

FORSYTH TOWNSHIP

**ZONING
ORDINANCE**

EFFECTIVE DATE:
MARCH 10, 2017

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ARTICLE I
ADOPTED: FEBRUARY 23, 2017
EFFECTIVE: MARCH 10, 2017
ENACTING CLAUSE, TITLE PURPOSE

ENACTING CLAUSE

The Township of Forsyth, County of Marquette, State of Michigan, Ordains:

An ordinance to establish zoning district and regulations governing the development and use of land within the Township of Forsyth, Marquette County, Michigan in accordance with the provisions of the Township Rural Zoning Act Number 184 of Public Acts of 1944, as amended, to provide for a Board of Appeals and for its power and duties, to provide for permits, and to establish and provide for the collection of fees, to provide for the administration, enforcement, and amended thereof, and the repeal of all ordinances in conflict herewith.

TITLE

The ordinance shall be known and may be cited as, "The Zoning Ordinance of Forsyth Township."

PURPOSE

This ordinance has been established for the purpose of the following:

- A. Prompting and protecting the public health, safety and general welfare.
- B. Protecting the character and stability of the forest-recreations, residential, commercial, and industrial areas, and prompting the orderly and beneficial development of such areas.
- C. Preventing the overcrowding of land and undue concentration of population by

regulating the intensity of use of land and the area of open spaces surrounding buildings and structures necessary to provide adequate light, air, privacy and to protect the public health.

- D. Lessening and avoiding congestion on public highways and streets.
- E. Providing for the needs of agriculture, recreation, residence, commerce, and industry in future growth to conform with the most advantageous use of land, resources, and properties, with reasonable consideration of other things, the general and appropriate trend and character of land, buildings and population development as studied and recommended by the Planning Commission and approved by the Forsyth Township Board.
- F. Encouraging the most appropriate use of lands in accordance with their character and adaptability and prohibiting uses, which are incompatible with the character of development permitted within specified zoning districts.
- G. Conserving the market value of private and public lands and structures.
- H. Conserving the expenditures of funds for public improvements and services.
- I. Protecting against fire explosion noxious fumes and odors, heat, dust, smoke, glare, noise, vibrations and other nuisances and hazards in the best interest of the people.
- J. Providing for the existence of nonconforming uses and structures, but not to encourage their continuance.
- K. Assuring adequate space is provided for the parking of vehicles of customers and employees using commercial, retail and industrial areas.

ARTICLE II

GENERAL PROVISIONS

Every building and structure erected, every use of any lot building, or structure established, every structural alteration or relocation of any existing building or structure occurring, and every enlargement of, or addition to, an existing use, building, or structure, occurring after the effective date of this ordinance, as amended, shall be subject to all regulations of this ordinance, which are applicable in the zoning district in which such building, or structure, or lot is located.

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction or designated use of any building or structure on which actual construction was lawfully begun prior to the effective date of adoption or amended of this ordinance, provided that construction shall be completed within three hundred sixty five (365) days of such effective date.

The adoption of this ordinance shall not limit the construction, or designated use of any building or structure for which a zoning permit has been obtained prior to the effective date of adoption or amendment of this ordinance even though such building or structure does not conform to the provisions of this ordinance, provided that work shall commence and be carried on within thirty (30) days of obtaining such permit.

APPLICATION OF THIS ORDINANCE

No structure shall be constructed, erected, placed, or maintained, and no land use commenced or continued within the township of Forsyth, except as specifically or necessarily implied, unless authorized by this ordinance.

The regulations established by this ordinance with each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall not preclude the establishment of higher or more restrictive standards or requirements for the authorization of any conditional use permit, where such higher or more restrictive standards or requirements are found necessary by the Planning Commission to attain the purposes of this ordinance. Where a lot is devoted to a permitted use, customary accessory uses and structures are authorized except as prohibited specifically or by necessary implication, or unless otherwise authorized.

ARTICLE III

DEFINITIONS

For the purpose of this ordinance certain terms or words used herein shall be interpreted as follows:

When not inconsistent with the context, words used in the present tense shall include the future.

Words in the singular number shall include the plural number. The word "person" includes "corporation", "co-partnership", as well as "individual". The word "shall" is mandatory and the word "may" is permissive. The word "lot" includes the words "plot" or "parcel". The words "used" or "occupied" include the words "intended", "designed", or "arranged to be used or occupied". Terms not defined herein shall have the meanings customarily assigned them.

ACCESSORY

Means both subordinate and incidental to a principal use or structure.

ACCESSORY BUILDING

A building or structure subordinate and incidental to a principal structure, primarily for storage or utilities; i.e. well or pump house and located on the same lot as the principal residence. Height not to exceed eighteen (18') feet from the base of the wall to the peak, in R-1, R-2, R-3, MH-1, MH-2, RR-1, LR & SD.

ACCESSORY DWELLING UNIT

An accessory dwelling unit is a complete, self-contained dwelling unit created on a single-family parcel that provides accommodations for guests and/or tenants of the owner-occupiers of the single family dwelling.

ACCESSORY USES AND STRUCTURES

Where a lot is devoted to a permitted use, customary accessory uses and structures are authorized except as prohibited specifically or by necessary implication in this or any other ordinance. The

following special rules are applicable:

- A. Customary home occupations are permitted as an accessory to residential use or occupancy, but only to the extent authorized by the definitions of the terms in this ordinance.
- B. Accessory uses to a gas station are limited to lubrication, changing oil and filters, changing and repair of tires and tubes, engine tune-up, hand washing and polishing without automatic equipment, and replacement of light bulbs, windshield wiper blades and other small parts, and do not include steam cleaning, body repairs, painting, or transmission, or chassis repairs except as listed above.

ALTERATIONS

Any change, addition, modification, to a structure or type or occupancy, any change in the structural members of a building, such as walls or partitions, columns, beams, or girders the consummated act of which may be referred to herein as "altered" or "reconstructed".

ANIMAL KEEPING & AGRICULTURE – LIMITED AND TRADITIONAL

LEVEL I – LIMITED KEEPING OF ANIMALS

The limited keeping of animals in all districts as an accessory use, where there is a separate occupied dwelling.

LEVEL II – TRADITIONAL AGRICULTURAL ACTIVITIES

Traditional agricultural activities, including, hobby farms, stables, crop farms and livestock farms are a permitted use in the RR-2 and RRP zoning districts.

AREA-SIGN

The entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing representation, emblem, or any figure of similar character, together with any form or other materials or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken on the area of the larger face, if the two faces are of unequal area. Where a sign consists solely of lettering or other sign elements printed or mounted on a wall of a building without any distinguished border, panel, or background, any blank rectangular area which is more than ten percent of the sign as otherwise computed shall be disregarded. All lettering and other sign elements printed or mounted upon a wall of a building without any distinguishing boarder, panel, or background and pertaining to the same enterprise shall be treated as a single sign for purposes of area computation.

BASEMENT

Is that portion of a building which is partly, or wholly, below grade but so located that the vertical distance from average grade to the floor is greater than the vertical distance from the grade to the ceiling. If the vertical distance from the grade to the ceiling is over five (5) feet, such basement shall be rated as a first story.

BED AND BREAKFAST

As defined in Act No 112, Public Acts of 1987, Being Section 4b (4), and incorporated herein "Bed & Breakfast" means single family residence structure that meets all of the following criteria:

- A. Has 8 or fewer sleeping rooms, including sleeping rooms occupied by the innkeeper, 1 or

- more of which are available for rent to transient tenants.
- B. Serve breakfast, at no extra cost to its transient tenants.
 - C. Has a smoke detector in proper working order in every sleeping room and a fire extinguisher in proper working order on every floor.

BOARDING HOUSE

A dwelling in which lodging or meals, or both are furnished to not more than six guests for compensation.

BUILDING

Is a structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter or enclosure of persons, animals, chattels, or property of any kind. This shall include tents, awnings, or vehicles situated on private property and used for such purposes.

BUILDING, MAIN

The building in which is conducted the principal use of the lot.

CAMPSITE

A privately owned site in which a shelter or vehicle is temporarily located with or without hook-ups (i.e. water, electric, sanitary), with or without compensation.

CARPORT

A shelter for one or more vehicles, which is not fully enclosed by walls, and one or more doors.

CAR WASH

A building in which motor vehicles are washed or waxed, either by the patron or by others, using machinery specially designed for the purpose.

CHILD CARE CENTER

Child Care Center or Day Care Center means a facility, other than a private residence, receiving one or more preschool or school age children for periods of less than twenty-four hours a day, and where the parents or guardians are not immediately available to the child. Child Care Center or Day Care Center includes a facility, which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a Child Care Center, Day Care Center, Day Nursery, Nursery School, Parent Cooperative Preschool, Play Group, or Drop-in Center. Childcare centers are licensed by the State of Michigan under Public Act 116 of 1973, as amended. Child care center or day care center does not include:

- (1.) A Sunday School, a vacation bible school, or a religious instruction class that is conducted by a religious organization where the children are in attendance for not more than three (3) hours per day for an indefinite period, or not more than eight (8) hours per day for a period not to exceed four (4) weeks during any twelve (12) month period.
- (2.) A facility operated by a religious organization where children are cared for not more than three (3) hours while parents or guardians attend religious worship services.

CHURCH

A building wherein persons regularly assemble for religious worship, which is used only for such purpose and those accessory activities as are customarily associated therewith.

CLINIC

A place where services are furnished to persons on an outpatient basis by licensed mental or health care professional(s).

CLUB

An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, or the like, whose facilities are available only to a limited number of members and guests.

CONVEYANCE

An instrument or deed transferring a title to property.

CONDOMINIUM

A building or group of buildings in which dwelling units, office, or floor area are owned individually and the common areas, facilities and in some cases the structures are owned by the owners, on a proportional, undivided basis.

CONDOMINIUM ACT

Public Act 59 of 1978, as amended.

CONDOMINIUM SUBDIVISION PLAN

The site, survey and utility plans; floor plans and section, as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land. The condominium subdivision plan shall show the size, location, area, boundaries' acreage and volume for each condominium unit composed of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location, and approximate size of the common space elements.

CONDOMINIUM UNIT

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

CONSOLIDATING MASTER DEED

The final amended master deed for a contractible site condominium, and expandable site condominium project for a site condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.

CONTRACTIBLE SITE CONDOMINIUM

A site condominium project from which any portion of the submitted land or building may be withdrawn pursuant to express provisions in the site condominium documents and in accordance with this Ordinance and the Condominium Act.

CONVALESCENT HOME, HOME FOR THE AGED, OR NURSING HOME

A home for the care of children, or the aged, or infirm, or a place of rest for those suffering bodily disorders, and licensed or required to be licensed by the State of Michigan, but not including housing for the elderly where such persons live independently in individual apartments.

CONVERSION SITE CONDOMINIUM

A site condominium project containing site condominium units some or all of which were occupied before the establishment of the site condominium project.

CONVERTIBLE AREA

A unit or portion of the common elements of the site condominium project referred to in the site condominium documents within which additional site condominium units or general or limited common elements may be created pursuant to express provisions in the site condominium documents and in accordance with this Ordinance and the Condominium Act.

DAYCARE, FAMILY HOME

A private home (dwelling) in which 1 but fewer than 7 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except

children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year. Family day care homes are licensed by the State of Michigan under Public Act 116 of 1973, as amended.

DAYCARE, GROUP HOME

A private home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

DRIVE-IN

A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to serve patrons while in the motor vehicle, rather than within a building or structure.

DRIVE-IN RESTAURANT

Any restaurant designed to permit or facilitate the serving of meals, sandwiches, ice cream, beverages, or other food, served directly to or permitted to be consumed by patrons in automobiles or other vehicles parked on the premises, or permitted to be consumed by patrons elsewhere on the site outside the main building.

DWELLING UNIT

A building, or a portion thereof, designed for occupancy by one (1) family for resident purposes and having facilities that complies with the minimum standards established in this ordinance.

DWELLING, MULTIPLE FAMILY

A building, or a portion thereof, designed for occupancy by three (3) or more families living independently of each other, with or without common or separate kitchen or dining facilities, including apartment houses, fraternities, sororities, dormitories, row houses, town houses, and similar holding types but not including hotels, hospitals, or nursing homes. Multiple dwelling units are further defined as follows:

- A. EFFICIENCY APARTMENT is a dwelling unit consisting of not more than one (1) room in addition to kitchen and sanitary facilities.
- B. ONE BEDROOM UNIT is a dwelling unit consisting of not more than three (3) rooms in addition to kitchen and sanitary facilities.
- C. TWO BEDROOM UNIT is a dwelling unit consisting of not more than four (4) rooms in addition to kitchen and sanitary facilities.
- D. THREE OR MORE BEDROOM UNIT is a dwelling unit consisting of more than four (4) rooms in addition to kitchen and sanitary facilities.

All of the above must comply with minimum dwelling standards as set forth in Article VII.

DWELLING, SINGLE FAMILY

A building containing not more than one separate dwelling unit designed for residential use and conforming in all other respects to the standards set forth in Article VII.

DWELLING, TWO-FAMILY

A building containing not more than two separate dwelling units designed for residential use and conforming in all other respects to the standards set forth in Article VII.

ERECTED

Includes built, constructed, altered, reconstructed, assembled, moved upon, or any physical operations on the premises required for the construction. Excavation, fill, drainage, installation of utilities, and the like, shall be considered a part of erection.

ESSENTIAL SERVICES

The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, fuel, or water transmission or distribution systems, collection, communication supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduit, cables, and similar accessories in connection therewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, or welfare. Essential services, except buildings, shall be permitted as authorized and regulated by law and other ordinance, it being the intention thereof to exempt such essential services from the application of the ordinance.

EXPANDABLE SITE CONDOMINIUM

A site condominium project to which additional land may be added pursuant to express provision in the site condominium documents and in accordance with this Ordinance and the Condominium Act.

FACIA SIGN

A flat sign which does not project more than one (1) foot from the face or wall of the building upon which it is affixed, painted, or attached, running parallel for its whole length to the face or wall of the building and which does not extend beyond the horizontal width of such building. A facia sign is always a first-party business or identification sign and should not be confused with an off-premises sign.

FAMILY

One or two persons or parents with their direct lineal descendants and adopted or foster children (and including the domestic employees thereof), living together in the whole or part of the dwelling unit comprising a single housekeeping unit. Every additional group of two or less persons living in such housekeeping unit shall be considered a separate family for the purposes of this ordinance.

FENCE

Any partition, structure, or gate erected as a dividing marker, barrier or enclosure, including hedges or living bushes or shrubs, within or along the bounds of a lot or parcel.

FENCE, OBSCURING

A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this ordinance. Unless otherwise regulated in this ordinance or as otherwise required in carrying out the intent of this ordinance, an obscuring screen shall be an obscuring fence or wall not less than four feet six inches (4'6") in height, and not exceeding a height that is aesthetically compatible in appearance with other residences or structures, constructed under the requirements of this ordinance, in the vicinity.

FLOOR AREA

The total gross area on all floors and measured to the outside surfaces of exterior walls, excluding crawl spaces, garages, carports, breezeways, attics without floors, and open porches, balconies, and terraces.

FLOOR AREA, USABLE

That area used for, or intended to be used for, the sale of merchandise or services or for use to serve patrons, clients, or customers. The floor area, which is used or intended to be used principally for the storage or processing of merchandise or for utilities shall be excluded from

this computation of "USABLE FLOOR AREA". Measurement of floor area shall be the sum of the gross horizontal area of the several floors of the building, measured from the interior walls. For the purpose of computation parking for those uses not enclosed within a building, the area available to be used for the service of patrons or clients shall be measured to determine necessary parking spaces.

FLOOR AREA RATIO

The ratio of floor area to the lot area of all buildings excluding the floor area of garages, carports, and breezeways, and excluding the area of any floor more than four (4) feet below grade where no part of such basement is used for sleeping rooms or quarters.

FLOOR SPACE

The floor area of all floors, as measured from the inside surfaces of the walls enclosing the part of a building occupied by a single occupant or shared by a distinct group of occupants excluding common halls, stairwells, sanitary facilities, storage areas and other areas to which patrons do not have regular access.

FOSTER FAMILY HOME (PRIVATE HOME)

A private residence (dwelling) in which the licensee or registrant permanently resides as a member of the household, which residency is not contingent upon caring for children or employment by a licensed or approved child placing agency. Private home includes a full-time foster family home, a full-time foster family group home, or a family daycare home as follows:

- (1.) "Foster Family home" is a private home (dwelling) in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to the adoption code (MCL 710.21-710.70 are given care and supervision for 24 hours a day, for 4 or more days a week,

for 2 or more consecutive weeks, unattended by a parent or legal guardian.

(2.)“Foster Family Group Home” means a private home in which more than four (4) but fewer than seven (7) minor children, who are not related to an adult member of the household by blood, marriage, or who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to the adoption code (MCL 710.21 -710.70) are given care and supervision for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or legal guardian.

FREESTANDING SIGN

A sign supported by one or more columns, uprights, or braces in or upon the ground, not attached to or forming a part of a building. It is a first-party business or identification sign.

GARAGE, COMMERCIAL

A fully enclosed building for the storage of motor vehicles, not including buildings in which fuel is sold or repaired or other services are performed.

GARAGE, PRIVATE

A building not over one (1) story in height used for parking or storage of motor vehicles but not for commercial servicing or repair.

GASOLINE SERVICE STATION

A place for the dispensing, sale, or offering for sale, of motor fuel directly to user of motor vehicles together with the sale of minor items or accessories and the servicing of and minor repairs of motorized vehicles. Prohibited activities include, but are not limited to, the following: vehicle dismantling and such other activities whose external physical effects could extend beyond the property line.

GROUND COVERAGE RATIO

The percent of lot area included within the outside lines of the exterior walls of all buildings located

on the lot, and including the area of porches, decks, patios, breezeways, balconies, and bay windows, except garages, carports, and patios that are not more than six inches (6") above grade.

HEIGHT

The vertical distance from the highest point of a structure, excepting any chimney or antenna on a building, to the average ground level of the grade where the walls or other structural elements intersect the ground.

HOME OCCUPATIONS

Occupations engaged in, within a dwelling, by the resident or residents of the same.

HOTEL

A structure which is designed, used, or offers lodging and usually meals, entertainment and various personal services for the public, not including hospitals or nursing homes.

KENNEL

Kennels, involves the permanent or temporary ownership, responsibility, or confinement of four (4) or more dogs, which are six months of age or older, for the purposes of hobby, personal enjoyment, boarding, breeding, or training purposes.

KENNEL, BOARDING

Boarding Kennels, as defined in Article III, are facilities that keep, house, or maintain dogs for a limited amount of time for the purpose of shelter, care, and feeding in return for a fee or other consideration. Includes “doggie daycare” situations where animals are not kept at the boarding kennel overnight. NOTE: The following shall not be considered Boarding Kennels: animal veterinary clinics that house dogs for vet services and animal rescues or sanctuaries.

LAUNDROMAT

A place where patrons wash, dry or dry-clean clothing and fabrics in a machine operated by the patron.

LOT, ORDINANCE

A parcel of land, excluding any portion in a street or road right-of-way, of at least sufficient size to meet minimum requirements for use, coverage and lot area, and to provide such set back area and other open space as required by this ordinance, but excluding any part thereof severed from another lot where the severance created any nonconformity of use or structure. A lot may or may not be specifically designated as such on public records.

LOT AREA

The area of land within the boundary of a lot excluding any part under water and, in addition, the area of land bounded by any front lot lines, the right-of-way line of the highway on which it fronts, and the side lot lines intersecting the front lot line at its ends extended to the right-of-way line of the highway.

LOT, CORNER

A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended from an interior angle of less than one hundred thirty five (135) degrees.

LOT COVERAGE

The part or percent of the lot occupied by buildings, including accessory buildings.

LOT DEPTH

The horizontal distance between the front and rear lot lines, measured along the median between side lot lines.

LOT, INTERIOR

Any lot other than a corner lot.

LOT LINES

The lines bounding a lot as defined herein:

- A. FRONT LOT LINE - a line dividing a lot from any public highway except a limited or controlled access highway to which the lot has no access.
- B. REAR LOT LINE - any lot line, which is not a front or side lot line and which, if extended in either direction, would not cross the lot.
- C. SIDE LOT LINE - any lot line which meets the end of a front lot line or any other lot line within thirty (30) degrees of being parallel to such a line, except a front lot line.

LOT OF RECORD

Is a parcel of land, the dimensions of which are shown on a recorded plat on file with the Marquette County Register of Deeds, at the time Forsyth Township Ordinance Number 1-75 as amended became effective, or in common use by Township or County officials, and which actually exists as so shown, or any part of such parcel held is a recorded ownership separate from that of the remainder thereof at the time when Forsyth Township Ordinance Number 1-75 as amended became effective.

LOT WIDTH

The straight-line distance between the side lot lines, measured at the two points where the minimum building line, or setback, intersects the side lot lines.

MANUFACTURED HOME/HOUSING aka MOBILE HOME

A dwelling unit, which is designed for long-term residential occupancy and is wholly or largely fabricated at an off-site location and designed to be used without a permanent foundation. When connected to required utilities, and the plumbing, heating/air conditioning and electrical systems are contained within the structure.

MANUFACTURED HOME CONDOMINIUM PROJECTS

A parcel of land under joint ownership which has been planned and improved for the placement of manufactured or mobile homes for non-transient use, upon individual, separate Condominium envelopes.

MANUFACTURED HOME LOT OR SITE

A parcel of land for the placement of a single manufactured or mobile home and exclusive use of its occupants within a licensed manufactured or mobile home community (previous term “park”), a condominium project or subdivision project or development.

MANUFACTURED HOME STAND

That part of an individual lot which has been reserved for the placement of the manufactured or mobile home, appurtenant structures or additions.

MANUFACTURED HOME SUBDIVISION

A parcel of land under single ownership which has been planned and improved for the placement of manufactured or mobile homes for non-transient use on individual lots and for the purpose of selling the lots.

MANUFACTURED HOUSING COMMUNITY

A parcel or tract of land under the control of a person upon which three (3) or more manufactured homes are located on a continual non-recreational basis and which are offered to the public for that purpose. A recreational vehicle park or campground is not a manufactured home community. The older term “mobile home park” is often used by individuals as an equivalent term.

MANUFACTURED HOUSING COMMUNITY LICENSE

A written lease issued by the Manufactured Housing Commission allowing a person to operate and maintain a manufactured housing community under the provisions of Michigan Public Acts 96 or 1987, as amended, and this Ordinance and regulations issued hereunder.

MINIMUM LANDSCAPE OPEN SPACE

The percent of lot area, which must be maintained in grass or other living vegetation.

MOTEL

A series of attached, semi detached, or detached rental units containing bedroom, bathroom, closet space and with or without kitchenettes. Unit shall provide for overnight lodging and be offered to the public for compensation.

MOTOR HOME

A self-propelled, vehicle licensed to be operated on public roads, which vehicle is built upon a chassis (or equivalent), and is intended for recreation activities and only temporary occupancy.

NONCONFORMING LOTS OF RECORD

A nonconforming lot of record is any validly recorded lot or unrecorded land contract which at the time it was created, fully complied with all applicable laws and ordinances but which does not fully comply with the lot requirements of this ordinance concerning minimum lot area or minimum lot width.

NONCONFORMING USES OR STRUCTURES

A building or structure or the use of a building, structure or land lawfully existing at the time this ordinance or amendment thereto became effective but which does not conform with the regulations of the district in which it is located.

NURSING HOME

A structure designed or used for residential occupancy and providing limited medical or nursing care on premises for occupants but not including a hospital or mental health center.

OPEN AIR BUSINESS USES

Open air business uses shall be interpreted to include the following uses:

- (1.) Retail sale of trees, shrubbery, plants, flowers, seed, top soil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies, and home improvement equipment such as lawn mowers, fertilizer spreaders, lawn rollers, etc.
- (2.) Retail sales of fruits and vegetables.
- (3.) Rental or sale of bicycles, recreational vehicles, manufactured homes, trailers, motor vehicles, boats, or small hand equipment.

(4.) Outdoor display and sale of garages, swimming pools, and similar uses.

OPEN SPACE

Refers to a natural state preserving natural resources, natural features, or scenic or wooded conditions; agriculture use or a similar use of condition. Land dedicated for open space does not include a golf course, street rights-of-ways, or submerged land areas but may include a recreational trail, picnic area, children’s play area, greenway or linear park.

OUTDOOR HEATING UNITS

Accessory structures located on a parcel of land that supply a source of heat to another structure that is not attached to the outdoor heating unit (including swimming pools).

PERSONAL USE LANDING FIELD

Any location, either on land or water, which shall be used for landing or take-off of aircraft with safety, solely for the use of the owner of the property, and which is not equipped with commercial facilities for the shelter, supply or repair of the aircraft.

PRIVATE ROAD

A privately owned road, lane, trail serving more than two lots not used as a through fare, but used to access private residences. In the case of a “site condominium” as defined and as regulated by this ordinance, the principal means of access to abutting “units of ownership” may be provided by a private road, provided it is constructed and maintained to meet the same standard for public streets within the township, as established by the Marquette County Road Commission or by the township, which ever standard is higher.

PUBLIC SERVICE

The usual services customarily provided by the governmental units.

REGULATED EXEMPTIONS

The location of pipes, wires, poles, and generating and transmission equipment of public utilities or railroad tracks regulated by the State of Michigan or by the United States are exempt from regulation under this ordinance.

RESTAURANT

A building in which food or beverages are cooked or prepared and offered for sale and where consumption is permitted on the premises, whether or not entertainment is offered, and includes establishments commonly known as bars, grills, cafes, taverns, nightclubs, and any fast food establishment permitting consumption on premises.

ROADSIDE STAND

Means a temporary open front stand so designed that service to the patron does not require entering the building, and used solely for the sale of farm products and for sale of the by-products of agricultural produce.

SALVAGE & RECYCLING FACILITIES

Any land or building used for bailing, crushing, collecting, recovery, sale, shredding, storage or stripping of paper, rags, scrap metals, bottles, cans or other scrap or discarded material, automobiles or other vehicles not in normal running conditions, machinery or parts thereof, but not including landfills.

SEASONAL DWELLING

A cabin, cottage, camp, hunting camp, manufactured home, or other similar structures used intermittently for recreational or vacation purpose, and which is not a permanent place of domicile or residency of the owner, his or her agents, heirs or assigns; with limited municipal services provided.

SETBACK

The required distance between every structure and any lot line on the lot on which it is located, except where a front lot line is not defined by any conveyance or recorded plat, in which case it means the required distance between every structure and the nearest land actually used for purposes of a roadway.

SIGN

A name, identification, image, description, display, or illustration which is affixed to, painted, or represented directly or indirectly upon a building, structure, or piece of land and which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization, or business and which is visible from any street, right-of-way, sidewalk, alley, park, or other public property. Customary displays of merchandise or objects and material, without lettering, placed behind a store window are not signs or parts of signs.

STABLE

A structure or establishment where horses, ponies, mules, donkeys or similar animals are sheltered or boarded and cared for and where instruction in riding, jumping or showing may be offered and the general public may hire animals.

STATE LICENSED RESIDENTIAL FACILITY

A structure constructed for residential purposes that is licensed by the state pursuant to Act No. 287 of the Public Acts of 1972, as amended, which provided resident services for six (6) persons or less under 24-hour supervision or care for persons in need of that supervision or care.

STORY

That part of a building included between the surface of one floor and the surface of the next floor, or, if there is not floor above, then the ceiling next above.

STRUCTURAL ALTERATIONS

Means any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders, or any substantial change in the roof, or any additional floor space added to the building.

STRUCTURE

Any constructed, erected, or placed material or combination of materials in or upon the ground, including, but not limited to, buildings, mobile homes, radio towers, sheds, signs, and storage bins, but excluding sidewalks and paving on streets, driveways, parking areas, and patios.

TEMPORARY BUILDING OR USE

A structure or use permitted by the Board of Appeals to exist during periods of construction of the main building or use, or for special events.

THROUGHFARE

An arterial road or street which is intended to serve as a large volume traffic-way for both an immediate township (municipal area) and a region beyond. A thoroughfare may also be separately known as a state highway, a highway, a county primary road, or similar terms.

TRANSFER STATION

A tract of land, a building and any appurtenances, or a container, or any combination of land, buildings, or containers that is used or intended for use in the rehandling or storage of solid waste incidental to the transportation of the solid waste, but is not located at the site of generation or the site of disposal of the solid waste.

TRAVEL TRAILER

A vehicle designed as travel unit for occupancy as a temporary or seasonal vacation living unit less than thirty-eight (38) feet in length, as defined in the Department of Transportation standards as amended.

UNDEFINED TERMS

Any term not defined herein shall be determined by the Zoning Administrator as to its meaning.

USE

The purpose for which land or a building is or may be occupied.

USE, CHANGE OF

A modification or deviation from the original purpose, occupancy, utilization or classification of a building, structure or parcel or tract of land. The term is inclusive of (a) a discernable increase in the intensity of use, which by the Ordinance imposes more restrictive parking requirements or other more restrictive characteristics of use or (b) an alteration by change of use in a building heretofore existing to a new use group, as defined in the Michigan Building Code, which imposes other special provisions of law governing building construction equipment or means of ingress/egress.

USE, INCREASE IN THE INTENSITY OF

A discernable increase in the level or volume of activity generated by a change in use or an increase in floor area or an increase in land area configurations.

USE, MAIN

The principal use to which the premises are devoted and the principal purpose for which the premises exists.

USES, PERMITTED UPON SPECIAL APPROVAL (CONDITIONAL USE)

This definition is based upon the division of the Townships into districts, in each are permitted specified uses, which are mutually compatible. In addition to such permitted compatible uses, however, there are certain other uses, which may be necessary or desirable to allow in certain locations in certain districts, but because of their actual or potential impact on neighboring uses or public facilities, there is a need to carefully regulate them with respect to their location of the protection of the community. These uses, due to their peculiar locational need or nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use.

UTILITY STRUCTURE

Means facilities related to and necessary for the operation of: oil, gas, water pipelines, sewer pipelines, electrical transmission lines, telephone and telegraph line, oil and gas wells and underground storage fields. Included are such faculties as pumping stations, compressor stations, transformer stations, and switching stations.

VARIANCE

A modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

YARD

The open spaces on the same lot with a main building or main use, unoccupied, and unobstructed from the ground upward except as otherwise provided in this ordinance, and as defined herein:

- A. FRONT YARD is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the

main building.

- B. REAR YARD is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.
- C. SIDE YARD is an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.
- D. REQUIRED YARD is that portion of a front, side, or rear yard lying between the front, side or rear lot line and the corresponding front, side, or rear minimum setback line.

ZONING COMPLIANCE PERMIT

A document signed by the Zoning Administrator or Zoning Official, as required in the zoning ordinance, as a condition precedent to the commencement of a use of the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, which acknowledges that such use, structure or building complies with the provisions of the township zoning ordinance or authorized variance therefrom.

ARTICLE IV
ZONING DISTRICT REGULATIONS
ESTABLISHMENT OF THE ZONING DISTRICTS

The Township of Forsyth is hereby divided into zoning districts, as named and described in the following sections. The boundaries of said zoning districts are hereby established as shown on the maps in Article VI.

FAMILY RESIDENTIAL DISTRICT R-1

INTENT

To establish and preserve quiet family residential neighborhoods, for single-family dwellings, desired by large numbers of people, free from other uses except those which are both compatible with and convenient to the residents of such districts and where urban services and facilities can be feasibly provided, including necessary public water and sewer systems.

PERMITTED USES

1. Single Family dwellings that meet the standards outlined in Article VII.
2. Essential services.
3. Outdoor heating units on lots with minimum one-half (½) acre of land (site plan shall show distance of neighboring dwellings not located on subject property and direction of prevailing winds).
4. State licensed residential care facilities for six (6) or fewer persons.
5. Foster family homes (1-4 children) and Foster group homes (5-6 children).
6. Family day care homes (1-6 children).
7. Level I – Non-commercial limited keeping of animals.
8. Home occupations complying with the conditions and limitations as described in Article VII.
9. Accessory buildings and uses customarily incident to any of the above permitted uses.
10. Residential storage buildings on otherwise vacant parcels that have the same ownership as a contiguous or adjacent parcel with an approved permitted or conditional use.

CONDITIONAL USES

NOTE: All conditional uses in R-1 district must maintain a minimum lot size that the Planning Commission considers to be in harmony with the Comprehensive Plan and is suitable for the nature and intensity of the proposed use.

1. Two-family dwellings on lots with a minimum of fifteen-thousand (15,000) square feet.
2. Accessory Dwelling Units.
3. Churches and other buildings for religious worship.
4. Group (child) day care home (7 to 12 children).
5. Primary and secondary schools.
6. Funeral homes.
7. Utility substations.
8. Governmental recreational facilities.
9. Kennels – Permanent or temporary ownership, responsibility, or confinement of (4) or more dogs which are 6 months of age or older. Subject to the requirements and standards of Article VII.
10. Outdoor heating units on lots with less than one-half ($\frac{1}{2}$) acre (site plan shall show distance of neighboring dwellings not located on subject property and direction of prevailing winds).
11. Accessory buildings and uses customarily incident to any of the above conditional permitted uses.
12. Residential Storage Buildings that are not an accessory or customarily incident to an otherwise permitted or conditional use.

RESIDENTIAL DISTRICT R-2

INTENT

This district classification is designed to permit a lesser density of residential development than that provided in the "R-1" residence district classification, together with other residentially related facilities, which would serve the inhabitants of the area.

PERMITTED USES

1. Single family dwellings that meet the standards outlined in Article VII.
2. Essential services.
3. Outdoor heating units on lots with minimum one-half ($\frac{1}{2}$) acre of land (site plan shall show distance of neighboring dwellings not located on subject property and direction of prevailing winds).
4. State licensed residential care facilities for six (6) or fewer persons.
5. Foster family homes (1-4 children) and Foster group homes (5-6 children).
6. Family day care homes (1-6 children).
7. Level I – Non-commercial limited keeping of animals .
8. Home occupations complying with the conditions and limitations as described in Article VII.
9. Accessory buildings and uses customarily incident to any of the above permitted uses.
10. Residential storage buildings on otherwise vacant parcels that have the same ownership as a contiguous or adjacent parcel with an approved permitted or conditional use.
11. Open space preservation (residential clustering) in areas of the R-2 district with public sewage systems, with public water systems, or with neither public water or sewage systems, but not in areas with both public water and sewage systems. Such open space preservation development shall be in accordance with the regulations provided under Article VII, Open Space Preservation Option.

CONDITIONAL USES

NOTE: All conditional uses in R-2 district must maintain a minimum lot size that the Planning Commission considers to be in harmony with the Comprehensive Plan and is suitable for the nature and intensity of the proposed use.

1. Two or three family dwellings.
2. Accessory Dwelling Units.
3. Single family dwellings on lots without direct access to roads maintained by the Marquette County Road Commission or Michigan Department of Transportation 12 months of the year and/or don't meet the minimum frontage requirements.
4. Churches and other buildings for religious worship.
5. Group (child) day care home (7 to 12 children).
6. Primary and secondary schools.
7. Funeral, nursing or convalescent homes.
8. Governmental recreational facilities.
9. Boarding houses, lodging not more than six guests.
10. Utility substations.
11. Kennels – Permanent or temporary ownership, responsibility, or confinement of (4) or more dogs which are 6 months of age or older. Subject to the requirements and standards of Article VII.
12. Outdoor heating units on lots with less than one-half ($\frac{1}{2}$) acre (site plan shall show distance of neighboring dwellings not located on subject property and direction of prevailing winds).
13. Accessory buildings and uses customarily incident to any of the above conditional uses.
14. Residential Storage Buildings that are not accessory to or customarily incident to an otherwise permitted or conditional use.

MULTIPLE FAMILY RESIDENTIAL DISTRICT R-3

INTENT

This district classification is designed to permit the greatest density of residential uses allowed within the township, together with other residential related facilities designed to service the inhabitants of the area.

PERMITTED USES

1. Single family dwellings that meet the standards outlined in Article VII.
2. Two-family dwellings (duplexes).
3. Essential Services.
4. Outdoor heating units on lots with minimum one-half (1/2) acre of land (site plan shall show distance of neighboring dwellings not located on subject property and direction of prevailing winds).
5. State licensed residential care facilities for six (6) or fewer persons.
6. Foster family homes (1-4 children) and Foster group homes (5-6 children).
7. Family day care homes (1-6 children).
8. Level I 6 Non-commercial limited keeping of animals .
9. Home occupations complying with the conditions and limitations as described in Article VII.
10. Accessory buildings and uses customarily incident to any of the above permitted uses.
11. Residential storage buildings on otherwise vacant parcels that have the same ownership as a contiguous or adjacent parcel with an approved permitted or conditional use.
12. Open space preservation (residential clustering) in areas of the R-3 district with public sewage systems, with public water systems, or with neither public water nor sewage systems, but not in areas with both public water and sewage systems. Such open space preservation development shall be in accordance with the regulations provided under Article VII, Open Space Preservation Option.

CONDITIONAL USES

NOTE: All conditional uses in R-3 district must maintain a minimum lot size that the Planning Commission considers to be in harmony with the Comprehensive Plan and is suitable for the nature and intensity of the proposed use.

1. Multiple-family dwellings.
2. Single family dwellings on lots without direct access to roads maintained by the Marquette County Road Commission or Michigan Department of Transportation 12 months of the year and/or don't meet the minimum frontage requirements.
3. Accessory Dwelling Units
4. Condominiums and Site Condominium subject to the requirements of Article VII.
5. More than one structure designed and used for residential purposes on a single lot or parcel.
6. Community garages serving the principal residential building(s).
7. Maintenance and management building(s) to serve multiple-family dwellings.
8. Residential storage facilities for rent.
9. Primary and secondary schools.
10. Boarding and lodging houses, not more than six guests.
11. Hotels, motels, and other transient-type residential buildings.
12. Nursing, convalescent homes, orphanages, homes for the aged, indigent or handicapped, licensed by the state.
13. Churches and other buildings for religious worship.
14. Funeral homes.
15. Utility substations.
16. Governmental recreational facilities and private parks.

17. Private clubs, fraternities and lodges, excepting those of which the chief activity is a service customarily carried on as a business.
18. Child Care Center.
19. Group (child) day care home (7 to 12 children).
20. Outdoor heating units on lots with less than one-half ($\frac{1}{2}$) acre.(site plan shall show distance of neighboring dwellings not located on subject property and direction of prevailing winds).
21. Kennels ó Permanent or temporary ownership, responsibility, or confinement of (4) or more dogs which are 6 months of age or older. Subject to the requirements and standards of Article VII.
22. Accessory buildings and uses customarily incident to any of the above conditional uses.
23. Residential Storage Buildings that are not an accessory or customarily incident to an otherwise permitted or conditional use.

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MANUFACTURED HOME RESIDENTIAL DISTRICT MH-1

INTENT

To establish and preserve those areas whose principal use is, or ought to be, manufactured home dwellings. The regulations of this district are designed to permit a greater density of population and intensity of land use in those areas, which are served, by public water and sewer systems. These manufactured homes shall be placed on subdivided lots in an appropriate, safe, and sanitary and attractive environment.

PERMITTED USES

1. Manufactured homes.
2. Essential services.
3. Outdoor heating units on lots with minimum one-half (1/2) acre of land (site plan shall show distance of neighboring dwellings not located on subject property and direction of prevailing winds).
4. State licensed residential care facilities for six (6) or fewer persons.
5. Foster family homes (1-4 children) and Foster group homes (5-6 children).
6. Family day care homes (1-6 children).
7. Level I ó Non-commercial limited keeping of animals .
8. Home occupations complying with the conditions and limitations as described in Article VII
9. Accessory buildings and uses customarily incident to any of the above permitted uses.
10. Residential storage buildings on otherwise vacant parcels that have the same ownership as a contiguous or adjacent parcel with an approved permitted or conditional use.

CONDITIONAL USES

NOTE: All conditional uses in MH-1 district must maintain a minimum lot size that the Planning Commission considers to be in harmony with the Comprehensive Plan and is suitable for the nature and intensity of the proposed use.

1. Single family dwellings that meet the standards outlined in VII.
2. Accessory Dwelling Units.
3. Churches and other buildings for religious worship.
4. Group (child) day care homes (7 to 12 children).
5. Primary and secondary schools.
6. Utility substations.
7. Governmental recreational facilities.
8. Kennels ó Permanent or temporary ownership, responsibility, or confinement of (4) or more dogs which are 6 months of age or older. Subject to the requirements and standards of Article VII.
9. Outdoor heating units on lots with less than one-half (½) acre (site plan shall show distance of neighboring dwellings not located on subject property and direction of prevailing winds).
10. Accessory buildings and uses customarily incident to any of the above conditional permitted uses.
11. Residential Storage Buildings that are not an accessory or customarily incident to an otherwise permitted or conditional use.

MANUFACTURED HOUSING COMMUNITY DISTRICT MH-2

INTENT

To make provision for manufactured homes in manufactured home communities, not subdivided into individual lots, in an appropriate, safe, sanitary, and attractive environment.

PERMITTED USES

1. Manufactured housing communities (see definition) subject to the requirements as established and regulated by Act 419 of the Public Acts of 1976, as amended.
2. Essential services.
3. Outdoor heating units on lots with minimum one-half (1/2) acre of land (site plan shall show distance of neighboring dwellings not located on subject property and direction of prevailing winds).
4. State licensed residential care facilities for six (6) or fewer persons.
5. Foster family homes (1-4 children) and Foster group homes (5-6 children).
6. Family day care homes (1-6 children).
7. Level I 6 Non-commercial limited keeping of animals.
8. Home occupations complying with the conditions and limitations as described in Article VII.
9. Accessory buildings and uses customarily incident to any of the above permitted uses.
10. Residential storage buildings on otherwise vacant parcels that have the same ownership as a contiguous or adjacent parcel with an approved permitted or conditional use.

CONDITIONAL USES

NOTE: All conditional uses in MH-2 district must maintain a minimum lot size that the Planning Commission considers to be in harmony with the Comprehensive Plan and is suitable for the nature and intensity of the proposed use.

1. Outdoor heating units on lots with less than one-half ($\frac{1}{2}$) acre (site plan shall show distance of neighboring dwellings not located on subject property and direction of prevailing winds).
2. Community garages or carports serving the manufactured housing community.
3. Maintenance and management building(s) to serve manufactured housing community.
4. Primary and secondary schools.
5. Churches and other buildings for religious worship.
6. Utility substations.
7. Governmental recreational facilities and private parks.
8. Private clubs, fraternities and lodges, excepting those of which the chief activity is a service customarily carried on as a business.
9. Child Care Center.
10. Group (child) day care home (7 to 12 children).
11. Accessory buildings and uses customarily incident to any of the above conditional uses.
12. Residential Storage Buildings that are not an accessory or customarily incident to an otherwise permitted or conditional use.

MANUFACTURED HOUSING COMMUNITY DOCUMENTATION

A developer of a manufactured housing community must first demonstrate that they have all approvals and documentation required by the Michigan Manufactured Housing Commission on a site at least fifteen (15) acres in size.

RURAL RESIDENTIAL DISTRICT RR-1

INTENT

To establish and maintain an alternate residential environment predominantly for single-family dwellings in accessible rural areas in moderately low densities.

PERMITTED USES

1. Single family dwellings that meet the standards outlined in Article VII.
2. Essential services.
3. Outdoor heating units on lots with minimum one-half (1/2) acre of land (site plan shall show distance of neighboring structures not located on subject property and direction of prevailing winds).
4. State licensed residential care facilities for six (6) or fewer persons.
5. Foster family homes (1-4 children) and Foster group homes (5-6 children).
6. Family day care homes (1-6 children).
7. Level I ó Non-commercial limited keeping of animals.
8. Home occupations complying with the conditions and limitations as described in Article VII.
9. Accessory buildings and uses customarily incident to any of the above permitted uses.
10. Residential storage buildings on otherwise vacant parcels that have the same ownership as a contiguous or adjacent parcel with an approved permitted or conditional use.
11. Open space preservation (residential clustering) in accordance with the regulations provided under Article VII, Open Space Preservation Option.

CONDITIONAL USES

NOTE: All conditional uses in RR-1 district must maintain a minimum lot size that the Planning Commission considers to be in harmony with the Comprehensive Plan and is suitable for the nature and intensity of the proposed use.

1. Two family dwellings.
2. Single family dwellings on lots without direct access to roads maintained by the Marquette County Road Commission or Michigan Department of Transportation 12 months of the year and/or don't meet the minimum frontage requirements.
3. Accessory Dwelling Units.
4. Primary and secondary schools.
5. Funeral homes.
6. Group (child) day care home (7 to 12 children).
7. Nursing, convalescent homes, orphanages, homes for the aged, indigent or handicapped, licensed by the state.
8. Governmental recreational facilities.
9. Boarding houses, lodging not more than six guests.
10. Private clubs, fraternities and lodges, excepting those of which the chief activity is a service customarily carried on as a business.
11. Churches and other buildings for religious worship.
12. Utility Substations.
13. Kennels ó Permanent or temporary ownership, responsibility, or confinement of (4) or more dogs which are 6 months of age or older. Subject to the requirements and standards of Article VII.
14. Outdoor heating units on lots with less than one-half (1/2) acre (site plan shall show distance of neighboring dwellings not located on subject property and direction of prevailing winds).
15. Accessory buildings and uses customarily incident to any of the above conditional uses.
16. Residential Storage Buildings that are not an accessory or customarily incident to an otherwise permitted or conditional use.

RURAL RESIDENTIAL TWO RR-2

INTENT

To establish and maintain an alternate residential environment for single family dwelling in accessible rural area in low densities.

PERMITTED USES

1. Single family dwellings that meet the standards outlined in Article VII.
2. Essential services.
3. Outdoor heating units on lots with minimum one-half (½) acre of land (site plan shall show distance of neighboring dwellings not located on subject property and direction of prevailing winds).
4. State licensed residential care facilities for six (6) or fewer persons.
5. Foster family homes (1-4 children) and Foster group homes (5-6 children).
6. Family day care homes (1-6 children).
7. Home occupations complying with the conditions and limitations as described in Article VII.
8. Level I ó Non-commercial limited keeping of animals.
9. Level II - Traditional Agricultural activities, including hobby farms, stables, crop farms & livestock farms.
10. Accessory and residential storage buildings
11. Open space preservation (residential clustering) in accordance with the regulations provided under Article VII, Open Space Preservation Option.

CONDITIONAL USES

NOTE: All conditional use in RR-2 district must maintain a minimum lot size that the Planning Commission considers to be in harmony with the Comprehensive Plan and is suitable for the nature

and intensity of the proposed use.

1. Residential structures with two, three, or four dwelling units.
2. Accessory Dwelling Units.
3. Single family dwellings on lots without direct access to roads maintained by the Marquette County Road Commission or Michigan Department of Transportation 12 months of the year and/or don't meet the minimum frontage requirements.
4. Outdoor heating units on lots with less than one-half (1/2) acre (site plan shall show distance of neighboring dwellings not located on subject property and direction of prevailing winds).
5. Group (child) day care homes (7-12 children) (see definition).
5. Primary and secondary schools.
6. Nursing or convalescent homes orphanages, homes for the aged, indigent or handicapped, licensed by the state.
7. Tourist and resort facilities.
8. Governmental recreational facilities.
9. Churches and other buildings for religious worship.
10. Private clubs, fraternities and lodges, excepting those of which the chief activity is a service customarily carried on as a business.
11. Boarding Kennels
12. Utility Substations.
13. Kennels ó Permanent or temporary ownership, responsibility, or confinement of (4) or more dogs which are 6 months of age or older. Subject to the requirements and standards of Article VII. (Parcels of 10 acres or less)
14. Kennels ó Permanent or temporary ownership, responsibility, or confinement of (6) or more dogs which are 6 months of age or older. Subject to the requirements and standards of Article VII (Parcels of 10 acres or more).

LAKE RESIDENTIAL DISTRICT (LR)

INTENT

This district is intended to establish and maintain for predominantly residential and recreational use, those areas with waterfront access which, because of their natural characteristics and accessibility, are suitable for these developments.

PERMITTED USES

1. Single family dwellings that meet the standards outlined in Article VII.
2. Seasonal dwellings, which meet county health, safety, and building codes.
3. Temporary use of campers or camp sites the density of which on any particular subdivided, platted lot shall not exceed four (4) per acre, or four (4) per lot whichever is less; no temporary use of campers or camp sites shall remain for a period or periods totaling more than two weeks per calendar year.
4. Essential services.
5. Outdoor heating units on lots with minimum one-half (1/2) acre of land (site plan shall show distance of neighboring dwellings not located on subject property and direction of prevailing winds).
6. State licensed residential care facilities for six (6) or fewer persons.
7. Foster family homes (1-4 children) and Foster group homes (5-6 children).
8. Family day care homes (1-6 children).
9. Level I ó Non-commercial limited keeping of animals.
10. Home occupations complying with the conditions and limitations as described in Article VII.
11. Accessory buildings and uses customarily incident to any of the above permitted uses.
12. Residential storage buildings on otherwise vacant parcels that have the same ownership as a contiguous or adjacent parcel with an approved permitted or conditional use.
13. Open space preservation (residential clustering) in accordance with the regulations provided under Article VII, Open Space Preservation Option.

CONDITIONAL USES

NOTE: All conditional uses in LR district must maintain a minimum lot size that the Planning Commission considers to be in harmony with the Comprehensive Plan and is suitable for the nature and intensity of the proposed use.

1. Single family dwellings on lots without direct access to roads maintained by the Marquette County Road Commission or Michigan Department of Transportation 12 months of the year and/or don't meet the minimum frontage requirements requiring a Conditional Use Permit.
2. Accessory Dwelling Units.
3. Governmental recreational facilities.
4. Churches and other buildings for religious worship.
5. Resorts and lodges with a minimum side yard setback of forty (40) feet and complying with the minimum lot size per dwelling unit standards for this district.
6. Marinas, boat liveries, bathing facilities, fishing piers, bait shops, and associated facilities, when located and designed to not interfere with, degrade, or decrease the enjoyment of, existing uses of nearby land.
7. Group (child) day care home (7 to 12 children).
8. Privately owned campgrounds limited to four (4) campsites per acre and minimum side yard setback of forty (40) feet.
9. Kennels ó Permanent or temporary ownership, responsibility, or confinement of four (4) or more dogs which are 6 months of age or older. Subject to the requirements and standards of Article VII.
10. Outdoor heating units on lots with less than one-half ($\frac{1}{2}$) acre (site plan shall show distance of neighboring dwellings not located on subject property and direction of prevailing winds).
11. Accessory buildings and uses customarily incident to any of the above conditional uses.
12. Residential Storage Buildings that are not an accessory or customarily incident to an otherwise permitted or conditional use.

SEASONAL DWELLING DISTRICT –SD

INTENT

The district is intended to establish and maintain for seasonal use those areas, which because of their natural characteristics and accessibility are suitable for limited development, and public services provided are limited.

PERMITTED USES

1. Seasonal dwellings, which meet county health, safety, and building codes.
2. Outdoor heating units on lots with minimum one-half (½) acre of land (site plan shall show distance of neighboring dwellings not located on subject property and direction of prevailing winds).
3. Home occupations complying with the conditions and limitations as described in Article VII.
4. Level I ó Non-commercial limited keeping of animals .

CONDITIONAL USES

NOTE: All conditional uses in SD district must maintain a minimum lot size that the Planning Commission considers to be in harmony with the Comprehensive Plan and is suitable for the nature and intensity of the proposed use.

1. Resorts and lodges, with a minimum side yard setbacks of forty (40) feet, when located and designed to not interfere with, degrade, or decrease the enjoyment of existing uses of nearby land, with the understanding that public services will be limited.
2. Single family dwellings on lots with or without direct access to roads maintained by the Marquette County Road Commission or Michigan Department of Transportation 12 months of the year and/or don't meet the minimum frontage requirements.
3. Accessory Dwelling Units.
4. Outdoor heating units on lots with less than one-half (1/2) acre (site plan shall show distance of neighboring dwellings not located on subject property and direction of prevailing winds).
5. Residential Storage Buildings prior to main structures.

COMMERCIAL DISTRICT C-1

INTENT

To establish and preserve areas for those commercial facilities which are especially useful in close proximity to residential areas, while minimizing the undesirable impact on the neighbors, which they serve.

NOTE: All of the following uses are subject to the condition that no buildings or uses of any lot within this district shall be serviced by more than two (2) entrance or exit points along the length of that common boundary; the width of each of these two (2) entrances/exit points shall not exceed twenty-five (25) feet individually or fifty (50) feet totally.

PERMITTED USES

In a C-1, Commercial District the parenthetical number (000000) listed by each use is taken from the North American Industry Classification System (NAICS), 1997 published by the U.S. Office of Management and Budget and is intended to provide additional guidance regarding the type and nature of uses intended under each heading. However, where it is determined by the Planning Commission that the effects of a listed use may tend to extend beyond the site, then conditional use approval shall be required.

1. Offices of business, professional (621210) or financial organizations (522110)(522120) (522130) of individuals and or labor unions, civic, social, fraternal and other non-profit organizations.
2. Food and beverage stores (445), drug stores (446110), restaurants (7221), taverns (722410).
3. Any general recognized retail business (44-45) which supplies and such commodities as groceries (4451), meats (445210), dairy products (44529), baked goods (445291), or other foods (445299), dry goods (442299)(452990), and notions (453220) or hardware (444130) where no mass assembly other than "knock down" type, i.e. bicycles, wheelbarrows, and lawn mowers, etc.
4. Any personal service establishment which performs such services as, but not limited to, shoe repair (811430), tailor shops (811490), interior decorators (541410), photographers (541921)(711510), self-service laundries (812310) where no dry cleaning or dyeing takes place on the premises.
5. Funeral homes (812210).

6. Child care centers (624410).
7. Outdoors heating units on lots with minimum one-half ($\frac{1}{2}$) acre of land (site plan shall show distance of neighboring dwellings not located on subject property and direction of prevailing winds).
8. Essential Services.
9. Accessory building and uses customarily incident to any of the foregoing, not including any manufacturing or treatment activities.

CONDITIONAL USES

NOTE: All conditional uses in C-1 district must maintain a minimum lot size that the Planning Commission considers to be in harmony with the Comprehensive Plan and is suitable for the nature and intensity of the proposed use.

1. Business establishments such a photo processing (812921) and dry cleaners (812320) which chemicals in the processing of materials provided adequate disposal and handling of those chemicals is provided for, as specified in "OSHA" and/or "EPA" standards.
2. Boarding Kennels (112990)
3. Car washes (811192) when completely enclosed in a building and having adequate effluent disposal capability.
4. Indoor (713940) and outdoor recreational facilities.
5. Sales of new (441110) and used (441120)(441221) motor vehicles, campers, motor homes, recreational vehicles (441210), boats (441222), and other similar recreational types and motor vehicle rental, and manufactured homes (453930).
6. Utility substations.
7. Storage Unit Buildings - Mini Storage (493190)
8. Outdoor heating units on lots with less than one-half ($\frac{1}{2}$) acre (site plan shall show distance of neighboring structures not located on subject property and direction of prevailing winds).
9. Kennels – Permanent or temporary ownership, responsibility, or confinement of (4) or more dogs which are 6 months of age or older. Subject to the requirements and standards of Article VII

COMMERCIAL DISTRICT C-2

INTENT

To establish and preserve general commercial areas consisting of shopping centers and commercial strips where customers reach individual business establishments primarily by automobile.

NOTE: The following use authorizations do not include any uses which emit any fumes, vibrations, smoke or noise, except the noise of vehicles coming or going, which is detectable from off the premises by the senses of normal human beings, and include the requirement that all operations, including materials or supplies storage, except merchandise displayed for sale, are conducted in a fully enclosed building or, if permitted by this ordinance, entirely behind walls or fences in a minimum of six (6) feet and a maximum of twenty (20) feet tall, which conceal them from visibility from off the lot. All uses or solvents and chemicals must comply with EPA/ OSHA standards.

PERMITTED USES

In a C-2, Commercial District the parenthetical number (000000) listed by each use is taken from the North American Industry Classification System (NAICS), 1997 published by the U.S. Office of Management and Budget and is intended to provide additional guidance regarding the type and nature of uses intended under each heading. However, where it is determined by the Planning Commission that the effects of a listed use may tend to extend beyond the site, then conditional use approval shall be required.

1. Offices of business, professional (621210) or financial organizations (522110)(522120) (522130) of individuals and or labor unions, civic, social, fraternal and other non-profit organizations.
2. Food and beverage stores (445), drug stores (446110), restaurants (7221), taverns (722410).
3. Any general recognized retail business (44-45) which supplies and such commodities as groceries (4451), meats (445210), dairy products (44529), baked goods (445291), or other foods (445299), dry goods (442299)(452990), and notions (453220) or hardware (444130) where no mass assembly other than "knock down" type, i.e. bicycles, wheelbarrows, and lawn mowers, etc.
4. Any personal service establishment which performs such services as, but not limited to, shoe repair (811430), tailor shops (811490), interior decorators (541410), photographers (541921)(711510), self-service laundries (812310) where no dry cleaning or dyeing takes place on the premises.

5. Funeral homes (812210).
6. Child care centers (624410).
7. Outdoors heating units on lots with minimum one-half ($\frac{1}{2}$) acre of land (site plan shall show distance of neighboring dwellings not located on subject property and direction of prevailing winds).
8. Hotels and motels (721110).
9. Private clubs, fraternal or lodge hall, and other membership organizations (813410), theaters (512131), assembly halls, and similar places of assembly (531120) when conducted completely within enclosed buildings.
10. Commercial printing (511199) and newspaper offices (511110).
11. Business (611410) or private schools.
12. Car washes (811192) when completely enclosed in a building and having adequate effluent disposal capability.
13. Indoor recreational facilities (713940).
14. Enclosed wholesale warehouse (493110)
15. Hospitals (622) and nursing homes (623110).
16. Sales of new (441110) and used (441120)(441221) motor vehicles, campers, motor homes, recreational vehicles (441210), boats (441222), and other similar recreational types and motor vehicle rental, and manufactured homes (453930).
17. Storage Unit buildings – Mini Storage (112990)
18. Essential services.
19. Accessory buildings and uses customarily incident to any of the foregoing, not including any manufacturing or treatment activities.

CONDITIONAL USES

NOTE: All conditional uses in C-2 district must maintain a minimum lot size that the Planning Commission considers to be in harmony with the Comprehensive Plan and is suitable for the nature and intensity of the proposed use.

1. Boarding Kennels (112990).
2. Gasoline service stations (447) for sale of gasoline, oil and minor accessories (447110) (447190), which may include major automotive servicing and mechanical repairs providing that: Entrances and exits shall not be less than twenty-five (25) feet from any street intersection or residential district. The lot shall be so arranged that ample space is available for motor vehicles, which are required to wait. Motor engine repairs, steam, cleaning and under coating, when conducted on the site, shall be within a completely enclosed building. The storage of damaged or wrecked automobiles on the site shall be obscured from public view and no vehicle of any kind shall be stored in the open for a period exceeding one (1) week. No salvage of auto or machinery parts is permitted. Gasoline pumps, air and water hose stands, and other appurtenances shall be set back in minimum of fifteen (15) feet from all street right of way lines.
3. Auto body and auto paint shops (811121) when in a fully enclosed building, complying with EPA/OSHA standards and subject to the same conditions as Conditional Use #2.
4. Outdoor recreational facilities.
5. Contractor storage yards for equipment and building supplies.
6. Businesses for the retail and wholesale sales of building materials (444110).
7. Light fabrications and assembly when conducted completely within an enclosed building.
8. Utility substations and utility exchanges.
9. Salvage or Recycling facilities (421930)(562920) as outlined in Article VII.
10. Outdoors heating units on lots with less than one-half ($\frac{1}{2}$) acre (site plan shall show distance of neighboring structures not located on subject property and direction of prevailing winds).
11. Kennels – Permanent or temporary ownership, responsibility, or confinement of (4) or more dogs which are 6 months of age or older. Subject to the requirements and standards of Article VII.

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PUBLIC AREA DISTRICT PA-1

INTENT

To establish and preserve land use for appropriate township/public purposes.

PERMITTED USES

1. Any governmental proprietary function conducted by any governmental agency, which is authorized to conduct such function except such uses as constitutes a nuisance in the place where conducted.
2. Outdoor heating units on lots with minimum one-half (1/2) acre of land (site plan shall show distance of neighboring dwellings not located on subject property and direction of prevailing winds).
3. Accessory and residential storage buildings.

CONDITIONAL USES

NOTE: All conditional uses in PA-1 district must maintain a minimum lot size that the Planning Commission considers to be in harmony with the Comprehensive Plan and is suitable for the nature and intensity of the proposed use.

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RECREATION/RESOURCE PRODUCTION RRP

INTENT

To establish and maintain low intensity use those areas, which, because of their location, accessibility and natural characteristics, are suitable, wide a wide range of agricultural, forestry, and recreational uses.

PERMITTED USES

1. The growing and harvesting of timber under a scientific program of forest management.
2. Traditional Agricultural activities, including hobby farms, stables, crop farms & livestock farms.
3. Seasonal dwellings.
4. Campground, day camps, parks, sports facilities, trails.
5. Single family dwellings that meet the standards outlined in Article VII.
6. Level I ó Non-commercial limited keeping of animals.
7. Level II - Traditional Agricultural activities, including hobby farms, stables, crop farms & livestock farms.
8. Essential services.
9. Outdoor heating units on lots with minimum one-half (½) acre of land (site plan shall show distance of neighboring dwellings not located on subject property and direction of prevailing winds).
10. State licensed residential care facilities for six (6) or fewer persons.
11. Foster family homes (1-4 children) and Foster group homes (5-6 children).
12. Family day care homes (1-6 children).
13. Home occupations complying with the conditions and limitations as described in Article VII.
14. Accessory and residential storage buildings.

15. Open space preservation (residential clustering) in accordance with the regulations provided under Article VII, Open Space Preservation Option.

CONDITIONAL USES

NOTE: All conditional uses in RRP district must maintain a minimum lot size that the Planning Commission considers to be in harmony with the Comprehensive Plan and is suitable for the nature and intensity of the proposed use.

1. Single family dwellings on lots without direct access to roads maintained by the Marquette County Road Commission or Michigan Department of Transportation 12 months of the year and/or don't meet the minimum frontage requirements requiring a Conditional Use Permit.
2. Accessory Dwelling Units.
3. Churches and other buildings for religious worship.
4. Group (child) day care home (7 to 12 children).
5. Trails/tracks for motorcycles, dune buggies, and snowmobiles, and similar types of vehicles.
6. Tourist and resort facilities.
7. Hunting preserves on lots of forty (40) acres or more.
8. Shooting ranges.
9. Personal use landing fields.
10. Boarding Kennels.
11. Utility substations.

12. Outdoor heating units on lots with less than one-half ($\frac{1}{2}$) acre (site plan shall show distance of neighboring dwellings not located on subject property and direction of prevailing winds).
13. Kennels ó Permanent or temporary ownership, responsibility, or confinement of (4) or more dogs which are 6 months of age or older. Subject to the requirements and standards of Article VII (Parcels 10 acres or less).
14. Kennels ó Permanent or temporary ownership, responsibility, or confinement of (6) or more dogs which are 6 months of age or older. Subject to the requirements and standards of Article VII (Parcels 10 acres or more).

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OPEN SPACE DISTRICT OS

INTENT

To establish and preserve as open space those lands which, because of their soil drainage, topographical characteristics, lack of accessibility, or because they are important wildlife habitats, are not suitable for development.

PERMITTED USES

1. Growing and harvesting of timber and bush fruit, traditional agricultural activities, and wildlife management.
2. Public and private conservation areas and structures for the development, protection and conservation of watersheds, water, soil, rangelands, and forests.
3. Level I ó Non-commercial limited keeping of animals.
4. Level II - Traditional Agricultural activities, including hobby farms, stables, crop farms & livestock farms.
5. Outdoor heating units on lots with minimum one-half (1/2) acre of land (site plan shall show distance of neighboring dwellings not located on subject property and direction of prevailing winds).
6. Accessory buildings and uses customarily incident to any of the above permitted uses.
7. Residential storage buildings on otherwise vacant parcels that have the same ownership as a contiguous or adjacent parcel with an approved permitted or conditional use.

CONDITIONAL USES

NOTE: All conditional uses in OS district must maintain a minimum lot size that the Planning Commission considers to be in harmony with the Comprehensive Plan and is suitable for the nature and intensity of the proposed use.

1. Utility substations.
2. Resorts, lodges, and other recreational uses, where such development can be accomplished without significant adverse environmental impact.
3. Essential services.
4. Outdoor heating units on lots with less than one-half ($\frac{1}{2}$) acre (site plan shall show distance of neighboring dwellings not located on subject property and direction of prevailing winds).
5. Single family dwellings on lots with or without direct access to roads maintained by the Marquette County Road Commission or Michigan Department of Transportation 12 months of the year and/or don't meet the minimum frontage requirements.
6. Accessory Dwelling Units.
7. Kennels ó Permanent or temporary ownership, responsibility, or confinement of (4) or more dogs which are 6 months of age or older. Subject to the requirements and standards of Article VII.
8. Accessory buildings and uses customarily incident to any of the above conditional uses.
9. Residential Storage Buildings that are not an accessory or customarily incident to an otherwise permitted or conditional use.

INDUSTRIAL DISTRICT I-1

INTENT

This district is designed for manufacturing, assembling and fabricating businesses and commercial activities, which cause a minimum of adverse effect beyond the boundaries of the site upon which they are located.

NOTE: Any of the below uses, if required, must have direct access to roadways meeting Marquette County Road Commission and/or Michigan Department of Transportation standards.

PERMITTED USES

1. Industrial manufacturing operations for the servicing, compounding, assembling or treatment of articles or merchandise; which do not emanate noise, smoke, dust, dirt, noxious gases, glare, heat, vibration or psychological ill effects which would be a nuisance or annoyance to owners or occupants of surrounding premises and which are wholly contained within fully enclosed buildings subject to the following outdoor storage conditions:
 - A. Outdoor storage in the rear yard must not exceed 20% of the square foot area of the principal buildings upon the premises and which must be screened from adjoining premises of a preceding use district classification and from public streets by a solid fence, wall or natural screening adequate for the purpose.
 - B. Such other outdoor storage or activities as may be allowed under a variance permit by the Board of Appeals; which may be granted by said Board, within its discretion, the same would not be a nuisance or annoyance to adjoining property owners and

would be in accordance with the purpose of this zoning classification to create an industrial zone for activities which produce a minimum of adverse effect on adjoining premises and are compatible with one another and do not require large land areas for isolation or protection of adjoining premises or activities.

C. Delivery operations to and from said business.

2. Office of businesses.
3. Restaurants, drive-in restaurants, taverns.
4. Any generally recognized retail or wholesale business.
5. Any personal service establishment.
6. Commercial printing establishments.
7. Business, private and trade schools.
8. Indoor recreational facilities.
9. Sales of new and used motor vehicles, campers, motor and mobile homes, recreational vehicles, boats, and other similar recreational types and motor vehicle rental.
10. Lumber yards for retail and wholesale sales.
11. Car washes, auto body and auto paint shops when in a fully enclosed building and complying with EPA/OSHA standards.
12. Enclosed Wholesale warehouses.
13. Essential services.
14. Storage Unit building – Mini Storage
15. Accessory buildings and uses customarily incident to any of the foregoing.

CONDITIONAL USES

NOTE: All conditional uses in I-1 district must maintain a minimum lot size that the Planning Commission considers to be in harmony with the Comprehensive Plan and is suitable for the nature and intensity of the proposed use.

1. Motor freight warehousing business and terminals.
2. Boarding Kennels
3. Wineries, Breweries & Food Processing.
4. Above ground gasoline and petroleum storage (setback and diking restrictions will apply as regulated by the State of Michigan).
5. Ready-mix concrete plants.
6. Public utility substations.
7. Utility storage and maintenance facilities subject to outdoor storage conditions as expressed under permitted uses, paragraph (1), a,b, and c.
8. Salvage or Recycling facilities as outlined in Article VII.
9. Any other use that is harmony with the intent of this district as determined by the Zoning Administrator.

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INDUSTRIAL DISTRICT I-2

INTENT

This district is designed for manufacturing, servicing, compounding, assembling and commercial business, which requires greater outdoor storage or activities and which, accordingly, require larger site and may have a greater adverse effect on adjacent properties and the uses permitted in the preceding classifications.

PERMITTED USES

1. Industrial manufacturing operations for the servicing, compounding, assembling or treatment of articles or merchandise; which do not emanate noise, smoke, odors, dust, dirt, noxious gases, glare, heat, vibration or psychological ill effects which would be a nuisance or annoyance to owners or occupants or surrounding premises and which are wholly contained within fully enclosed buildings subject to the following outdoor storage conditions:
 - A. Outdoor storage in the rear yard must not exceed 20% of the square foot area of the principle buildings upon the premises and which must be screened from adjoining premises of a preceding use district classification and form public streets by a solid fence, wall or natural screening adequate for the purpose.
 - B. Such other outdoor storage or activities as may be allowed under a variance permit by the Board of Appeals; which may be granted by said Board, within its discretion, the same would not be a nuisance or annoyance to adjoining property owners and would be in accordance with the purpose of this zoning classification to create an industrial zone for activities which produced in minimum of adverse effect on adjoining premises and are compatible with one another and do not require large land areas for isolation or protection of adjoining premises or activities.
 - C. Delivery operations to and from said business.
2. Offices of businesses, professional or financial organization.
3. Industrial manufacturing operations for the servicing, compounding, assembling or treatment of articles or merchandise which do not emanate noise, smoke, odor, dust, dirt, noxious gases, glare, hear vibration or psychological ill effects to such an extent as will be a nuisance or annoyance to owners or occupants of surrounding premises and which do not involve outdoor storage or activities occupying more than 50% of the square foot area of the principal building located upon the premises.
4. Restaurants, drive-in restaurants, taverns.
5. Any generally recognized retail or wholesale business.
6. Any personal service establishment.

7. Commercial printing establishments.
8. Business, private and trade schools.
9. Sales of new and used motor vehicles, campers, motor and mobile homes, recreational vehicles, boats and other similar recreational types and motor vehicle rental.
10. Lumber yards for retail and wholesale sales.
11. Car washes, auto body and auto paint shops when in a fully enclosed building and complying with EPA/OSHA standards.
12. Motor freight warehousing business or terminals.
13. Above ground gasoline and petroleum storage (setbacks and diking restrictions will apply as regulated by the State Of Michigan).
14. Ready-mix concrete plants, including concrete block manufacturing.
15. Mechanical work processing operations, i.e. sawmills.
16. Storage yards for machinery, truck, or equipment in operating condition, provided adequate screening is installed and maintained, screening the same from adjoining premises and public highways.
17. Wineries, Breweries & other Food Processing.
18. Essential services.
19. Accessory buildings and uses customarily incident to any of the foregoing, not including any manufacturing or treatment activities.

CONDITIONAL USES

NOTE: All conditional uses in I-2 district must maintain a minimum lot size that the Planning Commission considers to be in harmony with the Comprehensive Plan and is suitable for the nature and intensity of the proposed use.

1. Asphalt plants complying with EPA/OSHA standards.
2. Boarding Kennels
3. Wood preservation facilities.
4. Utility substations.
5. Salvage or Recycling facilities as outlined in Article VII.
6. Sexually Oriented Business as outlined in Article VII.
7. Any other use that is in harmony with the intent of this district as determined by the Zoning Administrator.

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ARTICLE V

AREA, HEIGHT AND PLACEMENT REGULATIONS

GENERAL AREA REGULATIONS

All lots of record created after the date of adoption of this ordinance shall comply with the minimum lot size specified for the district. The minimum lot size for residential use in all districts, except MH-2 and R-3, is per dwelling unit. In the MH-2 district, the minimum lot size refers to the entire mobile home park.

In addition to the required lot minimums, the R-3 districts are also subject to a maximum floor area ratio of 25%.

Minimum lot size and width regulations do not apply to any non-conforming lot of record created prior to the effective date of this ordinance, providing the lot actually exists as shown or described. No vested right shall arise to the property owner for any parcel created in violation of this Forsyth Township Zoning Ordinance. Lot widths shall be measured at the front setback line. The maximum lot depth to width ratio for all lots created under this ordinance shall not exceed four to one (4:1).

**REGULATIONS FOR GROUND COVERAGE
FLOOR AREA RATION AND LANDSCAPE OPEN SPACE**

DISTRICT	MAX % OF GROUND COVERAGE	MAX % OF FLOOR AREA RATIO	MIN % OF LANDSCAPE OPEN SPACE
R-1, R-2, MH-1, RR-2 , LR, SD	35	Not Applicable	Not Applicable
R-3	35	25	30
MH-2, PA, RRP, OS	Not Applicable	Not Applicable	Not Applicable
C-1, C-2	40	30	30
I-1, I-2	40	40	40

GENERAL HEIGHT REGULATIONS

All structures erected or altered after the date of adoption of this ordinance shall comply with the height regulations specified for the district. Exceptions to the height requirements include:

1. Those purely ornamental in purpose such as church spires, belfries, domes, ornamental towers, flagpoles and monuments.
2. Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, radio towers, television structures, and cooling towers.

Any radio, television or transmission tower shall be located so that the distance from the base of the tower to nearest property line shall be fifty (50) feet greater than the height of the tower.

3. Public Utility structure.
4. Agriculture related structures such as barns, silos, elevator and the like.

HEIGHT REGULATIONS

DISTRICT	MAX HEIGHT OF STURUCTURE	MAX HEIGHT OF STRUCTURE STORIES
R-1, R-2, R-3, RR-1, RR-2, LR, SD, C-1, C-2	35 feet	2 ½
MH-1	15 feet	1 ½
MH-2 (For administration & services bldgs)	35 feet	2 ½
MH-2 (For each lot within the park)	15 feet	1
PA	None	None
RRP, OS	A	None
I-1, I-2	A	2 ½

A – Height and any point on a structure shall not exceed the horizontal distance to any lot line.

GENERAL PLACEMENT REGULATIONS

Except as otherwise specifically provided in this ordinance, no structure shall be erected or maintained between any lot line and the pertinent setback distance listed on the SCHEDULE OF REGULATIONS. Where there is no rear lot line as otherwise defined herein, the requirement rear setback distance shall be measured from a line through the point on the lot most distant from any front lot line of the same lot, which line shall be perpendicular to a line from said point to the closest point on any front lot line. If there is more than one such line, the rear setback shall be maintained from any one of them at the option of the owner. Where a lot fronts on two streets within thirty (30) degrees of being parallel, but not at their intersection, no rear setback is required. The side setback requirement applies to a side lot line. All distances are measured in feet. Where a distinct boundary line divides a lot into two districts, it shall be treated as a lot line for purpose of the setback provisions of this ordinance. No structure, building or part thereof located in any commercial or industrial district abutting the boundary line of any residential district shall be erected, constructed, altered or maintained unless in accordance with the Boundary Transitional Yard Requirement of thirty feet (30').

SCHEDULE OF REGULATIONS

ZONING MINIMUM LOT SIZE		MAXIMUM NO. OF ROOMS	MINIMUM LOT WIDTH (feet)	MINIMUM SETBACKS (feet)						
DISTRICT	SINGLE	DUPLEX		MULTIPLE FAMILY	main structure			storage bldgs & accessory structures (K)		
	(square feet)				FRONT*	SIDE	REAR	FRONT*	SIDE	REAR
R-1	10,000	10,000		80	25	10	25	25 (L)	6 (H)	10
R-2	10,000 (A)	15,000		100	25	10	25	25 (L)	6 (H)	10
	20,000 (B)	25,000		100	25	10	25	25 (L)	6 (H)	10
	30,000 (C)	35,000		125	25	10	25	25 (L)	6 (H)	10
	40,000 (D)	45,000		150	25	40	35	25 (L)	6 (H)	10
R-3 (G)	12,000 (A,G)	12,000 (A,G)	(G -a, d)	100	25	10	25	25 (L)	6 (H)	10
	35,000 (B,C)	35,000 (B,C)	(G - b, d)	125	25	10	25	25 (L)	6 (H)	10
	50,000 (D)	50,000 (B,C)	(G -c, d)	150	25	20	35	25 (L)	6 (H)	15
MH-1	10,000			80	25	10	20	25 (L)	6 (H)	10
MH-2 (E)	10 ACRES			NONE	30	30	30	25 (L)	30 (H)	30
MH-2 (F)	4,000			40	10	10	10	25 (L)	10 (H)	10
RR-1	40,000			150	25	20	35	25	20 (H)	35
RR-2	5 ACRES			300	25	20	35	25	20	35
LR	1 ACRE			150	35	20	30	25	12 (H)	30
SD	1 ACRE			150	25	20	30	35	6 (H)	30
C-1 (F)	NONE			NONE	30	5 (I, J)	20 (J)	30	5	20
C-2	NONE			NONE	40	5 (I, J)	20 (J)	40	5	20
PA	N.A.			N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
RRP	10 ACRES			400	30	30	30	30	30	30
OS	N.A.			N.A.	30	30	30	30	30	30
I-1 (F)	NONE			NONE	40	5 (J)	20	40	5	30
I-2 (F)	NONE			NONE	40	5 (J)	20	40	5	30

*Where a property abuts a water body and a road, the front setback shall be measured from the lot line that abuts the water body. The lot line that abuts the road shall serve as the line from which either the side or rear setback is measured, as appropriate.

NOTES TO SCHEDULE OF REGULATIONS

- A. With public water and sewage systems.
- B. With public sewage systems.
- C. With public water systems.
- D. With neither public water nor sewage systems.
- E. Standard only applies to lots or manufactured homes not within manufactured housing communities. Manufactured housing and manufactured housing communities (see definition) are subject to the requirements as established and regulated by Act 419 of the Public Acts of 1976, as amended.
- F. Access to Commercial or Industrial lots with frontage on roadways with speed limits forty-five (45) miles per hour, or higher, are subject to the following regulations:
 - 1. Accelerations and deceleration lanes will be provided at all points of entry and exit to the lots, as required by Marquette County Road Commission.
 - 2. There will not be more than one entry/exit per six hundred (600) feet of road frontage.
 - 3. Access to Commercial/Industrial developments will be only from Michigan Department of Transportation designated Class "A" roads.
- G. In the R-3 district only:

For the purpose of computing the maximum number of rooms per lot the following room assignments shall control:

Efficiency	1 room
One bedroom	2 rooms
Two bedroom	2 rooms
Three or more bedrooms	4 rooms

Plans presented showing 1, 2, or 3 bedroom units and including a "den," library," or other extra room shall count such extra rooms as bedrooms for the purpose of computing density. The area used for computing density shall be the total site area exclusive

of any dedicated public right-of-way of either interior or bounding roads.

In the R-3 district, the total number of rooms (not including kitchen, dining and sanitary facilities) shall not be more than the area of the parcel, in square feet, divided by:

- a. One thousand five hundred (1,500)
- b. Two thousand five hundred (2,500)
- c. Four thousand one hundred fifty (4,150). All units shall have at least one (1) living room and one (1) bedroom, except that not more than ten (10) percent of the units may be of an efficiency apartment type.
- d. Where there is more than one principal structure (ex. Rental units, apartment bldgs.) a minimum of 20 feet shall be maintained between principal structures.

- H. A storage or accessory building shall not exceed eighteen (18) feet in height as measured from the floor to the peak.
 - 1. If the building meets the definitions and requirements of an accessory dwelling unit, the height limit is twenty-six (26) feet as measured from the floor to the peak.
- I. The side yard requirements for the C-1 or C-2 district may be eliminated under the following conditions:
 - 1. The side walls meet Marquette County building codes requirements for separation rating.
 - 2. The zoning of the adjacent property is C-1 or C-2.
- J. In C-1, C-2, I-1, I-2 districts abutting an inland lake, river, or stream a minimum setback from said water will be:
 - 1. Seventy-five (75) feet for C-1 and C-2 districts.
 - 2. One hundred (100) feet for I-1 and I-2 districts.
- K. An accessory building, unless attached and structurally made a part of the principal building/structure, shall not be closer than ten (10) feet to any other building/structure on the lot or parcel (R-1, R-2, R-3, MH-1, MH-2, RR-1, RR-2, LR, SD, OS, & RRP).
 - 1. Exemptions will be made for small storage structures under 6' feet high and 50 sq ft or less in size.
- L. Accessory structures shall not be placed in the front yard setback area (closer to the front lot line than the principal structure).

ARTICLE VI OFFICIAL ZONING MAPS

The zoning districts, as provided in Article IV of this ordinance are bounded and defined on maps entitled, "Official Zoning Maps of Forsyth township, Marquette county, Michigan", dated as as amended. The location and boundaries of the zoning districts established by this ordinance are set forth on these zoning maps which accompany this ordinance and which maps, with all notations, reference, and other information shown thereon, are incorporated therein and are as much a part of the ordinance as if fully described and set forth herein.

IDENTIFICATION OF OFFICIAL ZONING MAPS

The official zoning maps shall be identified by the signature of the Township Supervisor, attested to by the Township Clerk. The official zoning maps shall be located in the office of the Township Clerk and available for examination.

INTERPRETATION OF DISTRICT BOUNDARIES

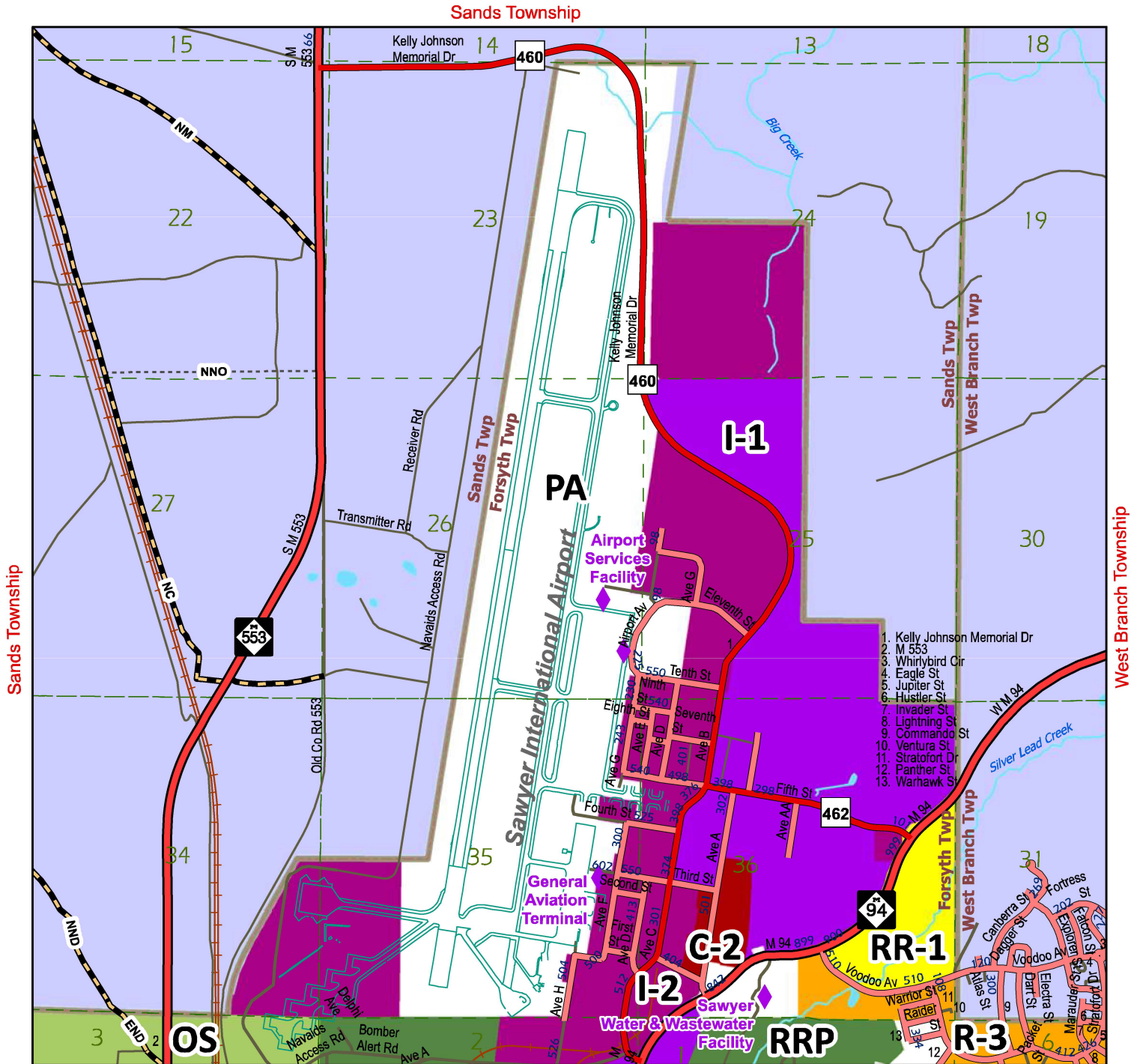
Except where specifically designated on the official zoning maps, the zoning district boundary lines are intended to follow lot lines, the center lines of streets or alleys, the center line of creeks, streams, or rivers, the center lines of streets or alleys projected, center lines of railroad right-of-ways, section lines, one-quarter section lines, one-sixteenth section lines, or a corporate limit line, all as they existed at the time of the enactment of this ordinance, as subsequently modified and designated as such boundary line. Where a district boundary does not coincide with any of the above lines, the district boundary lines shall be dimensioned on the official zoning maps. Where, due to the scale lack of detail or illegibility of the zoning map, there is any uncertainty, contradiction or conflict as to the intended location of any zoning district boundary as shown

thereon, the Zoning Administrator shall make an interpretation of said map upon request of any person. Any person aggrieved by any such interpretation may appeal such interpretation to the Zoning Board of Appeals. The zoning Board of Appeals, in interpreting the zoning maps or deciding any appeal, shall apply the following standards:

- A. Zoning district boundary lines are intended to follow lot lines, or be parallel or perpendicular thereto, or along the centerlines of alleys, streets, right-of-ways or watercourses, unless such boundary lines are fixed by dimensions shown on the zoning maps.
- B. Where zoning districts boundary lines are so indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundary lines.
- C. Where a zoning district boundary line divides a lot, the location of any such zoning district boundary line, unless indicated by dimensions shown on the zoning maps, shall be determined by the use of the map scale shown thereon.
- D. If, after the application of the foregoing rules, uncertainty still exists as to the exact location of a zoning district boundary line, the boundary line shall be determined in a reasonable manner, considering the history of uses of property and the history of zoning ordinances and amendments in Forsyth Township, as well as other relevant facts.

K.I. Sawyer (Airport Area)

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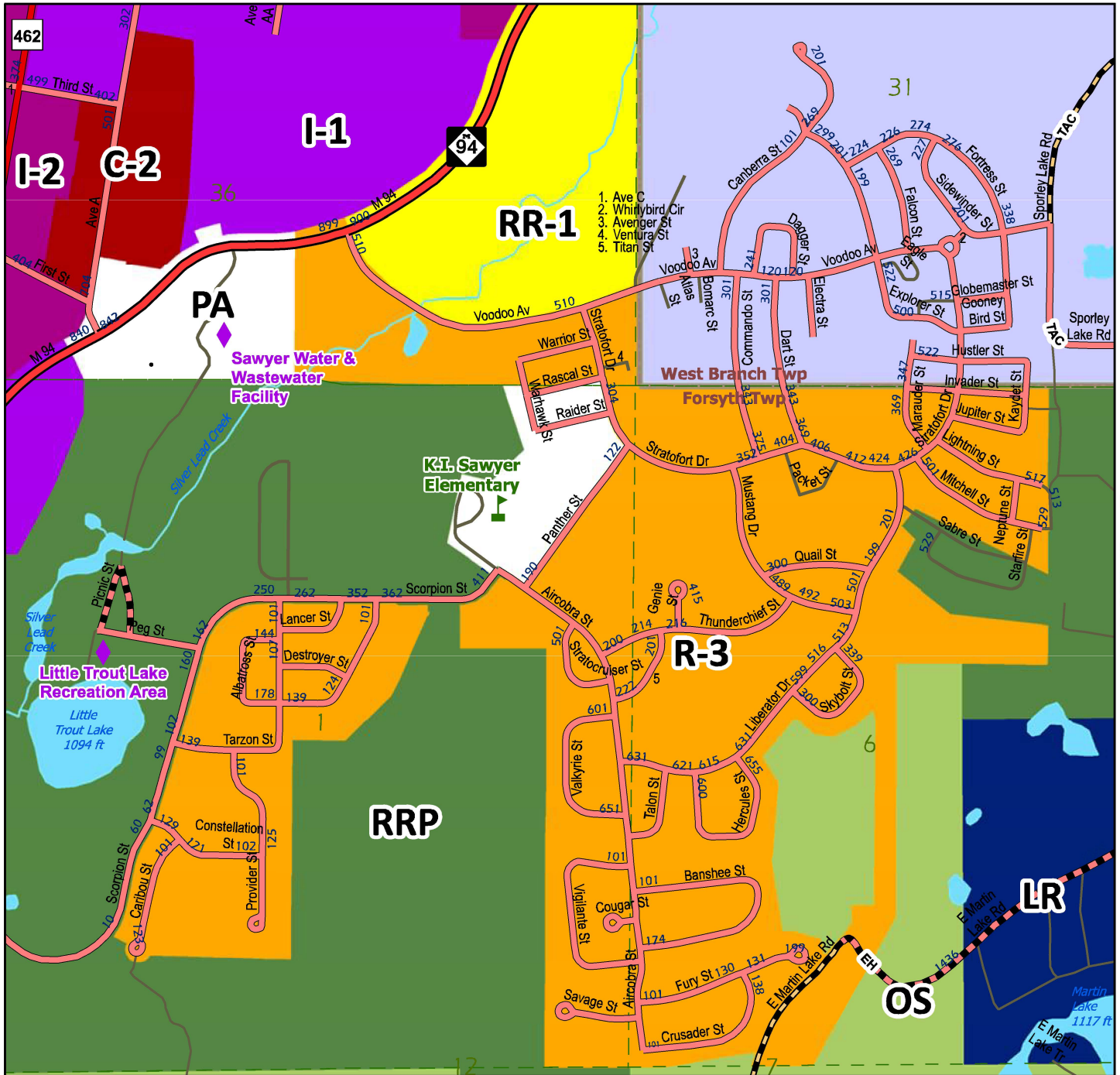
Residential Area, Pg. 2

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K.I. Sawyer (Residential)

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Airport Area, Page 1



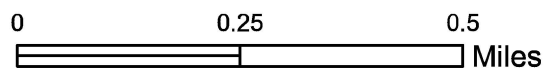
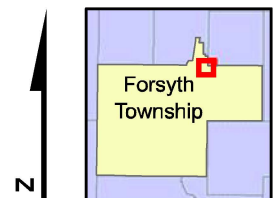
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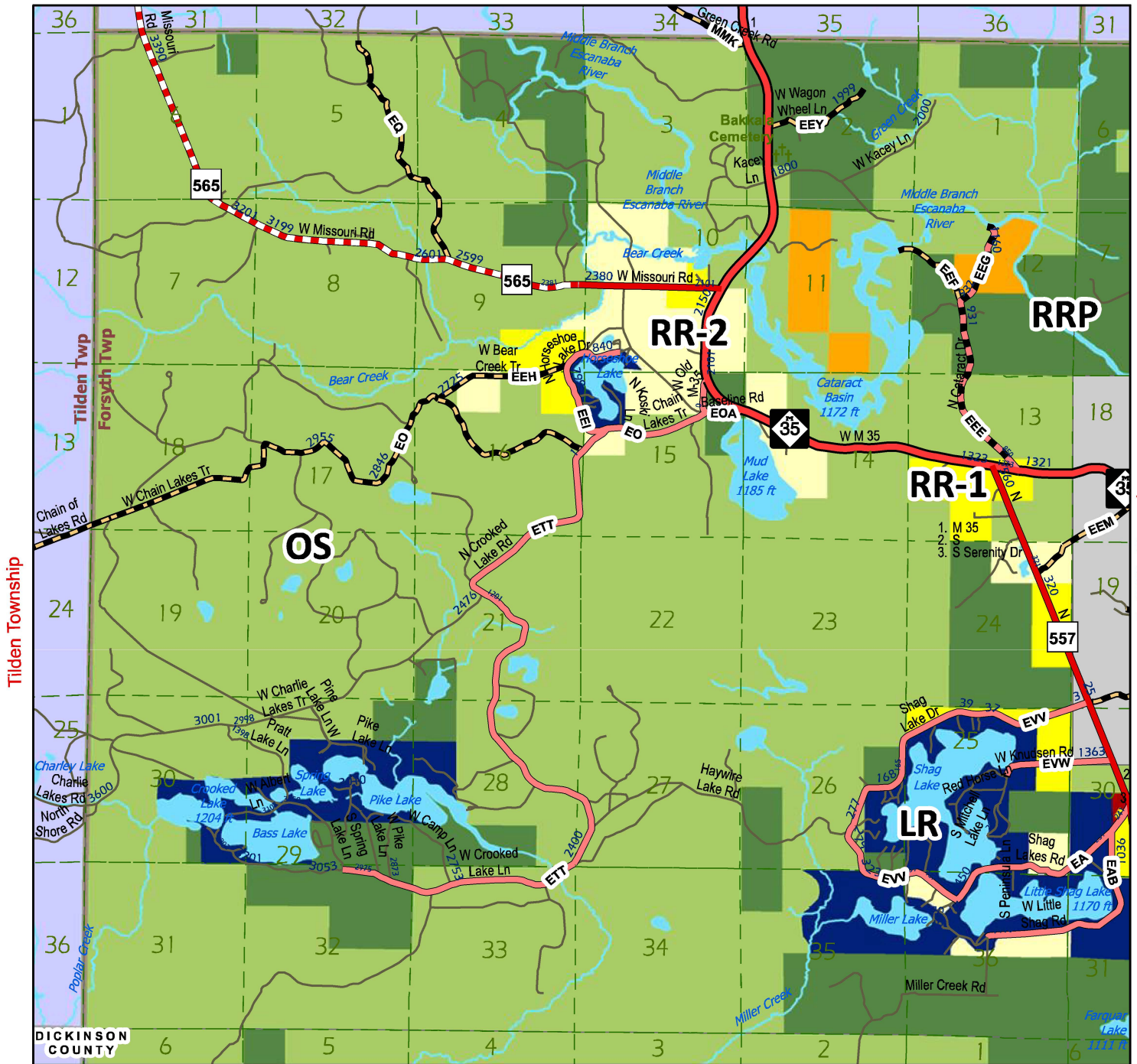
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Forsyth Township Zoning Districts	
■	C-2 Commercial
■	I-1 Industrial
■	I-2 Industrial
■	LR Lake Residential
■	OS Open Space
■	PA Public Area
■	R-3 Multiple Family Residential
■	RR-1 Rural Residential
■	RRP Recreation-Resource Production



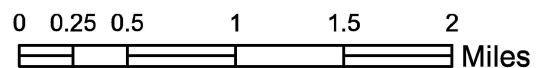
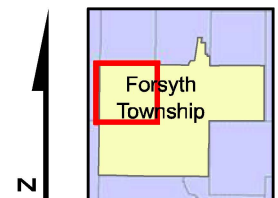


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T.44N.-R.26W., Page 9

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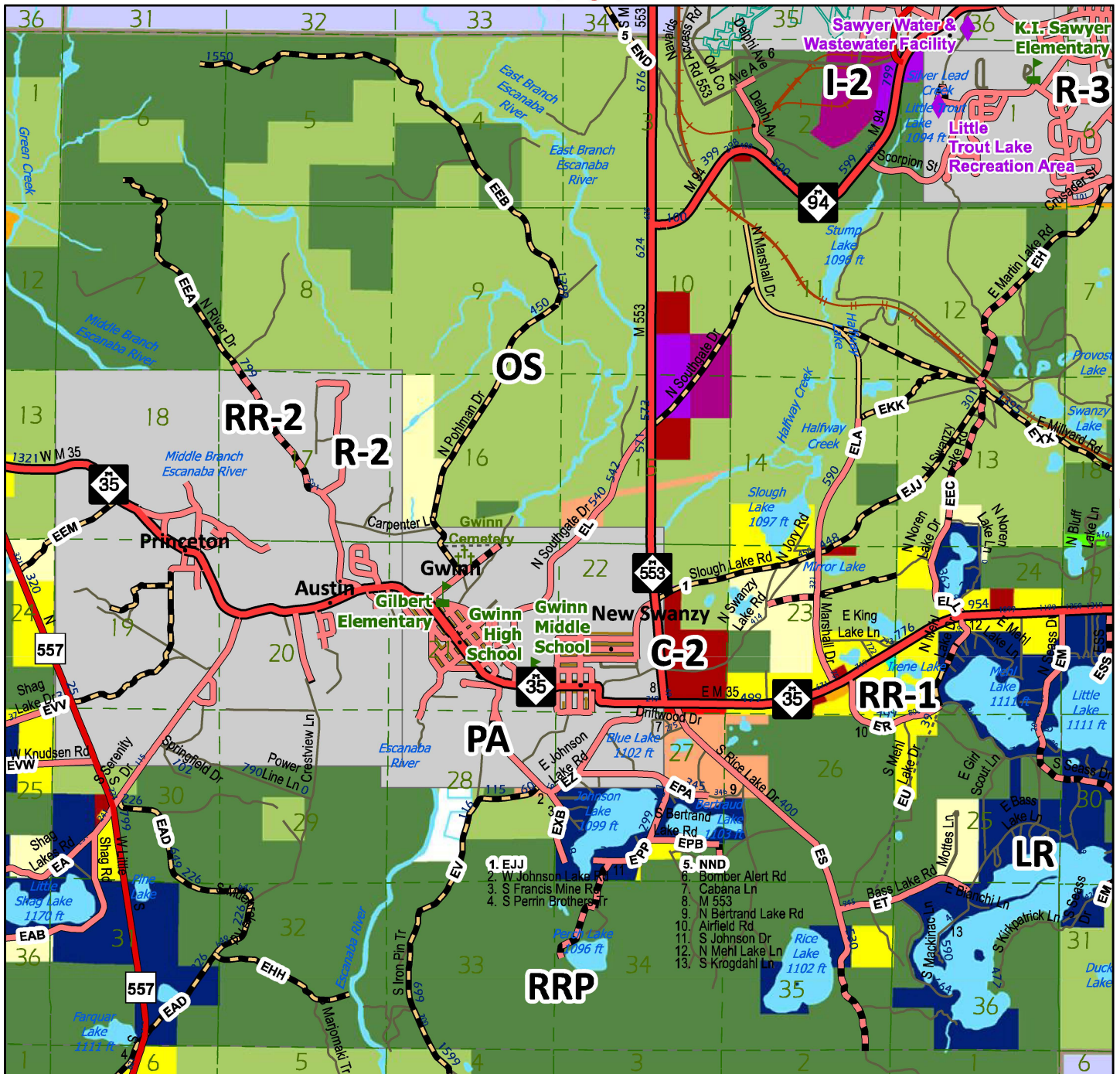
Forsyth Township Zoning Districts	
■ C-2 Commercial	■ R-3 Multiple Family Residential
■ LR Lake Residential	■ RR-1 Rural Residential
■ OS Open Space	■ RR-2 Rural Residential
■ R-2 Family Residential	■ RRP Recreation-Resource Production



Gwinn Area (Forsyth Twp.)

T.45N.-R.25W.

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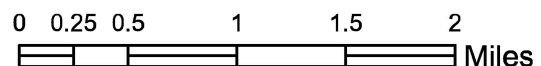
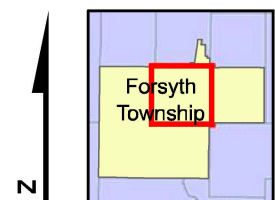
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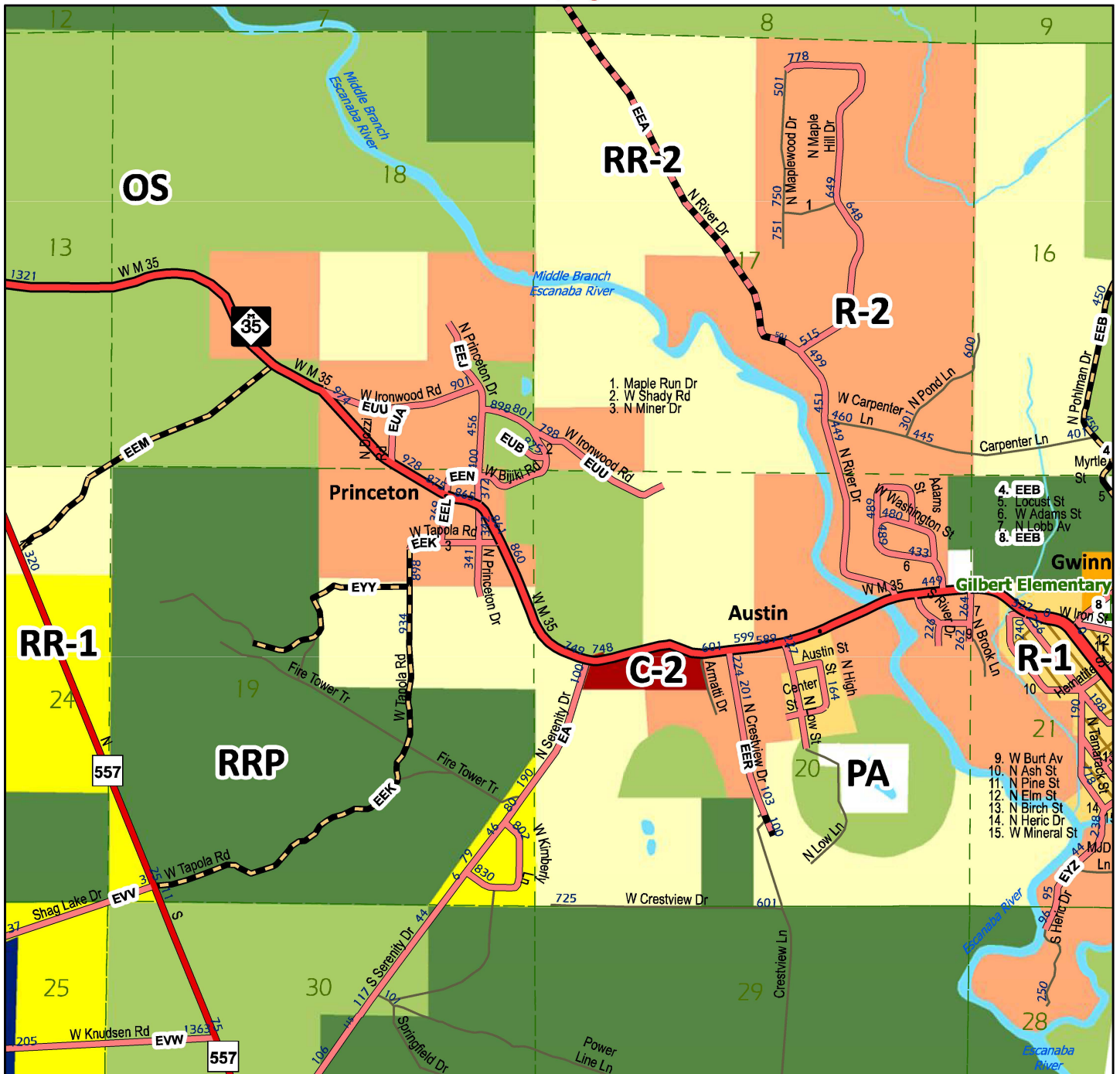
Forsyth Township Zoning Districts	
■ C-1 Commercial	■ PA Public Area
■ C-2 Commercial	■ R-1 Family Residential
■ I-1 Industrial	■ R-2 Family Residential
■ I-2 Industrial	■ R-3 Multiple Family Residential
■ LR Lake Residential	■ RR-1 Rural Residential
■ MH-1 Mobile Home Residential	■ RR-2 Rural Residential
■ MH-2 Mobile Home Park	■ SD Seasonal Dwelling
■ OS Open Space	■ RRP Recreation-Resource Production



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T.45N.-R.26W., Page 3

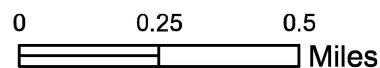
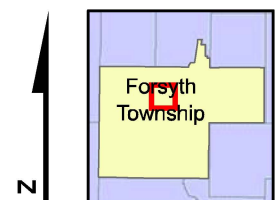
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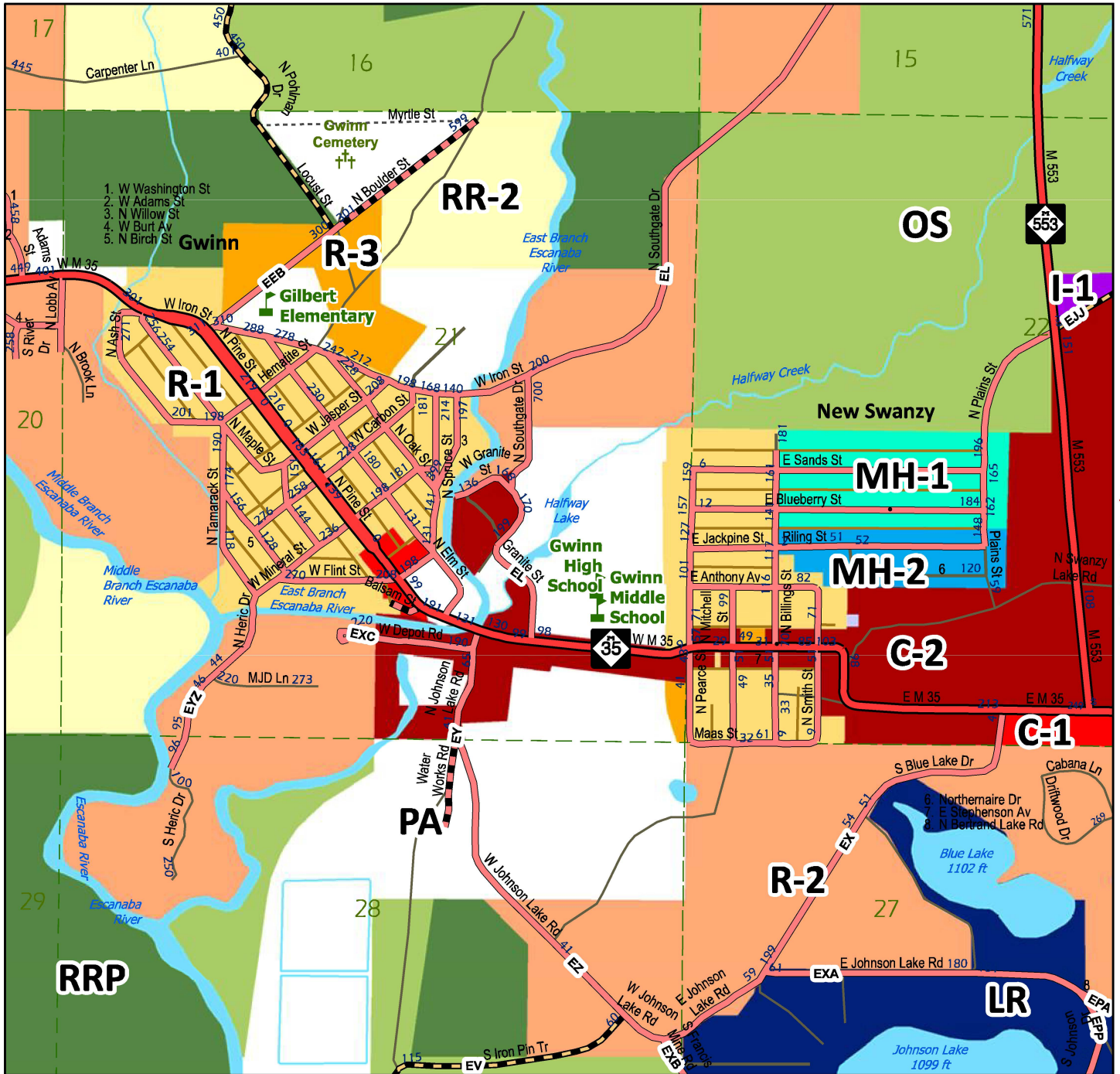
T.45N.-R.25W., Page 4

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Forsyth Township Zoning Districts	
	C-2 Commercial
	LR Lake Residential
	OS Open Space
	PA Public Area
	R-1 Family Residential
	R-2 Family Residential
	R-3 Multiple Family Residential
	RR-1 Rural Residential
	RR-2 Rural Residential
	RRP Recreation-Resource Production



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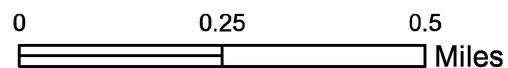
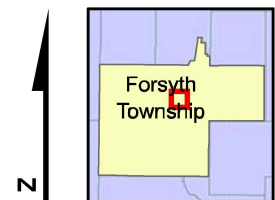
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T.45N.-R.25W., Page 4

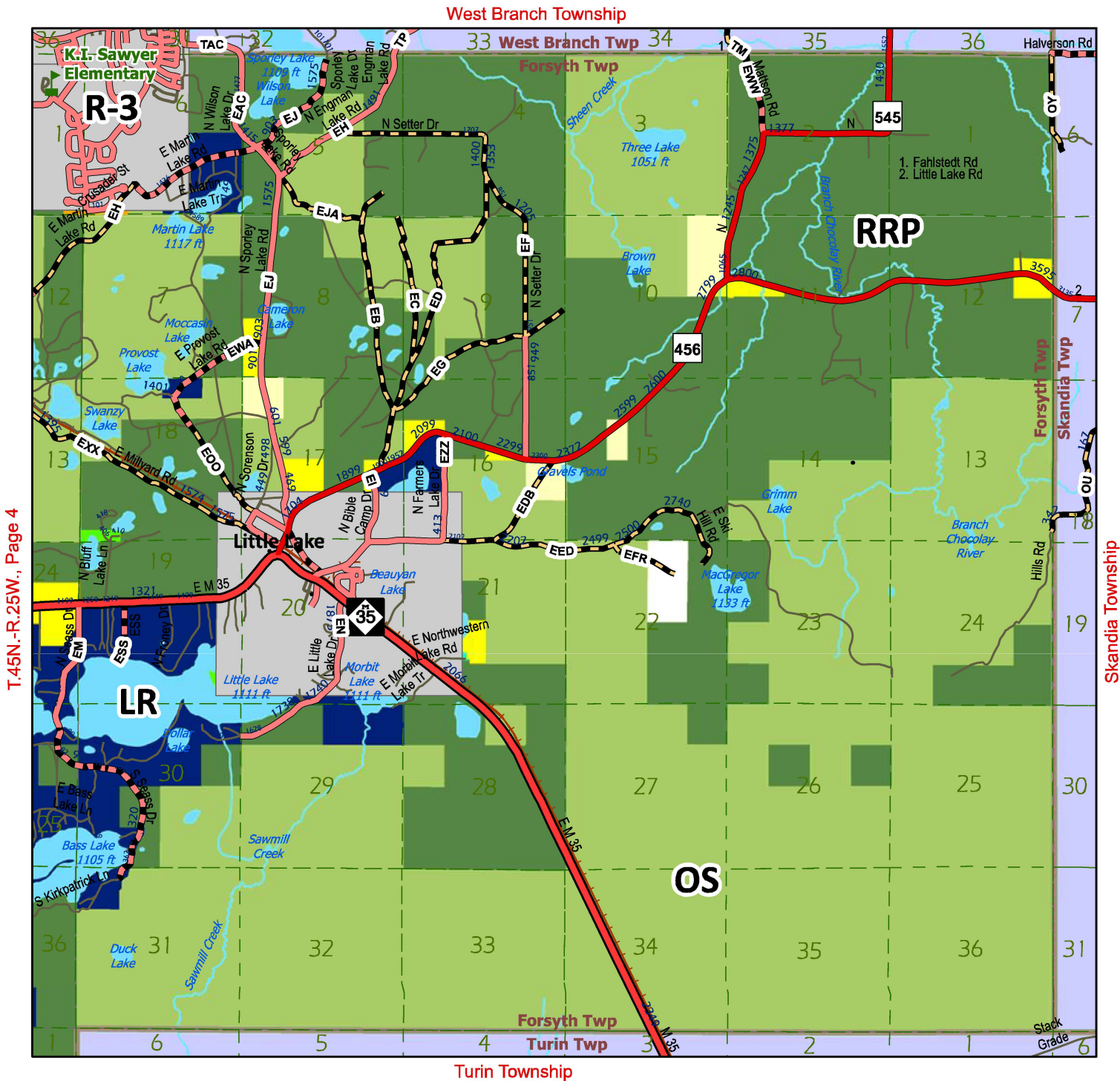
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Forsyth Township Zoning Districts	
■ C-1 Commercial	■ PA Public Area
■ C-2 Commercial	■ R-1 Family Residential
■ I-1 Industrial	■ R-2 Family Residential
■ LR Lake Residential	■ R-3 Multiple Family Residential
■ MH-1 Mobile Home Residential	■ RR-2 Rural Residential
■ MH-2 Mobile Home Park	■ RRP Recreation-Resource Production
■ OS Open Space	



Forsyth Twp. (NE)

T.45N.-R.24W.

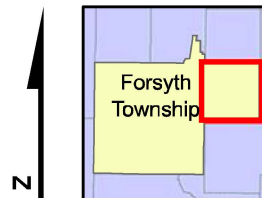


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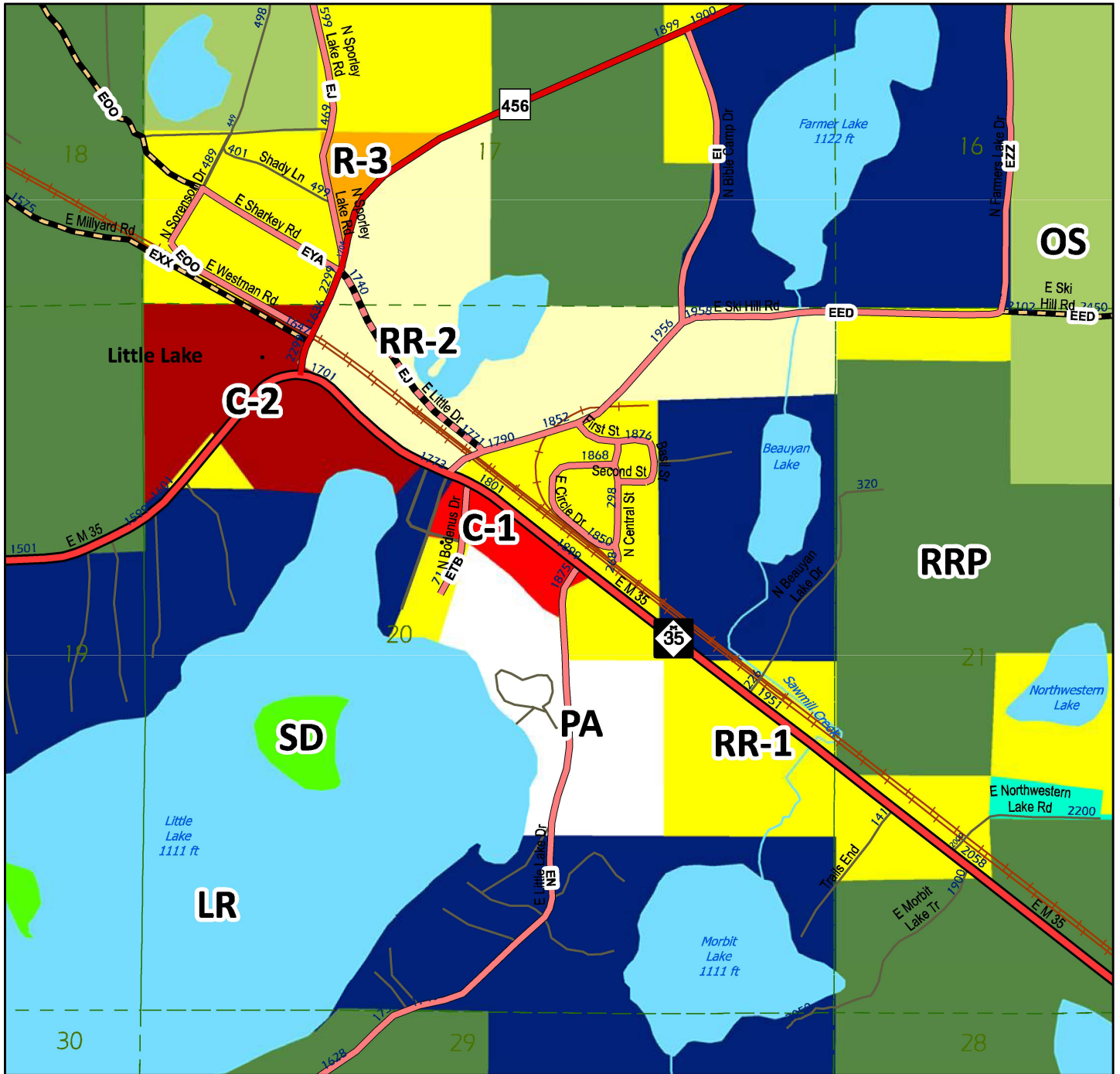
Skandia Township

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Forsyth Township Zoning Districts	
■	C-1 Commercial
■	R-3 Multiple Family Residential
■	C-2 Commercial
■	RR-1 Rural Residential
■	LR Lake Residential
■	RR-2 Rural Residential
■	MH-1 Mobile Home Residential
■	SD Seasonal Dwelling
■	OS Open Space
■	RRP Recreation-Resource Production
■	PA Public Area



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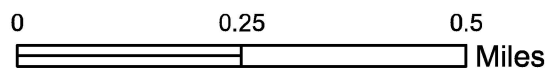
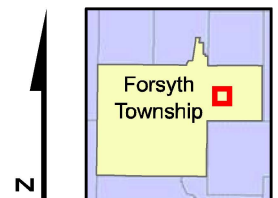
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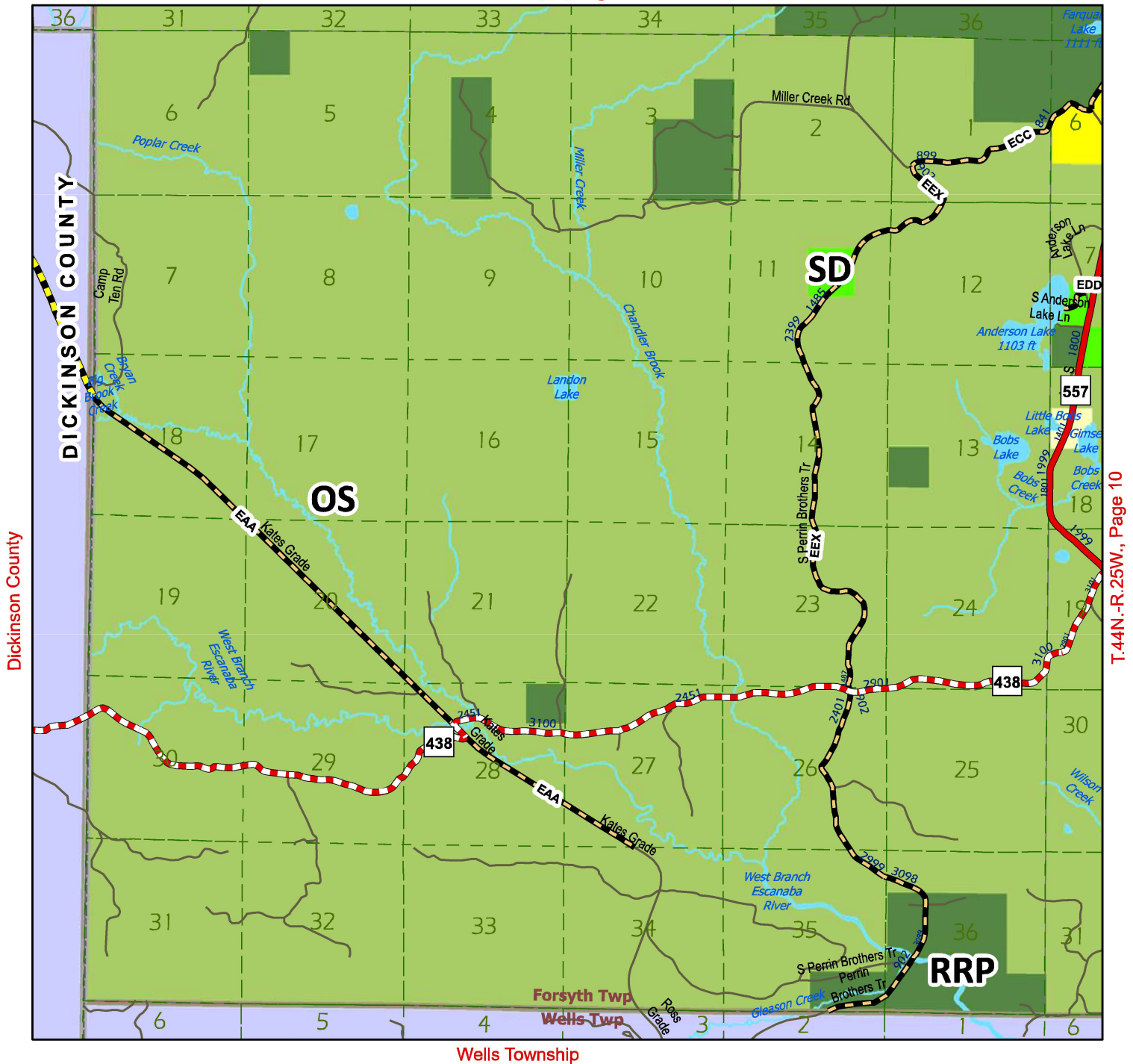
Forsyth Township Zoning Districts	
■ C-1 Commercial	■ R-3 Multiple Family Residential
■ C-2 Commercial	■ RR-1 Rural Residential
■ LR Lake Residential	■ RR-2 Rural Residential
■ MH-1 Mobile Home Residential	■ SD Seasonal Dwelling
■ OS Open Space	■ RRP Recreation-Resource Production
■ PA Public Area	



Forsyth Twp. (SW)

T.44N.-R.26W.

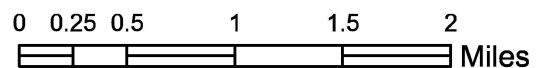
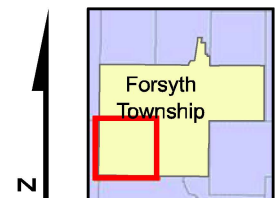
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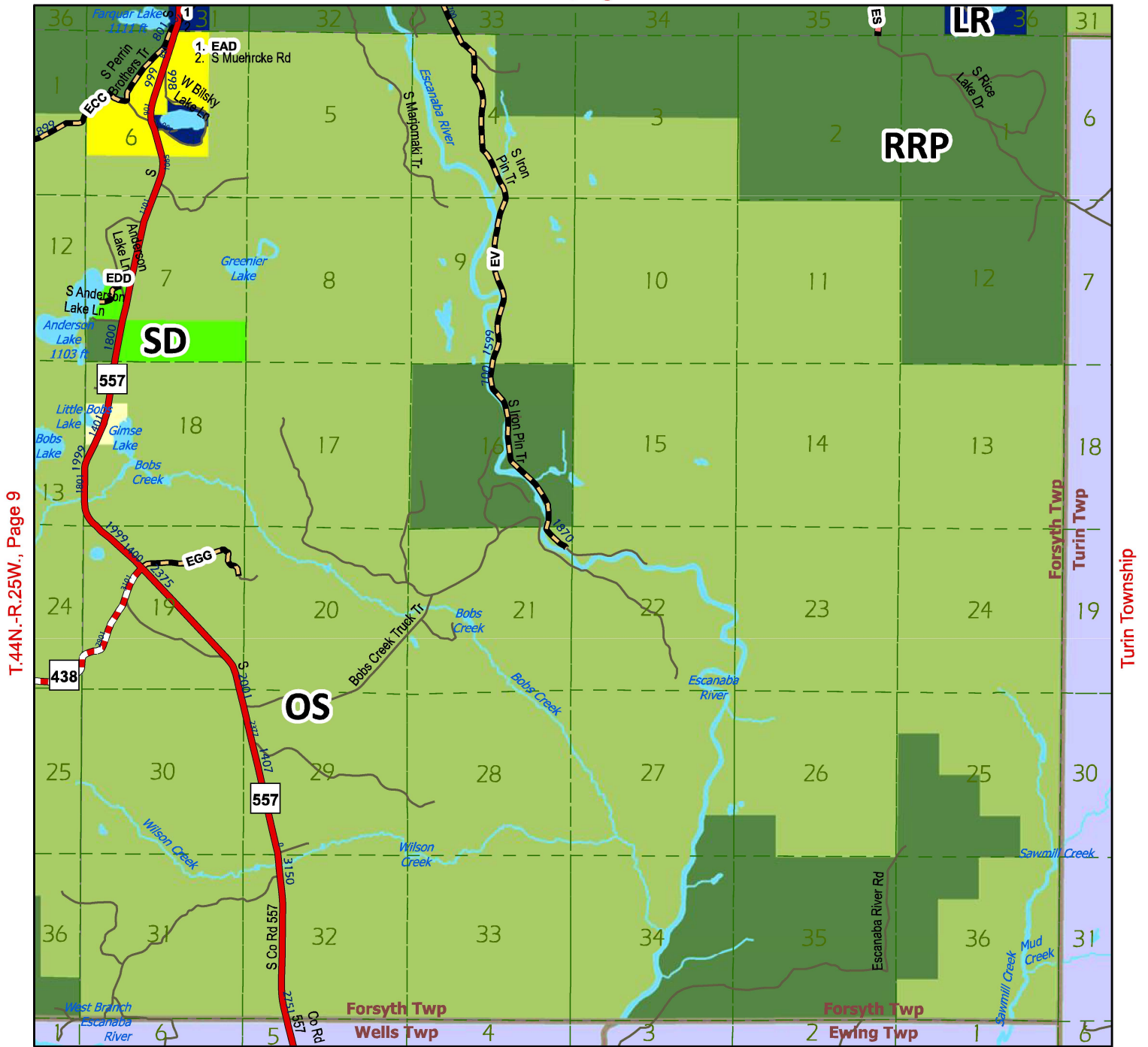
Forsyth Township Zoning Districts	
 OS Open Space	 SD Seasonal Dwelling
 RR-1 Rural Residential	 RRP Recreation-Resource Production
 RR-2 Rural Residential	



Forsyth Twp. (S Central)

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T.45N.-R.25W., Page 4



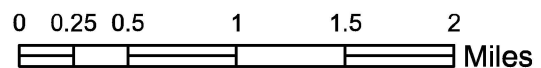
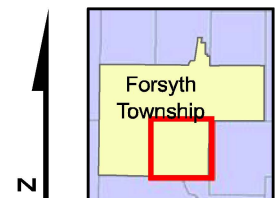
T.44N.-R.25W., Page 9

Turin Township

Wells & Ewing Townships

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Forsyth Township Zoning Districts	
 LR Lake Residential	 RR-2 Rural Residential
 OS Open Space	 SD Seasonal Dwelling
 RR-1 Rural Residential	 RRP Recreation-Resource Production



10

ARTICLE VII
SUPPLEMENTAL REGULATIONS

PURPOSE

It is the purpose of this article to provide regulations and requirements that supplement the provisions contained under the respective district regulations in Article IV. They may or may not apply in all zoning districts.

FEES

Neither the Township Planning Commission, Zoning Administrator, nor the Zoning Board of Appeals shall consider any matter until there is first paid a fee in the amount established by the Forsyth Township Board.

ONE PRINCIPAL STRUCTURE OR USE PER LOT

No more than one principal structure or use shall be permitted on a lot unless specifically provided for elsewhere in this ordinance.

USE OF YARD OR OPEN SPACE

In a residential district, it is prohibited to use the open space surrounding a dwelling for the open air parking, disposition, storage, wrecking, dismantling, accumulation or abandonment, either temporary or otherwise, of disused, discarded, worn-out, wrecked, or dismantled vehicles, machinery, implements, apparatus, furniture, appliances, junk or any other personal property.

DWELLING STANDARDS

- A. Dwellings must have a minimum above-ground floor area of 720 square feet and comply in all respects with the State of Michigan Building Codes & Michigan Residential Codes.
- B. Dwellings shall be connected to a public water and sewer supply or to such private facilities approved by the local health department.
- C. Dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity. The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Administrator upon review of the plans submitted for a particular dwelling, subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of 10 days from the receipt of notice of said Zoning Administrator's decision. Any determination of compatibility shall be based upon the standards set forth in this definition of "dwelling", as well as the character, design and appearance of one or more residential dwellings located outside of mobile home parks throughout the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
- D. Dwelling additions shall be constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
- E. Dwellings must comply with all pertinent fire codes. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

- F. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable county building code provisions and requirements.

SINGLE FAMILY DWELLINGS ON ROADS NOT MAINTAINED BY THE MARQUETTE COUNTY ROAD COMMISSION OR THE MICHIGAN DEPARTMENT OF TRANSPORTATION AND/OR DONØT MEET THE MINIMUM FRONTAGE REQUIREMENTS.

A single family home without access to a publicly maintained road and/or doesnØt meet the minimum frontage requirements is permitted with a Conditional Use Permit in the following residential zoning districts, R-2, R-3, RRP, LR, RR-1, RR-2, RRP, MH-1 and SD.

- I. STANDARDS FOR APPROVAL (CONDITIONAL USE PERMIT)
- A. The dwelling must meet all Minimum Dwelling Standards as outlined in Article VII ó Supplemental Regulations.
 - B. Property owner must show legal access, via an Easement or License, to a public road.
 - C. Property owner must sign and record a Hold Harmless Agreement which will be drafted and provided by Forsyth Township.

KENNELS

Kennels, as defined in Article III, involves the permanent or temporary ownership, responsibility, or confinement of four (4) or more dogs, which are six months of age or older, for the purposes of hobby, personal enjoyment, boarding, breeding, or training purposes.

DISTRICT	PERMITTED USE	CONDITIONAL USE (KENNEL)	REQUIREMENTS FOR KENNEL CU PERMIT
R-1, R-2, R-3, LR, MH-1, RR-1, C-1, C-2, OS	3 dogs	4 or more dogs	<ul style="list-style-type: none"> É Must have a fenced in yard area É Any outdoor enclosure or kennel must meet specified requirements É Personal / hobby use only
RR-2, RRP 10 acres or less	3 dogs	4 or more dogs	<ul style="list-style-type: none"> É Any outdoor enclosure or kennel must meet specified requirements É Personal / hobby use only
RR-2, RRP 10+ acres	5 dogs	6 or more dogs	<ul style="list-style-type: none"> É Any outdoor enclosure or kennel must meet specified requirements É Must provide Township copy of County Kennel Permit annually

Any persons owning dogs, regardless of the number or location, are subject to the regulations and enforcement of the Forsyth Township Noise Ordinance, Forsyth Township Animal Control Ordinance, and Forsyth Township Miscellaneous Debris Ordinance.

I. KENNELS - STANDARDS FOR APPROVAL (CONDITIONAL USE PERMIT)

The Planning Commission will specify within any Conditional Use authorization the number of dogs permitted to insure the use intensity is appropriate to the existing Zoning District. This determination shall include factors such as:

A. Purpose of the kennel

- B. Environmental impact
- C. Compatibility with the existing neighborhood
- D. Potential to adversely affect surrounding property values
- E. Parcel size and location
- F. Use and location of any outside kennels or enclosures. Any outdoor dog enclosure or kennel:

1. Shall be situated to reduce noise by use of topography, tree cover or other methods.
2. Shall be constructed to adequately and comfortable house any dogs kept therein at any season of the year and maintained so not be detrimental to surrounding property values or public health.
3. Shall be located the following minimum distances from existing Residential dwelling units not located on the premises:

R-1 & MH-1	50'
R-2 & R-3	75'
RR-1 & LR	125'
RR-2	250'
RRP	300'

A Conditional Use for Kennels approved by the Planning Commission is specific and personal to the applicant at the location requested in the application and is not transferable to another location or future owners without re-application for a Conditional Use.

Article XIII, Required Standards and Findings for Making Determinations on Conditional Use

and Ordinance Amendments shall also be considered by the Planning Commission.

BOARDING KENNELS

Boarding Kennels, as defined in Article III, are facilities that keep, house, or maintain dogs for a limited amount of time for the purpose of shelter, care, and feeding in return for a fee or other consideration. Includes doggie daycare situations where animals are not kept at the boarding kennel overnight.

NOTE: The following shall not be considered Boarding Kennels: animal veterinary clinics that house dogs for vet services and animal rescues or sanctuaries.

Boarding Kennels are permitted in the following districts with a Conditional Use Permit:

1. RR-2 and RRP
2. C-1 & C-2
3. I-1 & I-2

I. BOARDING KENNELS - STANDARDS FOR APPROVAL

- A. In RR-2 and RRP property must have a minimum of 10 acres and any outside kennel facilities must be a minimum of 300 feet from any residential unit not located on the premises.
- B. Each dog must have individual space in the form of indoor enclosures or caging.
- C. Suggested time for dogs to be kept in outdoor caging, runs, or pens shall be limited to 7:00 am to 9:00 pm, adjustable by Conditional Use & Site Plan Review permits.
- D. Outdoor dog areas shall be enclosed with privacy fencing not less than six (6) feet high, to confine dogs on the premises and to buffer noise.
- E. Applicants shall provide statement (s) how kennel will be operated and maintained in a manner to provide sanitary conditions for each animal in accordance with applicable state laws and regulation and recommendations of the U.S. Department

of Agriculture and the American Kennel Club (include a cleaning schedule and waste disposal plan).

- F. Odor of similar objectionable characteristics, such as waste, incident thereto shall not be discernible beyond the boundary lot or premises.
- G. Article XIII, "Required Standards and Findings for Making Determinations on Conditional Use and Ordinance Amendments" shall also pertain.

HOME OCCUPATIONS

- I. Home occupations complying with the following conditions and limitations,
 - A. Are operated in their entirety within the dwelling, garage or accessory building located upon the premises.
 - B. Are only conducted by the person or persons occupying the premises as their principal residence a major portion of each month; provided, however, the Zoning Administrator shall have the authority to permit one additional subordinate assistant who does not so reside within said dwelling where the same would not materially impair the residential character of the neighborhood or cause traffic congestion or parking problems.
 - C. The dwelling has no exterior evidence, other than a permitted sign, to indicate that the same is being utilized for any purpose other than that of a dwelling.
 - D. The occupation conducted therein is clearly incidental and subordinate to the principal use of the premises for residential purposes.
 - E. No goods are sold from the premises, which are not strictly incidental to the

principal home occupation conducted therein.

- F. No occupation shall be conducted upon or from the premises, which would constitute a nuisance or annoyance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, night lighting, or the creation of unreasonable traffic to the premises. Noise, smoke, odor, electrical disturbance or the source of lighting shall not be discernible beyond the boundaries of the property from which the occupation is conducted.
- G. Any such home occupation may be subject to periodic inspection by the Zoning Administrator of the township.
- H. Home occupation remains valid as long as there is no suspension of the home occupation activity for the continuous period of 180 days. The home occupation is not transferable from one address to another.
- I. Instruction in a craft or fine art shall be considered a home occupation.
- J. A Zoning Compliance Permit shall be required as outlined in Article XIII.

ACCESSORY DWELLING UNITS

An accessory dwelling unit is a complete, self-contained dwelling unit created on a single-family parcel that provides accommodations for guests and/or tenants of the owner-occupiers of the single family dwelling.

An Accessory Dwelling Unit is permitted with a Conditional Use Permit above a detached garage in all residential zoning districts. In the LR, RR-1, RR-2, and RRP a unit is also allowed as a separate building but must meet Dwelling Minimum Standards per this Ordinance.

I. STANDARDS FOR APPROVAL

- A. The primary residence on the property must be owner-occupied.
- B. Only one accessory dwelling unit is allowed per parcel.
- C. A unit shall not exceed 1,000 square feet in size.
- D. The height limit for a unit over a garage is 26ø as measured from the floor to the peak of the building except for in the RR-2 and RRP zoning district where there is no height limit.
- E. Off-street parking must be provided for any vehicles.
- F. A unit must be constructed with a permanent foundation. Recreational vehicles shall not be used as accessory dwelling units.
- G. All improvements associated with the construction of an accessory dwelling unit shall meet current applicable County codes including approval of the Health Department for the on-site septic system if applicable.

ANIMAL KEEPING AND AGRICULTURE

	Permitted Use
Level I Non Commercial Limited keeping of chickens, rabbits and bees	All Districts (any parcel size)
Level II Traditional Agriculture	RR-2, RRP & OS Districts

LEVEL I – LIMITED KEEPING OF ANIMALS

The intent of these provisions is to allow the limited keeping of animals in all districts as an accessory use, where there is a separate occupied dwelling.

STANDARDS FOR APPROVAL

- A. A site plan needs to be provided to the Zoning Office and approval must be granted before obtaining any animals.
- B. One or more of the following types of animals are permitted in accordance with this Section on the same property: chickens, rabbits, and bees.
- C. All seed, fertilizer, and animal feed shall be stored in a secured, rodent-, raccoon- and bear-proof container and housed within an enclosed structure.
- D. Signage shall not be permitted, except where otherwise permitted in this ordinance.
- E. All animal structures and roaming areas shall be kept sanitary and free from accumulations of animal excrement and objectionable odors.
- F. Killing and dressing of animals raised on the premises shall be permitted if conducted entirely within an enclosed building.
- G. The following requirements and limitations shall be adhered to for the Limited Accessory Keeping of **Chickens**:

1. Roosters are not permitted.
2. There shall be no more than three (3) chickens per parcel.
3. All structures related to the housing of chickens shall be at least six (6) square feet in size, shall meet the setback requirements for accessory structures as described in the Schedule of Regulations, and shall not be closer than forty (40') to any existing residential structure on a neighboring property.
4. Outdoor roaming areas shall be sufficiently enclosed and screened from the street and neighboring properties to protect them from vehicular traffic, and to minimize external impacts of the outdoor roaming areas.
5. Zoning compliance permits for any chicken related structures or fences shall be required and all other ordinance requirements must be followed.

H. The following requirements and limitations shall be adhered to for the limited keeping of rabbits: Limited Accessory Keeping of **Rabbits**:

1. Rabbits shall only be kept within an enclosed structure, cage, or hutch, except for monitored exercise periods.
2. A minimum area of 5 sq. feet per rabbit, dedicated exclusively for rabbit(s), is required for a maximum of up to three (3) rabbit hutches.
3. All structures related to the housing of rabbits shall meet the setback requirements for accessory structures as described in the Schedule of Regulations.

4. Zoning compliance permits for any rabbit related structures or fences shall be required and all other ordinance requirements must be followed.

I. The following requirements and limitations shall be adhered to for the limited keeping of bees: Limited Accessory Keeping of **Bees**:

1. A maximum of two (2) beehives shall be permitted.
2. All structures necessary for and related to the housing of honeybees shall meet the setback requirements for accessory structures as described in the Schedule of Regulations.
3. Ground mounted beehives shall be located no higher than six (6) feet from grade.
4. Ground mounted beehives shall be permitted in side and rear yards, and shall be provided an enclosed barrier along the property line six (6) feet in height consisting of a solid fence, dense vegetation or combination thereof. In cases where there is ample yard-area, a channeled flight path may be substituted for perimeter barriers, consisting of six (6) foot high barriers on both sides of the bee colony (\. / or .===), creating a channel extending twenty (20) feet in each chosen direction beyond each bee colony entrance.
5. Roof mounted beehives shall be located on primary and accessory structures no lower than ten (10) feet from grade and shall not be within the required district setback.

6. Zoning compliance permits for any bee-keeping related structures or fences shall be required and all other ordinance requirements must be followed.

LEVEL II – TRADITIONAL AGRICULTURAL ACTIVITIES

Traditional agricultural activities, including, hobby farms, stables, crop farms and livestock farms are a permitted use in the RR-2, RRP & OS.

PRIVATELY OWNED AIRFIELD

Any location, either on land or water, which shall be used for landing or take-off of aircraft with safety, solely for the use of the owner of the property, and which is not equipped with commercial facilities for the shelter, supply or repair of aircraft.

I. STANDARDS FOR APPROVAL

Landing fields for the personal use of the property owner may be permitted as a conditional use in the RRP, Recreation/Resource Production districts subject to the following provisions:

- A. Said landing field is subject to all rules and regulations of the Federal Aviation Administration and the Michigan Aeronautics Commission. These agencies shall approve the preliminary plans submitted to the township.
- B. No landing field for personal use shall be established within five (5) miles of a public use facility certified by the Michigan Aeronautics Commission without approval of said commission. No landing field for personal use shall be established within a two (2) mile radius of another landing field.
- C. All landing fields shall have a minimum runway with a 1,800-foot landing length in each direction from a clear approach slope of 20:1 and a 100-foot usable width with an additional 50-foot minimum width on each side which is free of obstructions. The approach slope

with a width of not less than 200 feet shall be based on a clearance of all objects within the approach area, including a roadway clearance of 15 feet or 17 feet over an interstate highway, a railway clearance of 23 feet, and a clearance at the property line of 25 feet. The landing field shall be marked in accordance with Michigan Aeronautical Commission standards.

- D. No landing field shall be approved that would interfere with the right of nearby and adjacent owners and occupants of property or to peaceful enjoyment of their property. Adjacent property owners shall not be required under any circumstances to accommodate a proposed personal use landing field (e.g. trim or remove trees, limit or remove construction, curtail occupancy, limit or reduce height of structures) beyond those limits and regulations which might normally apply to their property(ies) under this ordinance.
- E. Hazards to navigation. No obstruction of whatever character, object of natural growth, or use of land, upon the premises of the landing field which prevents the safe use of such facilities for the take-off or landing of aircraft shall be permitted.
- F. Yard and placement regulations.
 - 1. The site shall not abut directly or across a street in an R-1, R-2, R-3, MH-1, MH-2, RR-1, RR-2, LR, SD, C-1 or C-2 district.
 - 2. Landing fields shall be located on a contiguous parcel of land not less than 25 acres in area. The parcel shall have a width of not less than 450 feet. The parcel shall have a depth of not less than 2,400 feet. It is not required that the necessary clear zones be contained within the site, however, if future development intrudes upon the required clear zones, use of the landing area shall immediately cease, unless

adequate and appropriate easements are first obtained and recorded by the personal use landing field owner.

G. All lights used for landing fields and other lighting facilities shall be arranged so as not to reflect towards adjoining non-landing field uses.

H. Prohibited uses.

1. The open storage of junked or wrecked motor vehicles or aircraft shall not be permitted.

2. Use of a personal use landing field is limited solely to the single owner. No commercial activity or operations (such as the sale of gasoline or oil, the soliciting or engaging in charter flying or student instruction, the provision of shelter or the tie-down of an aircraft (except owner's), the overhaul or repair of an aircraft or of engines, or otherwise offering aeronautic facilities or services to the public) shall be permitted on the premises.

3. Personal use helicopter landing fields shall conform to all of the above regulations, except for those regulations intended to clearly apply only to airplane landing fields. Placement and operation of helicopter landing facilities shall otherwise comply with all regulations of the Michigan Aeronautics Commission and the Federal Aeronautics Administration (FAA).

OUTDOOR HEATING UNITS

I. Shall conform to the following requirements:

1. Minimum setback requirements shall be the same as principal buildings in the subject district.
2. Minimum lot size of (1/2) one-half acre, or by a conditional use permit where noted.
3. Installation shall be as per manufacturer's requirements, except as noted above.

MINING AND NATURAL RESOURCE EXTRACTION

- I. Mining is a permitted use in all districts where there is no more than twenty-five (25) mineral hauling trips per day for no more than five consecutive (5) days.
- II. Mining is a conditional use in all districts in cases where there will be more than twenty-five (25) mineral hauling trips per day and/or lasting for more than five (5) consecutive days, and shall be subject to the following conditions:
 - A. The applicant shall provide documentation that they have conferred with the Marquette County Road Commission and/or the Michigan Department of Transportation (MDOT) regarding their proposed haul route(s) and its (their) connection(s) with the public road system, with the objective minimizing any potential adverse impacts on pedestrian and traffic safety.
 - B. Hours of operation shall only be between the hours of 7:00 a.m. and 5:30 p.m., Monday through Friday. No operation allowed on Holidays.
 - C. Dust control shall follow MSHA regulations.
 - D. Maximum depth of excavation shall not be below existing groundwater table.
 - E. Where necessary the Commission may require the applicant to construct or improve a road to accommodate the truck travel necessitated by the operations as a condition to such operations, for the purpose of routing traffic around residential areas and

preventing the deterioration of existing roads which are not "all weather" roads. All access roads shall be considered part of the mining operation.

- F. Operations shall be a minimum of ninety (90) feet from any public right-of-way, not including ingress and egress roads and a minimum of ninety (90) feet from any other property lines.
- G. Operations shall be a minimum of five hundred fifty (550) feet from any body of water, as defined in Act No. 346 of the Public Acts of 1972, including but not limited to, inland lakes, rivers, streams, and impoundments.
- H. Operations shall be a minimum of five hundred (500) feet from any church or public park; and one thousand (1000) feet from any school, hospital or nursing home.
- I. Operations and all ingress and egress roads shall be a minimum of three hundred (300) feet from an existing house on an adjacent property.
- J. All ingress and egress roads require a legal driveway permit and shall be by the most direct route to a public right-of-way.
- K. A permanent processing plant at the mine site shall not be located closer than three hundred (300) feet from any property line and adjoining public rights-of-way and shall, where practicable, be located at a lower level than the surrounding terrain to lessen visual and noise impacts.
- L. Sight barriers of continuous screening at least six (6) feet in height is required to provide maximum screening of the site. This screening shall be provided along all boundaries of the site where quarrying, gravel processing and mining is proposed where natural screening through existing vegetative growth is not present.

OPEN SPACE PRESERVATION OPTION

I. INTENT

It is the intent of this section to offer an Open Space Preservation Option to developers as authorized by Public Act 177 of 2001 for the purpose of:

1. Assuring the permanent preservation of open space, agricultural lands, and other natural resources;
2. Allowing innovation and greater flexibility in the design of residential developments;
3. Encouraging a less sprawling form of development, thus preserving open space.

For the purpose of this section the term "open space" shall refer to a natural state preserving natural resource, natural features, or scenic or wooded conditions; agriculture use or a similar use of condition. Land dedicated for open space does not include a golf course, street rights-of-ways, or submerged land areas but may include a recreational trail, picnic area, children's play area, greenway or linear park.

II. ELIGIBILITY CRITERIA

To be eligible for open space preservation consideration, the applicant must present a proposal for residential development that meets each of the following:

1. Minimum Project Size: The minimum size of an Open space preservation development shall be five (5) acres of contiguous land.
2. Unified Control: The proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full

completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restriction that indicates that the development will be completed in its entirety as proposed.

3. Minimum Project Size: The minimum size of an Open space preservation development shall be five (5) acres of contiguous land.
4. Guarantee of Open Space: The applicant shall guarantee to the satisfaction of the Township Planning Commission that all open space portions of the development will be maintained in the manner approved. Documentation shall be presented that binds all successors and future owners in fee title to commitments set forth in the applicant's proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Township and the land uses continue as approved in the open space preservation site plan.

III. PROJECT DESIGN STANDARDS

A proposed open space preservation project shall comply with the following project design standards:

1. The open space preservation option is applicable only in the R-2, R-3, RR-1, RR-2, LR, and RRP districts.
2. The open space preservation option is restricted to residential development.
3. Unless specifically waived or modified by the Planning Commission, and excepting the minimum lot area, all Zoning Ordinance dimensional requirements for the underlying zoning district and other Township regulations shall remain in full force.
4. The developer shall maintain a minimum of fifty percent (50%) of the gross area of the site

as dedicated open space. Land dedicated for open space does not include a golf course, street rights-of-ways, or submerged land areas but may include a recreational trail, picnic area, children's play area, greenway or linear park. The dedicated open space may be, but is not required to be, dedicated to the use of the public.

5. The dedicated open space shall be set aside by the developer through an irrevocable conveyance that is found acceptable to the Planning Commission, such as:
 - a. recorded deed restrictions in perpetuity,
 - b. covenants that run perpetually with the land, or
 - c. a conservation easement established per the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended (M.C.L. 399.251).
6. Such conveyance shall assure that the open space will be protected from all forms of development and shall never be changed to another use. Such conveyance shall:
 - a. Indicate the proposed allowable use(s) of the dedicated open space.
 - b. Require that the dedicated open space be maintained by parties who have an ownership interest in the open space.
 - c. Provide standards for scheduled maintenance of the open space.
 - d. Provide for maintenance to be undertaken by the Township of Forsyth in the event that the dedicated open space is inadequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the property owners.
7. The dedicated open space shall forever remain open space, subject only to uses set forth on the approved site plan. Further subdivision of open space land or its use for other than

- recreation or conservation shall be strictly prohibited.
8. Accessory structures related to a recreation, or conservation use may be erected within the dedicated open space, subject to the approved open space preservation site plan. These accessory structures shall not exceed, in the aggregate, one percent (1%) of the total required open space area.
 9. The number of dwelling units allowable within an open space preservation project shall be determined in the following manner: The applicant shall prepare and present to the Planning Commission a design of the area that is consistent with the existing Township zoning requirements. The Planning Commission shall review the design and determine the number of lots that could be feasibility constructed on the property. This number, as determined by the Planning Commission, shall be the maximum number of dwelling units allowable for the open space preservation project.
 10. To encourage flexibility and creativity consistent with the open space preservation concept, the Planning Commission may grant specific departures from the requirements of the Zoning Ordinance for yard, lot, and bulk standards as a part of the approval process. Any regulatory modification approved by the Planning Commission shall result in a higher quality of development than would be possible using conventional zoning standards. The regulatory modifications are not subject to variance approval of the Zoning Board of Appeals. No part of an open space preservation site plan may be appealed to the Zoning Board of Appeals.
 11. Direct access onto a County road maintained by the Marquette County Road Commission or Michigan Department of Transportation 12 months of the year and having four hundred (400) feet of road frontage shall be required for all developments receiving

approval under the open space preservation option.

12. Construction of publicly dedicated roads as a means of providing access and circulation is encouraged.

13. Development shall be designed to promote the preservation of natural features. If animal or plant habitats of significant value exist on the site, the Planning Commission, as a condition of approval, may require that the open space preservation site plan preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas.

IV. OPEN SPACE PRESERVATION - STANDARDS FOR APPROVAL

In considering any application for approval of an open space preservation site plan, the Planning Commission shall make the determinations on the basis of the standards for site plan approval set forth in Article IX Site Plan Requirements and Review as well as the following standards and requirements:

1. Compliance with the project design standards outlined above.
2. The open space preservation project shall be designed to minimize the impact of traffic generated by the proposed development on surrounding uses.
3. The proposed open space preservation project shall be protective of the natural environment.
4. Compliance with all applicable federal, state, and local regulations.

V. APPLICATION AND APPROVAL PROCESS

The application for approval of an open space preservation proposal shall be in accordance with procedures for consideration of a conditional use permit. The required materials and fees shall be submitted to the Township Zoning Administrator.

Approval of an open space preservation proposal shall be upon issuance of a conditional use permit. All improvements and uses of the site shall conform with the approved open space preservation site plan and comply fully with any conditions imposed by the Planning Commission. The applicant shall record an affidavit with the register of deeds containing the full legal description of the project site specifying the date of final Township approval, and declaring that all improvements will be carried out in accordance with the approved open space preservation site plan unless an amendment is adopted by the Township Planning Commission. In addition, all deed restrictions and easements shall be duly filed with the register of deeds of the County and copies of recorded documents presented to the Township.

1. Following final approval of the open space preservation site plan by the Planning Commission, a zoning compliance permit may be obtained. It shall be the responsibility of the applicant to obtain all other applicable township, county, state or federal permits.
2. If construction has not commenced within twenty-four (24) months of final approval, all Township approvals become null and void. The applicant may make written application to the Planning Commission for an extension, not to exceed twelve (12) months. A maximum of two (2) extensions may be allowed.
3. The Planning Commission may require that a performance guarantee, in accordance with the provisions of Financial Guarantees of Article LX, be deposited with the Township to insure completion of the improvements.

VI. REVISION OF APPROVED PLANS

Minor changes to an approved open space preservation site plan may be permitted by the Planning Commission following normal site plan review procedures outlined in Article IX, subject to the finding of all of the following:

1. Such changes will not adversely affect the initial basis for granting approval;
2. Such minor changes will not adversely affect the overall open space in light of the intent and purpose of such development as set forth in this section; and
3. Such changes shall not result in the reduction of open space area as required herein.

Changes, which are a substantial departure from the approved site plan or alter the character of intent of the development, will require the resubmission of the proposal to the Planning Commission.

SALVAGE OR RECYCLING FACILITIES

- A. Ground coverage ratio shall not exceed seventy (70%) percent.
- B. A Greenbelt at least fifteen (15) feet in width shall be provided adjacent to all parcel lot lines and planted with two (2) rows of alternately spaced coniferous trees suitable for native soils. This planting shall be maintained continuously in conjunction with the operation of the salvage/recycling facility.
- C. Maximum height of any stored materials is limited to ten (10) feet above grade.
- D. Minimum lot area is two (2) acres with a minimum width of 250 feet.
- E. Any outdoor display for sale or storage of permitted materials shall be at least forty (40) feet from any street or highway right-of-way line.
- F. Access must be directly obtained to a Michigan Department of Transportation rated Class "A" road.
- G. Written comments from the Township Fire Department shall be solicited prior to the public hearing.
- H. Baling, compaction or demolition of any materials shall be performed on a concrete or similar impervious surface graded to collect fluids produced from the operation.

Collected fluids shall be disposed in a manner lawfully consistent with their composition.

- I. The entire operation may be enclosed within an obscuring fence at least eight (8') in height and be located at least fifteen (15') feet from any parcel lot line.
- J. Ground water monitoring may be required by the Planning Commission for the presence of contaminants on an annual basis at a minimum of three (3) sites along the periphery of the site. Test results will be promptly furnished to the Zoning Administrator. If required the existing base contaminant level, location of monitoring wells and materials to be tested for will be stated as part of any Planning Commission condition.
- K. The site plan required pursuant to Article IX shall show the location of all buildings and the location of storage areas designed or used for permitted materials.
- L. The applicant will submit prior to the Public Hearing, a Pollution Incident Prevention Plan (PIPP) to the Michigan Department of Natural Resources. A copy of the proposed plan and Department's advisory analysis will be furnished to the Planning Commission prior to the public hearing.
- M. Conditions and requirements stated as part of the conditional use authorization shall be a continuing obligation of the applicant. The Zoning Administrator shall make periodic investigations, not to exceed two (2) year intervals, to determine compliance with all requirements. A written dated notice of compliance will be placed in the applicant's file after inspection. Continuance of the permit shall be withheld by the Zoning Administrator upon a determination that violations of conditions pertaining to the permit continue to exist more than thirty (30) days after a written order to correct has been issued by the Administrator.

SEXUALLY ORIENTED BUSINESSES

I. INTENT AND PURPOSE

- 1) The Board of the Township of Forsyth acknowledges that there are some uses of land, which because of their sexually oriented nature are recognized as having serious unique objectionable characteristics and deleterious and adverse effects and consequences on surrounding properties. Special regulation of these sexually oriented businesses is needed to fulfill the goals of the Township's Comprehensive Plan to prevent the adverse effects, i.e. blight and urban deterioration, reductions in value of surrounding property, social disorder and crime, the negative effects on community standards for aesthetic values and the Township's tax base associated with the location and operation of sexually oriented businesses. The Township Board believes that the purpose and intent of this section will best be accomplished by requiring that sexually oriented businesses may be located only in those areas of the Township which are zoned I-2, Industrial and then only upon the Planning Commission holding a public hearing and issuing a conditional use permit after having determined that the proposed use meets the requirements of Article VIII of this Ordinance.

II. DEFINITIONS

- 1) Sexually Oriented Business Use ó Any use of land, whether vacant or combined with structures or vehicles thereon, by which said property is devoted to displaying or exhibiting material for entertainment, a significant

portion of which includes matter, actions depicting, describing or presenting
“Specified Sexual Activities” or “Specified Anatomical Areas”. Sexually
Oriented Business uses shall include but not be limited to the following:

- a. An Adult Motion Picture Theater is an enclosed building with a capacity of fifty (50) or more persons used for presenting material which has a significant portion of any motion picture or other display, depicting, describing or presenting “Specified Sexual Activities” or “Specified Anatomical Areas” for observation by patrons therein.
- b. An Adult Mini-Motion Picture Theater is an enclosed building with a capacity for less than fifty (50) persons used for presenting material which has as a significant portion of any motion picture or other display depicting, describing or presenting “Specified Sexual Activities” or “Specified Anatomical Areas”.
- c. An Adult Motion Picture Arcade is any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time and where a significant portion of images so displayed depict, describe or relate to “Specified Sexual Activities” or “Specified Anatomical Areas”.
- d. An Adult Book or Supply Store, Adult Novelty Store or Adult Video

Store is defined as a commercial establishment having ten percent (10%) or more of all usable interior, retail, wholesale or warehouse space devoted to the distribution, display, storage, sale, or rental of any form of sexually explicit materials or adult novelty items. Also, an establishment with a significant portion devoted to the sale or display of sexually explicit materials or adult novelty items.

- e. An Adult Cabaret is a nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, "go-go" dancers, exotic dancers, strippers, or similar entertainers, where a significant portion of such performances show, depict or describe "Specified Sexual Activities" or "Specified Anatomical Areas."
- f. Adult Smoking or Sexual Paraphernalia Store is an establishment having, as a substantial portion of its stock in trade and offers for sale, for any form of consideration, paraphernalia designed or usable for sexual stimulation or arousal or for smoking, ingesting or inhaling marijuana, narcotics or other stimulating or hallucinogenic drug-related substances.
- g. Massage Parlor is an establishment having a substantial portion of its space devoted to massages of the human body or parts thereof by means or pressure, imposed friction, stroking, kneading, rubbing, tapping, pounding, vibrating or otherwise stimulating the same with hands, other parts of the human body, mechanical devices, creams,

ointments, oils, alcohol or any other means of preparations to provide relaxation or enjoyment to the recipient. The following uses shall not be included in the definitions of a massage parlor:

- i. Establishments which routinely provide such services by a licensed physician, a licensed physician's assistant, a licensed chiropractor, a licensed osteopath, a licensed physical therapist, a licensed nurse practitioner, a therapeutic massage practitioner as defined in this Ordinance or any other similarly licensed medical professional;
 - ii. Fitness center;
 - iii. Electrolysis treatment by a licensed operator of electrolysis equipment; and
 - iv. Hospitals, nursing homes, medical clinics or medical offices.
- h. An Adult Model Studio is any place where, for any form of consideration or gratuity, figure models who display "Specified Anatomical Areas" are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such considerations or gratuities, except that this provision shall not apply to any bona-fide art school or similar educational institution.
- i. An Adult Personal Service Business is a business having as its principal activity a person, while nude or while displaying "Specified Anatomical Areas", providing personal services for

another person. Such businesses include, but are not limited to modeling studios, body painting studios, wrestling studios, and conversational parlors.

j. An Adult Sexual Encounter Center is any business, agency, or person who, for any form of consideration or gratuity, provides a place where three (3) or more persons, not all members of the same family, may congregate, assemble or associate for the purpose of engaging in "Specified Sexual Activities" or exposing "Specified Anatomical Areas".

- 2) Significant Portion ó as used in the above definitions, the phrase "Significant Portion" shall mean and include:
 - a. Any one or more portions of the display having continuous duration in excess of five (5) minutes; and/or
 - b. The aggregate of portions of the display having a duration equal to ten percent (10%) or more of the display; and/or
 - c. The aggregate of portions of the collection of any materials or exhibits composing the display equal to ten percent (10%) or more of the display.
- 3) Display ó As used in the above definitions, the word display shall mean any single motion or still picture, presentation, dance or exhibition, live act or placing of materials or engaging in activities on or in a newsstand, display rack, window, showcase, display case or similar place so that the material or activity is easily visible to the general population whether for free or

otherwise.

- 4) Specified Sexual Activities ó as used in the above definitions, the phrase "Specified Sexual Activities" shall mean and include:
 - a. Human genitals in a state of sexual stimulation or arousal;
 - b. Acts of human masturbation, sexual intercourse or sodomy;
 - c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast; and
 - d. Appearing in a state of nudity.
- 5) Specified Anatomical Areas ó as used in the above definitions, the phrase "Specified Anatomical Areas" shall mean and include:
 - a. Less than completely and opaquely covered: (a) human genitals, pubic region (b) buttocks, and (c) female breast below a point immediately above the top of the areola; and
 - b. Human genitals in a discernibly turgid state, even if completely and opaquely covered.
- 6) Regulated Uses ó Those uses and activities which require licenses, approval or permits by Township regulations.
- 7) Sexually Oriented Business Merchandise/Products ó Sexually oriented business merchandise/products means any book, magazine, periodical, slide, picture, photograph, drawing, sculpture, software, video cassettes or discs, video reproductions, or motion picture film, activity or other printed, electronic recorded or visual representation or image or novelty item which has as a significant portion of its content or exhibit matter of actions

depicting, describing, or relating to "Specified Sexual Activities" or "Special Anatomical Areas", such as but not limited to, depiction of uncovered or less than opaquely covered human or animal genitals or pubic areas, human sexual intercourse, human or animal masturbation, oral or anal intercourse, human-animal intercourse, excretory functions, physical stimulation or touching of genitals or pubic areas, or flagellation or torture by or upon a person who is nude or clad in revealing costumes in the context of sexual stimulation. The merchandise/products shall be judged without regard to any covering which may be affixed or printed over the merchandise/products or activity in order to obscure genital areas in a depiction which otherwise would fall within the definitions of this section. Works of artistic, anthropological, scientific, library or medical significance, which taken as a whole have serious literary, artistic, political or scientific value, are not intended to be included within the definitions of this subsection. This definition is intended to include any merchandise/products which result from any technology, whether that technology is available on the effective date of this amendment or becomes available after that date.

- 8) Adult Novelty Items ó Adult novelty items means any object, substance, instrument, paraphernalia, item or devise offered for sale which is distinguished, designed, or characterized by an emphasis on matters relating to "Specified Sexual Activities", or sexual stimulation or arousal of "Specified Anatomical Areas".

III. DISPERSAL REGULATIONS

- 1) No sexually oriented business shall be located within one thousand (1000) feet of any other sexually oriented business or within one thousand (1000) feet of any of the following uses:
 - a. Any Class "C" establishment licensed by the Michigan Liquor Control Commission;
 - b. Pool or billiard halls;
 - c. Coin operated amusement centers;
 - d. Teenage discos or dance halls;
 - e. Ice or roller skating rinks;
 - f. Pawn shops;
 - g. Indoor or drive-in movie theaters;
 - h. Any public park;
 - i. Any church;
 - j. Any public or private school having a curriculum including kindergarten or any one or more of the grades one through twelve (1-12);
 - k. Any child care center or nursery;
 - l. Any adult foster care facility;
 - m. Any senior citizens center; and
 - n. Any other regulated uses as defined herein.
- 2) Such distance shall be measured along the center line of the street or streets or address between two (2) fixed points on the center lines determined by

projecting straight lines from the part of the above listed uses nearest to the contemplated location of the structure containing the sexually oriented business and from the contemplated location of the structure containing the sexually oriented business nearest to a use listed above.

- 3) Prohibited Zone ó No sexually oriented business shall be located within one thousand (1000) feet of any area zoned residential. Such required distances shall be measured by a straight line between a point on the boundary line of a zoned residential area nearest to the contemplated structure or contemplated location of the structure containing the sexually oriented business to a point on the contemplated structure or contemplated location of the structure containing the sexually oriented business nearest to the boundary line of a zoned residential district.

IV. AGE/VISIBILITY RESTRICTIONS

- 1) No person under eighteen (18) years of age shall be permitted to enter any portion of the premises of a sexually oriented business where sexually oriented business products are displayed.
- 2) A sexually oriented business which sells or displays videotapes, discs or cassettes of general interest but also has a section or segment of the establishment devoted to the sale or display of sexually oriented business merchandise/products which distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Anatomical Areas" or "Specified Sexual Activities": as both are defined

herein, shall provide for the display of such materials in a fully enclosed room with solid walls and doors separate from the common area of the premises and which totally obstructs viewing from the outside. The door shall have self-closing mechanism and shall be clearly marked "Adults Only".

- 3) All entries, windows and other building openings for a sexually oriented business shall be located, covered, screened in such a manner as to prevent anyone from being able to view or otherwise observe the interior of the sexually oriented business from any vantage point outside of the business.

V. ADVERTISING/SIGNAGE LIMITATIONS

- 1) Signs advertising sexually oriented businesses and sexually oriented business merchandise/products shall be permitted, subject to the following limitations and restrictions:
 - a. Any signs advertising the existence of any sexually oriented business shall not exceed a total aggregate area of twenty (20) square feet;
 - b. Any signs, advertisements, displays or any other material promoting sexually oriented business merchandise/products shall not be displayed, shown or exhibited in any manner that allows them to be viewed by the public from any vantage point outside of the business;
 - c. Any signs advertising the existence of any sexually oriented business shall not be illuminated by any type of flashing, blinking or strobe lights;

- d. Any signs advertising the existence of any sexually oriented business shall not be located within the public right of way;
- e. Any signs advertising the existence of any sexually oriented business shall not be illuminated or located in any manner which causes it to be a traffic hazard or have a negative or detrimental effect on any surrounding land use; and
- f. Any signs advertising the existence of a sexually oriented business shall only be located on the property for which a conditional use permit to operate a sexually oriented business has been granted.

**PRIVATE ROAD ORDINANCE
FORSYTH TOWNSHIP ZONING ORDINANCE
ARTICLE VII**

PRIVATE ROADS IN FORSYTH TOWNSHIP

I. DEFINITIONS

- A. “Driveway” A vehicular access way serving one lot.
- B. “Common Driveway” A vehicular access way serving two lots with recorded easement and maintenance agreements between landowners.
- C. “Route” A way for public or private passage and used for all purposes of travel or transportation to which it is adopted and devoted between different places. (Route Labeling and Structure Numbering Ord. 6-78)
- D. “Private Road” A privately owned road, lane, trail serving more than two lots not used as a through fare, but used to access private residences.
- E. “Public Easement” An easement held by a municipality for purposes of public access to land or water not otherwise connected to a public way, which confers the right of unobstructed public access by motor vehicle or foot but does not obligate the municipality to repair or maintain the easement.
- F. “Public Road” A way or public easement for highway purposes held by any governmental body.
- G. “Road” A route that travels generally East and West in direction (Route Labeling and Structure Numbering Ord. 6-78). Any public or private way designed for vehicular access, other than driveways, farm roads, trails or logging roads.
- H. “Seasonal Road” – Any road intended to provide access only during the months of May through October. These roads are not normally maintained or snow plowed during the winter.
- I. “Through Roads” – These are roads, streets, drives, that serve as connections to public roads, providing circulation and access to commercial areas and residential

developments. Through roads must accommodate both a regular flow of passenger vehicles and commercial traffic including trucks.

- J. "Drive" – A route that travels generally North and South in direction.
- K. Professional Engineer – An engineer registered in the State of Michigan.
- L. Right-of-Way – A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or location of utilities. Legally established lines or boundaries delineate the right-of-way.
- M. Lot – A parcel of land, excluding any portion in a street or road right-of-way, of at least sufficient size to meet minimum requirements for use, coverage lot area, set backs and open space as defined in the current Forsyth Township Zoning Ordinance.

II. FEE AND APPLICATION

- A. The application fee for a Private Road Permit will be established by the Forsyth Township Board and must be paid at the time of the application.
- B. Application Requirements – The following information shall be submitted to the Forsyth Township Zoning Office as part of the application for a Road Permit.
 - 1. Name of Applicant (s)
 - 2. Name of the owner (s) of record of the land.
 - 3. Any legal encumbrances on the land upon which the proposed road is located.
 - 4. Statement of whom will own the road following construction, by what legal instrument, and who will be responsible for road maintenance.
 - 5. The estimated volume and type of traffic to use the road.
 - 6. The anticipated starting and completion dates of each phase of road construction.
 - 7. A description of erosion, sedimentation, and dust control measures to be employed during and following construction.

8. A description of storm water management and drainage provisions, together with supporting assumptions and calculations.
9. An illustrated plan prepared by a professional engineer showing;
 - a. The scale; the direction of magnetic North; the starting and ending point of the proposed road with relation to established roads and any planned or anticipated future extensions of the boundary lines of all properties abutting the proposed road, including any new lots to be created.
 - b. Proposed locations of driveways off the private road.
 - c. All natural waterways, the location and profile (including size and capacity) of all existing and proposed water management and drainage structures, including sewer or septic systems, water lines or private wells.
 - d. The design and profile of the 50 feet of the proposed road closest to any public or private road intersection; if proposed to be over 300 feet in length, the design of the emergency vehicle turnaround.
 - e. The location of all existing and proposed structures.
 - f. A cross section of the proposed road, showing the types and depths of material to be used in the road base and surface.

III. STANDARDS FOR APPROVAL

The proposed private road shall meet the following standards:

- A. The minimum right-of-way width shall be sixty-six (66) feet, the applicant can request a reduction in right-of-way width in order to protect natural features provided that in no case may the right-of-way be less than 50 feet as a result of space saving features such as curb and gutter.
- B. Adequate sight distance of 10 times speed limit in feet (e.g., 45mph zone requires 450 feet) visibility in each direction. This shall be measured from where the driver's seat of a vehicle would be situated fifteen (15) feet from the edge of the shoulder, with the height of eye at 3-1/2 feet, to the top of an object at 4 1/2 feet above the pavement.
- C. Drainage will neither erode the proposed road nor wash directly onto the public road or other private property.
- D. Roads and right-of-way over 300 feet long must have an adequate place for emergency vehicles, school buses, garbage trucks, etc. to turn around.
- E. No fence, wall, sign, screen or any planting shall be erected or maintained in such a way as to obstruct vision between a height of three (3) and ten (10) feet within the triangular area formed by the intersection of a road right-of-way line and a private road right-of-way line and a line connecting two (2) points which are located on those intersecting right-of-way lines, thirty (30) feet from the point of intersection.
- F. Parcels fronting on private roads shall meet the required front yard setback and lot

width for their district as set for in Article V, Area, Height and Placement Regulations, General Area Regulations.

- G. All division of land shall be in compliance with the Forsyth Township Land Division Ordinance.
- H. The angle of intersection with the public road must be as close to 90 degrees as possible, but never less than 60 degrees.
- I. For roads servicing any permanent, year-round structure, it is required that private roads and rights-of-ways that are over 300 feet long meet current Marquette County Road Commission paved road specification to facilitate emergency vehicle access. Private roads must be paved to meet current Marquette County Commission paved road specifications if any of the following occur.
 - 1. The road serves more than six (6) residential lots.
 - 2. The road provides access to any multiple family developments (s).
 - 3. The road provides connection between any two public roads.
 - 4. The road provides access to industrial or commercial property.

IV. ROAD PERMIT DENIAL / RIGHT TO APPEAL

If any of the applicable conditions as outlined above are not met or there is information missing from the application, the Forsyth Township Zoning Staff may deny the Road Permit application.

If the applicant feels that the Forsyth Township Zoning Staff has erred in their interpretation of this Ordinance, the applicant may file an administrative appeal with the Forsyth Township Board of Appeals within thirty (30) days of the denial.

If the applicant feels that the denial of the Road Permit creates an undue hardship, the applicant

may request a variance from the Forsyth Township Board of Appeals pursuant to standards for a variance as set forth in the Township Zoning Ordinance. If these standards are not met, the applicant must acknowledge added risk and sign a Hold Harmless Agreement, to be registered with the land at the Marquette County Register of Deeds.

V. CONSEQUENCES OF NONCOMPLIANCE WITH THIS ORDINANCE

Any parcel accessed by a private road created in noncompliance with the Ordinance shall not be eligible for any zoning approvals, such as land splits, conditional land use approval or site plan approval. In addition, violation shall subject the violator to the fines and enforcement actions set forth, in Section VII of this Article, and as may otherwise be provided by law.

VI. EXISTING PRIVATE ROADS

Private roads that were created prior to the adoption of this ordinance shall be subject to all the conditions specified in the ordinance for any extension to the existing private road. Any parcel accessed by an extension of an existing private road created in noncompliance with this ordinance shall not be eligible for any zoning approvals, such as zoning compliance, land splits, conditional land use approval or site plan approval.

VII. FINES AND ENFORCEMENT

Any person who violates any of the provision of this ordinance shall be deemed responsible for a civil infraction and shall be subject to a fine of not more than \$500.

VIII. 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 part of portion thereof.

CONDOMINIUM AND SITE CONDOMINIUM

- I. PURPOSE
- II. The purpose of this section is to provide for the review and approval process for all condominium and site condominium projects within the Township.
- III. GENERAL REQUIREMENTS
- IV. Each applicant shall comply with the following general requirements:
 - a. The applicant shall pay a reasonable fee, determined by the Forsyth Township Board, prior to submitting a condominium subdivision plan
 - i. for review.
 - b. No construction, grading, work or other development shall be done upon the land intended to be used for a site condominium until a final condominium subdivision plan has been approved, except with the express permission of the Planning Commission. This requirement shall include contractible, conversion, and expandable site condominiums.
 - c. A required site plan for building, structure, or use to be placed on a condominium unit requires site plan approval under Article IX Site Plan Review before a zoning compliance permit may be issued.
 - d. The Planning Commission shall have the authority to review and approve or deny preliminary and final condominium subdivision plan based on whether or not the plan complies with the provisions of this Ordinance.
 - e. Each condominium unit shall be located in a Zoning District that permits this proposed use.

- f. For the purpose of this Article, each site condominium unit shall be considered equivalent to a single lot and shall comply with all regulation of the Zoning District in which located. In the case of a site condominium containing single-family detached condominium units, no more than one single structure shall be located on a condominium unit, nor shall a dwelling unit be located on a condominium unit with any other principal structures or use. Required setbacks shall be measured from the boundaries of a condominium unit. Ground floor coverage and floor area ratios shall be calculated using the area of the condominium unit.
- g. Relocation of boundaries between adjoining condominium units, if permitted in the condominium documents and as provide in Section 48 of the Condominium Act, shall comply with all regulations of the Zoning District in which it is located and shall be approved by the zoning administrator. These requirements shall be made a part of the bylaws and recorded as part of the master deed.
- h. Each condominium unit that results from a subdivision of another condominium unit if such subdivision is permitted by the condominium documents and as provided in Section 49 of the Condominium Act, shall comply with all regulations of the Zoning District in which it is located and shall be approved by the Zoning Administrator. These requirements shall be made a part of the condominium bylaws as part of the master deed.
- i. Revisions to the final, approved condominium subdivision plan shall be submitted for review and approval or denial by the Planning Commission.
- j. Any amendment to the master deed or bylaws that affects the approved preliminary or final condominium subdivision plan shall be reviewed and approved by the

Planning Commission. The Planning Commission may require review of any amended condominium subdivision plan if in its opinion such changes in the master deed or bylaws require corresponding changes in the approved condominium subdivision plan.

- k. The Planning Commission may require as a condition of approval that the applicant enter into a development agreement incorporating the terms and conditions of final condominium subdivision plan approval and record the same with the Marquette County Register of Deeds.
- l. All streets and roads proposed for any site condominium shall at a minimum conform to the standards and specification promulgated by the Marquette County Road Commission for construction of roads in single ófamily residential subdivisions.
- m. Monuments shall be set in accordance with the Condominium Act and all other State rules and regulations. The Planning Commission may grant a delay in the setting of required monuments for a reasonable time, but not to exceed one year, on condition that the developer deposit with the Township Clerk, cash, a certified, check or any irrevocable bank letter of credit in an amount determined by resolution of the Planning Commission.
- n. Such deposit shall be returned to the developer upon receipt of a certificate by a registered surveyor that monuments and irons have been set as shown on the condominium subdivision plan.
- o. If the developer defaults, the Township Board shall promptly require a registered surveyor to set the monuments and irons in the ground as shown on the

condominium subdivision plan, at a cost not to exceed the amount of the security deposit.

- p. All right-of-way and utility easements shall be described separately from individual condominium lots. The right-of-way and utility easements shall be separately described for their individual purpose, such as; access, roadway, or location, installation, maintenance and replacement of public utilities. Utilities placed within the road rights-of- ways are subject to the requirements imposed by Forsyth Township, Marquette County Road Commission and/or State of Michigan.
- q. All condominium projects shall comply with applicable federal and state statutes and local ordinances.

V. APPLICATION AND APPROVAL PROCESS

- VI. The application process shall consist of a pre-application conference, review and approval of a preliminary condominium subdivision plan and approval of a final subdivision plan.
- VII. Before submitting any formal documents for approval of a condominium subdivision plan, the applicant shall meet with the Zoning Administrator for a pre-application conference. It shall be the responsibility of the Zoning Administrator to contact and invite appropriate officials to such a meeting, including a representative of the Planning Commission. The general outline of the proposed site condominium, evidenced by sketch plans, is to be reviewed at the meeting. The applicant will present the proposal to the Planning Commission.
- VIII. The Preliminary Condominium Subdivision Plan requirements:
 - a. A preliminary condominium subdivision plan shall be filed for approval with the

Planning Commission.

- b. The preliminary condominium subdivision plan shall include all land that the developer intends to include in the site condominium project.
- c. The preliminary condominium subdivision plan shall include information required in Section 66 of the Condominium Act, State of Michigan. The preliminary site plan shall also include all information required in Article IX herein, except in the case of a development that consists only of condominium units and not buildings or other structures at the time of submittal. In such case, the location and dimensions of condominium units rather than individual buildings and required yards shall be shown on the preliminary condominium subdivision plan.
- d. A final condominium subdivision plan for any phase of development shall not be filed nor reviewed by the Planning Commission unless a preliminary condominium subdivision plan has been approved by the Planning Commission and is in effect.

IX. The Final Condominium Subdivision Plan requirements:

- a. A final condominium subdivision plan shall be filed for review for each phase of development shown on the approved preliminary condominium subdivision plan.
- b. A final condominium plan shall include all information required in Section 66 of the Condominium Act, and the master deed and bylaws. The final condominium subdivision plan shall also include all information required in Article XIII, herein, except in the case of a development that consists only of condominium units and not buildings or other structures at the time of site plan application. In such case, the location and dimensions of condominium units rather than individual buildings and required yards shall be on the final condominium subdivision plan.

- c. The applicant shall provide proof of approvals by all local, county and state agencies having jurisdiction over the improvements in the site condominium development, including but not limited to the County Drain Commissioner, County Road Commission, and the District Health Department. The Planning Commission shall not approve a final site plan until each County and State agency having such jurisdiction has approved that portion of the final site plan that is subject to its jurisdiction.

SOLAR ENERGY SYSTEMS

Solar energy systems are designed to capture and utilize the energy of the sun to generate electrical power. A solar collection device is the actual materials used to collect solar rays and all associated structural devices needed to support and convert/transmit the energy collected. These devices may be either freestanding or attached to a structure.

I. STANDARDS FOR APPROVAL

- A. **Level 1 System** ó Defined as roof mounted or building integrated.
- i. Permitted Use in all Districts.
 - ii. Solar panels installed in a sloped roof shall not project vertically above the peak of the roof.
 - iii. Solar panels attached to a flat roof shall not project vertically more than 10 feet above the roof.
 - iv. Solar panels shall not cover more than ½ of wall or roof area.
- B. **Level 2 System** ó Defined as ground mounted or free standing small scale systems (Under five (5) acres in size).

Table: Level 2 - Zoning District locations and requirements

	RR-1,RR2, RRP, SD & OS	R-1, R-2, R-3, MH-1, MH-2, LR, C-1, C-2, I-1 & I-2
Permit	Permitted Use (Zoning Compliance Permit)	Conditional Use
Allowable footprint	Up to 5 Acres	Up to ½ Acre
Requirements	1. Shall comply with all regulations, including ground coverage, height restrictions and setbacks for accessory structures in the district in which they are located. 2. Shall have year round screening along the back panel of the solar collection device(s).	

- C. **Level 3 System** ó Defined as systems with a footprint of 5 acres or more, or that do not meet the requirements of a Level 1 or 2 system
- i. Conditional Use in C-1,C-2,I-1,I-2,RRP & OS
 - ii. System shall meet all existing height limit and set back requirements for the district in which they are located, except ground coverage ratios, but in all cases shall be set back at least 100 feet from non-participating property boundaries, excluding any security fencing, poles and wires necessary to connect to facilities of the electrical grid.
 - iii. When the Solar Energy System is not accessory to a residential living structure, all mechanical equipment, including any structure for batteries or storage cells, shall be completely enclosed by a minimum 6 foot high fence, with locking gate.

II. APPLICATION AND GENERAL REGULATIONS

- A. A Zoning Compliance Permit shall be required before installing a Solar Energy System in either Level 1, 2, or 3.
- B. Site Plan Review shall be required for any ground mounted Solar Energy System which is not accessory to a residential living structure.
 - i. The site plan shall include all requirements as outlined in article IX and must also include the following.
 - a. Proposed number, location, and spacing of the solar panels, proposed height of the panels, location of access roads and driveways and planned location of all overhead and underground electrical lines connecting panel to the substation.

- C. Solar energy systems shall be constructed and operated in compliance with any applicable local, state and federal regulatory requirements.
- D. Solar energy systems shall be constructed and operated in compliance with all Federal Aviation Administration (FAA) guidelines and regulations.
- E. Solar energy systems shall be subject to storm water management, erosion and sediment control best practices and shall obtain required permits from the Michigan Department of Environmental Quality, Michigan Department of Transportation and any other required governmental approvals.
- F. The Planning Commission may require landscaping, buffering, screening, or impose other conditions in its discretion to make the solar energy system compatible with nearby land uses.

PERFORMANCE GUARANTEES

- I. Authority, Purpose, and Timing
 - a. To ensure compliance with this Ordinance and any conditions imposed under this Ordinance, the designated approving body for an application may require that a cash deposit, certified check, or irrevocable letter of credit acceptable to the Township and covering the estimated cost of improvements, be deposited with the Township Clerk to insure faithful completion of the improvements.
 - b. The performance guarantee shall be deposited prior to the issuance of the Zoning Permit authorizing the activity or project. The Township may not require the deposit of the performance guarantee until it is prepared to issue the Zoning Permit.

- c. This Section shall not be applicable to single family and two-family dwellings or improvements for which a cash deposit, certified check, or irrevocable letter of credit has been deposited under the Land Division Act, Public Act 288 of 1967, as amended.

II. Improvements Covered

- a. Improvements that shall be covered by the performance guarantee include those features and actions of a project that are considered necessary by the body or official granting approval to protect the natural resources or the health, safety and welfare of residents of the Township and future users or inhabitants of the proposed project area **including roadways, lighting, utilities, sidewalks, screening and drainage.**

III. Return of Performance Guarantee

- a. For the return of a performance guarantee or portion thereof, the applicant shall send written notice to the Zoning Administrator advising completion of said improvements. The Zoning Administrator shall inspect the improvements and determine if the improvements are in compliance with the approved permit. After the field inspection has been completed and the site has been approved by the Zoning Administrator, a letter of acceptance will be forwarded to the applicant, and the Township Clerk shall release the performance guarantee within forty-five (45) days of the letter of acceptance.
- b. Partial Completion of Improvements

i. If the Zoning Administrator determines that the improvements are only partially completed, the portion of the performance guarantee to be released shall be proportional to the work completed, as determined by the Zoning Administrator. This determination will be made in writing to the applicant and the partial performance guarantee will be returned by the Township Clerk within forty-five (45) days of the determination.

c. Lack of Full Completion

i. Should installation of improvements fail to meet full completion based on the approved permit application, the Township may complete the necessary improvements itself or by contract to an independent contractor, and assess all costs of completing the improvements against the performance guarantee. Any balance remaining shall be returned to the applicant.

RESIDENTIAL STORAGE BUILDINGS ON VACANT LOTS

Residential storage buildings include garages, pole buildings, and sheds used for the storage of personal items or vehicles that are built for the storage of such item. Houses, mobile homes, campers, or recreation vehicles shall not be considered residential storage buildings and neither shall commercial storage units or mini storage buildings.

Whether a permitted or conditional use, all setback and height requirements must be met and a Zoning Compliance Permit must be granted prior to building or placing a residential storage building on a parcel in Forsyth Township.

DISTRICT	PERMITTED USE	CONDITIONAL USE
R-1, R-2, R-3, LR, RR-1, SD, OS, MH-1, MH-2	Yes, if adjacent to a parcel of same ownership with an approved use for that district.	Yes
RR-2, RRP, PA	Yes	

I. **CONDITIONAL USE PERMIT - STANDARDS FOR APPROVAL**

- A. The residential storage building shall not be used for any commercial purposes.
- B. The residential storage building shall not be used as a dwelling unit for any length of time.
- C. All setback requirements and height restrictions must be met for the zoning district in which the building will be located.
- D. Property owner shall have legal access to a public road.
- E. Article XIII, "Required Standards and Findings for Making Determinations on Conditional Use and Ordinance Amendments" shall also pertain.

ARTICLE VIII
OFF STREET PARKING

REQUIREMENTS

In all districts there shall be provided at the time any building, structure, or use is established, enlarged or increased in capacity, off street parking spaces for motor vehicles. Off street parking spaces shall be maintained and shall not be encroached upon by structures or other uses so long as the principal building, structure, or use remains, unless an equivalent number of spaces are provided elsewhere in conformance with this ordinance. **Required parking spaces must remain open for vehicles and shall not be used for snow storage.**

PLANS

Plans and specifications showing the required off street parking spaces, including the means of access and interior circulation, shall be part of any application for a Zoning Compliance Permit for the erection, enlargement, or reuse of a building. Where off street parking is located on a lot other than the lot occupied by the use which requires it, site plan approval for both lots is required.

LOCATION OF OFF STREET PARKING AREAS

Required off street parking facilities shall be located on the same lot within three hundred (300) feet of the principal building, except that this distance shall not exceed one hundred fifty (150) feet for single family and two family dwellings. This distance specified shall be measured from the nearest point of the parking facility to the nearest point of the building or use. Ownership shall be shown of all lots or parcels intended for use as parking.

REQUIRED MINIMUM OF OFF STREET PARKING SPACES

The minimum number of off street parking spaces shall be determined in accordance with “usable floor area” and with the following schedule:

USE		NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
1	Single and two family dwellings	2 per dwelling unit
2	Accessory dwelling units, rooming houses, fraternities, sororities, dormitories, and convalescent homes	1.4 times maximum lawful number occupants.
3	Hotels, motels, cabins, and tourist sites	1.2 per room in addition to spaces for restaurant facilities
4	Multi-family housing greater than two units, apartment buildings, senior housing complexes	2 per dwelling unit or floor area in square feet divided by 440, or whichever is greater
5	Churches, theaters, facilities for spectator sports, auditoriums, and concert halls	0.5 times the seating capacity
6	Golf course	4 per hole
7	Beauty shop / barber shop / salon	2 plus 1 per chair
8	Bowling alleys	5 per lane in addition to spaces required for restaurant facilities, if applicable
9	Fast-food take-out establishments and drive-in restaurants	1.5 per 100 square foot of floor area
10	Establishments for sale and consumption of beverages, food, or refreshments (on-premise)	1.2 per 100 square foot of floor area
11	Furniture, appliance, household, equipment, carpet and hardware stores, contractor's show-rooms, museums, galleries, and other similar uses	1 per 800 square foot of floor area
12	Funeral Parlors	1 per 100 square foot of floor area
13	Gasoline fill stations and service stations	1 per pump & 1 per lift, (in addition to stopping places adjacent to pumps)
14	Laundromats and coin operated cleaners.	0.33 per machine

USE		NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
15	Doctors' and dentists' offices and clinics	1 per 100 square foot of waiting room area and 1 per working staff
16	Banks and other financial institutions	1 per 150 square foot of floor area
17	Grocery stores and all other retail stores and service establishments	1 per 250 square foot of floor area
18	Professional / Business Offices	1 per 300 square foot of floor area
19	Warehouses	1 per 1000 square foot of floor area
20	Motor vehicle sales and service establishments	1 per 300 sq ft of floor area of sales room and 1 for each auto service stall in the service room (if applicable)
21	Pool Hall, Arcade or Gaming Club	1 per game table or 1 per 150 square foot of floor area in game rooms, whichever is greater
22	Car wash facilities	1 per stall and waiting spaces for additional 5 cars per bay (cannot be in street or right-of-way)
23	Private clubs, lodges, private/public halls, community centers, reception halls, roller rinks	0.35 times established capacity or 1 per 100 square feet of usable floor area, whichever is greater
24	Day Care Center	1 per every 5 children
25	Bed & Breakfasts	1 + 1 for each room available for transient guests
26	Hospitals	1 per every 4 beds and 1 for each 2 employees and/or staff
27	Elementary and junior high schools	1 per each working staff
28	High schools, colleges, and universities	1 per teacher, employee, or administrator plus 1 per 5 students
29	Other commercial uses	1 per employee on premises at any one time or 1 per 800 square foot of floor area, whichever is greater
30	Other industrial uses	1 per employee on premises at any one time or 1 per 1600 square foot of floor area, whichever is greater

NOTES REGARDING USES & COMPUTING REQUIRED SPACES

1. Where calculation, in accordance with the foregoing list, results in requiring a fractional space, any fraction less than one-half (1/2) shall be disregarded and any fraction of one-half (1/2) or more shall require one (1) space.
2. Required off-street parking shall be provided on lots with contiguous ownership.
3. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accordance with the use which the Zoning Administrator considers as being similar in type.
4. For the purpose of computing the number of parking spaces required, the definition of "usable floor area" shall be used.
5. Use of any required parking spaces for storage of merchandise, motor vehicle for sale, trucks, or repair of vehicles is prohibited

AREA DESIGN

- A. There shall be provided a minimum access drive of ten (10) feet in width and, where a turning medium is necessary, it will be of such an arc as to reasonable allow an unobstructed flow of vehicles.
- B. The following minimum design standards shall be observed in laying out off-street parking facilities:

<u>PKG ANGLE</u>	<u>STALL W</u>	<u>STALL L</u>	<u>CURB-CURB</u>	<u>AISLE W</u>
0-15	9 feet	23 feet	30 feet	12 feet
16 to 37	10 feet	19 feet	47 feet	11 feet
38 to 57	10 feet	19 feet	54 feet	13 feet
58 to 74	10 feet	19 feet	61 feet	18 feet
57 to 90	10 feet	19 feet	63 feet	24 feet

- C. All off-street parking spaces shall not be closer than five (5) feet to any property line, except where a wall, fence, or compact planting strip exists as a parking barrier along the property line.
- D. All parking lots of five (5) or more vehicles, adjacent to a right-of-way, will be required to have a buffer strip of eighteen (18) inches minimum, in width, of planting or curbing.
- E. All off-street parking areas shall be drained so as to prevent drainage to abutting properties and shall be constructed of materials which will have a dust free surface resistant to erosion.
- F. Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residential lot or institutional premises.
- G. Any off-street parking area providing space for five (5) or more vehicles shall be effectively screened on any side, which adjoins or faces a residential lot or institution by a wall, fence, or compact planting not less than four (4) feet in height, nor more than six (6) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.
- H. All off-street parking areas that make it necessary for vehicles to back out directly onto a public road are prohibited, except those parking areas for one or two family dwellings.

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ARTICLE IX

SITE PLAN REQUIREMENTS AND REVIEW

The purpose of the Site Plan Review is to determine compliance with the provisions set forth herein and to promote the orderly development of the Township, the stability of land values, investments and general welfare. The Site Plan Review will help prevent the impairment or depreciation of land values and development by the erection of structures, additions or alterations thereto without proper attention to setting and appearance. The term "site plan" includes all documents, plans or drawings required by this ordinance. The provisions in this section shall apply to all Site Plan Review procedures. The procedures of this section shall be minimum requirements.

WHEN A SITE PLAN IS REQUIRED

A site plan and appropriate fee are required and shall be submitted to the Zoning Administrator when application is made for:

1. Zoning Compliance Permits for:
 - a. Any proposed construction.
 - b. Any commencement of a new use.
 - c. Any proposed change in use.
2. Conditional Use Permits.
3. Variances.
4. Class "A" Nonconforming Use Designations.

SITE PLAN REQUIREMENTS FOR GENERAL RESIDENTIAL USES

The site plan for single and two-family dwelling, residential accessory uses and structures, and seasonal dwellings shall be submitted to the Zoning Administrator for approval, approval with conditions, or denial, and shall contain the following information:

1. A legal description of the site.
2. All lot lines and dimensions of the lot.
3. All road and easements.
4. All existing and proposed buildings shall be shown and labeled.
5. Proposed use of each building.
6. Distances between buildings and all lot lines (setbacks).
7. Building dimensions, including height for all proposed construction.
8. Natural features affecting development (rock, water, etc.)
9. Water and sewage location.

Submittal of some of the above-required information may be waived if deemed appropriate by the Zoning Administrator. The Zoning Administrator shall grant approval, approval with conditions, or denial. All decisions of the Zoning Administrator shall be in writing and forwarded to the applicant. An individual aggrieved by the action of the Zoning Administrator in the approval or denial of a Site Plan may appeal to the Township Zoning Board of Appeals for their review and final determination. The factual basis for the appeal must be exclusive, in writing and filed with the Township Clerk within the working ten (10) days after the date of the decision of the Zoning Administrator.

SITE PLAN REQUIREMENTS FOR ALL OTHER USES

Site Plans for all uses and developments except for one and two-family dwellings, residential accessory uses and seasonal dwellings shall contain the information and data as detailed in "Site Plan Review - Required Information" unless the Site Plan Requirement is waived by the Zoning Administrator.

SITE PLAN WAIVER

A waiver of the Site Plan Review requirement is available in the following situations:

1. The proposed structure contains less than 1500 square feet of gross floor area and the land use activity requires less than six (6) off-street parking spaces per Article VII "PARKING".
2. The reuse of a building where the proposed land use is a Permitted Use in the Zoning District in which it is located with adequate parking per Article VIII "PARKING REGULATIONS".
3. The reuse of a building where the proposed land use is a Permitted Use in the Zoning District in which it is located and a Variance related to parking was previously granted related to a similar land use.

Application for a Site Plan Waiver must be made in writing to the Zoning Administrator with the following information.

1. Address and parcel number of the site.
2. A description of the proposed used.
3. A hand drawn or engineered site plan detailing: lot dimensions, road access, driveway location, customer and employee parking, the existing building location

and its dimensions (including building height) building setbacks from the parcel lines, and water and sewage location.

If the Zoning Administrator feels the Site Plan Review Requirement should be waived, he or she will approve the request in writing within 10 business days. If he/she does not feel the requirement for a waiver are met, an application for Site Plan Review shall be required. An individual aggrieved by the action of the Zoning Administrator in the approval or denial of a Site Plan Waiver may appeal to the Township Zoning Board of Appeals for their review and final determination. The factual basis for the appeal must be exclusive, in writing and filed with the Township Clerk within the working ten (10) days after the date of the decision of the Zoning Administrator.

SITE PLAN REVIEW-REQUIRED INFORMATION

The following documents are required for zoning actions on all uses and developments except one and two family dwellings, residential accessory structures and seasonal dwellings (**applicants may request a waiver for any line item if they feel the requirement is not relevant to their site.**

The request should be made in writing and explain the reason for the request):

1. An application form as provided by the Township Zoning Administrator - fully completed in ink and signed by the petitioner or representative.
2. Nine (9) copies of site plan drawings, signed and sealed by a registered land surveyor, professional engineer, or architect.
3. Nine (9) copies of the building floor plans / layout.
4. Nine (9) copies of exterior building drawings, including building grades, exterior building elevations, the existing and proposed building grades, building sign and any fascia signs.

THE SITE PLAN DOCUMENT SHALL BE COMPRISED OF THE FOLLOWING:

1. The name of the proposed project/development/activity; the date, north arrow, and scale adequate to illustrate the proposed activity. Also the name, address and telephone number of all fee interest holders and type of ownership.
2. A complete legal description of the parcel (s) as it appears on the deed, and the gross and net area of the proposed site plan in acres. Also, any proposed deed restrictions or covenants affecting the proposed plan and future on or off-site development.
3. The location and square foot calculations of the proposed project/development activity and provide calculations for ground coverage, floor area and landscape open space.
4. The location of all existing structures on land immediately adjacent to the site within 100 feet of the site's parcel lines, and zoning of the subject and all adjacent property.
5. The location of all existing and proposed drives.
6. The existing and proposed pavement width, condition, and type, and the location of any acceleration or deceleration lanes existing or proposed.
7. The existing or proposed vehicular, circulation systems including all relevant dimensions; parking space sizes and numbers; customer / employee parking areas.
8. The definition and location of all loading areas, truck docks, service drives, and truck wells, with relevant dimension.
9. The designated access locations for fire vehicles and emergency apparatus along with fore lane widths, type of road surfacing, and any turnaround areas along with all relevant dimensions.

10. The locations, names, and widths of all existing and proposed public and private rights-of-way within 100 feet of the sites' parcel lines, including roads, railroads, easements, clear view triangles, utility licenses, and the jurisdiction or ownership status of each.
11. The locations of all permanent or temporary signs, existing or proposed, including their design, area size, height, illumination and the type of construction.
12. Any existing and proposed exterior lighting plans which may be anticipated for parking areas, and general information regarding maximum illumination and candlepower of proposed lighting systems.
13. The locations of all proposed trash and refuse receptacles and the method to be used for screening these areas.
14. Size and location of existing or proposed public and private utilities.
15. The existing and proposed topography of the site with elevations utilizing two (2) foot minimum contour intervals five (5) foot intervals may be used where grades are in excess of ten percent (10%). Spot elevations are also acceptable. All benchmark datum, locations, descriptions and elevations shall be noted.
16. The location and names of all existing and proposed water courses, water bodies, flood plains, surface drainage ways, either natural or man-made, within 200 feet of the sites' parcel lines.
17. A complete landscaping plan, including the location of all snow storage, greenbelts, buffer yard, dimensions and heights of fencing or screening with specific indication of all landscape materials to be utilized.

18. Any other information necessary to establish compliance with this ordinance or any other applicable ordinance, such as a review by other governmental agencies. For example, assessment of site, well, septic and potential ground water impact study may be requested by reviewing authorities from the Marquette County Health Department or any available information relative to on-site soil conditions, profiles, inventories, borings and the source of all related reference material, if deemed applicable.

CRITERIA FOR SITE PLAN APPROVAL

1. Every structure or dwelling shall have access to a public street, walkway or other area dedicated to common use.
2. Accessibility, ingress and egress to the site shall be designed to assure safety and convenience to the general public. All parking areas located within the proposed site plan shall be in compliance with the requirements set forth in this ordinance.
3. All buildings or group of buildings shall be so arranged as to permit emergency vehicle access to all sides.
4. The landscaping shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal and topographic modifications, which result in maximum harmony with adjacent areas.
5. Special attention shall be given to proper site surface drainage so that removal of storm waters will not adversely affect neighboring properties.
6. The site plan shall provide reasonable visual and auditory privacy for all dwelling units located therein. Fences, walks, barriers and landscaping shall be used, as

appropriate, for the protection and enhancement of property and for the privacy of its occupants.

7. All loading or unloading and outside storage areas, including areas for storage of trash, which face or are visible from residential properties, about a residential zone or public thoroughfare, shall be screened or vertical fence consisting of structural (fence) or plant materials no less than six (6) feet in height.
8. Exterior lighting shall be so arranged that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.
9. The proposed plan shall reflect a property relationship between existing and proposed streets and highways within the vicinity. Every structure shall have adequate pedestrian access to public right-of-way, walkway or other common use areas.
10. Physical improvements to the site, including vehicular and pedestrian circulation systems, water, sewer service, storm drainage, electric power, and telephone utilities, as well as land balance, grading and erosion control measures shall be designed and constructed in strict compliance with all the requirements of the individual, Federal, State, County or local agencies adopted standards and specifications.
11. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of the buildings. This site will be so developed as not to

impede the normal and orderly development or improvement of surrounding property for uses permitted in this ordinance.

PROCEDURES FOR SITE PLAN REVIEW

Upon request, an application form shall be provided to the petitioner by the Township Zoning Administrator. All questions on the form shall be completed in ink and signed by the petitioner or his representatives, and returned to the township Zoning Administrator along with the proposed site plan, specifications and the required payment of a non-refundable fee, as outlined in the "Schedule of Fees", to offset processing and review costs. If the Township Zoning Administrator determines that the site plan submission does not include all of the required information as required herein, a written notice of denial, including all the reasons for rejection along with instructions for revising the submission to make it acceptable, will be provided to the petitioner within ten (10) days of the original application submission.

1. It shall be the responsibility of the township Zoning Administrator to forward the completed application along with all other final plan documents to the Planning Commission or Zoning Board of Appeals for review and consideration at their next scheduled meeting if all of the requested information has been received at least ten (10) days prior to the date of the next scheduled meeting.
2. The Planning Commission or Zoning Board of Appeals shall base its review and evaluation of the site plan upon the specific requirements and standards as established within each individual Zoning Site Plan approval.

PLANNING COMMISSION REVIEW

Upon receipt of the complete site plan submission along with the receipt of comments from the Zoning Administrator and any affected Federal, State, County or Local approving agencies, the Planning Commission shall proceed with the review of the site plan documents to determine compliance with the requirements and general intent of the Zoning Ordinance.

The Planning Commission, at its option, may schedule and conduct a public hearing prior to the final approval of any site plan required by this Ordinance. Within forty five (45) days, the Planning Commission shall respond to the petitioner through the Township Zoning Administrator with a written approval, approval with conditions of modification or denial. If approved, the Planning Commission Chairman, and the Township Zoning Administrator shall sign and date two (2) complete sets of the site plan. One (1) approved, signed and dated set shall be returned to the petitioner and one (1) copy shall be retained by the Township for record purposes. If the site plan is denied approval, the reasons will be set forth in writing and forwarded to the petitioner by the Township Zoning Administrator.

STANDARDS FOR SITE PLAN REVIEW

1. Site plans for uses identified as "General Residential Uses" of this article shall, within ten (10) days of application, be approved or denied in writing by the Zoning Administrator. If denied, the reasons shall be set forth in detail and be limited to any defect in form or required information, any violation of provision of this or any other ordinance, or the inadequacy of any utility required. Required corrections will be identified by reference to the applicable sections of this article.

2. Site plans for all uses other than "General Residential" of this article shall be reviewed by the Planning Commission within thirty (30) days of application. These site plans shall be approved or denied within forty-five (45) days of application. If denied, the reasons shall be set forth in detail and be limited to any defect in form or required information.
3. Any violation of provision of this or any other ordinance, or the inadequacy of any utility required corrections will be identified by reference to the applicable sections of this article.
4. Site plans required for those cases identified under zoning actions requiring a Site Plan Variance or a Class "A" Nonconforming uses shall be forwarded to the Zoning Board of Appeals. The Zoning Board of Appeals shall review said site plan within thirty (30) days of application. Approval or denial shall be accomplished in accordance with Article XIV.

REVISIONS ó MODIFICATION ó OR CORRECTIONS TO
AN APPROVED SITE PLAN

Once a site plan has been reviewed and approved by the Planning Commission, it shall become a part of the record of approval. Subsequent actions relating to the authorized activity shall be consistent with the approved site plan unless a change conforms with this Zoning Ordinance, receives mutual agreement of the petitioner and the Planning Commission, except as provided in paragraph B. below. Except for minor changes under paragraph below, any changes requested specifically by the petitioner shall require a resubmission of the revised site plan and payment of an additional review fee.

Administrative Approval of Minor Changes; revision(s), modification, addition(s), deletion(s), or correction(s) under Article IX. Planning Commission review and approval may be waived and the changed site plan approved by the Zoning Administrator when, in his/her determination and the concurring determination of the Chairperson of the Planning Commission, the change will not be substantial enough to warrant renewed full Planning Commission review and approval. A written memorandum documenting this decision shall be prepared by the Zoning Administrator and signed by the Chairperson of the Planning Commission and the Zoning Administrator. A copy of the decision of Administrative Approval shall be provided to the Planning Commission at their next regular meeting for their information. Upon completion of a development, at the discretion of the Zoning Administrator, an as-built site plan may be required.

PERFORMANCE GUARANTEES

To insure the construction and installation of the necessary site improvements, and unless the site plan review requirements have been specifically waived in accordance with the applicable section of this article, the Planning Commission may require that a cash deposit, certified check, irrevocable letter of credit acceptable to the Township be provided by the petitioner prior to the issuance of final site plan approval, as set forth in Article VII ó Performance Guarantees.

FINAL APPROVAL OF PROJECT

When the site has been substantially developed in compliance with the approved site plan documents, an on-site inspection will be completed by the Township Zoning Administrator. The inspection may be done jointly at the request of either the Zoning Administrator or the Applicant.

The on-site inspection shall require the review and approval of all the required plan elements to the satisfaction of the Township Zoning Administrator in strict accordance to the requirements as set forth in this ordinance.

After the field inspection has been completed, and the site has been approved by the Township Zoning Administrator, a letter of acceptance will be forwarded to the petitioner. If there are deficiencies on the site and the improvements are not in compliance with the approved site plan documents, a similar letter setting forth the reasons for such denial shall be sent to the petitioner. Until such time as the stated deficiencies are corrected, an official letter of acceptance will not be authorized nor will the performance guarantee be released.

TIME LIMIT TO IMPLEMENT APPROVED SITE PLAN

The approved site plan shall be implemented and all required improvement completed no later than two (2) years after the date of initial approval. The Planning Commission, at its option, may authorize a one (1) year extension to the initial approval if extenuating circumstances justify an extension of time.

SITE PLAN APPEAL

1. An individual aggrieved by an action of the Zoning Administrator or the Planning Commission in the approval, conditional approval, or denial of a site plan submission may appeal any interpretations of this Ordinance to the Township Zoning Board of Appeals for their review and final determination. The factual basis for the appeal must be exclusive, in

writing and filed with the Township Clerk within the working (10) days after the date of the decision of the Zoning Administrator or the Planning Commission.

An appeal shall stay all proceeding in furtherance of the action appealed, unless the Zoning Administrator certifies to the Zoning Board of Appeals that a stay would in his opinion, cause imminent peril to life or property, in which case the proceedings should not be stayed, other than by a restraining order granted by the courts.

2. The Zoning Board of Appeals shall review the record of action taken on the final site plan and shall determine whether the record supports the action taken. No new evidence shall be presented. The Zoning Board of Appeals shall approve the final site plan if the requirements of this section and other applicable ordinance requirements are met. The Zoning Board of Appeals shall make written findings in support of its opinion on the appeal.

LAND CLEARING

No person shall undertake or carry out any such activity or use, including any grading, clearing, cutting and filling excavating, or tree removal associated therewith for which site plan approval is first required by this Ordinance. Nor shall such activity proceed prior to obtaining necessary soil erosion and sedimentation control permits, wetland permits, or floodplain permits. Any violation of this provision is subject to the fines and penalties prescribed in Article XV of this ordinance for each day of the violation from the day of discovery of this incident until a restoration plan, or a site plan has been approved.

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ARTICLE X

APPLICABILITY OF LANDSCAPE REQUIREMENTS

This section shall apply to all new construction and to enlargement of existing structures.

REQUIRED OBSCURING SCREENS/FENCES

In districts C-1, C-2, I-1, and I-2, wherever any parking lot, trash collection, outdoor storage merchandising, or service area lies within fifty (50) feet of any R-1, R-2, R-3, MH-1, or LR District, an obscuring fence or screen of sufficient length and height to block its view thereof from the adjoining district shall be required except where the view is blocked by change in grade or other natural or man-made features. Where, because of intense shade or soil conditions, a planting screen cannot be expected to thrive, an opaque fence, i.e. a chain link fence with interwoven slats, or a masonry wall consistent with the aesthetic appearance of adjacent districts may be substituted.

PLANTING SCREEN SPECIFICATIONS

All planting screens required by this ordinance shall consist of plants at least thirty (30) inches high when planted, maintained in a healthy condition and so pruned as to provide maximum opacity from the ground to a height of five (5) feet. One of the plant materials in the following list shall be used and plants shall be approved by: The Planning Commission at the time of site plan review and approved plants shall be located no farther apart than the distance indicated in each case.

<u>PLANT</u>	<u>DISTANCE APART</u>
Honeysuckle	Five Feet
Hemlock	Four Feet
Lilac	Three Feet
Privet	One and One-half Feet
Arbor Vitae	Four Feet
Pfitzer	Four Feet
Scotch Pine	Five Feet

Substitution of other plant materials shall be permitted only upon certification to the Zoning Administrator that the proposed plantings can be expected to thrive and provide equivalent screening and will create no nuisance or hazard.

PARKING LOT PLANTING

Where the provision of off-street parking for fifty (50) or more vehicles is required, there shall be landscaped space within the perimeter of the parking area, or areas, in the minimum amount of eighteen (18) square feet for each parking space, which shall be so located that no parking space is more than 120 feet from a portion of the landscaped open space required by this section and shall be kept continuously planted with living vegetation. The required landscaped open space need not be contiguous but there shall be at least one tree in each separate area. Required trees shall be at least twelve (12) feet high when planted or when this ordinance becomes applicable thereto, shall be maintained in a healthy condition, and shall not be pruned except to remove dead wood, in such a manner as to prevent growth to a height of at least fifteen (15) feet or to reduce

existing height below fifteen (15) feet. The following varieties of trees are prohibited in meeting the requirements of this ordinance:

Poplars

Seed-bearing Locusts

Willow

Box Elders

American Elm

All plant materials shall be kept pruned to minimize visibility through them between the heights of three and eight (3 and 8) feet except where located so as to create no hazard to drivers or pedestrians.

Whenever plantings are not maintained as required in this ordinance, a written 30-day notice will be issued to the occupant and person assessed for taxes on the affected lot. Non-compliance will result in pruning or replacement of the plantings by Forsyth Township with the cost thereof assessed to the owner of record.

TIME OF COMPLETION

All plantings required by this ordinance shall be installed prior to occupancy or commencement of use. Where compliance with the preceding sentence is not possible because of the season of the year, the Zoning Administrator may grant an appropriate delay not to exceed 210 days.

FENCES

APPLICABILITY OF FENCE REQUIREMENTS

This section shall apply to all new fences and enlargement of existing fences.

DEFINITIONS

For the purpose of this Ordinance, certain terms are herewith defined as follows.

1. *FENCE* – any partition, structure, or gate erected as a dividing marker, barrier or enclosure, including hedges or living bushes or shrubs, within or along the bounds or a lot or parcel
2. *HEIGHT* – the distance from the grade (ground) to the top of the highest point of the fence at any given point along the fence
3. *ADJACENT GRADE* – the average grade measured at a point three feet on each side of the fence

ZONING COMPLIANCE PERMIT

Prior to erection, installation, or enlargement of any fence, an application for a Fence Permit must be submitted and approved. A Fence Permit shall be applied for at the Township Assessing/Zoning Office. Compliance review and inspection by the Zoning Administrator will be conducted. The land owner shall assume full liability arising from any fence. Any permit issued under the provisions of this ordinance in which construction has not been completed within two (2) years from the date of issuance shall expire.

REGULATIONS OF FENCES AND PERMITTED INSTALLATION

1. For all fences the installing or requesting party shall construct the fence with the “post side” or “bad side” facing the installing party’s property. This provision shall apply to both side yard and rear yard fences.
2. Fence regulations shall be divided up with the zoning district.
 - a. Residential Areas (R-1, R-2, R-3, MH-1, MH-2, RR-1, RR-2, LR, SD, RRP)
 - i. Fences shall not contain electrification, barbed wire, razor wire, spikes, nails, or other sharp pointed instruments affixed, placed upon or allowed to exist in any manner attached to a fence or part of a fence. Excepting electrification and barbed wire which can be used in districts where animal husbandry is a permitted use.
 - ii. No person shall install, construct, or maintain any fence on easements, right-of-ways or any properties not owned, leased, or rented by that person.
 - iii. Materials shall consist of cyclone-type metal links and posts, wood components, or equivalent materials, or natural vegetation
 - iv. Fences on all lots of record, in all residential districts which enclose property and/or within a required side and rear yard, shall not exceed six (6) feet in height, measured from the surface of the ground and shall not extend toward the front of the lot nearer than the front of the house or the minimum required front yard setback, whichever is greater.

- v. Fences shall be constructed to allow ample space for maintenance, without having the applicant trespass on the neighboring property to maintain their fence.
- vi. Fences up to four (4) feet in height may be erected from the front edge of the dwelling to within fifteen (15) feet of the right-of-way unless the fence is of chain link, split rail, or other see-through material which can then be erected from the front edge of the dwelling to and along the road right-of-way. At an intersection, the fence must be erected twenty five (25) feet of corner right-of-way.
- vii. Consideration shall be given to whether a proposed fence enhances the neighborhood or blocks scenic views for nearby property owners and be aesthetically pleasing and in keeping with the character of the neighborhood, as interpreted by the Zoning Administrator.
- viii. All fences shall be maintained in good condition. Including by not limited to paint, stain, and repair of damaged portions, rusted metal, holes, loose components, and sagging fence portions.
- ix. Abandoned and/or un-maintained fences shall be repaired or removed within 14 days of written notice given by the Zoning Administrator.

- x. A permit, application, and inspection shall be required. Compliance review by the Zoning Administrator will be conducted. The land owner shall assume full liability arising from any fence.
- b. Commercial and Industrial Districts (C-1, C-2, I-1, and I-2)
 - i. Fencing proposals shall be included in any plans submitted for Site Plan Review, and will be approved or denied by the Planning Commission.

SPECIAL USE FENCES

1. Swimming pools - All swimming pools with a water depth of two feet or greater at any point shall be enclosed/fenced as outlined by Appendix G of the Michigan Residential Code, as amended. Property owners shall contact Marquette County Resource Management for building permit requirements.

EXEMPTIONS

1. Temporary fences made of woven wire material placed around flower and / or vegetable gardens do not exceed four (4) feet in height will not require a Zoning Compliance Permit.
2. Wood or plastic snow fences for the purpose of limiting snow drifting between November 1 and April 1, protecting construction and excavation sites, and protecting plants during grading and construction is permitted for up to 180 consecutive days or for intervals not exceeding an aggregate of 180 days in any calendar year.

SEVERABILITY CLAUSE

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 the ordinance other than said part of portion thereof.

ARTICLE XI

SIGNS

INTENT

It is hereby determined that the regulation of the location, size, placement, and certain features of signs is necessary to enable the public to locate goods, services, and facilities without difficulty and confusion, to prevent wasteful use of natural resources in competition among businesses for attention, to prevent hazards of life and property, and to assure the continued attractiveness of the community and protect property values. It is further determined that signs which may lawfully be erected and maintained under the provisions of this ordinance are consistent with customary usage, and that signs which may not lawfully be erected or maintained under the provisions hereof are not consistent with customary usage, are an abuse thereof, and are unwarranted invasions of the rights of legitimate business interests and of the public.

PERMITTED SIGNS

I. TEMPORARY SIGNS

Temporary signs are those which are not permanently affixed or installed and are intended to be displayed only for a limited time period. These signs do not require a zoning compliance permit.

- A. Temporary signs include election/campaign signs, real estate signs, and auction, garage, or similar type sale at a private residence.
- B. Temporary signs may be posted for a period of not more than 30 days prior to event or the election being advertised and shall be removed no later than ten (10) days after.
- C. Any temporary signs placed in the right-of-way of any public road are required to meet criteria put forth by the Michigan Department of Transportation (MDOT) and/or the Marquette County Road Commission (MCRC).

II. RESIDENTIAL ZONING DISTRICTS

Signs permitted by this section are exempt from the setback requirements of Article V; however, they shall be located within the parcel boundaries (not placed in right-of-way) and shall not interfere with traffic visibility.

Within all districts with residential uses as the permitted principal use, signs shall be permitted as follows:

- A. One (1) sign for a Home Occupation, not to exceed thirty-two (32) square feet, shall be permitted to advertise a home occupation. It may be a fascia sign or a ground sign. The sign shall not have mechanical parts. The maximum illumination shall be with a 50 watt bulb provided such illumination is concentrated on the surface of the sign and is located so as to avoid glare or reflection onto any portion of any adjacent street or highway, the path of oncoming vehicles or any adjacent premises.
- B. Signs for nonprofit organizations, nursing homes, funeral homes, family or group daycares, schools, and governmental facilities located in a residential district shall be permitted a maximum of thirty-two (32) square feet for all free-standing signs and one wall (fascia) sign having an area not to exceed 30 percent of the background area used for copy.
- C. One sign not exceeding thirty-two (32) square feet and eight (8) feet in height shall be permitted at each vehicle entrance to a platted subdivision, condominium association, or mobile home park.
- D. At the entrance of a Multiple Family Dwelling, one (1) sign at each vehicle entrance is permitted, having an area not to exceed sixteen (16) square feet and a height not exceeding eight (8) feet.

III. COMMERCIAL & INDUSTRIAL ZONING DISTRICTS

Within all districts with commercial or industrial uses as the permitted principal use, signs shall be permitted as follows:

A. FREESTANDING POLE SIGNS

1. One freestanding sign per parcel with a maximum size of thirty-two (32) square feet per each acre or fraction of acre of the developed premises, whichever is larger.
2. Where any premises has more than one occupant, the permitted area shall be divided among them in the same proportion as floor space and outdoor sales are occupied by them.
3. Where the premises has more than two occupants and has a distinct name from that of the occupants, freestanding signs are permitted to have an area not exceeding eight (8) square feet of sign area for each ten feet or fraction of street frontage, with a maximum of 200 square feet, to identify the developed premises
4. Freestanding signs shall be subject to the following setback requirements: five (5) feet when the right-of-way width from the centerline of the road to the property line is less than fifty (50) feet; and may be located at the lot line when the right-of-way width from the centerline of the road to the property line is greater than fifty (50) feet.
 - a. Setback measurement shall be from the right-of-way to the closest part of the sign, whether it is at or above grade.
 - b. The maximum height for a freestanding sign shall be 30 feet.

B. FACIA/WALL SIGNS

1. One (1) fascia (wall) sign per business, but the total sign area on a building shall

not exceed 30 percent of the background area used for copy.

C. SIDEWALK/SANDWICH SIGNS

1. Sidewalk / sandwich signs shall be permitted on premises, during the hours a business is open to the public. They shall be of A-frame with a maximum height of five feet. Illumination is not allowed and sidewalk / sandwich signs shall not hinder safe vehicle or pedestrian passage. These signs do not require a Zoning Compliance Permit.

D. TEMPORARY BANNERS

1. One (1) banner per establishment is allowed at a time may be displayed for a period of not more than one (1) month. All banners shall be attached to a building wall or permanent projection from the wall. No paper banners shall be allowed. Temporary Banners do not require a Zoning Compliance Permit.

E. SIGNS OR BANNERS FOR AN ANNUAL OR ONE-TIME EVENT OF GENERAL OR PUBLIC INTEREST

1. One (1) banner or sign advertising an annual or one-time event of general public interest is permitted in a Commercial or Public Area Zoning District with Permission from the property owner. The sign or banner may be posted for a period of not more than one (1) month before the start of the event and must be removed on later than ten (10) days after the end of an event. These banners or signs do not require a Zoning Compliance Permit.

ADDITIONAL PERMITTED SIGNS

The following signs are permitted in all zoning districts (but shall not interfere with traffic visibility) and do not require a Zoning Compliance Permit:

1. Signs posted by duly constituted public authorities in pursuance of their public

duties; street names and house #'s; historical site signs; tree farm or signs provided by a unit of government; private property / no hunting / no trespassing signs; signs alerting danger / warning signs; date of erection signs; and signs located on the rolling stock of common carriers or motor vehicles which are legally parked and eligible for legal operation on a public roadway.

NONCONFORMING SIGNS

It is intended to eliminate nonconforming signs as rapidly as the police power of the Township permits. Any lawfully erected signs, the maintenance of which is made nonconforming by this ordinance, may continue to be maintained exactly as such existed at the time of enactment of this ordinance. No sign shall be designated as Class A Nonconforming (see Article XII).

I. NO NON-CONFORMING SIGN

- A. Shall be changed to another nonconforming sign.
- B. Shall have any changes made in the words or symbols used or the message displayed on the sign, or a bulletin board, or substantially similar type of sign, specifically designed for periodic change of message.
- C. Shall be structurally altered so as to prolong the life of the sign or so as to change the shape, size, type or design of the sign.
- D. Shall be re-established after the activity, business or usage to which it relates has been discontinued for thirty (30) days or longer.
- E. Shall be re-established after damage or destruction if the estimated expense of reconstruction exceeds fifty percent (50%) of the reproduction cost.
- F. The Zoning Board of Appeals shall permit variances from this Article only upon the grounds established by law for the granting of zoning variances.

OBSOLETE SIGNS

It is unlawful to maintain, for more than thirty (30) days, any sign, which has become obsolete because of discontinuance of the business, service, or activity which it advertises; removal from the location to which it directs; or for any other reason. The fact that an obsolete sign is nonconforming shall not be construed as modifying any of the requirements of this section.

SIGN ILLUMINATION

No sign shall be illuminated by other than electrical means. All lighting for illumination of signs shall be directed away from and shall be shielded from, any residential districts. No signs, which have an adverse effect on driver visibility, will be permitted.

PROHIBITED SIGNS

- I. The following signs shall be prohibited in the township:
 - A. No sign shall use high intensity lights or flashing lights, spinners, or animated devices or traffic signals.
 - B. No signs shall simulate or in any way be confused with the lighting of emergency vehicles or traffic signals.
 - C. No sign shall be placed on the roof of any structure.
 - D. Signs shall not be placed on public or private tower, except as approved by the Planning Commission.

SIGNS STANDARDS

- I. The following signs are declared to be a nuisance:
 - A. A sign structure which is likely to cause injury.
 - B. A sign which advertises a closed business, past event, or past political election.
 - C. A sign which is no longer legible.
 - D. A sign which is otherwise untimely or unsafe.

- E. A dilapidated sign structure with structural defects or supports with broken or rotten wood.
 - F. A sign constructed from materials that are remnants or manufactured for different purpose.
 - G. A sign constructed of materials, which are not compatible with the character of the neighborhood and does not promote an overall unified and aesthetic effect of the area.
 - H. A sign listed as prohibited under prohibited signs.
- II. Every sign shall be constructed and maintained in a manner consistent with the building code provisions and maintained in good structural condition at all times. All signs shall be kept neatly painted, stained, sealed or preserved including all metal parts and supports.
 - III. The Zoning Administrator is authorized to have all dangerous or nuisance signs removed, the cost of which is to be borne by the sign owner and/or property owner. The owner of the sign and/or the property owner shall be notified and given two months to rectify the situation.

PLACEMENT OF SIGNS

- I. No signs shall be located on any street corner which would obscure the vision of drivers using the streets or conflict with traffic control signals at the intersections of any streets. No signs shall obstruct the vision of drivers at any driveway, parking lot or other route providing ingress and egress to any premises.
- II. No sign shall be located or designed to materially block or obstruct a passing motorist's view of an existing sign or business.
- III. All signs, unless otherwise provided for in the Ordinance, shall be setback a minimum of 10 feet from any public street right-of-way line as measured from the nearest edge of the

sign to the right-of-way.

- IV. The side yard setback for signs shall be the same as required for the main structure or building.
- V. The posting of all signs shall have the property owner's written consent.

MEASUREMENT OF SIGN AREA

- A. Allowable area for signs shall be measured by calculating the square footage of the sign face as measured by enclosing the most protruding points or edges of a sign within a parallelogram or rectangle including any frame. A decorative masonry base shall not be included in the sign area measurement.
- B. Where a sign has two or more faces, the area of only the larger face shall be considered when calculating maximum size, provided all faces are part of the same structure, back-to-back, contain the same message and are separated by no more than two (2) feet.

SEVERABILITY AND SUBSTITUTION CLAUSE

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this code is declared invalid, such invalidity shall not affect the validity of enforceability of the remaining portions of the code. Signs containing noncommercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs.

ARTICLE XII

NONCONFORMING STRUCTURES, LOTS OF RECORD AND USES

INTENT

It is the purpose of this Article to provide for the regulation of legal nonconforming structures, lots of record and uses and also to specify circumstances and conditions under which nonconformities shall be permitted to continue. Nonconforming structures, lots of record and uses are those, which do not conform to one or more provisions or requirements of this ordinance but were lawfully established prior to the time of its applicability. Any structure or use created in violation of this or the preceding Forsyth Township Zoning Ordinance shall not be considered a nonconforming use or nonconforming structure.

Any nonconformity, which has a deleterious effect on property values or orderly development patterns, shall not be permitted to continue without restriction. The continuous unrestricted existence of such nonconformities can often be construed as being at variance with the general purpose of Zoning Districts, i.e. the creation of compatible groupings of structures as well as permitted and conditional uses. It is the intent of this ordinance to permit these nonconformities to continue until they are discontinued, damaged or removed, but not to encourage their survival.

It is further the intent of this ordinance that such nonconformities shall not be enlarged, expanded, extended or moved, except as provided herein' not be used as grounds for adding other lots, structures, or uses, prohibited elsewhere in the district.

CLASS A NONCONFORMING USES AND STRUCTURES

Class “A” Nonconforming uses or structures are those, which have been designated by the Zoning Board of Appeals, after application by an interested person or the Zoning Administrator, upon finding that:

- A. Continued use would not be contrary to the public health, safety, or welfare, or to the spirit of this ordinance.
- B. The use of said structures does not and is not likely to significantly depress the value of nearby properties.
- C. The use of said structure was lawful at the time of its inception.
- D. No useful purpose would be served by strict application of the provisions or requirements of this ordinance with which the use or structure does not conform.

NONCONFORMING LOT OF RECORD

A nonconforming lot of record may be used for any principal use permitted in the Zoning District in which the lot is located, provided that for any use which is to be served by an individual potable water well and sanitary septic system, the nonconforming lot shall be of a size and design to meet the minimum requirements of the Marquette County Health Department. The partitioning or sale of nonconforming lots of record is not permitted if such act of partition or sale results in an increase or greater degree of nonconformity.

PROCEDURE FOR OBTAINING CLASS “A”

DESIGNATION AND CONDITIONS

A written application shall be filed setting forth the name and address of the applicant, giving a legal description of the property to which the application pertains, and including

such other information as may be necessary to enable the Zoning Board of Appeals to make a determination of the matter. The Zoning Board of Appeals may require the furnishing of such additional information, as it considers necessary. The notice and hearing procedures before the Zoning Board of Appeals shall be pursuant to Article IX & XIII of this ordinance. The decision shall be in writing and shall set forth the findings and reasons on which it is based. Conditions may be attached, including a time limit where necessary to assure that the use or structure does not become contrary to the public health, safety, or welfare or the spirit and purpose of this ordinance. No vested interest shall arise out of a Class “A” designation.

CRITERIA PERTAINING TO CLASS “A” NONCONFORMING

USES AND STRUCTURES

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

- A. No such Class “A” Nonconforming Use or Structure shall be enlarged, increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance, except with specific approval of the Zoning Board of Appeals
- B. No such Class “A” Nonconforming Use or Structure shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at effective date of adoption or amendment of this Ordinance, except with

specific approval of the Zoning Board of Appeals.

- C. No Class “A” Nonconforming Use or Structure shall be extended to displace a permitted (conforming) use.
- D. Class “A” Nonconforming Use or Structure shall not be changed to another nonconforming use, except with specific approval of the Zoning Board of Appeals. Before granted such approval, the Zoning Board of Appeals shall determine that such change in use will have a less deleterious effect on neighboring properties than the existing nonconforming use.
- E. No Class “A” Nonconforming Use shall be expanded to add another nonconforming use, except with specific approval of the Zoning Board of Appeals. The proposed nonconforming use shall satisfy the standards as set out in Article XIII, pages 9 thru 11.
- F. Class “A” Nonconforming Structures shall not be altered or expanded without the specific approval of the Zoning Board of Appeals, except that structural alterations which do not add to the bulk of structure or increase the intensity of use of the structure may be permitted without prior approval of the Zoning Board of Appeals, provided all regulations contained in this ordinance are met.

REVOCAION OF CLASS “A” DESIGNATION

Any Class “A” designation shall be revoked, following the same procedure for designation, upon finding that as result of any change of conditions or circumstances the use of structure no longer qualifies for a Class”A” designation.

REGULATIONS PERTAINING TO CLASS "A"
NONCONFORMING USES AND STRUCTURES

No Class "A" nonconforming use shall be resumed if it has been discontinued for a continuous period of nine (9) months or if it has been changed to a conforming use for any period. No Class "A" structure shall be used, altered, or enlarged in violation of any condition imposed in its designation.

REGULATIONS PERTAINING TO CLASS "B"
NONCONFORMING USES AND STRUCTURES

All nonconforming uses and structures not designated as Class "A" are Class "B" nonconforming uses or structures. It is the purpose of this ordinance to eliminate Class "B" nonconforming uses and structures as rapidly as is permitted by law without payment of compensation. No Class "B" nonconforming use shall be resumed if it has been changed to a conforming use for any period, or if the structure in which such use is conducted is damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds fifty percent (50%) of the assessed value.

No Class "B" nonconforming structure shall be enlarged or structurally altered. No Class "B" nonconforming use or structure shall be permitted to continue in existence if it was unlawful at the time of its inception.

In the case of mineral removal operations, existing holes or shafts may be worked and enlarged on the land which constituted the lot on which operations were conducted at the time of becoming nonconforming, but no new holes or shafts shall be established.

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ARTICLE XIII

ADMINISTRATION OF THE ORDINANCE THE ZONING ADMINISTRATOR & THE PLANNING COMMISSION

THE ZONING ADMINISTRATOR

The Zoning Administrator shall be appointed by the Forsyth Township Board and shall serve at their pleasure. The Zoning Administrator shall receive such compensation as the Township Board may, from time to time, determine. The Zoning Administrator may also serve in some other capacity as an employee or appointed officer of Forsyth Township. The Zoning Administrator shall not be a member of the Planning Commission or Zoning Board of Appeals. The Zoning Administrator, or designated employee, shall administer the provisions of this Ordinance and have all the administrative powers which are not specifically assigned to some other officer or body. The Zoning Administrator shall have no power to vary, waive, or grant exceptions to any Ordinance requirements, except where specifically noted in this Ordinance.

DUTIES OF THE ZONING ADMINISTRATOR

- A. The Zoning Administrator shall have power to issue Zoning Compliance Permits. The Zoning Administrator shall make inspections of properties and collect data deemed necessary to carry out his / her duties in the enforcement of this Ordinance.
- B. It shall be unlawful for the Zoning Administrator to issue a Zoning Compliance Permit or other such permits, for any construction or use, until he or she has inspected such plans and found them to conform to this Ordinance.
- C. If the Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, he or she shall order discontinuance or removal of any illegal use, work being done, or structural additions or changes, and take such action as authorized to correct or prevent violation of the provisions of this Ordinance.
 1. When the Administrator determines that a violation of this Ordinance exists, he or she shall notify in writing, the person responsible for such violations, indicating the nature of the violation and ordering the necessary correction action. Notices

shall be directed to the property owner or the party whose name and address appears on the current year's assessment / tax records. Notices shall either be served in person or by first class mail, with an affidavit or proof-of-service completed and retained. If the violations are not corrected within the specified period of time, he or she shall proceed with action as authorized by this Ordinance to ensure compliance with or prevent violations of its provisions.

ZONING COMPLIANCE PERMITS

- A. It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises (or both), or any part which has been created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Zoning Compliance Permit has been issued by the Zoning Administrator, or another employee with the authorization to act on the Administrator's behalf. An issued Permit shall authorize that the building, structure, lot, and use conform to the requirements of this Ordinance. Failure to obtain a Zoning Compliance Permit shall be a violation of this Ordinance.
- B. The following shall be required to obtain a Zoning Compliance Permit:
 - 1. A Zoning Compliance Permit Application obtained from Forsyth Township, signed by the property owner or agent acting on the owner's behalf.
 - 2. A site plan, as specified in Article IX.
 - 3. Monetary fee as set by the Township Board and set forth in the Township Fee Schedule.
- C. The Zoning Administrator shall act on an Application within ten (10) days of filing. Actions may include approval, conditional approval, denial, or a request more information. An approval shall be attested to with a signature of the Zoning Administrator. The Zoning Administrator shall retain the original copy. One (1) copy of the required documents plans shall be returned to the applicant.
 - 1. Whenever the building, structures and/or uses, as set forth in the application, are in conformity with the provisions of this ordinance, the Zoning Administrator shall approve and issue the applicant a Zoning Compliance Where action by the Board of Appeals or the Planning Commission is required in any case, as set forth

in this Ordinance, the Zoning Administrator shall issue such permit following the applicant submitting a Zoning Compliance Permit application and corresponding fee.

2. The Zoning Administrator shall not refuse to issue a Zoning Compliance Permit due to violations or private covenants, agreements, or deed restrictions.
- D. Any Zoning Compliance Permits issued in error or pursuant to an application containing any false statements shall be void.
 - E. Any individual aggrieved by an action of the Zoning Administrator in the approval, conditional approval, or denial of a Zoning Compliance Permit shall appeal any interpretations of this ordinance to the Township Board of Appeals for their review and final determination. The factual basis for the appeal must be exclusive, in writing and filed with the Township Clerk within ten (10) days after the date of decision of the Zoning Administrator.
 - F. Zoning Compliance Permits shall expire automatically within two (2) years after the issuance of such permit, unless construction is completed on the exterior of any building or structure. The Permit shall be renewable upon reapplication and upon payment of the fee, subject however, to the provisions of all ordinances in effect at the time of renewal. Upon the renewal of any Zoning Compliance Permit, the completion requirements set forth in the first sentence of this section shall once again apply to that Zoning Compliance Permit.
 - G. The Zoning Administrator shall maintain a record of all Zoning Compliance Permits and make the record available for public inspection.

ADMINISTRATIVE STANDARDS

- A. Whenever, in the course of administration and enforcement of this ordinance, it is necessary or desirable to make any administrative decision, unless other standards are provided in this ordinance, the decision shall be made so that the result will not be contrary to the spirit and purpose of this ordinance or injurious to the surrounding neighborhood.
- B. The Zoning Administrator shall provide The Planning Commission and Zoning Board of Appeals all materials and documents received by the applicant and a summary of the known facts of each case. The Chairperson of the Planning Commission and/or Zoning

Board of Appeals may ask for a written or verbal recommendation from the Zoning Administrator based upon references in this Ordinance.

- C. Where a public hearing is required in the administration of this Ordinance, the Planning Commission and/or Zoning Board of Appeals shall base their decision upon facts presented at the public hearing.
- D. Whenever a discretionary decision is authorized in this Ordinance, such as (but not limited to) the issuance of Conditional Use Permits, the decision making body may impose conditions provided they are:
 - 1. Designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land and activity under consideration, residents and landowners immediately adjacent to the proposed use or activity; and the community as a whole;
 - 2. Related to the valid exercise of police power and the purposes which are affected by the proposed use or activity; and
 - 3. Necessary to meet the intent and purpose of this Ordinance, are related to the standards established for the land use under consideration, and are necessary to insure compliance with those standards.

PROCEDURES FOR PUBLIC NOTIFICATIONS & RECORD KEEPING

- A. Public hearing notices shall be published in a newspaper of general circulation in Forsyth Township.
- B. Hearing notices shall be in accordance with the Michigan Zoning Enabling Act, Act 110 of 2006, and Revised 2008:

PUBLICATION REQUIREMENTS		
Request / Hearing Type	Publication Requirement	Mailing Requirement
Conditional Use Permit	Published not less than 15 days prior to the public hearing.	Not less than 15 days prior to the public hearing to all owners and occupants within 300' of the subject property.
Ordinance Amendment (Text)	Published not less than 15 days prior to the public hearing.	Not less than 15 days prior to the public hearing to all owners and occupants within 300' of the subject property.
Ordinance Amendment (Map)	Published not less than 15 days prior to the public hearing. Must include list of addresses (or legal description) of properties affected.	Not less than 15 days prior to the public hearing to all owners and occupants within 300' of the subject property. Shall also be given to utility companies registered to receive the notice and to railroads within the 300' zone.
Ordinance Amendment (Map) 11 or more adjacent properties	Published not less than 15 days prior to the public hearing. Individual addresses of properties are not required.	Not required, except to utility and railroad companies as stated above.
Class A Non-Conforming Use or Expansion	Published not less than 15 days prior to the public hearing.	Not less than 15 days prior to the public hearing to all owners and occupants within 300' of the subject property.
Variance Request	Published not less than 15 days prior to the public hearing.	Not less than 15 days prior to the public hearing to all owners and occupants within 300' of the subject property.
Ordinance Interpretation or Appeal of Zoning Administrator's decision	Published not less than 15 days prior to the public hearing.	Not less than 15 days prior to the public hearing to all owners and occupants within 300' of the subject property.

C. The Newspaper Publication and 300' Notice shall:

1. Describe the nature of the request.
2. Indicate the property that is the subject of the request. If there is not a property address assigned to the parcel, the legal description shall be used.
3. State the date, time, and location of the public hearing.
4. Indicate deadline for written comments and where they will be received.

D. The 300' mailing notice may also include a parcel map, the applicant's site plan, and any other information that the Zoning Administrator feels may assist in understanding the request.

- E. A permanent record of public hearings shall be maintained and reflect:
1. That all interested parties at the hearing had the opportunity to present and/or rebut information either supporting or opposing the zoning action under consideration.
 2. A comprehensive summary record of the hearing including an exact record of motion, votes, and other official actions.
 3. Set forth, in writing and in detail, any denial, approval, conditional approval, or other action and the facts supporting that action.
 4. A file of the record, written testimony, or documents submitted with regard to the hearings and decision with the Township Clerk, to be open to public inspection.
 5. Annotate the property record card with reference to case number, date and zoning action taken.
 6. That compliance with all other requirements under the law shall be met.

THE PLANNING COMMISSION

The Planning Commission was established by resolution, appealed, and re-established by the Forsyth Township Planning Commission Ordinance, enacted by the Township Board, effective August 3, 2011. The Ordinance, filed in the Clerk's Office of Forsyth Township, was required by P.A. 33 of 2008 as amended (Michigan Planning Enabling Act, MCL 125.3801 *et.seq*).

DUTIES OF THE PLANNING COMMISSION

- A. Review petitions, staff proposals, and Township Board requests for amendments to the Zoning Ordinance and Zoning Map. Hold public hearings and make recommendations for Ordinance amendments to the Township Board for approval.
- B. Review petitions, staff proposals, and Township Board requests for amendments to the Township Master / Comprehensive Plan. Hold public hearings and make recommendations for amendments to the Plan to the Township Board for approval.

- C. Take such actions required by the Michigan Zoning Enabling Act, PA 110 of 2006 as amended and / or the Michigan Planning Enabling Act, PA 33 of 2008, as amended.
- D. Review subdivision and condominium proposals and recommend appropriate actions to the Township Board.
- E. Review Site Plans and requests for Private Roads as outlined in this Ordinance.
- F. Hold public hearings and take action on Conditional Use Permits as outlined in this Ordinance.
- G. Prepare special studies or complete special project as deemed necessary by the Forsyth Township Board.

CONDITIONAL USE PERMITS

- A. INTENT - The formulation and enactment of this ordinance is based upon the division of Forsyth Township into districts in each of which are permitted uses, which are mutually compatible. In addition to such permitted uses, there are certain other uses which may be necessary or desirable to allow in some locations in selected districts but, because 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 of Forsyth Township. These uses are conditional uses because of their peculiar location, need or nature of the services offered, and may have to be established in a district in which they cannot be reasonable allowed as a permitted use.
- B. AUTHORITY TO GRANT PERMITS - The Planning Commission, as hereinafter provided, shall have the authority to grant Conditional Use Permits, subject to such conditions of design, operation, and safeguards as may be determined for all conditional uses specified in the various district provisions of this ordinance.
- C. APPLICATION AND FEE - Application for an Conditional Use Permit permissible under the provisions of this ordinance shall be made to the Planning Commission, through the Zoning Administrator, by filing an official application form; submitting required data, exhibits, and information; and depositing the required fee as established by

the Forsyth Township Board except that such fee shall not be required where Forsyth Township or any official body thereof is the moving party.

D. DATA, EXHIBITS, AND INFORMATION REQUIRED IN APPLICATION – An application for a Conditional Use Permit shall contain the following:

1. The applicant's name and address, in full.
2. A statement that the applicant is the owner involved or is acting on the owner's behalf.
3. The address of the property involved and a legal description of the land included in the site plan and/or lot.
4. Site plan as required in Article IX.
5. A statement of supporting data, exhibits, and information and evidence regarding the request for permit.

CONDITIONAL USE PERMIT – CRITERIA FOR APPROVAL

A. 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 a proposed site, lot, or parcel is appropriate or meets the following requirements:

1. Will protect the general safety, health, and welfare of the community-at-large, including:
 - a. Accessibility of the property in question to fire and police protection.
 - b. Traffic conditions, creating or adding to hazardous situation.
 - c. Transportation design requirements, if any, which will be needed to accommodate traffic impact from the use intended.
2. Will not cause any potential decrease in the market value of adjacent building, uses, and structures that are permitted by right under current zoning, if the proposed use is approved.

3. Is in harmony with the Future Use Plan, located in the Township Master / Comprehensive Plan. This considers whether the location and size of the proposed use, the nature and intensity of the activities involved, the size of the site with respect to existing and future streets, parks and drainage systems will be in harmony with the Township Land Use Plan, and the character of land use which is intended by said Township Plan for the area or district in question.
4. The applicant's proposed use, its location and intensity, including the height of its buildings, walls, fences, and other structures will be harmonious and appropriate in appearance with the existing character of the area.
5. Will not create hazardous situations arising from storage and/or use of flammable or toxic fluids or gases.
6. That the operations in connection with any Conditional Use shall not be environmentally objectionable to nearby properties by reason of noise, fumes, pollution, vibration, or light to an extent, which is more than would be expected of any use permitted by right for the district in which the Conditional Use is proposed.

VOIDING OF CONDITIONAL USE PERMITS

- A. Any Conditional Use Permit granted under this ordinance shall become null and void and the fee forfeited unless construction and/or use is commenced within two hundred ten (210) days of the date of issuance. A violation of a requirement, condition, or safeguard shall be considered a violation of this ordinance and grounds for the Planning Commission to terminate and cancel such Conditional Use Permit.

ADDITIONAL REQUIREMENTS & CONDITIONS FOR CONDITIONAL USE PERMITS

- A. A Conditional Use Permit shall not be issued for a specific use unless it complies with any additional conditions that may be noted in Article IV - Zoning District Regulations.
- B. The Planning Commission may impose conditions for approval, provided the conditions are:

1. Designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land and activity under consideration, residents and landowners immediately adjacent to the proposed use or activity; and the community as a whole;
2. Related to the valid exercise of police power and the purposes which are affected by the proposed use or activity; and
3. Necessary to meet the intent and purpose of this Ordinance, are related to the standards established for the land use under consideration, and are necessary to insure compliance with those standards.

PLANNING COMMISSION ACTIONS

- A. The Planning Commission shall approve, approve with conditions, or deny the application for a Conditional Use Permit within 60 days of the public hearing. The Planning Commission's action shall be based upon materials received and testimony recorded at the public hearing. The Planning Commission shall set for the specific reasons for approval, denial, or modification of the conditional use permit.

APPEALS OF CONDITIONAL USE PERMITS

- A. Any individual aggrieved by an action of the Planning Commission in the approval, conditional approval, or denial of a Conditional Use Permit may appeal to the Zoning Board of Appeals for their review and final determination. The factual basis for the appeal must be exclusive, in writing and filed with the Township Clerk within ten (10) days after the date of decision of the Planning Commission.

ZONING AMENDMENTS

Only the Township Board may amend this Ordinance and the Zoning Map. Proposals for amendments or changes may be initiated by the Township Board on its own motion, the Planning Commission, the Zoning Administrator, or by an individual.

A. APPLICATION AND FEE - Application for a Zoning Amendment shall be made to the Planning Commission, through the Zoning Administrator, by filing an official application form; submitting required data, exhibits, and information; and depositing the required fee as established by the Forsyth Township Board except that such fee shall not be required where Forsyth Township or any official body thereof is the moving party.

B. DATA, EXHIBITS, AND INFORMATION REQUIRED

1. If the amendment is to change the text of this Ordinance, the petitioner shall transmit proposed language for consideration by the Planning Commission. The petitioner shall explain the reasons for change and any benefit or interest to be gained.
2. When the petition involves a change to the Zoning Map (rezoning), the petitioner shall submit the following information:
 - a. An application obtained from Forsyth Township which states the applicant's name, address, and interest in the property. If the petitioner is not the owner of the subject property, a statement that he or she is acting on the owner's behalf shall be required.
 - b. The address, parcel number and legal description of the property.
 - c. A statement of the desired change and the reasons for such change.
 - d. A site plan as required in Article IX.
 - e. A statement of supporting data, exhibits, and information and evidence regarding the request for permit.
 - f. Signatures of the petitioners certifying the accuracy of the required information.

CRITERIA FOR APPROVAL OF A ZONING AMENDMENT

The facts to be considered by the Planning Commission when making their recommendation shall include, but not be limited to, the following:

- A. Consistency with the current Zoning Map and the Future Land Use Map in the Comprehensive / Master Plan.
- B. Compatibility of all the potential uses allowed in the proposed zoning district with the surrounding uses and zoning in terms of impacts on the environment, density, traffic impacts, aesthetics, infrastructure and potential influence on property values.
- C. The uses allowed under the proposed zoning district would be equally or better suited to the area than the uses allowed under the current zoning of the land.
- D. The potential impact on the ability of the Township's public services and infrastructure to support any of the uses allowed under the proposed zoning district without compromising the health, safety, and welfare of the community.
- E. The apparent demand for the types of uses permitted in the requested zoning district in relation to the amount of land currently zoned and available to accommodate the demand.

PLANNING COMMISSION ACTION

Following a public hearing on a proposed amendment, the Planning Commission shall make findings based upon the Criteria for Approval. The Planning Commission will then forward their recommendation to the Marquette County Planning Commission and to the Township Board for a final decision on the request.

CONDITIONAL REZONING

In certain instances it may be advantageous to the Township and to property owners seeking rezoning, if certain conditions could be proposed by the property owners as part of a request for rezoning. Accordingly, it is the intent of this Section to implement the provisions of Section 405 of the Michigan Zoning Enabling Act (125.3405) authorizing an owner to voluntarily offer and a township to approve, certain use and development of land as a condition to the rezoning of such land ("Conditional Rezoning"). It is the intent of the Township that a petition for Conditional Rezoning be considered only in the event that the conditions offered by the petitioner are voluntary, and are adequate, in the opinion of the Township, to address any

otherwise potentially negative effects of the rezoning on the health, safety, general welfare, and comfort of the residents of the abutting property, neighborhood and Township.

- A. In a Conditional Rezoning request, the Planning Commission may establish a time period during which the conditions apply to the land; and if the conditions are not satisfied with the established period of time, the land shall revert to its former zoning classification.
 - 1. Neither the petitioner nor the Planning Commission may add to or alter the conditions during the time period specified.
 - 2. The specified time period may be extended with the approval of the landowner and Planning Commission and will require a public hearing to be scheduled at the petitioner's cost.
- B. The Planning Commission shall not require a landowner to offer conditions.
- C. A written Conditional Rezoning Plan (CR Plan) shall be submitted by the petitioner explaining their plans for the property and the proposed conditions.
 - 1. The Planning Commission may require a CR Plan prepared by a licensed engineer or architect to communicate site specific conditions, such as building features, sizes of structures, proposed improvements, etc. This CR Plan shall not replace the subsequent requirements for Site Plan Review, Subdivision, Condominium, or other similar review and approvals.
- D. Rezoning Conditions shall not propose uses or densities not permitted in the intended zoning district.
- E. Any use or development proposed as part of an offer of conditions that would require a Condition Use Permit or a Variance under the terms of this Ordinance may only be commenced if a Conditional Use Permit or Variance for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
- F. Upon approval of a Condition Rezoning Request, a Statement of Conditions (Statement) shall be prepared by the petitioner, with the assistance of an attorney and/or the Zoning Administrator.
 - 1. The Statement may be amended thereafter in the same manner as prescribed for the original rezoning and Statement of Conditions.
 - 2. Nothing in the Statement nor in the provisions of this Section shall prohibit the Township from rezoning all or any portion of land that is subject to a Statement of

Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act.

G. The Statement of Conditions must be prepared in recordable format and be recorded at the Marquette County Register of Deeds within 10 days of completion of the document at the expense of the petitioner. The Statement shall include the following information:

1. The name of the petitioner and land owners.
2. The conditions as approved.
3. The time frame approved by the Planning Commission.
4. The legal description and parcel numbers of all the land involved.
5. A statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
6. An approved reference diagram, site plan, or drawing.
7. A statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded at the Marquette County Register of Deed.
8. Notarized Signatures of all the owners of the subject of land preceded by a statement attesting the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.

H. Compliance with Conditions:

1. Any person(s) who established a development or commences a use upon land that was rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Failure to comply with a condition contained within the Statement shall constitute a violation of this Ordinance and may be subject to penalties as noted in Article XV. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
2. No zoning compliance permit or approval shall be granted for any use or development that is contrary to an applicable Statement of Conditions.

ZONING MAP

Upon rezoning of any parcel, the Zoning Map shall be amended to reflect the new zoning classification. On a conditional rezoning, the map shall be noted that Statement of Conditions was approved. The Township Clerk shall maintain a listing of all lands rezoned and any conditions imposed.

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ARTICLE XIV

ZONING BOARD OF APPEALS: POWERS, DUTIES, AND RULES

BOARD OF APPEALS ESTABLISHED

“A five member Board of Appeals is hereby established. Appointment of members shall be in accordance with Sec. 18 of Act 184 of 1943 as amended. The Board of Appeals shall perform its duties and exercise its powers in such a way that the objectives of this ordinance are observed, the public health and safety is secured and substantial justice is done.”

DUTIES

The Board of Appeals shall hear and decide only such matters as are specifically authorized. The Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any changes in the terms of this ordinance, but does have the power to authorize a variance as defined in this ordinance and to act on those matters where this ordinance may require an interpretation.

VARIANCE REQUESTS

The Board of Appeals may authorize, upon an appeal, a variance from the strict application of the provisions of this ordinance where, by reason of existing use, exceptional narrowness, shallowness, shape or contour of a specific tract of land, at the time of enactment of this ordinance or by reason of exceptional conditions of such property, the strict application of the regulations enacted would result in practical difficulties to, or undue hardship upon the owner of such property. No variance shall be granted to permit the establishment within a district of any use which is excluded or for which a Conditional Use Permit is required.

The Board of Appeals shall not grant a variance from the terms of this ordinance unless and until the following is performed:

A written application for a variance is submitted, including the following as is appropriate:

- A. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures, or buildings in that same district.
- B. 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.
- C. That the special conditions and circumstances do not result from the applicant's action.
- D. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.
- E. That any nonconforming use of neighboring lands, structures, or buildings shall not be considered grounds for the issuance of a variance.
- F. The Board of Appeals will require a site plan. Refer to Article IX for site plan information.
- G. In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this ordinance.
- H. 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.

- I. Any variance granted under the provisions of this ordinance shall become null and void and fees forfeited unless the construction and/or use authorized by such variance or permit is commenced within two hundred ten (210) days of the date of issuance. The violation of a requirements, condition or safeguard shall be considered to be a violation of this ordinance and grounds of the Board of Appeals to cancel such variance permit.
- J. No application for variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of three hundred sixty five (365) days from date of such denial, except on grounds of new evidence of proof of changes in conditions found by the Board of Appeals to be valid.

STANDARDS FOR APPROVAL

NOTE: The burden of showing a variance is warranted shall fall on the applicant. If the Board of Appeals finds the ordinance requirements can be met or that the criteria for getting a variance have not been met, then a variance is not warranted.

Where there are practical difficulties or an unnecessary hardship preventing a property owner from conforming to the strict letter of the ordinance, the Board of Appeals has the power in passing on appeals to vary or modify any of its rules, regulations, or ordinance provisions by granting variances. Typically, the following conditions must be met:

- A. An existing lot due to narrowness, shallowness or irregular shape cannot physically meet dimensional zoning requirements or the topography or natural characteristics of the site inhibit the lawful location of a structure or its

accessories (such as septic systems, garage, shed).

- B. The physical hardship is unique and is not shared by neighboring properties in the same zone. If Board of Appeals finds that the hardship is not unique, but common, amending the ordinance or a rezoning should be pursued. Forward to the Forsyth Board their recommendation for approval/disapproval for a requested ordinance amendment.
- C. The hardship or practical difficulty was not created by an action of the applicant and either existed at the time of adoption of the requirement from which the variance is requested or is necessary as the result of governmental action such as road widening.
- D. The appellant must show that a variance:
 - 1. Will not be contrary with the intent and purpose of this ordinance.
 - 2. Will not cause a substantially adverse affect upon adjacent properties.
 - 3. Will relate only to the property under control of the appellant.
 - 4. Will not jeopardize the preservation of a substantial right, although the spirit of the ordinance shall be observed, public safety secured and substantial justice done.
 - 5. Will not essentially alter the character of the surrounding area.
 - 6. Will not increase the hazard from fire, flood or similar dangers.
 - 7. Will not increase traffic congestion.
 - 8. Will not produce nuisance conditions to occupants, or nearby premises, whether by reason of dust, noise, fumes, odor, vibrations, smoke or light.

9. Will not impair public health, safety, comfort, or general welfare of the residents of the Township.

E. The variance is the minimum necessary to permit reasonable use of the land and buildings.

INTERPRETATION OF ZONING ORDINANCE

The Board of Appeals shall hear and decide appeals where it is alleged by the applicant there is an error in any order, requirements, permit decision, or refusal, made by the Zoning Administrator, other administrative official, or other administrative body in carrying out or enforcing any provision of this ordinance. Including interpretations of the Zoning Maps. When the Zoning Administrator has a question or determines that there is ambiguity regarding the application of this Ordinance to a specific application or issue, the Zoning Administrator may file an application for interpretation, which shall outline sufficient information for the Zoning Board of Appeals ruling.

APPEALS TO THE BOARD OF APPEALS

The Zoning Board of Appeals shall hear all appeals of any action or decision of the Zoning Administrator, except as otherwise provided in this Ordinance, or of the Planning Commission only as provided in Article IX (Site Plan Appeal) and Article XIII, (Conditional Use Appeal), where the application for appeal alleges error in fact, interpretation of requirements within this Ordinance or the zoning district maps. In exercising its authority to decide appeals, the Zoning Board of Appeals may reverse, affirm wholly or partly, or modify any order, requirement, or decision of the Zoning Administrator or the Planning Commission. In doing so, the Zoning Board of Appeals may make such order, requirement, decision or

determination as to assure that the spirit and purpose of the Ordinance is observed and that substantial justice done.

WHO MAY APPEAL

Appeals to the Board of Appeals may be filed by any person aggrieved or by any officer, department, board, agency, or bureau of the Township, Village, City, County or State.

PROCEDURES AND REVIEW

The Zoning Board of Appeals shall hold a public hearing on all applications for appeals, variances, interpretations and Class A Nonconforming structures in accordance with Article XIII, Administrative Procedure. The Public Hearing shall be heard within forty-five (45) days of the date the application is filed unless a time extension is agreed to by both the applicant and the Zoning Board of Appeals. The Zoning Board of Appeals shall hold a Public Hearing and make its decision at the Public Hearing or at a subsequent public meeting, within thirty (30) days thereof. At the hearing, any party or parties may appear personally or by agent or by attorney. The Zoning Board of Appeals may adopt its own rules of procedure, which shall include provision for all interested persons to have a reasonable time to present their views on any application. The Zoning Board of Appeals shall maintain a record of all its proceedings showing the vote of each member upon each question. No decision shall be made by vote of less than a majority of the total membership of the Board, and not just a majority of those in attendance. The concurring vote of the majority of the Board shall be necessary to reverse any other, requirement, decision, or determination of the Zoning Administrator or the Planning Commission, or to decide in favor of an applicant on any matter or to affect any variation in this Ordinance.

DUTIES ON MATTERS OF APPEALS

All questions concerning application of the provisions of this Ordinance shall first be presented to the Zoning Administrator. Such questions shall be presented to the Zoning Board of Appeals only on appeal from the decision of the Zoning Board of Appeals shall be to the Circuit Court of Marquette County, as provided by law.

DECISION RECORD

All decisions and findings of the Zoning Board of Appeals shall be final and may be appealed only to the appropriate Circuit Court. All decisions and findings shall be incorporated in a written document specifying the reasons for the decision and specific findings of fact. The Public Hearing Record shall be filed with the Township Clerk and be available for public inspection at the Township office during regular business hours.

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ARTICLE XV

NUISANCES, VIOLATIONS, AND PENALTIES

NUISANCES

Except as otherwise provided by law, a use of land, dwelling, building, or structure, including a tent or recreational vehicle, used, erected, altered, razed, or converted in violation of this Ordinance is hereby declared to be a nuisance per se. The court shall order the owner or agent of such dwelling, building, or structure, etc. liable for maintaining the nuisance per se and order the nuisance abated. The owner or agent shall be enjoined or subject to civil damages and the fines and penalties herein provided for.

PENALTIES

- A. Any person, firm or corporation who violates any of the provisions of this Ordinance shall be deemed responsible for a Municipal Civil Infraction and shall be subject to a civil penalty. Any person or entity that admits responsibility or is adjudged to be responsible for a violation of this Ordinance, or fails to comply with any of its requirements, shall, upon admission or judgment thereof, pay a civil fine. First infraction is One Hundred Dollars (\$100.00); subsequent infractions shall impose an additional One Hundred Dollar (\$100.00) fine respectively, up to a maximum of Five Hundred Dollars (\$500.00). Every day that a violation continues to exist shall constitute a separate infraction. Such penalty provision shall not preclude any other civil action against a violator for injunctive or other relief.

- B. The Zoning Administrator may choose to forward the complaint to the Township Board and Township Attorney for review and action. The Circuit Court for the County of Marquette may consider such complaint and order the nuisance to be abated if the owner or agent of the property is found to be responsible for maintaining such nuisance after a hearing on the merits. Any person who continues to violate the provisions of this Ordinance after having been issued a notice of violation shall be subject to a fine of up to five hundred dollars (\$500.00) plus the costs of prosecution, or imprisonment in the Marquette County jail for a period of up to thirty (30) days, or both. Each day that a violation is permitted to exist shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance or the Orders of the Circuit Court Judge.

- C. The imposition and payment of any civil penalty shall not exempt the violator from compliance with provisions with this Ordinance.

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ARTICLE XVI
LEGAL STATUS

CONFLICT WITH OTHER LAWS

Conflicting laws of a more restrictive nature are not affected or repealed by this ordinance. The provisions of this ordinance shall be considered as minimum. Conflicting laws of a less restrictive nature, or those conflicting in other ways than degrees of restrictive ness, are hereby repealed. 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 provisions of this ordinance, no land shall be used and not structure erected or maintained in violation of any state or federal pollution control or environmental protection regulation.

VALIDITY AND SEVERABILITY CLAUSE

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

Whenever any condition or limitation is included in an order authorizing a Conditional Use Permit, variance, Zoning Compliance Permit, Site Plan Approval, or designation of Class a Nonconformance, it shall be conclusively presumed that the authorizing officer of body considered such condition or limitation necessary to carry out the spirit, the purpose of this ordinance or the requirement of some provision thereof, and to protect the public health, safety, and welfare, and that the office of the board would not have granted the authorization which the condition or limitation pertains except in the belief that the condition or limitation was lawful.