan Department of Natural Resources Critical Materials Register.**
- C. The proposed use shall be of such a nature that proximity and direct access to a lake for economic advantages for purposes of, but not limited to, large quantities of cooling or process water, shipping-dockage access, railroad access, discharge of treated polluted discharge, bulk storage associated with shipping, marine, naval or coast guard related uses are a necessary or an integral part of the nature of the proposed land use.**
- D. Prior to Application for a Special Use Permit under this Ordinance, the proposed use shall be approved or tentatively approved by the U.S. Corps of Engineers; the Soil and Sedimentation Control Agency; the Manistee-Mason District Health Department of Natural Resources (Inland Lakes and Streams Act, Great Lakes Submerged Lands Act, and/or Water Resources Commission), if applicable; and any other Michigan agencies responsible for administration and enforcement of applicable state statutes**
- E. Requirements and changes required by the agencies listed in Section 11.03.2(D), standard number four, above, shall be clearly shown on the site plan or included in material submitted with application for Special Use Permit under this Ordinance.**
- F. Appropriate corrective measures shall be proposed to eliminate or minimize undesirable or negative impacts identified in an environmental assessment and/or impact statement, fiscal impact assessment, and to insure compatibility of the proposed use with the other uses of Manistee Lake, and has measures to protect Manistee Lake.**
- G. Proposed uses which are identified as posing a potential threat of petroleum, hazardous chemical or other chemical spill into Manistee Lake, such as, but not limited to, bulk loading or unloading from ship to shore of petroleum or chemicals, shall be located in a bay in the middle section of the lake within the area defined as the bay at the east end of Forest Ave., Merkey Road/Twenty-First Street and the bay at the east end of Thirteenth Street.**

Section 11.04 - Regulations and Standards

The following regulations shall apply to permitted uses and special uses in the Industrial District:

- A. Parcels - No building or structure shall be established on any parcel less than twenty thousand (20,000) square feet in area.**
- B. Parcels Width - The minimum parcels width shall be one hundred fifty (150) feet and it shall front on a public street or highway.**
- C. Signs - The maximum size of a sign shall be seventy-five (75) square feet in area.**
- D. Vegetation Belt - A five (5) foot wide vegetation belt along the Manistee Lake or Channel shoreline shall be maintained with woody plant material for erosion and bank stabilization, as a buffer to users of the lake and to create a margin of open space between the water and land uses wherever shoreline use is not active. As used here, active shoreline use means improved ship dockage, pump house, launching facilities, beach**
- E. Accessory Buildings - An accessory building may not be larger than the principal building, provided, however, that all accessory buildings shall be subject to and must conform to height, setback, yard, landscaping, general conditions and Special Use Permit conditions applicable to principal buildings.**
- F. Greenbelt Buffer - Prior to the commencement of construction of any structure or building in the Industrial District where such property abuts, adjoins, or is adjacent to a Residential Zone, a greenbelt shall be established. A greenbelt, minimum width of thirty-five (35) feet shall be completed within six (6) months from the date of issuance of a certificate of occupancy and shall thereafter be maintained with permanent plant materials.**

ARTICLE XII**NONCONFORMITIES****Section 12.01 - Purpose**

Within the districts established by the 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 to permit these buildings and structures and uses of parcels, lots, buildings and structures, herein referred to as nonconformities, to continue until they are discontinued, damaged or removed but not to encourage their survival. 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.

Section 12.02 - Nonconforming Uses of Parcels

Where, on the date of adoption of this Ordinance, a lawful use of a parcel, such use not involving any building or structure or upon which parcel a building or structure is accessory to such principal use, exists that is no longer permissible under the provisions of this Ordinance, such principal use may be continued so long as it remains otherwise lawful subject to the following provisions:

- A. No such nonconforming use of a parcel shall be enlarged or extended to occupy a greater area of land than was occupied on the date of adoption or amendment of this Ordinance, and no accessory use, building or structure shall be established therewith.**
- B. No such nonconforming use of a parcel shall be moved in whole or in part to any other portion of such parcel not occupied on the date of adoption of this Ordinance.**
- C. If such nonconforming use of a parcel ceases for any reason for a period of more than one hundred eighty-three (183) consecutive days the subsequent use of such parcel shall**

conform to the regulations and provisions set by this Ordinance for the district in which such parcel is located.

Section 12.03 - Nonconforming Buildings and Structures, shall read as follows;

Where, on the date of adoption or amendment of this Ordinance, a lawful building or structure exists that could not be built under the regulations of this Ordinance by reason of restrictions upon parcel area, parcel width, parcel coverage, floor area ratio, height, open spaces or other characteristics of such building or structure of its location upon a parcel, such building or structure may be continued so long as it remains otherwise lawful subject to the following provisions:

- A. No such building or structure shall be enlarged, expanded, extended, or altered in a way which increases its nonconformance**
- B. Should any such building or structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at the time of destruction, it may not be reconstructed except in conformity with the provisions of this Ordinance.**
- C. Should any such building or structure be moved for any reason for any distance, it shall thereafter conform to the regulations of the district in which it is located after it is moved.**

Section 12.04 Discontinued Use and Vacated, shall read as follows

If there is a intent to abandon the non-conforming use of a parcel of land or structure for a period of one year, then any further use thereof shall conform to the provisions of the Ordinance. Evidence of intent to discontinue the non-conforming use of a structure shall include, but not be limited to, the following.

A Discontinuing Utilities, specifically electricity and /or heat for the structure.

B. Removal of building fixtures without replacement.

C. Allowing the property to deteriorate to the extent that the property has become a blight, or is no longer fit for the non-conforming purpose.

D. Discontinuance of postal service (other than through the establishment of a post office box).

E. Any time that a residence is not occupied for a period of one year, it shall be presumed that the use of the property as a residence has been discontinued.”

Section 12.05 Repairs and Maintenance; shall read as follows;

1. When enlargement and /or structural alteration is necessary to allow compliance with health and safety law, and the cost of such work does not exceed 50% of the replacement cost of the existing structure, as determined by the Township Zoning Administrator, then:

A. That such building, or restoration shall be consistent with the dimensional regulation and character of those uses permitted within that district;

B. That portion of the building being repaired and/or replaced shall conform to all regulations in the Stronach Township Ordinance, State and Local Building codes at the time of rebuilding or restoration;

C. That such rebuilding or restoration does not increase its nonconformity; and

2. Termination by Destruction; In the event that a non-conforming structure and/or structures, containing a non-conforming use, is/are destroyed by any means to the extent that more than 50% of the replacement cost of the existing structure and/or structures shall not be restored and/or reconstructed except upon the restoration and/or reconstruction bringing the entire parcel into conformity with requirements of this ordinance.

Section 12.06 - Change of Tenancy or Ownership

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

Section 12.07 - Extension and Substitution

An nonconforming use, building or structure shall not be extended unless it fulfills the requirements of Section 12.10 of this Ordinance, nor shall one nonconforming use, building or structure be substituted for another nonconforming use, building or structure.

Section 12.08 - Completion of Pending Construction

The adoption of this Ordinance shall not limit the construction of any building or structure for which a permit had been obtained prior to adoption of the Ordinance and upon which work had been commenced and carried on within one hundred eighty-three (183) days of obtaining of such permit, even though such building or structure does not conform to the provisions of this Ordinance.

Section 12.09 - Substandard, Nonconforming Parcels of Record

In any district in which dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a dwelling and customary accessory buildings or structures may be erected on any single parcel of record at the effective date of adoption of this Ordinance. Such parcel must be in separate ownership and not of continuous frontage with other parcels in the same ownership as of the date of adoption of this Ordinance. This provision shall apply even though such parcel fails to meet the requirements for area of width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements, not involving area of width, or both, of the parcel shall conform to the regulations for the district in which such parcel is located. If two or more parcels or combinations of parcels and portions of parcels with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance and if all or part of the parcels do not meet the requirements for parcel width and area as established by this Ordinance, the land involved shall be considered to be an undivided single parcel for the purpose of this Ordinance, and no portion of said parcel shall be used which does not meet parcel width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any parcel with width or area below the requirements stated in this Ordinance.

Section 12.10 - Nonconforming Uses, shall hereafter read as follows;

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 Zoning Administrator. Any determination concerning nonconformities may be appealed to the Zoning Board of Appeals.

ARTICLE XIII**ADMINISTRATION OF THE ORDINANCE****Section 13.01 - 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 violators and enforcement of the provisions of this Ordinance and amendments thereto.

Section 13.02 - Stronach Township Zoning Administrator

- A. The provisions of this Ordinance shall be administered by the Stronach Township Zoning Administrator. Applicants for the office of Township Zoning Administrator shall be interviewed by the Stronach Township Planning Commission. The Stronach Township Planning Commission shall make its recommendations to the Stronach Township Board regarding the qualifications of the applicants. The Stronach Township Board shall appoint, from the list of applicants recommended by the Township Planning Commission, a Zoning Administrator who shall serve for such term, subject to such conditions, and at such rate of compensation as the Board shall determine, and the duty of the enforcement of this Ordinance shall rest with the Zoning Administrator as shall be authorized by law. The Zoning Administrator shall, for the purpose of this Ordinance, have the power of a police officer.**
- * B. Eligibility; Members of the Stronach Planning Commission and Zoning Board of Appeals shall be ineligible for appointment to the office of Township Zoning Administrator, except as otherwise provided in Section 13.02 (C).**
- C. Interim Zoning Administrator. In the event of the resignation, death, disability, vacation or disqualification of the Zoning Administrator, the secretary of the Stronach Township Commission shall serve as interim Zoning Administrator until a new Zoning Administrator until a new Zoning Administrator shall be appointed by the Stronach Township Board.**
- 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 Zoning Administrator to reasonably conclude that in**

addition to the standards set forth in Article XIV, Section 14.01, in 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.

Section 13.03 - Zoning Administrator Duties

The Zoning Administrator shall submit to the Planning 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 XIV

PERMITS

Section 14.01 - Land Use Permits

- A. 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 Zoning Administrator.**
- B. The Zoning Administrator shall require that copies of plans, specifications and such other information as he may deem necessary shall be filed with the application for permit. Such other information shall include, but not be limited to:**
 - 1. Plans, specifications and drawings showing the location, design and size of the proposed land use and the buildings and structures to be located thereon.**
 - 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.**
- C. No permit shall be issued under this Section for any use which fails to conform to any relevant provision of this Ordinance or which fails to conform to any minimum requirement established for the land use district in which the proposed use is to be located, or which fails to conform to any standard set forth in the definition of the proposed use, as defined in this Ordinance, or which fails to conform to the general regulations set forth in this Ordinance.**
- D. No new use shall be established or excavation or construction begun before such permit is issued, and a copy posted in a prominent position on the building site.**
- E. No permit or fee is needed under this Section for:**
 - 1. 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.**
 - 2. 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.

- 3. Open Space.**
 - 4. Individual recreation uses such as boating, hiking, hunting, fishing and trapping.**
 - 5. 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.**
 - 6. Harvesting of timber as part of a forest management activity and as part of a forest management plan, except when such activity takes place within the Wetland Conservation District (Article V) and the Little Manistee River Corridor**
 - 7. District (Article (IV)).Hedges, arbors, trees, gardens, plants, Shrubs**
 - 8. Sidewalks, driveways to dwellings.**
 - 9. Domestic animal shelters.**
 - 10 . 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, tree-houses, forts, hideouts, and so on, so long as such accessory structures adhere to setback requirements of this Ordinance.**
 - 11. Personal property sales.**
- F. A permit issued under this Section is void if the use is not commenced within one (1) year. A renewal may be granted by the Zoning Administrator after a restudy of the permit at no cost to the applicant.**
- G. A violation of any condition or specification in a permit issued under this Section shall void the permit.**
- H. Any improper or incorrect information contained in the application for permit issued under this Section 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.**

I. A non-refundable fee shall accompany each application for a permit under this Section. The fee shall be as established from time to time by the Stronach Township Board

J. Penalties

The penalties for violating this Section shall be the same as described in Section 18.04

Section 14.02 - Building Permits

A. Any person or authorized agent who intends to construct, enlarge, alter, repair, move demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, remove ,convert, or replace any electrical, gas mechanical or plumbing systems (the insulation of which is regulated by the Michigan Building Code or any related code) or to cause any such work to be done, shall first make application for a land use permit and subsequently obtain a building permit. All building permit applications shall be made to the Stronach Township Building Inspector and the cost of the building permit shall be determined by the Stronach Township board.

B. No building permit shall be required for:

- * Ordinary repairs of a non-structural nature**
- * Driveways**
- * Fences (except as otherwise required by this ordinance or by the Michigan Building Code)**
- * Sheds under 200 (two hundred) square feet**
- * Children's play structures**

C. Any building permits except as otherwise set forth or authorized herein, shall be valid for a period of two (2) years from the date of authorization. If all construction as authorized by the permit is not completed within that period of time, the violator shall forthwith reapply and may apply for a permit extension which may be renewed on a yearly basis if continual construction is required, Building permits shall be non-transferable. The Stronach Township Board shall set fees for both the original permit and the renewal permit or permit extension

D. Penalties

In addition to those penalties otherwise set forth in this Ordinance, in event that the necessary building permit building permit is not obtained in advance of the commencement of the construction for which a permit is otherwise required as set forth herein, the violator or violators shall, jointly and severally, make re-application for a permit and pay double the standard fee for the original permit and also be subject to a fine of (\$100.00)

ARTICLE XV

SPECIAL USES

Section 15.01 - Purpose

The information and enactment of this zoning Ordinance is based upon the division of the unincorporated portions of the Township into districts in each of which are permitted specified uses which are mutually compatible. In addition to such permitted uses, however, it is recognized there are certain other and additional land and/or building uses which it may be necessary or desirable, because of their particular nature and due to certain circumstances, to allow in certain locations in certain districts but which on account of their actual or potential impact on neighboring uses or public facilities need to be carefully regulated with respect to their location for the protection on the Township. Such uses, on account of their peculiar locational need or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use.

Section 15.02 - Authority to Grand Permits

- A. The Planning Commission shall have the authority to approve Special Use Permits in accordance with required standards subject to such conditions of design and operation, safeguards and time limitations as it may determine for all special uses specified in the various district provisions of the Ordinance. The Zoning Inspector shall issue these permits.**
- B. A Special Use Permit may be granted when the Planning Commission finds from the evidence produced at the time of consideration of the application, or at the hearing that:**
 - 1. The proposed use does not affect adversely the Land Use Plan for physical development of Stronach Township;**
 - 2. The proposed use will not affect adversely the health and safety of residents or workers in the area and will not be detrimental to the use or development of adjacent properties or the general neighborhood;**
 - 3. The standards as may be set forth for a particular use for which a special exception may be granted can and will be met by the applicant.**

Section 15.03 - Application and Fee

Application for any Special Use Permit permissible under the provisions of this Ordinance shall be made to the Township Zoning Administrator by filling in the official Special Use Permit application form, submitted required data, exhibits and information, and depositing the required fee. Such application shall be accompanied by a fee as established from time to time by Stronach Township Board. Any additional costs incurred in processing such application shall be paid before permit is issued. No part of such fee shall be returnable to the applicant. As an integral part of said application, the applicant shall file at least eight (8) copies of a site plan.

Section 15.04 - Data, Exhibits, and Information Required in Application

An application for a Special Use Permit shall contain the applicant's name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf; the address and legal description of the property involved; an accurate survey drawing of said property showing the existing and proposed location of all buildings and structures thereon, the types thereof, and their uses, and a statement and supporting data, exhibits, information and evidence regarding the required finding set forth in this Ordinance, as stated in Section 15.02(B) and a detailed site plan drawn to the specifications contained in Article XVI.

Section 15.05 - Application Review for Completeness

Upon receipt of a Special Use Permit application, the Zoning Administrator shall review the application to insure it is complete, and includes all the elements specified in Articles 15.03 and 15.04 of this Ordinance.

- A. If the application is not complete, the Zoning Administrator shall return the application with a letter that specifies the additional material required.**
- B. If the application is complete, the Zoning Administrator shall confer with the chair-man of the Planning Commission to establish a date to hold a meeting and/or hearing on the Special Use Permit application.**

Section 15.06 - Notice of Consideration or Public Hearing

- A. The Zoning Administrator shall, upon establishing a date for a meeting and/or hearing, schedule a meeting upon the request, preceded by notification to the applicant, to the owners of the**

property for which approval is being considered, and to the owners of all property within 300 feet of the boundary of the property for which approval is being considered, as shown by the latest assessment roll, and to all occupants of structures within 300 feet of the property in question. If the name of an occupant is not known, the term "occupant" may be used in the notice. The notice shall be published in a newspaper which circulates in the township and shall be mailed or personally delivered between five (5) and fifteen (15) days prior to the date the application will be considered.

Notification need not be given to more than one (1) occupant of a structure, except that, if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. All notices shall describe the nature of the special land use request, indicate the property which is the subject of the special land use request, state when and where the special land use request will be considered, and indicate when and where written comments will be received concerning the request, and also indicate the person or persons who may request a public hearing on the special land use request. If a public hearing is requested, notification as required for notice of a request for special land use approval shall be given, and said public hearing shall be held before a decision is made on the special land use request which is based on discretionary grounds.

- B. The Planning Commission shall hold a meeting(s) and/or hearing for purposes of detailed review of the Special Use Permit application and accompanying site plan.**
- C. Following such meeting, more particularly hereinabove set forth, or public hearing, as the case may be, said Planning Commission shall either grant or deny a permit for such special land use and shall state its reasons for its decision in the matter within ninety (90) days from the date the Zoning**

Administrator finds the Special Use Permit application as submitted is complete as provided in Section 15.05 of this Ordinance. All conditions, limitations and requirements upon which any such permit is granted shall be specified in detail by said Planning Commission in its decision and shall be filed with the zoning inspector of the township. Any conditions, limitations or requirements upon which approval is based shall be reasonable and designed to protect natural resources, the health, safety and welfare and the social and economic well being of the owners and occupants of the land in question, of the area adjacent thereto and of the community as a whole; constitute a valid exercise of the police power and be related to the purposes which are affected by the proposed use or activity; be consistent with the intent and purpose of the zoning ordinance, generally and specifically, for the respective land use district; designed to insure compatibility with adjacent uses of land and the natural environment; and 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.

- D. The Planning Commission shall have the right to limit the duration of a Special Land Use where the same is for a mining (B) operation and may reserve the right of annual review of compliance with the conditions and limitations imposed upon such use. Any use failing to comply with such conditions and limitations may be terminated by action of said Planning Commission after a hearing upon application of any aggrieved party.**
- E. The plot plan and specifications and all conditions, limitations, and requirements imposed by the Planning Commission shall be recorded with the township and shall be incorporated as a part of the Special Land Use permit. Violations of any of these at any time shall cause revocation of said permit and said Special Land Use shall cease to be lawful use.**
- F. To insure compliance with the zoning ordinance and any conditions, limitations or requirements imposed by the Planning 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 Planning Commission may require**

a cash deposit, certified check, or irrevocable bank letter of credit or surety bond or requirement conditioned upon the faithful completion of the project. 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 Planning Commission may authorize a rebate of any cash deposit in reasonable proportion to the ratio of the work completed as the work progresses.

Section 15.07 - Required Standards and Findings for Making Determinations

The Planning Commission shall review the particular circumstances and facts of each proposed use in terms of the following standards and required findings, and shall find and record adequate data, information and evidence showing that such a use on the proposed site, lot or parcel:

- A. Will be harmonious with and in accordance with the general objectives, intent and purposes of this Ordinance, both generally and for the particular district.**
- B. 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.**
- C. Will be served adequately by essential public facilities and services such as highways, streets, 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.**
- D. Will not be hazardous or disturbing to existing or future neighboring uses.**
- E. Will not create excessive additional requirements at public cost by facilities and services.**
- F. Will be consistent with the general public health, safety and welfare of the Township.**
- G. Will not affect adversely the Land Use Plan for physical development of the Township as embodied in this Ordinance and in any master plan or portion thereof adopted by Stronach Township.**

- H. Will not affect adversely the purposes of this Ordinance and the specific purposes of the respective land use district embodied in this Ordinance.**
- I. 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.**
- J. Will be in conformance with any specific standards given with special or temporary uses listed elsewhere in this Ordinance.**
- K. The design complies with all applicable general regulations and specific district regulations listed elsewhere in this Ordinance.**

Section 15.08 - Amendment of Special Use Permit

An application may be considered to amend an existing Special Land Use permit, and shall be handled in the same manner for the initial Special Land Use permit application pre-scribed by Article XV of this Ordinance. By mutual agreement between the township and applicant minor non-substantive changes may be made to an existing Special Land Use permit if such change is sought prior to the issuance of an occupancy permit for work authorized by the special use permit.

Section 15.09 - Transfer of Special Use Permit

In order to insure continued compliance with the terms of this Ordinance and a Special Use permit issued under it, in cases where a cash deposit, irrevocable bank letter of credit, certified check, or surety bond is required, a Special Use permit shall specify reasonable terms for transfer of a valid Special Use permit from the present landowner or operator to a sub-sequent owner or operator. The responsibility for said transfer in accord with the terms of the Special Use permit shall be that of the permit holder of record with the Stronach Township Zoning Administrator. Failure of a Special Use permit holder to properly transfer a Special Use Permit shall not release the permit holder of record from ordinance penalties for any subsequent action undertaken on the land in violation of the terms of the Special Use permit. Proper completion of the transfer shall require documentation of assumption by the new owner of an interest in the land/operation in question and a written agreement that the new owner/operator will assume the obligations for the deposit of a bond or other performance guarantee when so required by the Special Use permit. When such bond or other performance guarantee is deposited properly with the Township by the new permit holder, any bond or

performance guarantee on deposit with the Township by the previous permit holder shall be returned in accord with the terms of this Ordinance. A transfer of a Special Use permit to a new owner shall not be required where there is no bond or other performance guarantee requirement.

Section 15.10 - Expiration of Special Use Permit

- A. Special Use permit shall be valid for as long as the permitted use continues in accordance with the terms stated therein, unless otherwise stated in the Special Use permit.**
- B. The Special Use permit shall expire, and be of no effect, three hundred and sixty-five (365) days after the date of issuance thereof, unless within such time work authorized under the said permit has started.**
- C. If there is not compliance with the terms of the Special Use permit within six (6) months from the date of occupancy, then it shall automatically expire and be of no further effect or validity.**
- D. Approval of a Special Use permit shall be valid regardless of change of ownership, provided that all terms and conditions of the permit are met by subsequent owner.**
- E. The Zoning Administrator shall notify the applicant, in writing, mailed to the address listed on the application that such Special Use permit has expired.**



ARTICLE XVI**SITE PLAN****Section 16.01 - 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 Planning Commission under the provisions of a Special Use permit and for any permitted or Special Use in the Industrial District.

Section 16.02 - Required Data for a Site Plan

The site plan 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 Planning 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 Zoning Administrator upon the determination that the requirements to be waived are not reasonably related to the proposed use. The Planning Commission, upon initial review of the site plan, may act to require any information specifically waived by the Zoning Administrator to be submitted.

- A. The property, identified by lot lines and location including dimensions, angles and size, correlated with the legal description of said property. Such site plan shall be designed and prepared by a registered professional architect, landscape architect, engineer, land surveyor, or community planner. Such plan shall further include the name and address of the property owner(s), developer(s), and designer(s), and their interest in said properties.**
- B. The scale, north point, boundary dimensions, topography (at least two (2) feet contour intervals), and natural features such as woodlots, streams, rivers, lakes, drainage and similar features.**

- C. Existing man-made features such as buildings, structures, high tension towers, pipe lines, existing utilities such as water and sewer lines, excavations, bridges, culverts, drains and easements, and shall identify adjacent properties and their existing uses.**
- D. The location, proposed finished floor and grade line elevations, size of proposed main and accessory buildings, their relation one to another and to any existing structures on the site, the height of all buildings and square footage of floor space. Site plans for residential development shall include a density schedule showing the number of dwelling units per net acre, including a dwelling schedule showing the unit type and number of each unit type.**
- E. The proposed streets, driveways, sidewalks and other vehicular and pedestrian 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 and service parking.**
- F. The proposed location, use and size of open spaces and the location of any land scoping, fences or walls on the site. Any proposed alterations to the topography and other natural features shall be indicated. The site plan shall further show any proposed location of connections to existing utilities and proposed extensions thereof.**
- G. Topography information based on USGS datum, or selected on-site elevations. More detailed information may be required where the Planning Commission determines that the site and use warrant a more critical review of topography.**
- H. Generalized soil analysis data, which may include data prepared by the Manistee County Soil Conservation District or Planning Department regarding the soils and their adaptability to the use. More detailed information may be required where the Planning Commission determines that the site and use warrant a more critical review of soils.**
- I. Includes 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.**
- J. A complete description of the proposed development including: Areas of the site, the number of lots or units; and the number and characteristics of the population impact**

such as density, elderly persons, school children, tourists, family size, income, and related as applicable.

- K. 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 streets and other factors that may apply to the particular development.**
- L. Statements relative to the impact of the proposed development on soil erosion, shore-line protection, wildlife habitat, air pollution, water pollution (ground and surface), noise and the scale of development in terms of the surrounding environment.**
- M. A vicinity map showing the location of the site in relation to the surrounding street system.**
- N. Existing zoning of the site and all surrounding properties.**
- O. Any other information deemed necessary by the Planning Commission.**
- P. A statement or other proof of evidence by applicant of present or future compliance with standards contained elsewhere in this Ordinance.**
- Q. The applicant's name and address in full and the principal offices and resident agent of the business if other than a sole proprietor; a statement that the applicant is the owner of the land involved in the application or is acting on the owner's behalf; and the address and legal description of the land involved in the application.**

Section 16.03 - When Required, Review, etc.

A site plan is required for all Special Use Permit applications and for all cases before the Board of Appeals. Review for completeness when part of a Special Use Permit application shall be done by the Zoning Administrator and review, action and procedure for site plan approval, that are part of a Special Use Permit, shall be done as specified in Article XV of this Ordinance.



ARTICLE XVII

BOARD OF APPEALS

Section 17.01 - Board of Appeals Established

There is hereby established a Board of Appeals, which shall perform its duties and exercise its powers as provided in Michigan Public Act 184 of 1943, as amended, being the Michigan Rural Township Zoning Act, in such a way that the objectives of this Ordinance shall be enforced, the public health and safety secured, and substantial justice done.

Section 17.02 - Duties of the Board of Appeals

The Board of Appeals shall hear and decide such matters as the Board of Appeals is specifically authorized to pass on as provided to pass on as provided in this Ordinance and such matters as may be provided by statute.

Section 17.03 - Variance

A variance from the terms of this Ordinance shall not be granted by the Board of Appeals 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 Board of Appeals shall make findings that the requirements of this Ordinance have been met by the applicant for a variance.**
- C. The Board of Appeals 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 Board of Appeals 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 Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance and including requirements for buffering between uses by landscaping, fencing, vegetation or other similar methods .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 19.08 of this Ordinance.**
- F. Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.**

Section 17.04 - 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 three hundred sixty-five (365) days 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 three hundred sixty-five (365) days after the granting of such variance.****
- B. No application for a variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of three hundred and sixty-five (365) days from such**

denial, except on grounds of new evidence or proof of changed conditions found by the Board of Appeals to be valid.

Section 17.05 - Interpretation of Ordinance Text

- A. Interpretation - Pursuant to the requirements of Public Act 184 of 1943, as amended, being MCL 125.197a; nothing contained herein shall be construed as prohibiting the Zoning Board of Appeals 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.**
- B. Standards - In determining whether a proposed building, use or structure is sufficiently similar to a specifically delineated permitted or Special Use, the Zoning Board of Appeals shall consider the relevant policies for the Land Use District in question as set forth in the Land Use & Development Component of the Stronach Township Master 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 in the Township.**
- 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 11.02 of this Ordinance.**

Section 17.06 - Appeals to the Board of Appeals

The following provisions shall apply:

- A. Appeals, How Taken - Appeal from the ruling of the Zoning Inspector or the Planning Commission or the Township Board concerning the enforcement, administration, and interpretation of this Ordinance text and map may be made to the Board of Appeals, by the filing with the officer from whom the appeal is taken and with the Board of Appeals of 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 (5) 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 officer from whom the appeal is taken shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken.**
- B. Who may appeal - Appeals to the Board of Appeals 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 Zoning 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 the officer from whom the appeal is taken certifies to the Township Board of Appeals, 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 which may be granted by the Board of Appeals or by the Circuit Court, on application, on notice to the officer from whom the appeal is taken and on due cause shown.**
- E. Hearing By the Board of Appeals: Request: Notice: Hearing - When a request for appeal has been filed in proper form with the Board of Appeals, the Zoning inspector shall immediately place the said request for appeal upon the calendar for hearing, and cause notice to interested parties, stating the time, place, and object of the hearing to be served personally or by certified return receipt mail if necessary. Interested**

parties, at a minimum, shall include appeals board members, the township's attorney, the appellant, the property owner and resident, adjoining property owners and residents.

F. Representation at Hearing - Upon the hearing, any party of parties may appear in person or by agent or by agent or by attorney.

G. Decisions of the Board of Appeals and Appeals to the Circuit - The Board of Appeals shall decide upon all matters appealed within sixty (60) days of the receipt of a demand for appeal, and fee by the Zoning 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 Zoning Inspector, or Planning Commission, from whom the appeal is taken for administration and enforcement of this Ordinance. The Board of Appeals decision of such appeals shall be in the form of a resolution containing a full record of the findings and determination of the Board of Appeals in each particular case. Any person having an interest affected by such decision shall have a right to appeal to Circuit Court provided by statute.

H. Personnel of Board - The Board of Appeals shall consist of the following three (3) members:

- 1. First, second and third members shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township.**
- 2. In the case where two or more members can not hear an appeal, the Township Board may appoint alternate(s) for that appeal.**



ARTICLE XVIII

AMENDMENT VALIDITY PENALTIES

Section 18.01 - Initiating Amendments and Fees

The Township Board may from time to time, on recommendation from the Planning 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 Planning Commission, or by petition of one or more owners of property to be effected by the proposed amendment. Except for the Township Board, or the Planning 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 Stronach Township Board.

Section 18.02 - Amendment Procedure

The procedure for making amendments to the Ordinance shall be in the manner provided by statute, with all amendment proposals being referred to the Planning Commission for statutorily required notices, hearing, review by the 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, within fifteen (15) day notice given to a newspaper. If the Township Board holds an additional hearing, the Planning 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.

Section 18.03 - 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 in the Manner provided by statute.

Section 18.04 - Violations and Penalties: Nuisance Per Se:

Any land, dwelling, buildings, or structures, including tents and trailer coaches, used, erected, altered, razed or converted in violation of this Ordinance or in violation of any regulations, conditions, permits or other rights granted, adopted or issued pursuant to this Ordinance are hereby declared to be nuisance per se.

- A. Any person, partnerships, corporation, or association who creates or maintains a nuisance per se as defined in subsection A above or who violates or fails to comply with this Ordinance or any permit issued pursuant to this Ordinance shall be responsible for a municipal civil infraction. Every day that such violation continues shall constitute a separate and distinct offense under the provisions of this Ordinance. Nothing in this section shall exempt the offender from compliance with the provisions of this Ordinance.**
- B. The Township Zoning Administrator is hereby designated as the authorized township official to issue municipal civil infraction violations directing alleged violators of this Ordinance to appear in Court.**
- C. In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se of any other violation of this Ordinance. The court shall impose a lien on the violating premises for the township's removal and clean-up cost, as well as court costs and actual attorney fees.**

SEVERABILITY

If any section, clause, or provision of this Ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The Township Board hereby declares that they would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

CONFLICTS

If any provision of the Stronach Township Zoning Ordinance conflict with this Zoning Ordinance Amendment Ordinance, then the provisions of this Zoning Amendment Ordinance shall control.

CIVIL INFRACTION

Any person who shall violate any provision of this Ordinance shall be responsible for a municipal infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101 – 600.9939 of Michigan Compiled Laws, and shall be subject to a fine, plus actual attorney fees and costs. Each day this Ordinance is violated shall be considered as a separate violation. Each day that this Ordinance is violated will subject the respondent to a separate fine. Multiple days of violation of this Ordinance may be included in a single citation issued by the Zoning Administrator, or Assistant Zoning Administrator, Subjecting the respondent to the possibility of multiple fines up to \$300.00 each day that the respondent was in violation of this Ordinance plus actual attorney fees. Alternatively, each citation may be issued as a separate citation each day of the violation, subjecting the respondent to a fine of up to \$300.00 per day that the respondent is in violation of the Zoning Ordinance plus actual attorney fees. The Zoning Administrator or Assistant Zoning Administrator may choose to issue multiple citation; or may include multiple days of the respondent being in violation of the Zoning Ordinance in a single citation. The citation may be issued on the day of the violation or may be issued within one year of the date of the violation. The citation shall state the specific date for which the citation is issued, and the specific date, or dates, that the citation is alleging a violation of the Zoning Ordinance. Any action taken under this Section shall not prevent civil proceeding for abatement or termination of the prohibited activity. Any person who is found responsible for violation of the Ordinance shall pay a fine of three hundred dollars (300.00), per day, plus actual attorney fees up to the maximum allowed pursuant to Michigan statutes. In addition the Court shall impose a lien on real property owned by the respondent to secure the payment of fines, actual attorney fees and actual costs associated with the civil infraction on

land which is affected by the zoning violation as permitted by law. Civil infraction tickets may be written by the Zoning Administrator, or the acting Zoning Administrator. The term "person" as used in this Section means any entity and includes, but is not limited to: an individual, a partnership, a corporation, an association, or any other form of an organization. In addition to the fines and attorney fees authorized by this section, this Ordinance also specifically authorizes the Manistee County District Court, or such District Court that has the jurisdiction over the enforcement of a civil infraction brought by the Township of Stronach to enjoin the respondent from continuing the activity that resulted in the court finding that the respondent is responsible for a civil infraction. Upon the respondent failing to obey the District Court injunctive order, this Ordinance authorizes the District Court to enforce its order through civil and/or criminal contempt: and specifically authorizes the court to grant the Town actual attorney fees in prosecuting the contempt motion. This Ordinance also specifically authorizes the District Court to issue such penalty for criminal and/or civil contempt to the full extent as authorized pursuant to Michigan Statutes.

Section 18.05 - Repeal of Ordinance

The Stronach Township Zoning Ordinance adopted on July 3, 1968 and all amendments thereto are hereby repealed effective coincident with the effective date of this Ordinance.

Section 18.06 - Validity and Severability Clause

In 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.

Section 18.07 - Conflict with Other Laws

- A. Where any condition imposed by any provision of this Ordinance upon the use of any lot, 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.**

Section 18.08 - Period of Effectiveness

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



Article XIX

SEXUALLY ORIENTED BUSINESS

AN ORDINANCE TO AMEND THE STRONACH TOWNSHIP PERMANENT ZONING ORDINANCE OF 1985 AS AMENDED, BY ADDING REGULATIONS REGARDING SEXUALLY ORIENTED BUSINESSES IN ALL DISTRICTS AND BY REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

THE TOWNSHIP OF STRONACH ORDAINS:

The Stronach Township Permanent Ordinance of 1985, as amended, (the "Ordinance"), is hereby amended adding a Section 19.01, as follows:

Section 19.01 SEXUALLY ORIENTED BUSINESSES

Section A. PURPOSE

It is recognized that sexually oriented businesses have a deleterious effect upon adjacent areas, causing blight, an increase in crime, a decrease in property values, a chilling effect upon other businesses and residents, and a downgrading of the quality of life in adjacent areas, especially when such uses are concentrated in the same general area, it is considered necessary and in the best interest of the orderly and better development of the community to prohibit the over crowding of such uses into a particular location and require their dispersal throughout the restricted commercial district of the Township to thereby minimize their adverse impact to the best extent possible on any other permitted use.

Section B. DEFINITIONS For the purpose of this section of the Zoning Ordinance, the following terms and designations shall have the indicated meanings:

- a. **adult book and/or video store**: an establishment having, as a substantial or significant portion of it's stock in trade, computer services, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "sexual activities" or "specified anatomical areas", hereinafter defined;
- b. **adult motion picture theater**: an enclosure with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as hereinafter defined for observation by patrons therein;
- c. **adult mini motion picture theater**: an enclosure with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as hereinafter defined for observation by patrons therein;
- d. **adult paraphernalia/novelty store**: an establishment having, as a substantial or significant portion of it's stock in trade, paraphernalia designed or usable for sexual stimulation or arousal;
- e. **massage parlor**: any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shops or beauty salons in which massages are administered only to the hands, feet, scalp, face, neck or shoulder. This definition shall not be construed to include the practices of massage therapists who meet one or more of the following criteria:
 - (1) **Proof of graduation from a school of massage licensed by the State of Michigan;**

(2) Official transcripts verifying completion of at least 300 hours of massage training from an American community college or university; plus three references from massage therapists who are professional members of a massage association referred to in this section;

(3) Certificate of professional membership in the American Massage Therapy Association, International

(4) Myomassethics Federation, or any other recognized massage association with equivalent professional membership standards; or,

(5) A current license from another state;

- f. host or hostess establishments: establishments or clubs offering socialization with a host or hostess for a consideration to the host or hostess or for an admission or membership fee;**
- g. open dance hall: an establishment where open public dancing by patrons is available during at least four days per week with partners furnished by the establishment;**
- h. adult live entertainment establishments regardless of whether alcoholic beverages may or may not be served: establishments which include a nightclub, bar, restaurant, or similar commercial establishment, which features (a) persons who appear nude or in a “state of nudity” or “semi-nude”; and/or (b) live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”;**
- i. adult panoramas: an establishment which has a substantial or significant portion of its business devoted to the viewing by patrons of films, tapes, or live entertainment showing “specified sexual activities” or “specified anatomical areas”;**
- j. specified sexual activities: means and includes any of the following:**
 - 1. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts;**

- 2. Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy;**
- 3. Masturbation, actual or simulated;**
- 4. The display of human genitals in a state of sexual stimulation, arousal or tumescence;**
- 5. Excretory functions as part of or in connection with any of the activities set forth in subdivisions (1) through (4) of this subsection**

k. specified anatomical areas: means human genitals less than completely or opaquely, covered including the public region, buttocks, or anus, or female breasts below a point immediately above the top of the areolae; or human male genitals in a discernible state of tumescence, even if opaquely covered;

l. substantial or significant portion; means a business or establishment which has;

- 1. Twenty percent or more of its stock, materials, or services provided relating to or describing “specified sexual activities”, and/or “specified anatomical areas”; and/or**
- 2. Twenty percent or more of usable floor area of the building is used for the sale, display, or provision of services describing or relating to specified sexual activities, specified anatomical areas, or both and/or**
- 3. The advertising (on signs, in publications, on television or radio and/or other media forms) associated with the business or establishment, describes or relates to “specified sexual activities” and/or “specified anatomical areas”.**

m. transfer of ownership or control of a sexually oriented business; means and includes any of the following;

- 1. The sale, lease, or sublease of the business or establishment;**

- 2. The transfer of securities which constitute a controlling interest in the business or establishment, whether by sale, exchange, or similar means;**
- 3. The establishment of a trust, management arrangement, gift or other similar legal device which transfers ownership or control of the business, except for transfer by bequest or other operation of law upon the death of a person possessing the ownership or control.**

Section C. CONDITIONS

In order to obtain and retain a special use permit for operation of a regulated use as defined by this section, the following conditions must be met, in addition to all other standards set forth herein for special use permits:

- a. A special use permit must be acquired through the special use procedures as described in Article XV of this Ordinance;**
- b. In order to prevent the undesirable concentration of sexually oriented businesses, the regulated uses as defined by this Section shall not be located within 2,500 feet of any such regulated uses as defined by this Section, nor within 1000 feet of any residentially zoned district, school, daycare center, as measured along a line forming the shortest distance between any portion of the respective properties;**
- c. The regulated uses, as defined by this Section, shall only operate between the hours of 8 a.m. and 10 p.m.;**
- d. There shall be a manager on the premises at all times;**
- e. No one under the age of 18 shall be allowed onto the premises by the manager of the regulated use;**
- f. If a transfer of ownership or control occurs the existing special use permit shall be considered void. A new permit shall be applied for in advance of the proposed transfer;**
- g. No product or service for sale or gift, or any picture or other representation thereof, which relates in anyway**

to “specified sexual activities” or “specified anatomical areas”, shall be displayed so as to be visible from the street or exterior of the building or the regulated use;

- h. Once a special use permit has been issued, the regulated use shall not be expanded in any manner without first applying for and receiving approval of the Zoning Board of Appeals of Stronach Township;
- i. If a regulated use is discontinued, the use may not be re-established without first applying for and receiving the approval of the Stronach Township Board of Appeals.

Section D. EXCEPTIONS TO CONDITIONS.

The Zoning Board may waive the foregoing spacing requirements if it finds all of the following conditions exist:

- a. The proposed use will not be contrary to the public interest or injurious to nearby properties in the proposed location and the spirit and intent of the purpose of the spacing regulations will still be observed;
- b. The proposed use will not enhance or promote a deleterious effect upon adjacent areas through causing or encouraging blight, a chilling effect upon other business and residents or a disruption in neighborhood development;
- c. The establishment of the proposed regulated use in the area will not be contrary to any program or neighborhood conservation nor interfere with any program of urban renewal;
- d. Where all other applicable regulations within this Ordinance or other pertinent Township ordinances will be observed.

2. Section 10.03 is hereby amended by adding the following SUBSECTION RR.

The following uses are regulated uses for which a special use permit is required:

- 1. adult book and/or video store:**
- 2. adult motion picture theater**
- 3. adult mini motion picture theater**

- 4. adult paraphernalia/novelty store**
- 5. massage parlor**
- 6. host or hostess establishments**
- 7. open dance hall**
- 8. adult live entertainment establishments regardless of whether alcoholic beverages may or may not be served**
- 9. adult panorams**
- 10. any combination or the foregoing**

3. All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed to the extent of the conflict or inconsistency.



ARTICLE XX

STRONACH TOWNSHIP MANISTEE COUNTY, MICHIGAN STRONACH TOWNSHIP JUNK ORDINANCE

AN ORDINANCE TO REGULATE AND CONTROL THE STORAGE AND DISPOSAL OF JUNK WITHIN THE TOWNSHIP; TO PROVIDE FOR THE ELIMINATION OF BLIGHTED STRUCTURES AND BUILDINGS; TO REGULATE THE OPERATION OF JUNKYARDS; TO PROVIDE FOR THE ENFORCEMENT HEREOF AND TO PROSCRIBE PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; AND TO REPEAL; ALL ORDINANCES IN CONFLICT HEREWITH

THE TOWNSHIP OF STRONACH ORDAINS

Section 1 Title, Purpose, and Legal Basis

- 1.01 This Ordinance shall be known and may be cited as the “Stronach Township Junk Storage and Disposal Ordinance of 2000”, and shall be known in the short form as the “Junk Ordinance”.**
- 1.02 The purpose of this Ordinance is to regulate and control the storage and disposal of junk within the unincorporated areas of Stronach Township, in order to promote the public health, safety and welfare; to protect land values; provide for safety for residents in the area from dangerous junk; to protect ground water lying beneath the Township; to reduce incidence of blight and vermin; and to protect aesthetics in the Township and to regulate matters of legitimate Township concern; This Ordinance is specifically designed to:**
- 1. Define certain terms used herein**
 - 2. Regulate the volume and conditions under which a person may store junk on one’s own land.**
 - 3. Regulate and coordinate with the Township Zoning Ordinance the use and operation of junk yards in the Township.**

4. **Provide for enforcement and a system of due process for removal of junk from one's land.**
 5. **Provide for other miscellaneous provisions necessary for regulation of the Township affairs.**
- 1.03 This Ordinance is enacted pursuant to Section 1 of 1945 PA 246, being MCL 41.181 as amended, and 1929 PA 12, being MCL 445.451 as amended.**

Section 2 Definitions

2.01 The following terms shall have the meaning herein assigned, unless the context clearly requires otherwise.

1. **ABANDONED VEHICLE means any automobile or other motorized or non-motorized vehicle which has remained on the property of another for a period of forty-eight (48) continuous hours or more, with or without the knowledge and/or consent of the owner or occupant of the property, or for a period of forty-eight (48) continuous hours or more after the consent of the owner or occupant has been revoked.**
2. **BLIGHTED STRUCTURE OR BUILDING means any dwelling, garage or out-building or any factory, shop, store, warehouse or any other structure or building, or part of a structure or building which, because of fire, wind or other natural disaster or physical deterioration is no longer habitable as a dwelling, or useful for the purpose for which it was originally constructed or intended.**
3. **FARM means a business enterprise engaged in agricultural production (and other-wise known as farms, ranches, dairies, nurseries, orchards) of crops, livestock and 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 (\$2000.00) or more.

4. Junk means:

- 1. Old scrap ferrous or non ferrous material, trash, rubber, cloth, paper, rubbish, refuse, litter, unused furniture;**
- 2. Materials from demolition, waste building materials;**
- 3. Any junked, abandoned, scrap, dismantled or wrecked (including parts of, or items held fro salvaging parts) automobiles, 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 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.**

5. JUNK AUTOMOBILE means any motor vehicle required to be licensed under the laws of the State of Michigan which is not licensed for a period in excess of sixty(60) days, except stock-in-trade of a duly licensed new or used automobile dealer, or, whether licensed or not, is inoperative for a period in excess of sixty (60) days, and is visible from roads or adjacent parcels and which because of damage or deterioration is or threatens to become a potential harm to the public health, safety or welfare by reason of the threat or presence of vermin or wild animals, leakage of fluids or gases, attractiveness to children, or other similar causes.

6. JUNK YARD means a business enterprise, or a part of a business enterprise, engaged wholly, or in part, in the purchasing, handling, storage, resale, recycling, conversion, or recovery of junk, and is a business which is included in the Standard Industrial Classification Manual

of 1972 prepared by the U.S. Office of Management and Budget, classification 5093 and some enterprises in classification 5931, whether a part of a licensed landfill operation or not; but shall not include any part of a landfill as defined in the Solid Waste Management Act. Junkyard shall specifically include any business or operation required to have a Class C License (used vehicle parts dealer) under MCL 257.248, MSA 9.1948, as amended.

7. **TOWNSHIP** means Stronach Township
8. **PARCEL** means any tract or contiguous tracts of land in the same ownership, whether one or more platted lots or parts of lots, as identified by a single property tax parcel number in the Township Assessment roll.
9. **PERSON** means any person, firm, partnership, corporation, limited liability Company, or other unincorporated association of persons, and shall include all agents, servants and employees of such persons
10. **ROAD** means a public or private road, highway, street, or right-of-way which affords the means of egress to abutting property and the means of travel past a parcel.
11. **SOLID WASTE MANAGEMENT** means the Michigan Solid Waste Management Act, originally enacted as 1978 PA 641 and now Part 115 of the Natural Resources and Environmental Protection Act, MCL 324.11501, et seq, as amended.

Section 3 Unlawful Acts

3.01 It shall be unlawful for a person to maintain or permit to be maintained any blighted structure or building.

3.02 It shall be unlawful for a person to store or accumulate junk except in the following manner:

1. So that no more than two large items of junk, as herein defined, are on the parcel;
2. So that junk is consolidated on one part of the parcel;
3. So that the junk is not visible from a road or from adjacent parcels or so that the junk is inside an enclosed building; and
4. So that it is not a nuisance.

3.03 Section of this Ordinance shall not apply to farms, provided the storage of junk on a farm meets the following standards:

- 1. So that the junk is not visible from a road or from adjacent parcels or so that the junk is inside an enclosed building.**
- 2. All junk from the operation of the farm is being kept on the premises for possible future use of the farm;**
- 3. The depositing of the junk is not a violation of the Michigan Solid Waste Management Act or does not constitute fill in violation of any other state or local law; and**
- 4. So that it is not a nuisance.**

Section 4 Junkyards

4.01 It shall be unlawful for any junkyard to accept business or to do business unless it is;

- 1. Permitted under the Township Zoning Ordinance in effect for the area by Land Use Permit, Special Use Permit, or certified as a non-conforming use;**
- 2. Meets all of the following conditions:**
 - a. Has a Michigan Sales Tax license;**
 - b. If applicable to the junkyard in question, has records of sales and other transactions which are required by 1917 PA 350, the Second Hand Junk Dealers Act, being MCL 445.401, et seq as amended**
 - c. If applicable to the junkyard in question, has a valid Class C (used vehicle parts dealer) license issued by the Michigan Department of State, under MCL 257.248, as amended.**

4.02

- 1. It is screened from view of all roads and from all adjacent parcels by means of an opaque fence or earth berm not less than eight(8) feet in height, or another form of screening, or a combination of the above;**
- 2. It is set back from parcel boundaries at least 100 feet, and is set back 100 feet from all road right-of-way or 133 feet from the centerline of any road, whichever is greater;**
- 3. It is designed and operated so that noise, under normal operational circumstances, does not exceed sixty (60)**

decibels at the boundary of the parcel and at the nearest road;

4. It is operated so that burning or incineration of junk or any other material does not result in smoke;

5. It is designed and operated to meet or exceed all applicable state and federal air pollution, surface and ground water quality standards, and otherwise is in compliance with all other state and federal laws intended for the protection of the environment or the protection of the public health, safety, welfare and morals.

6. It complies with 1966 PA 219, the Control of Junk Adjacent to Highways Act, being MCL 252.201 et seq, as amended; 1917 PA 350, the Second Hand Junk Dealers Act, being MCL 445.401, et seq, as amended; the Solid Waste Management Act; and if applicable, 1949 PA 300, licensing of dealers in vehicles, etc.) being MCL 267.248, as amended.

7. No part of it is a landfill, as defined in the Solid Waste Management Act, even as an accessory function or use of the junkyard.

h. It is more than 1000 feet from a school, campground, or park.

8. It is not otherwise adverse to the public health, safety, morals and welfare of the Township.

Section 5. Pre-existing junkyards.

5.01 Upon the enactment of this Ordinance, the Township Zoning Board shall cause to be made an inventory of all junkyards presently in business in the unincorporated portions of the Township. Such inventory shall include a site plan of each junkyard, a general inventory of the nature and extent of junk, and such other information as the Township Zoning Board deems relevant.

5.02. Any junkyard in business in the Township at the time of enactment of this Ordinance shall be allowed to continue in business as a junkyard on the parcel of land, or portion of the parcel of land, where it is presently located and in operation, except as otherwise provided in Sections 5.03 and 5.04 of this Ordinance.

5.03. A junkyard in business under Section 5.02 of this Ordinance, which:

- 1. Ceases to operate for one year or more;**
- 2. Enlarges so as to occupy more land than was occupied and used at the time of enactment of this Ordinance; or**
- 3. Relocates to different land than was occupied and used at the time of enactment of this Ordinance, as shown on the inventory site plan made pursuant to Section 5.01 or this Ordinance; shall be required to comply with all aspects of this Ordinance.**

5.04. A junkyard in business in the Township at the time of enactment of this Ordinance shall; by March 1, 2000, be brought into compliance with Section 4.011, 4.01.2, 4.01.3a,b,c,d,e,f,g,and i.

Section 6 Violation; Optional Procedure

6.01 If the Township Board, upon the complaint of any person or upon its own motion. Finds that there is reasonable cause to believe that a violation of the Ordinance is occurring, it may determine the parcel or parcels of land on which such violation is occurring, it may notify each owner of such parcel, in the manner hereinafter set forth, of the nature of the alleged violations and the date and time of a hearing at which the issue of the alleged violations of this Ordinance shall be brought before the Township Board. The hearing shall be held not less than twenty-one (21) days after the date of notice. The owner of lessee of the parcel shall be invited to attend such hearing, in person or through counsel, and show cause, if any there might be, why the Township Board should not order such violations to cease immediately and the parcel in question be restored to a condition which is not in violation of the Ordinance.

6.02. Notice of the hearing shall be in writing and served upon the persons shown as the owners of the parcel or parcels in question on the most recent tax assessment roll and any known lessee of the parcel and any other person known to have any interest in the parcel. The Township Clerk shall cause such notice to be served by person delivery to such

persons, by anyone of suitable age and discretion, or by certified or registered mail, return receipt requested. If any of the persons entitled to notice cannot be ascertained or located, then the Township Clerk shall cause such notice to be conspicuously posted on the parcel. An affidavit of Service or Posting shall be maintained. Service of the notice shall be accomplished not less than ten(10) days before the hearing.

6.03. The hearing shall be conducted before the Township Board with the Township Supervisor presiding. If the Township Board determines it to be necessary, the Township Clerk shall administer oaths to all witnesses appearing before the Township Board. The Township Board shall receive such testimony and other evidence as it deems reasonably reliable and relevant to the issue of the violation of the Ordinance and shall render a decision and order in such matter within ten (10) days of the hearing. The owners and the Township Board may agree to extend the date for the hearing to such other date as they may mutually agree.

6.04. The Township Board shall determine whether a violation of this Ordinance exists and, if so, what shall be done to restore the parcel in question to a condition that is not in violations of this Ordinance, which decision may include, but shall not be limited to, ordering the owner of the parcel to remove and lawfully dispose of all junk from the parcel, the demolition and removal of a blighted structure of building or the owner of a junkyard to comply with the provisions of Section 4 and 5 of this Ordinance. All persons entitled to notice of hearing shall be notified of the Township Board's decision, which decision shall be in writing and served in person or by certified or registered mail, return receipt requested, at such person's last known address where the service of the notice of hearing was accomplished.

6.05. If the owner of the parcel fails, refuses, or neglects to comply with the decision and order of the Township Board within thirty (30) days after the service of the order upon them, the Township Board may, in it's sole discretion, cause

junk to be removed from the parcel and lawfully disposed, may cause a blighted structure or building to be demolished and removed or repaired and rehabilitated to a condition of safety or may cause a junkyard to be brought into compliance with this Ordinance. The cost of such actions shall be billed to each of the owners of the parcel who shall be jointly and severally liable therefore. If the owners of the parcel refuse, neglect or fail to pay such costs within sixty (60) days of the Township's invoice to them, the Township Clerk shall report such costs to the Township Treasurer who shall cause such costs to be assessed against the parcel in question. The costs so assessed shall become a lien against the parcel in the same manner as other ad valorem taxes.

6.06. The procedures set forth in this Section of the Ordinance are optional and nothing in this Ordinance shall be construed to prevent the Township from seeking immediate enforcement of this Ordinance under Section 7 and 8 nor shall the fact that the Township has employed the procedure set forth in the Section of the Ordinance be a bar to later enforcement hereof under Sections 7 and 8.

Section 7 Violations: Civil Infractions

7.01 This Ordinance is enforceable by all law enforcement agencies and officers authorized to act within the Township and by the Township Zoning Administrator who hereby designated as the authorized local officials to issue civil infraction citations.

7.02 Any person who violates any provision of this Ordinance shall be guilty of a civil infraction and subject to penalties as stated in Section 18.04 of the Stronach Township Zoning Ordinance of 1985 as amended.

7.03 Any person who violates this Ordinance will be ticketed by an authorized local official and required to appear in the 85th Judicial District Court

Section 8 Violations: Civil Action

8.01 The Township or any other person adversely affected by a violation of this Ordinance, may commence an action in the Circuit Court for Manistee County for an injunction, or other appropriate remedy, to prevent, enjoin, abate, correct or remove junk, blighted structures or buildings or junkyards operated, permitted, accumulated, stored, or maintained in violation of this Ordinance, and to prevent, enjoin, abate, or otherwise prohibit the continuation of such violation. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

Section 9 Severability

9.01 This Ordinance and the various parts, sections, sub-section, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it shall not be affected thereby. The Township Board hereby declares that it would have passed this Ordinance and each section, sub-section, phrase, sentence and clause therefore irrespective of the fact that any one or more sections, sub-section, phrases, sentences or clauses to be declared invalid.

Section 10 Repeal

All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed to the extent there are in conflict, but only to the extent of such conflict or inconsistency.

COMMUNICATION TOWER FACILITIES

AN ORDINANCE TO AMEND IN PART AN ORDINANCE ENTITLED "STRONACH TOWNSHIP ZONING ORDINANCE" WHICH WAS ADOPTED SEPTEMBER 11TH 1985, AS AMENDED, TO ADD CERTAIN DEFINITIONS TO SAID ORDINANCE, TO ADD COMMUNICATION TOWER FACILITIES TO GENERAL REGULATIONS, TO ADD CERTAIN SPECIAL USES TO CERTAIN DISTRICTS, AND TO ADD ADDITIONAL STANDARDS FOR CONSIDERING COMMUNICATION TOWER FACILITIES SPECIAL USES

STRONACH TOWNSHIP, MANISTEE COUNTY, MICHIGAN, ORDAINS:

1. The Stronach Township Zoning Ordinance of September 11, 1985, as amended, (hereafter the "Ordinance") is hereby amended to add a definition by adding Section 2.04 as follows, to wit:

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, television broadcasts, dispatching, wireless services and all commercial mobile services including all those that are 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 nonlicensed but are deployed through equipment authorized by the FCC and common carrier wireless local exchange providers. Communication tower facilities does not include antenna 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.

2. The Ordinance is hereby amended by changing the definition of Public Utility by adding to the end of the definition, as follows, to wit:

“(For the purpose of this ordinance, communication tower facilities are not included in the definition of Public Utility or exempt from a permit as a Public Utility’s structure.)”

3. The Ordinance is hereby amended to add another special use, as follows, to wit;

A. Communication Tower Facilities (Special Use)

1. Wireless Communication Facilities may locate in only the Forest Residential, Forest Preserve District, or Industrial District of Stronach Township as a special use, if:

a. Located on an existing building or structure, or is otherwise hidden from view by being incorporated in an existing building, or if it is co-located on an existing tower, and the proposed height does not require lighting by FCC and/or FAA regulations, and

b. will 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).

c. Will be so constructed and placed that there is no danger of the structure falling on adjacent properties or off the premises electric lines and further the operations of any such facilities will not interfere with normal radio/television reception in the area.

2. Any other private or individual television/radio reception tower will be so Constructed and placed that there is no danger of the structure falling on adjacent properties or off premises electric lines and further the operation of any such facilities will not interfere with normal radio/television reception in the area.

3. The Ordinance is hereby amended to add special uses to Forest Residential, Forest Preserve, and Industrial zoning Districts, as follows, to wit;

COMMUNICATION TOWER FACILITIES

4. Communication Tower Facilities

A. Communication Tower Facilities may be permitted by special use pursuant to Article XV of this Ordinance provided said use:

- 1. Will be located centrally on a contiguous parcel of not less than one and one half (1 ½) times the height of the tower measured from the base of said tower to all points on each property line and from any structure used as a dwelling within the boundaries of the parcel.**
- 2. All guy wires/cables and anchors will meet the zoning setback standards of the District.**
- 3. No antenna or similar sending/receiving devices appended to the tower, following its approved construction, will 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 Article XV 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 will be required to be placed around all guy wire and/or points as appropriate to the site

- 5. All communication tower facilities will be removed and the site restored to its original condition by the property owner of lessee within ninety (90) days of being abandoned (no longer used).**
- a. A bond will be required to cover cost of removal of tower, bond to be calculated on height of tower and to be determined by the Township.**
- 1. Bond to be issued in the Township's name.**

6. CONFLICTING ORDINANCES:

All other ordinances and parts of ordinances, or amendments thereto, of Stronach Township in conflict with the provisions of this ordinance are hereby repealed.

7. RECODIFICATION:

That the Ordinance is hereby amended to recodify the numbering of articles and sections to conform to a standard or model codification scheme established by the Manistee County Planning Department where articles are numbered within groups of ten to associate together similar articles on similar topics, and sections are numbered sequentially with the first two digits being the article number and the next two digits being the sequential section number

**STRONACH TOWNSHIP ANTI-NOISE AND PUBLIC NUISANCE
ORDINANCE**

**AN ORDINANCE TO SECURE THE PUBLIC HEALTH, SAFETY AND
GENERAL WELFARE OF THE RESIDENTS AND PROPERTY
OWNERS OF STRONACH TOWNSHIP, MANISTEE COUNTY,
MICHIGAN, BY THE REGULATIONS OF NOISE AND OTHER
NUISANCES WITHIN SAID TOWNSHIP; TO PRESCRIBE THE
PENALTIES FOR THE VIOLATION THEREOF, AND TO REPEAL
OTHER ORDINANCES IN CONFLICT HEREWITH**

**THE TOWNSHIP OF STRONACH, MANISTEE COUNTY, MICHIGAN,
ORDAINS:**

Section 1. TITLE

**This Ordinance shall be known and cited as the “Stronach Township
Anti-Noise and Public Nuisance Ordinance.”**

Section 2. DEFINITIONS

The following terms used in this Ordinance are defined as follows:

- A. “Decibel” is a unit used to express the magnitude of sound pressure and sound intensity. The difference in decibels between two sound pressures is twenty (20) times the common logarithm of their ratio. In sound pressure measurements, the sound pressure level of a given sound is defined to be 20 times the common logarithm of the ratio of that sound pressure to a reference pressure of 2×10^{-5} N/m² (Newton's per meter squared). As an example of the effect of this formula, a 3 decibel change in sound pressure level corresponds to a doubling of halving of the sound intensity, and a 10 decibel change corresponds to a 10-fold increase of decrease to 1/10th the former intensity.**
- B. “dB(A)” means the sound pressure level in decibels measured on the “A” scale of standard sound level meter having**

characteristics defined by the American National Standards Institute, Publication ANSI sl.4-1971.

Section 3. ANTI-NOISE REGULATIONS

A. General Regulation:

No person, firm or corporation shall cause or create any unreasonable or unnecessary loud noise or disturbance, injurious to the health, peace, or quiet of the residents of the Township.

B. Specific Violations:

The following noises and disturbances are hereby declared to be a violation of this Ordinance; provided, however that the specification of the same is not thereby to be construed to exclude other violations of this Ordinance not specifically enumerated:

- 1. The playing of any radio, phonograph, television, or other electronic or mechanical sound producing device, including any musical instrument in such a manner or with such volume as to unreasonably upset or disturb the quiet, comfort or repose of other persons.**
- 2. Yelling, shouting, hooting, or singing on the public streets, parks, or other public places between the hours of 10:00 pm and 7:00 am, or at any time or place so as to unreasonably upset or disturb the quiet, comfort or repose of any persons in the vicinity.**
- 3. The emission or creation of any excessive noise which unreasonably interferes with the operation of any school, church, hospital, township assembly, or court.**
- 4. The keeping of any animal, bird or fowl, which emanates frequent or extended noise which shall unreasonably disturb the quiet, comfort, or repose of any person in the vicinity; such as allowing or permitting any dog to bark repeatedly in an area where such barking can be clearly heard from nearby residential property.**
- 5. The operation of any automobile, motorcycle, other motor vehicle or 'off road' vehicle so out of repair or so loaded or constructed as to cause loud and unnecessary grating, rattling, "jakebraking" (a term used to describe the slowing of a vehicle by down shifting rather than using brakes), or other unreasonable noise including the noise**

resulting from exhaust, which is clearly audible from nearby properties and unreasonably disturbing to the quiet, comfort or repose of other persons. The modification of any noise abatement device on any motor vehicle or engine, or the failure to maintain same so that the noise emitted by such vehicle or engine is increased above that emitted by such vehicle as originally manufactured shall be in violation of this section.

- 6. The sounding of any horn or other device on any motor vehicle unless necessary to operate said vehicle safely or as required by the Michigan Motor Vehicle Code.**
- 7. The discharging outside of any enclosed building of the exhaust of any steam engine, internal combustion engine, motor vehicle, or motor boat engine except through a muffler or other similar device which will effectively prevent loud or explosive noises. The modification of any noise abatement device on any motor vehicle or engine, or failure to maintain same so the noise emitted by such vehicle or engine is increased above that emitted by such vehicle as originally manufactured shall be in violation of this Section.**
- 8. The erection, excavation, demolition, alteration or repair of any building or premises in any part of the Township, and including the streets and highways, in such a manner as to emanate noise or disturbance unreasonably annoying to other persons, other than between the hours of 7:00am and sundown on any day, except in cases of urgent necessity in the interest of public health and safety. In such case, a permit shall be obtained from the State Building Inspector or Ordinance Enforcement Officer of the Township, which permit shall limit the periods that the activity may continue.**
- 9. The creation of loud or excessive noise unreasonably disturbing to other persons in the vicinity in connection with the operation, loading or unloading of any vehicle, trailer, railroad car, or other carrier or in connection with the repairing of any such vehicle in or near residential areas.**
- 10. The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any performance, show, sale, display or other commercial**

purpose which, by the creation of such noise, shall be unreasonably disturbing to other persons in the vicinity.

- 11. The operation of any loudspeaker or other sound amplifying device upon any vehicle on the streets of the Township with the purpose of advertising, when such vehicle, speaker or sound amplifying device emits loud and raucous noises easily heard from nearby adjoining residential property.**
- 12. The operation of any machinery, equipment or mechanical device so as to emit unreasonably loud noise which is disturbing to the quiet, comfort or repose of any person.**
- 13. The operation of any race track, proving ground, testing area or obstacle course for motor vehicles, motorcycles, boats, racers, automobiles or vehicles of any kind or nature in any area of the Township where the noise emanating there from would be unreasonably disturbing and upsetting to any nearby residential area. Under no circumstances shall any race track, proving ground, testing area or obstacle course operate after 11:00 pm on any evening.**

C. EXCEPTIONS

None of the prohibitions hereinbefore enumerated shall apply to the following:

- 1. Any Police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.**
- 2. Excavation or repair of bridges, streets or highways or other property by or on behalf of the State of Michigan, Stronach Township, or the County of Manistee between sundown and 7:00 am when the public welfare, safety and convenience render it impossible to perform such work during other hours.**
- 3. Warning devices emitting sound for warning purposes as authorized by law.**

Section 4. ANTI-NOISE REGULATIONS BASED UPON dB(A) CRITERIA

In order to regulate and prove violations occurring under Section 3 of this Ordinance, any noises in excess of maximum decibel limits according to the regulations stated below is deemed to be in violation of this Ordinance.

A. Regulations for Decibel Measurement of Noise Originating from Private Properties:

Noise radiating from all properties of buildings, as measured at the boundaries of the property, which is in excess of the dB(A) established for the district and times herewith listed shall constitute prima facie evidence that such noise unreasonably disturbs the comfort, quiet, and repose of persons in the area and is, therefore, in violation of this Ordinance. Violations shall exist when the source(s) of noise are identifiable and the levels emanating from the source(s) exceed the following limitations. As an example, such noise shall include that emitting from the production, processing, cleaning services, testing, repairing and manufacturing of materials, goods or products, including vehicles.

ZONING DISTRICTS	Limitations 7:00am – 10:00 pm	Limitations 10:00 pm – 7:00 am
Residential (and any area within 500 feet of a hospital regardless of district), and agricultural district where boundaries of the property are within 500 feet of any dwelling under separate ownership.		55 db (A) 50 db(A)
Agricultural, where the boundaries of the property are at least 500 feet from a dwelling under separate ownership, commercial and industrial.		65 db(A) 55 db (A)

Harmonic or pure tones, and periodic or repetitive impulse sound shall be in violation when such sounds are at a sound pressure level of 5 dB(A) less than those listed above. Where property is partly in two zoning districts or adjoins the boundary of a zoning district, the dB(A) levels of the zoning district of the property where the noise is emanating shall control.

A. The following exceptions shall apply to these regulations under Section 4, sub-section

1. **Construction projects shall be subject to the maximum permissible noise levels specified for industrial districts as long as a valid building permit has been Issued by the Township and is currently in effect.**
2. **All railroad operations shall be subject to the maximum permissible noise levels allowed in the industrial district, regardless of the zone where they are located.**
3. **Noises occurring between 7:00 am and sundown caused by home or building repairs or from maintenance of grounds are excluded, provided such noise does not exceed the limitations specified in Section 4A by more than 20 dB(A)**
4. **Noises emanating from the discharge of firearms are excluded, providing the discharge of the firearms was authorized under Michigan law and all local ordinances.**

B. Regulations for Decibel Measurement of Motor Driven Vehicles on Public Roads: All noise emitted from motor driven vehicles upon public roads shall be measured whenever possible at a distance of at least 50 feet (or 15 meters) form a noise source located within the public right-of-way. If measurement at 50 feet (15 meters) is not feasible, measurement may be made at 25 feet (7.5 meters) and if this is done, 6 dB(A) shall be added to the limits provided below. All such noises in excess of the dB(A) as provided herein shall be *prima facie* evidence that such noise unreasonably disturbs the comfort, quiet and repose of persons in the area and is, therefore, in violation of this Ordinance.

VEHICLE	WEIGHT	dB(A) MAXIMUM LIMITATION
Trucks & Buses	Over 10,000 lbs. gross weight	82 dB(A)
Trucks & Buses	Under 10,000 lbs. gross weight	74 dB(A)
Passenger Cars	Any weight	74 dB(A)
Motorcycles, Snowmobiles, & Minibikes	Any weight	82 dB(A)
All other self-propelled	Any weigh	74 dB(A)

Motor vehicles

C. Measurement of Noise:

All measurement of dB(A) according to subparagraphs A and B of this Section shall be made by using a sound level meter of standard design and operated on the "A" weight scale, with "slow" meter response.

Section 5: PUBLIC NUISANCE REGULATIONS

A. PUBLIC NUISANCE DEFINED AND PROHIBITED. The term "Public Nuisance" means whatever annoys, injures, or endangers the safety, health, welfare, and comfort, or repose of the public; offends public decency or aesthetic sensibilities; interferes with, obstructs, or renders dangerous any street, highway, navigable lake, or stream; or in any way renders the public insecure in life or property, and is hereby declared to be a public nuisance. Public nuisance shall include, but not limited to whatever is forbidden by any provision of this Ordinance. No person shall commit, create or maintain any public nuisance.

B. PUBLIC NUISANCES PER SE; The following acts, apparatus, accumulations, violations, and activities within the Township are hereby declared to be public nuisance, Per Se:

Section: 6 LITTER

It shall be unlawful for any person to knowingly dump and/or deposit, or leave and /or cause the dumping, depositing, placing, throwing, or leaving any litter on any public street, highway, lane, road, alley, public place, water, waterways, square, sidewalk, private property or any land within the boundaries of the Township, or owned by the Township; except property designated and set aside by the Township for such purposes, or in public receptacles and private receptacles for collection and disposal, shall include, but is not limited to;

A. It shall be unlawful for any person to knowingly, dump deposit through or leave or cause the dumping depositing placing, throwing or leaving of the following substances, but not limited to; organic refuse, food wastes, ashes, dead animals, fish, animals bones, hides,

rotten soap, grease, tallow, offal, food containers or wrapping, cans, bottles, jars, crockery, garbage, discarded furniture, cartons, boxes, crates, rags discarded clothing, bedding, floor covering wallpaper, sweepings, waste papers, newspapers or magazines, discarded appliances, rubbish, excrement, rot construction, debris including, but not limited to, lumber, bricks, block, plumbing or heating materials, roofing materials, concrete, cement, electrical materials or siding, yard debris or rubbish including, but limited to, grass clipping from hedges, or shrubs, or detached tree branches, industrial waste, unclean or nauseous fluids or gases, and industrial wastes

Section 7: VALIDITY, PENALTIES, ENFORCEMENT AND SANCTIONS

Any person who violates this provision of the Stronach Township Zoning Ordinance shall be subject to all of the penalties as stated in Article XVIII of this Zoning Ordinance. In addition to the penalties as stated in Article XVIII, the violator shall be subject to the payment of restitution to Stronach Township for the cost, if any, that Stronach Township incurs through its own employees or subcontractors for the cleaning up of litter if Stronach Township elects to clean up the litter rather than seeking a judicial order compelling the violator to clean up and remove the litter Per (Article XVIII) of this Ordinance.

Section 8: VALIDITY, PENALTIES AND ENFORCEMENT

The several provisions of this Ordinance are declared to be separate; if any court of competent jurisdiction shall hold that any section or provision thereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

This Ordinance is enforceable by all law enforcement agencies and officers authorized to act within the Township and by the Ordinance Enforcement Officer of the Township who are hereby designated as the authorized local officials to issue civil infraction citations. Any person who violates any provision of this Ordinance shall be guilty of a civil infraction and subject to a fine of not more than \$500.00, plus costs. Any person who violates this Ordinance will be ticketed by an authorized local official and required to appear in the 85th Judicial District Court. This Ordinance may also be enforced by a civil action

for injunction, abatement, damages or other appropriate legal or equitable relief by the Township or by any person adversely affected by a violation of this Ordinance.

Section 9: REPEAL

All Ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Section 10: EFFECTIVE DATE

Dated: August 8, 2001



ARTICLE XXIII

LAND DIVISION ORDINANCE

A ordinance to regulate partitioning or division of parcel or tracts of land, enacted pursuant but not limited to Michigan Public Act, 288 of 1967, as amended, Act 246 Of 1945, as amended, and Land Division Public Act 591 of 1996, to provide a procedure therefore, to repeal any ordinance or provision there of herewith, and to prescribe penalties and enforcement remedies for the violation of this ordinance.

TOWNSHIP OF STRONACH

ORDAINS

SECTION I

TITLE

This ordinance shall be known and cited as the Stronach Township Land Division Ordinance.

SECTION II

PURPOSED

The purpose of this ordinance is to carry out the provisions of the State Land Division Act (1967 PA 288, as amended, formerly known as the Subdivision Control Act), to prevent the creation of parcels of property which do not comply with applicable ordinances and said Act, to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise provide for the health, safety and welfare of the residents and property owners of the municipality by establishing reasonable standards for prior review and approval of land divisions within the Township. Any approvals by the Township or any official of the Township pursuant to this ordinance

shall be for the benefit of the public only, and shall not be deemed to be for the benefit of any person or entity.

SECTION III

DEFINITIONS

For purposes of this ordinance certain terms and words used herein shall have the following meaning:

A. " Accessible" in reference to a parcel, this means that the parcel meets one or both of the following requirements:

1. Has an area where a driveway provides vehicular access to an existing road or street and meets all applicable location standards of the State Transportation Department or County Road Commission, under Act No. 200 of the Public Acts of 1969, being Act 247.321 - 247.328 of the Michigan Compiled Laws and of the Village, or has an area where a driveway can provide vehicular access to an existing road or street and meet all such applicable location standards; and/or

2. Is served by an existing easement that provides vehicular access to an existing road or street and that meets all applicable location standards of the State Transportation Department or County Road Commission, under Act No. 200 of the Public Acts of 1969 and the Village, or can be served by a proposed easement that will provide vehicular access to an existing road or street and that will meet all such applicable location standards.

B. "Applicant" a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not, and any known intended transferee of an ownership interest.

C. "Divide" or "Division" the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrator, legal representatives, successors or assigns, for the purpose of sale or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or equivalent, and that satisfies the requirements of Section 108 and 109 of the State Division Act. Division does not include a property

transfer between two (2) or more adjacent parcels if the property taken from one parcel is added to an adjacent parcel and any resulting shall not be considered a building site unless the parcel conforms to the requirements of this ordinance or other applicable Stronach Ordinance.

D. "Exempt Split" or "Exempt Division" the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his or her heirs, executors, administrators, legal representatives, successor or assigns, that does not result in one or more parcels of less than 40 acres. FOR A PROPERTY TRANSFER BETWEEN TWO OR MORE ADJACENT PARCELS, if the property taken from one parcel is added to an adjacent parcel, any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of this ordinance or the requirements of another applicable Stronach Township Ordinance. Under any circumstances, all resulting parcels must be accessible for vehicular travel and utilities from existing public roads or easements, or through areas owned by the owner of a parcel that can provide such access.

E. "Forty acres or the Equivalent - either 40 acres, a quarter-quarter section containing not less than 30 acres, or government lot containing not less than 30 acres.

F. " Governing Body" - the Stronach Township Board.

G. "Parcel" - a continuous area or acreage of land which can be described as provided for in this ordinance.

H. "Public Utility" - means all persons, firms, corporations, co-partnership, or municipal or other public authority providing gas, electricity, water, steam, telephone, sewer, or other services of a similar nature.

SECTION IV

PRIOR APPROVAL - REQUIREMENTS FOR LAND DIVISIONS

Land in Stronach Township shall not be divided without the prior review and approval of the Township Zoning Administrator, or other official designated by the governing body, in accordance with this

ordinance and the State Land Division Act, Provided that the following shall be exempt from this requirement:

A. A parcel proposed for subdivision through a recorded plat pursuant to the State Land Division Act.

B. A lot in a recorded plat proposed to be divided with any Township Zoning Ordinance and State Land Division Act.

C. An exempt split as defined in this ordinance.

SECTION V APPLICATION FOR LAND DIVISION APPROVAL

Applicants shall file all of the following with the Township Zoning Administrator or other official designated by the governing body for review and approval of a proposed land division before making any division either by deed, land contract, lease for more than one year or for building development.

A. A completed application from on such form as may be provided by the Township.

B. Proof of fee ownership of the land proposed to be divided. In addition to a deed, the Township may require a current commitment or Owner's Policy of title insurance or Attorney's opinion of title.

C. A survey map of the land proposed to be divided, prepared pursuant to the survey map requirements of 1970 Public Act 132, as amended, (MCL.54211 et. seq.) by a land surveyor licensed by the State of Michigan, and showing the dimensions and legal descriptions of the existing parcel and the parcels proposed to be created by the division(s) the location of all existing structures and other land improvements, and accessibility of the parcels for Vehicular traffic and utilities from existing public roads.

In lieu of such survey map, at the applicant's option, the applicant may waive the 45 day statutory requirement for a decision on the application until such survey map and legal description are filed with the municipality, and submit a tentative preliminary parcel map

drawn to scale of not less than provided for on the application form including an accurate legal description of each proposed division, and showing the boundary lines, dimensions, and the accessibility of each division from existing or proposed public or private roads for automobile traffic and public utilities, or preliminary review, approval, and/or denial by the locally designated official prior to a final application under Section VII.

The governing body of the municipality or its designated agent delegated such authority by the governing body, may waive the survey map requirement where the foregoing tentative parcel map is deemed to contain adequate information to approve a proposed land division considering the size, simple nature of the divisions, and the undeveloped character of the territory divisions, however, shall at all times be required.

D. Proof that all standards of the State Land Division Act and Ordinance have been met.

E. The history and specifications of any previous divisions of land of which the proposed division was a part sufficient to establish the parcel to be divided was lawfully in existence as of March 31, 1997, the effective date of the State Land Division Act.

F. That all requirements of the Stronach Township Zoning Ordinance will be met.

G. If transfer of division rights are proposed in, the land transfer, detailed information about the terms and availability of the proposed division rights transfer.

H. Unless a division creates a parcel which is acknowledged and declared to be "not buildable" under Section VIII of this Ordinance, all division must result in "buildable" parcels containing sufficient "buildable" area outside of unbuildable wetlands, flood plains and

other areas where buildings are prohibited there from, and with sufficient area to comply with all required setback provisions, minimum floor areas, off-street parking spaces, on-site sewage disposal and water well locations (where public water and sewer service is not available), and maximum allowed area coverage of buildings and structures on the site.

I For a parcel of less than one acre, written proof of Health Department approval for on-site water supply and on-site sewage disposal.

J. For a parcel of less than one acre, written proof of adequate easements for electric, telephone or similar utilities, in addition to the existence of an easement the Township may require written proof from the public utilities or an Attorney's opinion or other-proof of the existence of such easements for utilities.

K. Proof of access to a public road. In the event access is by private easement, the Township may require, a commitment or Owner's Policy of title insurance, an Attorney's opinion or other satisfactory proof showing the existence of such access.

L. The fee as may from time to time be established by resolution of the governing body of the municipality for land division reviews pursuant to this ordinance to cover the cost of review of the application and administration of this Ordinance and the State Land Division Act. AT the effective date of this Ordinance the fee shall be \$100.00 for each land split.

**SECTION VI
PROCEDURE FOR REVIEW OF APPLICATIONS
FOR LAND DIMENSION APPROVAL**

A. Upon receipt of a land division application package, the Township Zoning Administrator or other designee shall approve, or

disapprove with reasonable conditions to assure compliance with applicable ordinances and the protection of public health, safety and general welfare, or disapprove the land division applied for within 45 days after receipt of a complete application package conforming to this Ordinance's requirements, and shall promptly notify the applicant of the decisions and the reasons for any denial. An application is considered complete if it contains information necessary to ascertain whether the requirements of M.C.L. 560.108 and the other conditions as otherwise set forth in this ordinance are met. If the application package does not conform to this Ordinance requirements and the State Land Division Act, or if the Zoning Administrator or other designated official deems additional information necessary, the Zoning Administrator or other designee, shall return the same to the applicant for completion and refile in accordance with this Ordinance and the State Land Division Act.

B. Any person or entity aggrieved by the decision of the Zoning Administrator or designee may, within 30 days of said decision appeal the decision to the Township Zoning Board of Appeals which shall consider and resolve such appeal by a majority vote of said Board affording sufficient time for a 20 day written notice to the applicant (and appellant where other than the applicant) of the time and date of said meeting and appellate hearing

C. A decision approving land division is effective for 90 days, after which it shall be considered revoked unless within such period a document is recorded with the County Register office and filed with the Zoning Administrator or other designated official accomplishing the approved land division or transfer.

D. The Township Zoning Administrator or other designated official record of all approved and accomplished land division or transfers.

SECTION VII

STANDARD FOR APPROVAL OF LAND DIVISIONS

A proposed land division shall be approved if the following criteria are met.

A. All the parcels to be created by the proposed land division(s) fully comply with the applicable lot (parcel) yard and area requirements of the applicable zoning ordinance, including, but not limited to, minimum lot (parcel) frontage/width, minimum road frontage, minimum lot (parcel) area, and Maximum lot (parcel) coverage and minimum set-backs for existing buildings/structures.

B. The proposed land division(s) comply with all requirements of the State Land Division Act and this Ordinance.

C. All parcels created and remaining have existing adequate accessibility, or an area available therefore, to a public utilities and emergency and other vehicles not less than the requirements of the applicable zoning ordinance, or this Ordinance.

D. The ratio of depth to width of any parcel created by the division does not exceed a four to one ratio exclusive of access roads, easements, or non-buildable parcels created under Section VIII of this Ordinance and parcels added to contiguous parcels that result in all involved parcels complying with said ratio. Each resulting parcel must have a depth of not more than four (4) times the width, provided, however, that the appropriate township official may allow a greater depth to width ratio than that otherwise required herein. The greater depth to width ratio shall give consideration to exceptional topographic or physical conditions with respect to the parcel and the compatibility with surrounding lands. This depth to width ratio

requirement shall not apply to a parcel larger than ten (10) acres unless there exit a township ordinance to the contrary.

The permissible depth of a parcel created by a land division shall be measured within the boundaries of each parcel from the abutting road right of way to the most remote boundary line point of the parcel from the point of commencement of the measurement.

The permissible minimum width shall be as defined in the Township Zoning Ordinance

E. In the absence of applicable zoning or other ordinances providing a different standard, all parcels created by a land division shall comply with the following minimum standards:

(1) Where accessibility is to be provided by a proposed new dedication public road, proof that the county road commission or Michigan Department of Transportation has approved the proposed layout and construction design of the road and utility easements and drainage facilities connected therewith.

(2) Where accessibility by vehicle traffic and for utilities is permitted through other than a dedicated and accepted public road or easement, such accessibility shall be not less than (30) feet in width. If accessibility is by a private road or easement, a document acceptable to the Township shall be recorded with the County Register of Deeds and filed with the Zoning Administrator or other designated official specifying the method of private financing of all maintenance, improvements, and snow removal, the apportionment of these costs among those benefited. Any intersection between private and public roads shall contain a clear vision triangular area of not less than twenty feet long each right of way line as measured from the intersecting right of way lines. No private road shall serve more than 25 separate parcels

F. Each resulting parcel must have an adequate and accurate legal description and must be included in a tentative parcel map, showing the area, parcel lines, public utility easements, accessibility and other

requirements of this section and Michigan Compiled Law 560.108. Tentative parcel maps shall be a scale drawing showing the approximate dimensions of the parcel.

SECTION VIII

ALLOWANCE FOR APPROVAL OF OTHER LANDS

Notwithstanding disqualification from approval pursuant to this ordinance a proposed land division which does not fully comply with the applicable lot, yard, accessibility, and area requirements of the Township Zoning Ordinance, or this Ordinance may be approval in any of the following circumstances.

- A. Where the applicant executes and records and records an affidavit or deed restriction with the County Register of Deeds, in a form acceptable to the Township. designating the parcel as "not buildable". Any such parcel shall also be designated as "not buildable" in the Township records, and shall not thereafter be the subject of a request to the Zoning Board of Appeals for Variance relief from the applicable lot and/or area requirements, and shall not be developed with any build or above ground structure.**
- B. Where the proposed land division involves only the minor adjustment of a common boundary line or involves a conveyance between adjoining properties which does not result in either parcel violating this Ordinance, any Township Zoning Ordinance, or the State Land Division Act.**

SECTION IX

CONSEQUENCES OF NONCOMPLIANCE WITH LAND DIVISION APPROVAL REQUIREMENT

**STRONACH TOWNSHIP
MANISTEE COUNTY, MICHIGAN
ORDINANCE AUTHORIZING AND PERMITTING
CERTAIN STATE PUBLIC ACT 281 AUTHORIZED FACILITIES
ORDINANCE NO. XXIV**

At a regular meeting of the Township Board of Stronach Township, Manistee County, Michigan, (the "Township") held at the Stronach Township Hall on June 13 2018, at 7:00 p.m., Township Board Member Robert Sell moved to adopt the following Ordinance, which motion was seconded by Township Board Member Terry Lindeman: a motion was made and seconded and approved by the Township Board.

An Ordinance to implement the provisions of Public Act 281 of 2016, (MMFLA) which authorizes the licensing and regulation of Commercial Medical Marijuana Facilities within the State.

THE TOWNSHIP OF STRONACH ORDAINS:

Section I. Definitions.

The following words and phrases shall have the following definitions when used in this Ordinance:

1. *"Application"* means an Application for a Permit under this Ordinance and includes all supplemental documentation attached or required to be attached thereto; the Person filing the Application shall be known as the *"Applicant."*
2. *"Clerk"* means the Stronach Township Clerk or his/her designee.
3. *"Facility"* means one or a combination of the following:
 - a. *"Provisioning Center,"* as that term is defined in PA 281;
 - b. *"Processor,"* as that term is defined in PA 281;
 - c. *"Secure Transporter,"* as that term in PA 281;
 - d. *"Grower,"* as that term is defined in PA 281;
 - e. *"Safety Compliance Facility,"* as that term is defined in PA 281.
4. *"LARA"* means the Michigan State Department of Licensing and Regulatory Affairs or any authorized designated Michigan agency authorized to regulate, issue or administer a License for a Facility.
5. *"License"* means a current and valid license for a Facility issued by the State of Michigan.
6. *"PA 281"* means Public Act 281 of 2016.
7. *"Permit"* means a current and valid approval for a Facility issued under this Ordinance, which shall be granted to a Permit Holder only for and limited to specific Permitted Premises and a specific Permitted Property.

8. *“Permit Holder”* means the Person that holds a current and valid Permit issued under this Ordinance.
9. *“Permitted Property”* means the real property comprised of a lot, parcel or other designated unit of real property upon which the Facility is situated.
10. *“Person”* means a natural person, company, partnership, profit or non-profit corporation, limited liability company, or any joint venture for a common purpose.
11. *“Special Use Permit”* means a permit for the use of property for a specific purpose in the Township approved and issued by the Township that may include conditions, restrictions and other requirements as specified by the Stronach Township Planning Commission.

Section II. Permit Required General Provisions.

- 1. Township Authorization of Facilities.** The Township hereby authorizes the operation of the following types of Facilities in the Township, subject to the restrictions that such Facilities be approved through a Special Use Permit only. All Facilities will be limited to the property designated in a Special Use Permit.
 - a. Growers, Class A
 - b. Growers, Class B
 - c. Growers, Class C
 - d. Processors
 - e. Safety Compliance Facility
 - f. Secure Transporters
 - g. Provisioning Center
- 2. Permit Requirement.** No Person shall operate a Facility at any time on any location within the Township unless the Applicant has secured (1) a License to operate such Facility from the State of Michigan, (2) a Permit issued by the Township under this Ordinance, and (3) a Special Use Permit issued by the Stronach Township Planning Commission for the Facility under this Ordinance.
- 3. LARA Revoked License.** If LARA revokes the License of the Permit Holder for a Facility then the Permit granted by the Township shall be revoked at the same time and remain revoked until LARA reinstates the License and the Township reviews the revoked and reinstated license.
- 4. Application Fee.** At the time of Application or for a Permit renewal Application, the Applicant shall pay an Application fee of \$3,500 to defray the costs incurred by the Township for the issuance of the Permit. This Application fee is in addition to any fees and costs charged to the Applicant for the required Special Use Permit.

- 5. Permit Term.** A Permit shall remain valid for ten years from January 1 after the date the Facility begins commercial operation. The Permit Holder shall notify the Township of the Facility's commercial operation date within thirty (30) days after the Facility begins commercial operations.
- 6. No Obligation to Renew.** A Permit shall not confer any vested rights or reasonable expectation of subsequent renewal of the Permit by the Applicant or Permit Holder.
- 7. Permit Renewal Application Date.** Permit renewal Application must be received by the Township Clerk no later than September 31 of the last year of the Permit's effectiveness in order for the Township to grant or renew the Permit effective on January 1 of the subsequent year.
- 8. Requirement Report Changes to the Facility to the Township.** The Permit Holder shall provide to the Township any changes to the Facility that require reporting to LARA under the requirements of PA 281 at the same time that such changes are reported to LARA.
- 9. Limitation of Assignment.** No Permit issued under this Ordinance may be assigned or transferred to any Person unless the assignee or transferee has been approved by LARA under the requirements of PA 281.
- 10. Permit Transfer Prohibition.** No Permit issued under this Ordinance is transferrable to any other location off of the Permitted Property.
- 11. Permit Display.** The Permit issued under this Ordinance shall be prominently displayed at the Facility in a location in compliance with PA 281 and approved by the Township.
- 12. Right of Access.** Acceptance by the Permit Holder of a Permit constitutes consent by the Permit Holder and its owners, officers, managers, agents and employees for any state, federal or local fire, emergency, or law enforcement personnel including local zoning administrator, planning board members, and Township board members to conduct random and unannounced examinations of the Facility and all articles of property in that Facility at any time to ensure compliance with this Ordinance, subject to the requirements of LARA and PA 281.
- 13. Township Administration Fees.** To cover the administrative expenses associated with the Application incurred by the Township Clerk a fee of \$50 per month shall be paid quarterly in advance to the Township plus a quarterly fee of \$150 for CPA consulting services incurred by the Township for the review of the Application and \$100 per visit for any required onsite inspections of the Facility by the Township zoning administrator. In addition, the Applicant shall pay all fees associated with the issuance of the Special Use Permit as required by the Township. In the event the costs of the services described in this Section 13 exceed the amount set forth herein then those excess cost shall be reviewed with the Applicant and with a recommendation by the Planning Commission and approval of the Township Board are subject to change once annually to reimburse the Township for incurred costs of these expenses that exceed the amounts set forth herein.
- 14. Security.** The Facility shall comply with all security requirements of LARA including restricted access, locked ingress and egress to the Facility, camera and alarm surveillance of the Facility 24 hours per day 7 days a week. During normal business hours or anytime that work is being done at the Facility an EMS/Safety Officer shall be onsite. The Facility shall coordinate its security procedures with the local police authorities and the Township and make them aware of any changes to such procedures before being implemented.

Section III. Other Laws and Ordinances.

In addition to the terms of this Ordinance, a Facility shall comply with all Township Ordinances, including without limitation the Township Zoning Ordinance, and with all other applicable federal, state and local ordinances, laws, codes and regulations. To the extent that the terms of this Ordinance are in conflict with the terms of any other applicable federal, state or local ordinances, laws, codes or regulations, the terms of the most restrictive ordinance, law, code or regulation shall control.

Section IV. Application for and Renewal of Permits.

1. Application. A Permit Application for a Facility shall be submitted to the Clerk, and shall contain the following information:

- a. The name, address, phone number and e-mail address of the proposed Permit Holder and the proposed Facility;
- b. The names, business addresses, and phone numbers for all directors, officers, and managers of the Permit Holder and the Facility;
- c. One (1) copy of all the following:
 - 1) All documentation showing the proposed Permit Holder's valid tenancy, ownership or other legal interest in the proposed Permitted Property.
 - 2) If the proposed Permit Holder is a corporation, non-profit organization, limited liability company or any other entity other than a natural person, then indicate its legal status, attach a copy of its registration with the State of Michigan and a certificate of good standing.
 - 3) Non-refundable Application fee.
 - 4) The general description of the proposed Facility to be submitted to LARA in the Applicant's application for its License for the Facility which includes the anticipated number of employees and the proposed security plan to be filed with the LARA.

2. Renewal Application. The same requirements that apply to all new Applications for a Permit apply to all renewal Applications. Permit renewal Applications shall be submitted to and received by the Clerk not less than ninety (90) days prior to the expiration of the Permit. A Permit Holder whose Permit expires and for which a complete Permit renewal Application has not been received by the expiration date shall be deemed to have forfeited the Permit under this Ordinance. Once a Permit renewal Application has been received by the Township, the existing Permit shall continue until the Township renews the Permit or denies it.

3. Approval, Issuance, Denial and Appeal. The Township Board shall approve or deny the Permit within sixty (60) days of receipt of the completed Application and fees. The processing time may be extended upon written notice by the Township for good cause, and any failure to meet the required processing time shall not result in the automatic grant of the Permit. Any denial must be in writing and must state the reason(s) for denial. The Township has no obligation to process or approve any incomplete Application, and any times provided under this Ordinance shall not begin to run until the Township receives a complete Application, as determined by the Township Board.

A determination of a complete Application shall not prohibit the Township from requiring supplemental information.

- 4. New Permit Where No Building Yet Exist.** Any Applicant for a Facility Permit whose building is not yet in existence at the time of the Township's initial approval shall have four years immediately following the date of the Township's initial approval to complete construction of the building, in accordance with applicable zoning ordinances, building codes, and any other applicable state or local laws, rules or regulations, and to commence business operations.
- 5. Requirement to Supplement.** Any changes to the Facility or its ownership or management that LARA requires notice or approval of shall be provided to the Township at the same time that those changes are delivered to LARA.

Section V. Operational Requirements.

A Facility issued a Permit under this Ordinance and operating in the Township shall at all times comply with LARA's operational requirements for the Licensed Facility.

- 1. Scope of Operation.** A Facility shall comply with all respective applicable codes of the local zoning, building, and health departments. The Facility must hold a valid local Permit and State issued License for the type of Facility intended to be carried out on the Permitted Property.
- 2. Facility Limited to the Permitted Property.** A Facility shall be operated exclusively on the Permitted Property, except for a Licensed Secure Transporter when engaged in the lawful transport of products or the product safety testing as required by LARA in implementing the requirements of PA 281.
- 3. Security.** Permit Holders shall at all times maintain a security system that meets LARA requirements in their implementation of PA 281, and is reviewed by the local Sheriff's department and approved by the Township prior to the issuance of the Special Use Permit.
- 4. Sign Restrictions.** All signage shall comply with the requirements of PA 281 and the restrictions set forth by the Township in the Special Use Permit.
- 5. Waste Disposal.** The Permit Holder shall use lawful methods in controlling waste or by-products from any activities allowed under the License or Permit.

Section VI. Penalties and Consequences for Violation.

In addition to any other penalties or legal consequences provided under applicable federal, state and local law, regulations, codes and ordinances violations of the provisions of this Ordinance or failure to comply with any of the requirements of this Ordinance shall be remedied within 60 days of delivery of written notice by a Township authorized official. In the event that the infraction has not been rectified then the Township shall have the right to revoke the Facility's Permit and its right to operate thereunder.

Section VII. Severability.

The provisions of this Ordinance are hereby declared severable. If any part of this Ordinance is declared invalid for any reason by a court of competent jurisdiction, that declaration does not affect or impair the validity of all other provisions that are not subject to that declaration.

Section VIII. Effective Date.

This Ordinance shall take effect immediately upon adoption by the Township Board and the passing of seven business days.

**ORDINANCE ADDRESSING FLOODPLAIN MANAGEMENT PROVISIONS
OF THE STATE CONSTRUCTION CODE**

Community Name: **Township of Stronach**, County: **Manistee**

Ordinance number XXV

An ordinance to designate an enforcing agency to discharge the responsibility of the Township of Stronach located in Manistee County, and to designate regulated flood hazard areas under the provisions of the State Construction Code Act, Act No. 230 of the Public Acts of 1972, as amended.

The Township of Stronach ordains:

Section 1. AGENCY DESIGNATED. Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the Michigan Department of Licensing and Regulatory Affairs, Bureau of Construction Codes is hereby designated as the enforcing agency to discharge the responsibility of Township of Stronach under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The Township of Stronach assumes responsibility for the administration and enforcement of said Act throughout the corporate limits of the community adopting this ordinance.

Section 2. CODE APPENDIX ENFORCED. Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency within the jurisdiction of the community adopting this ordinance.

Section 3. DESIGNATION OF REGULATED FLOOD PRONE HAZARD AREAS. The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled "Flood Insurance Study for Manistee County, All Jurisdictions, effective June 2, 2021" and dated June 2, 2021, and the Flood Insurance Rate Map(s) (FIRMS) panel number(s) of 26101CIND0A, 26101C0275D, 26101C0400D, 26101C0425D, and 26101C0450D dated June 2, 2021, are adopted by reference for the purposes of administration of the Michigan Construction Code, and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the "Flood Hazards" section of Table R301.2(1) of the Michigan Residential Code.



Section 4. REPEALS. All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Section 5. PUBLICATION. This ordinance shall be effective after legal publication and in accordance with the provisions of the Act governing same.

Adopted this 12th day of May 2021.

This ordinance duly adopted on May 12th 2021, at a regular meeting of the Stronach Township Board and will become effective June 2, 2021.

Signed on May 12th 2021 by
Barbara Rishel (Signature), Barbara Rishel, Clerk of the Township of Stronach.

Attested on May 12, 2021 by
Philip B Vadeboncoeur (Signature), Philip Vadeboncoeur, Supervisor of the Township of Stronach.



MICHIGAN COMMUNITY RESOLUTION AND INTERGOVERNMENTAL
AGREEMENT TO MANAGE FLOODPLAIN DEVELOPMENT
FOR THE NATIONAL FLOOD INSURANCE PROGRAM

Community A (NFIP community:) **Township of Stronach, Manistee County, Michigan**

Community/Entity B (enforcing agency): **Michigan Licensing and Regulatory Affairs, Bureau of Construction Codes**

WHEREAS, Community A

(check the appropriate following box statement) currently participates desires to participate in the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program (NFIP) by complying with the program's applicable statutory and regulatory requirements for the purposes of significantly reducing flood hazards to persons, reducing property damage, reducing public expenditures, and providing for the availability of flood insurance and federal funds or loans within its community; and

WHEREAS, the NFIP requires that floodplain management regulations must be present and enforced in participating communities, and utilize the following definitions which also apply for the purposes of this resolution:

1. Flood or Flooding means:
 - a. A general and temporary condition of partial or complete inundation of normally dry land areas from: 1) the overflow of inland or tidal waters, 2) the unusual and rapid accumulation or runoff of surface waters from any source, 3) mudflows, and
 - b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding, as defined in paragraph (a)(1) of this definition.
2. Flood Hazard Boundary Map (FHBM) means an official map of a community, as may have been issued by the FEMA, where the boundaries of the areas of flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zone A, M, and/or E.
3. Floodplain means any land area susceptible to being inundated by water from any source (see definition of flooding).
4. Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.
5. Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power that provide standards for the purpose of flood damage prevention and reduction.
6. Structure means a walled and roofed building that is principally above ground, gas or liquid storage facility, as well as a mobile home or manufactured unit.



WHEREAS, the Stille-Derossett-Hale Single State Construction Code Act”, Act No. 230 of the Public Acts of 1972, as amended, (construction code act), along with its authorization of the state construction code composed of the Michigan Residential Code and the Michigan Building Code [and its Appendices (specifically Appendix G)] contains floodplain development and management regulations that comply with the FEMA NFIP minimum floodplain management criteria for flood prone areas as detailed in Title 44 of the Code of Federal Regulations (44 CFR), Section 60.3, and

WHEREAS, by the action dates of this document, Community/Entity B affirms/agrees on behalf of Community A to function as the designated enforcing agency to discharge the responsibility of administering, applying, and enforcing the construction code act and the state construction code, specifically the Michigan Residential Code and the Michigan Building Code, and the Michigan Rehabilitation Code for Existing Buildings to all development within Community A’s political boundaries, and

WHEREAS, Community A and Community/Entity B enforce floodplain regulations of the construction code act, and Community A wishes to ensure that the administration of that code complies with requirements of the NFIP, and

NOW THEREFORE, to maintain eligibility and continued participation in the NFIP,

1. Community A and Community/Entity B agree that Community/Entity B’s officially designated enforcing agency for the construction code act, Michigan Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, be directed to administer, apply, and enforce on Community A’s behalf the floodplain management regulations as contained in the state construction code (including Appendix G) and to be consistent with those regulations, by:
 - a. Obtaining, reviewing, and reasonably utilizing flood elevation data available from federal, state, or other sources pending receipt of data from the FEMA to identify the flood hazard area, and areas with potential flooding, and
 - b. Ensuring that all permits necessary for development in floodplain areas have been issued, including a floodplain permit, approval, or letter of no authority from the Michigan Department of Environmental Quality under the floodplain regulatory provisions of Part 31, "Water Resources Protection," of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and
 - c. Reviewing all permit applications to determine whether the proposed building sites will be reasonably safe from flooding. Where it is determined that a proposed building will be located in a flood hazard area or special flood hazard area, Community/Entity B shall implement the following applicable codes according to their terms:
 - i) All appropriate portions and specifically the floodplain management regulation portions and referenced codes and standards of the current Michigan Residential Code.
 - ii) All appropriate portions and specifically the floodplain management regulation portions and referenced codes and standards of the current Michigan Building Code.
 - iii) Appendix G of the current Michigan Building Code.
 - iv) All appropriate portions and specifically the floodplain management regulation portions and referenced codes and standards of the current Michigan Rehabilitation Code for Existing Buildings.
 - d. Reviewing all proposed subdivisions to determine whether such proposals are reasonably safe from flooding and to ensure compliance with all applicable floodplain management regulations.
 - e. Assisting in the delineation of flood hazard areas; provide information concerning uses and occupancy of the floodplain or flood-related erosion areas, maintain flood proofing and lowest floor construction records, and cooperate with other officials, agencies, and persons for floodplain management.



pcv

- f. Advising FEMA of any changes in community boundaries, including appropriate maps, and
 - g. Maintaining records of new structures and substantially improved structures concerning any certificates of floodproofing, lowest floor elevation, basements, floodproofing, and elevation to which structures have been floodproofed.
2. Community A and Community/Entity B assure the Federal Insurance Administrator (Administrator) that they intend to review, on an ongoing basis, all amended and revised FHBMs and Flood Insurance Rate Maps (FIRMs) and related supporting data and revisions thereof and revisions of 44 CFR, Part 60, Criteria for Land Management and Use, and to make such revisions in its floodplain management regulations as may be necessary to assure Community A's compliant participation in the program.
 3. Community A further assures the Administrator that it will adopt the current effective FEMA Flood Insurance Study (FIS), FHBMs, and/or the FIRMs by reference within its Floodplain Management Map Adoption Ordinance or similarly binding ordinance documentation.

FURTHER BE IT RESOLVED, both communities declare their understanding that, until this resolution is rescinded or Community A makes other provision to enforce the construction code act:

1. Community/Entity B must administer and enforce the construction code act in accordance with the terms and the conditions contained herein, and
2. For Community A to continue its participation in the NFIP, the construction code act must be administered and enforced according to the conditions contained herein.

Community A: Township of Stronach

Date Passed: May 12, 2021

Officer Name: Philip Vadeboncoeur

Title: Supervisor

Signature: Philip Vadeboncoeur

Date: May 12/2021

Witness Name: Barbara Rishel

Title: Clerk

Signature: Barbara Rishel

Date: May 12th 2021

Community/Entity B: Bureau of Construction Codes

Date Passed: _____

Officer Name: Jonathon Paradine

Title: Chief of Building & Plans Division

Signature: [Signature]

Date: 5/26/2021

Witness Name: Joni Nelson

Title: Secretary

Signature: Joni Nelson

Date: 5-26-21



Article XXVI

Stronach Township County of Manistee

ORV Ordinance

An ordinance authorizing and regulating the operation of Off- Road Vehicles (ORVS) on county primary and county local roads in the Township of Stronach, Manistee County Michigan, providing penalties for the violation thereof, and for distribution of fines and cost resulting from those penalties pursuant to 2008 PA 240, MCL 324.81131 Which is the Michigan ORV Code.

1. Definition

- a. "Township" means the Township of Stronach, Manistee County.**
- b. "County" means Manistee County, Michigan**
- c. "Driver License" means an operator's or chauffeurs' license or permit issued to an individual**
By the secretary of state under Chapter III of the Michigan vehicle code, 1949 PA300, MCL 257.301 to 257.329, for that individual to operate a vehicle, whether or not conditions are attached to the license or permit.
- d. "Maintained Portion" means that portion of a road improved, designated or ordinarily used for vehicular traffic and does not include within its meaning shoulder or right of way.**
- e. "Operate" means to ride in or on, and be in actual physical control of the operation of an ORV**
- f. "Operator" means a person who operates or is actual physical control of the operation of an ORV**
- g. "ORV" means a motor driven off road recreation vehicle capable of cross-country travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland, other natural terrain. ORV or vehicle includes, but not limited to, a multi-track or multi-wheel drive vehicle, an ATV, motorcycle or related 2-wheel, 3-wheel, or 4-wheel an amphibious machine, a ground effect air cushion vehicle, or other means of transportation deriving power from a source other than muscle or wind. ORV or vehicle does not include a registered snowmobile, a farm vehicle being used for farming, a vehicle used for military, fire, emergency, or law enforcement purposes, a vehicle owned and operated by a utility**

company or an oil or gas company when performing maintenance on its facilities or on property over which it has an easement, a construction, or logging vehicle used in performance of its common function, or a registered aircraft.

- h. "Trailer" means every vehicle with or without motive power, designed for carrying persons or property.**
- i. "Road" means a county primary road or county local road as described in section 5 of 1951 PA 51, MCL 247.655.**
- j. "Road Commission" means the Board of County Road Commissioners for the County of Manistee.**
- k. "Safety Certificate" means a certificate issued pursuant to 1994 PA 451 as amended, MCL 324.81129, or a comparable ORV Safety Certificate issued under the authority of another state or a Province of Canada.**
- l. "Visual Supervision" means direct observation of the operator with the unaided or normally corrected eye, where the observer is able to come to the immediate aid of the operator.**
- m. "Township Board" means the township board of Stronach Township**

2. Operation of ORV's

An individual may operate an ORV on a road within the Township provided that the ORV is operated only with the flow of traffic, on the far right of the maintained portion of the Road, subject to the following additional regulations;

- a. A person shall not operate an ORV at a speed greater than 25 miles per hour or a lower posted ORV speed limit or in a manner that interferes with traffic on the road**
- b. ORVs shall travel single file, except when passing or being passed by another ORV**
- c. All ORV's operating must have a lighted headlight and taillight.**
- d. Unless a person possesses a Driver's License, a person shall not operate an ORV on a Road if the ORV is registered as a motor vehicle under the Michigan Vehicle Code and the ORV is either more than 60 inches wide or has three wheels.**
- e. A person under the age of 12 shall not operate an ORV on a Road.**
- f. A person under the age of 18 shall not operate an ORV on a Road unless the person is in possession of a valid Driver's License or is under direct supervision of a parent or guardian and the person has in his possession an ORV Safety Certificate issued by Michigan, another state, or a Province of Canada**

Note: More information on Michigan State regulations can be obtained at any store that sell Michigan Hunting Permits.

