

FERRY TOWNSHIP
ZONING ORDINANCE

OCEANA COUNTY, MICHIGAN

PREPARED BY:

The Ferry Township Planning Commission
&
Daneman & Associates, Marc Daneman
Planner/Attorney

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FERRY TOWNSHIP ZONING ORDINANCE

**THE TOWNSHIP OF FERRY,
OCEANA COUNTY, MICHIGAN, ORDAINS:**

ARTICLE 1 SHORT TITLE

Section 1.1 SHORT TITLE

This Ordinance shall be known as the "Ferry Township Zoning Ordinance."

Section 1.2 PURPOSE

An Ordinance, enacted under the Michigan Zoning Enabling Act (2008 PA 12, MCL 125.3101 *et seq*), regulating and restricting the height and size of buildings, the size of yards, courts, and other open spaces, the density of populations; the location and use of buildings and land for residence, trade, industry, and other uses; creating districts for said purposes and establishing the boundaries; providing for changes in regulations, restrictions and boundaries of such districts; defining certain terms used, establishing a Zoning Board of Appeals and imposing penalties for ordinance violations.

Section 1.3 SCOPE

- a.** This Ordinance shall affect and regulate the uses and occupancy of all land and every structure in the unincorporated portions of the Township. Where this Ordinance imposes greater restrictions than those imposed or required by other laws, ordinances, private restrictions, covenants, deeds or other agreements, the provisions of this Ordinance shall control.
- b.** No structure, land or premises shall hereafter be used or occupied, and no building shall be erected, moved, reconstructed, extended, or altered, except in conformity with the regulations and provisions of this Ordinance.
- c.** In their interpretation and application, any enforcement Officer or Agency, any court, and Township Board, Planning Commission, or Zoning Board of Appeals member shall hold the provisions of this Ordinance to be the minimum acceptable standards and requirements adopted for the promotion of the health, safety, security, and general welfare of the Township of Ferry. Whenever the requirements of this Ordinance are in conflict with the requirements of any other publicly adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards, shall govern.

ARTICLE 2 DEFINITIONS

Section 2.1 CONSTRUCTION OF LANGUAGE

For the purpose of this Ordinance, certain terms and words are defined as stated below. Words used in the present tense include the future; words in the singular include the plural and words in the plural include the singular. The word "shall" is mandatory and not directive. Terms not defined in this article or elsewhere in this Ordinance shall have the meanings customarily assigned to them.

Section 2.2 TERMS DEFINED

The words listed below shall have the following specific meanings when used in this Ordinance:

ACCESSORY BUILDING / STRUCTURE: A subordinate building or structure on the same lot with a main building, or a portion of the main building, occupied or devoted exclusively to an accessory use, which is a natural incidental lawful use in conjunction with, but subordinate to the lawful use of the main structure.

ACCESSORY USE: A use subordinate to the main use on a lot and used for purposes customarily incidental to those of the main use.

AGRICULTURAL BUILDING: *Any building or accessory structure other than a farm or non-farm dwelling, which is used for farm operations such as, but not limited to, a barn, grain bin, silo, farm implement storage and milk house.*

ALTERED: Any change in the location or use of the building, and/or any change in the construction of the building, such as walls, columns, posts, beams, girders and similar components.

BASEMENT / CELLAR: That portion of a building partly below the grade but so located that the vertical distance from the average grade to the floor is not greater than the vertical distance from the average grade to the ceiling.

BED & BREAKFAST / BOARDING HOUSE: A dwelling in which lodging and meals are furnished to three or more guests for compensation.

BUILDING: A structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure for persons, animals, chattels or property of any kind. This shall include tents, awnings, vehicles, whether mounted or not, on wheels and situated on private property and used for the purpose of a building.

BUILDING HEIGHT: The vertical distance from the established grade at the center of the front of the building, to the highest point of the roof surface if a flat roof, to the dock line for mansard roofs, and to the mean height level between eaves and ridge for gabled, hip and gambrel roofs.

DWELLING: Any building or structure, or any part occupied as the home, residence or sleeping place of one or more persons, either permanently or temporarily. Where only part of a building or structure is occupied for dwelling purposes, the part of a building or

structure which is occupied shall comply with all provisions applicable to dwellings in the district in which said building or structure is located except where specific exception is provided by other sections in this Ordinance.

ONE-FAMILY or TWO-FAMILY DWELLING: A dwelling occupied by 1 or 2 family(s) and so designed and arranged as to provide living, kitchen and bedroom accommodations for 1 or 2 family(s) only.

ERECTED: Shall be defined to include built, constructed, reconstructed, moved upon or any other activities on the land required to or in preparation for the construction of a building. Excavating, filling, draining and the like shall be considered a part of the erection of new construction.

ESSENTIAL SERVICES: The erection, construction, alteration or maintenance by public utilities or municipal department or commission of gas, electrical, steam or water distribution or transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electric sub-stations, and auxiliary buildings, gas regulator buildings, and equipment and other similar facilities and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare.

FAMILY: An individual or group of two or more persons related by blood, marriage or adoption, together with foster children and aids, attendants or household employees of the principal occupants, with not more than one additional unrelated person, who are living together as a single, domestic, housekeeping unit in a dwelling unit. Also a collective number of individuals living together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, cult, organization, or group of students or other individuals whose domestic relationship is one of a transitory or seasonal nature or for an anticipated limited duration of a school term or other similar determinable period.

FARM / AGRICULTURE: The cultivation of grain and other field crops, including fruits and vegetables, and the raising of livestock, fish or fowl for market consumption, or for sale to others.

FENCE: A barrier or shield so erected as to give privacy to the landowner and/or shield from public eye such activities or conditions as may detract from neighborhood land values and farm/agricultural operations. Fencing materials are to be of such durability as to enhance the appearance of the premises. Enclosures are to be of such material as boards, chain link, pickets and rails, or similar materials; but not junk materials.

GAS STATION / SERVICE STATIONS: A space or building for the retail sale or supply of fuels, lubricants, air, water and the provision of maintenance services on motor vehicles; but not including major repairs such as paint and body/collision or engine, transmission or major overhauling.

HOME OCCUPATION: An occupation, including farming or agriculture, for gain or support, commonly involving the performing of a service or the creating of a product, conducted only by members of a family residing on the premises, provided that no article is offered or sold, except that which is produced by members of the immediate family residing on the premises.

JUNK: Discarded items which are not normally associated with residential usage including scrap copper, iron, steel, brass, rope, rags, batteries, paper, rubber debris, tires, waste, discarded household appliances, dismantled vehicles or parts, unlicensed and inoperable motor vehicles and implements, and other such items which constitute health or safety hazards or menace to persons whether the items have value for reuse or resale after its original use.

JUNKYARD: Any place or location used for the purposes of dismantling, wrecking, disposing of, or storing the refuse of automobiles, trucks, or other vehicles or their parts, or for storage of junk.

KENNEL: Any premises on which three (3) or more dogs, cats or similar domesticated pets four (4) or more months old, are kept permanently or temporarily, boarded, or maintained as a source of income.

LIVABLE FLOOR SPACE: The square feet of floor area providing living space in normal residence areas, including kitchen, dining room, living room, bathroom, bedroom, and similar living quarter rooms, but excluding any area contained within attached garages and unfinished or unimproved basements.

LOT: Land occupied or to be occupied by a building and its accessory building and including such open spaces as are required under this Ordinance, and having frontage upon a public street.

LOT OF RECORD: A Lot which is part of a subdivision and is shown on a plat or map which has been recorded in the Office of the Register of Deeds for Oceana County, or a lot or parcel of land described by survey or "metes and bounds" legal description which has been recorded.

LOT, CORNER: A lot fronting on two or more streets intersecting at an angle of not more than one hundred thirty-five (135) degrees.

INTERIOR LOT: A lot other than a corner lot.

SUBSTANDARD LOT or NON-CONFORMING LOT: A lot of record executed prior to the effective date of this Ordinance which does not meet the minimum requirements of the zoning district in which it is located.

LOT LINE: The property lines bounding the lot.

FRONT LOT LINE. In the case of a lot abutting upon only one street, it shall mean the line separating such lot from such street, even if the street is only an easement. In the case of any other lot, the owner shall, for the purpose of this Ordinance, have the privilege of electing any street lot line as the front lot line, provided that

such choice, in the opinion of the Zoning Administrator, will not be injurious to the existing, or to the desirable future development of adjacent properties. In the case of a lot abutting a lake or stream, it shall also mean that portion fronting on the water.

REAR LOT LINE: The line opposite and most distant from the front lot line. In the case of an irregular or triangular lot, the rear lot line shall be a line at least ten feet (10') in length entirely within the lot, parallel to and at the maximum distance from the front lot line. In cases where none of these definitions apply, the Zoning Administrator shall designate the rear lot line.

LOT AREA: The computed area inside of lot lines, excluding that portion of a lot which may be located within a road right-of-way or private road easement.

LOT DEPTH: The mean horizontal distance between the front and rear lot lines.

LOT WIDTH: The mean horizontal distance across the lot between side lot lines measured at right angles to the depth, at the minimum required building setback line.

MOBILE HOME: A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities; may also be referenced as pre-manufactured or modular home or structure.

MOBILE HOME PARKS / TRAVEL TRAILER PARK: Any parcel or tract of land where three or more occupied mobile homes or travel trailers are located, regardless of whether a charge is made.

MOTEL / HOTEL: A building or buildings made up of three or more separate living or sleeping quarters used independently, principally for overnight accommodations.

MUNICIPAL CIVIL INFRACTION VIOLATION: An act or omission that is prohibited, made or declared to be unlawful, or an offense by this Ordinance as authorized by Act 326 of Public Acts of 1961, as amended.

NON-CONFORMING USE: A building or land occupied that does not conform with the use regulations of the district in which it is situated; commonly referred to as "grandfathered".

NURSING HOME: A state licensed home for the care of the aged or infirm.

PARKING SPACE: A parking space shall be an area of not less than 200 square feet, exclusive of driveways and aisles, of such shape and dimensions and so prepared as to be usable for the parking of a motor vehicle, and so located as to be readily accessible to a public street or alley.

PERSON: An individual, partnership, corporation, or other association, entity or their agents. An INTERESTED or AFFECTED PERSON is the owner, developer, applicant of the matter under consideration; the Township or any of its employees, agents, boards (including the Zoning Administrator, Planning Commission, Zoning Board of Appeals,

Township Board or their individual members); any other public agency; persons who own property or are living within 300 feet of the property under consideration; or other person who can show a special interest or damage different from that of the general public.

PRINCIPAL STRUCTURE: The main building on a lot or parcel, or the primary or predominant use of the property, with all attached accessory structures and uses, including, but not limited to porches, decks, and patios.

PROFESSIONAL OFFICES: Offices for the use of a physician, veterinarian, dentist, consultant, lawyer, accountant, insurance or real estate agent, architect, engineer, musician, teacher, artist, or similar occupations, but not including the customary home occupations or the personal service businesses such as barber shops and beauty shops; and provided that the facilities for the offices for medical professions shall not include any facilities for the over-night care of patients.

RECREATIONAL VEHICLE / TRAVEL TRAILER: A vehicle designed or constructed for the transportation and primarily for recreational purposes, and which may permit occupancy as a sleeping place such as, but not limited to: motor homes, campers, camper trailers, off-road vehicles, boats and utility trailers.

REPEAT VIOLATIONS or OFFENSES: A second (or any subsequent) civil infraction or violation of the same requirement or provision committed by the same person or others associated or in concert with that person, and for which the person admits responsibility or guilt or is determined to be responsible or guilty.

RESIDENTIAL DISTRICTS or ZONES: Collectively or individually the R-1, Village Residential District and RR, Rural Residential District; or PD, Planned Developments Districts that are predominately or substantially residential in use.

SET-BACK / YARD: The required distance between every structure and lot line in which it is located.

YARD, FRONT: An open space extending the full width of the lot between the front lot line and the nearest point of the main building, excluding steps and uncovered porches.

YARD, REAR: The depth of the rear yard shall be measured between the rear line of the lot, and the rear line of the building, excluding steps and uncovered porches.

YARD, SIDE: A side yard is an open unoccupied space on the same lot with the main building, situated between the side line of the building and the adjacent side line of the lot and extending from the rear of the front yard to the front line of the rear yard, excluding steps and uncovered porches. If there exists no front yard, the front boundary of the side yard shall be the front line of the lot. If no rear yard exists, the rear boundary of the side yard shall be the rear line of the lot.

SEXUALLY-ORIENTED BUSINESS ACTIVITIES: The display, sale, lease, distribution, dissemination, exhibition or other forms of conveyance or materials, products or services involving the human genitals in a discernable state of sexual stimulation or arousal; or

acts or representations of human masturbation, sexual intercourse, sodomy, fondling or other erotic touching of human genitals, buttocks, anus or female breasts.

SIGN: Any structure or part which is lettered, pictured or displayed matter, the chief purpose of which is for advertising. This shall include window or display cards and lettered window area, whether fixed or movable.

STRUCTURE: Anything constructed or erected with a fixed or generally permanent location on the ground, or attached to, something having a fixed location on the ground; including, but not limited to buildings, signs, tennis courts, swimming pools, loading docks, fences, and architectural elements. Poles, flags, installed but removable recreational equipment, small portable (less than 200 square feet in size) prefabricated buildings, ornamental fixtures, sculptures, sidewalks, paved patios and driveways shall not be considered structures.

TEMPORARY: Anything that will be removed or relocated in six (6) months or less, and is not fixed to a permanent location.

ZONE: A section of the township for which the regulations governing the height, area, use, structure, or size of buildings and premises are the same.

Section 2.3 GOVERNMENTAL AUTHORITIES

Where reference is made to the following governmental agencies, bodies, authorities, or documents, the following meanings shall apply:

PLANNING COMMISSION is the Ferry Township Planning Commission or its successor.

ZONING BOARD OF APPEALS or **ZBA** is the Ferry Township Zoning Board of Appeals.

TOWNSHIP BOARD is the Ferry Township Board acting as the entire board.

BUILDING INSPECTOR is the Building Official or inspector duly authorized to enforce the state construction code or locally adopted construction code for Ferry Township.

HEALTH DEPARTMENT or **ROAD COMMISSION** or **DRAIN COMMISSION** or other publicly identified agency shall be that agency so authorized by law, regulation, or ordinance to carry out its responsibilities for, or within, Oceana County.

TOWNSHIP PLAN is the 2000 Ferry Township Master Plan or other planning documents and reports prepared for, or by, the Township, as amended.

ZONING ADMINISTRATOR is the individual, or individuals appointed and designated by the Township Board to administer and enforce this Ordinance.

ZONING ORDINANCE or **ORDINANCE** is this Ferry Township Zoning Ordinance, as amended.

ZONING MAP is the official map of zones or districts of the Ferry Township Zoning Ordinance which is incorporated by reference in this Ordinance.

ARTICLE 3 ZONING DISTRICTS ESTABLISHED

Section 3.1 ZONING DISTRICTS

The Township of Ferry shall be divided into the following zoning districts:

Village Residential	"R-1"	(Article 4.1)
Rural Residential	"R-2"	(Article 4.2)
Resource Production - 1	"RP-1"	(Article 4.3)
Resource Production – 2	"RP-2 (ES)"	(Article 4.4)
Business	"B"	(Article 4.5)
Natural Rivers	"NR"	(Article 4.6)
Planned Development	"PD"	(Article 4.7)

Section 3.2 ZONING MAP

The boundaries of each district are indicated upon the zoning map which is attached and made a part of this Ordinance. The Zoning Map and all notations, references and other information shown, is as much a part of this Ordinance as if fully described in this Ordinance.

Section 3.3 ZONING DISTRICT REGULATIONS

- a. **Uses Permitted.** No building shall be erected, reconstructed or structurally altered, nor shall any building or land be used for any purpose other than is permitted in the district in which such building or land is located.
- b. **District Boundary Interpretation.** Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:
 1. **Boundary Lines.** Boundaries that generally follow streets, highways, utility lines, or railroads shall be construed to follow the centerline or midway between the right-of-way lines. Boundaries that generally follow platted lot lines, lot lines described by metes and bounds, or governmental boundary lines shall be construed as following such lot or boundary lines. Boundaries that generally follow shorelines shall be construed to follow such shorelines; and, in the event of change in the shoreline, they shall be construed as moving with the actual shoreline. Boundaries indicated as following the centerline of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerline.
 2. **Distance Measured.** Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.
 3. **Map Graphics.** Some or all of the various Zoning Districts may be indicated on the Zoning Map by graphic patterns or colors for purposes of map clarity. Although these symbols do not cover public rights-of-way or water features, it is intended that such district boundaries do extend to the center of any public right-of-way or edge of the water feature.

4. Other Considerations. Where physical or natural features existing on the ground differ from that on the Zoning Map, or in other circumstances not described in this section, the Zoning Board of Appeals shall interpret district boundaries. The boundary line shall be determined in a reasonable manner, considering the history of uses of property and the traditional application of this Ordinance, and other relevant facts.
- c. **Schedule of Zoning Regulations.** No building shall be erected, reconstructed or structurally altered or no use shall be permitted which does not comply with the zoning district regulations in the "Schedule of Zoning Regulations" as established in Table 1 and the accompanying Notes, which is part of this *subsection and can be found at the end of this Article 3.*
- d. **Lot Area and Yard Space.** No lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed by this Ordinance. No yard or open space provided around any building for the purpose of complying with the provision of this Ordinance shall be considered as providing a yard or open space for any other building. No yard or open space on adjoining premises shall be considered as providing a yard or open space on a lot whereon a building is to be erected.
- e. **One Principal Building or Use on a Lot.** Not more than one principal dwelling, with permitted accessory buildings and structures, shall be located on a lot or a parcel of land, except as may otherwise be provided in this Ordinance.
- f. **Permitted Uses and Special Uses; and District Regulations.** For each Zoning District, no use, building or land shall be used, and no building shall be erected or structurally altered, unless that use or building is permitted by right (a "Permitted Use") or permitted as a special use (a "Special Use"). All Permitted Uses or Special Uses must meet the specific district regulations as established in Article 4, Zoning Districts Described, and as may be further regulated in the Schedule of District Regulations and general use regulations of this Ordinance.
- g. **Unclassified Uses.** Where a proposed use of land or use of building is not contemplated or specified or where the Zoning Administrator has a question as to the appropriateness of a use which, although basically permitted, involves other features which were not contemplated or specified by this Ordinance, the Zoning Administrator shall request a determination by the Planning Commission. If the Planning Commission determines that such use is not contemplated or specified by this Ordinance, or that it involves features which were not contemplated or specified, then the Planning Commission may permit such use as a Special Use or Planned Development only after it determines that it will have no more adverse affect upon adjacent property greater than the effect of other uses that are permitted in the same district, that the use is similar to other uses in the district in which it is proposed to be placed, and the spirit, purpose and intent of the Zoning Ordinance and Township Plan are not impaired by permitting such use at the proposed location.

TABLE 1 -- SCHEDULE OF ZONING REGULATIONS

Zoning District	Minimum Parcel/Lot	Minimum Parcel/Lot	Maximum	Minimum Set-Backs		
	Area	Width	Height	Front	Side	Rear
Notes:	(*1)	(*2)	(*3, 4, 5)	(*6, 7, 8)		
R-1 Village Residential	20,000 sf	100'	30'	50'	10'	20'
R-2 Rural Residential	10 acres (*9)	330'	35'	50'	50/20' (*17)	50/20' (*17)
RP-1 (*17) Resource Production	20 acres (*9)	660'	35'	50'	20'	20'
RP-2 (ES) (*17) Environmentally Sensitive	20 acres (*9)	660'	35'	50'	20'	50'
B (*10) Business	1 acre (*11)	200'	50' (*12)	50'	5'	25'/15' (*13)
NR Natural Rivers	5 acres (*14)	330'	30	100 (*15)	20	50
PD Planned Development	5 acres (*16)	(*16)	(*16)	(*16)	(*16)	(*16)

NOTES to this Schedule of Regulations:

1. Minimum lot sizes are on a per unit basis.
2. The minimum lot width shall be measured at the frontage along the public street and maintained throughout its depth. No lot or parcel width may be greater than four (4) times the lot length in accordance with the Land Division Act, unless the parcel exceeds 40 acres.
3. No fence shall exceed six (6) feet in height for residential use.
4. Where more than half of the lots fronting on that side of the block are zoned residential and the lots comprising the remaining frontage are zoned commercial, the height regulations for the residence district shall apply to the commercial lots.
5. In all districts, height requirements may be exceeded by chimney, silos, farm barns and storage buildings, roof-mounted television and radio antennas, cupolas, spires ornamental projections or water towers. In industrial districts, chimneys, cooling and fire towers, elevator buildings and bulkheads, roof storage tanks and

other necessary accessory structures are permitted provided they are located not less than the same distance as their height from any adjoining property. A basement shall not be counted as a story for purposes of height measurement.

6. A minimum four-foot (4') set-back shall be maintained from all public utility or municipal easements and four foot (4') spacing shall be maintained between all unattached buildings or structures, except that a ten foot (10') separation shall be maintained from any principal building.
7. Set-backs are measured from the property line, lot line in a subdivision or condominium, or from the road right-of-way to the foundation wall, outermost building wall, deck or similar part of this main principal structure. Bay windows, steps, and similar architectural elements which do not extend more than 18 inches from the structure, are not included in the set-back measurement. When the majority of buildings capable of being built on one side of the street between two intersecting streets have been built, no building on that side of the street shall project beyond the minimum set-back line established by the buildings already in existence. This requirement shall not reduce the buildable width of a corner lot facing on an intersecting street and which is separate and distinct from an adjacent lot and is included in a plat or is a lot of record. Accessory uses are permitted in the front yard by special use permit in the R-2, RP-1 and RP-2 (ES) zones. No accessory use or structure permitted within the minimum set-back requirements shall be so designed or placed so as to block or shadow existing solar panels.
8. Alleys shall be governed by the rear set-back requirement.
9. By Special Use Permit, one (1) lot division of a lot of record may be of less than the minimum lot size for that District, provided the division is not less than one half of the District's minimum lot size. Any remaining portion of the lot of record may not be less than the District's minimum lot size, and all parcels meet the lot width, set-back and other requirements of the District.
10. Industrial uses shall have a minimum lot size of 3 acres and a lot width of 350 feet.
11. Buildings erected as a dwelling exclusively shall comply with the R-1 lot area.
12. A building or structure may exceed 50 feet in height provided that the building or structure is set back an additional one foot (1') for each two feet (2') rise above the initial 50 feet in height. No building, for which any part is used for dwelling purposes shall exceed 3 stories in height.
13. The rear yard set-back may not be less than 20 percent of the depth of the lot, provided the rear yard set-back depth not exceed 25 feet for an interior lot or 15 feet for a corner lot.
14. Minimum lot size is five (5) acres or the minimum for the underlying zone, if larger.
15. The front set-back shall be 100 feet from the ordinary high-water mark, except that for every foot of bank height over 7 feet above the ordinary high-water mark, the structure may be placed 5 feet closer to the ordinary high-water mark, to a minimum of 75 feet. However, on the cutting edge of the stream, no structure may be closer than 50 feet from the top of the bluff.

16. As established in the underlying zoning district, unless specified in the PD Zone.
17. The minimum set-back for side or rear lot lines in Districts R-2, RP-1 and RP-2 (ES) that border a roadway shall be twenty feet (20').

ARTICLE 4 ZONING DISTRICTS DESCRIBED

Section 4.1 "R-1" - VILLAGE RESIDENTIAL

- a. District Intent.** To establish and preserve a residential community around the existing village of Ferry or other settlements. This district allows for a mix of residential, public and community facility, recreation, and very low intensity commercial and service-oriented uses consistent with and serving primarily village and local area residents.
- b. Permitted Uses.**
1. Single and two-family residences, and licensed residential care facilities serving less than 8 individuals.
 2. Churches, Schools and licensed day care facilities serving less than 8 individuals, when located on at least one (1) acre of land and having 150' lot width.
 3. Community buildings, Public Parks and Recreational facilities.
 4. Bed and Breakfast establishments, when located in a single-family home not exceeding 5000 square feet.
- c. Special Uses Permitted.**
1. Multiple Family Residences, Mobile Home Parks, and Condominium Developments: located on two (2) or more acres of land, having 200' lot width and a density not exceeding three units per acre.
 2. Licensed Residential Care and Day Care Facilities serving 8 or more individuals, when located on one (1) acre of land and having 150' lot width.
 3. Hotels, Motels and large Bed and Breakfast establishments, when located on one (1) acre of land and having a 150' lot width.
 4. Schools, Churches and Community Facilities situated in buildings having in excess of 10,000 square feet, and recreational areas serving the general area and township, when located on three (3) acres of land and having a lot width of 330'.
 5. Commercial retail and service uses, when located on one (1) acre of land, with 150' lot width, and in structures having no more than 5,000 square feet.
- d. District Regulations.** Residences are permitted garages and accessory buildings. All uses shall be subject to site plan review; meet any specific site/design standards; and shall comply with the lot size, lot width, set-back, height, and other general requirements identified in this Ordinance.

Section 4.2 "R-2" - RURAL RESIDENTIAL

- a. District Intent.** To establish and preserve a district for very low-density, single-family residential uses in accessible areas, free from intensive development that would require public services and facilities beyond the traditional rural level of governmental operations. Included herein are the platted subdivisions of Chief Cobmoosa Park and White River Village.
- b. Permitted Uses.**
1. All Permitted Uses in the R-1 Zoning District (including single and two-family residences, day care and residential facilities, schools, churches, parks and community facilities, and Bed & Breakfast lodging) subject to the minimum lot regulations of this zone.
 2. Agricultural activities, including farming and raising of farm animals, farm markets where over 50% of the income is derived from produce or products from the owner's farm, nurseries, greenhouses, specialty farms, farm related housing, and other bonfire farming or agricultural use. Excluded are commercial slaughtering and rendering plants or activities, commercial fertilizer production, or commercial disposal activities.
- c. Special Uses Permitted.**
1. All Special Uses allowed in the R-1 Zoning District, subject to the minimum lot regulations of this zone.
 2. Hotels, motels, and larger bed and breakfast establishments when located on a paved road or M-20, and not within 1/2 mile of the R-1 or B zones.
 3. Mobile home parks or developments, land divisions creating more than four parcels, platted residential subdivisions, condominiums and site condominiums or similar residential developments with over 5 parcels, lots or units; when located on ten (10) acres of land. The gross density of these uses shall not be less than 2 units per acre; all utility services are provided on-site, and access is from a paved county primary road or M-20.
 4. Sand, Gravel or other mineral extraction, as regulated in this Ordinance.
 5. Wildlife and Hunting Preserves; when located on 40 acres of land and in compliance with density requirements established by the state.
 6. Campgrounds, private recreational facilities, county or regional scale parks.
 7. All B Permitted Uses when meeting all of the requirements of the B District in an area located on M-20 within 660 feet of and between 124th and 144th Avenues (being 660 feet in depth off of M-20).
- d. District Regulations.** Residences are permitted garages and accessory buildings. All uses shall be subject to site plan review; meet any specific site/design standards; and shall comply with the lot size, lot width, set-back, height, and other general requirements identified in this Ordinance.

Section 4.3 "RP-1" -- RESOURCE PRODUCTION

a. District Intent. To establish and preserve a district for general resource production, including farming and forestry, mineral production and very low density rural residential development consistent with protecting the primary resources activities. The purpose of this district is to assure that there are large tracts used for farming, are lying idle, or for other specialized rural uses requiring large tracts of land. It is intended to help lessen many of the problems often associated with scattered residential uses in farming areas. Residents that have moved from urban areas are often unprepared for the ordinary effects of farming, forestry and other resource production activities. Odors, tractors and equipment along roadways, crop dusting, excavation, sawing, and other necessary activities may conflict with their expectations of rural living. Although it is recognized that not all land within this classification will necessarily be prime farmland, the integrity of the area will be maintained to assure that larger parcels of land are available for farming and other resource production.

b. Permitted Uses.

1. Agricultural activities, including farming and raising of farm animals, farm markets where over 50% of the income is derived from produce or products from the owner's farm, nurseries, greenhouses, specialty farms, farm related housing, and other bonafide farming or agricultural use. Commercial veterinary services are permitted. Excluded are commercial or industrial slaughtering and rendering plants or activities, commercial fertilizer production or disposal activities (see subsection 4.5(11)).
2. Commercial and private forest operations to include hauling, milling, and cutting of forest products, but excluding the production or manufacturing of the forest products into other uses or materials.
3. All Permitted Uses in the R-2 Zoning District (including single and two-family duplex residences, day care and residential facilities, schools, churches, parks and community facilities); subject to the minimum lot regulations of this zone.
4. Wildlife and Hunting Preserves.
5. Bio-solid Injection per State MDEQ regulations.

c. Special Uses Permitted.

1. All Special Uses allowed in the R-2 Zoning District, subject to the minimum lot regulations of this zone, except for mobile home parks. Hotels, motels, and bed and breakfast facilities are permitted when located on a paved county road and not within 1/2 mile of the R-1 or B zones.
2. Sand, gravel or other mineral extraction, as regulated in this Ordinance.
3. Campgrounds, private recreational facilities, and county or regional scale parks.

4. Communication facilities, including TV, radio, telephone, earth station receiver or transmitters, and other wireless operations used as a principal or accessory use.
 5. Junk and Salvage Yards, as regulated in this Ordinance.
- d. District Regulations.** Residences are permitted garages and accessory buildings. All uses shall be subject to site plan review; meet any specific site/design standards; and shall comply with the lot size, lot width, setback, height, and other general requirements identified in this Ordinance.

Section 4.4 "RP-2 (ES)" -- RESOURCE PRODUCTION (Environmentally Sensitive)

- a. District Intent.** To establish and preserve a district for sensitive environmental activities including farming, forestry, wetlands protection, similar unique uses and activities. A minimum of general residential activity is encouraged, and only within those areas that can tolerate the use without disturbing the surrounding environmentally sensitive uses.
- b. Permitted Uses.**
 - 1. Agricultural activities and forest productions activities as permitted in the RP zone.
 - 2. Wildlife and Hunting Preserves.
 - 3. Exclusively, single family residential uses; subject to the minimum lot regulations of this zone. Only one dwelling shall be permitted per parcel of land in this district except for housing for those children of resident owners and farm laborers substantially engaged in the conduct of an agricultural use.
- c. Special Uses.**
 - 1. All Permitted and Special Uses in the RP-1 zone (including two-family residences, day care and residential facilities, schools, churches, parks and community facilities; sand, gravel and mineral extraction; and campgrounds, private recreational facilities, and public parks); but excluding, hotels, motels, mobile home parks, and junk and salvage yards.
 - 2. Any activity or use encroaching into state or locally designated or identified wetlands; unless replacement of an equal amount of wetlands area is provided within the watershed based on a county or state approved wetlands replacement plan.
- d. District Regulations.** Residences are permitted garages and accessory buildings. All uses shall be subject to site plan review; meet any specific site/design standards; and shall comply with the lot size, lot width, set-back, height, and other general requirements identified in this Ordinance.

Section 4.5 "B" - BUSINESS DISTRICT

- a. District Intent.** To establish and preserve a district for commercial and light industrial uses to serve the neighborhood and general commercial and employment needs of the residents of Ferry Township. Large scale commercial, manufacturing and industrial uses oriented towards a larger county or regional market should be closely monitored to insure that these activities will not disrupt the rural nature and environment of the Township. The district may include both distinct areas and an overlay zone by special use approval.
- b. Permitted Uses.** The following uses are permitted, provided the building or use does not exceed 5,000 square feet.

1. General retail shops and stores offering convenience and other goods such as groceries, clothing, personal goods and products, sundries, drugs, liquor, hardware and building supplies, gifts, antiques.
2. Service establishments such as Laundromats, dry cleaning pick-up stations, appliance repair, barber & beauty shops, and auto service station.
3. Offices for professionals, banks, insurance, government, and similar general service and support activities.
4. Eating and drinking establishments, excluding drive-in food restaurants, bars, clubs and taverns.
5. Motels, hotels, bed and breakfast facilities, resort cabins and similar transient housing; but excluding campgrounds.
6. Churches, day care centers, and adult foster care (including large group homes housing over twelve AFC occupants), convalescent homes, schools, and other institutional and public uses.
7. Commercial or individual agricultural and forestry operations, including milling, granaries, elevators, implement dealers, and similar uses; however excluding commercial slaughtering and rendering plants or activities, commercial fertilizer production, or commercial disposal activities.
8. Single family and two-family dwellings.
9. Campgrounds and outdoor recreational facilities.

c. Special Uses.

1. Mobile home parks and multi-family uses.
2. Facilities serving or housing large numbers of occupants including, indoor theaters and indoor recreational facilities such as bowling alley, skating rinks (ice or roller), athletic clubs or health spas, and amusements centers, game rooms, and billiard parlors; adult entertainment businesses as regulated in Ordinance No. 13, Public Entertainment Ordinance of Ferry Township, as amended; and eating and drinking establishments involving drive-in restaurants, licensed bars, clubs, and taverns.
3. Furniture/carpentry operations, commercial laundries, manufacturing facilities.
4. Storage buildings and garages.
5. Auto service body shops and commercial repair garages.
6. Wholesale establishment, and commercial facilities with a screened or fenced-in outside storage area.

7. Billboards and off-site additional parking.
8. Other light industrial or manufacturing activities, including industrial park developments or a complex of multiple number of permitted or special permitted uses.
9. Junk and Salvage Yards, as regulated.
10. Sand, Gravel and mineral extraction and production, as regulated.
11. Commercial agricultural operations, including slaughtering and rendering plants or activities, commercial fertilizer production, or commercial disposal activities.
12. Major utility facilities, including main transmission facilities, underground storage facilities, bulk facilities, chemical and petroleum storage areas, and similar uses, and airport facilities.
13. Any other commercial or industrial activity requiring over 5,000 square feet of building or land area for actual or intended use, storage, or other activities.

d. Special District Regulations. All uses shall be subject to site plan review and meet any specific site/design standards as outlined in this Ordinance. Residential uses shall comply with the lot size, set-back, and other regulations if the R-1 Zoning District. In addition, the following specific standards shall apply:

1. All business, servicing or processing activities permitted by right (Permitted Uses), except for off-street parking, shall be conducted within a completely enclosed building.
2. All business establishments located adjacent to a residential district shall maintain a fully landscaped or solid fenced boundary with that district and shall maintain a 50' setback for any principal commercial or industrial use, including exterior storage.
3. All operations shall not emit excessive noise, smoke, odors, dust, dirt, noxious gases, glare, heat, vibration, or other effects which would be a nuisance or annoyance to owners or occupants of surrounding premises. Delivery to and from any operation or business shall not generate excessive noise to adjoining premises located in any other district.
4. Outdoor storage and movement of any materials outdoors shall be located in a side or rear yard area and shall not exceed 50% of the square footage of the principal building upon the premises.
5. All outdoor storage must be screened from adjoining premises and public streets with a solid wall or fence of at least six feet in height. No materials may be stored or stacked so it is higher than the fencing or wall.
6. Measures shall be taken to insure ground water protection, as regulated.

7. The area located on M-20 within 660 feet of and between 124th and 144th Avenues (being 660 feet in depth off of M-20) is an overlay zone permitted by special use approval.

Section 4.6 "NR" -- NATURAL RIVER DISTRICT

- a. **District Intent.** To establish an overlay district to preserve and protect the designated natural rivers and other water bodies in Ferry Township. This district is designed to provide for a traditional, rural, medium density type of development in those areas not suited for other types of development and to conserve property and natural resources along the river.
- b. **Overlay District Boundaries.** The Natural River District ("NR") shall consist of a strip of land 500 feet in width from the water's edge on both sides of the North Branch of the White River from 160th Avenue downstream to Garfield Road, Cobmoosa (aka Osborn or Swinton) Creek from Baseline Road downstream to the North Branch, and Robinson Creek from 112th Avenue downstream to the North Branch White River. "NR" shall additionally include a strip of land 250 feet in width from the water's edge on both sides of all other navigable rivers, streams, and creeks and any lakes in excess of 10 acres in size in the Township.
- c. **Permitted and Special Uses.** All uses permitted by right or by special use within the underlying zoning district are allowed in the NR zone; provided they also meet the requirements of the underlying zoning district, including the minimum lot size and lot width. No lot or parcel in the NR zone shall be less than 5 acres in size with at least 330' of frontage on the road and water body.
- d. **District Regulations.**
 1. One single-family dwelling, including mobile homes, but not travel trailers or motor coaches, are permitted on any parcel or lot. Any detached accessory building must be located not less than six (6) feet from the sides of the main building and not less than ten (10) feet from the rear of the main building and it shall be constructed not nearer to the side lot, front lot or rear lot lines than permitted for the main building and no portion of the detached accessory building may serve as a living or sleeping area.
 2. Commercial crop farming, tree plantations and reforestation are permitted, provided that the activity shall be conducted no closer than 75 feet from the water's edge.
 3. Private camping and other recreational activities are permitted, not requiring installation of permanent structures and located outside of the natural vegetation strip.
 4. Essential Services are permitted provided that local service lines to private structures shall originate from the landward side of the structure insofar as practical and provided that new distribution lines generally shall not cross the set-back zones unless they are constructed on existing rights-of-way or unless they are placed underground (unless overhead lines are less disruptive to the environment).

5. The Front Yard Set-Back shall be 100 feet from the ordinary high-water mark, except that where bank height above the ordinary high water mark is more than 7 feet, the structure may be placed 5 feet closer to the ordinary high-water mark, for every foot of additional height, to a minimum of 75 feet. However, no structures may be closer than 50 feet from the top of the bluff on the cutting edge of the stream.

e. Natural Vegetation Strip.

1. A restricted cutting belt 75 feet wide on each side of the stream shall be maintained. Trees and shrubs may be pruned for a filtered view of the stream upon approval by the State Department of Natural Resources. Clear cutting in the natural vegetation strip is prohibited.
2. Dead, diseased, unsafe or fallen trees and noxious plants and shrubs, including poison ivy, poison sumac and poison oak may be removed.
3. Selective removal or trimming of trees for timber harvest, landscaping, or public utility facilities is permitted upon approval of the State.

f. Flood area and grade level. No dwelling shall be constructed or placed on lands which are subject to flooding or on land where a minimum of six feet (6') between finished grade level and water cannot be met. Land may be filled to meet the minimum requirement of four feet between finished grade level and ground water level only under the following conditions:

1. The 75-foot native protective strip is maintained.
2. No material is allowed to enter the water, either by erosion or mechanical means.
3. Fill materials are of a porous material such as gravel or sand.
4. All permits required by the laws of the State of Michigan and the rules and regulations of the Department of Natural Resources shall have been obtained.

g. White River Natural River Zoning Rules. Where buildings and uses in the NR District are governed by the White River Natural River Zoning Rules adopted by the Michigan Department of Natural Resources (R 281.71 through R 281.82, of the Michigan Administrative Code, as amended) adopted in accordance with the White River Natural River Plan, adopted in accordance with Act 231 of the Public Acts of 1970, and any conflict between the provisions of this Ordinance and those Rules shall be resolved in favor of the State Rules.

Section 4.7

"PD" -- PLANNED DEVELOPMENT DISTRICT

- a. District Intent.** To establish an overlay district which offers greater flexibility in the use of land and the design of structures; particularly for larger developments where there may be a mix of uses or more than one use per lot. This Section is not intended as a device for ignoring the Zoning Ordinance or the planning upon which it has been based. To that end, PDs must be substantially consistent with the underlying zoning, with modifications and departures from generally applicable requirements made in accordance with standards provided in this Section to ensure appropriate, fair, and consistent decision-making. In approving a PD, the Township shall find that there are unique environmental or cultural resources preserved; the development is creating more collective or common open space; there is a mutual beneficial mix of compatible land uses in the development and its neighboring uses; the PD offers a more creative and innovative design than is otherwise available under the traditional zoning; and that the PD will promote more economical and efficient use of land and public services. The granting of a PD shall have the effect of amending the Zoning Ordinance and Zoning Map. All aspects of the final site development plan and any conditions imposed, shall constitute an inseparable part of this Zoning Ordinance.
- b. Permitted Uses.** All uses permitted by right or by special use in this Ordinance and other uses not so permitted, may be considered for a PD. The PD as proposed may be referred to as the "project" or "development". The following use related requirements for a PD must be satisfied:
1. The proposed planned development must be of at least five (5) acres in size or the minimum for that zone.
 2. The maximum density of any PD shall not exceed the permitted density of the underlying zoning district by more than 1.25 times in the R-1 zone and three times in all other zones. Densities shall be based on the gross area of the PD. Where the underlying zoning districts have different density requirements, the proportional average shall be calculated and applied to the PD.
 3. Unless specifically waived by the Township Board upon the recommendation of the Planning Commission, all regulations of the underlying zoning district shall apply. Departure from the underlying zoning requirements may be authorized if there are features designed into the project which would achieve the intent of this Section and the objectives of each of the regulations from which a departure is being requested.
- c. Design Standards.** A proposed PD shall take into account the following specific design considerations, as they are necessary to carry forward the general purposes of this Ordinance, to ensure compliance with all applicable regulations, and to ensure the compatibility with adjoining properties and the general area where the PD is located:

1. Access to property, proposed buildings and structures, with particular reference to vehicle and pedestrian safety and convenience, traffic flow and control, and emergency access.
2. Off-street parking and loading areas where required, with particular reference to the items in subparagraph (1) above and the economic, noise, glare, or odor effects of each use in the proposed PD.
3. Refuse and service areas, with reference to subparagraphs (1) and (2) above.
4. Utilities, with reference to locations, availability, and compatibility.
5. Required yards and other open spaces, and screening and buffering, with reference to the type, location, dimensions, and character.
6. Signs and exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with adjoining properties and properties in the proposed PD.

d. PD Standards for Approval. The Planning Commission and Township Board shall follow the review and approval procedures as identified in Article 6, governing Special Use Procedures, except that prior to conducting its final public hearing the Planning Commission shall conduct the hearing as is required for amending this Ordinance. In giving consideration for approval, the Planning Commission and Township Board shall find that the proposed PD meets the intent and purposes of this Section, the underlying zoning district, and the following additional standards:

1. Granting of the PD would permit a project where under the traditional zoning the uses, activities or designs would not be possible or feasible.
2. In relation to underlying zoning, the proposed type and density of use shall not materially increase the need for public services, facilities, and utilities, nor place a material burden on the PD or surrounding land, owners and occupants, or the natural environment.
3. The proposed development shall be compatible with the Township Master Plan and shall be consistent with the intent and spirit of this Section.
4. The PD shall not change the basic character of the surrounding area.
5. The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance. This provision shall not prohibit a transfer of ownership or control upon notice to the Township.
6. The PD shall give due consideration to potential nuisance factors and to the maintenance of reasonable conditions to avoid those nuisances factors, as well as to effect on surrounding property values, overcrowding of persons, sanitation, surface and ground water quality, water supply and sewage disposal, general appearance and character of the area, and

other similar considerations which have an effect on achieving the purposes of this Section.

e. Required Improvements, Performance Guarantees, and Amendments.

1. Required Improvements. In approving a PD, the Township Board may, in addition to other matters, require that all or any part of the improvements and other elements of the PD be reviewed by the Planning Commission through site plan approval in accordance with Article 8 or be constructed and completed prior to the issuance of an occupancy permit. In the event that these buildings, improvements or other elements are partially completed to a point where occupancy will not impair the health, safety, and general welfare of all parties concerned, then the Township Board may, in accordance with the site plan review provisions of this Ordinance, authorize the Zoning Administrator to grant an occupancy permit on such reasonable conditions relating to completion as the Planning Commission shall establish. The Planning Commission may, in its discretion, refer any such decision concerning the conditional occupancy permit to the Zoning Administrator.
2. Performance Guarantees/Bonds. To assure compliance with the Zoning Ordinance and any conditions imposed, the Township Board may, in granting approval of a PD, require a performance guarantee or Bond to insure the installation of required improvements as provided in this Ordinance. Improvements do not include the entire PD.
3. Modifications and Amendments. Any proposed change to an approved PD must be approved by the Zoning Administrator, except that any change which involves increase in overall density, increase in the size of buildings or lot size by more than 5%, the moving of buildings more than ten feet or 5% of the distance to the closest property line, or any change which would otherwise require a variance or a special use permit, or any other significant change to the approved plan as determined by the Zoning Administrator shall be reviewed and approved by the Township Board upon recommendation by the Planning Commission.

ARTICLE 5 GENERAL REGULATIONS

Section 5.1 ZONING AFFECTS EVERY STRUCTURE AND USE

Except as otherwise specified, no building, structure or premises shall be used or occupied, and no building, structure or any part shall be erected, raised, moved, placed, reconstructed, extended, enlarged or altered, except in conformity with all this Ordinance.

Section 5.2 ESSENTIAL SERVICES AND PUBLIC IMPROVEMENT PROJECTS

- a.** The erection, construction, alteration or maintenance by public utilities or governmental units of overhead or underground gas, electrical, communication, steam, water, sanitary sewer, storm sewer, distribution, transmission or collection systems and other similar equipment and structures in connection therewith, and which are reasonably necessary for the furnishing of adequate service, are permitted in any zoning district. The operators of exclusively intra-county gas and liquid pipelines and private communication carriers are not providers' of essential services and are regulated in this Ordinance. The operation of all intra-county gas and liquid pipelines shall be subject to a Special Use Permit in any zoning district.

- b.** The erection and use of buildings for essential services which exceed 480 square feet or take place on a parcel of land greater than ½ acre in area shall be approved by the Planning Commission as a special use under this Ordinance.

- c..** Where the Township Supervisor certifies to the Zoning Administrator that any structure, building or proposed uses are or may be in conflict with Township, County or State improvement projects such as water, sewer, roads, or other public improvement, no permits shall be issued until such conflicts are resolved.

Section 5.3 PUBLIC HEALTH APPROVAL

All dwelling and buildings shall have sufficient potable water and an approved sewage permit issued by the Health Department. When the Zoning Administrator has reason to believe that sufficient potable water is not available or that a sewage permit will not be issued by the Health Department, he may refuse to issue a permit until evidence of the availability of sufficient potable water and of the issuance of sewage permit has been or will be furnished.

Section 5.4 HOME OCCUPATION

Home occupations and professional offices are permitted as an accessory use in the dwelling where the practitioner resides or in a private garage on the premises. The home occupation shall employ only the occupant of the home. No article is sold or offered for sale except such as may be produced by members of the immediate family residing on the premises, provided that the product or process is not injurious or obnoxious because of noise or odor to the surrounding neighborhood. No sign or advertisement of the home occupation or professional office shall exceed 32 square feet in size or a maximum dimension on any one side of 8 feet (16 square feet / 4 foot maximum). All home occupations shall be clearly incidental and secondary to the residential occupancy and shall not change the character of the residential use or area. The following activities shall require a approval by special permit: engine and automotive or vehicle repair, welding, slaughtering, outdoor uses, activities, storage or display; trucking or similar activities which

have more than two commercial licensed vehicles on the premises; building construction; and other businesses or activities clearly inconsistent with the residential nature and character of the area or contrary to the provisions of this Ordinance.

Section 5.5 ACCESS / PRIVATE ROADS

No permits shall be issued unless the property has adequate frontage along an improved public street or private street which meets the standards of the Oceana County Road Commission for public streets. "Seasonal Roads" are not regularly maintained by the Oceana County Road Commission. Access may be permitted on a private street or permanent recorded unobstructed access easement or right-of-way of a lesser standards provided that private street is directly connected to a public street and is granted a Special Use permit. Private roads permitted by a Special Use Permit shall serve no more than 3 parcels or lots and have a minimum 33-foot right-of-way width and roadway width of 18 feet, surfaced with a gravel or similar base which provides sufficient year-round access by emergency services vehicles.

Section 5.6 ACCESSORY USES AND STRUCTURES

Accessory uses and structures which are customarily and incidental to the principal or permitted use are allowed in all districts. Accessory uses shall include garages, agricultural buildings, parking lots, signs, mechanical equipment and appurtenances, all structures, including those less than 100 square feet, free standing or movable equipment, in ground swimming pools and above-ground swimming pools over four feet in depth; decks and porches whether attached or detached to the main building; fences; radio and television towers and antennas; sidewalks and driveways, and similar structures. With the exception of fences, driveways and sidewalks, which may be placed anywhere on the parcel, all accessory uses attached to the principal structure shall comply in all respects with the applicable setback requirements of this Ordinance. Detached accessory uses and structures are only permitted in the rear or side yards, and must be at least 10 feet from the principal building and the side or rear lot line. However, accessory uses are permitted in the front yard by Special Use Permit in the R-1, R-2, RP-1 and RP-2 (ES) zones; provided they meet the minimum setback requirements of that zone. The following structures are excluded from these regulations: artwork, utility and flag poles, light posts, clothes lines, mailboxes, portable, prefabricated structures and similar incidental, ornamental, and utility-type structures and features less than 200 square feet (exterior dimensions). Note: while zoning permits are not required all setbacks must be observed in placement of portable structures.

Section 5.7 FENCING

No fence shall be erected to impair pedestrian or vehicular safety. Fencing materials are to be of such durability as to enhance the appearance of the premises. Enclosures are to be of such material as boards, chain link, pickets and rails, or similar; but not junk materials. No fence shall exceed six feet (6") in height any residential area, except to enclose an established, pre-existing junk yard, or for Agricultural uses.

Section 5.8 TEMPORARY USES

- a. No structure, whether temporary or permanent, of a fixed or portable construction, shall be erected or moved onto a lot and used for or stored for temporary purposes unless it meets the minimum standards in this Ordinance and is authorized by the issuance of a temporary zoning permit.

- b. Temporary accessory structures for uses incidental to construction work may be authorized by permit by the Zoning Administrator after issuance of a building permit for the proposed structure. The temporary permit shall specify the location of the temporary accessory structure and shall terminate six months after the date of its issuance. The Zoning Administrator may renew the permit for additional six month periods if construction of the principal structure has been progressing in a reasonable manner. The temporary facility and all debris shall be removed within 15 calendar days after completion or abandonment of the work.

Section 5.9 DWELLINGS AND MOBILE HOMES

- a. All structures shall be completed as to exterior walls, roof, doors, windows and trim within 2 years from commencement of construction.
- b. Each dwelling shall have a minimum livable floor space of 784 square feet on the first floor. Except for mobile homes, each dwelling shall have a minimum width across any front, side or rear elevation of 14 feet. Apartment houses and multiple dwellings will provide that each unit shall contain not less than 480 square feet of livable floor space. All measurements and minimum area requirements shall be computed without regard to basements, porches, garages and carports.
- c. Mobile homes and manufactured housing shall have a minimum width of at least 14 feet along its entire length. A mobile home or manufactured home or structure shall have been constructed no more than 15 years earlier than the date of installation, unless the dwelling is first certified to be structurally sound and in accordance with current safety standards for mobile homes. Where a mobile home is not placed on a permanent foundation, it shall be fully skirted immediately after placement.
- d. Only one dwelling shall be permitted per parcel of land and no dwelling shall be permitted at the rear of an existing building or structure.
- e. No subterranean, underground, or bermed dwelling may be constructed unless it complies with all building code standards, and county or state health code requirements. These dwellings shall be certified as to meeting floor space requirements, shall not include unfinished areas, have yard dimensions that exclude any portion of the dwelling, are not susceptible to flooding from surface or subterranean sources, and is not situated on a site which will likely cause erosion.
- f. Adult Foster Care Facilities. A private one family residence licensed by the state of Michigan as an adult foster care (AFC) Family Home (housing up to six AFC occupants) or AFC Small Group home (housing up to twelve AFC occupants) may be permitted in any residential district. AFC Small Group homes shall meet the following standards to insure that there is adequate space to meet the requirements for a larger adult foster care facility: (i) minimum lot size of 1 acre, with 200 feet of lot width; (ii) each dwelling unit shall have at least 2,000 square feet of living area; and (iii) there shall be one parking space for every three licensed occupants and one space for each employee. All but three spaces shall be located in the side or rear yards; and the facility shall maintain its state license as a small group home.

Section 5.10 CAMPING AND TRAVEL TRAILERS

Campers, tents, travel trailers, motor homes and vehicles shall not be used for dwelling purposes. These may be used as temporary dwellings for a total period of less than six (6) months when properly licensed or registered and located upon premises having approved and licensed running water and sewage facilities. They may be occupied for dwelling purposes for an unlimited period when located within duly licensed travel trailer park or campground when subject to state and local health department requirements imposed and properly connected to sewage and water facilities and in compliance with the law.

Section 5.11 FINANCIAL SECURITY

The Planning Commission, Township Board, Zoning Board of Appeals, or any person charged with administering this Ordinance may require a performance bond, irrevocable letter of credit, cash bond, or certified check in an amount equal to the estimated cost of providing road, lighting, parking, access, utility, sewage, water, sidewalk, landscaping, and drainage, or other related improvements associated with the project and required under this Ordinance. Such performance guarantee shall be deposited with the Township Clerk at the time of the issuance of the permit authorizing the activity of project to ensure faithful completion of the improvements indicated on the approved site plan. If conditions set forth in the approved site plan, PUD, Special Use Permit, or other authorizations are not faithfully completed, the performance guarantee shall be forfeited. The Township shall rebate a proportional share of cash deposits only when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Zoning Administrator. In cases where the provisions of this Article have not been met, the amount of the performance guarantee shall be used by the Township to complete the required improvements, and to enforce the Zoning Ordinance, including bearing the costs of legal proceedings to enforce the provisions of this Ordinance, pay all fees, costs, attorney fees, and to restore the premises to conform to this and other laws, ordinances, codes, rules, and regulations applicable. The balance, if any, shall be returned to the applicant. The Performance Bond cannot guarantee the entire project or development.

Section 5.12 SURFACE AND GROUND WATER PROTECTION

- a.** All land uses shall be so designed to control all surface water runoff from the site or parcel where it is generated. A site shall be drained to an established or maintained public drainage way, private drainage facility or retention facility engineered to sustain a 25-year storm load.
- b.** No land use or activity shall have the effect of contaminating or polluting the surface or ground waters and shall be so designed to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers or wetlands. All uses shall comply with the Township Spiller Pay and other environmental control ordinances.
- c.** Any land use or facility, including private and public facilities, which use, store or generate hazardous substances and polluting materials in quantities greater than 100 kilograms per month (equal to about 25 gallons or 220 pounds) shall comply with the following standards:

1. Hazardous substances and polluting materials shall include hazardous chemicals as defined by the Michigan Department of Public Health and the Michigan Department of Labor; flammable and combustible liquids as defined by the Michigan State Police Fire Marshall Division; critical materials, polluting materials, and hazardous waste as defined by the Michigan Department of Environmental Quality; hazardous substances as defined by the U.S. Environmental Protection Agency; and hazardous materials as defined by the U.S. Department of Transportation.
 2. Sites where hazardous substances and polluting materials are stored, used or generated shall be designed to prevent spills and discharges, providing secondary containment of hazardous substances and polluting materials sufficient to store 150% of the hazardous substance.
 3. General purpose floor drains shall be connected to a public sewer system, an on-site holding tank, or a system authorized through a state groundwater discharge permit. Drains shall not be connected to a septic system, unless authorized by the Health Department. Drains shall not be connected to drywells or storm drains.
 4. State and federal requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.
 5. Underground storage tanks shall not be located any closer to a water well than allowed or required by state or federal regulations.
 6. Bio-solids may be used for agricultural purposes per existing state regulation. The Zoning Administrator must be provided advance notification of any such use and current test results.
- d.** Pipelines transporting gas and liquids are permitted in any zone; provided a special use permit is granted in accordance with Article 6. Such special uses shall be subject to the following additional locational standards: pipelines must be buried a minimum of four (4) feet below grade though the entire pipeline corridor; and shall be set back at least 50 feet from any residential or commercial building or 100 feet from any principal building or structure used for public events, community recreation services, public or private education, spectator entertainment or sporting events, major health services, religious assemblies, or other facilities used for public gatherings or events.
- e.** No land use or activity as specified in subsection 5.12 (d) shall be located any closer to an existing pipeline than as provided in subsection 5.12 (d).

Section 5.13 SIGNS

- a.** Except as provided in subsection (c) below, signage and outdoor advertising devices not are permitted when advertising a product, use, service, activity or other message, unless it is on the same parcel or lot where the business is located, and is related to the permitted uses.

- b. In any residential zone no sign may be more than two square feet in area, unless it is for a home occupation. In the B, RP-1 and PD Zones no signs may be more than 32 square feet in size.
- c. Off-site advertising billboards are permitted in only the B District by Special Use Permit. No billboard shall be no larger than 32 square feet and located no closer than 1,000 feet from any other billboard. Seasonal use of off-site directional signs are permitted for commercial, agricultural, and community activities, provided that there are no more than two directional signs per use, are no larger than 16 square feet and do not impede the 'clear vision' area for motorists.
- d. No sign shall be illuminated by any neon or flashing device, and no sign shall be attached to any tree or shrub.
- e. Specifically exempt from these requirements are: (1) "For Sale" and "For Lease" signs while the premise is for sale or lease; (2) Political signs used in conjunction with an election, impending public action or decision may not be installed prior to 30 days before and removed 10 days following said election; (3) Directional signs for public, cultural, religious and institutional uses are no larger than 16 square feet; and (4) temporary signs up to 32 square feet, issued by the Zoning Administrator for a period of no more than 14 days per year.

Section 5.14 PARKING

- a. Every property owner shall provide and maintain, at all times, an adequate number of off-street parking spaces, and the necessary loading and unloading facilities in each District for all occupants, employees and patrons of said property.
- b. In the B, R-1 and for any Special Uses in all Districts, a plan showing required parking and loading spaces including the means of access and interior circulation shall be provided at the time of application for a Zoning Permit for the erection or enlargement of any building.
- c. Requirements for all parking spaces and parking lots are as follows:
 1. Each parking space shall be not less than 200 square feet and not less than 10 feet (10') wide, exclusive of driveway and aisle space.
 2. Lighting fixtures used to illuminate off-street parking areas shall be so arranged as to reflect the light away from any adjoining residential lots.
 3. No parking space shall be closer than 10 feet (10') from the property line.
 4. Off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited. This prohibition shall not apply to parking areas of one or two-family dwellings.
 5. Space for all necessary loading and unloading operations for any commercial, industrial or other use must be provided, in addition to the required off-street parking space. All loading and unloading operations must be carried on entirely within the lot area of the use it serves and shall not interfere with vehicular movement.

6. The number of parking spaces required for land or buildings used for two or more purposes shall be the sum of the requirements for the various individual uses, computed in accordance with this section. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use.
- d.** Minimum required parking spaces:
1. Apartment houses: 2 per family unit.
 2. Office buildings: 1 for each 200 square feet of floor space utilized for work space for employees.
 3. Retail stores, supermarkets, department stores, personal service shops and shopping centers: 1 for each 100 square feet area used for retail sales.
 4. Manufacturing buildings: 1 for each employee on the maximum shift.
 5. Libraries, museums and Post Offices: 1 for each 100 square feet of floor area.
 6. Bowling alleys: 3 parking spaces for each alley.
 7. Motels and tourist homes: 1 for each separate unit.
 8. Theaters, auditoriums, stadiums and churches: 1 for every two (2) seats.
 9. Dance halls, assembly halls and convention halls without fixed seats: 1 for each 100 square feet of floor area.
 10. Restaurants and night clubs: 1 for every two (2) seats.
 11. Other uses not specifically mentioned: An amount of parking as determined by the Zoning Administrator, to be similar to the above, in terms of parking demand shall apply.
 12. Mixed uses in the same building: The amount of parking space for each use specified shall be provided and the space for one use shall not be considered as providing required spaces for any other use, except churches and auditoriums incidental to public and parochial schools.
- e.** The Planning Commission may reduce the parking standards, where it is satisfied under the circumstances prevailing that the requirements for off-street parking are unnecessarily too large for the particular development.

Section 5.15 JUNK AND INOPERABLE MOTOR VEHICLES

- a.** Trash and Junk. It shall be unlawful for any person to accumulate, place, store, allow or permit the accumulation, placement or storage of trash, refuse, litter or junk on any land within the Township, except in a lawful junk yard, licensed sanitary landfill, transfer facility, or recycling center, as regulated. Materials shall be in watertight receptacles designed for the temporary storage of trash.

- b.** Inoperable Motor Vehicles. No junk motor vehicle, dismantled, partially dismantled or inoperable, licensed or not licensed, shall be stored, placed or allowed to remain on any lot or parcel of land for more than 30 days unless it is kept in a fully enclosed garage, fenced-in area, fully covered, or is completely inside a junkyard, and is in compliance with this Ordinance.
- c.** Motor Vehicle Repair. Normal and customary maintenance work on motor vehicles in the R-1 and RR districts shall be permitted, but such work shall not be carried out on vehicles used primarily for racing, business or commercial purposes.

ARTICLE 6 SPECIAL USES

Section 6.1 PURPOSE AND AUTHORIZATION

Special land uses are those uses of land identified in the individual districts as "Special Uses". Special uses require individual review and restriction in order to assure compatibility with the zoning district's permitted uses, the surrounding area, public services and facilities, and adjacent land uses. The purpose of this Article is to establish procedures and criteria which shall be applied in considering a special use request. The criteria provided in this Article shall be in addition to those required elsewhere in this Ordinance. Proposed special uses which meet the standards set forth in this Article and other provisions of this Ordinance shall be approved.

Section 6.2 SPECIAL USE APPROVAL PROCEDURES

- a.** Applications for special use permits authorized in this Ordinance shall be submitted to the Zoning Administrator and accompanied by the payment of the application fee. The application shall provide a narrative description of the special use responding to the standards required for approval and a Class B Site Plan, unless otherwise waived.

- b.** An application for a special use permit shall be processed in the following manner:
 - 1. The Zoning Administrator shall forward the application and supporting data to the Planning Commission which shall review the proposed development as presented in the application and in terms of the specifications established in this Ordinance.

 - 2. After adequate review and study, the Planning Commission shall give required notice and hold a formal public hearing as required by law.

 - 3. Following the public hearing, the Planning Commission may further review the request and then shall approve, or approve with conditions, or deny the request. The decision shall include a statement containing a finding of facts based on the standards outlined in this ordinance and conclusions which specifies the basis for the decision, and any conditions imposed.

Section 6.3 BASIS OF DETERMINATION

The Township Planning Commission shall review the proposed special use in terms of the standards stated within this Ordinance and shall find adequate evidence that such use, in the proposed location will:

- a.** Be harmonious with and in accordance with the general and specific objectives of the Ferry Township Master Plan, any other Township development plans, regulations or guidelines.

- b.** Be designed, constructed, operated and maintained so as to be harmonious with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed to be located.

- c. Not be hazardous or disturbing to existing or future nearby uses. In particular special consideration shall be given when issuing a special use permit within any RR, RP-1 or RP-2 District to assure that such action will not be detrimental to existing or potential farming operations, threaten or negatively impact the wetland resources or water quality, water resources, and the ground water resources of the Township. Where the use is adjacent to residential areas, the use will not disturb the character, peace, or values, nor create any hazards to the residents by increasing traffic, overcrowding, or the lack of nearby public facilities.
- d. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odors, or require outdoor storage of raw materials or discarded processed materials.
- e. Will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately any such service or facility. As such, will not create excessive additional public costs and will not be detrimental to the economic welfare of the Township.
- f. Will have sufficient, appropriate, and adequate land area for the use, its anticipated operation, and expansion; and as such will not cause the overcrowding of land or undue concentration of population or activities.
- g. Will be consistent with the intent and purposes of this Ordinance.

Section 6.4 CONDITIONS AND SAFEGUARDS

The Planning Commission may impose such additional conditions and safeguards, including financial security, as it deems necessary for the general welfare, for the protection of individual property rights on nearby parcels, and for insuring that the purposes of this Ordinance and the general spirit and purposes of the district in which the special use is proposed will be observed.

Section 6.5 RE-APPLICATION

No application for a special use permit which has been denied wholly or in part shall be resubmitted until the expiration of one year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions found to be sufficient to justify reconsideration by the Planning Commission.

Section 6.6 APPEAL

An appeal of the Planning Commission action to the Township Board may be made by any individual within 21 days after a written decision of the Planning Commission has been made. The Township Board may conduct such further hearings as it determines necessary and shall make its decision in writing. The Township Board's decision shall be final.

Section 6.7 MODIFICATIONS

Once approval of the Special Use Permit has been granted, changes shall require a resubmission to the Zoning Administrator, who shall advise the Planning Commission. The

Planning Commission may require an additional hearing and further approval if the proposed change materially alters the size, scale, use or character of the approved use, or appears to impact on the standards described above.

Section 6.8 REVOCATION

The Township Board may revoke a Special Use Permit where:

- a.** Violations of conditions pertaining to the granting of a permit continue to exist for more than thirty (30) days after an order to correct has been issued by the Zoning Administrator.

- b.** If a Special Use Permit has been granted, but the use is not commenced within one year, it shall terminate automatically. A renewal of the permit may be requested before the end of the one (1) year period.

- c.** At a specified time or after certain conditions have been met, as may have been prescribed with the issuance of the original permit.

ARTICLE 7 SPECIFIC LAND USE STANDARDS

Section 7.1 PURPOSE

To assure the proper integration of those land uses within the identified in this article shall comply with the standards established within their subsection. These standards are in addition to the general district requirements in the zoning district in which they are located, the general standards for Special Use Approval in Article 6, and all other applicable regulations of this Ordinance.

Section 7.2 SAND & GRAVEL, MINERAL EXTRACTIONS, and OTHER EARTH REMOVAL OPERATIONS

Because of the potential for irreversible and irreparable damage to the natural environment, the Planning Commission shall not issue a special use permit for earth removal, quarrying, gravel processing, mining and related mineral extraction businesses unless the requirements of this Section are strictly complied with, in addition to the requirements contained in this or other Ordinances.

a. Location.

1. All such operations shall have its ingress and egress off a County primary road, or on a road which does not create traffic through an area developed primarily for residential purposes. Where necessary, the Board may require the Applicant to construct and/or improve a road to accommodate the truck travel necessitated by the operations, and for the purpose of routing traffic around residential areas.
2. Sufficient set-backs shall be provided from all property lines and public highways to assure adequate lateral support for adjacent public and private property. No such excavation preparations shall be permitted closer than 150 feet to interior property lines unless a greater set-back is required to adequately protect adjoining properties.
3. The permanent processing plant and its accessory structures shall not be located closer than 250 feet from the interior property lines 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 impact.
4. No such excavation operation shall be located within 100 feet of the banks of any stream or waterway unless previously approved, in writing, by the State agency or Commission having jurisdiction. No such mining operations shall interfere with the natural established flow of surface waters to the detriment or damage of adjoining public or private properties.

b. Nuisance Abatement

1. Noise and vibration shall be minimized in their effect upon adjacent properties by the utilization of modern equipment designed to accomplish such minimization and by the proper use of berms, walls, and natural planting screens. All equipment shall be maintained and operated in such

a manner so as to eliminate, as far as practicable, excessive noise and vibrations which are not necessary in the operation of such equipment.

2. Air pollution in the form of dust and dirt shall also be kept to a minimum by the use of modern equipment and methods of operation designed to avoid any excessive dust or dirt or other air pollution injurious or substantially annoying to adjoining property owners. Interior and adjoining roads used in the operations shall have their surface treated to minimize any such nuisance.
3. The hours of operation shall be specified in the SUP as issued.
4. All dangerous excavations, pits, pond areas, steep banks or slopes shall be fenced and posted with signs around the perimeter, and maintained to prevent injury to children or others, and shall be eliminated as expeditiously as possible.

c. Reclamation of Mined Areas

1. Reclamation and rehabilitation of mined areas shall be accomplished as soon as practical, following the mining or excavation of an area. Rehabilitation and reclamation shall commence immediately upon the termination of the mining or excavation operations in any area consisting of one (1) acre or more. Substantial completion of reclamation and rehabilitation shall be completed within one (1) year after termination of mining or excavation activity. Inactivity for a 12-month consecutive period shall constitute, for this purpose, termination of mining activity.
2. The following standards shall control reclamation and rehabilitation:
 - a) All excavation shall be to a water-producing depth of not less than five feet (5') below the average summer level of water in the excavation, and shall be graded or back-filled with non-noxious, non-combustible solids to insure: (1) that the excavated area shall not collect, accumulate or store stagnant water, (2) that the surface of the area not permanently submerged is graded or backfilled as necessary to produce a gently rolling surface to minimize wind and water erosion, and (3) will be generally compatible with the adjoining land use.
 - b) The banks of all excavations shall be sloped to the water line in a water-producing excavation, and to the pit floor in a dry operation, at a slope that shall not be steeper than one foot vertical to three feet horizontal.
 - c) Topsoil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches, or other planned improvements are to be completed within a one-year period. Topsoil shall be applied to a minimum depth of four inches sufficient to support vegetation.

- d) Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface and to minimize erosion.
- e) Upon cessation of mining operations by abandonment or otherwise, the operating company, within a reasonable period of time not to exceed 12 months thereafter, shall remove all plant structures, foundations, buildings, stockpiles and equipment. Buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the Zoning District in which they will be located under such plan may be retained.

d. Performance Bond. A performance bond or cash shall be furnished to the Township Clerk insuring the proper rehabilitation and reclamation of the mined areas prior to the commencement of any such mining or excavating operations. The amount of the guarantee shall be not less than \$5,000 per acre proposed to be mined or excavated in the following 12 month period and which has previously been mined or excavated during any preceding period and not reclaimed and rehabilitated in accordance with this Ordinance and the applicant's filed plan.

e. Submission of Operational Plans. No earth removal, quarrying, gravel processing, mining and related mineral extraction businesses shall be allowed or commence until a plan has been submitted showing compliance with this Ordinance or the manner in which compliance will be secured. Such plans shall include, among other things, the following:

1. A topographic or contour map of the tract of land involved in the operations, showing dimensions of the entire property and operational areas, access to abutting public streets, whether or not the public streets are "all weather" roads maintained by the County Road Commission, additional roads (if any) to be constructed, and the location and nature of abutting improvements on adjoining property.
2. The number of acres and the specific location of the area proposed to be operated upon within the following 12-month period after commencement of operations.
3. The type of mining or processing proposed to be conducted and the nature of the equipment to be used.
4. The location of the principal processing plant and the distance of any proposed excavation or mining from boundaries of the site.
5. A map or plan disclosing the final grades and elevations to be established following the completion of the mining operations, including the proposed uses contemplated for the land, future lakes and roads, and other such matters as may evidence the bonafide nature of the reclamation and rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed mining activities.

6. Proof of liability and worker's compensation insurance.
7. All activities shall be performed by a licensed contractor.

Section 7.3 BED AND BREAKFAST ESTABLISHMENTS

In addition to the general compliance with requirements of the Zoning District, the following specific standards shall apply:

- a. The Owner-Operator must live on the premises.
- b. There must be adequate parking, as required in this Ordinance.
- c. Health Department approval must be obtained.
- d. Meals may be served only to overnight guests.
- e. Only one such establishment will be allowed within 2 miles of another, so as to not change the character of the neighborhood

Section 7.4 JUNK AND SALVAGE YARDS

- a. The lot size shall be no less than ten (10) acres.
- b. A solid fence or screening at least eight feet (8') in height shall be erected so that no junk can be seen from the road right-of-way, or from any commercial, industrial, or residential district. The Township may require the planting of trees, grass and shrubs to minimize the appearance of the development. There shall be no stocking of material above the height of the screening except for movable equipment used on the site. No equipment, material, signs or lighting shall be used or stored outside the enclosed area.
- c. All enclosed areas shall be set back at least 100 feet from any street right-of-way or property line and 1,000 feet from any residential district. Buildings shall be set back at least 100 feet from the road right-of-way and 50 feet from side and rear lot lines.
- d. No open burning shall be permitted. All permitted industrial processes involving the use of equipment for cutting, compressing or packaging shall be conducted within a completely enclosed building. Portable crushers or similar equipment may be used for less than 30 days in an unenclosed area.
- e. Must conform to the groundwater standards within this Ordinance.

Section 7.5 CAMPGROUNDS, TRAVEL TRAILER PARKS

- a. The minimum lot size shall be twenty (20) acres.
- b. No commercial enterprise shall be permitted to operate within the park, except that a convenience store may be provided in a park containing more than 50 campsites

- c. No building or camp site shall be located within 50 feet of any property line.
- d. The campground or travel trailer park shall have direct vehicular access to a County Primary road, with no openings closer than 100 feet to a side property boundary line.
- e. Set-back requirements on the side or rear property line may be waived or modified when said line is constituted by the edge of a river or lake, and the Planning Commission shall find that no useful purpose would be served by the stipulated setback.
- f. One (1) identification sign, not exceeding 100 square feet in area, is permitted.

Section 7.6 COMMUNICATION FACILITIES

Any communications tower or facility exceeding 75 feet in height shall require a Special Use Permit in accordance with the standards below and the specific timing requirements under the Michigan Zoning Enabling Act. Any tower less than 75 feet in height and the placement of new radio communication facilities on an existing tower may be approved by the Zoning Administrator provided the communications facility meets the following standards.

- a. The required setback for any antenna and tower shall be the minimum as established for the zoning district. Any tower or antenna facility not rigidly attached to a building shall be setback a distance equal to at least the tower height, unless the applicant submits certification from qualified engineers that the fall zone or the tower's design failure will not exceed the proposed set-back. No tower in excess of 75 feet shall be closer than one mile from any existing tower, unless a certified radio frequency study shows that no other tower can meet the carrier's minimum requirements.
- b. All towers or structure will be constructed to meet current public safety and applicable construction and electrical code requirements. Towers exceeding 100 feet in height shall be designed to hold additional communication facilities other than just the Applicant's.
- c. Although the tower facility may be an accessory use to the principal use of the property, the minimum leased area or parcel size for a guy wire type tower shall be five (5) acres.
- d. The tower and compound area shall be fenced in a manner to prohibit unauthorized access.
- e. There shall be no lighting, advertising or commercial signs on the tower or site, except for emergency notifications signs and lights. No lighting shall be permitted on the tower unless required by, and in compliance with, the FAA and FCC rules and regulations.

Section 7.7 CONDOMINIUMS AND SITE CONDOMINIUMS

Condominium subdivisions (including site condominiums for traditional residential buildings, mobile homes, campgrounds, and recreational sites; and commercial or industrial building sites) where two or more units are created and sold without dividing the land into lots shall meet the standards set forth in this Ordinance for Planned Developments (PD), as well as those stated below.

- a. The owner shall submit a proposed condominium subdivision plan or condominium plan for the final plan approval under the PD process.
- b. Concurrent with filing the final development plan the owner shall file copies of proposed master deeds and bylaws required under the Condominium Act, Act 59 of Public Acts of 1978, as amended, along with other proposed restrictive covenants, use and occupancy restrictions, maintenance agreements, and other documents delineating control of the general and limited common elements of the project, which shall be reviewed by the Township Attorney. The Township Attorney shall make its recommendation prior to Township Board action. The Township may also require other engineering plans or documents pursuant to Article 8.
- c. One condition of the final development plan approval of the condominium plan shall be the filing with the Township and recording with the County Register of Deeds the master deed and subdivision plan which shall include all conditions and stipulations as approved for the condominium or site condominium by the Township Board. All changes in the master deed shall be filed with the Township.
- d. Unless specifically waived for good cause shown the Township shall require the Owner to:
 1. Enter into an agreement with the Township for the imposition of a special assessment for the cost of sewer, water or other public facilities within all easements and/or right-of-way.
 2. Satisfy all requirements for private roads and streets under this Ordinance.
 3. Grant easements to the Township or County for purposes of operating utilities and other public facilities.
 4. Comply with the minimum lot size, lot width, setback standards for the underlying zoning district that the condominium project is located.
 5. All condominium projects which consist in whole or in part of condominium units which are building sites, mobile home sites or recreational sites shall be marked with permanent monuments to identify the corners of each building site.

Section 7.8 MOBILE HOME PARKS

Mobile home parks are high density developments and Ferry Township has limited infrastructure to support such development. Therefore, like other intensively developed areas, mobile home parks must be subject to Special Use standards. In addition to

conforming to the standards specified in Act 419 of 1976, all mobile home parks shall meet the following standards:

- a. Have a minimum size of 5 acres and a minimum set-back along the perimeter of 30 feet, 15 feet of which will be screened or bermed.
- b. Individual mobile home lots or parcels shall have a minimum area of 5,500 square feet. A minimum area of 4,500 square feet will be allowed if a developed recreation area of at least 2% of the total developed area, and less than 25,000 square feet is provided. This regulated recreation area shall not include established set-back areas.
- c. Each mobile home shall be set back as follows: 20 feet in the front, ten feet (10') on the side and rear, and 50 feet from all interior roads.
- d. Interior streets shall be two-way, with a 66-foot right-of-way; each lot must provide a minimum of two parking spaces. The Township may require additional off street parking that will be required for other uses.
- e. Each development must have access to a paved County Primary road; developments of more than 100 units must have two access points to paved roads.
- f. All refuse areas shall be screened.
- g. Outdoor storage is prohibited except that in enclosed buildings or sheds.
- h. The Mobile Home Park shall be located where public improvements and utilities are in place, and there will not be any required public outlay for improvements due to the location of such park.

Section 7.9 RECREATIONAL FACILITIES; OUTDOOR THEATERS; MINIATURE GOLF; GO-CART, AND AMUSEMENT PARKS

- a. The minimum lot size for all facilities or activities conducted outdoors shall be 2-½ acres. The minimum lot width at the building line shall be 330 feet. Any indoor recreational facilities, for which the use or activity is conducted completely within an enclosed building, shall have at least one (1) acre, with standard commercial set-backs, unless otherwise provided.
- b.. No commercial structure shall be closer than 100 feet from any lot line and no outdoor activity shall be closer than 200 feet from any lot line. No game or billiard room shall be closer than 500 feet to any residential dwelling.
- c. The outdoor space used for parking shall be hard-surfaced, dust-free and adequately drained.
- d. All areas used for the storage of trash and rubbish shall be screened by a vertical screen consisting of structural or vegetative materials no less than six feet (6') in height, with a view-obstructing entrance.

- e. Management shall provide adequate individual trash and litter containers, and policing for the parking lot and the shoulders of adjacent roadways. These areas shall be completely cleared of accumulated debris as often as necessary.
- f. Exterior lighting shall be so installed that, as far as is practical, light is reflected away from any residential use. In no case shall more than one foot candle-power of light cross a lot line 5 (5) feet above the ground into a residential district.
- g. Assemblies for concerts, outdoor performances, or similar events shall have a minimum of 20 acres and shall include an operational plan specifying the event's schedule and details; plans for ingress and egress roads, parking, and storage areas; water supply, toilet facilities, and solid waste disposal as approved by the Health Department; emergency services plans; and other related details.

Section 7.10 SEXUALLY ORIENTED BUSINESS ACTIVITIES

It is recognized that sexually oriented business activities have serious secondary effects in the community, including increased blight, crime, and on property values, particularly when those activities are concentrated or located within close proximity with schools, residences, public and semi-public institutions, and parks. It is necessary to regulate the potential negative impacts and to protect against the secondary impacts effects of sexually oriented business activities by requiring the following standards, in addition to those stated in Ordinance Number 13, Public Entertainment Ordinance, as amended:

- a. Sexually-oriented business activities shall not be approved if the proposed location is within one mile of a licensed day care center, adult foster care home, senior citizens' center, public or private K through 12 school, park or church, or another sexually-oriented business. No sexually-oriented activity shall be located within 660 feet of any residence. However, these provisions may be waived if the locational standards limiting sexually-oriented activities will not be contrary to the Public interest or injurious to nearby properties, and that the spirit and intent of this Ordinance will be observed. Granting of a waiver of locational requirements, conditions or limitations may be imposed upon the establishment, location, construction, maintenance, or operation, as may be necessary to protect the Public.
- b. Massage services may only be provided by individuals licensed by the State of Michigan. Licensed physicians, surgeons, chiropractors, osteopaths, and other occupational or physical therapists are not considered massage services and are not regulated by this section.

ARTICLE 8 SITE PLAN REVIEW

Section 8.1 PURPOSE

It is the purpose of this article to require site plan approval for all buildings, structures, and uses requiring a land use permit to achieve, through the site plan review process, safe and convenient traffic movement; harmonious relationships of buildings, structures and uses; the conservation of natural features and resources; and to insure compliance with this Ordinance.

Section 8.2 USES REQUIRING SITE PLAN APPROVAL

All land uses requiring a zoning permit shall include a site plan as regulated in this article.

- a. Class A Site Plans.** Class A site plans shall only require review and approval by the Zoning Administrator. The following buildings, structures, and uses require only a Class A site plan approval: Single family residential uses and any alterations; customary accessory uses; agricultural buildings; signs; expansion or alteration to existing commercial activities which do not increase the ground floor area of the building or use by more than 15%, and other uses not identified as requiring a Class B site plan.

- b. Class B Site Plans.** Class B site plans shall require review and approval by the Planning Commission. The following buildings, structures and uses require a Class B site plan: All uses requiring Special Use approval and Planned Developments (PD); all new commercial or industrial uses which exceed 5000 square feet in size, or expansions or alterations of these existing commercial or industrial uses by more than 15% of the ground floor area; and parking areas containing 20 or more parking spaces.

Section 8.3 SITE PLAN REQUIREMENTS

- a.** Class A Site Plans requiring only Zoning Administrator approval shall contain a sketch plan which need not be to an exact scale but should accurately reflect the lot layout and location of all structures, buildings, uses and features regulated by this Ordinance and as required by the Zoning Administrator. The sketch plan shall give dimensions to and from the property line to all structures, buildings, and uses. It shall show natural and manmade features, including surface water, drainage facilities, roads, driveways, utilities, and existing and proposed vegetation on the lot. The zoning Administrator may require other information as necessary under Subsection B to determine compliance with this Ordinance.

- b.** Class B Site Plans requiring Planning Commission approval shall contain the following information, unless specifically waived by the Zoning Administrator or Planning Commission, in whole or in part:
 - 1. The names and addresses of the property owner, petitioner, and individual or firm responsible for preparation of the site plan.

2. A locational sketch drawn to scale showing the general area within a half mile radius of the boundaries of the development area including respective zoning abutting the subject property.
3. The date, north arrow, and scale. The scale shall not be less than 1" = 20' for property under three acres and at least 1" = 100' for those three acres or more.
4. All lots and/or property lines are to be shown with dimensions, including building set-back lines.
5. The location and height of all existing and proposed principal structures on and within 100' of the subject property's boundaries.
6. The location and dimension of all existing and proposed structures, buildings, and features on the property. This shall including driveways, sidewalks, curb openings, signs, exterior lighting, curbing, parking areas (showing dimensions of typical parking space), unloading areas, recreation areas, common use areas, and areas to be conveyed for public use or purpose; pavement and right-of-way widths of all abutting roads, streets, alleys or easements; the location, height and type of fences, walls and landscaping and other accessory uses; the size and location of existing and proposed utilities, including proposed connection to public or private sewer or water supply systems; location and size of all surface waters and drainage facilities; and existing and proposed vegetation, specifically identifying that being removed.
7. Topographic information showing contour intervals at two foot intervals where the average slopes for the parcel are 10% or under, or at five foot intervals where slopes exceed a 10% grade.
8. A narrative description of the proposed use or development, anticipated market to be served, traffic impact, environmental impact, or the development impacts on the Township. Specific reference to hydrological and groundwater information protection measures shall be provided.
9. Photographs, renderings and elevations of the project, building and uses.
10. A survey of the property prepared by a registered engineer, landscape architect, or architect or other licensed individual which is certified to the Planning Commission.
11. Any other information necessary to establish compliance with this Zoning Ordinance and other ordinances of Ferry Township.

Section 8.4 REVIEW PROCEDURES

- a. A Class A site plan only requiring Zoning Administrator's approval shall be submitted to the Zoning Administrator who shall review the site plan for conformance with this Ordinance in the standards in Section 11.5. The Zoning Administrator may require reasonable conditions to insure compliance with this Ordinance. The Zoning Administrator shall keep one copy of the approved site

plan for the Township's records. A denial of the site plan shall be in writing stating the reasons for denial. Appeal of a denial by the Zoning Administrator may be made to the Zoning Board of Appeals.

- b. A Class B site plan requiring Planning Commission approval shall be submitted with eight (8) copies to the Zoning Administrator who shall keep one copy of the proposed site plan and deliver the remaining copies to the Planning Commission. The Planning Commission shall study the site plan and may attach such conditions as are necessary to insure compliance with this Ordinance. If the site plan is disapproved, the reasons for disapproval shall be stated. Upon approval of the site plan, two copies shall be signed and dated by the Chairman of the Planning Commission. One signed site plan shall be kept filed in the Township's records and the other returned to the applicant.

Section 8.5 STANDARDS FOR SITE PLAN REVIEW

In reviewing the site plan, the Zoning Administrator or Planning Commission shall determine whether the site plan is consistent with this Ordinance, in accordance with the Township Master Plan and more specifically with the following:

- a. That the movements of vehicular and pedestrian traffic within the site and in relation to the access to streets will be safe and convenient.
- b. That the layout in the site plan is harmonious with and not injurious or objectionable to existing and projected uses in the immediate area.
- c. That the site plan shows the use will be adequately served by necessary improvements, including but not limited to, sewage collection and treatment, potable water supply, storm drainage, lighting, roads and parking.
- d. That the site plan is adequate to provide for health, safety and general welfare of the persons and property on the site and in the neighboring community.
- e. That all buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.
- f. Areas with access to or having water frontage shall consider the proposed water supply and sanitation requirements and the ability of these systems to prevent disease, contamination and unsanitary conditions; the susceptibility of the proposed facility and its contents to high water damage and the affect of such damage on the individual owner; the relationship of the proposed use to land use and drainage plans and programs for the area; and the compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

Section 8.6 REGULATIONS

The Zoning Administrator shall not issue a zoning permit for any land use until an approved site plan has been signed by the Chairman of the Planning Commission or approved by the Zoning Administrator.

- a.** The Planning Commission or Zoning Administrator may waive portions of the information required for a site plan obviously not necessary for determination of compliance with this Ordinance.
- b.** No grading, removal of trees or other vegetation, landfilling, or construction of improvements shall commence for any development which requires site plan approval until an approved site plan has been properly signed.
- c.** The plan and conditions approved shall be followed continuously by the Owner/Developer, its successors, or assignees. Cessation or deviation from the conditions and plan shall invalidate the approved land use and any permits or licenses issued by the Township in reliance thereon, and constitute a violation of this Ordinance.
- d.** The Zoning Administrator or Planning Commission may request adequate security for the performance of any conditions as provided in this Ordinance. Where necessary, the Planning Commission may insist that the conditions for approval be signed by the applicant and recorded with the County Register of Deeds.
- e.** Site Plan approval shall be automatically terminated in 6 months from the date of approval if no building permit has been granted. If site plan approval is granted and no construction on the principal structure has commenced, excluding site preparation, the site plan is automatically terminated unless the applicant obtains an extension for good cause shown. If the site plan was part of a Special Use Permit, PD, Site Condominium, or other special approval, the authorization of the site plan shall be an equal length with that approval.
- f.** Any material or substantial error in the site plan shall void site plan approval and terminate any other approval so authorized based on the site plan.
- g.** Appeals of a decision of the Zoning Administrator or Planning Commission may be made to the Township Board.

ARTICLE 9 NON-CONFORMING USES

Section 9.1 GENERAL REGULATIONS

It is the intent of this Ordinance to seek the removal of all nonconforming uses. The lawful use of a structure, building, or premises existing at the time of the adoption or applicability of this Ordinance may be continued although such does not conform to the provisions of this Ordinance. Such nonconforming ("grand-fathered") use, premises, or structure may be altered, changed, reconstructed or replaced subject to the following regulations:

- a. A non-conforming use may not be altered or extended in any way which would increase its nonconformity. But the extension of a use to any existing portion of a structure primarily arranged or designed for such nonconforming use, shall not be deemed an extension of a nonconforming use.
- b. Repairs and maintenance work required to keep a structure or use in sound condition and other structural alterations be made within the nonconforming structure, provided such work shall not exceed 100% of its present assessed true cash value.
- c. No nonconforming structure or use may be enlarged, unless the use or structure is changed to a conforming use. However, a nonconforming structure, damaged by fire, explosion, tornado, earthquake, or similar uncontrollable cause to an extent of not more than 50% of its true value at that date may be repaired or rebuilt within one year of the date of such damage, but not thereafter.
- d. If a nonconforming use is discontinued for a period of more than one (1) year, it shall be presumed to be abandoned and any further use of the structure and premises shall only be in conformity with the provisions of this Ordinance. However, where the discontinuance is due to a bonafide sale or active change in tenants or occupants and such use shall remain the same, such discontinuance shall not be construed to be abandonment.
- e. Nothing in this Ordinance shall prevent a nonconforming use or structure from being sold, transferred or assigned so long as the action will not increase the degree of nonconformity or change the use or structure to another nonconforming use or structure.
- f. Any nonconforming lot can be developed provided all setback and building requirements are satisfied.

Section 9.2 NONCONFORMING RESIDENCES OR OTHER PERMITTED OR SPECIAL USES

Where any use is classified as a permitted use or use by special permit in the District in which it is located, or in any district where a single family home is occupied and used as a single family home, and such use is nonconforming by reason of substandard lot area, lot coverage, setback, height, lot width, road frontage or parking; or other characteristic of the structure, use of such structure may be continued so long as it remains otherwise lawful, provided:

- a. The structure is not enlarged or altered in any way which increases its nonconformity relative to the lot size, lot width, height, setback, ground coverage, floor area, or parking requirements.
- b. Should such structure be totally destroyed, the structure may be reconstructed, provided it is in conformity with the minimum setback provisions of that District. A single-family home may be rebuilt on the existing foundation if no further changes, additions or improvements are made from the previous structure.
- c. Should such structure be moved for any reason or for any distance, it shall then conform to the set-back provisions of that District.

Section 9.3 WHITE RIVER “NATURAL RIVER” ZONING

The lawful use of any land or structure in the State of Michigan White River Natural River Zone, existing on the effective date of this Ordinance may be continued although the use does not conform to this Ordinance. Repairs, maintenance and remodeling, as well as reconstruction because of damages caused by flood, fire or other means shall be governed by Rule 281.78, as amended, of the White River Natural River Zoning Rules of the Michigan Department of Natural Resources.

Section 9.4 TOWNSHIP ACQUISITION

The Township may acquire, by purchase, condemnation or otherwise, private property or an interest in private property for the removal of nonconforming structures and uses. All or a portion of the cost and expense of acquiring the private property may be paid from the general funds or assessed to a special district in accordance with the applicable statutory provisions relating to the creation and operation of special assessment districts for public improvements in the Township. The elimination of the nonconforming uses and structures in any zoning district is to be declared to be for a public purpose and for a public use. The Township Board, upon a recommendation of the Planning Commission or Zoning Administrator, may institute and prosecute proceedings for condemnation of nonconforming uses and structures under the power of eminent domain as provided by law.

Section 9.5 NON-CONFORMING LOTS

In any district in which single-family residences are permitted, a single-family residence and customary accessory structures may be erected on any lot-of-record. If a parcel contains two or more nonconforming lots which are contiguous and would make one or more conforming zoning lot, then only one structure would be permitted per conforming parcel. The spirit of this provision is to limit density in areas of historically small lots to provide protection of open space, agricultural lands, and environmentally sensitive lands, as well as to insure for proper isolation for wells, septic systems, drainage and similar public health conditions. However, by Special Use Permit, one lot division of a lot of record in any R-2, RP-1 or RP-2 zones is permitted; provided the nonconforming lot is not less than one half the minimum lot size for that zone, and the nonconforming lot and all parcels meet the lot width, set-back and other requirements of the Zone.

ARTICLE 10 TOWNSHIP ZONING BOARD OF APPEALS

Section 10.1 AUTHORIZATION

The Zoning Board of Appeals (ZBA) shall perform those duties and exercise those powers stated in the Michigan Zoning Enabling Act, as amended.

Section 10.2 PERSONNEL OF THE BOARD

The Zoning Board of Appeals (ZBA) shall consist of three members and up to two alternates as provided by law. The first member of the ZBA shall be a member of the Planning Commission. The remaining members and alternate members shall be residents of Ferry Township. Members shall be representative of the population and of various interests present in the Township. One member may be a Township Board member; however a township employee or contractor may not be a member or an employee. An elected officer of the township shall not serve as the chairperson. Members of the ZBA shall be removed by the Township Board for non-performance of duty or misconduct in office upon written charges and after public hearing. A member shall disqualify themselves from a vote where they have a conflict of interest. Failure of a member to disqualify for a conflict of interest shall constitute misconduct in office. The ZBA shall not conduct business unless a majority of the members of the Board are present.

Section 10.3 MEETINGS OF THE ZONING BOARD OF APPEALS

Zoning Board of Appeals (ZBA) meetings shall be held at the call of the chairman and at such other times as the ZBA in its rules of procedure may specify. The chairman, or in the chairman's absence, the acting chairman, may administer oaths and compel the attendance of witnesses. The ZBA shall maintain a record of its proceedings which shall be filed with the Township Clerk.

Section 10.4 INTERPRETATION AND APPEALS

The Zoning Board of Appeals (ZBA) shall act upon all questions as may arise in the administration of this Ordinance, including the interpretation of the Zoning Maps. It shall hear and decide appeals from and review any order, requirements, decision or determination made by the Zoning Administrator or other administrative officials enforcing this Ordinance; and all matters referred to it by this Ordinance.

- a. Such appeal may be taken by any aggrieved person or any officer, department, board or bureau of the Township, County or State. The basis of every such determination shall be stated, in writing.
- b. Such appeal shall be taken within 21 days after being served personally or 28 days by mailing of a copy of the decision, ruling or order being appealed by filing with the officer from whom the appeal is taken and with the ZBA. The officer from whom the appeal is taken shall then transmit to the Board all documentation constituting the record upon which the action appealed from was instituted.
- c. An appeal stays all proceedings in furtherance of the action appealed, unless the Officer certifies to the specific facts that a stay would in such Officer's opinion cause imminent peril to life or property. In this case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the ZBA or by the Circuit Court, on application or on notice to the Officer from whom the appeal is taken and on due cause shown.

- d. The ZBA shall fix a reasonable time for the hearing of the appeal and give due notice to the parties and decide the appeal within a reasonable time. Upon the hearing, any party may appear in person, agent, or attorney. The concurring vote of a majority of the members of the ZBA shall be necessary to reverse any order, requirement, decision or determination of any such administrative matter under this Ordinance.
- e. The ZBA may reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination. To that end, it shall have all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of a permit. The ZBA may impose conditions with an affirmative decision pursuant to the Michigan Zoning Enabling Act, as amended.
- f. The decision of the ZBA shall be final. Any person with an interest affected by the decision may appeal that action to Court pursuant to statute and Court Rule.

Section 10.5 VARIANCES, GENERALLY

Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this Ordinance, the Zoning Board of Appeals (ZBA) may vary or modify any of its rules or provisions so that the spirit of this Ordinance is observed, public safety secured and substantial justice done. The ZBA may, upon the concurring vote of a majority of the Board, order the issuance of variances from the terms of this Ordinance. There are two kinds of variances considered by the ZBA: "Dimensional Variances" or "Land Use Variances". In addition to the other requirements and standards stated in this Article, the following general conditions and reviewing authority shall apply in the granting of any variances:

- a. The ZBA may specify, in writing, such conditions to secure substantially the objectives of the regulations or provisions to which such variance applies. The breach of any such condition shall automatically invalidate the permit granted.
- b. No application for a variance which has been denied wholly or in part by the ZBA shall be resubmitted for a period of one year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the ZBA to be valid.
- c. Each variance granted shall become null and void unless the provisions of the variance have been utilized by the applicant within one year after the granting of the variance.

Section 10.6 DIMENSIONAL VARIANCES

Dimensional Variance from any Ordinance standard may be granted in the discretion of the Zoning Board of Appeals (ZBA) to modify the area, yard, height, floor space, frontage, set-back, or other similar numerical restriction, upon showing substantive evidence establishing "practical difficulties" in carrying out the strict letter of the Ordinance. The ZBA shall find all of the following factors in determining "practical difficulties":

- a. Exceptional or extraordinary circumstances or conditions applying to the property in question, regarding the intended use, that do not apply generally to other properties in the same zone.

- b. The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zone. The possibility of increased financial return shall not of itself be deemed sufficient to warrant the granting of a variance.
- c. A variance granted will not be substantially detrimental to adjacent property, or alter the essential character of the neighborhood, or materially impair the intent and purposes of this Ordinance or the public interest, and will be in harmony with the purposes and intent of this Ordinance.
- d. The condition or situation of the property or the intended use is not of so general or recurrent in nature as to make reasonably practicable a general regulation for such condition or situation.
- e. The plight of the landowner is due to the circumstances unique to his property not created by the landowner, or applicant's own action.
- f. Whether, in view of the manner in which the difficulty arose, and considering all of the above factors, the interests of justice will be served by allowing the variance.

Section 10.7 LAND USE VARIANCES

A Land Use Variance is a variance in the use of land or building in contradiction of any of the use requirements of this Ordinance. The ZBA may, in its sole discretion, grant a land use variance only upon a finding of all of the following:

- a. "Practical difficulty" as identified in Section 10.6, above.
- b. That "unnecessary hardship" exists, in demonstrating with substantial evidence that the property cannot reasonably be used in any manner consistent with the existing zoning district.
- c. The following factors shall not be considered in determining "unnecessary hardship": the denial of a dimensional variance, non-conforming use of neighboring lands, the existence of buildings or structures, or the permitted use of land, structures, buildings within the Zoning District.
- d. For additional Agriculture uses the Zoning Administrator may waive or modify the provisions where it is in compliance with the Michigan Right to Farm Act.

Section 10.8 ADDITIONAL VARIANCE FINDINGS

The ZBA shall, after finding "practical difficulties" or "unnecessary hardship" exists, also find that the proposed use:

- a. Will be harmonious with and in accordance with the general goals and specific objectives of the Township's Master Plan.
- b. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with existing or intended uses of the District.
- c. Will be the minimum variance necessary to make possible the reasonable use of the land, building or structure.

- d.** Will not be issued if the District allows the use by Special Use Permit, unless the Special Use Permit has been granted conditionally on the variance.
- e.** Will become a nonconforming use or structure and shall be subject to the nonconforming use provisions regulating the continued use.

ARTICLE 11 ADMINISTRATION AND ENFORCEMENT

Section 11.1 ADMINISTRATION

The provisions of this Ordinance shall be administered by the Township Zoning Administrator, who shall be appointed by the Township Board. The Zoning Administrator shall not be a member of the Planning Commission or the Zoning Board of Appeals. The Zoning Administrator shall be appointed for such term and subject to such conditions and at such rate of compensation as the Township Board shall determine. In the event the Zoning Administrator is personally interested in the construction of any building or structure subject to the provisions of this Ordinance, the Township Board shall designate some other person to examine the plans, to inspect such building or structure and to issue the necessary permits, approvals and certificate.

Section 11.2 ZONING PERMITS

- a.** Except as otherwise provided, no dwelling, building or accessory structures subject to the provisions of this Ordinance shall be erected, altered, enlarged or moved upon any land, lot or premises until a permit has been issued by the Zoning Administrator in conformance with this Ordinance. Such a permit shall be good for one (1) year, with right of renewal upon application to the Township Zoning Administrator. This permit must be granted before any excavation, construction, alteration, enlargement or other activity begins.

- b.** All applications for permits shall be submitted to the Zoning Administrator not less than 10 days prior to when erection, alteration, enlargement or movement of a dwelling or building is intended to begin. Such application shall be accompanied by a Site Plan as required by this Ordinance.

- c.** Within 10 days after the receipt of the application, the Zoning Administrator shall issue a zoning permit to the Owner, provided the building and the land uses as set forth in the application conform with this Ordinance. If such permit is refused, the Zoning Administrator shall state in writing the basis for denial. The Zoning Administrator shall file one copy of the application, with appropriate notations, relative to the Zoning Administrator's approval or disapproval, including the date, with the Township Supervisor, as a public record. A second copy shall be returned to the applicant with similar notations.

- d.** Nothing in this section shall be construed as to prohibit the Owner, or an Agent of the Owner, from preparing applications and the required drawings and other information, provided it is clear, legible and reasonably accurate.

- e.** For each permit issued under the provisions of this Ordinance, a fee, as set by the Township Board, shall be paid to the Township. No permit is valid until fee is paid unless waived by the Township Board. Where construction is started without a permit, the fee shall be an additional fee, as set by the Township Board, plus the normally assessed fee.

- f.** All structures permitted within a District and to be erected on the same parcel, at approximately the same time, may be applied for under a single zoning permit application.

- g.** The Zoning Administrator, with the approval of the Township Board, shall have the power to revoke or cancel any permit for failure or neglect to comply with any of the provisions of this Ordinance, or for filing any false statement or misrepresentation made in the application. The Owner or duly authorized Agent shall be notified of such revocation or cancellation in writing.

Section 11.3 ENFORCEMENT

The Township Board may instruct the Zoning Administrator or Township Attorney to initiate a civil or criminal complaint or other legal action to enforce this Ordinance.

Section 11.4 CIVIL INFRACTION VIOLATION

Unless specified otherwise in this Ordinance, violations of this Ordinance are a municipal civil infraction. Civil sanctions under this Section may include, without limitation, fines, damages, expenses, and costs as authorized by Act 326 of Public Acts of 1961, as amended, subject to the following provisions:

- a.** Sanctions for a violation of a civil infraction shall be a fine in the amount of not less than \$75.00, plus other costs, damages, expenses, and other sanctions for each infraction.
- b.** Increased fines may be imposed for repeat violations. Unless otherwise specifically provided by this Ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be not less than \$250.00, plus costs for a first repeat offense, and not less than \$500.00, plus costs per offense for a second repeat or any subsequent repeat offense.
- c.** A municipal civil infraction action may be commenced upon the issuance of a municipal civil infractions citation directing the alleged violator to appear in court.
- d.** Failure to answer a citation to appear in court for a municipal civil infraction is a misdemeanor violation punishable by a fine of not more than \$500.00, plus other costs, or by imprisonment for a term not to exceed 90 days, or both fine and imprisonment.
- e.** Failure to comply with an order, judgment, or default in payment of a civil fine, costs, damage, or expenses so ordered may result in enforcement actions, including but not limited to imprisonment, collections, placement of liens, or other remedies as permitted in Chapter 87 of Act 326 of Public Acts of 1961 as amended.
- f.** A municipal civil infraction is not a crime under this Ordinance.

Section 11.5 MISDEMEANOR VIOLATIONS

It shall be a misdemeanor, punishable upon conviction by a fine of not to exceed \$500.00 (plus other costs), imprisonment for a term of not to exceed 93 days, or both fine and imprisonment; for any person who:

- a.** Knowingly makes a false statement, representation, or certification in an application, report, record, plan, or other document filed or required to be maintained pursuant to this Ordinance; or

- b. Willfully continues to violate this Ordinance after suspension or revocation of a Permit authorized under this Ordinance or other ordinances or state law.

Section 11.6 NUISANCE PER SE and INJUNCTIVE RELIEF

A violation of any regulation contained in this Ordinance is determined to be detrimental to the health, safety and general welfare of the residents, property owners, and other persons within Ferry Township; and is deemed a public *nuisance per se*. Any violation of this Ordinance shall constitute a basis for injunctive relief against the violator or land Owner to restrain and prohibit the violator or owner from continuing the violation, in addition to any other relief or penalty provided by this Ordinance or allowed by law. The Township or any Owner or Owners of real estate within the Township may bring an action to enjoin such alleged violation activity.

Section 11.7 CONTINUING OFFENSES

Each day that a violation continues constitutes a separate or repeat offense and shall be subject to penalties or sanctions as a separate or repeat offense.

Section 11.8 LAND DIVISION VIOLATIONS

Where the Zoning Administrator or Assessor finds a violation of the Michigan Land Division Act, no zoning permits shall be issued.

Section 11.9 CERTIFICATE OF OCCUPANCY

After receiving the necessary permits and complying with the requirements of this Ordinance and having evidence of compliance with other codes and laws, the Zoning Administrator shall upon request issue a certificate of occupancy.

Section 11.10 BUILDING CONSTRUCTION VIOLATIONS

No person shall perform any construction, seek and receive a building permit, as required by the Building Code in effect in Oceana County, or an environmental health, soil erosion, or other local or state permits as are enforced in Ferry Township, without an approved zoning permit.

Section 11.11 OVERLAPPING JURISDICTION

In addition to the approvals and permits required and specified in this Ordinance, the Zoning Administrator shall, prior to the issuance of any zoning permit, be satisfied that the permit for the particular development and/or construction have been or will be approved from any federal, state, county, and/or local agencies having jurisdiction in such matters pursuant to local ordinances, county ordinances, state or federal laws.

Section 11.12 ADMINISTRATIVE LIABILITY

No officer, member, agent or employee of the Township Board, Planning Commission, or Zoning Board of Appeals, shall be personally liable for any damage or consequence that may occur as a result of any act, decision, or other event or cause by discharging their duties and responsibilities pursuant to this Ordinance.

ARTICLE 12 AMENDMENTS

Section 12.1 AUTHORIZATION

Amendments or supplements to this Ordinance may be made in the same manner as provided in the Michigan Zoning Enabling Act, as amended, for the enactment of the original Ordinance.

Section 12.2 PROCEDURES FOR REZONING AMENDMENTS

If an individual property or several adjacent properties are proposed for rezoning, the Planning Commission shall give a notice of the proposed rezoning to the general public, owner of the property in question, to all persons and property, as required under the Michigan Zoning Enabling Act.

Section 12.3 COURT ORDERED AMENDMENTS

An amendment for the purpose of conforming to a provision of this Ordinance to the judgment or order of a court of competent jurisdiction as to any specific lands may be adopted by the Township Board and the notice of the adopted amendment published without referring the amendment to any other board or agency as provided by law or court order.

ARTICLE 13 LEGAL SUFFICIENCY

Section 13.1 REPEAL OF PRIOR ORDINANCES

The Zoning Ordinances adopted by the Township of Ferry, known as Ordinance No. 1 and No. 12, and all amendments to those Ordinances are repealed; provided, however, this repeal does not affect any act done or offense committed, or any liability, penalty, forfeiture or punishment acquired. Any use commenced during Ordinance No. 1 or Ordinance No. 12 which was contrary to the terms of that Ordinance and which continues under this Ordinance is not a "nonconforming use" under this Ordinance. Such use shall have no vested or "grand-fathered" rights and may be subjected to abatement or other action under this Ordinance.

Section 13.2 SEVERABILITY

Sections of this Ordinance are deemed severable. Should any section, paragraph, or provision be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance in whole or part, other than the part declared unconstitutional or invalid.

Section 13.3 SAVINGS CLAUSE

The adoption of this Ordinance shall not prevent or bar the continuance or institution of any proceedings for offenses committed in violation of the prior Ferry Township Zoning Ordinances, as amended.

Section 13.4 EFFECTIVE DATE

This Ordinance shall become effective on March 12, 2020, at least 7 days after publication.

APPENDIX 1 -- ADDITIONAL ORDINANCES & REFERENCES

***THE FOLLOWING DOCUMENTS AND ADDITIONAL ORDINANCES ARE HOUSED AT
THE FERRY TOWNSHIP HALL, 3522 GREEN STREET, SHELBY MICHIGAN 49455***

Agricultural Buildings Definitions, Michigan Building Code 1972 PA Code 230

White River Natural River Plan, revised March 2002

State of Michigan Right-To-Farm Act

Ferry Township Noise and Public Nuisance Ordinance #2 2006

Ferry Township Public Entertainment Ordinance No. 13

Ferry Township Flood Plain Management Ordinance 001-07-12

Ferry Township Cemetery Ordinance

Ferry Township Drainage Map (Oceana County Drain Commission)

Ferry Township Land Division Ordinance 3-30-2006

Ferry Township Emergency Response Ordinance 02-2011-001

Ferry Township ORV/ATV Ordinance

Ferry Township Medical Marijuana Resolution (Future)

Ferry Township Recreational Marijuana Ordinance (Future)

ADOPTION CLAUSE

This Ordinance was offered by Clerk Jessup and supported by Board Member Bruck at the regular Ferry Township Board meeting on February 18, 2020. The vote being as follows:

Yeas: Schmieding, Jessup, Dickman, Bruck, and Cornwell.

Nays: None.

Absence: None.

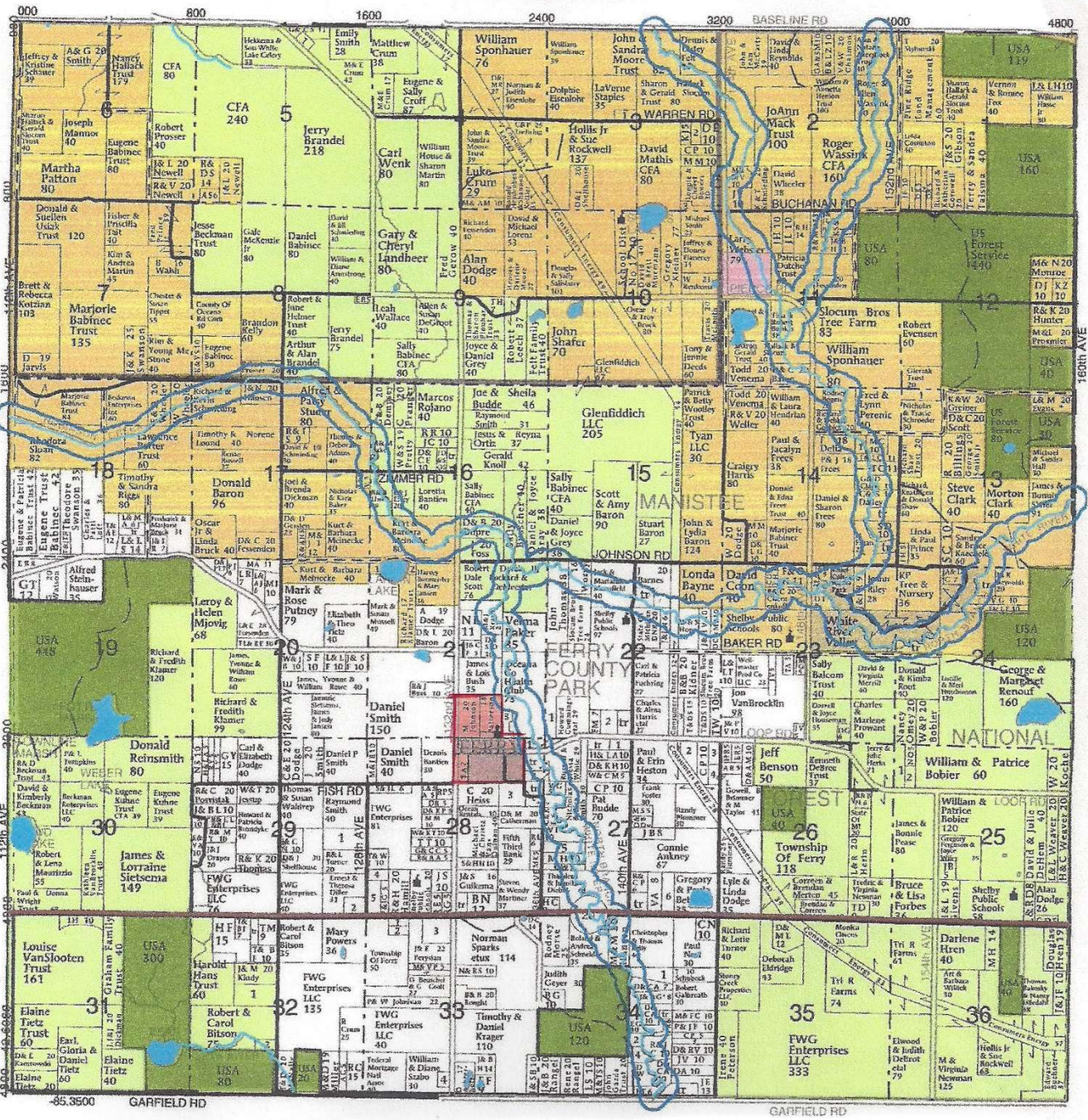
ORDINANCE DECLARED ADOPTED

CERTIFICATION STATEMENT

I certify that this Ferry Township Zoning Ordinance is a true copy of the original Zoning Ordinance adopted at a regular meeting of Ferry Township Board on February 18, 2020. A notice of adoption of the Ferry Township Zoning Ordinance was published on February 27, 2020, in the Oceana Herald. This Ferry Township Zoning Ordinance became effective greater than 7 days after publication, on March 12, 2020.

Signed _____
William Jessup
Ferry Township Clerk

FERRY TOWNSHIP Zoning Map



- N R Natural Rivers – 5 acres minimum
- B Business – 1 acre minimum
- R P-2 Resource Production (old ES) – 20 acre minimum
- R-1 Village Residential – 20,000 sq. ft. minimum
- R P-1 Resource Production – 20 acre minimum
- R-2 Rural Residential – 10 acre minimum