

HIGGINS TOWNSHIP ZONING ORDINANCE

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ROSCOMMON COUNTY, MICHIGAN 48653

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Higgins Township Zoning Ordinance

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Article I

Title, Purpose  
Enabling Authority and Conditions  
of Enactment

Higgins Township, Roscommon County, Michigan

Ordains:

Section 1.01 – Title:

This ordinance shall be known as the Higgins Township Zoning Ordinance.

Section 1.02 – Purpose of this Zoning Ordinance and Resolution of Intent:

An ordinance for the protection of the public health, safety and other aspects of the general welfare of Higgins Township through the establishment in the unincorporated portions of Higgins Township, Roscommon County, Michigan of zoning districts for the planned orderly growth and development of the Township within which the proper use of land and natural resources may be encouraged or regulated, and within which zoning district's provisions may also be adopted designating the location of, the size of, the land and structural uses that may be permitted without or with special use conditions; the minimum open spaces, sanitary, safety and protective measures that shall be required for, and the maximum number of families that may be housed in dwellings, buildings and structures that may be erected or altered; to provide, based upon the planned orderly growth and development of the Township, in an orderly manner and through the wise and efficient use of public services required to be provided to the residents of the Township; to provide for the conservation of the use of energy; the conservation of agricultural, forest and open space lands, wetlands and land areas containing natural or cultural resources or features necessary to the social and economic well-being of present and future generations; to provide for a method of adoption of amendments to this Ordinance, to provide for conflicts with other state laws and state administrative rules and regulations and local ordinances and regulations with this Ordinance; to provide for penalties for violations of this Ordinance; to provide for the assessment, levy and collection of taxes on property zoned, developed and used in accordance with the provisions of the Michigan Zoning Enabling Act, being Public Act 110 of 2007, as may be amended, being MCL 125.3101-125.3702 (Michigan Zoning Enabling Act hereinafter referred to as "ZEA") and this Ordinance; to provide for the collection of fees for zoning permits required under this Ordinance; to provide for petitions, public hearings and referenda in accordance with ZEA, and this Ordinance, and to provide for appeals of the provisions of this Ordinance.

Section 1.03 – State Legislation Enabling Authority:

This ordinance is adopted pursuant to ZEA.

Section 1.04 – Enactment Declaration:

This Zoning Ordinance, and its contained provisions, are hereby declared to be necessary to the providing of a planned orderly growth and development of the Township, in the interest of providing for the public health, safety, peace, enjoyment, convenience, comfort and other aspects

of the general welfare of the residents of this Township in order to provide adequately for the necessities in the pursuit of their daily living pattern. This Zoning Ordinance is hereby ordered to be given immediate effect upon its passage by the Township Board of Trustees and subsequent publications as required by law.

Section 1.05 – Adoption of this Zoning Ordinance and Repeal of Present Zoning Ordinance:

The “Higgins Township Zoning Ordinance” presently in effect in the Township and all amendments thereto, are hereby reorganized and amended on the effective date of this Ordinance; provided, however, if this Zoning Ordinance as a whole shall subsequently be judicially determined to have been unlawfully adopted, such judicial determination shall then automatically reinstate the present Township Zoning Ordinance and all of its amendments to their full effect.

Section 1.06 – Relationship to Master Plan:

The Zoning Map and text – the plans and specifications for the future development and redevelopment of the Township – are based upon the Master Plan, as amended, for Higgins Township. In particular, the Master Plan components for Land Use, Transportation and Public Utilities and Facilities have been and will continue to be the basis for amending or changing the Zoning Ordinance and Text in the future.

Article II  
Definitions

Section 2.01 – Rules Applying to Text:

All words used in the present tense shall include the future, all words in the singular number include the plural number, and all words in the plural number include the singular number; the word “building” includes the word “structure”, and “dwelling” includes “residence”; the word “person” includes “corporation”, “co-partnership”, and “associations” as well as an “individual”; the word “shall” is mandatory and directory. Terms not herein defined shall have the meaning customarily assigned to them.

Section 2.02 – Definitions:

For the purpose of this Ordinance, the following terms and words are defined as follows:

Accessory Building – See “Building, Accessory”

Accessory Use – See “Use, Accessory”

Agriculture – Farms and general farming, including horticulture, floriculture, dairying, livestock and poultry raising, farm forestry, and other similar enterprises or uses, including animals that have been raised on the premises for the use and consumption of persons residing on the premises.

Alterations – The term “Alterations” shall mean any change, addition or modification in construction or type of occupancy, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as “altered” or “reconstructed”.

Apartments – The term “Apartments” shall mean the dwelling units in a multiple dwelling as defined herein:

Efficiency Unit: is a dwelling unit consisting of not more than one (1) room, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density shall be considered as a one (1) room unit.

One Bedroom Unit: is a dwelling unit consisting of not more than two (2) rooms, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density, shall be considered as a two (2) room unit.

Two Bedroom Unit: is a dwelling unit consisting of not more than three (3) rooms, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density, shall be considered as a three (3) room unit.

Three or More Bedroom Unit: is a dwelling unit wherein for each room in addition to the three (3) rooms permitted in a two (2) bedroom unit, and for the purpose of computing density, said three (3) bedroom unit shall be considered a

four (4) room unit, and each increase in a bedroom over three (3) shall be an increase in the room count by one (1) over the four (4).

Automobile Car Wash – A building, or portion thereof, where self-propelled motor vehicles are washed as a commercial enterprise.

Automobile Repair – A place where, with or without the sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; or painting and undercoating of motor vehicles.

Automobile Service – A place where gasoline or any other automobile engine fuel (stored only in underground tanks), kerosene or motor oil and lubricants or grease (for operation of motor vehicles) are retailed directly to public on premises; including sale of minor accessories and service for automobiles.

Basement – That portion of a building partly below grade, but so located that the vertical distance from the grade level to the basement floor is greater than the vertical distance from the grade level to the basement ceiling. A basement shall not be included as a story for height measurement, nor counted as floor area, unless the room has walk-out capability. A walk-out basement shall be defined as a room with a least one wall below grade which provides barrier free access to the exterior of the structure and with at least fifty percent of one wall with no grade and two exits which are fire escape routes.

Bedroom – A bedroom is a dwelling room used for or intended to be used safely for sleeping purposes by human beings.

Block – The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating), or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development.

Board of Appeals – See “Zoning Board of Appeals”

Building – An independent structure, either temporary or permanent, having a roof supported by columns or walls, which includes sheds, garages, stables, greenhouses, or other accessory structures. A detached building is one separated on all sides from adjacent buildings by open spaces from the ground up. When any portion thereof is completely separated from every other part thereof, by division walls from the ground up, and without openings, each portion of such structure shall be deemed a separate building.

Building, Accessory – A supplemental building or structure on the same lot or parcel of land as the main building, or buildings, or part of the main building occupied by or devoted exclusively to any accessory uses, but such use shall not include any building used for dwelling, residential or lodging purposes, or sleeping quarters for human beings.

Building Area – The space remaining after the minimum open space requirements of this Ordinance have been complied with.

Building, Farm – Any building or structure other than a dwelling, maintained, used or built on a farm which is essential and customarily used on farms of that type in the Township for the pursuit of their agricultural activities, including the storage or housing of farm implements, produce or farm animals.

Building Height – The vertical distance from the established grade to the highest point of the roof surface for flat roofs, to the declivity of mansard roofs; and to the average height between eaves and ridge for gables, hip and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

Building Line – A line formed by the face of the building, and for the purposes of this Ordinance, a minimum building line is the same as the front setback line.

Building Main – The building or structure in which the principal use or authority on a lot or parcel takes place.

Building Permit – A building permit is the written authority issued by the Building Inspector in conformity with the provisions of the Construction Code Ordinance.

Building, Principal – A building in which is conducted the principal use of the premises on which it is situated.

Building Setback Line – The line formed by the outer surface of a structure or enclosure wall at or with the finished grade or surface of the ground; pertaining to defining those minimum (building) setback lines which are established, in general, parallel to the front road right-of-way and within which setback area no part of a building shall project or be located, except as otherwise provided for by this Ordinance.

Building, Temporary – See “Temporary use or Building”

Campground – The uses and activities which take place on a lot or parcel of land for temporary short term, not to exceed four (4) weeks at any one period of stay or reservation, resort or recreation purpose.

Clinic, Animal – A building or group of buildings and/or structure where domestic animals are admitted for examination, treatment and care by a licensed veterinarian or related para-professionals and technicians and where such animals may be provided with overnight housing.

Clinic, Human – A building or group of buildings where human patients are admitted for examination and treatment by more than one (1) professional; such as, a physician, dentist, or the like, except that such human patients are not lodged therein overnight.

Club – An organization of persons for special purposes or for the promulgation of agriculture, sports, arts, science, literature, politics or the like, but not for profit, and open only to members and not the general public.

Commercial – A business operated primarily for profit, including those of retail trade and professional, personal, technical and mechanical services.

Commercial District or Center – A concentration of commercial uses or activities, on a specific area planned or zoned for commercial purposes.

Common Areas, Uses and Services – Land areas, improvements facilities and utilities, the use, enjoyment and maintenance of which are intended to be shared by the owners and occupants of individual building units in a subdivision or a planned development.

Convalescent or Nursing Home – A structure with sleeping rooms where persons are housed or lodged and are furnished with meals, nursing a medical care.

District – See “Zoning District”

Drive-in Restaurant – A Drive-in Restaurant shall be deemed to be any restaurant designed to permit or facilitate the serving of meals, sandwiches, ice cream, beverages, or other food served directly to or permitted to be consumed by patrons in cars or other vehicles parked on the premises, or permitted to be consumed by patrons elsewhere on the site outside the main building.

Driveway – An access serving a single lot from a public or private road. When a driveway extends more than 200’ from the public or private road it accesses, it shall be deemed an “Extended Length Driveway” (See “Extended Length Driveway”).

Dwelling, Conventional – A building designed in accordance with the Township Construction Code or used exclusively as a living quarters for one (1) or more families but not including single-wide mobile homes, automobile chassis, tents or portable buildings, and having a minimum width cross-section through one portion of the dwelling of twenty (20) feet and a minimum floor dimension in one portion of the dwelling of at least one area having a width of twenty (20) feet and a length of twenty (20) feet.

Dwelling, Farm – A dwelling used to house the principal family operating a farm, and which is accessory to the operation of the farm, which is the principal use of the land upon which it is located.

Dwelling, Group – (Group housing) Two (2) or more single or multiple family dwelling structures on a parcel of land under single ownership.

Dwelling, Mobile Home – A dwelling unit up to sixteen (16) feet in width manufactured in one or more sections, designed for year-round dwelling purposes, capable of being transported upon its own wheeled chassis and not motorized or self-propelled, but which meets the minimum floor area requirements of this Zoning Ordinance and installed in accordance with all of the other requirements of this Ordinance and the Construction Code specified for dwellings, when located outside of a licensed mobile home park.

Dwelling, Multiple Family – A dwelling structure, or portion thereof, designed for occupancy by two (2) or more families living independently of each other.

Dwelling, One Family – A dwelling structure designed exclusively for occupancy by one (1) family.

Dwelling, Two Family or Duplex – A multiple family dwelling structure designed exclusively for occupancy by two (2) families' independent of each other; such as, a duplex dwelling unit.

Dwelling Unit – A dwelling unit is any building or portion thereof or a mobile home having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanently or transiently. In cases of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to a dwelling.

Entrance Ramp – Automotive access to a highway.

Erected – The word “erected” includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered a part of erection.

Essential Services – The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare.

Excavation – Any breaking of ground, except farm use, common household gardening and ground care.

Exit Ramp – Automotive exit from a highway.

Extended Length Driveway – An access serving a single lot from a public or private road and extending more than 200' from the public.

Family – One (1) or two (2) persons with or without their direct lineal descendants and adopted children (and including the domestic employees thereof) and additionally not more than four (4) persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit shall be considered a separate family for the purpose of this Ordinance.

Farm – Real property used for agriculture or horticulture comprising at least ten (10) contiguous acres and which may contain other contiguous or non-contiguous acres, all of which is operated by a single family, family corporation, individual or corporation.

Farming – See “Agriculture”

Fence – A permanent partition, structure or gate erected as a dividing marker, barrier or enclosure, and not a part of a principal building or structure or other accessory structure. An ornamental fence is one that is less than three (3) feet in height, and is normally used in setting off planting areas and gardens.



Fill – The depository or dumping of any matter into or onto the ground, except common household gardening and general care.

Filling Station – See “Automobile Service”

Flood Plain – That portion of land adjacent or connected to a water body or water course which is subject to periodic inundation in accordance with the 100 year flood cycle.

Floor Area, Gross (GFA) – The sum of the gross horizontal areas of the several floors of the building measured from the exterior face of the exterior walls or from the centerline of walls separating two (2) dwelling units. The gross floor area of a building shall include the basement (see definition) floor area when more than one half (1/2) of the basement height is above the established curb level or finished lot grade and of interior finished construction similar to first or main floor. Any space devoted to off-street parking or loading shall not be included in gross floor area. Areas of dwelling basements, unfinished attics, utility rooms, breezeways, porches (enclosed or unenclosed) or attached garages are not included.

Foster Care Home – A child or adult care facility which is organized for the purpose of receiving children or adults for care, maintenance, and supervision in buildings supervised by the home for that purpose, and operated through out the year. An educational program may be provided, but the educational program shall not be the primary purpose of the center. A Foster Care Home could include a maternity home for the care of unmarried mothers under 18 years of age and an agency group home, which is described as a child or adult caring home owned, leased, or rented by a state licensed facility providing care for more than four (4), but not more than twelve (12), children or adults; or homes for mentally retarded or emotionally disturbed children under eighteen (18) years of age. Foster Care homes do not include a hospital licensed under Section 59 and Act. No. 269 of the Public Act No. 139 of the Public Acts of 1956, as amended, or a hospital for mentally ill licensed under Act No. 151 of the Public Acts of 1923, as amended, or nursing and convalescent care centers.

Frontage, Street – See “Road Frontage”

Garage, Commercial – Any garage, other than a private garage available to the public, operated for gain, and used for storage, repair, rental, greasing, washing, sales, servicing, adjusting, or equipment of automobiles or other motor vehicles.

Garage, Private – An accessory building not to exceed the height of the principal structure used for parking of vehicles or storage as may be required in connection with the permitted use of the principal building.

Gas Station – See “Automobile Service”

Grade – The term “Grade” shall mean a ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

Greenbelt – A buffer area consisting of an open space, except as specifically required in certain sections of this Ordinance, which shall be either level or a berm and landscaped with trees, shrubs, vines and ground covers. When a screen buffer is required, it shall consist of a dense evergreen planting or a solid fence or wall.

Group Housing – See “Dwelling, Group”

Group Residential Homes – See “Foster Care Homes”

Highway – Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the Michigan Department of Transportation. (see also “Road”).

Highway, Intercommunity Arterial – Those highways defined as such by the Township Master Plan.

Highway, Regional Arterial – Those highways defined as such by the Township Master Plan.

Historical Building, Site or Area – Those parcels and/or uses of land and/or structures whose basic purpose is to (a) safeguard the heritage of the local unit by preserving or allowing a structure or use which reflects elements of the community’s cultural, social, economic, political, or architectural history; (b) stabilize and improve property values in the area; (c) foster civic beauty; (d) strengthen the local economy; and (e) promote the use of such sites for the education, pleasure, and welfare of the local residents and of the general public.

Home, Motor – A motorized vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging. This term does not include mobile homes.

Home Occupation – Any use customarily conducted entirely within the dwelling or an accessory structure and carried on by the inhabitants thereof, not involving employees other than members of the immediate family, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character thereof, and which does not endanger the health, safety, and welfare of any other persons residing in that area by reasons of noise, noxious odors, unsanitary or unsightly conditions, fire hazards and the like, involved in or resulting from such occupation, profession or hobby. Such occupation shall not require internal or external alterations of construction features, outdoor storage, or signs not customarily in residential areas.

Hospital – An institution providing health services, primarily for inpatients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices.

Hotel – A building occupied or used as a more or less temporary abiding place of individuals or groups of individuals with or without meals, and in which there are more than five (5) sleeping rooms, and in which no provisions are made for cooking in any individual room. (Also see “Motel”).

Industrial – A business operated primarily for profit, including those of product manufacturing or conversion through assembly of new or used products or through the disposal or reclamation of salvaged material, and including those businesses and service activities that are a normal integral part of an industrial enterprise or area.

Industrial Park – A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors.

Institutional – An organization having a social, educational or religious purpose established by law, custom, practice or a system to serve a public.

Junk – All rubbish, refuse, waste material, garbage, including, but not limited to, the following: waste composed of animal, fish, fowl, fruit or vegetable matter, dead animals, putrescible and nonputrescible solid waste (except body wastes), ashes, glass, cans, bottles, discarded or abandoned machinery, household appliances, industrial wastes, discarded, inoperative, dismantled or partially dismantled motorized vehicles or parts thereof. This shall not preclude home or farm composting for on-site use. Also refer to Township Junk Ordinance and Nuisance Ordinance.

Junk Yard – Any lot, parcel, field or tract of land on which there is an accumulation of junk, equipment or machinery, whether operated for profit or not for profit bases. The term “junk yard” includes automobile wrecking yards and salvage areas of more than 200 square feet for the storage, keeping or abandonment of junk or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof, but does not include uses contained entirely within an enclosed building. Also refer to Township Junk Ordinance and Nuisance Ordinance.

Kennel – Any lot or premises on which four (4) or more dogs of more than 6 months in age are kept or boarded temporarily or permanently, for the purpose of breeding, for sale, or otherwise. It shall also include any lot or premises on which other furbearing household or domestic pets of like number are bred or sold.

Laboratory – A place in which the principal use is devoted to experimental, routine, or basic study such as testing and analytical operations.

Lake – A permanent natural or man-made body of surface water of at least five (5) acres in area.

Land Use Permit – See “Zoning Permit”

Lighting, Source of – for purposes of this Ordinance, the source of light shall refer to the light bulb or filament which is exposed or visible through a clear material. Exposed mercury vapor lamps or neon lamps shall be considered a direct source of light.

Loading Space – An off-street space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading and/or unloading merchandise or materials.

Lot – A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. (Also see “Parcel” or “Plat”). A lot shall not include road easements or road right-of-ways.

Lot Area – The total horizontal area within the lot lines of a lot or parcel.

Lot, Corner – A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) roads is less than 135 degrees. A lot abutting upon a curved road or roads shall be considered a corner lot for the purpose of this Ordinance if the arc is of less radius than 150 feet and the tangents to the curve at the two (2) points where the lot lines meet the curve or the straight road line extended, form an interior angle of less than 135 degrees.

Lot Coverage – That percentage of the lot or parcel covered by the building area.

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

Lot, Double Frontage – Any interior lot having frontages on two (2) more or less parallel roads as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to road shall be considered frontage and front yards shall be provided as required.

Lot, Interior – Any lot other than a corner lot.

Lot Line, Front – In the case of an interior lot, that line separating said lot from the road. In the case of a corner lot, or double frontage lot, “front lot line” shall mean that line separating said lot from that road which is designated as the front road in the plat and in the application for a Zoning Permit.

Lot Line, Rear – That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line not less than ten (10) feet long farthest from the front lot line and wholly within the lot.

Lot Line, Side – Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a road is a side road lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of Record – A lot existing prior to the adoption of this Ordinance and recorded in the office of the County Register of Deeds. For the purpose of this Ordinance, land contracts and purchase options not recorded in the County Register of Deeds’ Office, but dated and executed prior to the effective date of this Ordinance shall also constitute a “lot of record”. (Includes “Parcel of Record”).

Lot, Waterfront – A lot having a frontage directly upon a lake, river or other reasonable sized impoundment of water. The portion adjacent to the water shall be designated as the lake frontage of the lot, and the opposite side shall be designated the road frontage of the lot.

Lot Width – The horizontal distance between the side lot lines, measured at the two (2) points where either the building line, or front lot line intersects the side lot lines.

Major Thoroughfare – A road, street or highway designated as such in the Township Master Plan.

Marginal Access Road – A public or private road or driveway paralleling and adjacent to any one of the major roads and arterials as designated in the Township Master Plan.

Master Plan – The plan prepared and adopted by the Township Planning Commission in accordance with Public Act 168 of 1959 relative to the agreed upon desirable physical land use pattern for future Township development. The plan consists of a series of maps, plans, charts, and written material, representing in summary form, the soundest planning direction to the Township as to how it should grow in order to realize the very best community living environment in the Township.

Mobile Home – A dwelling unit manufactured in one or more sections, designed for year ‘round, temporary or transient dwelling purposes, capable of being transported upon its own wheeled chassis, not motorized or self-propelled, built for the purpose of being located in a licensed mobile home park, meets the requirements of the FHA Standards of the United States Department of Housing and Urban Development (HUD) or the American National Standards Institute (ANSI), if built prior to 1976, and installed in accordance with this Zoning Ordinance and the Construction Code.

Mobile Home Park – For the purpose of this Ordinance a specifically designated parcel of land constructed and designed to accommodate three (3) or more mobile homes for residential dwelling use which meets the requirements of this Zoning Ordinance, the Construction Code and Public Act 419 of 1976 “Mobile Home Commission Act”.

Mobile Home Space or Pad – Specified area of ground within a mobile home park designed for the accommodation on one (1) mobile home.

Motel – (also see “Hotel”) – A motel or motor court is a business comprising a dwelling unit or a group of dwelling units so arranged as to furnish temporary or transient lodging accommodations for the public for compensation.

Motel Court – See “Motel”

Nonconforming Building or Structure – A nonconforming building is a building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and which does not conform to the provisions of the Ordinance in the zoning district in which it is located.

Nonconforming Use – A nonconforming use is a use which lawfully occupied a building or land at the effective date of this Ordinance, or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located.

Nuisance – Is an offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being.

Nuisance Per Se – Is a violation of this Zoning Ordinance.

Nursing Home – See “Convalescent Home”

Occupied – A building, structure, or land area designed and used for the purpose of and occupied for a useful purpose permitted under the provisions of this Ordinance.

Office Park – district or area for office and office related accessory uses.

Off-Street Parking – See “Parking, Off-street”

Off-Street Parking Lot – See “Parking, Off-street, lot”

Off-Street Parking Space – See “Parking, Off-street, space”

Open Air Business Uses – Are business uses operated for profit, substantially in the open air, usually without buildings or structures, including uses such as the following:

- a. bicycle, utility truck or trailer, motor vehicle, boats or home equipment sale, repair, or rental services.
- b. outdoor display and sales of garages, motor homes, mobile homes, snowmobiles, farm implements, swimming pools and similar products.
- c. retail sale of trees, fruit, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer.
- d. Tennis courts, archery courts, shuffleboard, horseshoe courts, rifle ranges, miniature golf, golf driving range, children’s amusement park or similar recreation uses (transient or permanent).

Open Space – Any land area suitable for growing vegetation, recreation, gardens or household service activities, such as clothes drying, but not occupied by any buildings.

Open Space Uses – Any principal or accessory use of a lot or parcel not involving the use of buildings or structures, which are required to meet the Township Construction Code.

Open Storage – A land area occupied and used for outdoor storage of building materials, sand, gravel, stone, lumber, equipment and other supplies.

Outdoor Advertising Signs – See “Signs, Outdoor Advertising”

Parcel – See “Lot”

Parking, Off-street – Vehicular parking provided on a lot or parcel, but not within a highway or road right-of-way.

Parking, Off-street, Lot – A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two (2) automobiles.

Parking, Off-street, Space – An area of definite length and width; said area shall be exclusive of drives, aisles, or entrances giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles on lots or parcels, but not within a public highway or public or private road right-of-way.

Parking Space – A land area of not less than nine (9) by twenty (20) feet, exclusive of driveways and aisles, and so prepared as to be useable for the parking of a motor vehicle and so located as to be readily accessible to a public road or alley.

Pet – Shall mean only such animals as may commonly be housed within domestic living quarters.

Planned Unit Development – A planned residential, commercial, industrial, public or semi-public land use development consisting of two or more principal uses located on a parcel of land of prescribed minimum area and approved by the Township after site plan review.

Planning Commission – Means the same as Zoning Commission.

Plat – A map or plan of the layout of the subdivision of a parcel of land which is in conformance with all of the provision of Public Act 288 of 1967, as amended, being the Land Division Act, and the Subdivision Regulations of the Township, if and when enacted.

Pond – A small body of surface water of less than five (5) acres in area which exists in a natural state or is established by either the damming of surface water or by excavation of soil to expose groundwater.

Porch, Enclosed – (includes patio) – A covered entrance to a building or structure which is totally enclosed, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

Porch, Open – (includes patio and deck) – A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

Private Road – See “Road, Private”

Public Utility – Any person, firm, corporation, municipal department, board, or commission duly authorized to furnish, and furnishing under federal, state, or municipal regulations to the public; electricity, gas, steam, communications, telegraph, transportation, water, storm water collection or wastewater collection and treatment.

Recreation Vehicle – A vehicle primarily designed and used as temporary living quarters for recreational, camping or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle.

Recreation Vehicle Park (RV Park) – A family recreation oriented facility for the overnight or short-term (not to exceed fourteen (14) days consecutively) parking of travel trailers, recreation vehicles or tents. May also be known as a campground.

Restaurant – Is a building in which food or beverages are cooked or prepared and offered for sale, and where consumption is permitted on the premises whether or not entertainment is offered, and includes establishments commonly known as grills, cafes, and nightclubs.

Right-of Way, Road – See “Road Right-of Way”, includes “Highway and Street Right-of-Way”.

Road – Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the County Road Commission.

Road, Connecting – A road specified in the “Master Plan” for the Township.

Road, Frontage – The legal line of demarcation between a dedicated road right-of-way or easement and abutting land.

Road, Frontage Access – A public or private road paralleling and providing ingress and egress to adjacent lots and parcels but connected to the major highway or road only at designated intersections or interchanges.

Road, Hard Surface – A highway or road built to the concrete or asphalt surface road building specifications of the County Road Commission or the Michigan Department of Transportation.

Road, Local Arterial – A road specified in the “Master Plan” for the Township.

Road, Minor – A road specified in the “Master Plan” for the Township.

Road, Private – A non-public access serving two or more lots as established and approved pursuant to Section 16.43.

Road, Right-of-Way – The line which forms the outer limits of a road right-of-way or easement, and which forms the line from which all setbacks and front yards are measured, unless otherwise specified in this Ordinance.



Roadside Stand – A temporary or permanent building or structure operated for the purpose of selling only produce raised or produced on the same premises by the proprietor of the stand or his family; its use shall not make it a commercial district land which would be otherwise classified as agricultural or residential, nor shall its use be deemed a commercial activity.

Sanitary Landfill – A private or public sanitary landfill that meets all of the requirements of Public Act 641 of 1978 and Public Act 64 of 1979 and rules promulgated under these Acts by the Michigan Department of Natural Resources.

Shopping Center – A combination of two or more commercial retail uses located on a single parcel of land and managed collectively by a single ownership under central administration.

Shoreline – The line of demarcation between land and a surface water feature may be (a) established as a matter of record as the mean level elevation of the surface water or (b) as determined by the legal establishment of the surface water level elevation by the County. For the purpose of this Ordinance the legally established surface water level elevation shall take precedence, if established, over the mean level elevation.

Sign – The use of any words, numerals, figures, devices, designs or trademarks by which anything is made known, such as to show an individual firm, profession, business, product or message and visible to the general public.

Sign, Lighted – Any sign having a conspicuous, continuous or intermittent variation in the illumination of the physical position of any part of the sign.

Sign, Outdoor Advertising – (also Billboard) – Any construction or portion thereof upon which a sign or advertisement used as an outdoor display for the purpose of making anything known to the general public is affixed. The definition does not include any bulletin boards used to display official court or public notices.

Special Use – A use which is subject to approval by the Township after site plan review. A special use may be granted when specified by this Ordinance. A permitted special use is not considered to be a nonconforming use.

Special Use Permit – A permit issued by the Township Planning Commission to a person or persons intending to undertake the operation of an activity upon land or within a structure which is not specifically mentioned in this Ordinance and possesses a unique characteristic found to be not injurious to the health safety convenience and general welfare of the Township's inhabitants.

Story – That part of a building included between the surface of one (1) floor, and the surface of the next floor; or if there is no floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than fifty (50) percent, by cubic content, is below the height level of the adjoining ground.

Story, Half – An uppermost story lying under a sloping roof, the usable floor area of which, at a height of four (4) feet above the floor does not exceed two-thirds (2/3) of the floor area in the story directly below, and the height above at least two hundred (200) square feet of floor space is seven (7) feet, six (6) inches.

Story, Height – The vertical distance from the top surface of one (1) floor to the top surface of the next above. The height of the topmost story is the distance from the top surface of the floor to the ceiling above it.

Street – See “Road”

Structure – See “Building”, and in addition any man-made surface feature or designed earth feature other than normal finished grading for drainage purposes.

Structural Alterations – Any change in the supporting members of a building such as bearing walls, columns, beams or girders or any substantial changes in the roof and exterior walls.

Swimming or Bathing Pool – Any permanent, outdoor, non-portable structure or container located either above or below grade designed to hold water to depth greater than 18 inches, intended for swimming or bathing. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

Television Satellite Dish – A structure used to receive television programs from satellites located in space above the Earth.

Temporary Building – See “Building, Temporary”

Temporary Use – See “Use, Temporary”

Tent – As used in this Ordinance, shall mean a shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of small tents used solely for children’s recreational purposes.

Travel Trailer – A portable non-motorized vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for periodic overnight lodging. This term also includes folding campers and truck mounted campers but does not include mobile homes.

Use – The lawful purpose for which land or premises or a structure or building thereon is designed, arranged, intended, or for which is occupied, maintained, let or leased for a use or activity.

Use, Accessory – A use or activity normally and naturally incidental to, subordinate to, and devoted exclusively to the principal use of the land or buildings, including all structures detached from the principal structure above and below ground; such as garages, sheds, barns, television satellite dishes, and designed surface structures and areas.

Use, Agricultural – Any use permitted in the F & FR Forest and Forest Recreation Zone in this Ordinance.

Use, Commercial – Any use permitted in the OSC, NSC and GSC Commercial and Planned Unit Development (PUD) Zones in this Ordinance.

Use, Industrial – Any use permitted in the “I” Industrial and Planned Unit Development (PUD) Zone in this Ordinance.

Use, Institutional – Any of the public or private organization uses permitted in this Ordinance.

Use, Land – The principal and accessory uses and activities being made of all land areas and buildings and structures located upon a lot or parcel.

Use, Principal – The primary or dominant use or activity to which a lot or parcel is put.

Use, Public – Any of the publicly-owned or leased uses of land, buildings or structures administered and operated by a public agency or official

Use, Residential – Any of the uses permitted in the Residential and Residential Planned Unit Development (PUD) zones in this Ordinance.

Use, Temporary – A use, activity, or building permitted to exist during period of construction of the main building or use, or for special events.

Yard – The open spaces on the same lot with a main building unoccupied and unobstructed from the ground up-ward, except as otherwise provided in this Ordinance and as defined herein.

Yard, Front – The open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.

Yard, Rear – The open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.

Yard, Side – The open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot to the nearest point of the main building.

Zoning Administrator – The public official hired by the Township Board for the purpose of issuing zoning permits for construction which is in compliance with the requirements of this Ordinance and the public official who also enforces the provision of this Ordinance to assure continued compliance with this Ordinance.

Zoning Board of Appeals – As used in this Ordinance, the term “Board of Appeals” means the Township Zoning Board of Appeals.

Zoning Commission – Means the same as Planning Commission.

Zoning District – A portion of the unincorporated area of the township within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.

Zoning Permit – A permit for commencing construction issued in accordance with a plan for construction that complies with all the provisions of this Zoning Ordinance.

Article III  
General Provisions

Section 3.01 – Establishment of Zoning Districts:

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

Article IV	F & FR	–	Resource Development District
Article V	F & FR	–	Agricultural Residential District
Article VI	RR	–	Rural Residential District
Article VII	UR	–	Urban Residential District
Article VIII	MFR	–	Multiple Family Residential District
Article IX	OSC	–	Office Service Commercial District
Article X	NSC	–	Neighborhood Service Commercial District
Article XI	GSC	–	General Service Commercial District
Article XIA	HSC	–	Highway Service Commercial District
Article XIB	HC	–	Heavy Commercial District
Article XII	I	–	Industrial District

Section 3.02 – Provisions for Official Zoning Map:

These districts, so established, are bounded and defined as shown on the map entitled: “Zoning Map of Higgins Township” adopted by the Township Board, and which with all notations, references and other information appearing thereon, is hereby declared to be a part of this Ordinance and of the same force and effect as if the districts shown thereon were fully set forth herein.

Section 3.03 – Changes to Official Zoning Map:

If, in accordance with the procedures of this Ordinance and ZEA , a change is made in a zoning district boundary, such change shall be made by the Township Clerk with the assistance of the Zoning Administrator promptly after the Ordinance authorizing such change shall have been adopted and published by the Township Board. Other changes in the Zoning Map may only be made as authorized by this Ordinance and such changes, as approved, shall also be promptly made by the Township Clerk.

Section 3.04 – Authority of Official Zoning Map:

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

Section 3.05 – Interpretation of Zoning Districts:

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

- A. A boundary indicated as approximately following the centerline of a highway, road, alley, railroad or easement shall be construed as following such centerline.
- B. A boundary indicated as approximately following a recorded lot line, a boundary of a parcel, section line, quarter section line, or other survey line shall be construed as following such line.
- C. A boundary indicated as approximately following the corporate boundary line of the township shall be construed as following such line.
- D. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in a shoreline shall be construed as following the actual shoreline.
- E. A boundary indicated as following the centerline of a stream, river, canal, lake or other body of water shall be construed as following such centerline.
- F. A boundary indicated as parallel to or an extension of a feature indicated in paragraphs A through E above shall be so construed.
- G. A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- H. All questions concerning the exact location of boundary lines of any zoning district not clearly shown on the Official Zoning Map shall be determined by the Zoning Board of Appeals consistent with the intent and purpose of this Ordinance.

Section 3.06 – Application and Interpretation of Regulations:

The regulations established by this Ordinance within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall be uniform for each permitted or approved use of land or building, dwelling and structure throughout each district. Variances of this Ordinance shall be allowed in accordance with the provisions of Article XX of this Ordinance.

Section 3.07 – Scope of Regulations:

- A. Except as may otherwise be provided in Article XX, herein every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of any existing building or structure occurring, and every enlargement of, or addition to an existing use, building and structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the zoning district in which such use, building, or structure shall be located.
- B. All buildings and structures, unless otherwise specified in this Ordinance, shall meet all the requirements of the Construction Code whenever applicable.
- C. Uses are permitted by right only if specifically listed as principal permitted uses in the various zoning districts or is similar to such listed uses. Accessory uses are permitted as listed in the various zoning districts or is similar to such listed uses, and if such uses are clearly incidental to the permitted principal uses. Special uses are permitted as listed or if similar to the listed special uses and if the required conditions are met.
- D. All uses, buildings, and structures shall conform to the area, placement, and height regulations of the district in which located, unless otherwise provided in this Ordinance.
- E. No part of a yard, or other open space, or off-street parking space or loading space required about or in connections with any use, building or structure, for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking lot or loading space similarly required for any other use, building or structure.
- F. No yard or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein.
- G. No lot, out lot or other parcel of land in a recorded plat shall be further partitioned or divided unless in conformity with the Zoning and Subdivision Control Ordinances of the Township and Public Act 288 of 1967, as amended, being the Land Division Act.

Section 3.08 – Conformance to Other Public Laws, Rules and Regulations:

All uses of land, buildings or structures shall conform to all applicable local, county, state and federal laws, rules and regulations that have been promulgated and administered by the respective responsible public agency or official as well as the provisions of the Zoning Ordinance.

### Section 3.09 – Conflicting Regulations:

Whenever there is a conflict between the provisions in this Ordinance the most restrictive provision shall prevail. Whenever there is a conflict between any provisions of this Ordinance and those contained in lawfully adopted county, state, federal or other governmental agency rules, regulations, ordinances or laws the provisions of this Ordinance shall prevail unless preempted by law.

### Section 3.10 – Zoning – Not a Vested Right:

The fact of any portion of the written test or districting on the map of this Zoning Ordinance is a function of the lawful use of the police power and shall not be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities in this Ordinance, and are subject to possible future change, amendment or modification as may be necessary to the present and future protection of the public health, safety and welfare of the Township.

### Section 3.11 – Site Plan Review Procedures:

All uses permitted under the provisions or consequence of this Zoning Ordinance, applying for a zoning permit, shall follow the requirements of Article XX, “Site Plan Review”, except that all farm dwellings, farm buildings and single family homes located on a single lot or parcel shall only be required to submit a site plan, prepared in accordance with those relative portions of Article XX, “Site Plan Review”, and submitted with the application for a zoning permit.

### Section 3.12 – Zoning Permits in Relation to Building Permits:

Prior to the issuance of any Building Permit in Higgins Township, it shall be necessary for any applicant for construction under the provisions of the Construction Ordinance to first apply for and obtain a zoning permit from the Zoning Administrator of Higgins Township in accordance with the provisions of this Zoning Ordinance.

### Section 3.13 – Permitted Zoning District Uses and Other Provision:

Each Zoning District and the uses it permits are designed to represent separate categories of compatible land uses. However, regulations controlling other Articles in this Zoning Ordinance may also appropriately apply, including those provisions included in Article SVI, “Supplemental Regulations”; Article XV, “Nonconforming Land, Building and Structural Uses”; Article XVIII, “Off-Street Parking, Loading and Unloading Requirements”; Article XIX, “Sign Regulations”; and Article XX, “Site Plan Review”. Applicants for zoning permits should relate their request to both the appropriate zoning district as to use and the above Articles for applicability.

### Section 3.14 – Continued Conformance with Regulations:

The maintenance of yards, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision areas, parking and loading spaces, signs and all other requirements for a building or use specified within this Ordinance shall be a continuing obligation of the owner of such building or property on which such building or use is located.



Section 3.15 – Wetland Development:

All “Wetland Areas” in the Township as designated by the Michigan Department of Natural Resources (DNR) shall be required to meet the provisions of this Ordinance and the provisions of Public Act 203 of 1979, “The Wetland Protection Act” and any rules promulgated by the Department of Natural Resources.

Section 3.16 – Project Planning and Plan Information from Other Agencies and Officials:

All township, county, school districts, state and federal agencies and officials are required to submit to the Planning Commission through the Zoning Administrator their planning programs and project plans relative to all building, structural and land improvements to be made within the Township prior to the final approval of site acquisition or construction plans and specifications by the respective township, county, school district, state and federal agencies and officials in accordance with MCL 125.330.

Section 3.17 – Conformance of Lots and Parcels to the Subdivision Control Act:

All uses permitted in any district shall be located on lots or parcels of land subdivided in accordance with the provisions of Public Act 288 of 1967, as amended, being the Land Division Act and the Subdivision Regulations of the Township adopted and in effect at the time.

Article IV  
F & FR Forest & Forest Recreation Zoning District  
Resource Development Land Use

Section 4.01 – Purpose:

The purpose of this District is to provide for the arrangement of land uses that are compatible with the conservation and preservation of large tracts of land presently having a most desirable natural environment that should not be disturbed, except minimally, for natural habitat for wildlife, native flora, natural water features including extensive wetlands and high water table soils, and other extensive land uses which retain the natural character of the area. Single family homes on exceptionally large lots will be provided for if the spacing of such homes is great enough to adequately handle on-site septic tanks and wells. This area will remain unserved by public sewer and water systems.

Section 4.02 – Permitted Principal Uses:

- A. Existing types of farming and related agricultural operations may continue and the same types of farming may be established in new locations within the District on at least twenty (20) acres of contiguous land and developed in accordance with the relevant provisions of the F & FR District.
- B. Non-farm single family dwellings, on lots, parcels or sites shall be at least one (1) acre in area, if analysis and findings of subsurface conditions indicate that the soil is primarily sand and the annual high water table is at least four (4) feet below the finished grade where the septic system tile field is to located; otherwise the lot, parcel or site shall be at least two (2) acres in area.
- C. Those uses permitted under the provisions of (1) Public Act 203 of 1979, “The Wetland Protection Act”, (2) Public Act 245 of 1929, “The Water Resources Conservation Act” (those Sections specific to Floodplains), and (3) Public Act 346 of 1972, “The Inland Lakes and Streams Act”.
- D. Public and private conservation areas, including necessary structures, to assure the preservation of water, soil, forest, wildlife, minerals, and open space, which are located on an area of at least twenty (20) contiguous acres of land.

Section 4.03 – Permitted Principal Special Uses with Conditions:

The following special uses of land, buildings and structures are permitted, subject to the provisions of Article XIII, “Special Uses”:

A. Permitted Special Uses

- 1. Public and private areas for nature study, forest preserves, hunting and fishing reservations, game refuges, fishing, boating, and other water related activity sites, extensive passive recreation facilities related to the natural environment, organized camping and campgrounds which are located on an area of at least twenty (20) contiguous acres of land.

2. Public and private areas to preserve natural open space, natural vistas, geological features, archeological sites and other significant natural and historical features and sites which are located on an area of at least twenty (20) contiguous acres of land.
3. Public, private or pet cemeteries which are located on an area of at least twenty (20) contiguous acres of land.
4. Public and private areas for golf courses, parks, playgrounds, resorts, recreation vehicle parks and swimming and court game clubs which are located on at least twenty (20) contiguous acres of land.
5. Electronic receiving, transmitting and relay facilities located on an area of land which has its minimum area determined by having the minimum distance in all directions from the perimeter of the base of the tower to the nearest property line at least equal to the height of the tower. The tower shall be enclosed by an open air fence of at least six (6) feet in height.
6. Extraction of sand, gravel, rock and minerals which are located on at least twenty (20) contiguous acres of land planned, operated and maintained in accordance with Article XIII "Special Uses" and specifically Section 13.15.

Section 4.04 – Permitted Accessory Uses:

- A. Buildings and structures customarily incidental to the operation of a principal use permitted in this District.
- B. Signs related to the permitted principal uses in this District, provided that all such signs shall conform to the requirements of Article XIX, "Sign Regulations".
- C. Home occupations normal and appropriate to the skills of the occupants of the principal use located on a lot or parcel in this District as conditioned by Section 16.21.
- D. Private residential swimming pools as conditioned by Section 16.20 located on the same lot or parcel with the principal residential structure.
- E. Farm vehicle and implement repair and maintenance in conjunction with farming or other principal agricultural use located on the same parcel.
- F. Herbicide, insecticide and fertilizer sales and application in conjunction with a farming or other principal agricultural use located on the same parcel.
- G. Grain, feed, cold and other storage of agricultural products in conjunction with farming or other principal agricultural use located on the same parcel.
- H. Sales of seed and other product sales in conjunction with farming or other principal agricultural use located on the same parcel.

## Section 4.05 – Permitted Accessory Uses with Conditions:

### A. Roadside Stands

In the F & FR District each farm may have one (1) roadside stand for the purpose of selling produce or other products principally raised or produced on that farm in the course of its permitted agricultural activity. The stand shall be located and constructed to meet the following requirements:

1. The structure shall not be more than one (1) story in height.
2. The floor area shall not be more than 400 square feet.
3. The stand shall be located no closer than forty (40) feet from the nearest highway pavement or other traveled surface. In no case, shall the stand occupy any part of the right-of-way.

### B. Mobile Homes As Accessory Dwellings

1. Permitted on forty (40) acres or more of land uses for agricultural production with the following conditions:
  - a) The parcel has a principal farm dwelling located on it.
  - b) The farm parcel is at least forty (40) acres in area for the first mobile home, and an additional forty (40) acres for each additional mobile home.
  - c) The occupants meet either one of the following conditions:
    - 1) have a direct family relationship to those persons occupying the principal farm dwelling.
    - 2) A full-time employee of the occupants of the principal farm dwelling and engaged in an agricultural occupation on the farm on which the mobile home is located.
2. Both 1. and 2. shall also meet the following additional conditions:
  - a) Mobile homes used for this purpose shall be limited to only one (1) per single family residential lot or one (1) per each forty (40) acres of a farm parcel.
  - b) Mobile homes used for this purpose shall have immediate and unlimited access to all facilities located in the principal dwelling or on the farm or single family residential lot for the maintenance of proper health and sanitation, including potable water and sanitary disposal facilities for solid and liquid wastes.

- c) All accessory mobile homes shall be located within the appropriate setback lines for the yard in which they are located, except that no accessory mobile home shall be located in a front yard of a principal dwelling.
- d) Zoning permits shall be approved by the Planning Commission and reviewed annually thereafter for continued need and compliance.
- e) Zoning permits issued for such use shall terminate at such time that any one or combination of the above conditions cease to be met.
- f) Prior to the issuance of a zoning permit the owners of the principal use shall post a five hundred dollar (\$500) financial guarantee as prescribed by the Township Board.

Section 4.06 – Dimensional Regulations:

- A. Lot Area: A permitted parcel shall have a minimum of ten (10) acres in area, except as otherwise may be provided in this Ordinance.
- B. Lot Width: minimum of one hundred fifty (150) feet at the required building set back line for lots, Parcels or sites with at least one (1) are in area and at least three hundred (300) feet at the required building set back line for lots, parcels or sites with at least two (2) acres in area.
- C. Lot Coverage: maximum of twenty (20) percent.
- D. First Floor Area: the minimum first floor area of a one (1) story dwelling 960 square feet, and for a two (2) story dwelling 700 square feet, and a minimum total of 960 square feet for both stories.
- E. Yard and Setback Requirements:
  - 1. Front Yard: minimum of fifty (50) feet from the road right-of-way line.
  - 2. Side Yards: minimum of fifteen (15) feet for each side yard, except where a side yard abuts a road right-of-way line; the minimum shall be fifty (50) feet.
  - 3. Rear Yard: minimum of fifty (50) feet.
- F. Height Limitations: maximum of thirty-five (35) feet for all dwellings and maximum of twenty-five (25) feet for all buildings accessory to dwellings; maximum of forty-five (45) feet for all agricultural buildings, except for grain elevators, silos, and windmills which shall not exceed 120 feet in height.

Article V  
F & FR Forest & Forest Recreation Zoning District  
Agricultural Residential Land Use

Section 5.01 – Purpose:

The purpose of this district is to provide for the compatible arrangement and development of parcels of land for residential building purposes in a pastoral, agricultural, woodland or open land setting, which will remain unserved by public water distribution and wastewater disposal systems in the foreseeable future, but which are suitable for large lot residential purposes, which can accommodate healthful on-site water supply and wastewater disposal, but which reserves and conserves that land which is most adaptable for present and future agricultural, woodland, natural resource and other extensive land uses.

Section 5.02 – Permitted Principal Uses:

- A. General farming
- B. Field crop, fruit, vegetable, horticultural, maple sugar production, annelid and similar types of specialized farming.
- C. Greenhouses and nurseries for trees, shrubs and plants.
- D. Raising and keeping of cattle, horses, ponies, sheep, goats, swine and similar livestock.
- E. Raising and keeping of rabbits, poultry and similar small animals
- F. On-site production and consumption of food for animals.
- G. Apiaries
- H. Hatcheries
- I. Public and semi-public buildings for the housing of public facilities, utilities and services.
- J. Public and private conservation areas and structures for water, soil, forest, wildlife, minerals and open space.
- K. Public and private areas for golf courses, golf driving ranges, country clubs, miniature golf courses, historical places, parks, playgrounds, beaches, resorts, swimming pool and court game clubs and organizational camping.
- L. Public areas for forest preserves, game refuges and similar uses.
- M. Cemeteries; public, private or pet.
- N. Conventional and manufactured single family dwellings on lots, parcels or sites shall be a least one (1) acre in area, if analysis and findings of subsurface conditions

indicate that the soil is primarily sand and the annual high water table is at least four (4) feet below the finished grade where the septic system tile field is to be located, otherwise the lot, parcel or site shall be a least two (2) acres in area under the provisions of Sections 16.38 and 16.39

M. Foster care facilities housing six (6) or less persons.

Section 5.03 – Permitted Principal Special Uses with Conditions:

A. Outdoor Kennels for Dogs

1. All dog kennels shall be operated in conformance with all applicable county, state and federal regulations; permits being valid no longer than one (1) year.
2. For dog kennels, the minimum lot size shall be one (1) acre for up to six (6) dogs and an additional one-sixth (1/6) acre for each one (10 additional dog.
3. Buildings wherein dogs are kept, dog runs, and/or exercise areas shall not be located nearer than 100 feet to any occupied dwelling or any building on an adjacent parcel used by the public and shall not be located in any required front, rear or side yard setback area.
3. Such facilities shall be under the jurisdiction of the Planning Commission, and subject to other conditions and requirements of said body deemed necessary to insure against the occurrence of any possible nuisance by requiring necessary minimum distances, berms, fencing, sound proofing and sanitary requirements.

B. Electronic receiving, transmitting and relay facilities

1. The minimum lot size shall be three (3) acres.
2. The lot shall be so located that at least one (1) property line abuts a public thoroughfare and the ingress and egress shall be directly upon said thoroughfare.
3. The front yard setbacks and side and rear yards for each tower from adjacent right-of-ways and/or property lines shall be not less than one and one-quarter (1.25) times the height of each tower above the ground.
4. Unless specifically waived by the Planning Commission, an open air fence between four (4) and six (6) feet in height shall be constructed on the boundary property lines.
5. Construction plans and supervision shall be done by an engineer licensed by the State of Michigan.

C. Agribusiness

An agribusiness shall be buildings, structures, lots, parcels, or parts thereof, which provide services, goods, storage, transportation or other activities directly related to the production of agricultural commodities. Permitted agribusinesses are listed below with the following conditions:

1. Minimum lot or parcel area shall be five (5) acres and minimum road frontage shall be 300 feet, except as otherwise required for specific uses listed.
2. All agribusiness uses shall be located at least 250 feet from all F & FR, RR, UR and MFR zoning district boundary lines, and existing residential structures located on adjacent properties.
3. All agribusiness uses shall meet the requirements of the State and County Health Departments for water supply, liquid and solid waste disposal and other applicable health and sanitation requirements.

Agricultural products, production and processing operations.

Agricultural products storage facilities.

Auctions for livestock.

Bulk feed and fertilizer outlets and distribution centers.

Farm machinery; sales, service, rental and repair.

Grain elevators for storage, drying and sales.

Grain and livestock truck and cartage facilities.

Greenhouses and nurseries.

Riding stables.

Sawmills.

Seed dealership outlets and distribution centers.

Veterinary hospitals, clinics and indoor kennels.

D. Permitted public and private institutions for human care, religion, education and other human social purposes.

1. The proposed site for any of the uses permitted herein which would attract persons from, or are intended to serve, areas beyond the immediate zoning district area shall have at least one (1) property line abutting a paved impermeable hard surface public road.



2. Front, side and rear yards shall be set back at least fifty (50) feet, and shall be landscaped in trees, shrubs, and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to screen the use from abutting residential lots and parcels.

Section 5.04 – Permitted Accessory Uses:

- A. Building and structures customarily incidental to the operation of a principal agricultural or other use permitted in the F & FR District.
- B. Building and structures customarily incidental to single family residential dwellings.
- C. Signs related to permitted uses, provided that all such signs shall conform to the requirements of Article XIX.
- D. Home occupation agricultural commercial enterprises, including, but not limited to, seed and other product sales as conditioned by Section 16.21.
- E. Private residential swimming pools as conditioned by Section 16.20.
- F. Farm implement and vehicle repair and maintenance.
- G. Herbicide, insecticide and fertilizer sales and application.
- H. Greenhouses and nurseries.
- I. Grain and feed storage facilities.
- J. Cold and other storage facilities for agricultural products.
- K. Customary home occupations, as conditioned by Section 16.21.

Section 5.05 – Permitted Accessory Uses with Conditions:

A. Roadside Stands

In the F & FR District each farm may have one (1) roadside stand for the purpose of selling produce or other products principally raised or produced on that farm in the course of its permitted agricultural activity. The stand shall be located and constructed to meet the following requirements:

1. The structure shall not be more than one (1) story in height.
2. The floor area shall not be more than 400 square feet.
3. The stand shall be located no closer than forty (40) feet from the nearest highway pavement or other traveled surface. In no case, shall the stand occupy any part of the right-of-way.

B. Mobile Homes as Accessory Dwellings

1. Permitted on forty (40) acres or more of land used for agricultural production with the following conditions:

- a) The parcel has a principal farm dwelling located on it.
- b) The farm parcel is at least forty (40) acres in area for the first mobile home, and an additional forty (40) acres for each additional mobile home.
- c) The occupants meet either one of the following conditions:
  - 1) Have a direct family relationship to those persons occupying the principal farm dwelling.
  - 2) A full-time employee of the occupants of the principal farm dwelling and engaged in an agricultural occupation on the farm on which the mobile home is located.

2. Permitted on a single family residential lot with the following conditions:

- a) The lot has a principal single family dwelling located upon it.
- b) The lot is a legal lot of record.
- c) The occupants have a direct family relationship to those persons occupying the principal dwelling.
- d) The occupants have a need as determined by their acquisition of a physician's certification prescribing the need for such housing during the period of illness or infirmity.

3. Both 1. and 2. immediately above shall also meet the following additional conditions:

- a) Mobile homes used for this purpose shall be limited to only one (1) per single family residential lot or one (1) per each forty (40) acres of a farm parcel.
- b) Mobile homes used for this purpose shall have immediate and unlimited access to all facilities located in the principal dwelling or on the farm or single family residential lot for the maintenance of proper health and sanitation, including potable water and sanitary disposal facilities for solid and liquid wastes.
- c) All accessory mobile homes shall be located within the appropriate setback lines for the yard in which they are located, except that no accessory mobile home shall be located in a front yard of a principal dwelling.
- d) Zoning permits shall be approved by the Planning Commission and reviewed annually thereafter for continued need and compliance.

- e) Zoning permits issued for such use shall terminate at such time that any one or combination of the above conditions cease to be met.
- f) Prior to the issuance of a zoning permit the owners of the principal use shall post a five hundred dollar (\$500) financial guarantee as prescribed by the Township Board.

Section 5.06 – Dimensional Regulations:

- A. Lot Area: A permitted parcel shall have a minimum of twenty (20) acres in area, except as otherwise may be provided in this Ordinance.
- B. Lot Width: minimum of one hundred fifty (150) feet at the building setback line for lots, parcels or sites with at least one (1) acre in area and at least three hundred (300) feet at the building set back line for lots, parcels or sites with at least two (2) acres in area.
- C. Lot Coverage: maximum of twenty (20) percent.
- D. First Floor Area: the minimum first floor area of a one (1) story dwelling 960 square feet, and for a two (2) story dwelling 700 square feet, and a minimum total of 960 square feet for both stories.
- E. Yard and Setback Requirements:
  - 1. Front Yard: minimum of fifty (50) feet from the road right-of-way line.
  - 2. Side Yards: minimum of fifteen (15) feet for each side yard, except where a side yard abuts a road right-of-way line, the minimum shall be fifty (50) feet.
  - 3. Rear Yard: minimum of fifty (50) feet.
- F. Height Limitations: maximum of thirty-five (35) feet for all dwellings and a maximum of twenty-five (25) feet for all buildings accessory to dwellings; maximum of forty-five (45) feet for all agricultural buildings, except for grain elevators, silos, and windmills which shall not exceed 120 feet in height.

Article VI  
RR Rural Residential District

Section 6.01 – Purpose:

The purpose of this district is to provide for single family housing neighborhoods free from other uses, except those which are (1) normally accessory and (2) compatible, supportive and convenient to the residents living within such a district. The size of lots and parcels in this district should be planned to be of such area and width so that they can sustain healthful on-site water supply and liquid wastewater disposal.

Section 6.02 – Permitted Principal Uses:

- A. Single family dwellings of conventional or manufactured construction on a minimum of one (1) acre parcel, if on-site water supply and wastewater disposal systems meet the requirements of the County Health Department and under the provisions of Section 16.38 and 16.39.
- B. Residential foster care facilities housing six (6) or less persons, provided each facility is located at least 1500 feet from another facility.
- C. Kennels provided that the number of dogs does not exceed two (2) per acre or two (2) per lot or parcel under two (2) acres.

Section 6.03 – Permitted Principal Special Uses with Conditions:

The following special uses of land, buildings and structures are permitted, subject to the provisions of Article XIII, “Special Uses”:

A. Permitted special uses:

- 1. Public buildings
- 2. Public recreational playgrounds
- 3. Non-profit recreation areas
- 4. Religious institutions
- 5. Health, educational and social institutions
- 6. Golf courses and country clubs
- 7. Child care centers

B. Above permitted uses subject to the following conditions:

- 1. The proposed site for any of the uses permitted herein shall have at least one (1) property line abutting an impervious hard service paved road, and the site shall be so planned as to provide all access directly to said road.

2. Front, side and rear yards shall be set back at least one hundred (100) feet, and shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to obscure the use from abutting residential lots and parcels.
3. Shall meet all other applicable requirements of this Zoning Ordinance.

Section 6.04 – Permitted Accessory Uses:

- A. Normal existing accessory uses to single family housing.
- B. Normal Accessory uses to permitted and approved “Special Uses”.
- C. Customary home occupations, as conditioned by Section 16.21.
- D. Private residential swimming pools, as conditioned by Section 16.20.

Section 6.05 – Dimensional Regulation:

- A. Lot Area: a single family residential parcel or lot shall have a minimum of one (1) acre, if the site analysis and findings of subsurface conditions indicate the soil is primarily sand and the annual high water table is at least four (4) feet below the finished grade where the septic system tile field is to be located on a lot, parcel or site.
- B. Lot Width: minimum of one hundred fifty (150) feet at the building setback line for lots, parcels or sites with at least one (1) acre in area and at least three hundred (300) feet at the building setback line for lots, parcels or sites with at least two (2) acres in area.
- C. Lot Coverage: maximum of thirty (30) percent.
- D. Floor Area: the minimum first floor area of a one (1) story dwelling 960 square feet, and for a two (2) story dwelling 700 square feet, and a minimum total of 960 square feet for both stories.
- E. Yard and Setback Requirements:
  1. Front Yard: minimum of fifty (50) feet from the road right-of-way, except as otherwise required in Section 6.03 B.2.
  - 2.
  3. Side Yards: minimum of twenty (20) feet for each side yard, except where a side yard abuts a road right-of-way line, the minimum shall be fifty (50) feet.
  4. Rear Yard: minimum of fifty (50) feet.
- F. Height Limitations: maximum of thirty-five (35) feet for all residential structures; a maximum of twenty-five (25) feet for all residentially related accessory structures.

Article VII  
UR – Urban Residential District

Section 7.01 – Purpose;

It is the purpose of Urban (UR) residential districts to provide for single family residential uses at reasonable non-pollutional densities in areas adjacent to lakes and in areas not having direct frontage on waterbodies. It is further the purpose to require lot areas large enough to protect Township lakes and groundwater from excessive pollution due to an over-concentration of septic tank systems, particularly in areas adjacent to waterbodies and in inland areas where groundwater's need to be protected because of on or off-site human use.

Section 7.02 – Permitted Principal Uses;

- A. Single family dwellings of conventional or manufactured construction on lots which meet the requirements of Section 7.06A or 7.06B and the provisions of Section 16.38.
- B. Residential foster care facilities housing six (6) or less persons, provided each facility is located 1,500 feet from another facility.

Section 7.03 – Permitted Principal Special Uses with Conditions:

The following special uses of land, buildings and structures are permitted subject to the provisions of Article XIII, "Special Uses":

- A. Permitted uses:
  - 1. Public buildings
  - 2. Public recreational playgrounds
  - 3. Non-profit recreation areas
  - 2. Religious institutions
  - 3. Health, educational and social institutions
  - 4. Golf courses and country clubs
  - 5. Child care centers
- B. Above permitted principal special uses subject to the following conditions:
  - 1. The proposed site for any of the uses permitted herein shall have at least one (1) property line abutting an impervious hard surface paved road, and the site shall be so planned as to provide all access directly to said road.
  - 2. Front, waterfront, side and rear yards shall be set back at least fifty (50) feet, except that the waterfront yard shall be considered as that part of any lot nearest

the shoreline of a body of water, and that for each foot of ground elevation above the minimum grade of four (4) feet above the established or mean level of the shoreline five (5) feet may be subtracted from the fifty (50) foot setback, however no structure above ground level shall be closer than thirty (30) feet from the shoreline. The waterfront yard shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or above ground structures permitted in these yards, except required entrance drives and those walls used to screen the use from abutting residential lots and parcels.

3. Shall meet all other applicable requirements of this Zoning Ordinance.

Section 7.04 – Permitted Accessory Uses:

- A. Normal existing accessory uses to single family housing and those additional normal waterfront accessory uses and activities, such as docks, decks, wharves, beaches, beach equipment and apparatus, boat houses, boat moorings, beach shelters, cabanas or small bathhouses and other existing or typical water front accessory uses, with the additional approval of the Michigan Department of Natural Resources or other public agency when required.
- B. Normal accessory uses to permitted and approves “Special Uses”, and those additional normal, typical and existing types of waterfront accessory uses and activities specific to approved “Special Uses”, with the additional approval of the Michigan Department of Natural Resources or other public agency when required.
- C. Customary home occupations, as conditioned by Section 16.21 required.

Section 7.05 – Permitted Accessory Uses with Conditions:

- A. Private swimming pools for use as a part of single family dwellings in conformance with provisions of Section 16.20.

Section 7.06 – Dimensional Regulations:

- A. Lot Area: minimum of 10,000 square feet with public or common sewer and water.
- B. Lot Area: minimum of 20,000 square feet, if lot or parcel does not have public sewer or water available and on-site water supply and wastewater disposal systems are both permitted and approved by the County Health Department.
- C. Lot Width: minimum of 80 feet for A. above and 100 feet for B. above.
- D. Lot Coverage: maximum of 30%.
- E. Floor Area: the minimum first floor area of a one (1) story dwelling 960 square feet, and for a two (2) story dwelling 700 square feet on the first floor and a minimum total of 960 square feet for both stories

F. Yard and Setback Requirements:

1. Front Yard: minimum of fifty (50) feet from the road right-of-way line, and shoreline of any surface water feature, except as otherwise required in Section 7.03 B.2 and unless a greater setback from the waterline is required by the Michigan Department of Natural Resources or other public agency when required.
2. Side Yards: minimum of twenty (20) feet for each side yard, except where a side yard abuts a road right-of-way line, the minimum shall be fifty (50) feet.
3. Rear Yard: minimum of fifty (50) feet.

G. Height Limitations: maximum of thirty-five (35) feet for residential structures; a maximum of twenty-five (25) for all residentially related accessory structures.



Article VIII  
MFR Multiple Family Residential District

Section 8.01 – Purpose:

The purpose of this district is to provide a relatively small and less expensive type of housing, as well as a broader range of choice of housing types to people who desire to live in the Township in condominium, owner or rental units, and their normal accessory uses which are compatible, supportive or convenient to the residents living within such a district. The buildings containing the dwelling units may be in a single or group building arrangements having group use facilities held in common to which all residents have equal access and share equally in the financing or operation and maintenance. These developments will only be allowed to develop if they can be connected to a public or common water supply system or wastewater sanitary sewer system or both if available.

Section 8.02 – Permitted Principal Uses:

- A. Multiple family dwelling structures, including duplexes, triplexes, quadruples, garden apartments, townhouses, and other similar types of multi-family dwelling unit buildings.
- B. Existing single family dwellings.

Section 8.03 – Permitted Principal Special Uses with Conditions:

The following special uses of land, buildings and structures are permitted subject to the provisions of Article XIII, “Special Uses”:

A. Permitted Uses:

- 1. Public buildings
- 2. Public recreational playgrounds
- 3. Non-profit recreation areas
- 4. Religious institutions
- 5. Educational and social institutions
- 6. Golf courses and country clubs
- 7. Child care centers

B. Above permitted uses subject to the following conditions:

- 1. The proposed site for any of the uses permitted herein shall have at least one (1) property line abutting an impervious hard surface pave road, and the site shall be so planned as to provide all access directly to said road.

2. Front, side and rear yards shall be set back at least seventy-five (75) feet and shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to screen the use from abutting residential lots and parcels.
3. Shall meet all other applicable requirements of this Zoning Ordinance.

Section 8.04 – Permitted Accessory Uses:

- A. Normal accessory uses to multiple family dwelling units.
- B. Customary home occupations in existing single family homes, as conditioned by Section 16.21.

Section 8.05 – Permitted Accessory Uses with Conditions:

- A. Private swimming pools as a part of the multiple family housing development for use in common by all residents who will finance the operation and maintenance of such facilities in conformance with the provisions of Section 16.20.
- B. Common open space and recreation areas and facilities as a part of the multiple family housing development for use in common by all residents who will be required to finance the operation and maintenance of such facilities.
- C. Drives and off-street parking areas in accordance with Section 8.07 C. and D.
- D. Recreation, meeting and other group activity facilities located in buildings or as a part of a structure developed as a part of the multiple family housing project for the common use and enjoyment by all residents who will be required to operate and maintain such facilities and financed through a non-profit association representing the owners and renters.

Section 8.06 – Dimensional Requirements except as otherwise specified in this Ordinance:

- A. Lot Area: The first multiple family dwelling unit in a residential structure shall occupy a lot or parcel comprising not less than one-half (1/2) acre, and meet the requirements of Section 8.07 B. Each additional multiple family dwelling unit shall require the following additional lot or parcel area:
  1. Efficiency.....2,000 square feet
  2. One bedroom .....2,500 “ “
  3. Two bedroom.....3,500 “ “
  4. Three bedroom.....5,000 “ “
  5. Four bedroom.....6,500 “ “
  6. Extra bedrooms over four.....1,500 “ “
- B. Lot Width: minimum of 200 feet
- C. Lot Coverage: maximum of 30%

- D. Number of Dwelling Units per Gross Acre: eight (8) dwelling units
- E. Yard and Set back Requirements:
  - 1. Front Yard: minimum of fifty (50) feet from the road right-of-way line, except as otherwise required in Section 8.03 B. 2.
  - 2. Side Yards: minimum distance equal to the maximum height of the structures, except where a side yard abuts a road right-of-way line, the minimum shall be fifty (50) feet.
  - 3. Rear Yard: minimum of fifty (50) feet.
- F. Height Limitations: maximum of three (3) stories or thirty five (35) feet, except that detached accessory structures shall not exceed twenty (20) feet.
- G. Spacing Between Buildings: shall be at least the height of the height of the abutting buildings.
- H. Floor Area Requirements: minimum standards for total floor area for each type of multiple family dwelling unit shall be as follows:
  - 1. Efficiency.....450 square feet
  - 2. One bedroom.....600 “ “
  - 3. Two bedroom.....750 “ “
  - 4. Three bedroom.....900 “ “
  - 5. Each additional bedroom.....150 “ “

I. Number of Multiple Family Dwelling Units per Building:

To promote the safety of residents of multiple family residences, in terms of fire protection, no multiple family residential structure shall contain more than twelve (12) dwelling units.

Section 8.07 – Other Requirements:

- A. All multiple family dwelling units shall be connected to the available common or public water supply system and wastewater sanitary sewer system on a permanent basis.
- B. Open spaces comprising at least 10% of the total gross area of the project and planned and built as a common facility to be used, operated and maintained by the developer or a non-profit association representing the property owners and financed by means of a monthly or annual assessment.
- C. Ingress and egress shall be provided from an impervious hard surface paved road. Drives shall be located at least twenty (20) feet from any building.

- D. Off-street parking shall be provided in accordance with Article XX, "Off-Street Parking" with parking spaces located within 200 feet of an entrance to the building for which the parking is designated. Each dwelling unit shall be provided with at least one (1) parking space.
- E. When a Multiple Family Residential lot or parcel abuts parcels other than those located in an MFR "Multiple Family Residential District", a twenty five (25) foot wide buffer shall be provided within the MFR lot or parcel yard. The buffer area shall be bermed and landscaped with trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or other structures permitted in buffer areas, except required entrance drives and those walls, fences or plantings necessary to screen the MFR use from abutting single family residential lots and parcels.
- F. The outdoor storage of goods, materials, trash or garbage is not permitted, except as provided in Section 16.23.

Article VIII A  
MHR Mobile Home Residential District

Section 8A.01 – Purpose:

It is the intent of this District to provide an area in the Township where Mobile Homes can be located exclusively for the purpose of providing families who prefer this type of housing to conventionally built housing and further to provide for others seeking such housing to assemble in the same District.

Section 8A.02 – Permitted Principal Uses:

- A. Single family mobile home on lots which meet the requirements of Section 8A.05A or 8A.05B.

Section 8A.03 – Permitted Principal Special Uses with Conditions:

- A. The following special uses of land, buildings and structures are permitted subject to the provisions of Article XIII, “Special Uses”:
  - 1. Public recreational playgrounds on at least 10 acres.
  - 2. Non-profit recreation areas on at least 10 acres.
  - 3. Religious institutions on at least 5 acres.
  - 4. Educational and social institutions on at least 10 acres.
  - 5. Child care centers on at least 2 acres.
- B. Above permitted principal special uses are subject to the following conditions:
  - 1. The proposed site for any of the uses permitted herein shall have a least one (1) property line abutting an impervious hard surface paved road, and the site shall be so planned as to provide all access directly to said road.
  - 2. Front, waterfront, side and rear yards shall be set back at least one-hundred (100) feet, and shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to screen the use from abutting residential lots and parcels.
  - 3. Shall meet all other applicable requirements of this Zoning Ordinance.

Section 8A.04 – Permitted Accessory Uses:

- A. Normal existing accessory uses to single family housing.
- B. Normal accessory uses to permitted and approved “Special Uses”.

C. Customary home occupations and home businesses, as conditioned by Section 16.21.

Section 8A.05 – Dimensional Regulations:

- A. Lot Area: minimum of 10,000 square feet with public or common sewer and water.
- B. Lot Area: minimum of 20,000 square feet, if lot or parcel does not have public sewer or water available and on-site water supply and wastewater disposal systems are both permitted and approved by the County Health Department.
- C. Lot Width: minimum of 100 feet for A. above and 150 feet for B. above.
- D. Lot Coverage: maximum of 30%.
- E. Floor Area: The minimum floor area of a mobile home shall be 720 are square feet, excluding all additions to the basic mobile home structure.
- F. Yard and Setback Requirements
  - 1. Font Yard: minimum of fifty (50) feet from the road right-of-way line or as required by the Master Plan for Roads and Highways, whichever is greater, and shoreline of any surface water feature, except as otherwise required in Section 6.03 B. 2. and unless a greater setback from the waterline is required by the Michigan Department of Natural Resources or other public agency when required.
  - 2. Side Yards: minimum of twenty (20) feet for each side yard, except where a side yard abuts a road right-of-way line, the minimum shall be fifty (50) feet.
  - 3. Rear Yard: minimum of fifty (50) feet.
- G. Height Limitations: maximum of fifteen (15) feet for a mobile home structure; a maximum of twenty-five (25) feet for all mobile home residentially related structures.

Article IX  
OSC Office Service Commercial District

Section 9.01 – Purpose:

This district is intended to provide the necessary professional, administrative, personal, technical and scientific offices and related services as the principal uses. Any sale of retail goods are intended to be only incidental to or normally accessory to such principal uses. Small office uses are intended to function as transition areas between commercial uses and residential uses.

Section 9.02 – Permitted Principal Uses:

The following uses are permitted as long as they are conducted completely within a building or structure:

- A. Offices for professionally, commercially, technically and scientifically skilled persons who provide a personal or commercial service.
- B. Medical and dental clinics and laboratories.
- C. General office buildings in which no manufacturing, trading or selling of goods is conducted on site, except as otherwise provided in this Ordinance.
- D. Financial institutions.
- E. Educational and training facilities.
- F. Public, organizational and institutional offices.
- G. Research laboratories provided that no heavy mechanical equipment is used in the formal operation of the laboratories and provided that the character of its research would not make it objectionable because of dust, smoke, glare, sound, odor or vibration beyond the property lines of the site upon which they are located.

Section 9.03 – Permitted Accessory Uses:

- A. Normal accessory uses to “Permitted Principal Uses”.
- B. Incidental services provided for employees and visitors connected with the principal use, including childcare centers, recreational and physical health facilities, swimming pools, conference, educational, library and meeting facilities, sales display facilities and maintenance, storage and repair facilities.
- C. Incidental commercial services that serve only the occupants and guests of the offices and have access only from inside or immediately adjacent to the building in which the occupants and guests are located, including restaurants, lunch counters, newsstands, barber and beauty shops, banking facilities, overnight housing of guests, parking ramps and emergency medical facilities.

- D. Customary home occupations in existing single family homes, as conditioned by Section 16.21.

Section 9.04 – Dimensional Requirements Except as Otherwise Specified in this Ordinance:

- A. Lot Area: minimally adequate to accommodate all of the specific requirements for lot area coverage, off-street parking, yards and setbacks from roads and highways and other requirements specified for particular uses in this Ordinance.
- B. Lot Width: minimally adequate to accommodate the building width, required yards and off-street parking.
- C. Lot Coverage: maximum of 25% for all principal and accessory buildings.
- D. Yard and Setback Requirements:
1. Front Yard: minimum of fifty (50) feet from all road or highway right-of-way lines.
  2. Side Yards: minimum of twenty (20) feet for one (1) side yard, but a minimum total of fifty (50) feet for both side yards.
  3. Rear Yard: maximum of (40) feet.
- E. Height Limitations: maximum of forty (40) feet.
- F. Locational Requirements:
1. The site shall have at least one (1) property line abutting a major road or highway arterial, as defined in the Master Plan, upon which it fronts and from which it has the most direct vehicular access by means of a frontage service road when required.
  2. All vehicular ingress and egress shall be from an acceleration and deceleration lane connected to a frontage access road located parallel and adjacent to the major road or highway arterial upon which the site fronts and from which the site has the most direct vehicular access.
  3. No interior display of goods shall be visible from the interior to the exterior for direct commercial retail purposes designed to attract customers external to the principal use buildings and structures.
  4. The outdoor storage of goods, materials, trash or garbage is not permitted, except as provided in Section 16.23.



Article X  
NSC Neighborhood Service Commercial District

Section 10.01 – Purpose:

This district has the intent of providing areas wherein retail trade and service outlets can be located in order to satisfy the day-to-day needs of the residents in the immediate neighborhood.

Section 10.02 – Permitted Principal Uses:

The following uses are permitted as long as the use is conducted completely within an enclosed building:

- Art merchandising studios
- Bakeries
- Barber and beauty shops
- Bicycle stores
- Book and Stationary stores
- Clothing stores
- Delicatessens
- Drug stores
- Dry cleaning and laundry and dry cleaning stores
- Dry goods and notion stores
- Educational and social institutions
- Furniture stores
- Gift shops
- Greenhouses and nurseries
- Hardware and paint stores
- Household appliance stores
- Interior decorator shops
- Jewelry stores
- Medical and Dental offices in complexes which may include:
  - Garment & prosthetic appliance stores
  - Medical, Dental, Optical Laboratories
  - Pharmacies
- Music stores
- Novelty shops
- Office supply stores
- Offices for:
  - Finance
  - Insurance
  - Professionals
  - Real estate
- Pet stores
- Photographic studios
- Professional health care services
- Public buildings
- Public service installations
- Religious institutions
- Restaurants
- Self-service laundry and dry cleaning stores

Shoe shine and repair shops  
Sporting Goods Store  
Toy stores  
Tailor and dressmaker shops  
Temporary buildings in construction projects  
Variety stores  
Veterinary hospitals

Miscellaneous –

Business management consultants  
Business service stores  
Consumer credit reporting agencies  
Mailing and stenographic services

Section 10.03 – Permitted Principal Special Uses with Conditions:

- A. Automotive gasoline and service stations in accordance with the provisions of Article XIII, “Special Uses” for this use.
- B. Drive-in retail and service establishments in accordance with the provisions of Article XIII, “Special Uses” for these uses.
- C. Planned Shopping Centers in accordance with the provisions of Article XIII, “Special Uses” for a collective grouping of two (2) or more of the principal uses permitted in this district.

Section 10.04 – Permitted Accessory Uses:

- A. Normal accessory uses to all “Permitted Principal Uses”.
- B. Normal accessory uses to all “Permitted Principal Special Uses”.
- C. Customary home occupations in existing single family homes, as conditioned by Section 16.21.

Section 10.05 – Dimensional Requirements, Except as Otherwise Specified in this Ordinance:

- A. Lot Area: minimum of one (1) acre per principal use, except where a lot or parcel is served by a public or common water supply system and a public wastewater sewer and treatment system, in which use the lot or parcel may have a minimum area of 10,000 square feet per principal use. Planned Shopping Centers shall meet the requirements of Article XIII, “Special Uses” for a collective grouping of two (2) or more of the uses permitted in this district.
- B. Lot Width: minimum of 150 feet at building setback line, when on-site well water supply and septic tank wastewater disposal systems are used, or a minimum of 80 feet at building setback line, when public or common water supply and wastewater systems are directly accessible to the lot or parcel.
- C. Lot Coverage: maximum of 25%

D. Yard and Setback Requirements:

1. Front Yard: minimum of fifty (50) feet from all road or highway right-of-way lines.
2. Side Yards: minimum of ten (10) feet for one (1) side yard, but a minimum total of twenty five (25) feet for both side yards.
3. Rear Yard: minimum of fifty (50) feet.

E. Height Limitations: maximum of thirty-five (35) feet, except that a detached accessory structure shall not exceed twenty (20) feet.

F. Locational Requirements:

1. The site shall have at least one (1) property line abutting a major road or highway arterial, as defined in the Master Plan, upon which it fronts and from which it has its most direct vehicular access by means of a frontage access road, when required.
2. All vehicular ingress and egress shall be from an acceleration and deceleration lane to a frontage access road located parallel and adjacent to the major road or highway arterial upon which it fronts and has its most direct vehicular access.
3. The outdoor storage of goods, materials, trash and garbage is not permitted, except as provided in Section 16.23.

Article XI  
GSC General Commercial District

Section 11.01 – Purpose:

This district has the intent of providing areas wherein retail trade and service outlets can be located which are convenient to the residents of several neighborhoods and the owners, employees, guests and customers of office, other commercial, industrial and agricultural uses and activities in the Township and adjacent municipalities.

Section 11.02 – Permitted Principal Uses:

- All NSC uses
- Auto parts stores
- Automobile service stations
- Bowling alleys, pool halls and mechanical amusement centers
- Building material stores
- Car washes
- Commercial garages
- Commercial, private or business schools
- Drive-in businesses
- Drive-in restaurants
- Farm implement stores
- Fast food restaurants
- Funeral homes
- Garden stores
- Golf driving ranges
- Indoor kennels
- Miniature golf courses
- Mini-warehousing
- Mortuaries
- Motels and hotels
- New and used automobiles
- New and used boats
- New and used campers, recreational vehicles and trailers
- New and used mobile homes
- New and used motorcycles
- Printing and publishing establishments
- Public service and utility installations
- Second-hand stores with no outside storage
- Service and repair shops
- Temporary buildings
- Temporary and transient amusement enterprises
- Theatres, indoor and outdoor
- Veterinary clinics
- Veterinary hospitals
- Warehouses

Section 11.03 – Permitted Principal Special Uses with Conditions:

Planned Shopping Centers in accordance with the provisions of Article XIII, “Special Uses” for a collective grouping of two (2) or more of the principal uses permitted in this district.

Section 11.04 – Permitted Accessory Uses:

- A. Normal accessory uses to all “Permitted Principal Uses”.
- B. Normal accessory uses to all “Permitted Principal Special Uses”.
- C. Customary home occupations in existing single family homes, as conditioned by Section 16.21.

Section 11.05 – Dimensional Requirements, Except as Otherwise Specified in this Ordinance:

- A. Lot Area: minimum of one (1) acre per principal uses, except where a lot or parcel is served by a public or common water supply system and public wastewater sewer and treatment system, in which uses the lot or parcel may have a minimum area of 10,000 square feet per principal use. Planned Shopping Centers shall meet the requirements of Article XIII, “Special Uses” for a collective grouping of two (2) or more of the uses permitted in this district.
- B. Lot Width: minimum of 150 feet at building set back line, when on-site well water supply and septic tank wastewater disposal systems are used, or a minimum of 80 feet at building set back line, when public or common water supply and wastewater sewage and treatment systems are directly accessible to the lot or parcel
- C. Lot Coverage: maximum of 25%
- D. Yard and Setback Requirements:
  - 1. Front Yard: minimum of fifty (50) feet from all road or highway right-of-way lines.
  - 2. Side Yards: minimum of ten (10) feet for one (1) side yard, but a minimum total of twenty five (25) feet for both side yards.
  - 3. Rear Yard: minimum of fifty (50) feet.
- E. Height Limitations: maximum of thirty five (35) feet, except that a detached accessory structure shall not exceed twenty (20) feet.
- F. Locational Requirements:
  - 1. The site shall have at least one (1) property line abutting a major road or highway arterial, as defined in the Master Plan, upon which it fronts and from which it has its most direct vehicular access by means of a frontage access road, when required.

2. All vehicular ingress and egress shall be from an acceleration and deceleration lane or a frontage access road located parallel and adjacent to the major road or highway arterial upon which it fronts and has its most direct vehicular access.
3. The outdoor storage of goods, materials, trash or garbage is not permitted, except as provided in Section 16.23.

Article XIA  
HSC Highway Service Commercial District

Section 11A.01 – Purpose:

The highway service commercial district is designed to provide for servicing the needs of highway traffic at the interchange areas of public roads and highways facilities. The avoidance of undue congestion on public roads, the promotion of smooth traffic flow at the interchange area and on the highway, and the protection of adjacent properties in other districts from the adverse influences of traffic are prime considerations in the location of the district.

Section 11A.02 – Permitted Principal Uses:

The following uses are permitted as long as they are conducted completely within a building, except as otherwise provided for specific uses:

- A. Vehicle service and repair stations for automobiles, trucks, busses and trailers.
- B. Emergency facilities related to highway travelers.
- C. Parking garages and parking areas.
- D. Parking areas, if enclosed by a four (4) foot high fence, wall or berm. All berms shall be completely planted with grass, ground covers, shrubs, vines and trees.
- E. Bus passenger stations.
- F. Retail and service establishments providing foods and services, which are directly needed by highway travelers.
- G. Transient lodging facilities, including motels and hotels.

Section 11A.03 – Permitted Principal Special Uses with Conditions:

The following uses are permitted as long as they are conducted completely within a building, except as otherwise provided for specific uses, and located in the District so as not to interfere with or interrupt the pattern of development of the “Permitted Principal Uses” in Section 11A.02 and shall further meet the requirements of Article XIII, “Special Uses”:

- A. Recreation and sports buildings.
- B. Recreation and sports areas, if areas are completely enclosed with fences, walls or berms with controlled entrances and exits.

Section 11A.04 – Permitted Accessory Uses:

- A. Normal accessory uses to all “Permitted Principal Uses”.
- B. Normal accessory uses to all “Permitted Principal Special Uses”.

Section 11A.05 – Permitted Accessory Uses with Conditions:

Swimming Pools for use as a part of a Highway Service Commercial District. Use in conformance with the provisions of Section 16.20.

Section 11A.06 – Required Conditions of All District Uses:

All principal and accessory uses in this District shall be required to meet the following conditions, except as otherwise specified for specific uses:

- A. Barriers: All development shall be physically separated from public road by a curb and planting strip or other suitable barrier. Such barrier shall effectively prevent unchanneled vehicle ingress or egress except by approved access ways.
- B. Accessways: Each separate use, grouping of buildings or groupings of uses as a part of a single planned development shall not have more than two (2) access ways from a public road. Such access way shall not be located closer than 300 feet to the point of intersection of an interstate highway entrance or exit ramp baseline and the public road centerline do not intersect, no access way shall be located closer than 300 feet from the point of tangency of the interstate highway ramp baseline and the public road centerline. In those instances where properties fronting on a public road are of such width or ware in multiple ownership, and the access ways to property cannot be provided in accord with the minimum 30 feet distance from the intersection of the public road or entrance or exit ramps of an interstate highway, a frontage access road shall be provided to service such properties.

Section 11A.07 – dimensional Requirements, Except as Otherwise Specified in this Ordinance:

- A. Lot Area: Minimum of one (1) acre, except where a lot or parcel is served by a public or common water supply system and a public wastewater sewerage and treatment system, in which use the lot or parcel may have a minimum area of 10,000 square feet. Highway Service Uses shall meet the requirements of Article XIII, “Special Uses” for a collective grouping of two (2) or more of the principal uses permitted in this District.
- B. Lot Width: Minimum of 150 feet at building setback line when on-site well water supply and septic tank wastewater disposal systems are used or a minimum of 80 feet at building setback line when public or common water supply and wastewater sewerage and treatment systems are directly accessible to the lot or parcel.
- C. Lot Coverage: Maximum of 25%
- D. Yard and Setback Requirements:
  - 1. Front Yard: Minimum of fifty (50) feet from all road right-of-way lines.
  - 2. Side Yards: Minimum of ten (10) feet for one (1) side yard, but a minimum total of twenty-five (25) feet for both side yards.
  - 3. Rear Yard: Minimum of fifty (50) feet.



E. Height Limitations: Maximum of two (2) stories or thirty-five (35) feet, except that a detached accessory structure shall not exceed 20 feet.

F. Locational Requirements:

1. The site shall have at least one (1) property line abutting a major road or highway arterial, as defined in the Master Plan, upon which it fronts and from which it has the most direct vehicular access by means of a frontage access road, when required.
2. All vehicular ingress and egress shall be from an acceleration and deceleration lane or a frontage access road located parallel and adjacent to the major road or highway arterial upon which it fronts and has its most direct vehicular access.
3. The outdoor storage of goods, materials, trash, or garbage is not permitted, except as provided in Section 16.23.

Article XIB  
HC Heavy Commercial District

Section 11B.01 – Purpose:

The purpose of the “HC” Heavy Commercial District is to provide for those commercial uses that do not cater directly to small numbers of individual consumers of goods and services through small retail outlets, but rather provide goods and services on a warehouse, wholesale, bulk, mass or major scale which are offered to major and bulk purchasers and retail and service outlets that in turn provide goods and service on an individual item basis to individual consumers. It is also the intent of this District to provide for transportation and related service facility uses necessary to the transporting, distributing, transferring, handling and warehousing of bulk goods and services.

Section 11B.02 – Permitted Principal Uses:

- A. Facilities necessary to the operation of all existing methods of transportation, including those for highway, rail and air, including truck terminals and railroad sidings.
- B. Warehousing and related bulk handling facilities, equipment and support services.
- C. Bulk handling of commercial and industrial services and related facilities, equipment and support services.
- D. Contractor buildings, structures and equipment and materials; storage yards for building and other types of construction.
- E. Building Material supply establishments.

Section 11B.03 – Permitted Principal Special Uses with Conditions:

- A. Bulk storage and distribution facilities for petroleum products, paints and chemicals.

Section 11B.04 – Permitted Accessory Uses:

- A. Accessory buildings and uses customarily incidental to above named principal permitted uses.
- B. Signs in accordance with the relevant requirements detailed in Article XIX (Sign Requirements), herein.
- C. Towers in accordance with the relevant requirements detailed in Article XVI (Supplemental Regulations), herein.
- D. Outdoor storage of goods or materials when directly related to adjoining businesses and when properly screened.

Section 11B.05 – Dimensional Requirements:

A. Lot Area:

1. Minimum of 80,000 square feet if on-site water supply and wastewater disposal are to be used.
2. Minimum of 40,000 square feet if public sanitary sewer and wastewater treatment facilities are to be used.

B. Lot Width:

1. Minimum of 200 feet for A (1) above.
2. Minimum of 120 feet for A (2) above.

C. Lot Coverage: Maximum of 50%.

D. Yard and Setback Requirements:

1. Front Yard: Minimum of fifty (50) feet from all road and highway right-of-way lines.
2. Side Yard: Minimum of twenty-five (25) feet, except that if adjacent to a Residential District the side yard shall be a minimum of fifty (50) feet.
3. Rear Yard: Minimum of fifty (50) feet.

E. Height Limitations: Maximum of thirty-five (35) feet.

F. Locational and Site Development Requirements:

1. The site shall have its frontage and principal access from a hard surface paved year-round road, including the road system connecting it to designated state and highway routes, by means of a frontage access road; when required. The principal hard surface access road shall have connecting access to a major road or highway arterial, as defined by the Master Plan.
2. Each parcel or use as developed shall provide an off-public street driveway connection to parcels and uses adjacent to their side lot lines so as to provide automotive access between parcels.
3. All uses shall meet the requirements for off-street parking and loading and unloading as specified in Article XVIII.

4. If an HC zoned parcel adjoins a Residential Zoning District, an earth berm at least three (3) feet in height shall be constructed and planted with permanent grass cover and tree and shrub nursery stock that will grow into an effective screen planting of not less than six (6) feet in height above the three (3) foot minimum height of the berm. At least 50% of the nursery stock shall be evergreens. The maximum slope of the berm shall not exceed a 25% slope (4) foot run to a foot rise.

Article XII  
I Industrial District

Section 12.01 – Purpose:

It is the intent of this district to provide for the development of sites for industrial plants in which the manufacture of goods in the form of finished or semi-finished products or the assembly, compounding, or treatment of product parts or ingredients in order to create finished or semi-finished goods for sale to other industrial manufacturers, or to bulk or wholesale commercial purchasers. It is the further intent of this district to permit only those industrial manufacturing uses having use, performance or activity characteristics which emit a minimum amount of discernible noise, vibration, smoke, dust, dirt, glare, toxic materials, offensive odors, gases, electromagnetic radiation or any other physically adverse effect to the extent that they are abnormally discernible beyond the lot lines of the parcel or site upon which the industrial manufacturing activity is located.

Section 12.02 – Permitted Principal Uses:

The following uses are permitted as long as they are conducted completely within a building, structure or an area enclosed and screened from external visibility beyond the lot lines of the parcel upon which the use is located, except as otherwise provided in this Ordinance:

- Dry bulk blending plants
- Electrical and electronic equipment manufacturers
- Fabricated metal products
- Jobbing and machine shops
- Metal plating and finishing
- Monument and cut stone manufacturers
- Plastic products forming and molding
- Printing and publishing
- Processing of machine parts
- Public service and utility facilities, but only during construction of:
  - Permanent buildings and structures, and provided that they are removed immediately upon completion.
- Research and development establishments
- Trade and industrial schools
- Wood industries, except wood distillation

Section 12.03 – Permitted Principal Special Uses with Conditions:

Planned Industrial Parks in accordance with the provisions of Article XIII, “Special Uses” for the collective grouping of two (2) or more of the principal uses permitted in this district.

Section 12.04 – Permitted Accessory Uses:

The following uses are permitted when they are an integral part of the building or structure or are included as a part of the site development upon which the principal use is located:

- Banking
- Caretakers’ quarters

Customary home occupations in existing single family homes, as conditioned by Section 16.21

Education, library and training facilities

Medical and health care facilities

Normal accessory uses to all Permitted Principal Uses

Office facilities

Recreation and physical fitness facilities

Research and experimentation facilities

Restaurants

Sales display facilities and area

Truck and equipment service, maintenance, repair and storage facilities

Warehouse and storage facilities

Work clothing sales and service facilities

Section 12.05 – Required Conditions for All District Uses:

- A. Access Roads: all uses shall only have vehicular access via a year' round hard surface paved road, including the road system which connects it to the state and federal designated highway routes, by means of a frontage access road, when required.
- B. Barriers: all development for the permitted uses shall be physically separated from access roads by a curb and a planting strip or other suitable barrier. Such barrier shall effectively prevent unchanneled vehicle ingress or egress, except by approved accessways or driveways.
- C. Screening: when adjacent to or across the road from existing residential developments or zoning districts an industrial use of a lot or parcel shall provide a landscaped greenbelt or wall screen in accordance with Section 16.30.
- D. Sewage Disposal: Permitted industrial uses shall be served by a public sewer service or an approved packaged sanitary treatment facility, approved by the County Health Department. All packaged treatment plant facilities shall provide a minimum of secondary level treatment and shall meet all other applicable federal, state, and local standards and regulations. The effluent from same shall be disposed of in a manner and method which conforms to or exceeds the minimum standards of the State of Michigan Water Resources Commission and the County Health Department. The collection system used in conjunction with a packaged treatment facility shall be located and designed to readily connect into a future public sewer service system without the need for reconstruction of any main or lateral sewer links.
- E. Toxic Waste Disposal: All toxic wastes shall be disposed of in accordance with all state or federal laws, rules and regulations governing the disposal of specific toxic substances.

Section 12.06 – dimensional Requirements, Except as Otherwise Specified in this Ordinance:

- A. Lot Area: minimum of two (2) acres per principal use, except where a lot or parcel is served by a public or common water supply system and a public wastewater sewage

and treatment system, in which use the lot or parcel may have a minimum area of 40,000 square feet per principal use.

- B. Lot Width: minimum of 200 feet at building setback line when on-site well water supply and septic tank wastewater disposal systems are used or a minimum of 120 feet at building setback line when public or common water supply and wastewater sewage and treatment systems are directly accessible to the lot or parcel.
- C. Lot Coverage: maximum of 25%.
- D. Yard and Setback Requirements:
  - 1. Front Yard: minimum of fifty (50) feet from all road or highway right-of-way lines.
  - 2. Side Yards: minimum of twenty (20) feet for one (1) side yard, but a minimum total of fifty (50) feet for both side yards.
  - 3. Rear Yard: minimum of fifty (50) feet.
- E. Height Limitations: maximum of forty (40) feet, except that a detached accessory structure shall not exceed twenty (20) feet, except as otherwise provided in the Ordinance.
- F. Locational Requirements:
  - 1. The site shall have at least one (1) property line abutting the major road or highway arterial upon which it fronts and from which it has the most direct vehicular access.
  - 2. All vehicular ingress and egress shall be from an acceleration and deceleration lane connected to a frontage access road located parallel and adjacent to the major road or highway arterial upon which the site fronts and from which the site has its most direct vehicular access.
  - 4. The storage of goods, materials, trash or garbage is not permitted outside of the principal or accessory buildings or structures.

Article XIII  
Special Uses

Section 13.01 – Purpose:

The formulation and enactment of this Zoning Ordinance is based upon the division of the Township into zoning districts, each of which include permitted uses which are mutually compatible. In addition to such permitted uses in districts, however, it is recognized that there are certain specific or unique uses which may be necessary or desirable to allow in definable locations in certain districts; but, which on account of their actual or potential impact on neighboring uses or public facilities, need to be carefully regulated with respect to their location for the protection of the permitted uses in a district. Such uses, on account of their peculiar locational need or the nature of the service offered, may have to be established in a district in which they cannot be reasonable allowed as an unrestricted permitted use.

Section 13.02 – Authority to Grant Permits:

The Township Planning Commission shall have the authority to grant special use permits, subject to such conditions of design and operations, safeguards and time limitations as it may determine for all special uses conditionally allowed in the various district provisions of this Ordinance.

Section 13.03 – Application and Fees:

Application for any special use permit allowed under the provisions of this Ordinance shall be made to the Township Clerk by filling in the official special use permit application form, submitting required data, exhibits and information; and depositing the necessary fee in accordance with the Township schedule of fees with the Township Clerk. No fee shall be required of any governmental body or agency. No part of such fee shall be returnable to an applicant.

Section 13.04 – Data, Exhibits and Information Required in Applications:

An application for a special use permit shall contain (a) the applicant's name and address in full, (b) a notarized statement that the applicant is the owner involved or is acting on the owner's behalf, (c) the address of the property involved, (d) an accurate survey or drawing of said property showing the existing and proposed location of all buildings and structures thereon, and types thereof, and their uses and (e) a statement and supporting data, exhibits, information and evidence regarding the required findings set forth in the Ordinance.

Section 13.05 – Public Hearing:

The Township Planning Commission shall hold a public hearing, or hearings, upon any application for a Special Use Permit, notice of which shall be provided pursuant to ZEA and Section 16.44 herein.

Section 13.06 – Required Standards and Findings for Making Determinations:

The Planning Commission shall review the particular circumstances and facts of each proposed special use in terms of the following standards and required findings, and shall find and record



adequate data, information and evidence showing that such a special use on the proposed site, lot, or parcel:

- A. Will be harmonious with and in accordance with the general objectives, intent and purposes of this Ordinance.
- B. Will be designed, constructed, operated, maintained and manages so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.
- C. Will be served adequately by essential public facilities and services; such as, highways, roads, police and fire protection, drainage structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed special use shall be able to provide adequately any such service.
- D. Will not be hazardous or disturbing to existing or future neighboring uses.
- E. Will no create excessive additional requirements at public cost for public facilities, utilities and services.

Following the Planning Commission's review it may deny, approve or approve with conditions a request for special land use approval. A decision on a special land use shall be incorporated in a statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any conditions imposed.

#### Section 13.07 – Site Plan Review:

If a site plan is disapproved, the applicant is required to wait one (1) year before resubmittal of the same or similar site plan for review and approval consideration by the Planning Commission on the same or approximately the same parcel of land. The applicant has the right to request the review of a disapproved site plan on matters of interpretation of the provisions of this Zoning Ordinance, but not of land, building or structural use.

#### Section 13.08 – Junk Yards and Inoperative Vehicles:

In addition to and as an integral part of development, the following provisions shall apply:

- A. Junk yards shall be established and maintained in accordance with all applicable Statutes of the State of Michigan, and are only permitted in the "I" District. Also refer to Township Junk Yard and Nuisance Ordinances.

#### Section 13.09 – Mobile Home Parks:

All mobile home parks shall comply with the requirements of Public Act 243 of 1959, "The Trailer Coach Park Act" and Public Act 419 of 1976, "The Mobile Home Park Commission Act" and the following additional regulations. Minimum site size for a mobile home park shall be twenty (20) acres.

- A. Open Space – An open area shall be provided on each mobile home lot, to insure privacy, adequate natural light, ventilation, and a sufficient area for outdoor uses essential to each mobile home, and shall equal at least forty (40) percent of the area of each lot.
- B. Location and Access – Mobile home parks shall have frontage and direct access from designated State Highways or Hard Surfaced County Primary Roads.
- C. Mobile Home Lot Access – Convenient access to each mobile home lot apron shall be provided by means of a minimum twelve (12) foot wide access road or drive reserved for maneuvering mobile homes into positions and kept free of trees and other immovable obstructions.
- D. Roadways – There shall be provided a hard surfaced and adequately drained roadway of at least thirty (30) feet in width, which affords direct access to each mobile home lot and precludes through traffic. A mobile home park shall provide vehicle parking spaces as provided for in Article XVIII. A sixteen (16) foot wide open way shall be maintained at all times on all roadways for the passage for fire apparatus or other emergency vehicles. Curvilinear street patterns are encouraged. In parks containing more than thirty (30) mobile home lots, a boulevard type entrance roadway with a planted median is required for traffic control and ingress and egress.
- E. Walkways – The mobile home park shall include hard surfaced walkways, of at least 36 inches width, from each mobile home lot to parking and any other service facilities located in and immediately adjacent to the mobile home park. Individual mobile home entrance walks shall be a minimum of twenty-four (24) inches wide.
- F. Canopies and Skirting:
1. The skirting shall be of no less than twenty-six (26) gauge metal and connected with a rat-proof wall or slab, so constructed and attached to the mobile home as to make it impossible for the entrance of rodents, flies, bugs, or other insects. One access door in the skirting shall be permitted and a screen vent shall be installed along such skirting at intervals of twenty (20) feet so as to provide adequate cross-ventilation.
  2. Canopies and awnings may be attached to a mobile home. No canopy or awning shall exceed ten (10) feet in width nor the length or height of the mobile home. Each mobile home must be skirted within ninety (90) days after establishment in a mobile home park.
- G. Fences – If fences are constructed on each mobile home site, they shall be uniform in design and character for all mobile home lots. Such fences shall not exceed thirty (30) inches in height and shall be constructed in such a manner as to permit access to all sides of each mobile home for fire fighting purposes.

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\* This section 13.09 is subject to review by the State Mobile Home Park Commission in accordance with P.A. 419 of 1976.

## H. Landscaping

1. All mobile home park boundary lines shall be maintained in a clean and presentable condition at all times. A grass lawn or other suitable ground cover shall be maintained as yard surfacing on each mobile home lot, except for those portions of the lot covered by the mobile home, structural additions, sheds, walks, concrete pads of planting beds.
2. The retention of existing desirable trees of six(6) inches or more in diameter on a site is required unless such trees interfere with the location and construction of the mobile home pad, the placement of the mobile home, pedestrian access to the mobile home, automotive drives and parking spaces or accessory buildings and structures.

## I. Recreation Space:

There shall be provided a minimum area in each mobile home park which is developed as recreation space according to the following schedule:

1. For parks with forty (40) or less mobile home lots, there shall be provided and developed in one common use area of at least 250 square feet of open recreation space per each mobile home lot.
  2. For parks with less than 100, but more than 40 mobile home lots, there shall be provided and developed in one or more common use areas, at least 500 square feet of open recreation space per each mobile home lot.
  3. For parks with 100 or more mobile lots, there shall be provided and developed in one or more common uses, areas at least 600 square feet of open recreational space per each mobile home lot.
  4. Recreational central building and swimming pool areas may be counted towards recreation space requirements, and will be conveniently located.
- J. Outdoor Storage - No outdoor storage shall be permitted, except in outdoor sheds or cabinets for the storage of tools or equipment and shall be limited to one (1) well-maintained structure, located at the rear of the mobile home lot, and not exceeding eight (80) square feet in floor area or seven (7) feet in height. To the maximum extent possible, these facilities shall be uniform in design, location, and color throughout the mobile home park.
- K. Trash Disposal – Adequate facilities for the storage and disposal of trash, garbage and other waste materials shall be provided at conveniently located points within 150 feet of all mobile home lots. All containers shall be situated on stands and shall be fly-tight, water-tight, rodent-proof, and shall be sufficient in number and capacity to properly store all the accumulated refuse. All containers shall be enclosed in accordance with Section 16.23 “Solid Waste Receptacle Areas”.

- L. Television Antenna – One (1) or more master antenna facilities shall be installed with underground service connections to each mobile home lot.
- M. Roadway and Yard Lights – Roadway and yard lights shall be provided in sufficient number and intensity to permit the safe movement of vehicles and pedestrians and effectively diverting unnecessary illumination from the dwelling portions of each mobile home lot.
- N. Patios – An outdoor patio of not less than 180 square feet may be provided on each mobile home lot, conveniently located to the entrance of the mobile home and appropriately related to the open areas of the mobile home lot, to supplement the interior space of each mobile home. The patio surface elevation shall be at least as high as the apron surface elevation.
- O. Occupancy – Human occupancy of any mobile home shall be limited to provide no less than 300 cubic feet of air space per occupant, exclusive of the cubic volume of toilet rooms and closets.
- P. Fire Extinguishing Equipment – Every mobile home park shall be equipped at all times with fire extinguishing equipment of such type, size, location, condition, and number to satisfy the requirements of the State Fire Marshall and applicable Township regulations.
- Q. Central Building – Central buildings for other than administrative or laundry facility usage are permitted. These may be used for indoor recreation, assembly halls, and for storm shelter. Such buildings shall be conveniently located on the park site, may be combined structurally with the administrative and laundry facilities, and may include swimming pools or other clubhouse facilities in connection with on-site recreation facilities.
- R. Permit Requirement

It shall be unlawful for any person or corporation to construct, alter or extend any mobile home park unless they first obtain valid licenses and permits from the Director of the Michigan Department of Public Health and the Township in the name of said person or corporation. The application for permit shall be accompanied by a sketch plan showing:

1. Area and dimensions of the tract of land.
2. Number, location, and size of mobile home lots and common open space.
3. Expected maximum size and type of mobile homes to be situated on each lot.
4. Location and width of roadways, walkways and parking areas.
5. Location and usage of service buildings.
6. Location of utilities and service facilities.

- S. License and Certificate Requirements – It shall be unlawful for any person or corporation to conduct or operate a mobile home park in the Township without a currently valid license issued by the Director of the Michigan Department of Public Health and a Certificate of Occupancy and an annual occupancy permit from the Township Zoning Administrator.
- T. Periodic Inspection – The Zoning Administrator and/or his authorized agent or agents are hereby granted the power and authority to enter upon the premises of a mobile home park at any time for the purpose of determining and/or enforcing any provision of this or any other Township Ordinance applicable to the construction and operation of a mobile home park.

Section 13.10 – Temporary Mobile Homes Located Outside of a Mobile Home Park, including Trailers, Motor Homes and Recreation Vehicles:

From and after the effective date of this Ordinance, it shall be unlawful for any person to move a mobile home, travel trailer, motor home or recreation vehicle on to any lot, parcel or tract of land in the Township for any purpose, except as provided and permitted hereinafter in this section, or as specifically permitted elsewhere in this Ordinance.

- A. Mobile homes, travel trailers, motor homes, and recreation vehicles shall be permitted when located on a farm having forty (40) acres or more for the occupancy of farm workers. The farm owner or lessee shall first make written application to the Planning Commission, who shall issue the permit for one (1) or more mobile home, travel trailer, motor home or recreation vehicle units if they meet the following conditions:
1. The location of each unit is not to be less than 100 feet from any public highway and/or boundary of adjoining property.
  2. An adequate pure water supply and sanitary facility is conveniently nearby and available to meet all public health and safety requirements of the occupants of each mobile home, travel trailer, motor home or recreation vehicle.
- B. Mobile homes, travel trailers, motor homes or recreation vehicles shall be permitted for construction contractor purposes when located on a construction site approved by the Planning Commission. The applicant must furnish all pertinent data, including description of land to be used, number of mobile home, travel trailer, motor home or recreation vehicle units involved, and the expected length of construction time. The Zoning Administrator must verify that (a) the location of units will be not less than 100 feet from any public highway and/or boundary of adjoining property, and (b) adequate fresh water supply and sanitary facilities are available on site. A “Temporary Permit” shall be issued covering the period of the specific construction job, not to exceed one (1) year; subject to an extension approved by the Planning Commission for good cause which shall not exceed one (1) year.
- C. For parking or storage of mobile homes in F & FR, RR, UR & MFR Zoning districts refer to Section 16.27.

- D. For temporary occupancy of visitor-owned mobile homes and recreation vehicles refer to Section 16.31.
- E. Use of mobile homes as an accessory use for reasons of health and infirmity as provided in Section 5.05D.2.a-d.

Section 13.11 – Valid Nonconforming Use of Mobile Homes, Travel Trailers, Motor Homes or Recreation Vehicles:

The use of any mobile home, travel trailer, motor home or recreation vehicle placed on a lot, parcel or tract of land in the Township prior to the effective date of this Ordinance, which use is not prohibited by this Ordinance, shall be a “Valid Nonconforming Use” that may be continued, subject to the provisions pertaining to “Nonconforming Uses” contained in Article XV.

Section 13.12 – Temporary Transient Amusement Enterprises:

The following provisions shall apply in addition to all applicable regulations in the district in which they are to be located:

- A. All “Temporary Transient Amusement” uses shall be located on sites large enough so as not to occupy or cover more than fifty (50) percent of the area of a lot or parcel upon which it is located.
- B. All fenced-in areas shall be set back at least 100 feet from any front road or property line.
- C. Side and rear yards shall be at least 100 feet in depth from all adjacent lots or parcels.
- D. All traffic ingress or egress shall be on public roads and all local traffic movements shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements onto or off from public roads. All points of entrance or exit for motor vehicles shall be located no closer than 200 feet from the intersection of any two (2) roads or highways.
- F. Temporary Transient Amusement uses are not permitted in any F & FR, RR, UR & MFR residential district.

Section 13.13 – Gasoline Service Stations:

All gasoline service stations or filling stations shall conform to the following regulations in addition to all applicable regulations in effect in the district in which they are to be located.

- A. Frontage and Area: Every gasoline service station shall have a minimum frontage of 200 feet and a minimum area of 30,000 square feet.
- B. Setbacks: Every structure, including gasoline pumps and other equipment, erected or installed for use as a gasoline service station shall have a minimum setback from the road right-of-way as required by the regulations in the zone in which they are to be located, and a minimum setback from all property lines of fifty (50) feet.

C. Construction Standards: All vehicle service areas shall be constructed to conform to the following standards:

1. Suitable separation shall be made between the pedestrian sidewalk and vehicular parking or moving area with the use of appropriate bumper, wheel guards or traffic islands.
2. The entire area used for vehicles service shall be paved with a hard surface, except for such unpaved area as is landscaped and protected from vehicle use by a low barrier.
3. Hydraulic hoist, lubricating, greasing, washing, and repair equipment shall be entirely within a building. Tire and battery service and minor automobile repair, excluding automobile body repair and painting, are permitted if conducted entirely with a building.
4. The maximum widths of all driveways at the public sidewalk crossing or road like shall be no more than twenty four (24) feet.
5. Minimum angle or driveway intersection with the roadway from the curb line to lot line shall be no less than sixty (60) degrees.
6. The minimum distance of any driveway from any property line shall be at least twenty (20) feet.
7. The minimum distance between roadway curb cuts shall be no less than forty (40) feet.

D. Lighting: All lighting shall be installed in a manner so that no illumination source is visible beyond all property lines.

E. Gasoline service stations are only permitted in NSC and GSC districts.

#### Section 13.14 – Sanitary Landfills:

Sanitary landfills shall: (1) only be located in the F & FR District, (2) only if planned to be located in Roscommon County, including Higgins Township, in accordance with the County. Plan prepared in conformance with Public Act 641 of 1978 “The Solid Waste Management Act” or under the jurisdiction of the Michigan Department of Natural Resources in conformance with Public Act 64 of 1979 “The Hazardous Waste Act” and (3) with direct access only permitted from an impervious hard surface paved all-weather year-round road as defined by the Roscommon County Road Commission.

#### Section 13.15 – Extraction of Natural Resources:

A. Permitted Uses:

The following special uses will be permitted only in the F & FR District and when applicable, in conformance with P.A. 303 of 1982, “Michigan Surface and Underground Mine Reclamation Act”:

1. The excavation or mining of sand and gravel. The incidental excavation of sand and gravel for on-site use only are excluded from the regulations of this Ordinance except for the setback and yard requirements specified in the F&FR Agricultural Residential District.
2. The processing, storage, loading, and transportation of sand and gravel, incidental to its marketing.
3. The mining of clay.
4. The extraction of peat or marl.
5. The quarrying of stone.
6. The mining of coal.
7. The operation of transit-mix concrete plant.
8. The operation of a concrete products plant.

B. Permitted Accessory Uses:

Any use customarily incidental to the permitted Principal Special Use.

C. Extractive Mining Area, Bulk and Equipment Location Requirements:

1. Limits of Excavation: Sufficient setback shall be provided from all property lines and public highways, to assure adequate, lateral support. Minimum allowable setback shall be fifty (50) feet from any property line and seventy-five (75) feet from any public highway or road.
2. Placement of Processing Plants: The permanent processing plant and its accessory structures shall not be closer than 250 feet from any property line or public highway or road.
3. Elevation of Plant Site: Wherever practicable, the permanent processing plant shall be located within the excavation area, at a point lower than the general level of the surrounding terrain, in order to reduce the visual impact of the plant structure.
4. Management of Storage Piles and Overburden: Storage piles of processed material and overburden stripped from mining areas shall not be located closer than fifty (50) feet from any property line, or one hundred (100) feet from any public highway or road.
5. Minimum site area for natural resource extraction sites under this Ordinance shall be twenty (20) acres.

D. General Requirements:



Natural resource extraction operations shall be carried out under the conditions of a Mining Permit, issued and maintained under the following requirements:

1. Before commencement of mining operations, the operating company shall file an operational plan with the Township Planning Commission, which plan and any necessary subsequent revisions shall be approved by the Commission, setting forth the area or areas to be mined, the location of permanent structures, the points of access upon public highways, and the highway routes to be followed in the transportation of finished materials. This plan, and any approved necessary subsequent revisions, shall be filed with the Zoning Administrator by the Planning Commission.
2. The operational plan, which shall be submitted to and approved by the Planning Commission, shall include a determination of the net operational areas, i.e., the area stripped of overburden, the area being mined, the area used for structures and storage piles, and worked out areas, which have not been reclaimed. Performance bonds, hereinafter considered in relation to the reclamation of the area, shall be calculated on the basis of the net excavation and operational area as measured in acres.
3. Upon commencement of mining operations, perimeter controls shall be established for the mining area:
  - (a) Earth berms, which shall be constructed to a height of five (5) feet above the mean elevation of the centerline of the public highway adjacent to the mining property, or five (5) feet above the general level of terrain along property lines. These berms shall have slopes not in excess of one (1) foot vertical to four (4) feet horizontal, and shall be planted with grass, trees and shrubs.
  - (b) Screen plantings of coniferous or other suitable species at least five (5) feet in height, in rows parallel to the boundary of the property, with the spacing of rows and the spacing of trees within rows, which shall be sufficient to provide effective screening.
  - (c) Masonry walls or solid fences which shall be constructed to a height of five (5) feet.
4. Sight barriers shall be provided along all boundaries adjacent to roads, which lack natural vegetative or terrain conditions, which provide effective screening of mining operations. Sight barriers shall consist of one (1) or more of the following:
  - (a) Earth berms, which shall be constructed to a height of five (5) feet above the mean elevation of the centerline of the public highway adjacent to the mining property, or five (5) feet above the general level of terrain along property lines. These berms shall have slopes not in excess of one (1) foot vertical to four (4) feet horizontal, and shall be planted with grass, trees and shrubs.

- (b) Screen plantings of coniferous or other suitable species at least five (5) feet in height, in rows parallel to the boundary of the property, with the spacing of rows and the spacing of trees within rows, which shall be sufficient to provide effective screening.
  - (c) Masonry walls or solid fences which shall be constructed to a height of five (5) feet.
5. Noise and vibration shall be minimized in their effect on adjacent properties by the proper use of berms, walls, and screen plantings. In addition, all equipment used for the production of sand and gravel shall be constructed, maintained, and operated in such a manner as to eliminate, as far as is practicable, noises and vibrations which are injurious or substantially annoying to persons living in the vicinity.
  6. Air pollution in the form of dust and dirt shall be kept at a minimum. All equipment used for production of sand and gravel shall be operated in such a manner as to minimize, insofar as is practicable, dust conditions, which are injurious, or substantially annoying to persons living in the vicinity. Interior roads serving the mining operation shall be paved, treated, or watered, insofar as is practicable, to minimize dust conditions.
  7. No mining of sand or gravel shall take place within the specified distance from the margin of any stream or waterway as established by the Michigan Water Resources Commission, Department of Natural Resources.

E. Reclamation of Mined Areas:

1. All natural resource extraction areas shall be reclaimed and rehabilitated as soon as may be practicable after each mining phase has been completed in accordance with the plan approved by the Planning Commission. Wherever the operational plan shall permit, reclamation shall be accomplished concurrently with phased mining operations, i.e., a mined-out phase section of the area may be undergoing rehabilitation while a second phase may be undergoing rehabilitation while a second phase may be undergoing active mining, and a third phase area may be being stripped of overburden. Substantial completion of reclamation shall be effected for one phase of the three (3) permitted to be opened at any one time for extraction purposes prior to the proceeding with the next approved phase. After all extraction operations are completed, the final phases of extraction shall be reclaimed in accordance with the approved final reclamation plan within one (1) year after all extraction has been completed.
2. Before commencement of mining operations, the operating company shall submit a generalized reclamation plan to the Planning Commission, setting forth the intended disposition of all land and water areas, the proposed configuration of the terrain as shown on a topographic map, a plat of any proposed streets or other improvements to be made upon the property, and a general statement of the intended final utilization of the mined property. This plan, and any subsequent revisions, shall be approved by the Planning Commission before any zoning permit is issued by the Zoning Administrator.

3. Rehabilitation and Reclamation of natural resource extraction areas shall be in accordance with the following standards:
  - (a) All excavation shall have either a water depth of not less than ten (10) feet below the average summer level of water in the excavation, or shall be graded or backfilled with non-noxious, non-inflammable and non-combustible solids in accordance with the approved Reclamation Plan in order to insure:
    - (1) that the excavated area shall not collect and retain stagnant water, or
    - (2) that the surface of such area which is not permanently submerged is graded or back-filled as necessary to produce gently rolling surface that will minimize wind and water erosion, and which will be generally compatible with the adjoining land area.
  - (b) The finished grade of all slopes resulting from excavations shall not be steeper than one (1) foot vertical to three (3) feet horizontal.
  - (c) Topsoil of a quality equal to that occurring naturally in the surrounding area shall be replaced on all excavated areas not covered by water, except those areas where roads, beaches, or other planned improvements are planned. Topsoil shall be applied to a depth of at least four (4) inches.
  - (d) Vegetation shall be restored by the appropriate planting of grass, trees and shrubs, in order 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 twelve (12) months thereafter, shall remove all plant structures, buildings, stockpiles, and equipment.
4. The operating company shall post a minimum financial guarantee in the amount of \$5,000 for the first five (5) net operational acres. The financial guarantee shall be increased on the yearly anniversary date of the mining permit at the rate of \$1,000 per each additional operational acre, which exceeds the first five (5) net operational acres. The guarantee shall be provided in one of the following forms: (1) cash, (2) certified check, (3) irrevocable bank letter of credit, or (4) surety bond acceptable to the Township Board. Upon rehabilitation of mined acreage, and reduction of net operational area, the bond or security shall be released in accordance with the amount of security required per acre.

F. Administration of Mining Districts:

1. The following procedures shall be followed before establishing a mining operation:
  - (a) The operating company shall file an operational plan, in accordance with the requirements of Section 13.15E. of this Ordinance. This plan may be in the

form of a written statement and maps, and shall carry evidence of review and approval, if required, by an County or State agency of competent jurisdiction, in addition to the required approval of the Township Planning Commission. On the basis of this plan, the operating company shall file a statement of net area to be excavated as measured in acres.

- (b) The operating company shall file a reclamation and rehabilitation plan, subject to the requirements of Section 13.15 F.2. and shall provide a financial guarantee in accordance with the requirements of Section 13.15 E.4. of this Ordinance.
  - (c) The Township Planning Commission shall review the Operations and Reclamation plans and make its recommendation to the Township Board.
  - (d) The Township Board shall review the recommendation and accept or reject the plan. Upon acceptance of the plan, the Township Board will receive the financial guarantee of reclamation in accordance with Section 13.15 E.4. of this Ordinance.
2. Before commencement of mining operations, a Mining Permit shall be issued by the Zoning Administrator upon payment of an annual fee in accordance with the established Higgins Township "Fee Schedule". This fee shall defray any administrative expense rising out of the mining operation.
3. Inspections and Conformance:
- (a) Inspections shall be made of the mining site, not less often than twice in each calendar year by the Zoning Administrator in order to insure conformance with the requirements of the approved Special Use Permits.
  - (b) Any violations shall be reported in writing to the Township Board. The report shall be forwarded with a request for compliance, to the operating company by the Zoning Administrator.
  - (c) Failure on the part of the operating company to correct a reported violation within thirty (30) days after such request is made by the Zoning Administrator shall be reason for revocation of the permit. Additional time for correction of the cited violation may be allowed upon submission to the Zoning Administrator of proof of good and sufficient cause by the operating company, otherwise the operating company shall be declared to be in violation of this Ordinance and subject to the penalties of both the Ordinance and the Special Use Permit approved for the natural resource extraction operation.

G. Special Requirements:

1. Waiver of Excavation Limits: The Township Zoning Board of Appeals may approve a reduction of the setback limits required for excavations in Section 13.15 C.1. under the following conditions:

- (a) The operating company shall have provided the Zoning Board of Appeals with acceptable proofs that lateral support shall not be endangered.
- (b) Adjacent property owner or owners shall have given written consent to the waiver of limits for excavation.
- (c) All other requirements of this Ordinance have been met and maintained at the time of applying for and receiving approval of any waiver.

Section 13.16 – Single Family Earth Homes:

Single family earth homes are permitted in the F & FR, RR, & UR districts, as long as they meet all of the requirements of the district in which they are located and the bottom edge of the earth berms surrounding the building or structure meet the height and yard setback requirements for all yards.

Section 13.17 – Solar Buildings:

Solar buildings are permitted in all districts as long as the glare from exterior reflective solar panels is deflected so as not to cause glare to be transmitted to adjacent properties below the maximum height established for each district.

Section 13.18 – Windmills:

Windmills are permitted in all districts as long as the height of the windmill does not exceed the setback distance of the point of the base of the windmill from nearest property line.

Section 13.19 – Housing of the Elderly in Detached Single Family Homes:

Housing of the elderly aged 55 or older at two (2) per bedroom, up to a maximum of six (6), per detached single family dwelling is permitted; provided that the bedrooms so used shall be in excess of the bedroom needs of the family occupying the detached single family home. The family needs shall be computed at two (2) family members per bedroom. Further, each two (2) bedrooms designated for the elderly shall be provided with a full bathroom for sanitary and bathing purposed which shall be located within ten (10) feet of the most accessible door of the respective bedroom it is designated to serve.

Section 13.20 – Mobile Home Skirting:

When a mobile home is located outside of a mobile home park, and not constructed with a continuous solid foundation wall, but by piers or other forms of open foundations, the mobile home shall be skirted in accordance with Section 13.09 F.

Article XIV  
Planned Unit Development District

Section 14.01 – Purpose:

The intent of Planned Unit Developments (PUD) is to permit greater flexibility and consequently more creative design of various types of development than are possible under conventional zoning regulations. It is the intention of this Article to allow flexible land use composition and design without sacrificing the basic principles of sound zoning practice. The basic zoning districts and their permitted uses as established in this Ordinance will form the land use base for designing a combination of uses permitted in each district in the form of clustering principal uses and activities at a higher density than would otherwise be possible under the respective district regulations on a preferred portion of a parcel while maintaining the overall density of development of the parcels consistent with the district regulations. Another option would be to combine the planning of land uses and activities from several districts as one project on the same clustering principle.

Section 14.02 – Permitted and Accessory Uses:

In the “PUD” Planned United Development Districts, the following provisions, regulations and restrictions shall apply:

A. Principal Permitted Uses:

1. All principal permitted uses allowed in the RR & UR Residential Districts on parcels of at least 20 acres.
2. All principal permitted uses allowed in the MFR Multiple Family Residential Districts on parcels of at least 10 acres.
3. All principal permitted uses allowed in the OSC and NSC Commercial Districts on parcels of at least 5 acres.
4. All principal permitted uses allowed in the GSC Commercial Districts and I Industrial Districts on parcels of at least 10 acres.

B. Accessory Uses:

1. Accessory buildings and uses customarily incidental to the above-named permitted uses.
2. Signs – See Article XIX “Sign Regulations” herein.

C. Special Uses:

1. Recreational activity centers:
  - (a) Golf courses
  - (b) Nature preserves

- (c) Swimming pools
- (d) Tennis or racquet club
- (e) Utility structure(s) and equipment necessary for the operation thereof (excluding outdoor storage).

Section 14.03 – General Provisions:

- A. Continuing Applicability of Information on Approved site Plans - The location of all uses and buildings, all uses and mixtures thereof, all yards and transition strips, and all other information regarding uses of properties as shown on or as part of a site plan which is approved subsequent hereto, shall have the full force and permanence of the zoning ordinance as though such information were specifically set forth in the zoning ordinance. Such information shall be the continuing obligation of any subsequent interests in a “PUD” district or parts thereof and shall not be changed or altered except as approved through amendment or revision procedures as set forth in the Article. The approved plan(s) and any conditions attached thereto shall control all subsequent planning or development. A parcel of land that has been approved as a “PUD” district shall not thereafter be developed or used except in accordance with the approved site plan and plats approved subsequent thereto.
- B. Construction – No construction, grading, tree removal, soil stripping, or other site improvements or changes shall commence, and no permit shall be issued therefore, on a lot width, or under petition for, a “PUD” district classification, until the requirements of this Article have been met.
- C. Performance bonds – will be required for all public and common improvements in developments and of all phased developments on a per phase basis. Cost levels to be used in settling bond amounts shall be based upon the findings regarding estimated cost as reported by the Township Engineer, Public Agency or PUD Engineer.

Section 14.04 – Pre-Application Conference:

- A. An applicant for a PUD district may request a pre-application conference with Township officials prior to filing an application for developing a PUD District. The request shall be made to the Township Planning Commission Chairman who shall set a date for the conference and shall inform the Township Board and other Planning Commission members of the conference and invite their attendance. The Township Planning Commission Chairman shall also invite other officials who might have an interest in the proposed development, or who might assist the Township in the review process.
- B. The purpose of the conference shall be to inform Township and other officials of the concept of the proposed development and to provide the applicant with information regarding land development policies, procedures, standards, and requirements of the Township and other agencies. The applicant is encouraged to present schematic plans, site data and other information that will explain the proposed development.

C. Statements made in the conference shall not be legally binding commitments.

Section 14.05 – Site Plan Requirements:

A site plan shall be submitted for approval for each phase of development. Preliminary site plans shall be submitted and reviewed in accordance with, and shall meet all provisions of Article XX, “Site Plan Review”.

The Planning Commission shall require the applicant to provide housing and commercial market analyses, traffic studies, and other information necessary for the Commission to properly and adequately analyze a “PUD” district request for recommendation to the Township Board with respect to this requirement.

To that end, an impact assessment shall be prepared by the applicant and submitted to the Planning Commission concurrently with the site plan. This document shall be prepared in narrative form, with such accompanying charts, graphs, maps and/or tables as may prove necessary. Topics to be addressed shall include community impacts (i.e., additional traffic likely to be generated per 24 hour period, directional distribution of trips generated by the proposed development, additional police and fire service needs to be anticipated) and environmental impacts (i.e., soils to be found on the site, site topography, natural features of note that are located on the site and how each would be impacted by the proposed development).

Section 14.06 – Site Plan: Administrative Review Procedure:

- A. An application for a “PUD” district shall be made by the owner(s) of record of the subject parcel. The applicant shall provide evidence of full ownership of all land in a “PUD” or execution of a binding or conditional sales agreement, prior to receiving a recommendation of approval of the application and site plan by the Township Planning Commission.
- B. The application shall be filed with the office of the Township Clerk who shall transmit the application and the site plan to the Township Planning Commission.
- C. The Township Planning commission shall hold a public hearing on the application and site plan pursuant to public notice as provided for in ZEA and Section 16.44 herein.
- D. At the public hearing the applicant shall present evidence regarding adherence to all pertinent standards and requirements. To this end evidence and expert opinion shall be submitted by the applicant in the form of maps, charts, reports, models and other materials, and/or in the form of testimony by experts who can clearly state the full nature and extent of the proposal. Materials shall be submitted in sufficient quantity for review by the Planning Commission and other Township officials. Materials submitted shall include the required site plan and any complimentary sources of information necessary to satisfy the requirements detailed in Section 14.04.
- E. The Planning commission shall undertake a study of the application and site plan and shall submit a report thereon to the Township Board within sixty (60) days of the filing date. This report shall contain the Planning Commission’s analysis of the application and site plan, findings regarding standards, suggested conditions of



approval, if applicable, and its recommendations. Materials and information to be considered in this study and review process may include input from such agencies as the County Health Department, Road Commission and Drain Commissioner.

- F. After making its recommendations to the Township Board, the Planning Commission shall transmit the application to the County Zoning Coordinating Committee officials.
- G. The Township Board shall review the application and site plan and the Township and County Zoning officials' reports thereon, and shall approve, approve with conditions, deny, or table for future consideration, the application and site plan. Changes in the application or site plan desired by the Township Board shall be referred to the Township Planning Commission for review and recommendation prior to the Township Board action thereon. The Township Board may attach conditions to its approval of a "PUD" proposal.
- H. If the application and site plan are approved by the Township Board, the applicant and all owner(s) of record of all property included within the "PUD" shall sign a statement that the approved application and area plan shall be binding upon the applicant and owner(s) of record or their assigned agent(s) and upon their heirs, successors, and assigns, unless future changes mutually agreed to by and future Township Board and future applicant and owner(s) of record or the assigned agent(s) or their heirs, successors and assigns.

#### Section 14.07 – Supplementary Development Standards and Regulations:

The following requirements expand upon and/or are in addition to the requirements detailed in Article XX "Site Plan Review". They shall, in all cases, be adhered to by developments in a "PUD" districts.

##### A. District Location and Minimum Size

- 1. All development in this district shall be limited to tracts of land having an area of at least the minimum number of acres required for the respective types of "PUD" Districts.
- 2. All development in this district shall be restricted to sites having access to a hard surfaced roadway and accepted and maintained by the County Road Commission, except for RR, UR and Planned Unit Development Districts.

##### B. External and Internal Circulation and Access

- 1. Access points to a "PUD" development shall be located no less than five-hundred forty (540) feet apart when measured parallel to the adjoining roadway, and in no case shall any such point of ingress or egress be closer than two-hundred seventy (270) feet from either side lot line of the parcel.
- 2. Each lot or principal building shall have internal vehicular access from a public street or private street approved by the Township Board.

3. Each lot or principal building shall have pedestrian access from a public or private sidewalk, where deemed necessary by the Township Board, upon recommendation of the Township Planning Commission, as part of the site plan.
4. As property is developed as a "PUD" Planned Unit Development District, a pathway system linking all principal residential, commercial and industrial units both with on-site amenities (e.g., recreation areas, shopping, places of employment) and (unless it is demonstrated to the Planning Commission that such a system would be inappropriate or unnecessary to the development) with adjoining parcels must be provided. The pathway system shall be designed so as to be appropriate to non-motorized transport modes (e.g., bicycling, walking). The pathway shall be no less than four (4) feet in width and it shall be constructed of materials (e.g., crushed limestone) suited to walking and to non-motorized vehicular use.
5. Standards of design and construction for public and private streets may be modified to adequately provide the service required. Right-of-way standards may also be modified, especially where the site plan provides for separation of pedestrian and vehicular traffic and adequate off-street parking facilities. Modifications of proposed public streets shall first be approved by the County Road Commission Engineer.
6. Public and private streets shall be designed and constructed according to established standards for public streets as established by the County Road Commission except that such standards may be modified as provided in subsection 14.06 B.5.

If private streets are to be dedicated to a public agency in the future, the applicant(s) shall first agree to bear the full expense of making the streets suitable for public acceptance.

### C. Open Space Regulations

1. A land, water or land/water area constituting not less than twenty-five percent of the total (a) land area, or (b) land area, plus no more than 300 feet into or no more than one-half (1/2) the width or distance across, a natural surface water area of the waterfront parcel shall be designed as permanent open space. The required open space must be set aside by the developer in the form of an irrevocable conveyance whereby the open space area must be developed according to the approved site plan and may never be changed to any other use. Further, this conveyance must provide that the open space is for the use and enjoyment of the residents, occupants and users of the district and such open space shall be considered as an integral component of the over-all Planned Unit Development. The developer shall provide for perpetual and mandatory maintenance of the open space through the use of deed restrictions which shall provide for participation in said maintenance cost by each resident (be they residential or commercial) within the Planned Unit Development.

2. Buildings, parking lots, drives and similar improvements may be permitted in open space areas if related and necessary to the functions of the open space. Other building and improvements shall be prohibited therein.
3. Open space area shall be conveniently located in relation to dwelling units and functions intended.
4. Open space areas shall have minimum dimensions which are usable for the functions intended and which will be maintainable.
5. The Township Board may require upon recommendation of the Planning Commission, that unique natural amenities such as ravines, rock outcrops, wooded areas, tree or shrub specimens, unusual wildlife habitats, ponds, streams, and marshes be preserved as part of the open space system.

D. Landscaping and Parking

1. The parking and loading requirements set forth in Article XVIII, "Off-Street Parking" herein, shall apply except that the number of spaces required may be reduced if approved by the Township Board, upon recommendation of the Planning Commission, pursuant to the requirements detailed in Article XVIII, as part of the site plan. Such reduction shall be based upon specific findings.
2. A landscaped strip no less than twenty (20) feet in width shall be required when a free-standing physical structure containing a commercial and/or office use is located adjacent to a residential use. The strip shall be located between the two uses and shall be landscaped with trees and ground cover.

E. Utilities

1. Each principal building shall be connected to public or common water and sanitary sewer lines or to on-site facilities approved by the Township Board
2. All development will be required to provide adequate fire protection system as determined and approved by the Township Fire Department and Township Board.

In all cases where an on-site system is proposed, detailed drawings, plans and/or other background materials as well as written approval from the appropriate county or state agencies must be presented to the Planning Commission before action can or will be taken on any PUD request.

Maintenance of any and all approved common on-site systems shall be ensured by use of deed restrictions, which shall provide for participation in maintenance costs by each owner of the planned unit development served by such a system.

3. Each site shall be provided with adequate storm drainage. Open drainage courses and storm water retention ponds may be permitted.

4. Electrical, telephone, and cable television lines shall be placed underground. Surface mounted equipment for underground wires shall be shown on the final site plan and shall be screened from view.
5. Standard sidewalks and/or a system of streetlights may be required of developments in the "PUD" district. Maintenance of either shall be ensured through implementation of a system of deed restrictions providing for participation in maintenance costs by all owners of the development.

F. Site Design, Layout and Density Criteria

1. All density requirements shall be completed on a total gross area basis, less water area, unless the water area is completely enclosed on the parcel.
2. Existing natural water areas (i.e., streams, ponds, lakes and/or similar water bodies) may be included in density calculations up to 300 feet of their surface width as measured from the shoreline, or where such water areas are proposed for construction by the applicant, fifty (50) percent of the total water area to be constructed may be included in density calculations, but in no case shall the included surface water area exceed 20% of the total land area of the PUD or any single or combination of phases of the PUD.
3. Residential areas may contain several different types of dwelling units if it can be demonstrated to the satisfaction of the Planning Commission that the proposed combination by type will not interfere with the reasonable platting of any area to be platted.
4. All principal buildings and all accessory buildings or structures shall be located at least one-hundred (100) feet from any exterior public roadway right-of-way line, private road and/or area to be platted.
5. The outdoor storage of goods and materials shall be prohibited in the "PUD" Planned Unit Development District.

G. Legal Mechanisms to Ensure Facility and Open Space Maintenance

1. Legal instruments setting forth the manner of permanent maintenance of common area and facilities shall be submitted to the Township Attorney for review before the Township Board approves a final site plan or final plat.
2. Where a Home Owners Association (HOA) or an Association of Commercial Establishments (ACE) or Association of Industrial Establishments (AIE) is to be used to maintain common area and facilities, the developer shall file a declaration of covenants and restrictions that will govern the HOA, ACE or AIE with the site plan. The provisions shall include, but shall not be limited to, the following:
  - a) The HOA, ACE, or AIE shall be established before any building or structure in the "PUD" are sold or occupied.

- b) Membership in the HOA, ACE, or AIE shall be mandatory for each building unit buyer and for any successive buyer and shall be so specified in the covenants.
- c) Restrictions shall be permanent.
- d) The HOA, ACE, or AIE shall be made responsible for liability.
- e) Building unit owners shall pay their pro rata share of the costs and this requirement shall be specified in the covenants. Assessments levied by the HOA, ACE, or AIE may become a lien on the individual properties.

#### H. Project Phasing

- 1. If the proposed development is to be constructed in phases, a narrative description of that phased process that describes all work to be done in each phase should be submitted to the Planning Commission when the site plan is submitted.
- 2. A phase shall not be dependent upon subsequent phases for safe and convenient vehicular and pedestrian access, adequate utility services, and open spaces and recreation facilities.

#### Section 14.08 – Standards For Review:

The Planning Commission shall determine and shall provide evidence in its report to the Township Board to the effect that the application, site plan and supplementary informational materials submitted by the applicant meet the following standards:

- A. The proposed development shall conform to the Higgins Township Master Plan or any part thereof, or represents land use policy which, in the Planning Commission's opinion, is a logical and acceptable change in the adopted the Township Land Use Plan.
- B. The proposed development shall conform to the intent and all regulations and standards of a "PUD" District.
- C. The proposed development shall be adequately served by public facilities and services such as: highways, streets, sidewalks, street lights, police and fire protection, drainage courses, water and sanitary sewer facilities, refuse disposal; or that the persons or agencies responsible for the proposed development shall be able to properly provide such facilities and services.
- D. Common open space, other common properties and facilities, individual properties, and all other elements of a "PUB" are so planned that they will achieve a unified open space and recreation area system, with open space and all other elements in appropriate locations, suitable related to each other, the site and surrounding lands.

- E. The applicant shall have made provision to ensure that public and common areas will be or have been irrevocable committed for that purpose. Provisions shall have been made to provide for financing of improvements shown on the plan for open space and other common areas and facilities, and that proper maintenance of such improvements is ensured.
- F. Traffic to, from, and within the site will not be hazardous or inconvenient to the project or to the surrounding area. In applying this standard the Planning Commission shall consider, among other things, convenient routes for pedestrian traffic; relationship of the proposed project to main thoroughfares and street intersections; and the general character and intensity of the existing and potential development of the surrounding area.
- G. The mix of housing unit types and densities, and the mix of residential and non-residential uses shall be acceptable in terms of convenience, privacy, compatibility, and similar measures.
- H. The Planning Commission shall determine, where applicable, that noise, odor, light, or other external effects which are connected with the proposed use, will not adversely affect adjacent and surrounding area lands and uses.
- I. The proposed development shall create a minimum disturbance to natural features and landforms.
- J. Streets shall follow topography, be properly spaced, and be located and aligned in accordance with the intended function of each street. The property shall have adequate access to public streets. The plans shall provide for logical extensions of public streets and shall provide suitable street connections to adjacent parcels, where applicable.
- K. Pedestrian circulation shall be provided within the site and shall interconnect all use areas where applicable. The pedestrian system shall provide for a logical extension of pedestrian ways outside the site and to the edges of the "PUD" where applicable.

Section 14.09 – Amendments to Site Plans:

Preliminary and final site plan may be amended in accordance with the process detailed in Section 20.11 of Article XX "Site Plan Review".

Section 14.10 – Subdivision Plats:

The Township Board shall have the authority to deny or table an application for tentative approval of a preliminary plat if, in its opinion and after a report thereon from the Planning Commission, such plat will result in premature development of the area involved, or will result in improper scheduling of various public improvements such as, but not limited to, roads, utilities, and schools.

Section 14.11 – Extension of Time Limits:

Time limits set forth in Article XX "Site Plan Review" may be extended upon showing a good cause, and by written agreement between the applicant and the Planning Commission.

Section 14.12 – Performance Guarantees:

Performance guarantees shall be provided in accordance with Section 20.16 of Article XX "Site Plan Review".

Section 14.13 – Violations:

Violations shall be dealt with in the manner detailed in Section 20.17 of Article XX "Site Plan Review".

Article XV  
Nonconforming Land, Building and Structural Uses

Section 15.01 – Purpose:

It is the intent of this Ordinance to permit the continuance of a lawful use of any building or land existing at the effective date of this Ordinance, although such use of land or structure may not conform with the provisions of this Ordinance. Further, it is the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor used as grounds for adding other structures or uses prohibited elsewhere in the same districts. The continuance of all nonconforming uses and structures within Higgins Township shall be subject to the conditions and requirements set forth in this section.

Section 15.02 – Continuance of Nonconforming Uses:

- A. Structural Changes: The building that is nonconforming shall not be structurally changed, or enlarged unless the resultant changed, altered, or enlarged building conforms to the provisions of this Ordinance for the district in which it is located except as provided below.
- B. Repairs: Any lawful nonconforming building may be repaired, reinforced, or reconstructed during its life to correct deterioration, obsolescence, depreciation, and wear, provided that such repair does not exceed an aggregate cost of 60 percent of the state equalized value of the building unless the subject building is changed by such repair to a conforming building or structure.
- C. Alterations and Improvements: Nothing in this Ordinance shall prohibit the alteration, improvement, or modernizing of a lawful nonconforming building, provided that such alteration does not increase the height, area, bulk, or use of the building and provided that such improvements do not exceed an aggregate cost of 60 percent of the state equalized value of the building unless the subject building is changed by such improvement to a conforming structure.
- D. Prior Construction Approval: Nothing in this Ordinance shall prohibit the completion of construction and use of a nonconforming building for which a building permit has been issued prior to the effective date of this Ordinance, provided that construction is commenced within 90 days after the date of issuance of the permit, that construction is carried on diligently and without interruption for a continuous period in excess of 30 days; and that the entire building shall have been completed according to the plans filed with the permit application within two (2) years after the issuance of the building permit.

Section 15.03 – Restoration of Damage:

Any lawful nonconforming use damaged by fire, explosion, or an act of God, or by other causes may be restored, rebuilt, or repaired, provided that the structure housing the nonconforming use has not been more than 50% destroyed as measured by the usable cubic space previously existing in said structure.



Section 15.04 – Discontinuance or Abandonment:

Whenever a nonconforming use has been discontinued for one (1) year, such discontinuance shall be considered conclusive evidence of an intention to abandon legally the nonconforming use. At the end of this period of abandonment, the nonconforming use shall not be reestablished, and any future use shall be in conformity with the provisions of this Ordinance.

Section 15.05 – Reversion to a Nonconforming Use:

If a nonconforming use is changed to a use permitted in the district in which it is located, it shall not revert or be changed back to a nonconforming use.

Section 15.06 – Displacement of a Conforming Use:

No nonconforming use shall be extended to displace a conforming use.

Section 15.07 – Change to Another Lesser Nonconforming Use:

The Township Zoning Board of Appeals may authorize a change from one nonconforming use to another nonconforming use, provided the proposed use would be more suitable to the zoning district in which it is located than the nonconforming use which it is being replaced.

Section 15.08 – Illegal Nonconforming Uses:

Those alleged nonconforming uses which cannot be proved conclusively to have been existing prior to the effective date of this Ordinance shall be declared illegal nonconforming uses and shall be discontinued following the effective date of this Ordinance.

Section 15.09 – Changes in Zoning District:

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district or another classification, the foregoing provisions shall also apply to any existing uses that become nonconforming as a result of the boundary changes.

Section 15.10 – Elimination of Nonconforming Uses:

The Township Board may acquire properties on which nonconforming buildings or uses are located, by condemnation or other means, and may remove such uses or structures. The resultant property may be leased or sold for a conforming use or may be used by the Township for a public purpose. The net cost of such acquisition may be assessed against a benefit district, or may be paid from other sources of revenue.

Section 15.11 – Nonconforming Lots and Parcels:

- A. Notwithstanding limitations imposed by other provisions of this Ordinance, any permitted use in a district and its customary accessory uses may be erected on any lot of record subsequent to the effective date of adoption or amendment to this Ordinance. This provision shall apply even though such lot fails to meet any of the dimensional requirements for the District in which such lot is located. It is the intent

to permit only minimum variances, which may be granted by the Zoning Board of Appeals upon application by a property owner or a representative of the owner.

- B. If two (2) or more lots, combination of lots, or portions of lots are contiguous and have continuous frontage in single ownership, are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this Article, and no portion of said lots or parcels shall be used or occupied which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.

Article XVI  
Supplemental Regulations

Section 16.01 – Purpose:

The intent of this Article is to recognize that there are certain conditions concerning land uses that warrant specific exceptions, regulations or standards in addition to the requirements of the Zoning District in which they are permitted to be located.

Section 16.02 – Existing Uses of Lands, Buildings and Structures:

The provisions of this Ordinance shall not be retroactive. At the discretion of the owners, the lawful use of any dwelling, building or structure, and of any land or premises as existing and lawful at the time of enactment of this Ordinance may be continued even though such use does not conform with the provisions of this Ordinance, or in the case of an amendment, then at the time of the amendment.

Section 16.03 – Scope of Ordinance:

Except as provided by Section 16.02 all land and premises shall be used, and all buildings and structures shall be located, erected and used in conformity with the provisions of this Ordinance following the effective date herein.

Section 16.04 – Area Limitations:

In conforming to land and yard requirements, no area shall be counted as accessory to more than one (1) dwelling or main building.

Section 16.05 – Dwelling Lots or Sites:

Every dwelling, cottage, cabin, occupied mobile home, erected outside of a mobile home park shall be located on a lot or site, and no more than one (1) such dwelling shall be erected on such lot or site, except as otherwise provided in this Ordinance.

Section 16.06 – Accessory Building Provisions:

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

- A. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to the main building.
- B. Accessory buildings shall not be erected in any required yard, except a rear yard, but may be located in any non-required portion of any yard, except that a garage shall be the only structure permitted in front of a principal building.
- C. The total square area of all detached accessory buildings in a rear yard may not exceed the ground floor area of the main building. In the event that there is five (5) or more acres of property, the accessory building may be up to 1,500 square feet.

- D. No detached accessory building shall be located closer than ten (10) feet to any main building nor shall it be located closer than five (5) feet to any side or rear lot line. In those instances where the rear lot line is in common with an alley right-of-way the accessory building shall not be closer than one (1) foot to such rear lot line. In no instance shall an accessory building be located within a dedicated easement or right-of-way.
- E. No detached accessory building in the RR, UR, OSC and NSC districts shall exceed one (1) story of twenty (20) feet in height. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said districts.
- F. When an accessory building is located on a corner lot, the side lot line which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard line required on the lot in the rear of such corner lot. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the side lot line of the lot to its rear, said buildings shall not project beyond the side yard line of the lot in the rear of such corner lot. All buildings and structures shall be set back from each street upon which they front or abut equal to the front yard setback.
- G. No accessory building shall be constructed before the primary dwelling.

Section 16.07 – Use of Yard Space:

No yard surrounding a dwelling, building or structure utilized for dwelling purposes, except farm dwellings, shall be used, occupied or obstructed by accessory buildings or structures, either permanently or temporarily and no dismantling in whole or in part of junked vehicles, machinery, second-hand building materials, or other discarded, disused or rubbish-like materials or structures. A side or rear yard may be used for the parking of not more than five (5) passenger automobiles in active service or for the location, parking, disposition, storage, or deposit.

Section 16.08 – Lot-Building Relationship:

Every building erected, altered, or moved shall be located on a lot as defined herein, and there shall be no more than one (1) principal building and its permitted accessory structures located on each lot.

Section 16.09 – Accessory Building as Dwelling:

No building or structure on the same lot with a principal building shall be used for dwelling purposes, except as specifically permitted in this Ordinance.

Section 16.10 – Basement as Dwelling:

No basement structure shall be used for human occupancy unless a completed story is situated immediately above the basement structure and is used as a dwelling, except underground homes designed and built in accordance with the Construction Code in effect in the Township.

Section 16.11 – Damaged Buildings and Structures:

Any building that has been partially destroyed by fire or is in such a state of disrepair as to be uninhabitable and a hazard to the public health and safety shall either be entirely removed or repaired within twelve (12) months from the date of the occurrence of the damage.

Section 16.12 – Required Water Supply and Wastewater Disposal Facilities:

Shall meet the requirements established by the County Sanitation Code of the Department of Health.

Section 16.13 – Access to a Public Road or Highway:

Any lot of record created prior to the effective date of this Ordinance without any frontage on a public road or way shall not be occupied, except where access to a public road or way is provided by a public or private easement or other right-of-way no less than twenty (20) feet in width, and which meets the construction standards of the County Road Commission.

Section 16.14 – Frontage on Public or Private Road or Highway:

In any zoning district, every use, building or structure established after the effective date of this Ordinance shall be on a lot or parcel that fronts upon a public or private road right-of-way that meets all of the requirements for road construction as specified by the County Road Commission.

Section 16.15 – Visibility at Intersections:

No fence, wall, hedge, screen, sign, structure, vegetation or planting shall be higher than three (3) feet above road grade on any corner lot or parcel in any zoning district requiring front and side yards within the triangular area formed by the intersecting road right-of-way lines and a straight line joining the two road lines at points which are thirty (30) feet distant from the point of intersection, measured along the road right-of-way lines.

Section 16.16 – Road Closures:

Whenever any road, alley, or other public way is vacated by official action, the zoning district adjoining each side of such public way shall automatically be extended to the center of such vacation, and all area included therein shall henceforth be subject to all appropriate regulations of that district within which such area is located.

Section 16.17 – Height Regulations:

The height requirements established by this Ordinance shall apply informally in each zoning district to every building and structure except that the following structures and appurtenances shall be exempt from the height requirements of this Ordinance: spires, belfries, penthouses and domes not used for human occupancy, chimneys, ventilators, skylights, water tanks, bulkheads, utility poles, power lines, radio, television and other communication broadcasting and receiving antennae not directly linked to residential structures, silos, wind-driven electricity generators, parapets and other necessary mechanical appurtenances; provided, their location shall conform where applicable to the requirements of the Federal Communications Commission, the Michigan

Aeronautics Commission, other public authorities having jurisdiction and any regulations established by authorized State, County and Township agencies and the provisions of P.A. 23 of 1978, "The Airport Zoning Act".

Section 16.18 – Fences, Walls and Screens:

Within the limits of a side or front yard space of a lot; no fence, wall (other than necessary retaining wall), or other screening structure shall be higher than six (6) feet. No such fence or wall located within a rear yard shall exceed eight (8) feet in height, except as required in Section 16.15.

Section 16.19 – Essential Services:

- A. This shall include the erection, construction, alteration or maintenance by public utilities, municipal departments, or other governmental agencies of underground or overhead gas, electrical communication, steam, or water transmission or distribution systems or collection, supply or disposal systems; including electric power stations, relay stations, gas regulator stations, pumping stations, poles, wires mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, policy or other call boxes, traffic signals, hydrants and other similar facilities, equipment and accessories in connection therewith reasonable necessary for furnishing adequate service by such utilities or agencies, or for the public health or safety or general welfare; but not including offices and buildings or yards used for bulk storage, fabrication, or manufacture of materials used by such utilities or municipal departments or other governmental agencies. No such building constructed as a part of an essential service, shall be used for human occupancy.
- B. The surface of land used for pipeline right-of-ways shall be restored and maintained as near as possible to its original conditions prior to the construction of the pipeline.
- C. Essential service in all districts shall meet the requirements of the UR Residential District for all buildings, structures and areas used for offices, power generators, power transformers, storage, fabrication or manufacture of materials necessary to the provision of essential services.

Section 16.20 – Outdoor Swimming and Other Pools:

Private pools when eighteen (18) inches or more in depth shall be permitted as an accessory use within the rear and side yards only provided they meet the following requirements:

- A. There shall be a distance of not less than twenty (20) feet between the adjoining property line and outside of the pool wall.
- B. There shall be a distance of not less than six (6) feet between the outside pool wall and any building located on the same lot.
- C. No swimming pool shall be located less than fifty (50) feet from any front lot line.

- D. If electrical service drop conductors or other utility wires cross under or over a proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation of wires before a permit shall be issued for the construction of a swimming pool.
- E. No swimming pool shall be located in an easement.
- F. For the protection of the public, all yards containing swimming pools shall be completely enclosed by a fence not less than four (4) feet in height. The gate shall be of a self-closing and latching type, with the latch on the inside of the gate not readily available for children to open. Gates shall be capable of being securely locked when the pool is not in use for extended periods. Provided, however, that if the entire premises of the residence is enclosed, then this provision may be waived by the Zoning Administrator upon inspection and approval.

Section 16.21 – Home Occupations:

Home occupations shall be permitted in all detached single family residential dwellings and include such customary home occupations as: hairdressing, millinery, dressmaking, bookkeeping and accounting service, real estate and insurance sales; professional office, woodworking, arts and crafts, pottery making, antique collection and sales, and other similar occupations and other home occupations legally operating in detached single family homes at the time of adoption of this Zoning Ordinance.

- A. The non-residential use shall be only incidental to the primary residential use.
- B. The occupation shall utilize no more than twenty-five (25) percent of the ground floor area of the principal structure.
- C. Only normal domestic or household equipment and equipment characteristic of small workshops, businesses and professional offices shall be used to accommodate the home occupation.
- D. The home occupation shall involve no employees other than members of the immediate family.
- E. All activities shall be carried on indoors. No outdoor activities or storage shall be permitted.
- F. No alterations, additions, or changes to a principal structure which will change the residential character of the dwelling structure shall be permitted in order to accommodate or facilitate a home occupation.
- G. There shall be no external evidence of such occupations, except a small announcement sign not to exceed two (2) square feet in area in an F & FR, RR, UR and MFR District, and ten (10) square feet in area shall be permitted in the RD and AR District and is not required to be attached to the principal structure, but the sign shall not be located in any road right-of-way or easement.

- H. The permission for home occupations as provided herein is intended to secure flexibility in the application of the requirements of this Ordinance; but such permission is not intended to allow the essential residential character of Residential Districts, in terms of use and appearance, to be changed by the occurrence of home occupations.

Section 16.22 – Temporary Buildings and Structures:

Temporary buildings and structures, including informational, for sale and similar signs, are permitted during the period of construction, and sales involving change of ownership or rental occupancy. Such buildings, structures and signs shall be removed upon completion or abandonment of construction, sale or rental activities and prior to occupancy and use of the building or structure for permitted uses. Prior to the issuance of a permit for temporary buildings and structures the applicant must deposit to the credit of the Township a \$3000 surety bond, cash deposit of \$500 or a letter of credit in the amount of \$500 from an incorporated financial institution or bonding company licensed to do business in the State of Michigan. Temporary signs having an area of less than 24 sq. ft. shall be excluded from this provision.

Section 16.23 – Solid Waste Receptacle Areas:

Truck-lifted or transported receptacle areas: all such receptacle areas shall be enclosed by a six (6) foot high wooden or masonry wall to prevent the unsightly deposit or collection of solid waste and prevent children and pets from having access to these areas. Receptacle areas shall be located in either the side or rear yard only, but not within the required yard setback areas.

Section 16.24 – Exterior Lighting:

All sources of lighting for parking areas or for the external illumination of buildings or grounds or for the illumination of signs, shall be directed away from and shall be shielded from adjacent residential districts, and shall also be so arranged as to not affect driver visibility adversely on adjacent public roads and highways. Lighting of parking areas are required when the number of parking spaces is more than five (5).

Section 16.25 - Driveway Entrances and Gates:

In driveway entrances or gateway structures; including, but no limited to, walls, columns and gates marking driveway entrances to private or public uses may be permitted; and may be located in a required yard, except as provided in Section 16.15 “Visibility at Intersections”, provided that such entranceway structures shall comply with all codes and ordinances of the Township and County and shall be approved by the Zoning Administrator.

Section 16.26 – Frontage Service Roads:

Ingress and egress for all uses permitted in OSC, NSC, GSC and I Districts fronting on major intercommunity and local arterials as defined and designated in the Township Master Plan in order to promote efficient use of thoroughfares and to decrease hazardous traffic conditions, the following regulations shall apply to the use of all land fronting upon these major thoroughfares, except for existing developments and uses located upon lots and parcels of record and single lots and parcels described by metes and bounds on file with the County Register of Deeds.



- A. Connecting service roads shall be required between parking areas on adjacent land uses.
- B. Owners of all property shall submit to the Township a properly executed and witnessed license agreement which gives the Township Board the authority to open and close service roads and driveways whenever necessary in order to guarantee to the satisfaction of the Township Board a safe and efficient movement to traffic. The said license shall be recorded in the office of the County Register of Deeds. Acceptance of the said license shall, in no way, obligate the Township to build, repair, maintain or clear the said service roads or parking areas and no public funds may be spent by the Township Board to build, repair, maintain, or close the said service roads and/or parking areas. The intent of this subsection is to allow the Township to enforce its traffic ordinance or promote traffic safety on the said service roads and parking areas, and otherwise facilitate the safe and efficient movement of traffic thereon.
- C. No less than two (2) driveways at least 20 feet in width shall be available to such coordinated parking areas and service road systems; provided that said driveways shall be at least 300 feet apart and have appropriate designated acceleration and deceleration lanes; provided further, this requirement may be waived by the Township Planning Commission where the needs of a particular use do not require it and when traffic hazards will not be increased by such a waiver.
- D. All requirements shall apply only to the full width of the developed portion of a lot or parcel or when developed adjacent to an existing use. The purpose of this subsection is to minimize the length of service roads in relation to the actual developed area of a lot or parcel and the number of parking spaces, and to promote their construction as they are needed.
- E. Parking lots, driveways and service roads shall at least be surfaced with processed road gravel and maintained in a usable dust free condition.
- F. Parking area layout shall follow standards prescribed in this Ordinance.
- G. Service roads and driveways shall be at least paved with processed road gravel and have a width of twenty (20) feet.

Section 16.27 – Parking or Storage of Mobile Homes, Trucks and Travel Trailers on Residential Lots and Parcels in F & FR, RR, UR and MFR Zoning Districts:

Storage of not more than two (2) non-residential type recreational vehicles shall be completely within the side and rear yards or completely enclose within the side and rear yards or completely enclosed within a structure.

Section 16.28 – Temporary Transient Uses:

Temporary transient use of an existing land site, building or structure may be permitted in any district upon approval of the Planning Commission, and upon finding that the location of such an activity will not adversely affect public health, safety, and general welfare in the district in which it is to be temporarily located. All temporary transient uses, if approved by the Planning

Commission, shall have a reasonable time limit placed upon their use based upon the normal periods of time such uses need to exist for an expressed number of days authorized by the Planning Commission. Temporary transient uses may be granted a permit on the basis of compliance with the criteria stated in Section XX, "Site Plan Review".

Section 16.29 – Fences:

- A. The erection, construction, or alteration of any fence or other type of protective barrier shall be approved through permit by the Zoning Administrator as to their conforming to the requirements of the zoning districts wherein they are required because of land use development.
- B. Fences in an F & FR Districts are exempt from the provisions of this Ordinance, except when required for specific principal or accessory uses and special uses.
- C. Any existing fence not in conformance with this Ordinance shall not be altered or modified, except to make it more conforming.
- D. Fences which are not specifically required otherwise under the regulations for the individual zoning districts, shall conform to the following requirements:
  1. No fence shall hereafter be erected along the line dividing lots or parcels of land or located within any required side or rear yard in excess of six (6) feet in height above the grade of the surrounding land, except as provided in Section 16.18.
  2. Barbed wire, spikes, nails or any other sharp point or instrument of any kind on top or on the sides of any fence, electric current or charge in said fences is prohibited. Barbed wire cradles may be placed on top of fences enclosing public utility buildings or whenever deemed necessary in the interests of public safety.
  3. In an "I" Industrial District, no fence shall exceed twelve (12) feet in height, except that a fence in the front yard shall not exceed four (4) feet in height.
  4. Fences on all lots in an RR, UR, MFR Residential Districts which extend toward the front of the lot, past the front line of the main building, shall not exceed four (4) feet in height.
  5. No fence or structure shall be erected, established or maintained on any corner lot which will obstruct the view of a vehicle approaching the intersection. Such unobstructed corner shall mean a triangular area formed by the road property lines and a line connecting them at points twenty five (25) feet from the intersection of the road property lines extended. This shall not prohibit the establishment of shrubbery thirty (30) inches or less in height.

Section 16.30 – Walls and Protective Screening:

In order to provide adequate protective screening for residential areas adjacent to or near nonresidential areas, the following regulations shall apply:

- A. Where an OSC, NSC, GSC, HC and I district abuts directly upon an RR, UR and MFR residentially zoned district, or residentially used property in any district, a landscaped greenbelt as defined below, shall be provided and maintained along its entire length by the users of the said business, commercial, or industrial zoned property. In addition, the latter mentioned districts shall be screened from such contiguous, residentially zoned district by either a building which houses a permitted use, or else by a solid masonry wall four (4) to six (6) feet in height above grade, between said greenbelt area and (6) feet in height above grade, between said greenbelt area and the business, commercial or industrial use. Such greenbelt shall be a strip of land not less than twenty (20) feet in width which is planted and maintained with evergreens such as spruce, pines or firs from 5 to 6 feet in height, so as to create a permanent buffer; or a hedge of evergreens not less than four (4) feet in height, so as to create a permanent buffer. These plants shall be planted and shall reach such required height within five (5) years of approval of the site plan or development by the Township. The remainder of the landscaped area which is not planted with the aforementioned stock shall be in well-kept lawn. All landscaping shall be maintained in a healthy growing condition, neat and orderly in appearance. Such walls for shielding off-street parking or storage areas shall not be required when such areas are located more than 200 feet from such abutting residential use or district.
- B. Required walls shall be located on the property line, except as otherwise approved by the Planning Commission. Such walls, may upon approval by the Planning Commission, be locate on the opposite side of an alley right-of-way from a nonresidential district which abuts a residential district whenever the affected owners also so agree. When vehicles or open air displays generally exceed a five (5) foot height said wall shall be increased to a height not exceeding ten (10) feet, providing further that all such walls shall be of uniform height around the premises and the design of such wall is first approved by the Zoning Administrator.
- C. Required walls shall have no openings for vehicular traffic or other purposes, except as otherwise approved by the Planning Commission. Masonry walls, however, may be constructed with small-dispersed openings, which do not collectively exceed twenty (20) percent of the wall surface in area. The arrangements of such openings shall be subject to approval by the Zoning Administrator.

Section 16.31 – Use of Mobile Homes as Temporary Dwellings by Visitors:

Mobile homes, travel trailers, motor homes and recreation vehicles shall be permitted when parked by visitors in a side or rear yard of a permitting dwelling owner or lessee without charge, upon application by the owner or the issuance of a “Temporary Permit” by the Zoning Administrator. Application shall be made within seven (7) days after the date of arrival. The property owner or lessee shall present a written agreement to furnish the occupants of the mobile home, travel trailer, motor home or recreation vehicle with sanitary facilities approved by the Township. A “Temporary Permit” may only be issued to one (1) mobile home, travel trailer, motor home or recreation vehicle at a time in any one location and shall be valid for a maximum period of thirty (30) days. Extensions of time shall not be permitted and the mobile home, travel trailer, motor home or recreation vehicle shall be removed from the property on or before the 30<sup>th</sup> days of the permit period.

Section 16.32 – Building Grades:

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

Section 16.33 – Moving Buildings:

Buildings may not be moved into or relocated within the Township unless the building design and construction are compatible with the general architectural character of other structures located in the immediate area of the proposed site. Approval shall be required for such buildings moved from the Planning Commission.

Section 16.34 – Television Satellite Receiving Dishes:

All television satellite receiving dishes are designated accessory uses to the principal uses permitted on each lot or parcel in each respective zoning district, and are governed by the same requirements as any other accessory use permitted in each zoning district. They may be located in a side or rear yard but not in a front yard. They may be erected on top of buildings and structures.

Section 16.35 – Use of Financial Guarantees When Necessary to Temporarily Delay Meeting Construction Requirements:

If in the judgment of the Planning Commission, during the course of Site Plan Review Procedures, it appears prudent to permit the delay of constructing certain provisions as required in this Zoning Ordinance, the Planning Commission may grant such a delay to a specific future date provided that the applicant/owner submits a satisfactory financial guarantee to the Township Board. The financial guarantee shall remain in effect prior to or coincident with the issuance of the zoning permit and shall remain in effect until the requirements so delayed are fully completed and approved by the Zoning Administrator.

Section 16.36 – Household Pets:

Small domesticated household pets, such as dogs, cats and birds are limited to the maximum number normally existing in normal family homes in the Township which is generally no more than two (2); however, if more than 2 are desired, as long as all other County, State and Federal laws are complied with, and an additional area of land equal to one-sixth (1/6) acre per animal is provided, additional domesticated household pets will be permitted up to a maximum of four (4).

Section 16.37 – Non-commercial Domestic Animals:

Large domestic animals which are used essentially for pet, contest, riding, educational or other special purpose as individual animal specimens are permitted at the rate of one (1) per acre on a minimum of five (5) acres for the first animal and one (1) acre for each additional animal are permitted in F & FR, RR & UR Districts.

Section 16.38 – Access Requirements for Structures Occupied by Humans:

A Zoning Permit and a Building Permit will not be issued for construction of any structure or building to be used for permanent occupancy in all Districts where a lot or parcel does not have public or private road access directly to the lot or parcel for the purpose of providing the necessary and required access for emergency vehicles, such as for fire fighting, ambulances, and police vehicles and for normal delivery services, school buses, mail delivery, road grading, snow plowing, etc.

Section 16.39 – Mobile Homes Located on Lots and Parcels:

Mobile homes may be located on separate parcels having a minimum area of ten (10) ares in the R & FR and RR Zoning Districts only.

Section 16.40 – Mobile Homes as Accessory Dwellings for the Sick and Infirm:

Mobile homes shall be permitted as an accessory dwelling on a single family lot in any zoning district with the following conditions:

- A. The lot or parcel has a principal single family dwelling occupied and used located upon it.
- B. The lot is a legal lot or parcel of record.
- C. The occupants occupying and using the mobile home have a need as determined by their acquisition of a physician's certificate prescribing the need for such housing during the period of illness or infirmity.
- D. The occupants occupying and using the mobile home have a need as determined by their acquisition of a physician's certificate prescribing the need for such housing during the period of illness or infirmity.
- E. Upon conclusion or termination of the need the mobile home shall be removed from the premises within ninety (90) days.

Section 16.41 – Use of Trash Bins:

All trash bins and/or trash containers are designated accessory uses to the principal uses permitted on each lot or parcel in each respective zoning district, and are governed by the same requirements as may other accessory use permitted in each zoning district. They may be located in a side or rear yard but not in a front yard. They may be left out at the road side for trash pickup for twenty-four (24) hours only.

Section 16.42 – Extended Length Driveways:

(See definition of "Extended Length Driveway"). All Extended Length Driveways shall have an improved drive lane (paved or compacted gravel) of not less than 10' in width, with cleared

shoulders providing a total horizontal clearance of at least 16'. The improved drive lane and shoulder shall have a height clearance of at least 14', and shall be constructed and maintained in a manner suitable for access by emergency vehicles.

Section 16.43 – Private Road Development:

1. General Requirement: In any zoning district where a private road is allowed, every use, building or structure to be served by a private road must first have such private road established and approved as set forth herein before a zoning and/or building permit may be issued.
2. Application and Process:
  - A. An application for a private road shall be submitted to the Zoning Administrator along with an application fee as determined by Resolution of the Township Board. The application shall include the following:
    - 1) The applicant's name and address in full.
    - 2) The owner(s) of the lots to be serviced by the private road.
    - 3) A written description of the proposed development to be served by the private road.
    - 4) A sealed construction plan and/or site plan specifically showing the proposed location of the private road, all existing or proposed lots adjoining any portion of the proposed private road, proposed grades, drainage systems, and signage, and shall otherwise evidence compliance with the private road construction standards and requirements set forth herein.
    - 5) A Maintenance agreement with a detailed description of how and by whom the private road will be maintained and repaired, who will be financially responsible for extending and/or enlarging the private road to serve additional lots in the future, including provisions for the assessment of maintenance fees to be paid by the owners of benefited lots and as further specified in Section 16.43.4(G). Such property owner maintenance agreement, and any revised version of same required by the Zoning Administrator, shall be in recordable form and shall provide that the obligations there under run with the benefited lots.
    - 6) A written Waiver of Liability and Indemnification Agreement, on a form approved by the Township, releasing Higgins Township and Roscommon County from any liability for any claims of whatever nature resulting from or relating to the construction, maintenance/repair, or use of the private road. Such agreement shall include the witnessed and notarized signatures of the owners of all lots adjoining any portion of the proposed private road, and shall extend to the successors and assigns of said lot owners.

- B. The application form and all required application materials shall be reviewed by the Zoning Administrator for administrative completeness. An administratively complete application shall be processed and reviewed by the Zoning Administrator. The Zoning Administrator may engage the services of the Township Attorney and/or the Township Engineer in the review of the application. Provided the Zoning Administrator determines that the applicant has met the standards for approval, the approval shall be considered a “tentative” approval unless and until the Zoning Administrator gives final approval pursuant to subsection E herein.
3. Review Standards: The Zoning Administrator shall review the application and supporting materials to determine whether the proposed private road can and will be constructed and maintained as required herein.
4. Construction and Maintenance Standards and Requirements for a Private Road
- A. The private road shall be constructed with a deeded and recorded easement or right-of-way width of at least 66’ for its entire length.
- B. The private road shall be constructed parallel to, and as close as practical to, the center line of the easement or right-of-way.
- C. The private road shall be constructed in accordance with the Roscommon County Road Commission’s gravel (aggregate) public road standards and specifications. The private road is not required to be paved, but if a paved surface is to be applied, the private road must be constructed in accordance with the Roscommon County Road Commission’s paved public road standards and specifications.
- D. Evidence shall be submitted to the Zoning Administrator that such private road has been named, and the name of such road has been accepted by the Township Board, and that the dwelling or principal structure for which a building permit is sought will be designated by a number so as to facilitate fire protection and other emergency services.
- E. All permits required by the Roscommon County Road Commission and other County/State permits shall be obtained.
- F. Upon construction the private road shall be properly maintained.
- G. A private road Maintenance Agreement shall provide for the perpetual private (nonpublic) maintenance of the private road and shall contain necessary and reasonable standards to serve the several interests involved. The Maintenance Agreement shall contain as a minimum the following provisions.
- 1) A method of initiating the financing of the private road in order to keep the road in good and useable condition and to continuously meet the standards contained in this Section 16.43.
  - 2) A workable method of apportioning the cost of maintenance and improvements.

- 3) A provision that all land owners gaining access from the private road irrevocably and perpetually consent to the establishment of a special assessment district to ensure the proper maintenance of the private road.
  - 4) A notice that no public funds of Higgins Township are to be used to build, repair or maintain the private road.
  - 5) Easements to the public for the purpose of emergency and other public vehicles for whatever public services are necessary.
  - 6) A provision that the owners of any and all property using the private road shall refrain from prohibiting, restricting, limiting or in any manner interfering with the normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invite, tradesmen, and others bound to or returning from any of the properties having the right to use the road.
5. Certification of Construction/Inspection Fee: Upon completion of construction of the private road the applicant shall submit to the Zoning Administrator the certification of a registered civil engineer stating that the private road has been completed in accordance with the site plan and construction plan, and the tentative approval. The certification shall be accompanied by such reasonable inspection fee as may be established by Resolution of the Township Board. The Zoning Administrator shall review the certification and inspect the constructed private road with such assistance from the Township Engineer or other designee as may be necessary to determine compliance. The Zoning Administrator shall identify any deficiencies therein and inform the applicant of same. (notwithstanding the foregoing, the certification of a registered civil engineer shall not be required with respect to a private road in accordance with the site plan and construction plan shall be verified by inspection of the Zoning Administrator or designee). The tentative approval of the private road shall be considered final upon the Zoning Administrator's verification of the following:
- A. The completion of the private road as required, including the correction of any deficiencies identified by the Zoning Administrator.
  - B. Proof of recording in the records of the Roscommon County Register of Deeds of the fully executed Maintenance Agreement and the fully executed Waiver of Liability and Indemnification Agreement.
  - C. Proof that the applicant has furnished the location and description of the completed private road to the Roscommon County Sheriff's Department to be coordinated with the 911 emergency services network serving the area.
6. Issuance of Permits: Final approval of the private road by the Zoning Administrator shall be required before a building permit is issued for any construction on lots served by the private road and/or before a zoning permit is issued.



7. Maintenance and Repair Responsibility: All maintenance, repair and responsibility for a private road shall belong exclusively to the right-of-way owner/owners of benefited lots, and in no circumstances shall the Township have any responsibility or liability therefore. Further, the Roscommon County Road Commission shall have no responsibility for an approved private road, unless and until such private road is accepted by the Roscommon County Road Commission as dedicated public road.
8. Prior Nonconforming Private Roads/Conforming Private Road Upgrade: Any existing lawfully created private road/dive shall not be extended or expanded to serve additional lots unless such private road is approved by the Zoning Administrator as provided herein.

Section 16.44 - Public Notice.

- A. **Public Notification.** All public hearings as required by the ZEA and this Ordinance shall comply with the ZEA and other provisions of this section with regard to public notification.
  1. **Responsibility.** When the provisions of this Ordinance or the ZEA require that notice be published, the Township Clerk shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in the Township of Higgins and mailed or delivered as provided in this section.
  2. **Content.** All mail, personal and newspaper notices for public hearings shall:
    - a. **Described nature of the request.** Identify whether the request is for rezoning, text amendment, special land use, Planned Unit Development, variance, appeal, ordinance interpretation or other purpose.
    - b. **Location.** Indicated the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning or text amendment, or when the request is for an ordinance interpretation or an appeal of an administrative decision not involving a certain property.
    - c. **When and where the request will be considered.** Indicate the date, time and place of the public hearing(s).
    - d. **Written comments.** Include a statement describing when and where written comments will be received considering the request. Include a statement that public may appear at the public hearing in person or by counsel.

- e. Handicap access. Information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.

B. Personal and mailed notice.

- 1. General. When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
  - a. The owner of property for which approval is being considered, an applicant if different than the owner of the property.
  - b. Except for rezoning requests or text amendments involving eleven (11) or more adjacent properties, or an ordinance interpretation request or an appeal of an administrative decision that does not involve a specific property; all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request and to the occupants of all structures within three hundred (300) feet of the boundary of the property, regardless of whether the property or occupant is located within the boundaries of the Township of Higgins. If the name of the occupant is not known, the term "occupant" may be used in making notification.
  - c. All electric, gas, and pipeline public utility companies, each telecommunication service provider, each railroad, operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the Township Clerk for the purpose of receiving the notice of public hearing.
- 2. Notice by mail/affidavit. Notice shall be deemed mailed by its deposit in the United States Mail, First-Class, properly addressed, postage paid. The Higgins Township Clerk shall prepare a list of property owners and registrants to whom notice was mailed, as well as anyone to whom personal notice was delivered.
- 3. Timing of Notice. Unless otherwise provided in the ZEA or this Ordinance where applicable, notice of a public hearing shall be provided as follows:
  - a. For a public hearing on application for rezoning, text amendment, special land use, Planned Unit Development, variance, appeal or ordinance interpretation: not less than fifteen (15) days before the date the application will be considered for approval.

Section 16.45 Conditional Rezoning.

- 1. Intent. It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section 405 of the Zoning Enabling Act (MCL125. 3405) by which an owner seeking a rezoning may

voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

2. Application and Offer of Conditions.

- A. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
- B. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
- C. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
- D. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
- E. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
- F. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.
- G. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
- H. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

3. Planning Commission Review.

The Planning Commission, after public hearing and consideration of the factors for rezoning, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

4. Township Board Review.

After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board shall, in have the option, but not be required to refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board and proceed thereafter to deny or approve the conditional rezoning with or without amendments.

5. Approval.

A. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the Ordinance adopted by the Township Board to accomplish the requested rezoning.

B. The Statement of Conditions shall:

1. Be in a form recordable with the Register of Deeds of Roscommon County or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
2. Contain a legal description of the land to which it pertains.
3. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
4. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
5. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof

may be recorded by the Township with the Register of Deeds of Roscommon County.

6. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
6. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
7. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the Register of Deeds of Roscommon County. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.
8. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.
9. Compliance with Conditions.
  - A. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
  - B. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.
10. Time Period for Establishing Development or Use.

Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with

Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

Section – 16.46 – Temporary Occupancy Permit: Temporary use of a Motor Home, Recreational Vehicle or Travel Trailer shall only be permissible by means of a temporary occupancy permit issued by the Zoning Administrator, during the course of construction, but not to exceed six (6) months. The property owner must comply with sanitary facilities as required by the Michigan State Health Department. Temporary use of any other facility not listed above is not permissible.

Article XVII  
Environmental Conservation Provisions

Section 17.01 – Purpose:

The purpose of this Article, applicable in all Zoning Districts, is to promote the conservation or wise use of important unrennewable natural resources and to protect the desirable qualities of the natural environment which may involve the saving of important vegetation, wildlife cover, watersheds, areas which periodically flood, features controlling wind or water erosion, wetlands, and areas of topographical, archaeological, geological, historical or agricultural significance for present and future generations.

Section 17.02 – Natural Environment:

It is the general requirement of this Article to conserve and wisely use in the most careful and well-planned manner possible in accordance with the provisions of Public Act 127 of 1970, “The Michigan Environmental Protection Act” and “State Guidelines: Preparation and review of Environmental Impact Statements”, Michigan Environmental Review Board, Office of Management and Budget. Under this Article where it is the judgment of the Planning Commission and their written reasons, the Planning Commission may require the submittal of an Environmental Impact Statement in accordance with “State Guidelines: Preparation and Review of Environmental Impact Statement”, Michigan Environmental Review Board, Office of Management and Budget.

Section 17.03 – Natural Resources:

In order to properly conserve and provide future access to such natural resources as sand, gravel, oil, gas, coal, minerals and other economically important unrennewable resources, the Planning Commission may require the applicant desiring to develop such property to prepare a survey or map indicating the type, character, and location of agricultural soil types and elevation and use areas, and the method proposed to preserve future development and use of such soil types and use area. In the making of such plans and surveys an applicant desiring to develop agricultural soil types and use areas shall be encouraged to develop only those portions of a property which are the least adaptable for present and future agricultural purposes.

Section 17.04 – Lakes, Ponds, Rivers, Streams, Water Courses and Drainageways:

In order to conserve or wisely use the lakes, ponds, rivers, streams, water courses and drainageways in the Township, no such feature shall be altered, changed, transformed or otherwise be varied from its present existing condition except as follows:

- A. In all Zoning Districts no river, stream, water course or drainageway, whether partly filled with water or dry in certain seasons, shall be obstructed or altered in any way at any time by any person, except when done in conformance with State and Federal laws, regulations and standards.
- B. In all Zoning Districts the edge, bank, or shore of any lake, pond, river or stream shall not be altered, changed, transformed or otherwise be varied from its present condition except in conformance with the provisions of (1) Public Act 291 or 1965, “The Inland Lakes an Stream Act”, (2) Public Act 245 of 1970, “The Shorelands Protection and

Management Act”, (3) Public Act 347 of 1976, “Soil Erosion and Sedimentation Control Act”.

- C. In accordance with the provisions of Public Act 231 of 1970, “The Natural River Act” and “State Administrative Rules” adopted by the Michigan Department of Natural Resources are hereby made a part of this Ordinance.

Section 17.05 – Flood Plains:

- A. Notwithstanding any other provisions of this Ordinance, land subject to periodic flooding shall be used only for agriculture and recreation uses, provided no structures are located within the area subject to flooding.
- B. The location and boundaries of land subject to periodic flooding shall be determined by reference to the U.S. Army Corps of Engineers, the U.S. Soil Conservation Service or other official U.S. or Michigan public agency responsible for defining and determining flood plain areas.
- C. No building shall be located within a designated floodway. The Township Planning Commission may, upon special use approval, permit bridges, dams, other public facilities, piers, wharves, or boat houses. Before any such structure is built within the floodway, it shall be shown that such structure will not form a significant obstruction or retard the movement of floodwaters, except as part of a plan for flood control.

Section 17.06 – Wetlands:

All areas designated as wetlands by the Michigan Department of Natural Resources are hereby declared to be “Wetlands” in the Township and are subject to the provisions of this Ordinance as follows:

All wetlands in the Township are hereby subject to the provisions of Public Act 203 of 1979, “The Wetlands Act” in order to encourage the proper use and development of the wetlands.

Section 17.07 – Environmentally Sensitive Areas:

- A. Areas may be designated by the Township Board upon favorable recommendation of the Planning Commission, as Areas of Environmental Sensitivity including, but not limited to:
  - 1. Rare or valuable ecosystems.
  - 2. Significant undeveloped agricultural, grazing or watershed areas.
  - 3. Forests and related land which require long stability for continuing renewal.
  - 4. Scenic or historical roads/areas, including burial grounds.
  - 5. Such additional areas as may be determined by the Federal government, the State of Michigan or Roscommon County.



B. General requirements for Environmentally Sensitive Areas

All zoning permit applications in Environmentally Sensitive Areas, regardless of size, and in addition to (or as part of) any other applicable portions of this section shall demonstrate that the proposed development will not adversely affect the environment quality of the property and the surrounding area by means of the following:

1. The applicant shall provide written evidence that the proposed development of the property will conform to the provisions of such Soil Erosion and Sedimentation Control Ordinance as may be in effect in the County.
  2. The applicant shall provide written evidence that a sewage treatment or disposal system has been approved by the Roscommon County Health Officer or Wastewater Division of the Michigan Department of Natural Resources and is in conformance with any additional provisions set forth in this Ordinance pertaining to setbacks from water bodies, height above water level, etc.
  3. The applicant shall provide evidence that the cutting and removing of trees and other native vegetation will be performed according to the following standards:
    - a. Clear cutting of woodlands and the removal of shrubbery and undergrowth shall be restricted to removal of dead, diseased or dying trees.
    - b. Selective cutting which removes not more than forty (40) percent of the trees and which leaves a well distributed stand of tree foliage shall be permitted.
    - c. More than forty (40) percent of the tree coverage may be removed only as such action is recommended by a state forester, or a private forester registered by the state and approved by the Planning Commission.
    - d. Cutting shall be done in such a manner as to avoid erosion, to preserve rare species of trees or greenery, to preserve scenic qualities, and to preserve desirable screening.
- C. Have as a portion of the application a site plan for review by the Planning Commission, that provides such data concerning the physical development and extent of disruption to the site as may be required by the Planning Commission. The Planning Commission or Zoning Administrator may require any of the following as part of the information of the site plan: maps, description of earth changes, soil borings, soil surveys, well logs, description of vegetation changes, percolation test, and description of development, topographic surveys, and other environmental impact information. The review of the site plan will be made in such a manner as to:
1. Determine whether the regulations of this Ordinance shall have been observed regarding cutting of trees and other vegetation, sewage disposal, erosion and sedimentation control, etc.
  2. Determine whether the true intent of State and Township regulations, including this Ordinance, shall be served by this development in safeguarding against adverse effects on air and water quality, the natural resources of the area, and the

natural vegetation of the area. The Planning Commission shall recommend alterations as are required by existing Ordinance or Statute, or such reasonable requirements as it deems necessary to minimize such adverse effects.

- D. In special cases where in the judgment of the Township Planning Commission a development proposal, because of its extensiveness, complexity, exceptional cost of development or significant impact on both the existing development pattern and the natural environment, cannot be properly processed under the limited provisions of this Article, may be required to conform to the provisions of both this Article and those of Article XX, "Site Plan Review".
- E. As requirements of the Department of Natural Resources and the Natural River Act the following requirements will apply to the South Branch River, and the tributaries of Robinson Creek and Hudson Creek.
1. Minimum riverfront lot width of 200 feet (150 feet for tributaries).
  2. Minimum building setback of 200 feet (100 feet for tributaries).
  3. Restricted cutting strip of 75 feet or more (50 feet for tributaries).
  4. No industrial or commercial uses within 400 feet of any designated stream.
  5. No septic systems within 150 feet of the streams.
  6. No land alteration or filling within the 100 year flood plain.

Article XVIII  
Off-Street Parking, Loading and Unloading Requirements

Section 18.01 – Purpose:

It is the purpose of this Article to improve and maintain the safety of the roads and highways in the Township by requiring off-street parking, loading and unloading spaces for all uses permitted by this Ordinance in order to provide for the proper function and safety in the use of roads and highways as traffic ways which are intended to be limited to moving automotive vehicles.

Section 18.02 – Off-Street Parking Requirements:

In all Districts, except F & FR there shall be provided at the time any building or structure is erected, or uses established, enlarged or increased in capacity, off-street parking spaces for automotive and motorize vehicles with the requirements specified as follows:

- A. Plans and specifications showing required off-street parking spaces shall be submitted to the Zoning Administrator for review at the time of application for a Zoning Permit. Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within 300 feet thereof, except that this distance shall not exceed 150 feet for single family and two-family dwellings.
- B. Outdoor parking of motor vehicles, in all Residential Districts except in the F & FR B District, shall be limited to passenger vehicles, one (1) nonresidential type recreational vehicle per dwelling unit, and not more than one (1) commercial vehicle of the light delivery type, not to exceed one (1) ton single front and single rear axle, shall be permitted per dwelling unit. The outdoor parking of any other type of commercial vehicle, or bus, except for those parked on school or church property, is prohibited in all Residential Districts, except as the F & FR B District parking space requirements for all types of vehicles may be provided either in garages, covered or outdoor parking areas conforming with the provisions of this Ordinance.
- C. Each off-street parking space for automobiles shall not be less than 200 square feet in area, exclusive of access drives or parking space access aisle, and shall be of usable shape and condition. There shall be provided a minimum access drive of ten (10) feet in width, and where a turning radius is necessary it will be of such an arc as to reasonable allow an unobstructed flow of vehicles. Parking space access aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of a parking space. The minimum width of such aisles shall be:
  1. For 90 degree or perpendicular parking the aisle shall not be less than twenty-two (22) feet in width.
  2. For 60 degree parking the aisle shall not be less than eighteen (18) feet in width.
  3. For 45 degree parking the aisle shall not be less than thirteen (13) feet in width.
- D. Required off-street parking facilities for churches located in nonresidential districts may be reduced by an equivalent number of off-street parking spaces located within 300 feet, if they are directly accessible and usable, as off-street parking spaces. Off-

street parking facilities for trucks at restaurants, service stations and other similar and related uses shall be of sufficient size to adequately serve trucks and not interfere with other vehicles that use the same facilities. Such truck spaces shall not be less than ten (10) feet in width and eighty (80) feet in length.

- E. Every parcel of land hereafter used as a public or private off-street parking area shall be developed and maintained in accordance with the following requirements:
1. All off-street parking spaces shall not be closer than ten (10) feet to any property line.
  2. All off-street parking areas shall be drained so as to prevent any increase in drainage to abutting properties and shall be constructed of graded aggregate materials which will have a dust-free surface resistant to erosion by wind and water.
  3. Any lighting fixtures used to illuminate any off-street parking area shall be so installed as to divert the light away from any adjoining premises and public roads, and no source of light shall be observable beyond the lot lines of the property upon which it is located.
  4. Any off-street parking area providing space for five (5) or more vehicles shall be located at least twenty (20) feet from and be effectively screened on any side which adjoins or faces property adjoining a residential lot or institution by a wall, fence, or compact evergreen planting not less than four (4) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.
  5. All off-street parking areas that make it necessary for vehicles to back out directly onto a public road are prohibited, except for single family and duplex residential driveways.
  6. Combined parking facilities are allowed when two (2) or more uses occur on one property or when a building on one property contains two (2) or more uses, provided that the permanent allocation of the required number of parking spaces shall be the sum of the requirements for all the uses computed in accordance with this Ordinance. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use, except churches.
- F. For the purpose of determining off-street parking requirements, the following units of measurement shall apply:
1. Floor Area: In the case of uses where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the total floor area, except that such floor area need not include any area used for incidental service, storage installations of mechanical equipment, penthouses, housing ventilators and heating systems, and similar uses
  2. Places of Assembly: In stadiums, sport arenas, churches and other places of assembly in which those in attendance occupy benches, pews, or other similar

seating facilities; each eighteen (18) inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has open assembly area, requirements shall be on the basis of one (1) seat being equal to three (3) square feet.

Section 18.03 – Use of Parking Areas:

No commercial repair work, servicing or selling of any kind shall be conducted on any parking area except that which is specifically permitted by this Ordinance. No items such as plastic animals, steamers, cloth signs, children’s play areas, mechanical entertainment devices, or any other similar device shall be permitted in the parking area or outside a building.

Section 18.04 – Off-Street Parking Space Requirements:

The minimum required off-street parking spaces are set forth as follows:

<u>Use</u>	<u>Parking Space Requirements</u>
1. Automobile or Machinery Sales and Service Garages	One (1) space for each 200 square feet of showroom floor area, plus tow (2) spaces for each service bay, plus one (1) space for each employee working during maximum employment hours.
2. Banks, Business and Professional Offices	Two (2) parking spaces for each 200 square feet of floor area, plus one (1) parking space for each employee during maximum employment hours.
3. Barber Shops and Beauty Parlors	Two (2) spaces for each chair, plus one (1) space for each employee working during maximum employment hours.
4. Boarding and Lodging Houses	One (1) parking space for each bed.
5. Bowling Alleys	Five (5) parking spaces for each alley, plus one (1) space for each employee working during maximum employment hours.
6. Churches, Auditoriums, Stadiums, Sports Arenas, Theaters, Dance Halls, Assembly Hall other than schools	One (1) space for each three (3) seats, or for each three (3) permitted in such buildings as determined by the State Fire Marshall
7. Clinics	Four (4) spaces for each doctor, plus one (1) space for each employee working during maximum employment hours.

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|---|---|
| 8. Convalescent or Nursing Home, Orphanage or Similar Use                       | One (1) parking space for each two (2) beds, plus one (1) space for each employee, including nurses, working during maximum employment hours.   |
| 9. Drive-in Banks, Cleaners and Similar Businesses                              | Five (5) parking spaces, plus one (1) parking space for each employee working during maximum employment hours   |
| 10. Drive-in Eating Establishments without inside seating                       | Ten (10) parking spaces, plus one (1) parking space for each 20 square feet of floor area and one (1) parking space for each employee working during maximum employment hours.  |
| 11. Dwellings (Single and Two-Family)   | Two (2) parking spaces for each family dwelling unit.   |
| 12. Dwelling (Multiple Family) and Mobile Home Parks                            | Two (2) parking spaces per dwelling unit, plus one (1) additional space for each four (4) dwelling units and one (1) space for each employee working during maximum employment hours.   |
| 13. Funeral Homes and Mortuaries  | Four (4) spaces for each slumber room or one (1) space for each 50 square feet of gross floor area, whichever is greater, plus one (1) space for each fleet vehicle and one (1) space for each employee working during maximum employment hours |
| 14. Furniture, Appliance Stores, Household Equipment and Furniture Repair Shops | One (1) space for each 400 square feet of floor area, plus one (1) parking space for each employee working during maximum employment hours.   |
| 15. Gasoline Filling and Service Stations                                       | One (1) parking space for each repair and service stall, plus one (1) space for each employee working during maximum employment hours.  |
| 16. General Office Building   | One (1) parking space for each 400 square feet of gross floor area, plus one (1) parking space for each employee working during maximum employment hours.   |
| 17. Hospitals   | One (1) space for each bed, plus one (1) space for each employee working during maximum employment hours.   |

18. Hotels, Motels, Lodging  
Houses, Tourist and Boarding  
Homes
- One (1) space of each living unit, plus one (1) space for each employee working during maximum employment hours.
19. Libraries, Museums, Post  
Offices
- One (1) parking space for each 800 square feet of floor area, plus one (1) parking space for each employee working during maximum employment hours.
20. Livestock Auction
- One (1) parking space for each 100 square feet of building, pens, and all enclosed areas on the premises of the auction facility.
21. Manufacturing, Fabricating,  
Processing and Bottling Plants
- One (1) space for each employee working during maximum employment hours.
22. Restaurants, Beer Parlors,  
Taverns, Cocktail Lounges,  
Night Clubs and Private Clubs
- One (1) parking space for each four (4) customer seats, plus one (1) parking space for each employee working during maximum employment hours.
23. Retail Stores
- One (1) parking space for each 150 square feet of floor area, plus one (1) space for each employee working during maximum employment hours.
24. Roadside Stands
- Five (5) parking spaces, plus one (1) parking space for each 25 square feet of floor area.
25. Schools; Private or Public  
Elementary and Junior High  
Schools
- One (1) space for each employee working during the maximum employment hours in the building and on the grounds, plus one (1) space for each thirty (30) students of maximum enrollment capacity.
26. Senior High School and  
Institutions of Higher Learning,  
Private or Public
- One (1) parking space for each employee plus one (1) for each 5 students, plus the parking requirements for an auditorium, a gymnasium and an athletic field if they are included.
27. Self-Service Laundry or Dry  
Cleaning Stores
- One (1) space for each two (2) washing and dry-cleaning machines plus one (1) space for each employee working during maximum employment hours.
28. Supermarket, Self-Service Food  
and Discount Stores
- Two (2) spaces for each 200 square feet of floor area, plus one (1) space for each employee working during maximum employment hours.

29. Wholesale Establishments and Warehouses

One (1) space for each 400 square feet of floor area, plus one (1) space for each employee working during maximum hours.

30. If a use is not specifically listed, the parking requirements of a similar or related use shall apply as determined by the Zoning Board of Appeals.

Section 18.05 – Off-Street Loading and Unloading Requirements:

In connection with every use, except single family, two family and multiple family dwelling unit structures, there shall be provided on the same lot with such buildings, off-street loading and unloading spaces for permitted or special uses which customarily receive or distribute material or merchandise or provide services by vehicle as follows:

- A. Plans and specifications showing required loading and unloading spaces, including the means of ingress and egress and interior circulation, shall be submitted to the Zoning Administrator for review at the time of application for a Zoning Permit for the establishment or enlargement of a use of land, building or structure.
- B. Each off-street loading-unloading space shall not be less than ten (10) feet in width, 80 feet in length, and if a roofed space, be not less than fifteen (15) feet in height.
- C. A loading-unloading space may occupy all or any part of any required side or rear yard; except the side yard adjacent to a public road in the case of a corner lot. No part of a required front yard may be occupied by a loading space.
- D. A loading-unloading space shall not be located closer than 50 feet to any residential lot or parcel unless wholly within a completely enclosed building, or unless enclosed on all sides by a wall, fence, or compact planting not less than six (6) feet in height.
- E. When two (2) or more uses are located on a lot or parcel, the total requirements for off-street loading-unloading facilities shall be the sum of all the uses computed separately.
- F. All off-street loading-unloading facilities that make it necessary to back out directly into a public road shall be prohibited.
- G. Off-street loading space and access drives shall be paved, drained, lighted and shall have appropriate bumper or wheel guards where needed.
- H. All lights used for illumination shall be so arranged as to reflect the light away from the adjoining premises and roads, and no light source shall be visible beyond the property lines of a lot or parcel upon which there are located.
- I. Off-street loading-unloading requirements for motels, hospitals, funeral homes or mortuaries, public assembly, offices, retail, retail, wholesale, industrial or other uses similarly involving the receipt or distribution by trucks, having over 5,000 square feet of gross floor area, shall be provided with at least one (1) off-street loading-unloading



space, and for every additional 20,000 square feet of gross floor space or fraction thereof shall provide one (1) additional loading-unloading space.

- J. If a use is not specifically listed, the requirements of a similar or related use shall apply, as determined by the Zoning Board of Appeals.

Article XIX  
Sign Regulations

Section 19.01 – Purpose:

The purpose of this Article is to regulate on-site signs and outdoor advertising so as to protect the health, safety and general welfare, to protect property values, and to protect the character of the various neighborhoods in Higgins Township.

The principal features are the restriction of advertising to the use of the premises on which the sign is located and the restrictions of the total sign area permissible per site. Any sign placed on land or on a building for the purpose of identification or for advertising a use conducted on the premises shall be deemed an accessory use. It is intended that the display of signs will be appropriate to the land, building, or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification or advertisement. With respect to signs advertising business uses, it is specifically intended, among other things, to avoid excessive competition and clutter among sign displays. Outdoor advertising signs (billboards), which advertise products or businesses not connected with the site or building on which they are located, are deemed to constitute a principal use of a lot.

Section 19.02 – Definitions:

- A. Abandoned Sign: A sign which no longer advertises or identifies a business, lessor, owner, or activity conducted upon or product available on the premises where such sign is displayed.
- B. Billboard: See “Outdoor Advertising Sign”
- C. Business District or Shopping Center: A group of two (2) or more stores, offices, research or manufacturing facilities which collectively have a name different than the name of any of the individual establishments and which have common off-street parking and entrance facilities.
- D. Canopy or Marquee Sign: Any sign attached to or constructed within or on a canopy or marquee.
- E. District: Zoning District as established by the Higgins Township Zoning Ordinance.
- F. Free Standing Sign: A sign supported by a structure independent of any other structure.
- G. Height of Sign: The vertical distance to the top edge of the copy area or structure, whichever is higher, as measured from the adjacent street grade.
- H. Identification Sign: A sign which carries only the name of the firm, the major enterprise, of the principal product or service offered for sale on the premises or a combination of these things only to identify location of said premises and not to advertise. Such signs shall be located only on the premises on which the firm or major enterprise is situated, or on which the principal product is offered for sale.

- I. Off-Site Sign: (Off-Premises Sign) – A sign other than an on-site sign.
- J. On-Site Sign: (On-premises Sign) – A sign which advertises or identifies only goods, services, facilities, events, or attractions on the premises where located.
- K. Outdoor Advertising Sign: A sign, including billboards, on which the written or pictorial information is intended to advertise a use, product, service, goods, event or facility located on other premises, and which is intended primarily for advertising purposes.
- L. Sign: Any structure or part thereof, of device attached thermo or painted or represented thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, code mark or other representation used as, or in the nature of, an announcement, advertisement, direction or designation, of any person, firm, organization, place, commodity, service, business, profession, or industry, which is located upon any land or in any building, in such manner as to attract attention from outside the premises. Except signs not exceeding one (1) square foot in area bearing only property numbers, post box numbers or names of occupants of premises.
- M. Temporary Sign: A sign that is intended to be displayed for a limited period of time.
- N. Wall Sign: A sign attached to or erected against the wall of a building with the face in a plane parallel to the plane of the building wall.
- O. Window Sign: A sign installed on or in a window for purposes of viewing from outside the premises. This term does not include merchandise located in a window.
- P. Portable Sign: Any sign not permanently attached to the ground or a building.

Section 19.03 – General Sign Regulations:

The following regulations shall apply to all signs in Higgins Township:

A. Illuminated Signs:

- 1. RR, UR, MFR, OSC and NSC Districts – only indirectly illuminated signs shall be allowed, provided such sign is so shielded as to prevent direct light rays from being visible from the public right-of-way or any adjacent residential property.
- 2. In GSC, HC and I Districts – indirectly or internally illuminated signs are permitted providing such sign is so shielded as to prevent direct light rays from the light source being visible from the public right-of-way or any adjacent residential property.

B. Measurement of Sign Area:

The area of a sign shall be computed as including the entire area within a regular geometric form or combination of such forms comprising all the display area of the sign and including all of the elements of the matter displayed. Frames and structural

members not bearing copy or display materials shall not be included in computation of sign area. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back-to-back, parallel to one another, and less than twenty-four (24) inches apart, the area of the sign shall be the area of one face.

- C. Height of Signs: No free standing sign shall exceed a height of twenty-five (25) feet.
- D. Setback Requirements for Signs: Except where specified otherwise in this Ordinance, all signs shall be set back a minimum of one-half (1/2) the front yard requirements as measured from the road right-of-way line.

#### Section 19.04 – Signs Permitted in All Districts:

Subject to the other conditions of this Ordinance, the following signs shall be permitted anywhere within Higgins Township:

- A. Off-premise signs which bear names, information and emblems of service clubs, places of worship, civic organizations, and quasi-public uses shall be permitted on private property with permission of the Planning Commission. Each sign shall be no more than nine (9) square feet in area, shall not exceed a height of eight (8) feet, and shall be set back a minimum of ten (10) feet from the road right-of-way line.
- B. Signs which direct traffic movement on to or within a property and which do not contain any advertising copy or logo, and which do not exceed nine (9) square feet in area for each sign. Horizontal directional signs, on and flush with paved areas may exceed nine (9) square feet. A directional sign shall be located on the lot or parcel behind the road right-of-way line.
- C. One church announcement bulletin shall be permitted on any site which contains a church regardless of the district in which located, provided said bulletin does not exceed twenty-five (25) square feet in area and a height of six (6) feet, and is set back a minimum of ten (10) feet from the road right-of-way line.

#### Section 19.05 – Prohibited Signs:

- A. Miscellaneous Signs and Posters: Tacking, pasting, or otherwise affixing of signs or posters visible from a public way except “no trespassing”, “no hunting”, “beware of animal”, warning or danger signs, and other legal postings as required by law, located on the walls of buildings, barns, sheds, on trees, poles, posts, or fences is prohibited.
- B. Banners: Pennants, banners, searchlights, twirling signs, sandwich board signs, sidewalk or curb signs, balloons, or other gas-filled figures are prohibited except as provided in Section 19.10G. – “Temporary Signs”.
- C. Swinging Signs: Signs which swing or otherwise noticeably move as a result of wind pressure because of the manner of suspension or attachment are prohibited.

- D. Moving Signs: Except as otherwise provided in this Article, no sign or any portion thereof which moves or assumes any motion constituting a non-stationary or non-fixed condition shall be permitted.
- E. Abandoned Signs: Signs that advertise an activity, business, product or service no longer conducted or available on the premises on which the sign is located shall be prohibited and removed.
- F. Unclassified Signs:

The following signs are prohibited:

1. Signs which imitate an official traffic sign or signal which contains the words “stop”, “go slow”, “caution”, “danger”, “warning”, or similar words, except as otherwise provided in this Article.
2. Signs which are of a size, location, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or road sign or signal or which obstructs the view in any direction at a road intersection.
3. Signs which contain statements, words or pictures of an obscene, pornographic or immoral character.

Section 19.06 – Permitted Signs in F & FR District:

- A. Each sign advertising the type of farm products grown on the farm premises shall not exceed nine (9) square feet in area.
- B. One identification sign shall be permitted for each public road frontage for a vehicle entrance, for a school, church building or other authorized use or lawful nonconforming use, except home occupations. Each sign shall not exceed twenty-five square feet in area and eight (8) feet in height.

Section 19.07 – Permitted Signs in RR, UR, MFR, OSC and NSC Districts:

- A. One identification sign shall be permitted for each public road frontage, for a subdivision, multiple family building development, mobile home park and each OSC or NSC business. Each sign shall not exceed twenty-five (25) square feet in area. One additional sign advertising “For Rent” or “Vacancy” may be placed on each public road frontage of a rental residential development provided that such sign shall not exceed nine (9) square feet in area and is incorporated into the identification sign. Each sign shall be located behind the right-of-way line of any public road.
- B. One identification sign shall be permitted for each public road frontage for a vehicle entrance for a school, church, public building, or other authorized use or lawful nonconforming use, except home occupations. Each sign shall not exceed twenty five (25) square feet in area and eight (8) feet in height.

Section 19.08 – Permitted Signs in GSC, HC and I Districts:

On-site canopy or marquee signs, wall signs, and free-standing signs are allowed, subject to the following.

- A. Signs permitted for single buildings on developed lots or group of lots developed as one lot, not in a shopping center, not subject to Section 19.08B, are subject to the following:
  1. Each developed lot or parcel shall be permitted at least eighty (80) square feet of sign area for all exterior on-site signs. The area of exterior on-site signs permitted for each lot or parcel shall be determined as two (2) square feet of sign area or each one (1) linear foot of building length which faces on a public road. The maximum area for all exterior on-site signs for each developed lot or parcel shall be 200 square feet. No free-standing identification sign shall exceed 100 square feet in area. No exterior wall sign for businesses without ground floor frontage shall exceed twenty-four (24) square feet in area.
  2. Each developed lot or parcel shall be permitted two (2) exterior on-site signs. For every developed lot or parcel which is located at the intersection of two (2) collector or arterial roads or highways as classified in the “Master Plan” three (3) exterior on-site signs shall be permitted. Only one (1) free-standing identification sign shall be permitted on any single road. All businesses without ground floor frontage shall be permitted one (1) combined exterior wall sign, in addition to the number of signs allocated to the developed lot or parcel. The total area of all exterior signs shall not exceed the total sign area permitted in Section 19.08A.1.
  3. Each sign shall pertain exclusively to the name and type of business carried on within the building.
- B. Signs permitted for a shopping center or other integrated group of stores; commercial buildings, office buildings or industrial buildings not subject to Section 19.08A. are subject to the following:
  1. Each shopping center or commercial district shall be permitted one (1) free-standing identification sign for each collector or arterial road or highway, as classified in the “Master Plan” that it faces. Each sign shall state only the name of the shopping center and major tenants located therein. The sign area shall be determined as one (1) square foot for each one (1) linear foot of building which faces one public road. The maximum area for each free-standing sign shall be (200) square feet. Tenants of a shopping center shall not permit individual free-standing identification signs.
  2. Each business in a shopping or commercial district with ground floor frontage shall be permitted one exterior wall sign. The area for such an exterior wall sign shall be computed as one (1) square foot for each one (1) linear foot of building frontage occupied by the business. All businesses without ground floor frontage shall be permitted one (1) combined exterior wall sign not more than twenty five (25) square feet in area. Each sign shall pertain exclusively to the name and type of business carried on within the building.

- C. Window signs shall be permitted and shall not be included in total sign area computation if said signs do not occupy more than twenty-five (25) percent of the total window area of the floor level on which displayed or exceeds a total of (200) square feet for any one building. If window signs occupy more than (25) percent of said window area or exceed a total of (200) square feet for any one building, they shall be treated as exterior signs and shall conform to Section 19.08 A.1. and 19.08 B.2.
- D. A time and temperature sign shall be permitted in addition to the above conditions, provided that ownership identification or advertising copy does not exceed ten (10%) percent of the total sign area and further provided that the total area of the sign does not exceed thirty (30) square feet.
- E. In addition to the provisions of Sections 19.08A. and B. above, an automobile service station may have one (1) additional sign for each public road or highway frontage for a vehicle entrance, for the purpose of advertising gasoline prices and other services provided on the premises. Said sign shall be mounted on a free-standing structure or on the structure of another permitted sign, provided that clear views of road traffic by motorists or pedestrians are not obstructed in any way. Said sign shall not exceed eight (8) square feet in area and shall not advertise the brand name of gasoline or other materials sold on the premises.

Section 19.09 – Outdoor Advertising Signs:

- A. Outdoor advertising signs are permitted only on undeveloped and vacant unimproved lots in GSC, HC and I Districts, and shall be considered the principal use of such lots. Signs shall not be placed on a lot where such a sign is located.
- B. Where two (2) or more outdoor advertising signs are located along the frontage of a road or highway, they shall be not less than (1,000) feet apart. A double-face (back-to-back) or a V-type structure shall be considered a single sign, provided the interior angle of such signs does not exceed twenty (20) degrees.
- C. The total surface area, facing in the same direction, of any outdoor advertising sign, shall not exceed three hundred (300) square feet. Signs may be single or double-faced and shall contain no more than two (2) faces or panels.
- D. Outdoor advertising signs shall not exceed twenty (20) feet in height from ground level. The permitted height may be increased to (40) feet by the Planning Commission, if it can be shown that excessive grades, building interference, bridge obstruction, and similar conditions obstruct views of the sign.
- E. Outdoor advertising signs shall not be erected on the roof of any building, nor have one sign above another.

Section 19.10 – Temporary Signs:

Unilluminated on-site temporary exterior signs may be erected in accordance with the regulation of this Article.

- A. In all districts, one (1) sign for each public road frontage advertising a recorded subdivision or development shall be permitted. Each sign not to exceed twenty-five (25) square feet in area. Each sign shall be removed within one (1) year after the sale of seventy (70%) percent of all lots or units within said subdivision or development.
- B. In MFR districts, one (1) sign on each public road frontage of a new multiple family development advertising the new dwelling units for rent or sale, not to exceed twenty-five (25) square feet in area shall be permitted. Each sign shall be removed within (60) days of the initial rental or sale of seventy (70%) percent of the dwelling units within the development.
- C. One identification sign shall be permitted for all building contractors, one for all professional design firms and one for all lending institutions on sites under construction, each sign not to exceed nine (9) square feet in area, with not more than a total of three (3) such signs permitted on one site. If all building contractors, professional design firms and lending institutions combine together in one identification sign, such sign shall not exceed twenty-five (25) square feet in area with not more than one sign permitted on one site. Signs shall have a maximum height of ten (10) feet and shall be confined to the site of the construction, construction shed or construction trailer and shall be removed within fourteen (14) days after final inspection by the Zoning Administrator.
- D. Temporary real estate direction signs, not exceeding three (3) square feet in area and four (4) in number, showing a directional arrow and placed back of the road right-of-way line, shall be permitted on approach routes to an open house. Signs shall not exceed three (3) feet in height.
- E. Temporary signs announcing any annual or semi-annual public, charitable, educational or religious event or function, located entirely within the premises on which the event or function is to occur, shall be permitted. Maximum sign area shall not exceed twenty-five (25) square feet. Signs shall be allowed no more than twenty-one (21) days prior to the event or function. If building mounted, signs shall be flat wall signs and shall not exceed six (6) feet in height. Signs shall be set back in accordance with Section 19.03D. of this Ordinance.
- F. In RR, UR, MFR, OSC and NSC Districts, one (1) temporary real estate "For Sale", "For Rent", or "For Lease" sign, located on the property and not exceeding nine (9) square feet in area shall be permitted. In the GSC, HC and I Districts, one (1) sign of this type shall be permitted, provided it does not exceed twenty-five (25) square feet in area and is set back in accordance with Section 19.03D. of this Ordinance. If the lot or parcel has multiple street frontage, one (1) additional sign not exceeding nine (9) square feet in area in the RR, UR, MDR, MFR, OSC and NSC and twenty-five square feet in area in the GSC and I districts is permitted. Under no circumstances shall more than two (2) such signs be permitted on a lot or parcel. Such signs shall be removed within seven (7) days following the sale, rent or lease. In no case, shall a sign list the sale, rent, or lease of a building which is not located on the property on which the sign is located.



- G. Banners, pennants, searchlights, balloons, or other gas-filled figures are permitted in GSC, HC and I Districts for a period not to exceed thirty (30) consecutive days. Such signs and objects shall not obstruct pedestrian or vehicular view.

Section 19.11 – Exempted Signs:

The following types of signs are exempted from all provisions of this Ordinance, except for construction and safety regulations and the following standards:

- A. Signs of a non-commercial nature and in the public interest, erected by, or on the order of a public officer, in the performance of a public duty, such as directional signs, regulatory signs, warning signs, and informational signs.
- B. Political campaign signs announcing candidates seeking public political office and other data pertinent thereto, except as prohibited in Section 19.05A, providing that these signs shall be removed within seven (7) days after the date of the election for which they were posted, and shall not exceed nine (9) square feet in area.
- C. Names of brands, manufacturer's labels and logos, date of erection, monument citations, commemorative tablets, and the like, when carved into stone, concrete, metal or similar material or made of other permanent type construction and made an integral part of the structure.

Section 19.12 – Nonconforming Signs:

Nonconforming signs shall not be reestablished after the activity, business, or usage to which it relates has been discontinued for ninety (90) days or longer as determined by the Zoning Administrator.

Section 19.13 – Permits and Fees:

- A. Application for a permit to erect or replace a sign shall be made by the owner of the property, or his authorized agent, to the Township Clerk, by submitting the required forms, fees, exhibits and information. Fees for sign permits for all signs erected pursuant to Sections 19.04, 19.06, 19.07, 19.09 and 19.10 shall be established by resolution of the Township Board.
- B. An application for a sign permit shall contain the following information:
  - 1. The owners and applicant's name and address in full, and a complete description of his relationship to the property owner.
  - 2. If the applicant is other than the property owner, the signature of the property owner concurring in a submittal of said application is required.
  - 3. The address of the property.
  - 4. An accurate scale drawing at a scale of 1" = 50' to 1" = 200' of the property showing location of all buildings and structures and their uses, and location of the proposed sign.

5. A complete description and scale drawings of the sign, including all dimensions and the area in square feet.
- C. All proposed sign locations or relocations shall be inspected on the site by the Township Zoning Administrator for conformance to this Ordinance prior to placement on the site foundations shall be inspected by the Zoning Administrator on the site prior to pouring of the concrete for the sign support structure.
- D. A zoning permit for a sign shall become null and void if the work for which the permit was issued has not been completed within a period of six (6) months after the date of the permit. Said sign permit may be extended for a period of thirty (30) days upon request by the applicant and approval of the Planning Commission.
- E. Painting, repainting, cleaning and other normal maintenance and repair of a sign or a sign structure, unless a structural or size change is made, shall not require a sign permit.

Section 19.14 – Removal of Signs:

Signs erected or maintained in violation of this Ordinance shall be removed.

Article XX  
Site Plan Review Procedures

Section 20.01 – Purpose:

The purpose of this Article is to establish uniform requirements of procedure for all developments in Higgins Township so that the provisions of this Zoning Ordinance can be equitably and fairly applied to all persons seeking to add to the existing development; so that both those developing property and the responsible Township officials can be assured that compliance with the Zoning Ordinance is both possible and correct prior to the issuance of a Zoning Permit and the starting of construction.

Section 20.02 – Developments Requiring Site Plan Approval:

The following land, building and structural uses require “Site Plan Approval”:

- A. All principal and special uses and their accessory uses in the MFR, OSC, NSC, GSC and I Districts.
- B. All special uses and their accessory uses in all districts.

Section 20.03 – Developments not Requiring Site Plan Approval:

- A. Single family homes and their accessory uses in the F & FR, RR and UR Districts.
- B. General or specialize farming and their accessory uses and roadside stands in the F & FR, RR, and UR but no including all other principal and special uses and their accessory uses permitted in the F & FR, RR and UR Districts.

Section 20.04 – Role of the Zoning Administrator:

No grading, removal of trees or other vegetation, land filling, or construction of improvements shall commence for any development which requires site plan approval, until a final site plan is approved and is in effect, except as provided in the Article.

Section 20.05 – Site Plan Approval Required Prior to Starting Construction or Use of Land:

No grading, removal of trees or other vegetation, land filling, or construction of improvements shall commence for any development which requires site plan approval, until a final site plan is approved and is in effect, except as provided in the Article.

Section 20.06 – Preliminary Conference on Proposed Site Plan:

An applicant may request a meeting with the Planning Commission for the purpose of reviewing and discussing a proposed preliminary site plan for the purpose of determining the feasibility of the project which the site plan represents. The request may be put on the agenda of a regularly scheduled meeting or on the agenda of a special meeting at the request of the applicant who shall pay the established fee for such a special meeting.

Section 20.07 – Preliminary Site Plan Requirements:

A. Application:

Any person may file a request for preliminary site plan approval by filing required forms with the Township Clerk, payment of the review fee, and at least seven (7) copies of a preliminary site plan drawing (s). Upon receipt of such application, the Clerk shall transmit the preliminary site plan drawing(s) to the Planning Commission.

B. Information Required for Review

Every preliminary site plan submitted under this Article shall contain information required by Township regulations for site plan review.

C. Planning Commission Action

The Planning Commission shall study the plan and shall, within sixty (60) days of the filing date, approve or deny the preliminary site plan. If denied, the Planning Commission shall prepare a report setting forth the conclusions of its study and the reasons for its denial. The time limit may be extended upon a written request by the applicant and approved by the Planning Commission, or by mutual written agreement between the Planning Commission and the applicant.

D. Effect of Approval

Approval of a preliminary site plan by the Township Planning Commission shall indicate its acceptance of the proposed layout of buildings, roads and drives, parking areas, and other facilities and areas, and of the general character of the proposed development. The Planning Commission may, with appropriate conditions attached, authorize issuance of a grading permit by the Zoning Administrator on the basis of an approved preliminary site plan. The conditions to be attached to a permit issued for grading and foundation work may include, but not necessarily be limited to, provisions for control of possible erosion, for excluding the Township from any liability, if an acceptable plan is not provided, and for furnishing a financial guarantee for restoration of the site if work does not proceed. Site plan approval requires that the applicant meet all of the requirements of the Michigan “Soil Erosion and Sedimentation Control Act”, Public Act 347 of 1972, MCL 282.101 et seq.

E. Expiration and Extension of Approvals

Approval of a preliminary site plan shall be valid for a period of six (6) months from the date of approval and shall expire and be of no effect unless an application for final site plan approval is filed with the Township Clerk within that time period. A six (6) month extension may be granted upon written request of the applicant and approval of the Township Planning Commission. The approval of the preliminary site plan shall also expire and be of no effect one year after approval of a final site plan, unless a Zoning Permit has been obtained for development shown on the approved final site plan within that time period.

Section 20.08 – Final Site Plan Requirements:

A. Application

Following approval of a preliminary site plan, the applicant shall submit seven (7) copies of a final site plan as well as other data and exhibits hereinafter required to the Township Clerk, the review fee, and a completed application form. The Clerk, upon receipt of the application, and special meeting fee, shall promptly transmit the final site plan to the Planning Commission.

B. Information Required for Review

Every final site plan submitted for review under this Article shall contain information as required by Township regulations for site plan review.

C. Planning Commission Action

The Planning Commission shall study the final site plan and shall within sixty (60) days of the date of the Planning Commission meeting, at which the plan was received, approve or disapprove, the final site plan. This time limit may be extended upon written request by the applicant and approval by the Planning Commission, or by mutual written agreement between the Planning Commission and the applicant. The Commission may suggest and/or require changes in the plan as are needed to comply with the Zoning Ordinance.

Upon Planning Commission approval of the final site plan, the applicant and owner(s) of record, and the Chairman of the Planning Commission or his designated replacement, shall sign the approved plan. The Planning Commission shall transmit one (1) signed copy of the approved final site plan to the Zoning Administrator, Township Clerk, and to the applicant. One (1) copy shall be retained in the Planning Commission files.

If the final site plan is disapproved, the Planning Commission shall notify the Township Clerk, in writing, of such action and reasons.

D. Effect of Approval

Approval of a final site plan authorizes issuance of a Zoning Permit. Approval shall expire and be of no effect after six (6) months following approval by the Planning Commission or Township Board, whichever is specified in specific Sections of this Ordinance, unless a Zoning Permit is applied for and granted within that time period. Approval shall expire and be of no effect one (1) year following the date of approval unless authorized construction has begun on the property in conformance with the approved final site plan.

E. Appeal by Applicant

The applicant may appeal the decision of the Planning Commission on all matters pertaining to the provisions of this Zoning Ordinance, but not to the use of land,

buildings or structures, to the Zoning Board of Appeals within ten (10) days of the date of the decision of the Planning Commission on the final site plan.

Section 20.09 – Criteria for Site Plan Review:

In reviewing a preliminary or final site plan, the Planning Commission shall ascertain whether the proposed site plan is consistent with the regulations and objectives of this Ordinance and shall endeavor to assure that they conform to the following criteria:

A. Preservation of Natural Environment:

Existing conditions of the natural environment shall be preserved in their natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of adjacent and surrounding uses and development.

B. Relations of Proposed Land Building and Structural Uses To Environment:

Proposed uses and structures shall be related harmoniously to the natural environment and to existing uses and structures in the vicinity that have a visual relationship to the proposed development. The achievement of such relationship may include the enclosure of space in conjunction with existing uses and structures or other proposed uses and structures and the creation of special arrangements and focal points with respect to functional areas, avenues of approach, terrain features or other structures.

C. Drives, Parking and Circulation:

Vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not adversely effect the design of proposed land, buildings and structures and adjacent and surrounding development areas.

D. Surface Water Drainage:

Special attention shall be given to proper site surface drainage so that the flow of surface waters will not adversely affect adjacent and surrounding properties or the public storm drainage system. If practical, storm water shall be removed from all roofs, canopies and paved areas and carried away in an underground piped drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, and will not create impounded water on the paved areas.

E. Utility Service:

Electric power and telephone distribution lines shall be underground. Any utility installations remaining above ground shall be located so as to have an harmonious relation to adjacent properties and the site. The proposed method of sanitary sewage

disposal from all buildings shall be indicated. All utility installation shall be carried out in accordance with the Standard Rules and Regulations of current adoption of the Michigan Public Service Commission.

F. Advertising Features:

The size, location and lighting of all permanent signs and outdoor advertising structures or features, shall be consistent with the requirements of Article XIX, "Sign Regulations".

G. Special Features:

Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures, shall be subject to such setbacks, screen plantings or other screening methods as shall be reasonable by required to prevent their being incongruous with the existing natural and developed environment of adjacent and surrounding properties.

H. Additional Requirements:

All other standards and requirements of this Article must be met by site plans presented for review.

Section 20.10 – Modification of Procedure:

An applicant may, at his discretion and risk, combine a preliminary and final site plan in application for approval. In such a situation, the portion of the review process concerning preliminary site plan application and review may be waived by the Planning Commission. The Commission shall have the authority to require submittal of a preliminary site plan separate from a final site plan where, in its opinion, the complexities and/or scale of the site of the proposed development so warrants.

Section 20.11 – Amendment of an Approved Site Plan:

A site plan may be amended upon application and in accordance with the procedure provided in Section 20.07 herein, for a preliminary site plan, and Section 20.08 herein, for a final site plan. Minor changes in a preliminary site plan may be incorporated in a final site plan. Minor changes in a preliminary site plan may be incorporated in a final site plan without amendment to the approved preliminary site plan at the discretion of the Planning Commission. The Planning Commission shall have the authority to determine if a proposed change requires an amendment to the approved site plan.

Section 20.12 – Modification During Construction:

All improvements shall conform to the approved final site plan. If the applicant chooses to make any changes in the development in relation to the approved final site plan, he shall do so at his own risk, without any assurance that the Township Planning Commission will approve the changes. It shall be the responsibility of the applicant to notify the Zoning Administrator and the Planning Commission in writing of any such changes. The Zoning Administrator or the

Planning Commission may require the applicant to correct the changes so as to conform to the approved final site plan.

Section 20.13 – Phasing of Development:

The applicant may, at his discretion, divide the proposed development into two (2) or more phases. In such case, the preliminary site plan shall clearly indicate the location, size, and character of each phase. A final site plan for each phase may be submitted for approval.

Section 20.14 – Inspection:

All sub grade improvements,, such as utilities, sub base and base installations for drives and parking lots, and similar improvements shall be inspected by the Zoning Administrator and approved prior to covering. The Zoning Administrator shall be responsible for the inspection of all improvements for conformance to the approved final site plan. The applicant shall be responsible for requesting the necessary inspections. The Zoning Administrator shall notify the Planning Commission, in writing, when a development for which a final site plan was approved which does not pass inspection with respect to the approved final site plan, and shall advise the Commission of steps taken to achieve compliance. In such case, the Zoning Administrator shall periodically notify the Planning Commission of progress towards compliance with the approved final site plan, and when compliance is achieved. The fee schedule established by the Township Board shall include a special schedule of fees to cover large and costly projects so as to adequately cover the costs of the Township inspections of such projects as required under the provisions of this Ordinance.

Section 20.15 – Fees:

Fees for the review of site plans and inspections as required by this Article shall be established, and may be amended, by resolution of the Township Board, upon the recommendation of the Planning Commission.

Section 20.16 – Performance Guarantees:

Bonds or other acceptable forms of security may be required of the applicant after a final site plan is approved and prior to issuance of a Zoning Permit for certain site improvements such as, but not limited to, roads or drives, parking lots, grading, landscaping, and buffers. A schedule for such security shall be established by resolution of the Township Board upon the recommendation of the Planning Commission, and shall be administered by the Township Treasurer and Clerk. Such security may be released in proportion to work completed and approved upon inspection as complying with the approved final site plan. In the event that the applicant shall fail to provide improvements according to the approved final site plan, the Township Board shall have the authority to have such work completed, and to reimburse itself for costs of such work by appropriating funds from the deposited security, or may require performance by the bonding company.

Section 20.17 – Violations:

The approved final site plan shall regulate development of the property. Any violation of this Article, including any improvement not in conformance with an approved final site plan, shall be deemed a violation of the Article, and shall be subject to the penalties of this Ordinance.



Article XXI  
Administration and Enforcement

Section 21.01 – Purpose:

The purpose of this Article is to provide for the organization of personnel and procedures for the administration of the Ordinance, including the submittal and review of land use and development plans, issuance of land and structural use zoning permits, inspections of properties for compliance with the Zoning Map and regulations, establishment and collection of permit fees, handling of violators and enforcement of the provisions of this Ordinance and any amendments to it.

Section 21.02 – Administration:

The provisions of this Ordinance shall be administered by the Township Board, the Township Planning Commission and such personnel as designated by the Township Board in accordance with ZEA and this Zoning Ordinance.

The Township Board shall employ a Zoning Administrator who shall act as the officer to carry out the enforcement of this Ordinance. The person selected, the terms of employment and the rate of compensation shall be established by the Township Board.

Section 21.03 – Duties of Zoning Administrator:

- A. Receive and review all applications for Zoning Permits and approve or disapprove such applications based on compliance with the provisions of this Ordinance and shall approve issuance of the permit, if the use and the requirements of this Ordinance are met.
- B. The Zoning Administrator shall assist the Township Board, the Planning Commission and the Zoning Board of Appeals in the processing and administering of all zoning appeals and variances, special use permits and amendments to the Zoning Ordinance.
- C. The Township Clerk with the assistance of the Zoning Administrator shall be responsible to update the Township Zoning Map and keep it current.
- D. The zoning Administrator shall prepare and submit to the Township Board and the Planning Commission a written record of all zoning permits issued during each month. The record shall state the owner's name, location of property, intended use and estimate cost of construction for each permit.
- E. Maintain written records of all actions taken by the zoning Administrator.

Section 21.04 - Violation and Sanctions.

1. Nuisance Per Se. Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or used, and any use of a lot or land which is begun, continued, or changed in violation of any term or provision of this Ordinance, is hereby declared to

be a nuisance per se subject to abatement pursuant to MCL 125.3407 and as otherwise provided by law.

2. **Violation.** Any person, firm, partnership, association and/or corporation (all herein referred to as "person") who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, any administrative decision made under the Ordinance, or any permit or approval issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance. Any person responsible for a violation of this Ordinance whether as an owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.
3. **Municipal Civil Infraction.** A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
-1 <sup>st</sup> Offense	\$ 100.00	\$ 500.00
-2 <sup>nd</sup> Offense	\$ 150.00	\$ 500.00
-3 <sup>rd</sup> Offense	\$ 325.00	\$ 500.00
-4 <sup>th</sup> or More Offense	\$ 500.00	\$ 500.00

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which Higgins Township has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 be ordered.

4. **Remedial Action.** Any violation of this Ordinance shall constitute a basis for injunctive relief or other appropriate remedy in any court of competent jurisdiction to compel compliance with this Ordinance and enforce the provisions thereof.

Article XXII  
Zoning Board of Appeals

Section 22.01 – Establishment of Board of Appeals:

There is hereby established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided by ZEA and as provided in this Ordinance in such a way that the objectives of this Ordinance shall be enforced, the public health and safety secured, and substantial justice done.

Section 22.02 – Membership and Terms of Office:

The Zoning Board of appeals shall consist of three (3) members. The first member of such Board of Appeals shall be a member of the Township Planning Commission, to be appointed by the Township Board, for the terms of his office; the second member shall be a member of the Township Board, elected by the Township Board for the term of his office; and the other one (1) member shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township for a term of three (3) years, provided that no elected officer of the Township, nor any employee of the Township Board may serve simultaneously as the elector member or as an employee of the Zoning Board of Appeals. The Chairman of the Zoning Board of Appeals shall be elected from among any of its members each year at the first regular meeting held at the beginning of each calendar year. The Township Board member appointed to the Zoning Board of Appeals shall not serve as Chairman.

Section 22.03 – Rules of Procedure, Majority Vote:

The Board shall adopt its own bylaws of rules and procedures as may be necessary to properly conduct its meetings and activities. The concurring vote of a majority of the full membership of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to grant a variance in this Ordinance.

Section 22.04 – Meetings:

Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such other times as the Board in its bylaws may specify.

Section 22.05 – Public Meetings and Minutes:

All meetings of the Zoning Board of Appeals shall be open to the public. Minutes shall be recorded of all proceedings, which shall contain evidence and data relevant to every case considered, together with the record of the vote of each member by name of the Board and the final disposition of each case. The grounds of every determination shall be stated, in writing, and recorded as part of the official minutes and record of the Board. Such minutes shall accompany and be attached to the standard forms required of persons appealing as part of the Zoning Board of Appeals' permanent records. Such minutes shall be filed in the office of the Township Clerk and shall be sent promptly to the applicant or appellant and to the Zoning Administrator and to the Planning Commission. The Township Clerk shall act as the depository for all official files of the Board.

Section 22.06 – Powers and Duties:

The Zoning Board of Appeals shall not have the power to make any change in the terms of this Ordinance but does have power to act on those matters where this Ordinance provides including for administrative review, interpretation, and to authorize a variance as provided herein. The powers of the Zoning Board of Appeals include:

- A. The Zoning Board of Appeals shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by the Zoning Administrator or any other administrative body charged with enforcement of this Ordinance. This shall not give authority to the Zoning Board of Appeals to hear appeals regarding special land use and Planned Unit Development decisions.
- B. To decide any question involving the interpretation of any provision of this Ordinance, including determination of the exact location of any district boundary if there is uncertainty with regard thereto.
- C. To grant nonuse variances relating to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements of the Zoning Ordinance or any other nonuse-related standard in the Ordinance if there are practical difficulties in the way of carrying out the strict letter of the Zoning Ordinance so the spirit of the Zoning Ordinance is observed, public safety secured and substantial justice done.
- D. To permit the erection and use of a building, or an addition to an existing building of a public service corporation or for public utility purposes, in any permitted district to a greater height or larger area than the requirements herein established; and permit the location in any district of a public utility building, structure or use, if the Commission shall find use, height, area, building or structure reasonably necessary for the public convenience and service; and provided such building, structure or use is designed, erected and landscaped to conform harmoniously with the general architecture and plan of such district.
- E. Determine the classification of off-street parking and loading requirements in Section 18.02 and 18.03.

Section 22.07 – Variances:

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

- A. A written application for a variance is submitted, demonstrating:
  - 1. That special conditions and circumstance exist which are peculiar to the land, land use, structure or building in the same Zoning District so as to present such a

unique situation that a precedent will not be established for other properties in the District to also ask the same or similar change through the Zoning Appeal procedure.

2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the provisions of this Ordinance.
  3. That granting of the variance requested will not confer on the applicant any special privilege that is denied by the provisions of this Ordinance to other lands, structures, or buildings in the same Zoning District.
  4. That no nonconforming use of other lands, structures, or buildings in the same zoning district, and not permitted use of lands, structures or buildings in other zoning districts shall be considered grounds for the issuance of a variance.
- B. The Zoning Board of Appeals shall make findings that the requirements of this Ordinance have been met in the Zoning District in which it is located by the applicant for the variance requested.
- C. The Board of Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure in the zoning district in which it is to be located.
- D. The Board of Appeals shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious or otherwise detrimental to the public welfare of the zoning district in which it is to be located.
- E. In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in order for the variance to be in conformance with this Ordinance as much as reasonable possible. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance, and punishable under Section 21.04 of this Ordinance.
- F. Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the zoning district in which the variance is to be located.
- G. The Zoning Board of Appeals shall make no decision regarding a variance except after a hearing is conducted by the Zoning Board of Appeals. Notice of the variance hearing shall be given as provided in the ZEA and Section 16.44 herein.

Section 22.08 – Voiding of and Reapplication for Variances:

- A. Each variance granted under the provisions of this Ordinance shall become null and void unless:

The use and construction authorize by such variance or permit has been commenced within one year (1) after the granting of such variance.

- B. No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of one (1) year from such denial, except on grounds of new evidence or proof of changed conditions found by the Zoning Board of Appeals to be valid.

Section 22.09 – Procedure for Appealing to the Zoning Board of Appeals:

- A. Appeals, How Taken: Appeals from the ruling of the Township Zoning Administrator may be made to the Zoning Board of Appeals in the following manner:
  - 1. The person, firm or agent thereof making the appeal, shall file in writing to the Township Clerk a letter stating what the specific appeal is and the reasons for said appeal.
  - 2. The Township Clerk submits the written appeal, along with all papers constituting the record from which the action appealed was taken, to the Zoning Board of Appeals.
- B. Who May Appeal: Appeals to the Zoning Board of Appeals may be taken by any person aggrieved or by an officer, department, board, agency or bureau of the Township, County, State, Federal or other legally constituted form of government.
- C. Fee for Appeal: A fee prescribed by the Township Board shall be submitted to the Township Clerk at the time of filing the letter of appeals. The appeals fee shall immediately be placed in the Township General Fund.
- D. Effect of Appeal: An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Township Zoning Board of Appeals, after the Notice or Appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by the Circuit Court.
- E. Hearing by the Zoning Board of Appeals: Request: Notice: Hearing: When a request for appeals has been filed in proper form with the Zoning Board of Appeals, the Chairman shall immediately place the said request for appeal upon the calendar for hearing, with notice of such hearing given as provided for in ZEA and Section 16.44 herein.
- F. Representation at Hearing: During a hearing, any party or parties may appear in person or by agent or by attorney.

G. Decision: The Zoning Board of Appeals shall decide upon all appeals within a reasonable time and may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination and may issue or direct the issuance of a permit. The decision of the Zoning Board of Appeals shall be final. A party aggrieved by the decision may appeal to the Circuit Court as provided for in ZEA..

Article XXIII

Amending the Zoning Ordinance

Section 23.01 – Changes and Amendments:

Only the Township Board may amend this Ordinance. Proposals for amendments or changes may be initiated by the Township Board on its own motion, by the Planning Commission, or by petition of one (1) or more owners of property to be affected by the proposed amendment.

Section 23.02 – Procedures:

The procedure for making amendments to this Ordinance shall be in accordance with ZEA.

A petition, together with a completed and signed application and fees, shall be filed with the Township Clerk. The Clerk shall review the application as to form and, when it is approved, transmit same to the Township Planning Commission for review and report. The Clerk shall, at the same time, establish a date for a public hearing on the petition for the Planning Commission and shall give proper notice of the hearing as provided in ZEA and Section 16.44 herein.

Section 23.03 – Information Required:

The petitioner shall submit a detailed description of the petition to the Township Clerk. When the petition involves a change in the Zoning Map, the petitioner shall submit the following information:

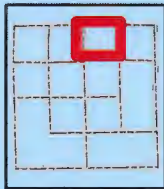
- A. A legal description of the property.
- B. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
- C. The name and address of the petitioner.
- D. The petitioner's interest in the property, and if the petitioner is not the owner; the name and address of the owner.
- E. Date of filing with the Township Clerk.
- F. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.
- G. The desired change and reasons for such change.

Section 23.04 – Steps in Making a Change:

- A. Petitioner submits application and fee.
- B. Clerk transmits application to Planning Commission, sets hearing date, and publishes notices of hearing.



### Higgins Township Zoning

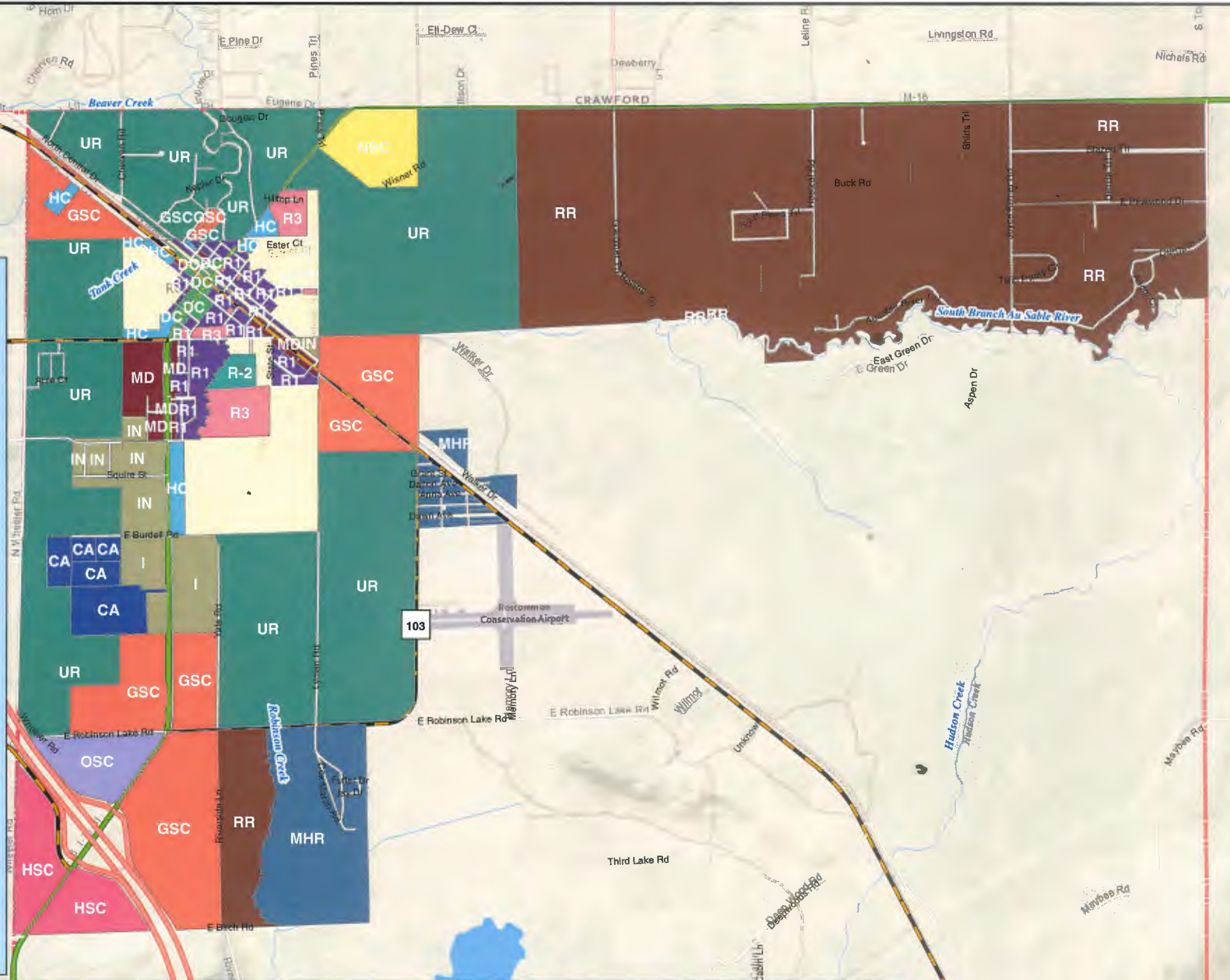


#### Legend

#### Higgins Zoning

- | Description                      | Color       |
|----------------------------------|-------------|
| Commercial Agriculture           | Dark Blue   |
| Downtown Commercial              | Green       |
| General Service Commercial       | Red         |
| Highway Commercial               | Light Blue  |
| Highway Service Commercial       | Pink        |
| Industrial                       | Olive Green |
| Manufactured Housing Residential | Dark Blue   |
| Mixed Development                | Dark Red    |
| Neighborhood Service Commercial  | Yellow      |
| Office Service Commercial        | Purple      |
| Residential 1                    | Dark Purple |
| Residential 2                    | Teal        |
| Residential 3                    | Light Pink  |
| Rural Residential                | Brown       |
| Urban Residential                | Dark Green  |

1 inch = 0.71 miles  
 Print date:  
 Sept. 3, 2015



## County of Roscommon

Phone: (989) 275-7648  
 Fax: (989) 275-3159  
 Email:  
[mapping@roscommoncounty.net](mailto:mapping@roscommoncounty.net)



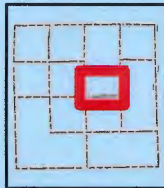
## Higgins Township Zoning Map

These maps are intended to depict spatial relationships only. They are not substitutes for legal surveys or deeds. The County of Roscommon does not warrant these maps for positional accuracy.





## Higgins Township Zoning



### Legend

#### Higgins Zoning

##### Description

- Commercial Agriculture
- Downtown Commercial
- General Service Commercial
- Highway Commercial
- Highway Service Commercial
- Industrial
- Manufactured Housing Residential
- Mixed Development
- Neighborhood Service Commercial
- Office Service Commercial
- Residential 1
- Residential 2
- Residential 3
- Rural Residential
- Urban Residential

1 inch = 0.71 miles

Print date:  
Sept. 3, 2015

# County of Roscommon

Phone: (989) 275-7648

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# Higgins Township Zoning Map

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