

FRANKENMUTH TOWNSHIP RURAL ZONING ORDINANCE

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WHEREAS, AFTER DUE NOTICE AND HEARING AND CAREFUL CONSIDERATION OF THE PROPOSED ZONING ORDINANCE AS SUBMITTED BY THE TOWNSHIP OF FRANKENMUTH PLANNING COMMISSION, IT IS THE OPINION OF THE FRANKENMUTH TOWNSHIP BOARD OF TRUSTEES THAT SAID PROPOSED ZONING ORDINANCE SHOULD BE ADOPTED AND,

WHEREAS, THE FRANKENMUTH TOWNSHIP BOARD OF TRUSTEES DEEMS THE ADOPTION NECESSARY FOR THE GENERAL HEALTH, SAFETY AND WELFARE OF THE COMMUNITY,

NOW THEREFORE, BE IT RESOLVED THAT THE FRANKENMUTH TOWNSHIP BOARD OF TRUSTEES ADOPTS THE FOLLOWING ZONING ORDINANCE.

FRANKENMUTH TOWNSHIP RURAL ZONING ORDINANCE

PREAMBLE

An Ordinance to provide for the establishment of Zoning Districts to encourage and regulate the proper location and use of land, buildings, and structures for residence, trade or other purposes, to regulate the height and bulk of building, the density of population, and the minimum dimensions of yards, courts, and other open spaces, to provide for administration, enforcement, penalties for violation, and amendment of said ordinance.

PART I GENERAL PROVISIONS

CHAPTER 1 MISCELLANEOUS PROVISIONS

SECTION 101. SHORT TITLE

This ordinance shall be known as the Frankenmuth Township Rural Zoning Ordinance.

SECTION 102. PURPOSE

It is the general purpose of this ordinance to promote the public safety, health, morals, convenience, and general welfare, and further to:

- (1) Guide the use and development of the community's lands and natural resources in accordance with their character, adaptability and suitability for particular uses as identified in a basic plan of land use and population density.
- (2) Protect the character of the community and enhance the social and economic stability of the Township and individual zone districts as herein set forth;
- (3) Lessen congestion on the public streets and highways and facilitate safe and convenient access appropriate to various uses of land and buildings throughout the community.
- (4) Form a stable guide for public action to facilitate the adequate provision of sewerage and drainage, water supply distribution and educational, recreational, and other public services.

- (5) Conserve life, property, and natural resources, and the expenditure of funds for public facilities and service by establishing herein standards to guide physical development and to provide for enforcement of said standards.
- (6) Adopt provisions for each designated zoning district which shall control the use of land and property, the use, size and location of buildings; the minimum yard, courts and other open spaces; and the maximum number of families to be housed in building and structures.

SECTION 103. INTERPRETATION

In interpreting and applying the provisions of this ordinance they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. It is not intended by this ordinance to repeal, abrogate, annul or in any way to impair or interfere with any existing provision of law or ordinance; or any rules, regulations or permits previously adopted or issued pursuant to law, relating to the uses of buildings or premises; nor is it intended by this ordinance to interfere with, abrogate or annul any easements, covenants or other agreements between parties. However, where this ordinance imposes a greater restriction upon the uses of buildings or premises or upon the height of buildings, or requires larger yards, courts, or other open spaces than are imposed or required by such existing provision of law or ordinance, or by such rules, regulations or permits, or by such easements, covenants or agreements, the provisions of this ordinance shall control.

SECTION 104. SEVERABILITY

It is the legislative intent that this ordinance be liberally construed and should any provision or section of this ordinance be held unconstitutional or invalid such ruling shall not be construed as affecting the validity or remaining portions of the ordinance, it being the intent that this ordinance shall stand notwithstanding the invalidity of any provision or section therein.

SECTION 105. REPEAL

The Frankenmuth Zoning Ordinance including zone district classification enacted on the 19th day of June A.D., 1989, as amended is hereby repealed and all other ordinances or parts of ordinances inconsistent or in conflict herewith are also hereby repealed; Provided, however, said repeal shall not abate any action now pending under or by virtue of the ordinance herein repealed, nor shall said repeal discontinue, abate, modify, or alter any penalty accrued or to occur or affect the rights of any person, firm or corporation or waive any right of Frankenmuth Township under any section or provision of the ordinance herein repealed existing at the time of the passage of this ordinance.

SECTION 106. EFFECTIVE DATE

This ordinance shall take effect January 1, 2017

CERTIFICATE OF APPROVAL OF THE SAGINAW COUNTY METROPOLITAN
PLANNING COMMISSION

This is to certify that on June 17, 2016, the Saginaw Country Metropolitan Planning Commission did approve the foregoing “Frankenmuth Township Rural Zoning Ordinance.”

CERTIFICATE OF APPROVAL OF THE FRANKENMUTH TOWNSHIP BOARD OF TRUSTEES

This is to certify that on December 19, 2016, the Township of Frankenmuth Board of Trustees did approve the foregoing “Frankenmuth Township Rural Zoning Ordinance.”

Vote on said Ordinance:

Yes All No None

I, Luci Valone, the undersigned Township Clerk for the Township of Frankenmuth, Saginaw County, Michigan, do hereby certify that the “Frankenmuth Township Rural Zoning Ordinance” was adopted by the Board of Trustees of said Township on December 19, 2016 and was recorded as attachment to the minutes of said Township Board of Trustees on said date, and was signed by the Supervisor and the Township Clerk.

Luci E. Valone

Luci E. Valone
Frankenmuth Township Clerk

CHAPTER 2 DEFINITIONS

SECTION 201. RULES APPLYING TO THE TEXT

For the purpose of this ordinance, certain rules of construction apply to the text, as follows:

- (1) Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.
- (2) The word “person” includes a corporation or firm as well as an individual.
- (3) The word “lot” includes the word “plot”, “tract” or “parcel”.
- (4) The term “shall” is always mandatory and not discretionary; the word “may” is permissive.
- (5) The word “used” or “occupied” as applied to any land or structure shall be construed to include the words “intended, arranged or designed to be used or occupied”.
- (6) Any word or term not herein defined shall be used with a meaning of common standard use.

SECTION 202. DEFINITION

- (1) **ACCESSORY USE.** An accessory use includes a building or structure and is a use clearly incidental to, customarily found in connection with, and located on the same lot as the principal use to which it is related.
- (2) **AGRICULTURAL SERVICE ESTABLISHMENT.** Agricultural service establishments engaged in performing agricultural, animal husbandry or horticultural services on a fee or contractual basis, including but not limited to centralized bulk collection, refinement, storage and distribution of farm products to wholesale and retail markets (such as grain cleaning and shelling; sorting, grading and packing of fruits and vegetables for the grower; and agricultural produce milling and processing); the storage and sale of seed, feed, fertilizer and other products essential to agricultural production; hay baling and threshing; crop dusting; fruit picking; harvesting and tilling; farm equipment sales service and repair; veterinary services; and facilities used in the research and testing of farm products and techniques.
- (3) **ALLEY.** Any dedicated public way other than a street, which provides only a secondary means of access to abutting property and is not intended for general traffic circulation.
- (4) **BASEMENT.** A story having part but not more than one half (1/2) of its height above finished grade. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet (5') or if used for business or dwelling purposes.
- (5) **BLOCK.** The property abutting one side of a street and lying between the two nearest

intersecting or intercepting streets, or between the nearest intersecting or intercepting street and physical barrier such as a railroad, right-of-way, park, river channel or unsubdivided acreage.

- (6) BUILDING. Any structure having a roof supported by columns or by walls and intended for the shelter, housing, or enclosure of persons, animals, or property.
- (7) BUILDING, HEIGHT OF. The vertical distance measured from the mean elevation of the ground at the front of the building to the highest point of the roof. ¹
- (8) BUILDING, FRONT LINE OF. The line that coincides with the face of the building nearest the front line of the lot. This face includes sun parlors and enclosed porches but does not include steps. Said line shall be parallel to the front lot line and measured as a straight line between the intersecting points with the side yard.
- (9) BUILDING LINES. A line defining the minimum front, side or rear yard requirements outside of which no building or structure may be located.
- (10) BUILDING PRINCIPAL. A building in which is conducted the main or principal use of the lot on which it is located.
- (11) BULK STATION. A place where crude petroleum, gasoline, naphtha, benzene, benzyl, kerosene, or any other liquid - except such as will stand a test of 150 degrees Fahrenheit, closed cup tester, are stored for wholesale purposes only, where the aggregate capacity of all storage tanks is more than six thousand (6000) gallons.
- (12) CLINIC. An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists or similar professionals.
- (13) CLUBS. An organization catering exclusively to members and their guests, or premises and buildings for recreational, artistic, political, or social purposes, which are not conducted primarily for gain and which do not provide merchandise, vending, or commercial activities; except as required incidentally for the membership and purpose of such club.
- (14) COMMERCIAL AGRICULTURE. The use of land and/or structures for the growing and/or production of farm products for income.
- (15) COMMON LAND. A parcel or parcels of land together with the improvements thereon, the use, maintenance, and enjoyment of which are intended to be shared by the owners and occupants of the individual building units in a planned unit development.
- (16) CONFINED FEEDLOT. An operation conforming to current farming practice meeting

the current generally accepted agricultural management practices.

- (17) CONVALESCENT OR NURSING HOME. A building wherein infirm or incapacitated persons are furnished shelter, care, food, lodging, and needed attention for compensation.
- (18) COURTS. Open unoccupied spaces other than yards on the same lot with a building.
- (a) COURT, INNER. An open, unoccupied space not extending to the street or front, or rear yard.
 - (b) COURT, OUTER. An open unoccupied space opening upon a street, alley, yard or setback.
- (19) COVERAGE, LOT. That percent of the plot or lot covered by the building area.
- (20) CUL DE SAC. A street with only one outlet having sufficient space at the closed end to provide vehicular turning area.
- (21) DECKS. A non-roofed flat surface capable of supporting weight similar to a floor, constructed outdoors and elevated from the ground.
- (22) DECOMMISSIONING PLAN. A documented plan which details the removal methodology and cost for an infrastructure unit. The plan shall include at a minimum a written description of the proposed service life, an estimated cost to remove and restore the site to original condition signed by either a contractor familiar with the type of work or a registered professional engineer, acknowledgment that full cash deposit of such cost shall be provided to the township before issuance of required permits, acknowledgment that cash deposit may be utilized by the township if the infrastructure unit is abandoned or site restoration is not completed within 60 days of end of service life, certification of compliance with all county, state and federal regulations/laws and other compliance with other conditions established by the township planning commission as part of the special use permitting process. No bond or other form of surety is acceptable in lieu of cash. Upon satisfactory removal and restoration **as determined by the Frankenmuth Township Board of Trustees, any excess** cash deposits will be returned by the Township to the depositing entity.
- (23) DISTRICT. Any section within the community for which the regulations contained within this ordinance are the same.
- (24) DWELLING. A building or portion thereof, designed for occupancy by one family for residential purposes and having cooking facilities.
- (25) DWELLING TYPES. For the purpose of this ordinance, dwellings are separated into the following categories and herewith defined accordingly:
- (a) Single family dwelling is a detached building containing one (1) dwelling unit only. Townhouses and similar attached dwellings included as defined in Chapter 22, Section 2207 (4) (c).

- (b) Two family dwelling is a building containing two (2) dwelling units.
- (c) Multiple dwelling is a building or portion thereof containing three (3) or more dwelling units.

(26) DWELLING UNIT.

(a) Dwelling Unit, Farm

A dwelling unit located on a farm, which is used or intended for use by the farms Owner, operator, or person employed thereon. Only one farm dwelling shall be permitted on each farm.

(b) Dwelling Unit, Nonfarm

A dwelling unit located within the A-1 or A-2 District that is not a farm dwelling unit and which is designed for occupancy by a single family.

(27) FAMILY.

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

(28) FARM. Except as provided below, a farm is real property used for commercial agriculture comprising at least twenty contiguous acres which may contain other non-contiguous acreage, all of which is operated by a sole proprietorship, partnership or corporation and including all necessary farm buildings, structures and machinery.

- (a) A tract may be considered a farm if it is between 5 and 40 acres, provided it is devoted primarily to an agriculture use, and has produced a gross annual income from agriculture of \$200.00 per year or more per acre of cleared and tillable land.
- (b) A smaller tract may be considered a farm if designated by the Department of Agriculture as a specialty farm in one ownership which has produced a gross annual income from an agricultural use of \$200.00 or more.

(29) FARM ANIMALS, LARGE. Any four-footed creature considered as livestock, including, but not limited to the following: cattle, horses, sheep, hogs and goats.

(30) FARM BUILDINGS. Any building or accessory structure other than a farm or a nonfarm dwelling unit, which is used for farm operations such as, but not limited to a barn, grain bin, silo, farm implement storage building, and/or milkhouse.

- (31) FARM OPERATION. A condition or activity which occurs on a farm in connection with the commercial production of farm products, and includes, but is not limited to: odors; dust; fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides and herbicides; and the employment and use of labor. Note: This definition is from the Right to Farm Act, PA93 of 1981 as amended.
- (32) FARM PRODUCTS. Those plants and animals useful to man and includes but is not limited to: forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, including breeding and grazing, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine and other similar products, or any other product which incorporates the use of food, feed, fiber or fur. Note: This definition is from the Right to Farm Act, PA93 of 1981 as amended.
- (33) GARAGE, COMMUNITY. A community garage is a building used for the storage of three (3) or more automobiles of two (2) 3 or more owners and containing no public repair or service facilities.
- (34) HOME OCCUPATION. A special use that may be attached to a legal residential dwelling unit, consisting of any business carried on by one or more occupants of the dwelling which is clearly incidental and secondary to the use of the dwelling for residential purposes.
- (35) HOME-SECTIONAL or COMPONENT. Several building components which are factory fabricated and transported to the home site where they are put on a permanent foundation and joined to make a complete house meeting the current Building Code in effect.
- (36) HOSPITAL. An institution for the diagnosis, treatment and care of aged, sick or injured people. The term "hospital" shall include sanitarium, rest home, nursery home and convalescent home; but shall not include any institution for the care of mental disorders or the treatment of alcoholics or drug addicts.
- (37) HOUSE TRAVEL TRAILER. A vehicular portable structure designed as a temporary dwelling for travel, recreational and vacation uses.
- (38) JUNK YARD. An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A Junk Yard includes automobile wrecking yards, and two or more inoperative, unlicensed vehicles shall be construed to be a junk yard.
- (39) LOADING BERTH. See "Loading Space".
- (40) LOADING SPACE. An off-street space at least ten feet (10') wide, sixty feet (60') long and fifteen feet (15') high; either within a building or outside on the same lot,

- provided, maintained and available for the loading and unloading of good or merchandise and having direct and unobstructed access to a street or alley.
- (41) LOT. A parcel of land occupied or intended for occupancy by a main building and accessory buildings thereto, together with such open spaces as are required under the provisions of this Ordinance. Every lot shall abut upon and have permanent access to a public street.
- (42) LOT AREA. The total horizontal area within the lot lines of the lot.
- (43) LOT; CORNER, INTERIOR AND THROUGH:
Corner Lot is a lot which has at least two contiguous sides abutting upon a street for their full length and provided the two sides intersect at an angle of not more than one hundred thirty-five (135) degrees.
Interior Lot is a lot other than a Corner Lot.
Through Lot is an Interior Lot having frontage on two streets, which do not intersect at a point contiguous to such lot.
- (44) LOT LINES. The lines abutting a lot as defined herein:
LOT LINES, FRONT. That line separating the lot from the street or place. In the case of a corner lot or through lot, the lines separating the lot from each street.
LOT LINE, REAR. Lot line that is opposite the front lot line. In the case of a corner lot, the rear lot line may be opposite either front lot line, but there shall be only one rear lot line. In the case of a lot with side lot lines converging at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than twenty feet (20') long, lying farthest from the front lot line and wholly within the lot.
LOT LINE, SIDE. Any lot line not a front lot line or not a rear lot line.
- (45) LOT LINE, WIDTH OF. The width measured along the front lot line or street line.
- (46) LOT OF RECORD. A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by County and Community Officials and which actually exists as shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.
- (47) NONCONFORMING USE. A building, structure, or use of land existing at the time of enactment of this ordinance, and which does not conform to the regulations of the district or zone in which it is situated.
- (48) OPEN SPACE. Any unoccupied space open to the sky on the same lot with a building.
See Courts.
- (49) PARKING SPACE. An off-street space of at least one hundred and eighty (180) square

feet exclusive of necessary driveways, aisles or maneuvering areas suitable to accommodate one motor vehicle and having direct unobstructed access to a street or alley.

- (50) POND: An area of water, either natural or artificial, that is smaller than a lake.
- (51) PRINCIPAL USE. The main use to which the premises are devoted and the principal purpose for which the premises exist.
- (52) PUBLIC UTILITY. Any person, firm, corporation, municipal department or board fully authorized to furnish to the public electricity, gas, steam, telephone, telegraph, transportation or water.
- (53) PUBLIC ROAD FRONTAGE. The line at which the public road meets the front lot line of the parcel. [Adopted 9-20-21]
- (54) RIGHT-OF-WAY. A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles.
- (55) ROADSIDE STAND. A “roadside stand” is a structure for the display of agricultural products, with no space for customers within the structure itself.
- (56) SERVICE-ESSENTIAL. The construction, alteration or maintenance by private companies or public departments or agencies of the various transmissions, distribution or disposal systems that are essential for preservation of the public health, safety, or general welfare such as: Gas, electricity, telephone, water, and sewer. Also, this term includes all poles, wires, mains, drains, sewers, pipes, cables, traffic signals, hydrants and other similar equipment or accessories reasonably necessary to provide adequate service of said companies or agencies; but the term shall not include buildings or utility substation.
- (57) SIGN. See Chapter 5.
- (58) SITE, AREA. The total area within the property lines excluding street right-of-way.
- (59) SITE PLAN. Complete and detailed diagram of a project site indicating building location and form, surface circulation, expected activities in all outdoor and associated indoor areas, general shape and treatment of ground, major landscaping and additional features affecting the outdoor space.
- (60) SPECIAL USE. The term applied to a use, which may be permitted by the application for and issuance of a Special Use Permit recommended the Planning Commission and upon approval of the Township Board. Specified procedures and requirements, as outlined in cited sections must be complied with prior to issuance of said permit by the Township Zoning Administrator.

- (61) STABLE, PRIVATE. An accessory building in which horses are kept for private use and not for hire, remuneration or sale.
- (62) STORY, HALF. A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet (3') above the top floor level and in which space not more than two thirds (2/3) of the floor area is finished off for the use. A half-story (1/2) containing independent apartments of living quarters shall be counted as a full story.
- (63) STORY, HEIGHT OF. The vertical distance from the top surface of one floor to the top surface of the next above. The height of the top-most story is the distance from the top surface of the floor to the top surface of the ceiling joints.
- (64) STREET. A public thoroughfare which affords the principal means of access to abutting property.
- (65) STREET FUNCTIONAL CLASSIFICATION. Functional classification is the process by which streets and highways are grouped into classes, or systems, according to the character of service they are intended to provide. Three basic groups include (1) Arterioles for primary mobility; (2) Collectors for both mobility and land access; and (3) Locals for primary land access.
- (a) PRINCIPAL ARTERIAL. Serves the major centers of activity of the region, the highest traffic volume corridors, and the longest trip desires.
 - (b) MINOR ARTERIAL. Interconnects with and augments the principal arterial system and provides service to trips of moderate length at a somewhat lower level of travel mobility than principal arterioles.
 - (c) COLLECTOR. Collector system provides both land access service and for local traffic movements within residential neighborhoods, commercial areas and industrial areas.
 - (d) LOCAL. Serves as direct land access and access to higher systems.
- (66) STREET LINE. The legal line of demarcation between a street or land for service, benefit or enjoyment.
- (67) SWIMMING POOL. Any structure intended for swimming or recreational bathing that has a depth of greater than 24 inches or a capacity of greater than 300 gallons. This includes in-ground, above-ground, and on-ground swimming pools, hot tubs and spas.
- (68) USE. The employment or occupation of a building structure or land for service, benefit or enjoyment.
- (69) VARIANCE. A modification of the literal provisions of the ordinance granted when strict enforcement thereof would cause undue hardship owing to circumstances unique to the specific property on which the modification is granted by the Board of Appeals on Zoning.

- (70) YARD. An open space on the same lot with a building, unobstructed from the ground upward, except as otherwise provided herein. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the building line.
- (71) YARD, FRONT. A yard extending across the front of a lot between the side lot lines and measured between the front line of the lot and the nearest point of the main building or land use.
- (72) YARD, REAR. An open space on the same lot with a main building unoccupied except as herein permitted, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot, or the center line of the alley if there is an alley, and the rear line of the building.
- (73) YARD, SIDE. An open, unoccupied space on the same lot with the building, situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a front line or a rear line shall be deemed a side lines.
- (74) YARD REQUIRED--HOW MEASURED. Required yard depth or width shall be measured in a horizontal plane and at right angles from the lot line in question or an extension thereof.

**CHAPTER 3
GENERAL REQUIREMENTS**

SECTION 301. NON-CONFORMING USES.

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; however, except as herein provided, no building, structure or use of part thereof shall be used, altered, constructed or reconstructed except in conformity with the provisions of this ordinance and further it is hereby declared that the existence of non-conforming uses are contrary to the best interests of the general public and further, it is hereby declared to be the policy of this community as expressed in this ordinance to discontinue non-conforming uses in the course of time as circumstances permit, having full regard for the rights of all parties concerned.

(1) **LEGAL NONCONFORMITY.**

(a) **LEGAL NONCONFORMITY** is a land use, structure, lot of record legally established or assessed on the 1989 Frankenmuth assessment roll as “Commercial” which would not be permitted by or is not in full compliance with the regulations of this ordinance.

(b) As verified by review of the 1989 Frankenmuth Township assessment roll and by on-site inspections of the Township by the Township Supervisor and the Chairman of the Planning Commission, the legal non-conforming structures and lots of records were determined as listed in this section. In 2015, The Township Planning Commission updated the lots of record to reflect changes made from 1989-2014.

1. Section 3, 4004-000 (as designated in 1989)
 - 2548 S. Gera Rd. 0.62 Acres
 - Assessed Commercial
 - Gera Bar 3356 sq. ft.
 - Attached Residence 1244 sq. ft.
 - In operation prior to 1974
 - 1974 Zoned A-2 Non-conforming
 - 1989 Zoned A-1 Non-conforming
 - 2015 Zoned A-1 Non-conforming

- Section 3, 4005-000 (as designated 1989)
 - 2570 S. Gera Rd. 0.2 Acres
 - Vacant Land
 - Assessed Commercial
 - Parking Lot Gera Bar
 - 1974 Zoned A-2 with house
 - 1989 Zoned A-1 without house
 - Between Gera Bar & Residence owned by bar owner on Section 3, 4006-000
 - 2015 Corrects address to 2550 S. Gera and designates parcel as A-1 Non-conforming.

Section 15, 4006-001 4920 S. Gera Rd. 0.6 Acres
Wedding House, Bridal Retail
Assessed Commercial
Buildings 2350 sq. ft.
Retail Store 2000 sq. ft.
Addition 350 sq. ft.
1974 Zoned B-4 Commercial
1989 Zoned A-1 Non-conforming
2015 LRK Investments replaces Wedding House.

Designates parcel as A-1 Non-conforming.

Section 15, 4006-003 (as designated in 1989)
4910 S. Gera Rd. 2.98 Acres
Retail Stores
Assessed Commercial
Buildings
Divided Barn 5328 sq. ft. &
Building 960 sq. ft.
1974 Zoned B-4 Commercial
1989 Zoned A-1 Non-conforming
2015 Parcel split. Parcel 14-11-6-15-4006-003
designated as A-1 (2.24 Acres). Parcel 14-11-6-15-
4006-004 designated as A-1 Non-Conforming.
(0.74 acres).

Section 28, 1005-001 9710 Junction Rd. 1.38 Acres
Assessed Commercial
Building 12000 sq. ft.
Crest Realty Office 2000 sq. ft. &
Warehouse 10,000 sq. ft.
1974 Zoned B-4 Commercial
1989 Zoned A-2 Non-conforming
2015 Zoned A-2 Non-conforming

Section 28, 1005-002 9720 Junction Rd. 0.91 Acres
Assessed Commercial
Building 8000 sq. ft.
Bavarian Builders Office 2000 sq. ft. &
Warehouse 6000 sq. ft.
1974 Zoned Commercial
1989 Zoned A-2 Non-conforming
2015 Zoned A-2 Non-conforming

- (2) ELIMINATION OF NON-CONFORMING USES.
(a) In accordance with applicable state and local permissive legislation the legislative body, through its agents, may acquire properties on which non-conforming

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 legislative body for public use. The net cost of such acquisition may be assessed against a benefit district, or may be paid from other sources of revenue.

- (b) Whenever a non-conforming use has been discontinued for six (6) consecutive months, or for eighteen (18) months during any three (3) year period, such discontinuance shall be considered conclusive evidence of an intention to abandon legally the non-conforming use. At the end of this period of abandonment, the non-conforming use shall not be re-established, and any future use shall be in conformity with the provisions of this ordinance.

(3) NON-CONFORMING USES OF LAND.

The non-conforming uses of land existing at the effective date of this ordinance where no building is located may be continued, provided dimensional requirements are complied with, and further provided that no buildings are to be constructed after effective date of this ordinance, except that will conform to district requirements within which use is located and further provided all other pertinent requirements of Section 301 are complied with.

(4) NON-CONFORMING SIGNS.

Signs existing at the time of the enactment of this ordinance and not conforming to its provisions, but which were constructed in compliance with previous regulations shall be regarded as non-conforming signs which may be continued if properly repaired and maintained as provided in this code and continue to be in conformance with other ordinances of this municipality. Non-conforming signs, which are structurally altered, relocated, or replaced, shall comply immediately with all provisions of this code.

(5) ILLEGAL NON-CONFORMING USES.

Non-conforming uses of buildings or land existing at the effective date of this ordinance established without a building permit or not shown on the tax records as a non-conforming use prior to the last official assessment roll, or those non-conforming uses which cannot be proved conclusively as existing prior to the effective date of this ordinance shall be declared illegal non-conforming uses and shall be discontinued within a period of three (3) years following the effective date of this ordinance.

(6) RECONSTRUCTION AND RESTORATION.

Any lawful non-conforming use damaged by fire, explosion, an act of God, or by other causes may be restored, rebuilt or repaired, provided that such restoration does not exceed its State Equalized assessed value as determined by the assessing officer, exclusive of foundations, and provided that said use be the same or more nearly conforming with the provisions of the district in which it is located.

(7) REPAIR OF NON-CONFORMING BUILDINGS.

Nothing in this ordinance shall prohibit the repair, improvement, or modernizing of lawful non-conforming buildings to correct deterioration, obsolescence, depreciation, and

wear, provided that such repair does not exceed an aggregate cost thereby increasing the assessed value by more than thirty percent (30%) as determined by the assessing officer unless the subject building is changed by such repair to a conforming use.

(8) **CHANGING USES.**

If no structural alterations are made, the Board of Appeals may authorize a change from one non-conforming use to another non-conforming use, provided the proposed use would be more suitable to the zoning district in which it is located than the non-conforming use which is being replaced. Whenever a non-conforming use has been changed to a more nearly conforming use or to a conforming use, such use shall not revert or be changed back to a non-conforming or less conforming use.

(9) **DISTRICT CHANGES.**

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

SECTION 302. SUPPLEMENTARY USE REGULATIONS

(1) **PRIOR BUILDING PERMITS.**

Any Building Permit issued prior to the effective date of this ordinance shall be valid, even though not conforming to the provisions of this ordinance, provided that construction is commenced within ninety (90) days after the date of permit issuance and that the entire building shall be completed according to the plans filed with the permit application within one (1) year after the issuance of the building permit.

(2) **ACCESS TO A STREET.**

Any lot of record created after the effective date of this ordinance shall have frontage on a public street, except as may be approved as a planned unit development in accordance with the provisions of this ordinance measured at the public street.

(3) **REAR DWELLING PROHIBITED.**

No building in the rear of and on the same lot with a principal building shall be used for residential purposes.

(4) **USE OF STRUCTURE FOR TEMPORARY DWELLING.**

No structure shall be used for dwelling purposes that does not meet the minimum standards as defined in this ordinance and the requirements of the Building Code. No temporary structure whether of a fixed or portable construction shall be erected or moved onto a lot and used for dwelling purposes for any length of time unless authorized by the issuance by the Board of Appeals of a temporary permit as provided in Chapter 12.

(5) **SUPPLEMENTARY DWELLING REQUIREMENTS.**

For the protection of the health, safety and general welfare of the citizens of Frankenmuth Township, all dwellings must satisfy standards designed to assure that the dwelling will

compare favorably with the other housing existing in the Township and shall comply with the following:

- (a) All dwellings shall be firmly attached to a permanent foundation constructed on the site in accordance with the Township Building Code and shall have a wall of similar perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building.
 - (b) Each single-story dwelling shall have a minimum finished living area of one thousand fifty (1050) square feet per dwelling unit with each side of the dwelling at least twenty-four (24) feet in width, have a minimum ceiling height of seven and one-half feet (7 1/2') in all rooms and shall comply in all respects with the Building Codes.
 - (d) Minimum standards for plumbing, heating, and electrical connections for residential dwellings shall be those set forth by the appropriate adopted Building Codes.
 - (e) Any additions shall be constructed with similar quality workmanship as the original structure, including permanent attachment to the principle structure and construction of a foundation as required herein.
 - (f) All dwellings shall be properly constructed and maintained in accordance with all codes and ordinances.
 - (g) All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Building Code provisions and requirements.
- (6) **REQUIRED WATER SUPPLY AND SANITARY SEWERAGE FACILITIES.**
After the effective date of this ordinance, no structure shall be erected, altered, or moved upon a lot or premise and used in whole or in part for a dwelling, business, industrial or for recreational purposes unless it shall be provided with a safe, sanitary, and potable water supply and with a safe and effective means of collection, treatment, and disposal of human excreta and domestic, commercial and industrial waste. All such installations and facilities shall conform with the minimum requirements of the Saginaw County Health Department and applicable State regulations.
- (7) **ONE DWELLING PER LOT.**
Only one (1) single family detached dwelling will be allowed to be erected on a lot.
- (8) **FENCES, WALLS AND SCREENS.**
For all side and rear yard fencing located behind the front face of the principal residence, no fence, wall or structural screen, other than plant materials shall be erected on any residential property greater than six feet (6') in height.

For all side and front yard fencing located in front of the front face of the principal residence, No fence, wall or structural screen other than plant material shall be erected on any residential property greater than four feet (4') in height.

On a corner lot or parcel, no fence or planting shall be allowed except as permitted by a variance granted by the Board of Appeals, in a manner so as not to interfere with traffic

visibility across a corner.

No fence, wall or screen shall extend into road right of way.

No fence, wall or screen shall be erected which blocks a neighboring parcels view to safe exiting sight distance and egress to road right of way as established by generally accepted engineering principles.

(9) INOPERATIVE OR DISMANTLED CARS, TRUCKS OR BUSES.

The storage of dismantled, wrecked, and/or unlicensed vehicles within any District is expressly prohibited.

(10) SPACE USED ONCE.

Any yard or other open space provided about any building or structure for the purpose of complying with the provisions of this ordinance shall not again be used as a yard or other required open space for another building or structure existing or intended to exist at the same time as such building or structure.

(11) USE EXCEPTIONS.

Nothing in this ordinance shall be construed to prohibit the following accessory or incidental uses:

- (a) The renting of rooms to not more than two (2) non-transient persons in a dwelling unit which is otherwise occupied in a manner permitted in the district in which it is located.
- (b) Customary refreshment and service uses and buildings in any public park or recreational area incidental to the recreational use of such area.
- (c) Essential services as defined in Chapter 2.
- (d) Garden, garden ornaments and unusual landscape features within required yard space.
- (e) Fences within required yard space provided the standards cited in Chapter 3, are met.
- (f) Retaining walls and public playgrounds.
- (g) Off-street parking for motor vehicles as specified in Chapter 4.
- (h) Home Occupations as specified in Chapter 2.
- (i) Use of a premise as a voting place in connection with local, state, or national elections.

(12) PARKING OF RECREATIONAL EQUIPMENT.

The parking of recreational equipment including but not limited to travel trailers, campers, boats, and similar recreational equipment is prohibited within the required front yard areas of any District and within twenty-five feet (25') of a property line.

(13) PARKING OF HEAVY VEHICLES.

Trucks in excess of one (1) ton rated capacity are prohibited within any District unless used in an agricultural farm operation or by an Agricultural Service establishment.

- (14) **FLOODWAY AND FLOODWAY FRINGE WITHIN ANY ZONE DISTRICT.** Subject to the statute and regulations enforced by MDEQ and FEMA, the General Use Requirements of Chapter 7 and the administrative requirements of Chapter 12 shall apply to floodways and floodway fringe which may lie within any zone district. The permitted uses of a floodway fringe, however, may include all uses permitted by the district within which the floodway fringe lies subject to the use requirements of said district together with the applicable requirements cited by Section 705 concerning the floodway fringe area.
- (15) **TRAILERS, TRUCK BODIES AND CARGO CONTAINERS,** No provision of this Section 302: or this Ordinance's definition of accessory building or use or any other provision of this Ordinance, shall be construed to permit as an accessory building, use or structure, anything initially designed for or intended to be used as a trailer, truck body or cargo container, or any other item that is not customarily and commonly incidental to the principal use. This subsection (15) shall not be construed to prohibit temporary housing as may be authorized under subsection (4) or temporary structures, trailers, or mobile homes as may be authorized as part of an approved site plan such as in the case of a mobile home on construction sites for use by the Contractor in carrying out construction on such site including for office space and storage of documents and tools, not to exceed 30 calendar days, unless extended for not more than 30 days, for good cause, by the township enforcement officer.

SECTION 303. SUPPLEMENTARY YARD REGULATIONS.

- (1) **PERMITTED YARD ENCROACHMENTS.**
- (a) Paved terraces, patios and uncovered porches shall not be subject to yard requirements, provided:
- The paved area if unroofed and without walls or other forms of solid continuous enclosure that links the paved area to the principal building.
 - The highest finished elevation of the paved area is not over two feet (2') above the average surrounding finished grade area.
 - No portion of any paved area is closer than five feet (5') from any lot line nor projects into any front yard setback area. Such paved areas may have non-continuous windbreaks or walls not over six feet (6') high and not enclosing more than one-half (1/2) the perimeter of the paved area.
- (b) Unclosed porches, roofed or unroofed, may project into a required side or rear yard area a distance not to exceed eight feet (8') provided:
- The porch is unenclosed and no higher than one (1) story and is erected on supporting piers.
 - The porch shall not be closer than eight feet (8') to any side or rear lot line.
- (c) Enclosed porches shall be considered an integral part of the building and shall be subject to all yard and area dimensional requirements established for principal buildings.
- (d) Special structural elements such as cornices, sills, chimneys, gutters and similar

structural features may project into any yard up to a maximum of two and one-half feet (2 1/2').

- (e) Fire escapes, outside stairways and balconies, if of open construction, may project into yard areas up to a maximum of five feet (5').
- (f) Signs may encroach into yard areas but no sign or portion, thereof, shall be closer to any lot line or street right-of-way than ten feet (10').

(2) YARD EXCEPTIONS.

- (a) In cases where less than the full required future right-of-way width of a street has been deeded for dedicated, the building setback on any properties abutting thereon which have not provided for sufficient street area by deed or dedication shall be measured from the future required right-of-way line. The required street width shall be determined by the standards set forth and adopted by the Planning Commission.

(3) CONFORMANCE TO ESTABLISHED SET-BACKS.

- (a) Required front yard setbacks shall conform to existing setbacks as established by existing uses in any district.

(4) EXTERIOR DECKS

In any District, exterior decks shall comply with the following regulations:

- (a) They shall be unroofed.
- (b) They shall not be used in any part for dwelling purposes
- (c) The combination of deck, accessory building, and pools (in-ground or above ground) shall not exceed 50% of the required rear yard area.
- (d) The deck shall not be closer than eight feet (8') to any side or rear lot line
- (e) Front yard decks shall be considered an integral part of the building and shall be subject to all yard and area dimensional requirements established for principal buildings.

(5) POOLS

Private in-ground and above-ground pools are permitted in the rear and side yard of all Districts provided as follows:

- (a) The pool shall not be closer than 8 feet (8') to any side or rear lot line.
- (b) No lighting or electrical wiring shall overhang the surface of the water or be so located as to present the possibility of falling into the water. All lighting of the pool or surrounding area shall not be located as to reflect on adjacent property or upon adjacent buildings.
- (c) The combination of deck, accessory building and pools (in-ground or above-ground) shall not exceed 50% of the required rear yard area.
- (d) For above ground pools and in ground pools, the barrier requirement is as follows:

- a. A 48 inch (48”) high minimum barrier is required to prevent uncontrolled access to the pool. The height is measured from grade, outside the pool. Above ground pools with side walls of at least 48” above grade count as the control of access.
 - b. For above ground pools, where the barrier consists of a deck, all gates to the deck shall be self-closing and shall have a self-latching device and open outward away from the pool.
 - c. Where the barrier is mounted to the top of the above ground pool structure and the means of access is a ladder or steps, then the ladder or steps shall be capable of being secured, locked, or removed to prevent access.
 - d. For in ground pools, when the barrier consists of a fence, all fence gates shall be self-closing and self-latching device and open outward away from the pool.
 - e. All barriers must comply with Section AG 105.2 (1-8) of the Michigan residential code, which covers spacing, vertical, and horizontal clearance and types of barriers.
 - f. An approved power safety cover that complies with ASTM F 1346 is allowed to serve as a barrier only when the pool is located 250 feet (250’) from any side and rear lot line. If lot lines are altered and a power safety cover is not 250 feet from any side and rear lot line, another approved barrier must be installed.
- (e) All pool decks and pool barriers must conform to the zoning code for location on property.

(6) **PONDS (Adopted 4-19-21)**

Ponds are permitted in the yards of all Districts provided as follows:

- (a) No person shall commence the excavation, dredging, or construction of a pond without first making application for and receiving a zoning permit approving the specific plans for a pond.
- (b) Plans for ponds shall indicate the general size, depth, and proposed finished grade of the land both above and below water level. In addition, the applicant shall indicate sources of water being used to supply the pond. Plans must also contain a detailed plan where excavated spoils will be collected and maintained on site.
- (c) No pond shall be closer than twenty (20) feet from any side or rear property line or dwelling unit. Setbacks for septic tanks, drainage fields, and domestic water wells are established by the Mid-Michigan District Health Department (MMDHD) but shall be no less than 20 feet.
- (d) In the front yard, no pond shall be located closer than 100 feet from the existing or proposed right of way.

- (e) All ponds shall be located on a parcel of principle residence or adjoining property under common ownership that is contiguous and located within 1,000 feet of residence.
- (f) Sites must be located away from power transmission lines, gas, or oil well, transfer lines and the like in accordance with requirements established by the utility involved.
- (g) Ponds should be located on sites which will not adversely impact neighboring uses by changes in surface drainage or underwater aquifers.
- (h) Ponds shall be located so as to reduce the potential of pollutions from nearby sources such as farming operations, corrals, septic tanks, site drainage, wells, and the like.
- (h) The slopes of the water body including the banks, sides, and base must have a ratio of no greater than 3:1 horizontal to vertical unit.
- (j) Soil excavated to create the water body must not create a nuisance or a runoff problem to neighboring properties. The developer and/or property owner is responsible for proper drainage provisions to prevent this problem from occurring.
- (i) Ponds shall be designed and maintained to prevent overflow, spillage, storm runoff or seepage from encroaching upon adjacent lots.
- (l) Erosion control must be provided for all filled or disturbed surface areas including the water body margin. These areas must be covered or treated during all phases of construction to prevent material from being blown onto neighboring properties. The applicant must meet all requirements of the Soil Erosion and Sedimentation Control Act, PA 347 of 1972, as amended.
- (m) Ponds must be completed and filled within 180 days from issuance of a permit.
- (j) Applications for ponds larger than (5) acres and/or ponds which are located within 500 feet of a lake, river or stream or connected to a lake, river or stream; or within a regulated wetland or regulated 100-year floodplain, shall be required to apply for a permit with the Michigan Department of Environmental Quality to determine the extent to which the Natural Resources and Environmental Protection Act, Public Act 451 or 1994, apply to the proposal.
- (o) As a condition precedent to the issuance of the permit, the applicant shall indemnify and hold harmless Frankenmuth Township, its officials, agents, employees, and all other Frankenmuth Township residents, from all manner of liability, whatsoever, that may arise as a result of pond construction. Also, the applicant shall have the responsibility and obligation to stop work and

immediately notify Frankenmuth Township or the proper utility, at any time during such pond construction, or any underground electrical line or conduit, and shall continue such work stoppage until an inspection of same can be made by said personnel.

SECTION 304. SUPPLEMENTARY HEIGHT REGULATIONS

(1) **PERMITTED EXCEPTIONS FOR STRUCTURAL APPURTENANCES.**

The following kinds of structural appurtenances shall be permitted to exceed the height limitations for authorized uses:

- (a) Ornamental in purpose, such as church steeples, belfries, cupolas, and domes, ornamental towers and flagpoles, provided that such structural elements do not exceed twenty percent (20%) of the gross roof area.
- (b) Appurtenances to mechanical or structural functions, such as chimneys and smoke stacks, water tanks, elevators and stairwells, penthouses, ventilators, radio or television towers, aerials and fire and base towers; provided the total height of the structure or the building and appurtenance be one hundred seventy-five feet (175') or less from the ground. The foregoing permitted exceptions shall not be for human occupancy or dwelling.

(2) **PERMITTED EXCEPTIONS CONSERVATION-GREENBELT AND AGRICULTURAL DISTRICTS.**

- (a) No exceptions are permitted for residential structures.
- (b) Structures for agricultural operations are permitted up to one hundred feet (100').
- (c) Other non-residential permitted structures may be erected to a height in excess of that specified; provided each front, side and rear yard minimum is increased one foot (1') for each one foot (1') of additional height above the district requirement.
- (d) Principal hospital and church structures may be permitted to exceed height limitations with a maximum height limit of seventy-five feet (75') provided each front, side and rear year minimum is increased by one foot (1') for each one foot (1') of additional height above the district requirement.

(3) **HEIGHT RESTRICTIONS.**

Height limitations shall under no circumstances be less restrictive than those specified by the Tri-City Area Joint Airport Zoning Ordinance.

SECTION 305. ACCESSORY BUILDINGS

VACANT LAND CONSTRUCTION PROHIBITION. Accessory buildings may not be constructed on vacant approved building sites unless approved by the Township Planning Commission which may direct the zoning administrator to approve a zoning permit if the applicant has agreed to construct a home on the site within eighteen months from the time of issuance.

(1) **REQUIRED YARDS.**

- (a) In a front yard; No accessory building (attached or detached) shall project into

- any front yard.
 - (b) In a rear yard: No accessory building, including attached or detached garages, shall be closer than five feet (5') to the rear lot line.
 - (c) In a side yard: No accessory building, including garages shall be erected closer to any side lot line than the permitted distance within that district for principal buildings except in a residential situation, where an accessory building is located ten feet (10') or more to the rear of the principal building, then the accessory building shall be no closer than eight feet (8') to the side lot line.
 - (d) On a corner lot: No accessory building shall be closer to the side street lot line than the side yard setbacks of the principal building on the lot. Where the rear line of a corner lot coincides with the sideline of an adjoining lot in a residential district, an accessory building shall not be closer than eight feet (8') to the common lot line.
- (2) In no case shall the entrance to a garage be less than twenty-five feet (25') from street right-of-way line.
- (3) In any District detached accessory buildings shall comply with the following regulations:
- (a) They shall not be used in any part for dwelling purposes.
 - (b) They shall not occupy more than thirty percent (30%) of the required rear yard area.
- (4) In any residential uses private garages or carports may provide storage for not more than the following number of vehicles:
- (a) Any single family dwelling: Five (5) vehicles, including not more than one (1) commercial vehicle, including not more than one (1) commercial vehicle of not over three-quarter (3/4) ton capacity.
 - (b) For other dwellings: Three (3) vehicles per dwelling unit, including not more than one (1) commercial vehicle of not over three-quarter (3/4) ton capacity.
 - (c) For any other permitted use: No limit.

SECTION 306. DISTRICT BOUNDARY EXCEPTION

Where a district boundary line, as established by this ordinance, when adopted or subsequently amended, divides a lot in a single and separate ownership a use permitted in the less restricted portion of said lot may be extended to the entire lot, subject to the following conditions:

- (1) That one-half (1/2) or more of the area of said lot shall be in the less restrictive district.
- (2) That any part of a less restricted use extended beyond a district boundary under the terms of this section shall be housed entirely within an enclosed building and such building shall conform to any applicable yard and area requirements in the more restrictive district.

Restrictiveness by district proceeding from most restrictive to least restrictive is herein established as follows: CG-1, A-1, A-2, R-PUD, CL-PUD, CT-PUD, IS-PUD, I-PUD, A-2-PUD and MU-PUD.

SECTION 307. APPROVAL OF PLATS

No proposed plat of a new or redesigned subdivision shall hereinafter be approved by either the local governing body or its agents unless the lots within the plat equal or exceed the minimum size and width requirements of this ordinance and all other applicable codes or ordinances.

SECTION 308. ZONING OF PLATS

All plats shall be subject to the provisions of the district within which they are located pertinent to allowed uses and further required zoning district change which may be necessary to accommodate proposed use or uses shall be made according to amendment procedures prescribed by this ordinance. Chapter 3.

SECTION 309. PUBLIC SANITARY SEWER CONNECTION

When public sewer is available or becomes available in the street, connection to the public sewer system shall be made within ninety (90) days.

SECTION 310. DENSITY COMPUTATION

Should density computation be required for land development project, except as specified for planned unit development the following criteria shall be applied:

(1) **SITE ACREAGE COMPUTATION.**

In arriving at a gross acreage figure, the following lands shall not be considered as part of the gross acreage in computing the maximum number of lots and/or dwelling units that may be created:

- (a) Land utilized by public utilities as easements, for major facilities, such as electric transmission lines, sewer lines, water mains, or other similar lands that are not available to the owner because of such easement.
- (b) Lands within floodplains.

(2) **MAXIMUM NUMBER OF LOTS AND/OR DWELLING UNITS**

After the total gross area available for development has been determined by the above procedure, the maximum number of lots and/or dwelling units that may be approved shall be computed by subtracting from the total gross area available a fixed percentage of said total for street right-of-way purposes and dividing the remaining net area available by the minimum lot area requirement of the zoning district in which the planned development is located. The fixed percentages for street right-of-way purposes to be subtracted from the total gross area available for development shall be determined according to the following schedule:

DISTRICT USE	% of Project Area
CG-1, A-1, A-2 (Single family detached).	25
A-2 (Single family attached, two family and multi-family).	20

These percentages shall apply regardless of the amount of land actually required for street right-of-way.

SECTION 311. ISSUANCE OF “BUILDING PERMIT” OR “CERTIFICATE OF OCCUPANCY” PER APPROVED SITE PLAN

Uses allowed within all districts except uses allowed by “right” must have a site plan approved by the Township Planning Commission in accord with the established statutory standards and requirements and laid out in such a manner so that the proposed use is harmonious with the surrounding neighborhood, and the issuance of a “Building Permit” or “Certificate of Occupancy” shall be only of uses as specified per the approved site plan on file. Site plans submitted for approval shall be in accord with the Standards of Chapter 11.

In determining whether the proposed site plan is harmonious with the surrounding neighborhood, the Planning Commission shall consider among other things: odor, traffic hazards, noise and general landscaping development.

In authorizing any site plan, the Township Planning Commission may require that a bond of ample sum be furnished to insure compliance with requirements and/or specifications imposed by the approved site plan.

The applicant shall have the right to appeal from the decision of the Township Planning Commission to the Township Board, whose decision shall be final.

SECTION 312. NON-FARM LIVESTOCK DENSITY

Parcels located in all zoning districts which do not qualify as a farm per the definition contained in Chapter 2 shall be meet the requirements of this section.

Livestock size:

Large livestock shall be defined as horses, ponies, cattle, and other livestock that can be reasonably expected to grow to a weight greater than (300) pounds upon reaching maturity.

Medium livestock shall be defined as sheep, goats, ostrich, swine, and other livestock that can be reasonably expected to grow to a weight of between forty (40) and three hundred (300) pounds upon reaching maturity.

Small livestock shall be defined as rabbits, chickens, fowl, mink, sable, fox, and other livestock that can be reasonably expected to grow to a weight of less than forty (40) pounds upon reaching maturity.

Allowed Density:

- (1) Small Livestock

- (a) The keeping of small livestock shall occur only on parcels of one (1) acre or greater, but in no case shall such livestock be kept within a platted subdivision or site condominium.
 - (b) No more than twelve (12) small livestock shall be present on a parcel at any time.
 - (c) At no time shall a rooster be present on a parcel.
 - (d) Any building or structure housing small livestock shall be set back no less than fifty (50) feet from a lot line and the front face shall be behind the front face of the principal residence.
- (2) Medium Livestock
- (a) The keeping of medium livestock shall occur only on parcels of two (2) acres or greater but in no case shall such livestock be kept within a platted subdivision or site condominium.
 - (b) At no time shall the density of such livestock exceed one (1) animal per one (1) acre comprising the parcel.
 - (c) Any building or structure housing medium livestock shall be set back no less than fifty (50) feet from a lot line and the front face shall be behind the front face of the principal residence.
- (3) Large Livestock
- (a) The keeping of large livestock shall occur only on parcels of three (3) acres or greater but in no case shall such livestock be kept within a platted subdivision or site condominium.
 - (b) At no time shall the density of such livestock exceed one (1) animal for the first three (3) acres and one (1) animal per each additional acre comprising the parcel.
 - (c) Any building or structure housing large livestock shall be set back no less than fifty (50) feet from a lot line and the front face shall be behind the front face of the principal residence.

Regulations applicable to all Livestock:

- (a) Livestock shall be managed by the occupants of the premises and shall be maintained in a healthy condition.
- (b) All livestock shall be completely enclosed by a fence at least thirty-nine (39) inches in height and of adequate design and construction to contain the animals.
- (c) The retention or storage of animal waste shall be managed so as not to create a nuisance, and in no case shall the storage of animal waste occur within one hundred fifty (150) feet of a lot line.
- (d) The facility shall be constructed and maintained so that dust and drainage from a stable or other animal containment area shall not create a nuisance or hazard to adjoining property or uses.

CHAPTER 4
GENERAL OFF-STREET PARKING AND LOADING

SECTION 401. PURPOSE AND INTENT

It is the purpose and intent of this ordinance that off-street parking and loading areas be provided and adequately maintained in every zoning district for the purposes of promoting safe and efficient storage of motor vehicles; to avoid unnecessary congestion and interference with public use of streets; and to provide for sound and stable environmental conditions and the prevention of future blighted areas.

SECTION 402. OFF-STREET PARKING AND LOADING REQUIREMENTS

- (1) In all zoning districts, off-street parking and loading requirements shall be provided in amounts not less than specified for the various districts.
- (2) Requirements for a use not mentioned shall be the same for that use which is most similar to the use not listed.
- (3) Additional parking shall be provided and maintained in proper ratio to increase in floor area or building use capacity.
- (4) For the purpose of determining off-street parking and loading requirements, the following provisions shall apply:
 - (a) In mercantile establishments, gross floor area shall mean the floor area used for service to the public. It shall not include floor area used for storage or the processing and packaging of merchandise where it is carried on in a room in which service to the public is not involved.
 - (b) In hospitals, bassinets shall not be counted as beds.
 - (c) Where benches, pews, or other similar seating facilities are used as seats, each twenty inches (20") of such seating facilities shall be counted as one (1) seat.
- (5) In the case of mixed uses in the same building, the total requirements for off-street parking and loading shall be the sum of the requirements for the separate individual uses computed separately.
- (6) Joint or collective provision of off-street parking for buildings or uses on two or more properties shall not be less than the sum of the requirements for the participating individual uses computed separately.
- (7) It shall be unlawful to use any of the off-street parking or loading areas established to meet the requirements of this ordinance for any purpose other than the parking of licensed vehicles or the loading or unloading of necessary service trucks.
- (8) Parking and loading areas shall conform to a twenty foot (20') front yard and street side yard requirements and off-street parking shall be no closer to any principal building than five feet (5'). Bumper guards shall be installed to prevent yard encroachment.
- (9) Parking and loading areas may be extended to the property line except as herein above specified by Section 402 (8) and as specified under Section 403 (3).

SECTION 403. SITE DEVELOPMENT AND CONSTRUCTION REQUIREMENTS.

- (1) Off-street parking and loading areas for all uses except one (1) and two (2) family dwelling units shall be surfaced with a material that shall provide a durable, smooth and dustless surface; and shall be graded and provided with adequate drainage to dispose of all collected surface water; and, if surfaced with concrete or asphalt, shall conform to the following, with either:
 - (a) Six inches (6") of Portland Cement Concrete, or
 - (b) Two inches (2") of asphalt surface laid over a base of crushed stone with a compacted thickness of six inches (6").
- (2) Adequate ingress and egress to the parking areas by means of clearly marked and limited drives shall be provided.
 - (a) Except for parking space provided on one (1) family and two (2) family lots, drives for ingress and egress to parking areas shall be not less than twenty feet (20').
 - (b) Each entrance to or exit from any off-street parking area shall be at least twenty-five feet (25') from any adjacent lot or parcel side yard property line and ten feet (10') from any rear property line.
- (3) Off-street parking on lots adjoining a lot with a Residential Dwelling Unit shall in addition conform with the following requirements:
 - (a) Non-commercial vehicles may be parked in any part of the required side or rear yard except as otherwise provided in this ordinance.
 - (b) Lighting used to illuminate any off-street parking area shall be so located and arranged as to direct light away from the adjoining premises.
 - (c) Where the required parking area of three (3) spaces or more is within forty feet (40') of an adjoining Residential Dwelling Unit, said parking area shall be no closer to any side or rear property line than ten feet (10') and within said ten foot (10') strip, either of the following shall be established:
 - A planting strip five feet (5') in width approved by the Building Inspector. Said planting strip shall not be less than five feet (5') in height and shall consist of a sufficiently dense material to screen the parking and shall be adequately maintained.
 - A solid masonry wall or uniformly treated wood fence not less than five feet (5') in height. Said wall or planting strip shall be as such length as width or length of the parking area.
- (4) Off-street parking areas shall be lighted when provided for all uses, except single family and two family duplexes, in accord with a plan approved by the Planning Commission and as specified in Section 407.
- (5) Parking as specified and/or provided in any district shall not be allowed to encroach into the front yard area.

SECTION 404. OFF-STREET PARKING REQUIREMENTS

The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

RESIDENTIAL

USE	MINIMUM NUMBER OF OFF-STREET PARKING SPACES PER UNIT OF MEASURE
Residential, one or two family	One (1) for each dwelling unit
Residential, multiple families	Two (2) for each dwelling unit
Boarding Houses	One for each sleeping room

INSTITUTIONAL

USE	MINIMUM NUMBER OF OFF-STREET PARKING SPACES PER UNIT OF MEASURE
Churches, temples or building of similar use with fixed seats	One (1) for each five (5) seats
Hospitals	One (1) for each three (3) patient beds, plus one (1) space for each staff or visiting doctor plus one (1) space for each employee, including nurses on maximum working shift
Homes for the aged and convalescent homes	One (1) space for each four (4) beds, plus one (1) space for each employee, including nurses on maximum working shift
Pre-school child care and day nurseries	One (1) for each employee
Elementary and junior high schools	One (1) for each one (1) teacher and administrator in addition to the requirements of the auditorium.
Senior high schools and colleges	One (1) for each one (1) teacher and administrator, and one (1) for each ten (10) students in addition to the requirements of the auditorium.
Lodge halls, meeting halls and community centers or buildings of similar use without fixed seats	One (1) for each four (4) persons of legal capacity as established by local, county or state fire, building or health codes.
Libraries, museums and post office buildings	One (1) for each six hundred (600) square feet of gross floor area, plus one (1) space for each employee employed therein.

Public office building not elsewhere specified	One (1) for each three hundred (300) square feet of gross floor area, plus one (1) for each employee employed therein.
Private golf clubs, swimming pool member clubs, tennis clubs or other similar uses	One (1) for each two (2) family of individual
Golf courses open to the general public, except miniature or "par 3" courses	Six (6) for each one (1) golf hole, plus one (1) for each employee
Theaters and auditoriums	One (1) for each four (4) seats, plus one (1) for each employee on maximum working shift.
Stadium, sports arena, or similar place of outdoor assembly	One (1) for each three (3) seats, or six (6) feet of benches, and one (1) for each employee on a maximum working shift.

BUSINESS AND COMMERCIAL

USE	MINIMUM NUMBER OF OFF-STREET PARKING SPACES PER UNIT OF MEASURE
Auto wash	One (1) for each employee. In addition, adequate waiting space for autos shall be provided on the premises to accommodate fifty percent (50%) of the hourly rate capacity.
Beauty parlor or barber shop	Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1-1/2) spaces for each additional chair.
Bowling alleys	Four (4) for each one (1) bowling lane, plus one (1) for each employee on a maximum working shift.
Assembly halls, without fixed seats, for commercial recreation including dance halls, pool or billiard parlors, skating rinks and exhibition halls or buildings for similar assembly uses	One (1) space for each fifty (50) square feet of gross floor area used, for permitted use.
Establishments for sale and consumption on the premises of beverage, food or, except refreshments	One (1) for each sixty (60) square feet of useable floor space except as otherwise specified herein.
Drive-in restaurants or similar drive-in uses for the sale of beverages, food or refreshments	One (1) for each fifteen (15) square feet of floor area.
Furniture and appliances, household equipment, repair shops, showroom of a plumber, decorator, electrician or similar	One (1) for each eight hundred (800) square feet of useable floor area used or in processing, plus one (1) additional space shall be provided for each person employed therein on maximum working shift.

trade, shoe repair or other similar uses	
Automobile service stations	Two (2) for each lubrication stall, rack or pit; and one (1) for each gasoline pump.
Laundromats and coin operated dry cleaners	One (1) for each two (2) washing machines.
Miniature or “par-3” golf courses	Three (3) for each one (1) hole plus one (1) for each employee
Mortuary establishments	One (1) for each fifty (50) square feet of usable floor space, plus one (1) for each employee on maximum working shift.
Motel, hotel, or other commercial lodging establishment	One (1) for each one (1) occupancy unit, plus one (1) for each employee on maximum working shift, plus extra spaces for dining rooms, ball rooms, or meeting rooms as required by sub-section 4 and 5, above where the capacity of such areas exceeds the number of beds in the building.
Motor vehicle sales and service establishments	One (1) for each two hundred (200) square feet of useable floor space of sales room and one (1) for each one (1) auto service stall in the service room.
Retail stores except as otherwise specified herein	One (1) for each one hundred and fifty (150) square feet of useable floor space, plus one (1) for each employee on maximum working shift.

OFFICES

USE	MINIMUM NUMBER OF OFF-STREET PARKING SPACES PER UNIT OF MEASURE
Banks	One (1) for each one hundred and fifty (150) square feet of useable floor space.
Business offices or professional and offices except as indicated following item (3)	One (1) for each one hundred in the fifty (150) square feet of useable floor space.
Professional offices of doctors, dentists or similar professionals	One (1) for each twenty (20) square feet of useable floor area in waiting rooms, and one (1) for each examining room, dental chair or similar use area.

INDUSTRIAL

USE	MINIMUM NUMBER OF OFF-STREET PARKING SPACES PER UNIT OF MEASURE
Industrial or research establishments	Five (5), plus one (1) for each employee on maximum working shift. Space on site shall also be provided for all construction workers during periods of plant construction.
Wholesale establishments	Five (5), plus one (1) for each employee in the largest working shift, or one (1) for every sixteen hundred (1600) square feet of useable floor space, whichever is greater.

SECTION 405. PERMIT

No parking lot shall be constructed unless and until a permit therefore is issued as specified by Chapter 11.

SECTION 406. LOADING AREA REQUIREMENTS

In all zoning districts, loading areas shall be provided in amounts not less than therein specified.

SECTION 407. LIGHTING

Parking area and other exterior on-site lighting fixtures shall not exceed a height of twelve feet (12') when located within two hundred feet (200') of a Residential Dwelling Unit and further may not exceed a height of sixteen feet (16') otherwise. Exterior lighting shall be so arranged so that it is deflected away from adjacent Residential Dwelling Units and adjacent streets.

CHAPTER 5 SIGNS

SECTION 501. PURPOSE AND INTENT

- (1) The regulations as herein set forth are intended to control the size, lighting, location, character and other pertinent features of all exterior billboards and signs. The purpose of this section is to regulate all exterior billboards and signs so as to protect health, safety and morals and to promote the public welfare. Provisions regarding signs appearing in this Ordinance which are not in accord with this Chapter shall have no force or effect.
- (2) This Article is intended to protect and further the health, safety, and welfare of the residents of the Township of Frankenmuth; to further the intent of the Township of Frankenmuth's Zoning Ordinance and its zoning districts; to promote traffic safety; to provide safer conditions for pedestrians; to improve community appearance; and to promote economic development by regulating the construction, alteration, repair, maintenance, size, location and number of signs; to limit the adverse impact that would be caused by a proliferation of billboards and off-premises advertising signs and resulting visual pollution contrary to the master plan adopted by the Township of Frankenmuth and protect the public health, safety and general welfare; to prevent obstruction of light and sunshine.
- (3) When more restrictive with respect to location, use, size, height or other requirements relating to structural safety, the provisions of the Building Code of the Township shall take precedence over this Article.

SECTION 502. DEFINITIONS

Notwithstanding any other provision of this Ordinance to the contrary, for the purpose of this Chapter 5, the following words and phrases shall be interpreted and construed in accordance with the definitions delineated herewith.

- (1) **AWNING or CANOPY.** A retractable fixed shelter constructed of materials on a supporting framework that projects from the exterior wall of a building.
- (2) **AWNING or CANOPY SIGN.** A sign fixed to or integral with the surface of an awning or canopy.
- (3) **BALLOON SIGN.** A sign composed of an inflatable, non-porous bag.
- (4) **BANNER SIGN.** A fabric, plastic, or other sign made of non-rigid material without an enclosing structural framework.
- (5) **BAVARIAN THEME.** A design which incorporates some of several types of Bavarian style and architecture, by way of example only: trim and borders include colors related to soft light natural tones, and/or medium to light shades of blue; aprons, frames or skirts may consist of weathered or natural wood tones (example, wooden shingle shake look); roof caps and bell towers, incorporate a sharp streamlined accent to accompany the warm feeling of Bavarian village structural design. For reference to prior acceptable and unacceptable examples of a Bavarian Theme, see Appendix to Chapter 5, *infra*.
- (6) **BILLBOARD OR OFF-PREMISES ADVERTISING SIGN.** A sign which contains a message or advertises an establishment, product, service, space or activity not available on the lot on which the sign is located.

- (7) **BUILDING CODE.** The current code or codes in effect in the Township which governs the erection, alteration, maintenance and removal of structures, including all signs not specifically exempted from the provisions thereof.
- (8) **CANOPY.** Refer to awning or canopy definition.
- (9) **CONSTRUCTION SIGN.** A sign which identifies the owners, financiers, contractors, architects, engineers, or tenants of a project under construction.
- (10) **DIRECTIONAL SIGN.** A sign which gives directions or instructions for the use on the lot on which the sign is located, such as parking or exit and entrance signs.
- (11) **ESSENTIAL SERVICES.** Equipment and accessories reasonably necessary for the furnishing of utility service or for the public health, safety, or general welfare by public utilities or municipal departments and commissions.
- (12) **FREESTANDING SIGN.** A permanent sign which is not attached to a building.
- (13) **GOVERNMENT SIGN.** A temporary or permanent sign erected by the County, or the State or Federal government including temporary signs as necessary in conjunction with the improvement of public infrastructure.
- (14) **LEGAL NON-CONFORMING BILLBOARD OR OFF-PREMISES ADVERTISING SIGN.** Defined as a billboard or off-premises advertising sign constructed pursuant to written permits issued by an authorized representative of Frankenmuth Township.
- (15) **MARQUEE.** A permanent structure constructed of rigid materials that projects from the exterior wall of a building.
- (16) **MARQUEE SIGN.** A sign affixed flat against the surface of the marquee.
- (17) **MURAL.** A design or representation painted or drawn on a wall which does not contain promotional or commercial advertising.
- (18) **PLACARD.** A sign which provides notices of a public nature, such as “No Trespassing” or “No Hunting” signs.
- (19) **PERMANENT SIGN.** A sign which has a permanent location on the ground or which is attached to a structure having a permanent location and which meets the structural requirements for signs as established in the Building Code.
- (20) **POLITICAL SIGN.** A temporary sign used in connection with an official Township of Frankenmuth, school district, county, state, or Federal election or referendum.
- (21) **PROJECTING SIGN.** A double-faced sign attached to a building or wall.
- (22) **READER BOARD.** A whole or any part of a sign on which copy is changed periodically either manually or electronically.
- (23) **REAL ESTATE SIGN.** A sign advertising the real estate upon which the sign is located as being for sale, rent, or lease.
- (24) **ROOF LINE.** The ridge line of a roof or building parapet, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.
- (25) **ROOF SIGN.** A sign erected above the roof line of a building.
- (26) **SIGN.** A device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service, or activity provided on the site on which the sign is located.
- (27) **SIGN FACE.** The section of a billboard or off-premises advertising sign that displays a message or messages facing in one direction. It shall include the entire area of the portion of the billboard or off-premises advertising sign that is above the supporting pole(s) and any other part that displays a message.
- (28) **TEMPORARY SIGN.** A sign intended for a limited period of display.

- (29) WALL SIGN. A single faced sign painted or attached directly to and parallel to the exterior wall of a building.
- (30) WINDOW SIGN. A sign placed on the inside of a window and intended to be viewed from the outside.

SECTION 503. PERMIT

- (1) Prior to construction or the establishment of any sign, an application for a permit shall be filed with the Zoning Administrator which application shall be accompanied by a fee, which shall be determined by a fee schedule established by the legislative body and a permit issued by the Zoning Administrator after approval by the Planning Commission.
- (2) A sign permit 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.
- (3) The following operations shall not be considered as creating a billboard or sign and therefore shall not require a sign permit.
- (4) REPLACING COPY. The changing of the advertising copy or message on an approved painted or printed sign or billboard or on a theater marquee and similar approved signs which are specifically designed for the use of replaceable copy.
- (5) MAINTENANCE. Painting, repainting, cleaning and other normal maintenance and repair of a sign or a sign structure unless a structural change is made.
- (6) TEMPORARY SIGNS. See Sections 506 and 507.

SECTION 504. GENERAL SIGN REQUIREMENTS

- (1) On site identity signs permitted by right in all zoning districts shall not exceed sixty (60) square feet and shall be ground mounted.
- (2) No light pole, utility pole, or other supporting member of a building or property shall be used for the placement of any sign unless the owner of the pole or supporting member has given permission for such use and the sign conforms to all requirements of this Chapter.
- (3) Except for signs for home occupations, all signs may be internally or externally illuminated, the source of the light shall be enclosed and directed to prevent the source of light from shining directly onto traffic or residential property.
- (4) A sign accessory to a non-conforming use or structure shall conform to the provisions of this Chapter 5.
- (5) Painted or paper-faced signs shall be maintained free of peeling paint or paper, sun fading, staining, rust, or other conditions which impair the legibility or intelligibility of such sign.
- (6) Any signs permitted by the provisions of this Chapter, including all supports, braces, and anchors, shall be maintained in conformance with this Chapter and in such a manner so as not to cause a hazard to the public.
- (7) Signs shall not be placed in, upon, or over any public right-of-way, alley, or other public place.
- (8) Any sign not resting directly on the ground, exceeding six square feet and set back less than ten feet from the right-of-way, shall maintain a minimum clear space of eight (8) feet from the bottom of the sign to the ground.
- (9) All signs shall comply with the Building and Electrical Codes of the Township of Frankenmuth. Underground wiring shall be required for all illuminated signs, or signs requiring electrical connections except for permitted temporary signs.

- (10) The distance between billboards and/or on site identity signs shall not be less than five hundred feet (500') and there shall not be any stacking, placing on top of buildings, or doubling end-to-end.

SECTION 505. SIGN PROHIBITIONS

- (1) Strings of light bulbs, pennants, streamers, banners, or flags (other than those of a governmental nature not used for the purpose of commercial advertisement) are prohibited.
- (2) Signs shall not employ any flashing, moving, oscillating, blinking, or variable intensity light, however, variable time-temperature signs may be permitted.
- (3) Signs shall not contain any moving or animated parts or be designed so as to give the appearance of movement.
- (4) A sign shall not be erected in any place where it may, by reason of its position, shape, color, or other characteristic, interfere with, obstruct the view of, or be confused with any authorized traffic signs, signal, or device, or constitute a nuisance per se.
- (5) A wall sign shall not extend beyond the edge of the wall to which it is affixed nor extend above the roof line of a building.
- (6) Roof signs are not permitted.
- (7) Billboards and off-premises advertising signs are not permitted.
- (8) Reader board signs and Balloon signs are prohibited.
- (9) Any vehicle (including trailers) which as the primary function of acting as a sign shall not be permitted.
- (10) Any sign which is not specifically permitted by, or does not conform, to the provisions of this Chapter is prohibited.

SECTION 506. TEMPORARY SIGNS

The following signs shall be permitted anywhere within the township and shall conform with all yard requirements herein, and all signs ground mounted shall not exceed a height of four feet (4') above ground level and all freestanding signs shall not exceed a height of twenty-four feet (24') above ground level, and permitted signs shall conform to the following cited requirements:

- (1) **CONSTRUCTION SIGNS.** Construction signs which identify the architects, engineers, contractors and other individuals or firms involved with the construction, but not including any advertisement of any product and sign announcing the character of the building enterprise or the purpose for which the building is intended, during the construction period, to a maximum area of twenty (20) square feet for each firm. The signs shall be confined to the site of the construction and shall be removed within fourteen (14) days of the beginning of the intended use of the project.
- (2) **REAL ESTATE.** Real estate signs advertising the sale, rental or lease of the premises or part of the premises on which the signs are displayed up to a total area of twelve (12) square feet. Such signs shall be removed within fourteen (14) days of the sale, rental or lease.
- (3) **POLITICAL CAMPAIGN.** Signs announcing the candidates seeking public political office and other data pertinent thereto, up to an area of thirty-two (32) square feet for each premise. These signs shall be confined to private property and removed within fourteen (14) days after the election for which they were made.

- (4) **STREET BANNERS.** Banners advertising a public entertainment or event, if specially approved by the local legislative board and only locations designated by the legislative body during and after fourteen (14) days before and seven (7) days after the event.
- (5) **SHOW WINDOW.** Show window signs in a window display of merchandise when incorporated with such display. They need not be related in content with the display.

SECTION 507. SIGN EXEMPTIONS

The following types of signs are exempted from all the provisions of this ordinance, except for the following requirements:

- (1) **PUBLIC SIGNS.** During emergency situations, signs of a non-commercial nature and in the public interest may be erected by the order of a public officer in the performance of his public duty. Examples of such signs are safety signs, danger signs, trespassing signs, and traffic signs. Other public signs such as memorial plaques, sign of historical interest and the like shall be reviewed by the Frankenmuth Township Planning Commission with a recommendation for approval/disapproval provided to the Frankenmuth Township Board of Trustees who shall have sole authority to approve/disapprove a sign request. If approved, direction shall be given to the Township Zoning Administrator who shall issue a sign permit detailing any conditions/restrictions associated with the approval.
- (2) **INSTITUTIONAL.** Signs setting forth the name of any single announcement for any public, charitable, educational or religious institution, located entirely within the premises of that institution, up to an area of twenty-four (24) square feet. Such signs may be illuminated in accordance with regulations contained hereinafter. If building mounted, these signs shall be flat wall signs and shall not project above the roofline. If ground mounted, the top shall be no more than four feet (4') above the ground level.
- (3) **INTEGRAL.** Names of buildings, dates of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type construction and made an integral part of the structure.
- (4) **PRIVATE TRAFFIC DIRECTION.** Sign directing traffic movement onto a premise or within a premise, not exceeding three (3) square feet in area for each sign. Illumination of these signs shall be permitted in accordance with the section hereinafter included on illumination. Horizontal directional signs on and flush with paved areas are exempt from these standards.
- (5) **SMALL SIGNS.** Signs not exceeding two (2) square feet in area, attached flat against the building, stationary and not illuminated, announcing only the name and occupation of building tenant.
- (6) **TEMPORARY LAND DEVELOPMENT PROJECT.** Signs pertaining to the sale, lease or development of a subdivision, planned shopping center, industrial park or similar land parcel are allowed for a period of one (1) year upon issuance of a permit by the Board of Appeals and further, said permit may be extended for one (1) additional year by the Board of Appeals, after a duly advertised public hearing. Total number of signs allowed together with maximum size, shall be controlled according to the following schedule:

<u>Land Size</u>	<u>Total Number Of Signs</u>	<u>Maximum Area Per Sign</u>
2 but less than 4 acres	1	100 square feet
4 but less than 20 acres	2	150 square feet
20 acres or more	3	200 square feet

Signs are not allowed on parcels of two (2) acres or less.

Signs shall not exceed a maximum height above ground of twenty-four feet (24') for freestanding signs or four feet (4') for ground mounted signs.

- (7) RENTALS. Signs on the premises announcing rooms for rent, table board, apartment or house for rent and not exceeding four (4) square feet.
- (8) VEHICLES. Signs on licensed motor vehicles of any kind, provided the sign is painted or attached directly to the body of the original vehicle and does not project or extend beyond the original manufactured body proper of the vehicle.
- (9) FARMS. Homes of occupants and other identification, painted or otherwise made a part of the surface or roof of a barn or other accessory building pertaining to and identifying the owner and/or activity of the farm unit provided said identification is not for advertising purposes.

SECTION 508. BILLBOARDS AND OFF-PREMISES ADVERTISING SIGNS, LIMITATIONS

- (1) Based on the Planning Commission’s recommendation made after it concluded a public hearing on the regulations set forth in this Ordinance and after it received reports from the Township Zoning Administrator concerning the proposed ordinance, the Township determined that:
 - (a) Billboards or off-premises advertising signs are not appropriate in the Conservation Greenbelt and A-1 and A-2 Agricultural Zone Districts and those portions of the PUD Districts used for residential purposes in that the advertising activity is commercial in nature. Such activity would be harmful to property values, aesthetics and the quality of life in agricultural and residential areas.
 - (b) Billboards or off-premises advertising signs are not appropriate in commercial PUD Districts because the Districts involve small commercial activity adjacent to residential areas and add to visual clutter and distraction.
 - (c) As of July 15, 2005, the latest sign survey, there are 24 billboards or off-premises advertising sign structures with 35 sign faces in the Township of Frankenmuth.
 - (d) The regulation of billboards or off-premises advertising signs is necessary to limit or avoid unduly distracting motorists and pedestrians; avoid traffic hazards; and avoid reducing the effectiveness of signs and devices that regulate traffic; to promote signage that is near eye-level and can be readily viewed from moving vehicles with the least amount of eye distraction; and otherwise assure the public safety of the community.

- (e) The regulation of billboard or off-premises advertising signs is necessary to limit the visual impact of outdoor advertising signs in the Township; to improve the appearance of the Township; to enhance the visual quality of new and older business areas; to enhance and insure the compatibility between outdoor advertising signs and on-site premises land uses; to limit the impact of billboards or off-premises advertising signs in terms of the visual sign clutter and confusion in the community; to ensure appropriate proportional scale with adjacent land uses and adjacent on-premises signage.
 - (f) Extensive construction of billboards is contrary to the intent of the master plan of the Township of Frankenmuth and represents a form of visual or aesthetic pollution.
- (2) Billboard or off-premises advertising signs shall be allowed as a legal non-conforming use, because of its legal existence prior to the effective date of this Ordinance.
 - (3) New billboard or off-premises advertising sign shall not be constructed.
 - (4) Non-conforming billboards and off-premises advertising signs shall comply with the following requirements:
 - (a) Billboards and off-premises advertising signs shall comply with all other applicable Sections of the Township of Frankenmuth Ordinances. No billboard or off-premises advertising sign shall have sign faces which change its copy, display, or message by the use of motorized copy, digital imaging, or other enhancement.
 - (b) No portion of the sign display shall project more than 18" in front of a sign face.
 - (c) Any extension of the sign face above, below, or to the side of a sign face shall be counted in the area of the sign face and height of the billboard or off-premises advertising sign.
 - (d) No flags shall be affixed to or hung from a billboard or off-premises advertising sign.
 - Every permanent legally existing sign which does not conform to the height, size, area, or location requirements of this Article as of the date of the adoption of this Ordinance, is hereby deemed to be nonconforming.
 - Nonconforming signs may not be expanded, enlarged, or extended; however, said signs may be maintained and repaired so as to continue the useful life of the sign.
 - For purposes of this Section, a nonconforming sign may be diminished in size or dimension or the copy of the sign amended or changed without jeopardizing the privilege of nonconforming use.
 - Any nonconforming sign, sign structure, or frame substantially destroyed by fire or other casualty loss shall not be restored or rebuilt; substantially destroyed shall mean that the cost of repair is more than 50% of the original construction cost.
 - (5) When a legal nonconforming billboard or advertising sign, or portion thereof, is removed, it shall be replaced only with a sign that conforms with all requirements of this Chapter 5. A sign may be removed for maintenance purposes following a permit from the building inspector and zoning administrator or authorized representative that the sign would be reinstalled within ninety (90) days of removal or the right of non-conforming use shall be deemed abandoned.

- (6) No permit for a billboard or off-premises advertising sign shall be renewed until the applicant demonstrates that it complies with the following requirements as determined by the Zoning Administrator and Building official after reviewing the applicant's documentation evidencing compliance with this Section, to wit:
- (a) That the applicant owns the land or has written permission from the property owner to maintain the billboard or off-premises advertising sign.
 - (b) That the billboard or off-premises advertising sign is legal non-conforming billboard or off-premises advertising sign.
 - (c) That lighting of the billboard or off-premises advertising sign complies with the standards set forth in this Chapter 5.
 - (d) That the applicant has supplied a copy of the permit from the State of Michigan pursuant to the Highway Advertising Act, MCL 252.301, et seq., or proof that it can obtain the permit, if a permit is required.
 - (e) That the minimum criteria of a Bavarian theme is existing and continued or will be erected and maintained; the Bavarian theme is defined in Section 502.Definitions.

SECTION 509. INSPECTION, REMOVAL, SAFETY

- (1) **INSPECTION.** Billboards and signs for which a permit is required shall be inspected annually during the month of June, and, also periodically, as may be necessary by the Zoning Administrator for compliance with this and other codes of the Township. An annual inspection fee shall be charged according to a fee schedule established by the legislative body and will be mailed to the sign or billboard permit-holder within seven (7) days of the receipt of the Zoning Administrator's report. Said fee shall be payable within fifteen (15) days. Failure to timely pay the annual fee shall be grounds for notice of removal of sign or billboard as set out in Paragraph (4) below.
- (2) **TAGGING.** All billboards and signs requiring permits shall display, in a place conspicuous to inspectors, the name of the owner or erector as the inspector shall designate.
- (3) **MAINTENANCE.** All signs or billboards and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition.
- (4) **REMOVAL OF BILLBOARD OR SIGN.** The Building Official may order the removal of any billboard or sign erected or maintained in violation of this ordinance. He shall give thirty (30) days notice in writing to the owner of such billboard or sign, or of the building, structure or premises on which such sign is located, to remove the billboard or sign or to bring it into compliance. The Building Official may remove a billboard or sign immediately and without notice if, in his opinion, the condition of the billboard or sign is such as to present an immediate threat to the safety to the public.
- (5) **ABANDONED BILLBOARDS OR SIGNS.** A billboard or sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted. If the owner or lessee fails to remove it, the building official shall give the owner fifteen (15) days notice to remove it. Upon failure to comply with this notice, the Building Official or his duly authorized representative may remove the billboard or sign at cost to the owner. When a successor to a defunct business agrees to maintain the billboards or signs as provided in this Code, this removal requirement shall not apply.

- (6) REMOVAL-UNSAFE. The Building Official or their authorized representative determines that any sign regulated by this Article is unsafe or constitutes a hazard to the public, such as obstructing vision of vehicle driven or pedestrians, or has been constructed, erected or maintained in violation of the provisions of this Article, the official or inspector may remove the sign or require its immediate removal. Failure to comply with a notice of violation by the official shall be deemed a misdemeanor or nuisance per se.
- (7) REMOVAL-UNLAWFUL. Any sign placed or erected in a public street, alley or right-of-way, or other public place, which is not specifically permitted in such place, shall be deemed an unlawful sign and the department having jurisdiction over the maintenance of such public place shall remove such sign. Such removal may be without written or other notice to the owner, lessee or person of the property adjacent to the public street, alley or right-of-way, other public place upon which such sign is located.

**PART II
LAND USE DISTRICTS**

**CHAPTER 6
DISTRICTS**

SECTION 601. DIVISION OF THE TOWNSHIP

For the purposes of this ordinance, the community, excepting streets and alleys, is divided into the following Zone Districts:

CG-1	Conservation-Greenbelt (Open Lands and Floodways)
A-1	Rural Agricultural (Food and Fiber Production)
A-2	Agricultural (Dispersed Residential)
R-PUD	Residential (Planned Unit Development)
CT-PUD	Commercial Tourist (Planned Unit Development)
CL-PUD	Commercial Local (Planned Unit Development)
IS-PUD	Industrial Special Use (Planned Unit Development)
I-PUD	Industrial (Planned Unit Development)
(A-2)-PUD	Special Use Permit Only (Section 1106)

SECTION 602. OFFICIAL ZONING MAP

The boundaries of these districts are hereby defined and established as shown on a map entitled “Zoning District Map”, which accompanies this ordinance and which map, with all explanatory matter thereon, is hereby made a part of this ordinance. The official Zone Map shall be kept and maintained by the Township Zoning Administrator.

SECTION 603. INTERPRETATION OF BOUNDARIES

Where uncertainty exists with respect to the boundaries of any of the districts indicated on the official Zoning Map, the following rules shall apply:

- (1) Boundaries indicated as approximately following the streets or highways or the centerline of said roadways shall be construed to be such boundaries;
- (2) Boundaries indicated as approximately following Township boundary lines or following lot lines shall be construed as following said lines;
- (3) Boundaries indicated as approximately parallel to the center lines of streets or highways shall be construed as being parallel thereto and at such distance therefrom as dedicated by given distance or scaled dimension.
- (4) The Parcel Allowed Divisions Roll was established based on the Frankenmuth Property Tax Roll for the year of 1988. Allowed divisions signify those divisions which may have residential dwelling building permits issued for that parcel. The original Parcel Division Roll shall be maintained by the Zoning Administrator and available for public inspection at the Township Office.
- (5) The Zoning Administrator shall update the Parcel Allowed Divisions Roll as divisions occur. The update shall note the new parcel numbers, divisions allowed and divisions

transferred from the pre-divided (parent) parcel. The updated Parcel Allowed Divisions Roll shall be part of the administrative duties of the zoning administrator and available for public inspection at the Township Office.

SECTION 604. SCOPE OF REGULATIONS

No building or structure, or part thereof, shall hereafter be erected, moved, constructed or altered, and no new use or change in use shall be made unless in conformity with the provisions of this ordinance and with the regulations specified for the district in which it is located.

The regulations applying to such district include specific limitations on the use of land and structure, height and bulk of structures, density of population, lot area, yard dimensions and area of lot that can be covered by each structure.

The Board of Appeals shall have the power to classify a use that is not specifically mentioned along with a comparable permitted or prohibited use for the purpose of clarifying the use regulations in any district.

CHAPTER 7
CG-1 CONSERVATION GREENBELT DISTRICT

SECTION 701. PURPOSE AND INTENT

This district is intended to preserve open land areas, natural features, wildlife areas and scenic landscape. In addition, provisions are included which are applicable to protect floodplain areas and promote the public health, welfare, and safety by prohibiting use of the land within floodways that may result in the loss of life or property. The basic purposes as herewith recognized are to preserve natural resources and assets and protect person and property from the hazards of floods and from resulting cost to the community. Open Space Recreation uses are also permitted as appropriate to Greenbelt area preservation and use.

SECTION 702. USES PERMITTED BY RIGHT

The following are the principal permitted uses by right within a CG-1 District:

- (1) All uses permitted by right within an A-1 District and subject to the further restrictions of General Use Requirements (Section 705) and all other restrictions hereinafter cited.

SECTION 703. USES PERMITTED UNDER SPECIAL CONDITIONS

The following are the permitted uses subject to the cited conditions hereinafter imposed for each use as well as the restrictions of the General Use Requirements (Section 705).

- (1) Customary accessory use to any of the permitted uses listed in the CG-1 District and as defined in Chapter 2, Section 202.
- (2) Signs as provided in Chapter 5.
- (3) Off-Street Parking and Loading as required and allowed.

SECTION 704. USES PERMITTED BY SPECIAL USE PERMIT

The following uses of land and structures may be permitted in the CG-1 District by the application for an issuance of Special Use Permit when all the procedural requirements specified in Chapter 11, together with all applicable restrictions and standards as cited in this Chapter or Chapter 11 are met.

- (1) Parcels without public water or sanitary sewer facilities.
 - (a) Golf Courses, Shooting or Country Clubs, other than driving ranges and miniature golf courses. (Section 1105)
 - (b) Special Open Space Uses. (Section 1111)
 - (c) Airport Landing Strips. (Section 1111)
 - (d) Sand, Gravel, or Clay Pits and Quarries. (Section 1111)
 - (e) Institutional uses including religious institutions, educational institutions and public service installations. (Section 1104)

- (f) Organized activities of a second nature such as model boat or model airplane meets or contests. (Section 1111)
- (g) Home Occupations. (Section 1108)
- (h) Communication Towers and Antenna. (Section 1110)
- (2) Parcels with public water and sanitary sewer facilities or an approved sanitary facility.
 - (a), (e) and (g) from above.

SECTION 705. GENERAL USE REQUIREMENTS

Flood hazard areas within the jurisdiction of this ordinance are hereby divided into two areas including floodway and floodway fringe as authorized according to the Michigan Enabling Legislation, Act 167 and 288.

- (1) SPECIAL PROVISIONS. Special provisions applying to the floodway and floodway fringe.
 - (a) DEFINITION of the floodway and floodway fringe area shall be established in required cases according to the criteria and with the approval of the State of Michigan Water Resources Commission. The elevation below 610 feet above sea level along the Cass River and Dead Creek, as established by U.S Geological Survey, is generally accepted as the floodway and floodway fringe area in the Conservation Greenbelt CG-1 District.
 - (b) ALTERATION OF THE EXISTING GRADE. The alteration of areas subject to flooding is prohibited except upon issuance of a permit by the State of Michigan Water Resources Commission as required by State Law.
- (2) FLOODWAY PROVISIONS
 - (a) NO STRUCTURE. No structure, fill, storage or other uses shall be permitted alone or in combination with existing or future uses materially reduce the capacity of the floodway or increase flood heights.
 - (b) PROPOSED FLOODWAY FILL. Fill must have a beneficial purpose as demonstrated by a plan showing both the uses to which the filled land will be put and final dimensions.
 - (c) PERMITTED USES. The following open space uses promoting conservation and preservation shall be permitted within the floodway to the extent and in the manner that they are allowed by citation within Section 702. 703, 704 of this ordinance and provided they do not require structures or fill.
 - Agricultural uses such as: General farming, pasture, grazing, outdoor nurseries, horticulture, truck farming, forestry, sod farming and wild crop harvesting. On any parcel five (5) acres or less, no more than one large farm animal per acre shall be permitted.
 - Private and Public Recreation uses such as: Golf courses, tennis courts, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, hunting and fishing areas, hiking and horseback riding trails.
 - Customary accessory uses to any of the uses herein listed. Accessory residential uses such as: Lawns, gardens, parking areas and play areas.

- (d) Structures permitted by Water Resources Commission and approved by Planning Commission shall be subject to the following:
Permitted structures shall not be designed for human occupancy and shall have no, or a very low, flood damage potential.
Permitted Structures shall be erected so as to offer the minimum obstruction to flood waters, i.e., longitudinal axis parallel to the direction of flood flow and placement approximately on the same flood flow line as those of adjoining structures. They shall be firmly anchored to prevent damage to other structures and restricted bridge openings and stream cross sections.
Permitted structures such as electrical and service equipment, etc., shall be constructed at or above the regulatory flood protection elevation. Utility openings shall be sealed and locked.
- (e) Storage and materials and equipment shall be subject to the following:
The storage or processing of environmentally incompatible materials that are buoyant, flammable, contaminants, explosive or otherwise injurious to human, animal or plant life is prohibited. Storage of other material or equipment may be allowed if not subject to damage, firmly anchored to prevent floatation or shall be readily removable upon flood warning.

(3) FLOODWAYS FRINGE PROVISIONS

- (a) PERMITTED USES. The following uses shall be permitted within the Floodway Fringe area to the extent and in the manner that they are allowed by citation within sections 702, 703, and 704 of this ordinance.
Any Open Space Use permitted in Section 705 (2) (c) of the Floodway Provisions and therein regulated.
Any Other Non-structural Use permitted by Chapter 7, provided it is elevated above the regulatory flood protection elevation and a determination is made that the use will not unduly restrict the capacity tributaries, drainage ditches, or other drainage facilities or constitute an abuse of environmental quality. Structures permitted by Chapter 7 provided the outside building grade is not less than two feet (2') above the regulatory flood protection elevation.
Fill embankment extended at such elevation to at least fifteen feet (15') beyond the building limits.

SECTION 706. DIMENSIONAL REQUIREMENTS

- (1) MINIMUM LOT SIZE
 - (a) Each lot shall contain a minimum of five (5) acres.
 - (b) Each lot shall be a minimum of three hundred thirty feet (330') in width.
- (2) MINIMUM YARD REQUIREMENTS
 - (a) Each lot shall have a minimum front yard of sixty feet (60').
 - (b) Each lot shall have no less than twenty foot (20') side yards.
 - (c) Each lot shall have a minimum rear yard of forty feet (40').
 - (d) In the case of a corner lot the side yard on the street shall not be less than sixty feet (60') and the remaining side yard shall be twenty feet (20').

- (3) MINIMUM FLOOR PER DWELLING UNIT
 - (a) Each dwelling unit shall have a minimum finished living area of one thousand fifty (1050) square feet per dwelling unit with a minimum of seven hundred and fifty (750) square feet on the ground floor for units of over one (1) story.

- (4) MAXIMUM BUILDING HEIGHT
 - (a) The maximum building height shall be two and a half (2½) stories or thirty-five feet (35’).

- (5) MAXIMUM LOT COVERAGE
 - (a) None required.

- (6) OFF-STREET PARKING REQUIREMENTS
 - (a) Requirements for an allowed use shall be determined from the “Schedule of Parking Requirements” in Chapter 4.
 - (b) The parking of recreation equipment for more than three (3) days including travel trailers, campers, boats and similar recreational equipment is prohibited within the required front yard areas of a CG-1 District and within twenty-five feet (25’) of any property line.

- (7) LOADING REQUIREMENTS
 - (a) None required in CG District

CHAPTER 8
A-1 RURAL AGRICULTURE DISTRICTS

SECTION 801. PURPOSE AND INTENT

It is recognized that the public health and welfare of the citizens of Frankenmuth Township, Saginaw County, the state of Michigan, and the United States are greatly dependent upon the sustenance and economic benefits provided by a viable agriculture industry. This district is intended to ensure that land areas within Frankenmuth Township which are well suited for production of food and fiber are retained for such production, unimpeded by the establishment of incompatible uses which would hinder farm operations and irretrievable deplete agricultural lands.

- (1) The A-1 District acknowledges that agriculture is a specialized form of industry characterized by the production through biological and botanical process of salable farm products as a result of the combination of raw materials (soils, seeds, plants, water and nutrients), manpower (farm labor and machinery) and energy (solar and power equipment).
- (2) Other specific purposes for which this district is established include:
 - (a) To preserve woodlands and wetlands associated with farms, which because of their natural physical features are useful as water retention and groundwater recharge areas, and as habitat for plant and animal life, and which have an important aesthetic and scenic value that contributes to the unique character of the agricultural district.
 - (b) To provide the basis for land tax assessments, which reflect its existing agricultural nature, and owing to these regulations, its limited use for other purposes.
 - (c) To prevent the conversion of agricultural land to scattered non-farm development which when unregulated, unnecessarily increases the cost of public services to all citizens and resulted in the premature disinvestment in agriculture.
- (3) The agricultural district boundaries are based on an analysis of soils and tillable acres that identify those areas suited for farming as classified by the U.S Agriculture Stabilization and Conservation Service. Other factors were also taken into consideration when establishing the district boundaries: including the existing investment in agriculture, the extent of and proximity to non-farm development, the average parcel size of existing farms and the minimum acreage needed for most farm operations. These factors were queried in the Frankenmuth Community Survey and addressed in the Frankenmuth Community Master Plan.

SECTION 802. USES PERMITTED BY RIGHT

- (1) The following uses of land are permitted in this district:
 - a. Commercial agriculture
 - b. Conservation area for fauna, flora
 - c. Dairy farm

- d. Single family dwelling unit, farm
 - e. Single family dwelling unit, non-farm
 - f. Farm
 - g. Farm buildings
 - h. Farm drainage and irrigation systems
 - i. Forest preserve
 - j. Game refuge
 - k. Grazing and forage
 - l. Historic sites and structures
 - m. Nursery and greenhouses not selling retail on the premises
 - n. Raising of farm animals, and production of farm products
 - o. Tree, sod farms
 - p. Transmission and distribution lines, and pipelines of public utility companies within existing public rights of way
 - q. Uses customarily accessory to farm operations
 - r. Uses and structures customarily accessory to non-farm dwellings
- (2) Limited residential dwelling growth factor of one percent (1%) in “A-1” district as existing in any year.
- (3) Only one (1) Building Permit for a Residential Dwelling Unit shall be issued to any Individual, Partnership, or Corporation, who must also be the owner of the site parcel in any year.

SECTION 803. USES PERMITTED BY SPECIAL USE PERMIT

The following uses of land and structures may be permitted in the A-1 District by the application or issuance of a special use permit when all the procedural requirements specified in Chapter 11, together with all applicable standards cited in Chapter 11 are met.

- (1) Parcels without public water or sanitary service.
- (a) Agricultural service establishments as defined in Section 202. (Section 1111)
 - (b) Essential service structures including, but not limited to: any new rights of way across farmland, telephone exchange and/or repeater buildings and towers, electrical station and substation buildings, gas regulator stations and regulator buildings as well as other structures and building related to essential or public services. Section (1111)
 - (c) Confined feedlots conforming to current farming practice meeting the current generally accepted agricultural management practices. (Section 1111)
 - (d) Roadside stand selling only products grown or produced by the owner of the property upon which the stand is located provided that contiguous space for the parking of customers’ vehicles is furnished off the public right-of-way at the ratio of one (1) parking space for each fifteen (15) square feet of roadside stand. (Section 1111)
 - (e) Stand, gravel or clay pits or quarries. (Section 1111)
 - (f) General Aviation Airport, which is customarily used by more than three aircraft, which provides facilities for the shelter, supply or care of aircraft, and which

- provides public facilities for receiving or discharge of passengers or cargo. (Section 1111)
- (g) Communication Towers and Antenna. (Section 1110)
- (2) Parcels with public water and sanitary sewer facilities or an approved sanitary facility.
- a. Day nurseries. (Section 1107)
 - b. Home occupations. (Section 1108)
 - c. Short Term Rentals. (Section 1109)
- (3) Standards applicable to all special use permits: (These general standards would apply in addition to the specific standards above),
- (a) The proposed use shall be sited upon lands that are less suitable for commercial agriculture than other agricultural lands within the district.
 - (b) The proposed use shall be sited on a parcel in a manner, which minimizes the amount of productive agricultural land, which is converted to the proposed use.
 - (c) The proposed use shall be located in close proximity to existing facilities providing agricultural services whenever possible and appropriate. The clustering of agricultural service establishments into agricultural service centers shall be encouraged and accomplished by special use permit.

SECTION 804. DEVELOPMENT STANDARDS

- (1) Site development standards apply to all uses except as noted:
- (a) Maximum Lot Area- for non-farm dwellings units - 2 acres (see exception 804 (3) (a).)
 - (b) Maximum Lot Area for special use Permits - 10 acres
 - (c) Minimum Lot Area for farm single-family dwelling structure units - 40 acres (See exception in definition of farm).
- (2) Dimensional Requirements
- (a) Minimum Lot Size
 - Each lot shall contain a minimum of forty thousand (40,000) square feet per dwelling unit.
 - Each lot shall be a minimum of two hundred (200) feet in width of public road frontage. [Adopted 9-20-21]
 - Maximum lot width to depth ratio of 1 to 2.
 - (b) Minimum Yard Requirements
 - Each lot shall have a minimum front yard of sixty feet (60’).
 - Each lot shall have a total side yard of at least thirty-five (35’), with a minimum of fifteen feet (15’) on one side.
 - Each lot shall have a minimum rear yard of forty feet (40’).
 - In the case of a corner lot the side yard on the street side shall not be less than twenty-five feet (25’), and the remaining side yards shall be fifteen feet (15’).
 - (c) Minimum Floor Area per Dwelling Unit
 - Each dwelling unit shall have a minimum floor area of one thousand fifty (1050) square feet per dwelling unit with a minimum of seven hundred fifty (750) square feet on the ground floor for units of more than one (1) story.
 - (d) Maximum Building Height
 - Two and one-half (2 ½) stories or thirty-five (35’).

- Exceptions (refer to Chapter 3, Section 304.)
 - (e) Maximum Lot Coverage
 - None required.
 - (f) Off-Street Parking Requirements
 - Requirements for an allowed use shall be determined from the “Schedule of Parking Requirements” in Chapter 4.
 - The parking of recreational equipment for more than three (3) days including travel trailers, campers, boats and similar recreational equipment is prohibited within the required front yard areas of an A-1 District and within twenty-five feet (25’) of property line.
- (3) The following qualifications and exceptions also apply:
- (a) Each lot for a dwelling unit shall be a separately conveyed parcel of no more than two acres in area and described by a recorded certificate of survey unless a larger parcel is required by the Saginaw County Health Department to accommodate a drain field for a septic system or adequate separation between septic wastes and well water. In addition, a lot on which an existing farmstead consisting of a residential dwelling and farm buildings is located, may be split off from the main farm acreage in the form of a separate surveyed and recorded lot, provided that said parcel shall not exceed three (3) acres in size, unless a larger area is necessary to meet required setbacks of this section.
 - (b) The driveway serving a lot shall be separated from adjacent driveways on the same side of the road by the following minimum distances:
 - Local secondary road: fifty feet (50’)
 - County primary/state highway: eighty feet (80’)
 - Minimum distance from an intersection of two or more of the above: eighty feet (80’)
 - The driveway must be provided with a turn-around area sufficient to permit vehicle exit forward.
 - (c) After the effective date of this ordinance, any new property line shall be a minimum of fifty feet (50’) from the location of farm animal enclosures and a minimum of that setback as defined in section 305, as applicable, from the location of farm buildings and accessory structures.
 - (d) Non-farm dwelling units are limited to a maximum of one (1) farm animal per acre; with housing for farm animals sited a minimum of fifty feet (50’) from property lines.
 - (e) The maximum height of farm buildings shall be one hundred feet (100’). All farm buildings over thirty-five feet (35’) shall be set back from a lot line a distance at least equal to the height of the building.
 - (f) Line and structures within existing public rights of way (not including buildings) of public utility companies shall be exempt from the area, placement and height regulations of this section.
 - (g) Prior to the issuance of a building permit, the zoning administrator shall certify that the location of proposed uses and structures, in addition to meeting the above requirements, is not on the best quality agricultural soils of the parcel, unless due to practical problems of access or to meet the spacing requirements from existing farm building or nonfarm dwellings, no other location is available.

- (h) Soils shall be suitable for a septic drain field. Adequate area shall be maintained between the well and septic tank drain field as required by the County Health Department.
 - (i) Access to a public road shall meet ordinance requirements.
 - (j) Accessory buildings, structures and uses to non-farm dwelling units are prohibited in the area between the front lot line and the setback, although they are permitted on the side and rear of the dwelling provided they conform with setbacks. The zoning administrator may reduce rear setbacks up to twenty feet (20') from the lot line, unless it is a right-of-way, upon a showing by the applicant of practical difficulty and no adverse impact on the use or enjoyment of an adjoining parcel and provided all other requirements of this district are met.
- (4) Non-farm dwelling units shall be permitted on lots or parcels of land for which a deed has been recorded in the office of the Saginaw County Register of Deed upon or prior to the effective date of this Ordinance, or on a lot or parcel of land that would have been recorded on the date of its execution, provided they are able to meet all applicable standards and requirements of this ordinance and all other applicable township and county ordinances.
- (a) The maximum number of lots, in addition to an existing principal dwelling that may be created, shall be based on gross area of that tract which is to be subdivided, and which constitutes the lot of record existing on the effective date of this change in ordinance as follows:

SCHEDULE OF DENSITY TABLE

Maximum # of Additional Lots Permitted

Area of Lot of Record	#Lots
0.1 to 5 acres	0
5.01 to 10 acres	1
10.01 to 20 acres	2
20.01 to 40 acres	3
40.01 to 80 acres	4
80.01 to 160 acres	5
160.01 to 320 acres	6
Over 320.01 acres	7

Those divisions are also controlled under the State of Michigan "Plat Act" as to timing of divisions.

- (b) On parcels of record of greater than 80 acres as of the effective date of this ordinance, an additional lot may be established for each 40 additional acres of the original or a contiguous parcel provided:
 - All lots are contiguous and located on lands least suitable for agricultural production
 - Are clustered around and take their access from a single access drive instead of each lot fronting on a country or state highway. Said access shall meet

Township standards for private drives or be constructed to Country Road Commission standards in order to be dedicated to the public.

- (c) When there is a division of the lot of record as provided for under this ordinance, the remainder of the original lot of record must meet or exceed the requirements of section 804 (2) (Dimensional Requirements).
- (5) The Township recognizes that proper administration of the sliding scale concept is important in meeting the intent of this Ordinance. The Township will apply the following procedures in administering this district:
 - (a) Concurrent with the adoption of this ordinance an official map indication existing lots and land ownership shall be established.
 - (b) An allotment of non-farm dwelling units possible under this ordinance shall be made for each parcel in the district.
 - (c) As allotments are used up, the official map shall be updated to reflect these changes.
 - (d) The official map shall be maintained by the Zoning Administrator and copies made available for inspection by the public.
 - (e) The Planning Commission shall conduct a review of this ordinance every five (5) years to determine its effectiveness in preserving farmland and to consider any revisions that may be desirable.

CHAPTER 9
A-2 RURAL AGRICULTURE DISTRICTS

SECTION 901. PURPOSE AND INTENT

It is recognized that the public health and welfare of the citizens of Frankenmuth Township, Saginaw County, the state of Michigan, and the United States are greatly dependent upon the sustenance and economic benefits provided by a viable agriculture industry. The A-1, Agriculture District is intended to ensure that land areas within Frankenmuth Township which are well suited for production of food and fiber are retained for such production, unimpeded by the establishment of incompatible uses which would hinder farm operations and irretrievable deplete agricultural lands.

- (1) The establishment of the A-2 Agriculture District recognizes that while some lands are more suited to agriculture activities, there is a need for land availability which does not conflict with agricultural maximum use areas. While agriculture activity is permitted within the A-2, Agriculture District, the loss of tillable acres is minimized while making available less suited agricultural lands for other uses.
- (2) Other specific purposes for which this district is established include:
 - (a) To preserve woodlands and wetlands associated with farms, which because of their physical features are useful as water, retention and groundwater recharge areas, and as habitat for plant and animal life; and which have an important aesthetic and scenic value, which contributes to the unique character of the agricultural district.
 - (b) To provide the basis for land tax assessments, which reflect its existing agricultural nature and owing to these regulations, its limited use for other purposes.
 - (c) To permit scattered residential development of that land less suited to agricultural use as contemplated in the Frankenmuth Community Master Plan.
- (3) The agricultural boundaries are based on an analysis of tillable acres that identify those areas suited for farming as classified by the U.S. Soil Conservation Service. Other factors were also taken into consideration when establishing the district boundaries: including the existing investment in agriculture, the extent of and proximity to non-farm development, the average parcel size of existing farms and the minimum acreage needed for most farm operations. These factors were queried in the Frankenmuth Community Survey and addressed in the Frankenmuth Community Master Plan.

SECTION 902. USES PERMITTED BY RIGHT

- (1) The following uses of land are permitted in this district:
 - (a) Commercial agriculture
 - (b) Conservation area for fauna, flora
 - (c) Dairy farm
 - (d) Single family dwelling unit, farm
 - (e) Single family dwelling unit, non-farm
 - (f) Farm

- (g) Farm buildings
 - (h) Farm drainage and irrigation systems
 - (i) Forest preserve
 - (j) Game refuge
 - (k) Grazing and forage
 - (l) Historic sites and structures
 - (m) Nursery and greenhouses not selling retail on the premises
 - (n) Raising of farm animals, and production of farm products
 - (o) Tree, sod farms
 - (p) Transmission and distribution lines, and pipelines of public utility companies within existing public rights of way
 - (q) Uses customarily accessory to farm operations
 - (r) Uses and structures customarily accessory to non-farm dwellings
 - (s) Two (2) family dwellings units, non-farm
- (2) Limited residential dwelling growth factor of two percent (2%) in “A-2” District as existing in any year.
- (3) In the event that in a given year the Residential Dwelling Units allotment has been exhausted, the Frankenmuth Township Board, at their discretion and by vote of the Board, can instruct the Zoning Administrator/Building Inspector to issue a Building permit from the unused portion of the “A-2” District’s growth allotment of the prior year.

SECTION 903. USES PERMITTED BY SPECIAL USE PERMIT

The following uses of land and structures may be permitted in the A-2 District by the application for issuance of a special use permit when all the procedural requirements specified in Chapter 11, together with all the applicable standards as cited in Chapter 11 are met.

- (1) Parcels without public water or sanitary sewer facilities
- (a) Agricultural service establishments as defined in Section 202. (Section 1111)
 - (b) Essential service structures including, but not limited to: any new rights of way across farmland, telephone exchange and/or repeater buildings and towers, electrical station and substation buildings, gas regulator stations and regulator buildings as well as other structures and buildings related to essential or public services. (Section 1111)
 - (c) Roadside stand selling only products grown or produced by the owner of the property upon which the stand is located provided that contiguous space for the parking of customers’ vehicles is furnished off the public right-of-way at the ration of one (1) parking space for each fifteen (15) square feet of roadside stand. (Section 1111)
 - (d) Sand, gravel or clay pits or quarries. (Section 1111)
 - (e) Public parks and recreation areas. (Section 1111)
 - (f) Cemeteries (for the human internment), Public or Private subject to the following conditions:
 - The site shall be at least twenty (20) acres and shall be so designed as to provide ingress and egress directly onto or from a major or minor thoroughfare.

- No principal or accessory building shall be closer than fifty feet (50’) from any abutting property line.
 - All lighting shall be shielded to reduce glare and shall be so arranged and maintained to direct light away from property adjoining the site.
 - A maximum of one (1) sign is permitted at a point of entrance or exit which shall bear only the name of the cemetery and shall have a maximum area of sixteen (16) square feet. (Section 1111)
- (g) Cemeteries (for pet internment), Public or Private, subject to the following conditions:
- The site shall be at least five (5) acres and shall be so designed as to provide ingress and egress directly onto or from a major or minor thoroughfare.
 - No principal or accessory building shall be closer than fifty feet (50’) from any abutting property line.
 - All lighting shall be shielded to reduce glare and shall be so arranged and maintained to direct light away from property adjoining the site.
 - A maximum of one (1) sign is permitted at a point of entrance or exit which shall bear only the name of the cemetery and shall have a maximum area of sixteen (16) square feet. (Section 1111)
- (h) Communication Towers and Antenna. (Section 1110)
- (2) Parcels with public water and sanitary sewer facilities or an approved sanitary facility:
- (a) Institutional Uses (Section 1104)
 - (b) Golf Courses, Shooting or Country Clubs (Section 1105)
 - (c) Day nurseries. (Section 1107)
 - (d) Short Term Rentals. (Section 1109)
 - (e) Riding stables. (Section 1111)
 - (f) Kennels. (Section 1111)
 - (g) Home occupations. (Section 1108)
 - (h) (A-2)-PUD Planned Unit Developments (Section 1106)
- (3) Standards applicable to all special use permits: (These general standards would apply in addition to the specific standards above).
- (a) The proposed use shall be sited upon lands that are less suitable for commercial agriculture than other agricultural lands within the district.
 - (b) The proposed use shall be sited on a parcel in a manner, which minimizes the amount of productive agricultural land that is converted to the proposed use.
 - (c) The proposed use shall be located in close proximity to existing facilities providing agricultural services whenever possible and appropriate. The clustering of agricultural service establishments into agricultural service centers shall be encouraged and accomplished by special use permit.

SECTION 904. DEVELOPMENT STANDARDS

- (1) Site development standards apply to all uses except as noted:
- (a) Maximum Lot Area- for non-farm dwelling units - 2 acres (see exception 904 (3) (a)).
 - (b) Maximum Lot Area for special use Permits - 10 acres

- (c) Minimum Lot Area for farm single family dwelling structure units - 40 acres (see exception in definition of farm (Chapter 2)).
- (2) Dimensional Requirements
 - (a) Minimum Lot Size
 - Single Family Dwelling Unit
 - Each lot shall contain a minimum of forty thousand (40,000) square feet per dwelling unit.
 - Each lot shall be a minimum of two hundred feet (200') in width of public road frontage. [Adopted 9-20-21]
 - Maximum lot width to depth ratio of 1 to 2.
 - Two (2) Family Dwelling Units
 - Each lot shall contain a minimum of sixty thousand (60,000) square feet.
 - Each lot shall be a minimum of two hundred feet (200') in width at the front building line.
 - Maximum lot width to depth ratio of 1 to 2.
 - (b) Minimum Yard Requirements
 - Each lot shall have a minimum front yard of sixty feet (60').
 - Each lot shall have a total side yard of at least thirty-five (35') with a minimum of fifteen feet (15') on one side.
 - Each lot shall have a minimum rear yard of forty feet (40').
 - In the case of a corner lot the side yard on the street side shall not be less than twenty-five feet (25'), and the remaining side yards shall be fifteen feet (15').
 - (c) Minimum Floor Area Per Dwelling Unit
 - Each dwelling unit shall have a minimum floor area of one thousand fifty (1050) square feet per dwelling unit with a minimum of seven hundred fifty (750) square feet on the ground floor for units of more than one (1) story.
 - (d) Maximum Building Height
 - Two and one-half (2 ½) stories or thirty-five feet (35').
 - Exceptions (refer to Chapter 3, Section 304).
 - (e) Maximum Lot Coverage
 - None required.
 - (i) Off-Street Parking Requirements
 - Requirements for an allowed use shall be determined from the “Schedule of Parking Requirements” in Chapter 4.
 - The parking of recreational equipment for more than three (3) days including but not limited to travel trailers, campers, boats and similar recreational equipment is prohibited within the required front yard areas of any A-2 District and within 25 feet of property line.
 - The parking of commercial identified equipment is limited to one (1) for more than three (3) days including cars, vans, light trucks and vehicles rated one (1) ton or less is prohibited within the required front yard areas of single or two (2) family dwelling units and within 25 feet of a property line. Rated equipment over one (1) ton is prohibited.
- (3) The following qualifications and exceptions also apply:

- (a) Each lot for a dwelling unit shall be a separately conveyed parcel of no more than two acres in area and described by a recorded certificate of survey unless a larger parcel is required by the Saginaw County Health Department to accommodate a drain field for a septic system or adequate separation between septic wastes and well water. In addition, a lot on which an existing farmstead consisting of a residential dwelling and farm buildings is located, may be split off from the main farm acreage in the form of a separate surveyed and recorded lot, provided that said parcel shall not exceed three (3) acres in size, unless a larger area is necessary to meet required setbacks of this section.
- (b) The driveway serving a lot shall be separated from adjacent driveways on the same side of the road by the following minimum distances:
 - Local secondary road: 50 feet.
 - County primary/state highway: 80 feet.
 - Minimum distance from an intersection of two or more of the above: 80 feet.
 - The driveway must be provided with a turn-around area sufficient to permit vehicle exit forward.
- (c) After the effective date of this ordinance, any new property line shall be a minimum of fifty feet (50') from the location of farm animal enclosures and a minimum of that setback as defined in Section 305, as applicable, from the location of farm buildings and accessory structures.
- (d) Non-farm dwelling units are limited to a maximum of one (1) farm animal per acre with housing for farm animals sited a minimum of 50 feet from property lines.
- (e) The maximum height of farm buildings shall be one hundred feet (100'). All farm buildings over 35 feet shall be set back from a lot line a distance at least equal to the height of the building.
- (f) Line and structure within existing public rights of way (not including buildings) of public utility companies shall be exempt from the area, placement and height regulations of this section.
- (g) Prior to the issuance of a building permit, the zoning administrator shall certify that the location of proposed uses and structures, in addition to meeting the above requirements, is not on the best quality agricultural soils of the parcel, unless due to practical problems of access or to meet the spacing requirements from existing farm buildings or non-farm dwellings, no other location is available.
- (h) Soils shall be suitable for a septic drain field. Adequate area shall be maintained between the well and septic tank drain field as required by the County Health Department.
- (i) Access to a public road shall meet ordinance requirements.
- (j) Accessory buildings, structures and uses to non-farm dwellings units are prohibited in the area between the front lot line and the setback, although they are permitted on the side and rear of the dwelling provided they conform with setbacks. Rear setbacks may be reduced by zoning administrator up to 20 feet from the lot line, unless it is a right of way, upon a showing by the applicant of practical difficulty and no adverse impact on the use or enjoyment of an adjoining parcel, and provided all other requirements of this district are met.

- (4) Non-farm dwelling units shall be permitted on lots or parcels of land for which a deed has been recorded in the office of the Saginaw County Register of Deeds upon or prior to the effective date of this ordinance, or on a lot or parcel of land that would have been a lot of record if the document conveying the lot had been recorded on the date of its execution, provided they are able to meet all applicable standards and requirements of this ordinance and all other applicable township and county ordinances.
- (a) The maximum number of lots in addition to an existing principal dwelling that may be created shall be based on gross area of that tract which is to be subdivided, and which constitutes that lot of record existing, as follows:

SCHEDULE OF DENSITY TABLE

Maximum # of Additional Lots Permitted

Area of Lot of Record	#Lots
0.1 to 5 acres	1
5.01 to 10 acres	2
10.01 to 20 acres	3
20.01 to 40 acres	4
40.01 to 80 acres	5
80.01 to 160 acres	6
160.01 to 320 acres	7
Over 320.01 acres	8

These divisions are also controlled under the State of Michigan “Plat Act” as to timing of divisions.

- (b) On parcels of record of greater than eighty (80) acres as of the effective date of this ordinance, an additional lot may be established for each forty (40) additional acres of the original or contiguous parcel, provided:
- All lots are contiguous and located on lands least suitable for agricultural production, and
 - Are clustered around and take their access from a single access drive instead of each lot fronting on a county or state highway. Said access shall meet Township standards for private drives, or be constructed to County Road Commission standards in order to be dedicated to the public,
- (c) When there is a division of the lot of record as provided for under this ordinance, the remainder of the original lot of record must meet or exceed the requirements of Section 904-(2) (Dimensional Requirements).
- (5) The Township recognizes that proper administration of the sliding scale concept is important in meeting the intent of this ordinance. The township will apply the following procedures in administering this district.
- (a) Concurrent with the adoption of this ordinance an official map indicating exist lots and land ownership shall be established.

- (b) An allotment of non-farm dwelling units possible under this ordinance shall be made for each parcel in the district.
- (c) As allotments are used up, the official map shall be updated to reference these changes.
- (d) The official map shall be maintained by the Zoning Administrator and copies made available for inspection by the public.
- (e) A review of this ordinance shall be conducted by the Township Planning Commission every five (5) years to determine its effectiveness in preserving farmland and to consider any revisions which may be desirable.

CHAPTER 10
NEW, CONDITIONAL OR OVERLAY ZONING DISTRICTS

SECTION 1001. PURPOSE AND INTENT

At times, there may be a need to establish a new, conditional or overlay zoning districts other than those defined in SECTION 601. The basic purpose of such districts are recognized to preserve natural resources and assets, protect persons and property from the hazards of floods and resulting cost to the community, provide opportunities for Open Space Recreation, and preserve land areas well suited for production of food and fiber.

SECTION 1002. ADMINISTRATIVE PROCEDURE

The Frankenmuth Township Planning Commission shall review new, Conditional or Overlay Zoning Districts. The Planning Commission shall hold a public hearing, which shall be published in a newspaper of general circulation in the community. Such notice shall be given neither less than five (5) nor more than fifteen (15) days before the date of such hearing. Upon conclusion of the public hearing, the Planning Commission shall provide written recommendations for approval/disapproval to the Frankenmuth Township Board of Trustees who shall have sole authority to establish such districts.

SECTION 1003. ADMINISTRATIVE RECORD OF DISTRICTS

It is the intent of this section to provide an administrative record of zoning districts established then rescinded to ensure consistency of administrative action. The responsibility to maintain this section shall be the Township Zoning Administrator.

Districts rescinded in 1989 and replaced with new districts defined in SECTION 601.

- 1) R-1 Residential Districts (Low Density)
- 2) R-1A Residential Districts (Low Density Transitional)
- 3) R-2 Residential Districts (Medium Density)
- 4) R-3 Residential Districts (Intensive Low Rise)
- 5) R-4 Residential Districts (Intensive High Rise)
- 6) Commercial (Neighborhood)
- 7) Commercial (Community Wide)
- 8) Commercial (Highway Service)
- 9) Commercial (Office-Business)
- 10) Commercial (General Intensive Business)
- 11) M-1 Industrial
- 12) M-2 Industrial (Intensive Industrial)

District Established in 2012 and Rescinded in 2014

CONDITIONAL ZONING DISTRICT CG-1

- (1) This conditional CG-1 District is to acknowledge the request of William A. Zehnder and

Karen R. Zehnder (Zehnders) to establish an overlay zoning (to provide for alternative and/or additional uses) for the real property, within the currently zoned A-1, owned by the Zehnders, for an open space recreational use in recognition of the 1984 and 2005 Frankenmuth City/Township Master Plan, and specifically for a conditional CG-1 District with development standards and restrictions and conditions of this Section, below.

- (2) The Zehnders (owners of the property at 7835 Eischer Road in Frankenmuth Township), in conjunction with the Frankenmuth Youth Sports Association (FYSA), a 501(c)(3) organization, requests an overlay district on this property for the purpose of creating the Frankenmuth Recreation Complex. The Zehnders will donate the land to FYSA for this purpose. The complex will provide a permanent home for Frankenmuth's American Youth Soccer Organization (AYSO) and a new field house providing for indoor court play (basketball and volleyball, among others) and an indoor walking track.
- (3) The complex is intended to fulfill the recreation objectives of the City of Frankenmuth and Township of Frankenmuth Joint Master Plan (1985 and 2005), as follows:
 - (a) a community recreation center serving all ages;
 - (b) preservation of green space and the "greenbelt";
 - (c) preservation of the rural character; and
 - (d) limitation of commercial development.
- (4) The purpose of this overlay district is to preserve the rural/green space/greenbelt character of the property described below by promoting primarily open space recreational area and by limiting commercial development by the following permitted uses, set out in Paragraph (a), the development standards set out in Paragraph (b) and conditions set out in Paragraph (c).
 - (a) Permitted Uses
 - A two-story recreation activity center building not to exceed a first floor of 55,000 square feet footprint for:
 - (1) Basketball, volleyball and similar court sports
 - (2) Walking/running track (on second floor)
 - (3) Ancillary activities, including rooms for dressing, meeting, storage and food and refreshment vending machines
 - Open space athletic fields
 - Parking for not more than 250 vehicles
 - (a) Development Standards
 - The building shall be rural (farm) in appearance;
 - Parking lot lighting shall be shielded to reduce glare and be so arranged and maintained as to direct the light away from residential lands which adjoin the site;
 - Parking site development and construction requirements set out in Article 4, Section 403, shall apply as consistent with the permitted uses, requirements and restrictions of this District, provided, however the ingress and egress shall be to Townline Road;
 - Construction and maintenance of permanent fence berms and landscaping for separation of abutting residential property and the physical screening for parked cars as shall be determined at Site Plan proceedings; and

- A traffic study shall be presented which study shall address the traffic issues related to the permitted uses.
- (b) Restrictions and Conditions
- Operation of outdoor activities is restricted to 8:00 a.m. to 10:00 p.m.;
 - Operation of indoor activities is restricted to 7:00 a.m. to 10:00 p.m.;
 - The vehicle parking area is limited to 250 spaces and excess parking shall be directed to an off-line area; no parking shall be allowed on public rights of way;
 - The traffic study required by Paragraph (b), Development Standards, shall be prepared by a recognized transportation-related organization and certified by a professional/degreed individual and in a format acceptable to the Township Zoning Administrator;
 - The Zoning Administrator shall review the study and report his recommendations to the Planning Commission who shall determine the adequacy of the current and proposed traffic control plans; the determination of the adequacy of the plans shall be based on the finding of reasonable accommodation for the orderly flow of traffic;
 - Upon approval by the Planning Commission and prior to the vote of the Township Board, the FYSA will amend its bylaws and all related documents, to include a permanent voting member for each of Frankenmuth School Board and Frankenmuth Township Board on the FYSA Board of Directors;
 - Upon the adoption of this Amendment, annually, at each regularly scheduled January Township Planning Commission meeting, FYSA will present, in writing, an update of the progress of the capital campaign and project development and operation to the Township Planning Commission;
 - Should FYSA fail to apply for a building permit within 36 months of adoption of the overlay district and Frankenmuth Township Board, the FYSA reserves the right to request and receive an additional 18-month extension provided it could show a commitment of substantial progress (of at least 51% of estimated needed funds). Commitments will be documented in writing for submissions to the Township Planning Commission.

FYSA may request a 12-month extension provided it can show a commitment of substantial progress (defined as at least 75% of needed funds). Commitments will be documented in writing for submission to the Township Planning Commission.

FYSA will NOT begin construction of the Frankenmuth Field House until financing is secured. However, the FYSA can begin preparation and operation of the soccer fields, outdoor walking track and parking as funding is available.

Should FYSA fail to apply for building permit after the extension periods, the Township has cause to void or revoke the Overlay District;

- That if the FYSA cannot or will not operate the Frankenmuth Recreation Center as originally intended, the property will be deeded to the Frankenmuth School District, another 501(c)(3) or Municipal Corporation;
- Only one (1) sign other than traffic control shall be permitted which sign shall be no greater than 50 square feet and eight feet in height and may be illuminated only during operating hours and shall be not closer than 50 feet of any road right of way or highway restricted area.

New billboards are prohibited; and

- Building height restrictions on A-1 Districts shall apply.
- (5) The real property subject to this overlay District is located in the Township of Frankenmuth, Saginaw County, Michigan.

**Part III
SPECIAL USES**

**CHAPTER 11
SPECIAL USE PERMIT REQUIREMENTS**

SECTION 1101. PURPOSE AND INTENT

It is the intent of this section to provide a set of procedures and standards for special uses of land or structure that because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and the community as a whole.

It is the expressed purpose of the regulations and standards herein, to allow, on one hand, practical latitude for the investor or developer, but at the same time maintain adequate provision for the protection of the health, safety, convenience and general welfare of the community.

For the purposes of this ordinance the following Special Use Categories are identified, which together with cited Special Uses within the various districts, are operational under the conditions and standards of Chapter 11:

- (1104) Institutional Uses
- (1105) Golf Courses, Shooting Clubs and Country Clubs
- (1106) (A-2)-PUD Planned Unit Developments
- (1107) Day Nurseries
- (1108) Home Occupations
- (1109) Communication Towers and Antenna
- (1110) Miscellaneous Special Uses

The following together with previous references in chapters of this ordinance, designate the requirements, procedures and standards that must be met before a Special Use Permit can be issued.

SECTION 1102. PERMIT PROCEDURES

The application for a Special Use Permit shall be submitted and processed under the following procedures”

- (1) Submission of Application. An application shall be submitted through the Zoning Administrator on a special form for that purpose. Each application shall be accompanied by the payment of a fee as established by the Township Board of Trustees.
In the event the allowance of a desired use requires both a rezoning and special use permit, both requests may be submitted jointly, subject to the following:
 - (a) The Ordinance procedures for each shall be followed as specified.
 - (b) All applicable standards and specifications required by the ordinance shall be observed.
- (2) Data Required
 - (a) The special form shall be completed in full by the applicant including a statement by the applicant that all requirements of Section 1103 can be complied with

- (b) Site plan drawn to scale (preferably 1" equals 100') of the total property involved showing the location of all abutting streets, the location of all existing and proposed structures and uses of the property and any natural or man-made features which affect the property, together with indication of abutting uses.
- (c) Preliminary plans and specifications of the proposed development.
- (3) Planning Commission Review and Hearing. The application, together with all required data shall be transmitted to the Township Planning Commission for review. After review and study of an application and related material, the Township Planning Commission shall hold a public hearing after at least one publication in a newspaper of general circulation in the community. Such notice shall be given neither less than five (5) nor more than fifteen (15) days before the date of such hearing. Notice shall also be sent by mail or personal delivery to all persons to whom real property is assessed within three hundred feet (300'). Such notice shall indicate the place, time and purpose of the hearing. A copy shall also be filed with the Saginaw County Metropolitan Commission for review under the same State Statutory requirements for zoning ordinance amendments. Upon conclusion of such hearing the Planning Commission shall approve or deny the application for a special use permit with conditions if any, and only upon approval of the Planning Commission a Special Use Permit be issued by the Zoning Administrator.
- (4) Permit Expiration. A Special Use Permit issued pursuant to this chapter shall be valid for one (1) year from the date of issuance of said permit. If construction has not commenced and proceeded meaningfully toward completion by the end of this one (1) year period, the Zoning Administrator shall notify the applicant of the expiration of said permit.
- (5) Revocation. The Planning Commission shall have the authority to revoke any special use permit after it has been proved that the holder of the permit has failed to comply with any of the applicable requirements in Chapter 11, or other applicable sections of the ordinance. Written notice of violation shall be given by the Zoning Administrator to the holder of the permit and correction must be made within thirty (30) days. After a thirty (30) day period an additional notice shall be given by the Zoning Administrator, the use for which the permit was granted must cease within sixty (60) days from the second notice.
- (6) Reapplication. No application for a Special Use Permit which has been denied wholly or in part by the Township Planning Commission shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on the grounds of newly discovered evidence or proof of change of conditions.

SECTION 1103. PERMIT STANDARDS

Before approving or denying a Special Use Application, the Township Planning Commission shall establish that the following general standards, as well as specified standards, shall be satisfied:

- (1) General Standards. The Township Planning Commission shall review each application for the purpose of determining that each proposed use meets the following standards and, in addition, shall find adequate evidence that each use on the proposed site will:
 - (a) Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general

- vicinity and that such a use will not change the essential character of the area in which it is proposed.
- (b) Not be hazardous or disturbing to existing or intended uses in the same general area and will be an improvement to property in the immediate vicinity and to the community as a whole.
 - (c) Be served adequately by essential public facilities and services, such as highways, streets, police, and fire protection, drainage structures, refuse disposal, water and sewage facilities or schools.
 - (d) Not create excessive additional requirements at public cost for public facilities and services.
 - (e) Not involve uses, activities processes, materials and equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
 - (f) Be consistent with the intent and purpose of the Zoning District in which it is proposed to locate such use.
- (2) Conditions and Safeguards. The Township Planning Commission may stipulate such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights and for insuring that the intent and objectives of this ordinance will be observed. The breach of any condition, safeguard or requirement shall automatically invalidate the permit granted. Such conditions will be noted on the special use permit.
- (3) Specific Requirements. The general standards and requirements of this section are basic to all uses authorized by special use permit. The specific and detailed requirements set forth in the following sections relate to particular uses and are requirements which must be met by those uses in addition to the foregoing general standards and requirements where applicable.
- (4) Permitted Uses. Uses permitted by Special Use Permit shall be those listed by Districts as noted in PART II and as herein regulated, controlled and defined.

SECTION 1104. INSTITUTIONAL USES.

- (1) Authorization. In recognition of the many institutional types of non-residential functions that have been found compatible and reasonably harmonious with residential uses, certain institutional uses specified in this section may **not** be authorized by the issuance unless all the procedures and applicable requirements stated herewith, together with additional requirements of the section can be complied with.
- (2) Uses. The following uses may be authorized in those districts as noted under PART II, and provided the applicable conditions are complied with.
- (a) Institutions for Human Care. Hospital, sanitariums, nursing or convalescent homes, homes for the aged, and philanthropic and charitable institutions, mentally disabled, physically handicapped, and drug and alcoholic patients.
 - (b) Religious Institutions. Churches or similar places of worship, convents, parsonages and parish houses, and other housing for clergy.
 - (c) Educational and Social Institutions. Public and private elementary and secondary schools, and institutions for higher education, provided that none are operated for profit, auditoriums and other places of assembly, and centers for social activities,

including charitable and philanthropic activities other than activities conducted as a gainful business or of a commercial nature.

- (d) Public Buildings and Public Service Installations. Publicly owned and operated buildings, public utility buildings and structures, transformer stations and substation, and gas regulator stations.
- (3) Site Location Principles. The following principles shall be utilized to evaluate the proposed location of any institutional use within a permitted district. These principles are alterable, depending upon the specific conditions of each situation, but they shall be applied by the Township Planning Commission as general guidelines to help assess the impact of an institutional use upon the District in which such use is proposed to be located.
- (a) Any institutional structure or use to be located within a residential district should preferably be located at the edge of a residential district, abutting either a business or industrial district, or adjacent to a public open space.
 - (b) Motor vehicle entrance should be made on a Principal Arterial or as immediately accessible from a Principal Arterial as to avoid the impact of traffic generated by the institutional use upon a residential area
 - (c) Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of the intrusion of the institutional use into a residential area.
- (4) Development Requirements. A special use permit shall not be issued for the occupancy of a structure or parcel of land or for the erection, reconstruction, or alteration of a structure unless complying with the following site development requirements. These requirements are not alterable except as noted:

(A) INSTITUTIONS FOR HUMAN CARE

- (1) The proposed site shall be at least five (5) acres in area.
- (2) The proposed site shall have at least one (1) property line abutting a principal or minor arterial or a collector as classified on the adopted major street plan. All ingress and egress to the off-street parking area (for guests, employees, and staff) shall be directly from the major thoroughfares.
- (3) All two (2) story structures shall be at least sixty feet (60') from all boundary lines or street lines. Buildings less than two (2) stories shall be no closer than forty feet (40') to any property or street lines. Buildings less than two (2) stories shall be no closer than forty feet (40') to any property of street line. For buildings above two (2) stories, the building shall be set back from the initial sixty foot (60') setback an additional one foot (1') for each foot of additional height above two (2) stories.
- (4) No more than twenty-five percent (25%) of the gross site shall be covered by buildings.
- (5) Ambulance and delivery areas shall be obscured from all the residential view by solid masonry wall six feet (6') in height. Access to and from the delivery and ambulance area shall be directly from a principal or minor arterial or collector street.
- (6) All signs shall be in accordance with Chapter 5.

- (7) Off-street parking space shall be provided in accordance with the scheduled outlined in Chapter 4.

(B) RELIGIOUS INSTITUTIONS

- (1) The proposed site shall be at least one-half (1/2) acre in size plus one-half (1/2) acre per one hundred (100) seats in the main auditorium.
- (2) The proposed site shall be so located as to have at least one (1) property line on a principal or minor arterial or collector street as classified by the adopted street plan. All ingress and egress to the site shall be directly onto said thoroughfares or a marginal access service drive thereof.
- (3) No building shall be closer than forty feet (40') to any property or street line. No building shall be erected to a height greater than that permitted in the district in which it is located unless the building is set back from initial forty feet (40') an additional one foot (1') for additional height above the district height limitation.
- (4) No more than twenty-five percent (25%) of the gross site shall be covered by buildings.
- (5) All signs shall be in accordance with Chapter 5.
- (6) Off-street parking space shall be provided in accordance with the scheduled outlined in Chapter 4.

(C) EDUCATIONAL AND SOCIAL INSTITUTIONS

- (1) The proposed site shall be at least one (1) acre in area.
- (2) No building shall be closer than forty feet (40') to any property or street line. No building shall be erected to a height greater than that permitted in the district in which it is located, except, as may be provided under height exceptions for the district in question.
- (3) No more than twenty-five percent (25%) of the gross site shall be covered by buildings.
- (4) All buildings shall be of an appearance that shall be harmonious and unified as a group of buildings and shall blend appropriately with the surrounding area.
- (5) All signs shall be in accordance with the schedule outlined in Chapter 5.
- (6) Off-street parking shall be provided in accordance with the schedule outlined in Chapter 4. No parking space shall be provided in the front yard and the parking area shall be screened from surrounding residential areas by a wall or fence, in combination with suitable plant materials, not less than four feet (4') in height.

(D) PUBLIC BUILDINGS AND PUBLIC SERVICE INSTALLATIONS:

- (1) Lot area and width shall be no less than that specified for the district in which the proposed use should be located.
- (2) Yard and setback requirements shall be no less than that specified for the district in which the proposed use would be located

- (3) No building shall be erected to a height greater than that permitted in the district in which the proposed use would be located.
- (4) No more than twenty-five (25%) of the lot area may be covered by buildings.
- (5) All buildings shall be of an appearance that shall be harmonious and unified as a group of buildings and shall blend appropriately with the surrounding area.
- (6) Where mechanical equipment is located in the open air, it shall be screened from the surrounding residential area by suitable plant material and it shall be fenced for safety. All buildings housing mechanical equipment shall be landscaped and maintained to harmonize with the surrounding area.
- (7) All signs shall be in accordance with Chapter 5.
- (8) Off-street parking space shall be provided in accordance with the scheduled outlined in Chapter 4.

SECTION 1105. GOLF COURSES, SHOOTING CLUBS, AND COUNTRY CLUBS

- (1) **AUTHORIZATION.** In recognition of the basic open space and recreation character of gold courses and shooting or country clubs and compatibility within agricultural and residential areas, these uses may be permitted within A-2 Rural Agriculture and CG-1 Conservation-Greenbelt Districts by issuance of a special use permit pursuant to District allowance and all standards herein specified.
- (2) **USES.** The following uses may be authorized in those Districts as noted under PART II and provided the applicable requirements are complied with.
 - (a) Golf Courses
 - (b) Shooting Clubs
 - (c) Country Clubs

Accessory uses for a permitted use shall be construed to include restaurant and other eating or drinking establishments and such retail directly connected with the conduct of the principal use.
- (3) **USES SPECIFICALLY PROHIBITED.** Driving ranges and miniature golf courses are specifically prohibited, unless ancillary to a golf course.
- (4) **SITE LOCATION PRINCIPLES.** The following principles shall be used in evaluating the proposed location of a permitted use under Section 1105.
 - (a) Allowed use should be located to be immediately accessible from a principal or minor arterial or collector street as classified by the adopted major street plan.
 - (b) Site location should be allowed which enhances the natural environment and amenities for community life.
- (5) **DEVELOPMENT REQUIREMENTS.** The following standards shall be applicable as basic requirements for the use of land or for the erection, reconstruction, or alteration of permitted structures.
 - (a) Minimum site shall be fifty (50) acres or more and access shall be so designed as to provide all ingress and egress directly onto or from a collector.
 - (b) Lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from all residential lands which adjoin the site.

- (c) Off-street parking shall be provided as required for such accessory uses as a restaurant or bar.
- (d) Signs shall be in accordance with Chapter 5.
- (e) Minimum yard and height standards require that no building shall be closer than fifty (50') to any property or street line. No building shall be erected to a height greater than that permitted in the district in which it is located, except, as may be provided under height exceptions for the district in question.

SECTION 1106. (A-2) - PUD PLANNED UNIT DEVELOPMENTS

(1) AUTHORIZATION

Urbanization has produced a need for an economical single-family living unit that is adaptable to urban densities but that retains many of the attractive features of the suburban home. Housing concepts to meet this need are townhouses, row houses, garden apartments and similar types of subdivisions in which housing units are arranged in cluster forms, with clusters separated from each other by common open space; and housing units developed with related recreational space, such as golf courses, swimming pools, private parks, community centers and other recreational facilities.

It is the purpose of this section to encourage more imaginative and livable housing environments within the A-2 Rural Agricultural District through a planned reduction, or averaging, of the individual lot area requirements for each zone district providing the overall density requirements for each district remains the same. Such averaging or reduction of lot area requirements shall only be permitted when a land owner, or group of owners acting jointly, can plan and develop a tract of land as an entity and thereby qualify for regulation of that tract of land as one complex land use unit, rather than an aggregation of individual buildings located on separate, unrelated lots. Under these conditions, a special use permit may be issued for the construction and occupancy of a planned unit development providing the standards, procedures, and requirements set forth in this section can be complied with.

(2) OBJECTIVE

The following objectives shall be considered in reviewing any application for a special use permit for planned unit development.

- (a) To provide a more desirable living environment observing the actual character of open fields, stands of trees, brooks, ponds, floodplains, hills, and similar natural assets.
- (b) To encourage the provision of open space and the development of recreational facilities in a generally central location and within reasonable distance of all living units.
- (c) To encourage developers to use a more creative and imaginative approach in the development of residential areas.
- (d) To provide for more efficient and an aesthetic use of open areas by allowing the developer to reduce development costs through the bypassing of natural obstacles in the residential site.
- (e) To encourage variety in the physical development pattern of the community by providing a variety and mixture of housing types.

(3) **QUALIFYING CONDITIONS**

Any application for a special use permit shall meet the following conditions to qualify for consideration as planned unit development.

- (a) The planned unit development site shall be not less than ten (10) acres in area. All planned unit development shall be under the control of one owner or group of owners, and shall be capable of being planned and developed in on integral unit.
- (b) Public water and sewer facilities shall be available or shall be provided as part of the site development.
- (c) For each square foot of land gained for the reduction or averaging a lot sizes, equal amounts of land shall be dedicated to the public or shall be set aside for the common use of the home or lot owners with a planned unit development under legal procedures which shall also give the public a covenant or interest therein, so that there are assurances that the required opens shall remain open.
- (d) The proposed planned unit development shall meet all general standards outlined herein.

(4) **USES THAT MAY BE PERMITTED**

The following uses of land and structures may be permitted within the planned unit development.

- (a) Single family dwelling unit, non-farm.
- (b) Two family dwellings units, non-farm.
- (c) Townhouses, row houses, or other similar housing types of which can be defined as a single family detached dwellings with no side yard between dwelling units, provided that there shall be no more than a length of one hundred fifty feet (150') in any one contiguous group,
- (d) Garden apartments.
- (e) Recreation and open spaces provided that only the following land uses may be set aside as common land for open space or recreation use under the provision of this section.
 - Private recreational facilities, such as golf courses, swimming pools or other recreational facilities which are limited to the use of the owners or occupants of the lots located within the planned unit development.
 - Historic building sites or historical sites, parks and parkway areas, ornamental parks, extensive areas with tree cover, low lands along streams or areas of rough terrain when such areas have natural features worthy of scenic preservation.

(5) **LOT VARIATION AND DEVELOPMENT REQUIREMENTS**

The lot area for the planned unit developments may be averaged or reduced from those sizes required by the A-2 zoning district by compliance with the following procedures:

- (a) Site acreage of computation. The gross acreage proposed for a planned unit development shall be computed to determine the total land area available for development into lots under the minimum lot size requirements as listed in this

section. In arriving at a gross acres figure, the following lands shall not be considered as part of the gross acreage in computing the maximum number of lots and/or dwelling units that may be created under this procedure.

Lands utilized by public utilities as easements, for major facilities, such as electric transmission lines, sewer lines, water mains, or other similar lands which are not available to the owner because of such easement and lands within floodway.

- (b) Maximum number of lots and dwelling units. After the total gross area available for development has been determined by the above procedure, the maximum number of lots and/or dwelling units that may be approved within a planned unit development shall be computed by subtracting from the total gross area available a fixed percentage of said total for street right-of-way purposes.

The fixed percentages for street right-of-way purpose to be subtracted from a total gross area available for development shall be determined according to the following schedule:

<u>District Use</u>	<u>Percentage of Projected Area</u>
Single Family Dwelling Unit, Non-Farm	25%
Two Family Dwelling Unit, Non-Farm.	20%
Townhouses, Garden Apartments.	

These percentages shall apply regardless of the amount of land actually required for the street right-of-way. Under this procedure, individual lots may be reduced in area below the minimum lot size detailed in Chapter 9 A-2 Rural Agriculture Districts.

Recognizing that good project planning, provision of adequate and developed open space and sound site design, may minimize the effects of crowding associated with higher densities, the developer at the time of the special use permit application may also request a maximum of ten (10%) increase in permitted dwelling unit density as above computed.

That request may be granted as a condition of special use permit provided increase density does not result in the creation of any of these conditions:

- Inconvenience or unsafe access to the planned development.
- Traffic congestion in streets that adjoin the planned development.
- An excessive burden on public service or utilities including schools which serve the planned development.

- (c) Permissive minimal lot area. Notwithstanding all the procedures set forth in this section, lot sizes within planned unit development shall not be varied or reduced in the area below the following standards:

- One family detached dwellings structure: Six thousand five hundred (6500) square feet of lot area.
- Two family dwelling structures: Eight thousand five hundred (8500) square feet of lot area.
- Townhouses, row houses, or other similar permitted single family detached dwellings types: : Six thousand five hundred (6500) square feet of lot area for

the first dwelling unit in each structure plus two thousand (2000) square feet for each additional dwelling unit within a structure.

- (d) Permissive minimum yard requirements.
 Front yard: Twenty (20') feet for all dwellings, provided that front yard requirements may be varied by the Township Planning Commission after consideration of common greens or other common open space in such provided an average of twenty (20') feet of the front yard area per dwelling unit.
 Side yard: Eight (8') feet on each side for all one family and two family dwellings; none for townhouses or row houses, provided that there shall be a minimum of twenty (20') feet between ends of contiguous groups of dwelling units.
 Rear yard: Twenty five feet (25') for all dwellings, provided that rear yard requirements may be very by the Township Planning Commission after consideration of common open space lands or parks which abut the rear area.
 Perimeter Setback: The yard requirements at the exterior boundaries of the project will not be less than the minimum yard required in the district where located.
- (e) Maximum permissive building height. Two and one-half (2 ½) stories but not exceeding thirty-five feet (35'). Accessory buildings shall not exceed a height of fifteen feet (15').
- (f) Minimum floor area shall be required in the following amounts:

Structure	Area per Unit
Single family Dwelling Unit	Each dwelling unit shall have a minimum finished living area of one thousand fifty (1050) square feet of floor area per dwelling unit with a minimum of seven hundred fifty (750) square feet on the ground floor for units of more than one (1) story.
Townhouses, Garden Apartments	Each dwelling unit shall have a minimum finished living area of eight hundred fifty (850) square feet per dwelling unit with a minimum of six hundred (600) square feet on the ground floor for units of more than one (1) story.
Two Family Dwelling Unit	
0 Bedroom	400 square feet
1 Bedroom	550 square feet
2 Bedroom	850 square feet
3 Bedroom	1050 square feet
4 Bedroom or more	1250 square feet

- (g) Signs, in accordance with Chapter 5.
- (h) Off-street parking in accordance with the schedule outlined in Chapter 4.

(6) **OPEN SPACE REQUIREMENTS**

Ten percent (10%) of the gross area available after reduction per 1106 (5) (b) shall be dedicated for use as a public park. All open space, tree cover, recreational area, scenic vista, or other authorized open land area shall be either set aside as common land for the sole benefit, use and enjoyment of present and future lot or home owners within the

development, or shall be dedicated to general public. The Township Planning Commission shall determine which of these options is most appropriate as part of its approval of the special use permit for planned unit development. Taxes associated with the open space shall be equally shared by developed lots within the planned unit development as determined by the Township Tax Assessor.

- (a) That open space land shall be covered by proper legal procedures from that tract owner or owners to a homeowners association or other similar nonprofit organization so that fee simple title shall be vested in tract lot owners as tenants in common, provided that suitable arrangements have been made for the meanings of said land and any buildings thereon, and provided further that open space easement for said land shall be conveyed to the legislative body to assure that open land shall remain open.
- (b) The open space to land shall be dedicated to the general public for parks or recreational purposes by the tract owner or of owners, provided that the location and extent of said land conforms to the Development Plan and provided further that access to and the characteristics of said land is such that it will be readily available and desirable for public use, development, and maintenance.

It is the intent of this section that in cases where option (b) above is determined to be in the best interest of the general public that the owners or developers of the planned unit development shall not be compelled to improve the natural condition of said open space lands.

(7) **STREET DEVELOPMENT REQUIREMENTS.**

Street standards and specifications adopted by the Saginaw County Road Commission and all applicable local standards shall be complied with for all street improvements.

SECTION 1107. DAY NURSERIES

- (1) **AUTHORIZATION.** In order to facilitate the care of pre-school children within a desirable home environment, this section provides that inclusion of nursery schools and childcare centers within the A-1 and A-2 Rural Agriculture Districts. This use may be authorized by the issuance of a special use permit when all the procedures and applicable requirements of the ordinance can be complied with.
- (2) **USES THAT MAY BE PERMITTED.** Nursery schools, day nurseries and childcare centers (not including dormitories) may be authorized, provided that there shall not be more than one dwelling unit used for residential purposes of the site.
- (3) **DEVELOPMENT REQUIREMENTS.** The following requirements for site development together with any other applicable requirements of the ordinance shall be complied with.
 - (a) **Minimum site size.** Eleven thousand fifty (11,050) square feet with eighty-five (85') foot lot width at front of building lines. There shall also be provided for each child in attendance, two hundred (200) square feet of lot area in addition to the base figure of eleven thousand fifty (11,050) square feet.
 - (b) **Yards.** The front, side and rear yards shall conform to the requirements of the applicable district.
 - (c) **Off-Street parking** shall be provided in conformance with the Schedule outlined in chapter 4.

- (d) Maximum building high in maximum lot coverage shall be no greater than that permitted in the applicable District.
- (e) Signs, as provided in Chapter 5.
- (f) Play area. There shall be provided on the site a usable outdoor play area at the rate of fifty (50) square feet for each child not a member of the family, exclusive of the acquired front yard, required side yard along the street, and of driveways and parking areas. The play area shall be fenced for safety and shall be screened from any adjoining residential by suitable plant material.

SECTION 1108. HOME OCCUPATIONS

- (1) **AUTHORIZATION.** In recognition of the desire of residential owners to engage in a limited occupation at their residence, it is the intent of this section to provide a framework for regulatory standards which can be used by the Township Planning Commission as a basis for approving or disapproving certain commercial uses not otherwise permitted in a district but which may be permitted by the issuance of special use permits within the particular zone district cited.
- (2) **USES THAT MAY BE PERMITTED.** Bed and Breakfast Rooms, Arts and Crafts, Business, and other entrepreneur activities.
- (3) **DEVELOPMENT REQUIREMENTS.** The following requirements for site development together with any other applicable requirements of this ordinance shall be complied with:
 - (a) The home occupation does not alter the outside appearance of the dwelling or any accessory structure.
 - (b) The home occupation does not occupy more than 25% of the floor area of the dwelling nor more than 50% of the floor area of any accessory structure.
 - (c) The occupation shall not have more than three off street parking spaces.
 - (d) The home occupation does not require activity outside the dwelling or outside the accessory structure which would not be in keeping with the nature of the surrounding area nor would cause a nuisance to the neighbors or persons passing the dwelling on a public way.
 - (e) The home occupation shall not cause any offensive noise, vibration, smoke dust, odors, heat, glare or electrical interference that is detectible at or beyond the property line.
 - (f) One sign shall be restricted to an unanimated, non-illuminated, wall mounted sign which shall not exceed 2 square feet per side, aesthetically compatible with the structure to which it is attached.

SECTION 1109. SHORT-TERM RENTALS

- (1) **AUTHORIZATION:** In recognition of the desire of residential owners to rent out their homes, it is the intent of this section to provide a framework for regulatory standards which can be used by the Township Planning Commission as a basis for approving or disapproving certain short-term rental uses not otherwise permitted in a district but which may be permitted by the issuance of special use permits within the particular zoning district cited.

- (2) USES THAT MAY BE PERMITTED: Short-term rentals.
- (3) DEVELOPMENT REQUIREMENTS: The following requirements for site development together with any other applicable requirements of this ordinance shall be complied with:
 - (a) Subject to the requirements in this chapter, short-term rentals shall be permitted only within A-1 zoning districts. Any short-term rental request in an R-PUD district requires approval by both Frankenmuth Township and Frankenmuth City.
 - (b) Short-term rentals shall meet all applicable requirements of the zoning district in which they are located.
 - (c) Short-term rentals shall not be located within 300 feet of any Bed and Breakfast nor within 300 feet of any other short-term rental.
 - (d) A property owner may not own and operate more than one (1) short-term rental within Frankenmuth Township.
 - (e) The maximum number of occupants over the age of three (3) allowed per dwelling unit shall not exceed two (2) times the number of bedrooms plus three other individuals.
 - (f) The number of all-street parking spaces at the short-term rental shall be equal to the number of bedrooms plus one (1).
 - (g) A renter may not use a short-term rental for a purpose not incidental to its use for lodging or sleeping purposes. This restriction includes using the rental for a wedding, banquet, reception, bachelor or bachelorette party, concert, fundraiser, sponsored event, or any other similar group activity.

SECTION 1110. COMMUNICATION TOWERS AND ANTENNA

- (1) Definitions
 - (a) Communications Tower- Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone and wireless communications towers, alternative towers structures, and the like. Tower types include, but are not limited to guyed towers, wooden poles, lattice towers, and monopoles.
 - (b) Wireless Communications Facility- An unstaffed facility for the transmission and/or reception of radio frequency (RF) signals usually consisting of an equipment shelter or cabinet, a support structure and/or other transmission and reception devices.

- (c) Attached Wireless Communications Facility- A wireless communications facility that is affixed to an existing structure (i.e., an existing building, tower, water tank, utility pole, etc.)
 - (d) Antenna- Any exterior apparatus designed for telephonic, radio, or television communication through the sending and/or receiving of electromagnetic waves. Antenna types include, but are not limited to; omni-directional “whip” antenna, directional “panel” antenna, and ancillary antenna.
 - (e) Co-location- The use of a single support structure and/or site by more than one wireless communications provider/
 - (f) Public Utility Facilities- Facilities for the transmission, distribution, or collection of electric, telephone, telegraph, cable television, natural gas, water and sewer utility services, and the transportation of people.
 - (g) Related Equipment- All equipment ancillary to the transmission and reception of voice and data via radio frequencies. Such equipment may include, but is not limited to, cable, conduit and connectors.
 - (h) Equipment Enclosure- A small structure, shelter, cabinet, or vault used to house and protect the electronic equipment necessary for processing wireless communication signals. Associated equipment may include air conditioning and emergency generators.
- (2) Conditions for Tower Placement
- (a) Height limitations on towers; See Chapter 3, Section 304 (1) (b).
 - (b) SPECIAL EXCEPTIONS. Free standing towers and/or antenna exceeding height limitations may be permitted by the Zoning Board of Appeals as a special exemption. See requirements for a special exemption (Section 1204).
 - (c) Application Requirements. The application for a zoning permit for construction of a communications tower or placement of a commercial telecommunications antenna on an existing structure other than a tower previously permitted must file with the Zoning Administrator on an application accompanied by the following documents, if applicable. If any of these materials represents proprietary information, the applicant must so designate those materials. Proprietary information will not be disclosed.
 - Specifications. One copy of typical specifications for proposed structures and antenna, including description of design characteristics and material.
 - Site Plan. A site plan drawn to scale showing property boundaries, tower location, tower height and construction, existing structures, photographs of elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan, and existing land uses on adjacent property, environmental effect on wetlands, flood plains, historical sites, ground water recharge areas, woodlands and North American Indian religious sites, access roads. Site plan may not be required if antenna is to be mounted on an approved existing structure.
 - Tower Location Map. A current map, or update for an existing map on file, showing locations of applicant’s antenna, facilities, existing towers, and proposed towers which are reflected in public records, serving any property within the Township and adjacent municipalities.

- Antenna Capacity/ Wind Load. A report from a structural engineer registered in Michigan showing the tower antenna capacity by type and number, and a certification that the tower is designed to withstand winds in accordance with ANSI/EIA/TIA 222 (latest revision) standards, which tower shall be a self-supporting lattice tower or a self-supporting monopole.
- Antenna Owners. Identification of the owners and operators of all antenna and equipment to be located at the site as of the date of application.
- Owner Authorization. Written authorization from the site owner for the application.
- FCC License. Copy of valid FCC license for the proposed activity, or proof that the applicant is the winning bidder for an FCC license at auction and that the final issuance of the FCC license purchased at auction is pending.
- Visual Impact Analysis. Pictures of any potential visual and aesthetic impacts on adjacent residential districts.
- Decommissioning Plan (See Definitions – Chapter 2)
- Applicant will provide writing documentation that applicable conditions in subsections listed in the bullets following this statement, inclusive are met.
- Reduction of Visual Impact. The applicant has taken reasonable measures to assure that the proposed communication tower, antenna or accessory structure will be placed in a reasonably available location which will minimize the visual impact of the surrounding area (i.e., adjacent public rights-of-way) in accordance with minimum standards of applicable federal and other regulations.
- Need for Location. Applicant must show that the proposed antenna and equipment could not be placed on a pre-existing facility under control of the applicant and function under applicable regulatory and design requirements without unreasonable modification.
- Necessity for Location near a Residence. Applicant permit in an area near a residence must show that the area cannot be adequately served by a facility placed in an undeveloped area.
- Design for Multiple Use. Applicant must show that a new tower is designed to accommodate the telecommunication industry's potential future needs, to the extent that those future needs may be determined at the time of application.
- Safety Codes. Applicant must show that all applicable health, nuisance, fire, and safety codes are met.
- Paint and Illumination. A tower must be finished in a standard galvanized metal finish or painted in a color so as to minimize visual obtrusiveness and must not be illuminated unless otherwise provided in state or federal regulations.
- Distance from Existing Tower. A permit for a proposed tower within 5,000 feet of an existing tower will not be granted unless the applicant certifies that technical requirements, or that a collocation agreement could not be obtained at commercially reasonable terms and conditions, including price.
- Applicability of Other Zoning Regulations. Township regulations relating to ground structures, fencing, etc., with the exception of setback and height, shall apply to this use.

- Minimum Setbacks. A tower must be a minimum distance equal to one-half the height of the tower from property designated historic or architecturally significant, and must be set back from all lot lines distances equal to the district setback requirements or 25% of the tower height, whichever is greater.
- A perimeter fence of a minimum of six (6) feet and anti-climbing devices shall be installed.
- Approval from area airports and requirement for lighting. A permit for a proposed tower will not be granted without written documentation from airports in the area approving location, height, and lighting requirements.

(3) **Special Exemptions**

A tower, pole, or antenna may be permitted by special exemption granted by the Board of Appeals after public hearing and findings of fact based of the following criteria.

The Board of Zoning Appeals must find and conclude:

- (a) **Application Conditions.** All application requirements and conditions imposed by (2) of this ordinance for conditional uses are met except for height limitations and setbacks.
- (b) **Height Limitations.** If additional height is requested, total tower height will not exceed 150% of the maximum height permitted as a conditional use.
- (c) **Additional Setback Requirements.** Setback requirements and such additional conditions are established by the Board as it deems reasonably necessary to remove danger to health and safety, and to protect adjacent property.
- (d) **Substantial Evidence Required for Denial.** The Telecommunications Act of 1996 requires that a denial of a permit be supported by substantial evidence, contained in a written record.
- (e) **Variance Prohibited.** The Board may not grant a variance from the standards imposed for a communications tower or antenna in connection with granting a special exception.
- (f) **Compliance by applicant with Decommissioning Plan** (See Definitions – Chapter 2.)

SECTION 1111. MISCELLANEOUS SPECIAL USES

- (1) **AUTHORIZATION.** Because of particular functional and other inherent characteristics, certain land and structure uses have a high potential to being injurious to surrounding properties by detracting the quality and value of such properties. Many of these uses may also be injurious to the community as a whole unless they are controlled by minimum standards and construction and operation. The intent of this section to provide a framework for regulatory standards which can be utilized by the Planning Commission as a basis for approving or disapproving certain special uses which may be permitted by the issuance of special use permits within a particular zone districts site.
- (2) **SPECIAL USE THAT MAY BE PERMITTED.** The following land and structure uses may be permitted within a particular zone districts cited under PART II, provided that requirements specified in the applicable specified conditions established herein can be complied with.
 - (a) **Special open space uses,** such as public beaches, private resorts, recreational camps and other open space uses for profit or otherwise. Organized activities such as model airplane, model boat or similar meets shall be regulated as to the

site, time frequency and other specifics as determined by the Township Planning Commission.

- (b) Sand or quarries, gravel pits. (CG-1, A-1 and A-2 only)
- (c) Airport Landing strips (CG-1 only).
- (d) Agricultural service establishments (A-1 and A-2 only).
- (e) Essential service structures (A-1 and A-2 only).
- (f) Confined feedlots (A-1 only).
- (g) Roadside stands (A-1 and A-2 only).
- (h) General Aviation Airport (A-1 only)
- (i) Cemeteries. (A-2 only)
- (j) Riding stables (A-2 only)
- (k) Kennels (A-2 only). Outside kennels must be bermed and shrubbery screened to eliminate noise beyond the property lines
- (l) Public Parks and Recreation Areas (A-2 only)

- (3) **SITE DEVELOPMENT REQUIREMENTS.** A special use permit shall not be issued for the occupancy or use of a parcel of land, or for the erection, reconstruction or alteration of a structure unless complying with the following site development requirements. Without limiting the power of the Township Planning Commission and any other section of this ordinance, the Township Planning Commission shall have the authority to revoke any special use permit when, after reasonable warning, the operators of any use permit under this section fails to comply to any of this requirement stipulated. In addition, the Planning Commission as part of its approval of a particular special use permit stipulates any additional conditions and safeguards that are deemed necessary by the protection of the public welfare.

(a) Special open space uses:

The proposed site shall be at least two (2) acres in area. The proposed site shall have at least one (1) property line abutting a major thoroughfare or principal collector as classified on the adopted street plan. All ingress and egress to the site shall be directly from said thoroughfare collector street.

All buildings and structures shall be set back at least two hundred feet (200') from any property or street line. Whenever the installation abuts upon property within a residential district, this two hundred foot (200') setback shall be landscaped with trees, grass and structural screens of a type approved by the Township Planning Commission to effectively screen the installation from surrounding properties. No more than twenty-five percent (25%) of the gross site shall be covered by buildings.

Accessory uses for permitted use shall be construed to include restaurants, and other eating or drinking establishments and such retail sales directly connected with the principal open space use.

(b) Sand, clay or gravel pits, quarries.

All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less than the applicable State statutes, the State requirements shall prevail. No fixed machinery shall be erected or maintained within fifty feet (50') of any

property or street line. No cut or excavation shall be made closer than fifty feet (50') to any street right-of-way line or property line in order to insure sub lateral support to surrounding property.

Where it is determined by the Township Planning Commission to be a public hazard, all uses shall be enclosed by a fence six feet (6') or more in height for the entire periphery of the property or portion thereof. Fences shall be adequate to prevent trespass, and shall be placed no closer than fifty feet (50') to the top or bottom of any slope.

No slope shall exceed an angle with the horizontal of forty-five (45) degrees. No building shall be erected on the premises except as may be permitted in the general zoning ordinance or except as temporary shelter for machinery and field office subject to approval by the Township Planning Commission.

The Planning Commission shall establish routes for truck movement to and from the site in order to minimize the wear on public streets and to prevent hazards and damage to properties in the community. That portion of access roads within the area of operation shall be provided with a dustless surface.

All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general.

Proper measures, as determined by the Planning Commission shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary; limitations upon the practice of stockpiling excavated material on the site.

When excavations and removal operations or either of them are complete, the excavated area shall be graded so that no gradients in disturbed earth shall be steeper than a slope of 2-1 (horizontal-vertical).

A layer of arable topsoil, of a quality approved by the Zoning Administrator shall be spread over the excavated area, except exposed rock surfaces, or areas lying below natural water line, to a minimum of four inches (4") in accordance with the approved contour plan. The area shall be seeded with a perennial rye grass and maintained until the area is stabilized and approved by the Planning Commission.

Where excavation operation results in a body of water, the owner or operator shall place appropriate "Keep Out Danger" signs around said premises not more than one hundred fifty feet (150') apart and completely enclosed with fence six feet (6') high.

**Part IV
ADMINISTRATION**

**CHAPTER 12
GENERAL ADMINISTRATION**

SECTION 1201. GENERAL ADMINISTRATION

The provisions of this ordinance shall be administered by the Township Planning Commission and the Township Board of Trustees in conformance with applicable State of Michigan enabling legislation.

(1) **ADMINISTRATIVE STAFF**

The Township Board of Trustees shall employ a Zoning Administrator, a Code Enforcement Administrator, and a Building Inspector to act as its officers to affect proper and adequate administration of this ordinance. The Township Board of Trustees may designate temporary substitutes if administrative staff is unavailable. The terms of employment and compensation shall be established by the Township Board of Trustees. The Administrative Staff shall be empowered to make inspections of buildings or premises to carry out their duties in the enforcement of this ordinance. Under no circumstance are the Administrative Staff permitted to make changes in this ordinance or vary the terms of this ordinance in carrying out the required duties.

(2) **DUTIES OF ZONING ADMINISTRATOR**

- a) Issue zoning, special use, land split and sign permits on standard forms when all applicable provisions of this ordinance have been met. Copies of all permits shall be transmitted to the township tax assessor and building inspector. A written receipt of payment shall be provided to the permit applicant with a copy and said payment delivered to the Township Treasurer.
- b) Edit and maintain the master copy of the Frankenmuth Township Rural Zoning Ordinance when changes are approved by the Township Board of Trustees. Establish and maintain a list of township officials holding a copy of the ordinance and distribute updated versions to them as required.
- c) Assure that the required review of the ordinance in concert with the Township Planning Commission is completed. (Section 804 (5) (e), Section 904 (5) (e).)
- d) Attend meetings and provide requested information to the Township Planning Commission as directed by the chairman.
- e) Complete the required annual inspection of billboards and submit a written report of findings to the Township Treasurer. (Section 509)
- f) Complete the required annual inspection of Special Use Permits and submit a written report of findings to the Township Supervisor. (Section 1102)
- g) Maintain the Official Zoning Map and Water District Map. (Section 602)
- h) Maintain the Parcel Allowed Divisions Roll. (Section 603)
- i) Maintain an Administrative Record of Districts. (Section 1003)
- j) Maintain a written log of contacts detailing issues addressed, billable hours and personal vehicle miles driven. Submit log monthly to the Township Clerk with a copy to the Township Supervisor.

- k) Attend Zoning Board of Appeals meetings and prepare minutes for approval.
- (3) DUTIES OF CODE ENFORCEMENT ADMINISTRATOR
- a) When directed by the Township Board of Trustees, contact responsible entities and investigate possible violations of the ordinance.
 - b) Resolve violations in accordance with Section 1203.
 - c) Maintain a written log of contacts detailing issues addressed, billable hours and personal vehicle miles driven. Submit log as required to the Township Clerk with a copy to the Township Supervisor.
- (4) DUTIES OF BUILDING INSPECTOR
- Identify and Issue appropriate Certificate of Occupancy. A certificate of occupancy shall be obtained for any of the following:
- (a) Occupancy and use of vacant land (including parking lot construction) or of a building hereafter erected or structurally altered.
 - (b) Change in the use of land or building, except to another use which represents a continuation of a use under a previous Certificate of Occupancy.
 - (c) Any change in use or enlargement of a non-conforming use or building.
 - (d) Use of the floodway or floodway fringe including any change in use or enlargement of uses subject to authorization by the Planning Commission. The Planning Commission will grant approval for occupancy permit only upon issuance of an appropriate permit by the Water Resources Commission of the State of Michigan and prior to rendering a decision may thereon act as follows:
 - (e) Require plans drawn to scale showing the nature, location, dimensions and elevation of the lot, existing or proposed uses, fill, flood proofing and their relation to the channel, floodway and the regulatory flood elevation. One copy shall be transmitted to the municipal engineer or other qualified person or agency for expert technical assistance in evaluating the proposed project.
 - (f) Where special circumstances dictate, require the following additional information for the evaluation of the proposed use upon flood flows and other factors necessary to determine suitability.
 - (g) Typical valley cross sections prescribed to select location showing the channel of the stream, elevations of adjoining areas, location of the proposed development and high-water marks.
 - (h) Plans (surface view) showing elevations or contours of the ground; pertinent structures, fill or storage elevations; size and location of other proposed and existing structures; location and elevations of streets, bridges, utilities, etc.
 - (i) Photographs showing existing land uses, typical vegetal cover, soil types and other pertinent information. Profiles showing channel slope and stream flow line.
 - (j) Specifications for building construction and materials, flood proofing, filling, dredging, grading, channel improvement, storage of materials and utilities. No such occupancy, use or change of use shall take place until a Certificate of Occupancy therefore shall have been issued by the Zoning Administrator.
- (5) APPLICATION FOR CERTIFICATE OF OCCUPANCY

- (a) **APPLICATION.** In all cases where a building permit is required, written application for a Certificate of Occupancy shall be made coincident with the application for such building permit, and in all cases shall be made not less than (10) days prior to the time when a new, changed or enlarged use of a building, structure or permits is intended to begin.
- (b) **INFORMATION REQUIRED.** Application for Certificate of Occupancy shall be accompanied by a plat, in duplicate and drawn to scale, showing the exact dimensions of the premises to which the Certificate of Occupancy is to apply; the lines of all lots or parcels under separate ownership contained therein; the width and alignment of all abutting streets, alleys, easements of access and public open spaces; the size, position and height of all buildings or structures erected or altered thereon; and such other information as may be deemed necessary by the Zoning Administrator for the proper enforcement of this ordinance.
- (c) **ACCESSORY BUILDING OR STRUCTURES.** When erected at the same time as the principle building or structures on a lot shown on the application therefore, shall not require separate Certificate of Occupancy.
- (d) **RECORD OF APPLICATION.** A record of all such applications for certificates of Occupancy shall be kept on file by the official designated by the Township Board. Whenever the building, structure, premise and uses thereof as set forth on the application are in conformity with provisions of this code and other applicable regulations, it shall be the duty of the Building Inspector to issue any necessary building permit and when such permit is denied, to state refusal in writing, with cause.
- (e) **ISSUANCE OF CERTIFICATE OF OCCUPANCY.** After notification that the building, structure or premises, or part thereof is ready for occupancy and inspection, the official designated by the Township Board shall make final inspection thereof and if all provisions of this code and other applicable regulations have been complied with, he shall issue a Certificate of Occupancy which shall show such compliance. When a Certificate of Occupancy is denied on the rounds of a zoning violation, such refusal shall be state in writing with reasons for said denial. A temporary Certificate of Occupancy may be issued by the official designated by the Township Board for part of a building or structure or premise prior to completion of the entire building, structure or premise, provided it is sufficiently clear all provisions of this ordinance will be met.

SECTION 1202. ENFORCEMENT

The Code Enforcement Administrator shall enforce the provisions of this ordinance.

(1) **VIOLATIONS AND PENALTIES.**

Violations of any provisions of this ordinance are declared to be a nuisance per se. Any and all building or land use activities considered possible violations of the provisions of this ordinance observed by the Code Enforcement Officer shall be reported to the Township Board of Trustees, the Township Planning Commission chairman and the Zoning Administrator.

- (a) **INSPECTION OF VIOLATION.** The Code Enforcement Administrator shall inspect each alleged violation or violations he observes or is aware of and shall

order correction, in writing, of all conditions found to be in violation of this ordinance.

- (b) **CORRECTION PERIOD.** All violations shall be corrected within a period of thirty (30) days after the order to correct is issued or in such longer period of time, not to exceed six (6) months, as the Code Enforcement Administrator shall determine necessary and appropriate. A violation not corrected within this period shall be reported to the Township Board of Trustees who is hereby authorized to and shall initiate procedures to eliminate such violation.
 - (c) **PENALTIES.** Every person, whether as principal, agent, servant, employee or otherwise, including the owners of any building, structure or premise or part thereof where any violation of this ordinance shall exist or shall be created; who shall violate or refuse to comply with any of the provisions of this code, shall be guilty of maintaining a nuisance per se and upon conviction thereof shall be punished, pursuant to the Frankenmuth Township Sanctions for Ordinance Violation Ordinance 2000-01A, for each and every day the violation continues beyond the permissible grace period, a separate offense shall be declared.
 - (d) **CUMULATIVE RIGHTS and REMEDIES.** The rights and remedies provided herein are cumulate and in addition to any other remedies provided by law.
- (2) **CONFLICTING REGULATIONS.** In the interpretation, application and enforcement of the provisions of this ordinance, whenever any of the provisions or limitations imposed or required by this ordinance are more stringent than any other law or ordinance, then the provisions of this ordinance shall govern, provided also that whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this ordinance, then the provisions of such other law or ordinance shall govern.

SECTION 1203. AMENDMENT

- (1) **AUTHORITY TO AMEND**

The regulations and provisions stated in the text of this ordinance and the boundaries of zoning districts shown on the Zoning District Map may be amended, supplemented or changed by ordinance of the Township Board of Trustees in accordance with the applicable zoning enabling legislation of the state.
- (2) **INITIATION OF AMENDMENTS**

Proposals for amendments, supplements or changes may be initiated by the Township Board of Trustees of its own action, by the Township Planning Commission or by petition of one (1) or more owners, or their agents, of property to be affected by the proposed amendment.
- (3) **AMENDMENT PROCEDURES**
 - (a) **PETITION TO TOWNSHIP BOARD OF TRUSTEES.** Each petition by one (1) or more owners, or their agents, for an amendment shall be submitted upon an application of standard form to the Township Clerk. A fee as established by the Township Board of Trustees body shall be paid at the time of application to cover costs associated with the investigation and resolution of the amendment request.

- No part of such fee shall be returnable to a petitioner. The clerk shall transmit the application to the Township Planning Commission for recommended action.
- (b) **RECOMMENDATION.** The Township Planning Commission shall consider each proposal for amendment in terms of its own judgment on particular factors related to the individual proposal and in terms of the likely effect of such proposal upon the Development Plan for the community. The Township Planning Commission may recommend any additions or modifications to the origins amendment petition.
 - (c) **PUBLIC HEARING.** After deliberation on any proposal the Township Planning Commission shall conduct at least one (1) public hearing, notice of the time and place of which shall be provided pursuant to the applicable provisions of the statutes of the State of Michigan.
 - (d) **SAGINAW COUNTY METROPOLITAN PLANNING COMMISSION.** Following the conclusion of the Public Hearing and if proposed modifications to the ordinance are identified, the Township Planning Commission shall submit proposed amendments, including any zoning district map modifications, to the Saginaw County Metropolitan Planning Commission for their review. The approval of the County Planning Commission shall be conclusively presumed unless such Commission shall within thirty (30) days of its receipt, have notified the Township Board of Trustees of its disapproval or approval.
 - (e) **DETERMINATION BY TOWNSHIP BOARD OF TRUSTEES.** Upon receipt of the Township Planning Commission recommendation, together with any County Planning Commission's recommendations, the Township Board of Trustees shall review said recommendations. If the Township Board of Trustees shall deem any amendments, changes, additions or departures are advisable to the proposed ordinance, it shall consider and vote upon such changes and direct the Zoning Administrator to modify the master copy of the ordinance.
 - (f) **RESUBMITTAL.** No application for a rezoning which has been denied by the Township Board of Trustees shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Township Board of Trustees to be valid.

SECTION 1204. BOARD OF APPEALS

- (1) **CREATION AND MEMBERSHIP**
 - (a) **ESTABLISHMENT:** (By State enabling legislation).
 - (b) **MEMBERSHIP, TERMS OF OFFICE.** (By State enabling legislation).
- (2) **ORGANIZATION AND PROCEDURES.**
 - (a) **RULES OF PROCEDURE.** The Board of Appeals shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function. The Board shall choose its chairman, and in his absence, and acting chairman.
 - (b) **MEETINGS.** Meeting shall be held at the call of the chairman and at such times as the Board of Appeals may determine. All meetings by the Board shall be open to the public. The Board may declare any meeting, or part of a meeting, a study

meeting to pursue matters of business without comment or interpretation from the public in attendance.

- (c) RECORDS. Minutes shall be recorded of all proceedings that shall contain evidence and dates relevant to every case considered together with the votes of the members and the final disposition of each case. Such minutes shall be filed in the office of the Township Clerk and shall be made available to the general public.
- (d) COUNSEL. The Township Attorney shall act as legal counsel for the Board and shall be present at all meetings upon request of the Board.
- (e) HEARINGS. When a notice of appeal has been filed in proper form with the Board of Appeals, the Board shall immediately place the said request for appeal on the calendar for hearing, and shall cause notices stating the place, time and object of the hearing to be served, personally by mail, addressed to the parties making the request appeal, at least five (5) days prior to the date of the scheduled hearing. All notices shall be sent to the addresses stated on the application form. Any person may appear and testify at the hearings, either in person or by duly authorized agency or attorney. The Board may recess such hearing from time to time, and, if the time and the place of the continued hearing by publicly announced at the times of adjournment of the Board hearing, no further notice shall be required. The Board shall give due notice to all property owners within three hundred feet (300') of the property affected, said notice being given at least five (5) days before the hearing date.
- (f) DECISIONS. The Board of Appeals shall return a decision upon each case within one hundred twenty (120) days after a request or appeal has been filed, unless a further time is agreed upon with the parties concerned. Any decision of the Board shall not become final until the expiration of five (5) days from the date of entry of such order, unless the Board shall find the immediate effect of such order is necessary for the preservation of property or personal rights and shall so certify on the record.
- (g) MAJORITY VOTE. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which they are required to pass under this ordinance or to affect any variation in the ordinance.

(3) APPEALS

- (a) FILING OF APPEALS. Appeals to the Board of Appeals may be made by any person aggrieved or by an officer, department or Board of the local government. Any appeal from the rulings of the Administrative Staff concerning the interpretation or enforcement of the provisions of this ordinance shall be made to the Board of Appeals within ten (10) days after the date of decision causing appeal. Such appeal shall be filed with the Zoning Administrator and shall specify the grounds for the appeal. The Zoning Administrator shall immediately transmit to the Chairman of the Board all papers constituting the record upon which the action appeal from was taken.

- (b) **STAY.** An appeal shall stay all proceedings and furtherance of the action appealed for unless the Zoning Administrator certifies to the Board of Appeals after notice of appeal has been filed with him that by reason of fact stated in the certificate a stay would, in his opinion, cause immediate peril to life or property, in which case the proceeding shall not be stated otherwise than by restraining order, which may be granted by the Board of Appeals or, on application, by a court **or** record.
- (c) **FEES.** A fee as established by the Township Board of Trustees shall be collected by the Zoning Administrator at the time of filing application with the Board. The purpose of such fee is to cover, in part, the necessary advertisements, investigations and other expenses incurred by the Board in connection with the appeal.

(4) **DUTIES AND POWERS.**

The Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms or intent of this ordinance, but does have the power to act on those matters where this ordinance provided for an administrative review, interpretation, variance, exception or special approval permit as defined in this section.

- (a) **REVIEW.** The Board shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the zoning administrator or by any other official administering or enforcing any provisions of this ordinance.
- (b) **INTERPRETATION.** The Board shall have the power to:
 - (1) Interpret, upon request, the provisions of this ordinance in such a way as to carry out the intent and purpose of this ordinance.
 - (2) Determine the precise location of the boundary lines between zoning districts.
 - (3) Classify a use which is not specifically mentioned as part of the use regulations of any zoning districts so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district.
 - (4) Determine the off-Street parking and loading space requirements of any use not specifically mentioned in Chapter 4, Section 404.
- (c) **VARIANCE.** The Board shall have the power to authorize, upon appeal, specific variances from such requirements as lot area and width regulations, building height and bulk regulations, yard and depth regulations and off-street parking and loading space requirements, provided all basic conditions listed herein and any one of the special conditions listed hereafter can be satisfied:
 - (1) **BASIC CONDITIONS.**
That any variance granted from this ordinance:
 - (a) Will not be contrary to the public interest or to the intent and purpose of this ordinance.

- (b) Shall not permit the establishment within a district of any use which is not permitted by right within that zone district, or any use or dimensional variance for which a conditional use permit is required.
- (c) Will not cause a substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located.
- (d) Is to one where the specific conditions relating to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practical.
- (e) Will relate only to property that is under control of the applicant.

(2) **SPECIAL CONDITIONS.**

When all the foregoing basic conditions can be satisfied, a variance may be granted when any one of the following special conditions can be clearly demonstrated:

- (a) Where there are practical difficulties or unnecessary hardships that prevent carrying out the strict letter of the ordinance. These hardships or difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.
- (b) Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district. Such circumstances or conditions shall not have resulted from any act of the applicant subsequent to the adoption of this ordinance.
- (c) Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.

(5) **RULES.**

The following rules shall be applied in the granting of a variance:

- (a) The Board may specify, in writing, such conditions regarding the character, location and other features that will in its judgment, secure the objectives and purposes of this ordinance. The breach of any such condition shall automatically invalidate the permit granted.
- (b) Each variance granted under the provisions of this ordinance shall become null and void unless:
 - (1) The construction authorized by such variance or permit has been commenced within six (6) months after the granting of the variance.
 - (2) The occupancy of land, premises, or buildings authorized by the variance has taken place within one (1) year after granting the variance.
- (c) No application for a variance which has been denied wholly or in part by the Board shall be re-submitted for a period of one (1) year from the date of the last denial, except on the grounds of newly discovered evidence or

proof of changed conditions found upon inspection by the Board to be valid.

(6) **SPECIAL EXEMPTIONS.**

When, in its judgment, the public welfare will be served and the use of neighboring property will not be injured thereby, the Board may, in a specific case, after due notice and public hearing and subject to appropriate conditions and safeguards, determined and vary the application of the regulations of this ordinance in harmony with general character of the district and the intent and purpose of this ordinance. The granting a special exemption shall in no way constitute a change in the basic uses permitted in the district affected and nor on the property wherein the exception is permitted. The Board may issue a conditional permit a special exemption for the following land and structure uses.

(7) **TEMPORARY PERMITS.**

For temporary structures, such as a garage, partial structure, cellar or basement to be used for dwelling purposes, including mobile homes or house travel trailers subject to the following procedures and limitations:

- (a) An application for a permit for the erection or movement of a temporary structure for dwelling purposes, including trailer coaches, shall be made to the Board of a special form used exclusively for that purpose. The applicant submit along with the application the written consent of fifty percent (50%) of the owners of all dwellings within three hundred (300') feet of the proposed site.
- (b) The Board shall give due notice to the applicant and to all property owners within three hundred (300') feet of the property infected at least five (5) days before the hearing will be held on such application.
- (c) A temporary permit shall not be granted unless the Board finds adequate evidence that the proposed location of the use will not be detrimental to property in the immediate vicinity; and that the proposed water supply and sanitary facilities have been approved by the Saginaw County Health Department.
- (d) The Board may impose any reasonable conditions in addition to the district requirements in which the use is proposed, including setbacks, land coverage, off-street parking, landscaping and other requirements necessary to protect adjoining properties and the public welfare. The violation of any such condition shall automatically invalidate the permit.
- (e) Unique and temporary conditions shall exist which justify the need for a trailer coach on a given lot or parcels such as a dwelling for seasonal farm labor, aged family members, domestic employees or similar dwelling needs of a temporary nature that relate to the use of the principal dwelling on the property in question.
- (f) The permit issued shall clearly set forth the conditions under which the permit is granted and shall state that the proposed temporary dwelling structure is to be vacated upon expiration of the specific time limit not to exceed twelve (12) months. No permit shall be transferable to any other owner or occupants. The permit may be renewed in the case of trailer coaches if the conditions of (a and e) above can be met again.

(8) **CONDITIONAL PERMITS.**

When conditions exist that are unique to a particular situation, a conditional permit may be issued with specific limitations imposed by the Board. The land or structure use may be permitted to be established and continue in use as long as the unique conditions to the use exist. The permit may be canceled when the conditions upon which the permit was issued cease to exist. The permit issued shall contain all the specified conditions under which continued use may be allowed. Conditional permits may be issued for the following uses:

- (a) Permit more than two (2) roomers in any one (1) dwelling, but not more than four (4), when it can be demonstrated to the satisfaction of the Board that such an expanded capacity is a clear necessity for satisfaction of this particular housing demand; that adequate off-street parking space can be provided in accordance with standards stated in Chapter 4, Section 404; and that such use will not injure the character or value of the immediate neighborhood.
- (b) The Board may authorize a reduction, modification or waiver of any of the off-street parking or off-street loading regulations in Chapter 4, when it can be demonstrated that circumstances of extreme practical difficulty exist that would unquestionably result in hardship to the applicant when a literal interpretation of the regulations is required. Hardship shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land. A hardship that is a result of any action of the applicant shall not be considered by the Board. Under all these circumstances, in no case shall the off-street parking or off-street loading standards be reduced by more than twenty-five percent (25%).
- (c) Joint use of off-street parking areas may be authorized when the capacities outlined in Chapter 4, Section 404 are complied with and when a copy of an agreement between joint users shall be filed with the application for a building permit, and is recorded with the Register of Deeds of Saginaw County, guaranteeing continued use of the parking facilities for each party.
- (d) Use of a "Model Home" within a Residential District including mobile or sectional homes (except mobile home sales shall not be allowed) and provided said permit shall be for one (1) year only; but may be renewed; and further provided all regulations of the district within which the proposed use is allowed are followed.
- (e) Other "Conditional Uses" based upon a finding of fact by the Board of Appeals that indicate conditions exist that are unique to a particular situation, however, not contrary or in contradiction to the intent of the District within which the proposed use is located.

(9) **BOND FOR COMPLIANCE.**

Bond authorized. In authorizing any variance, or in granting any conditional, or special approval permits, the Board of Appeals may require that a bond of ample sum, not to exceed five thousand dollars (\$5000), be furnished to ensure compliance with requirements, specifications and conditions imposed with the grant of variance.

SECTION 1205. COST RECOVERY

- (1) **PURPOSE AND INTENT.** In order to protect the Township from expenses resulting from the utilization of its resources in response to requests by any individual, firm, corporation, limited liability company, association, partnership, commercial entity, consortium, joint venture, government entity, or any other legal entity, this Ordinance authorizes the imposition of charges to recover actual costs incurred by the Township in response to request for administrative review, mailing, publishing, public hearings, engineering, planning, environmental or fiscal impact consultants, attorney's fees, service charges and interest, and any other costs direct or indirect in connection with any established fee whether or not the services are provided by the Township or by a third party on behalf of the Township.

- (2) **DEFINITIONS.** Unless the context specifically indicates otherwise, the meaning of the terms used in this section shall be as follows:
 - (a) **Assessable Costs.** Those costs for services incurred by the Township for administrative review, mailing, publishing, public hearings, engineering, environmental or fiscal impact consulting assistance, consultants, attorneys' fees, service charges and interest, and any other costs direct or indirect in connection with any established fee established by the Township Board for various applications, permits, and other similar services whether or not the services are provided by the Township or by a third party on behalf of the Township.
 - (b) **Responsible Party.** Any individual or any individual's parent or legal guardian, in the case of a minor, any firm, corporation, limited liability company, association, partnership, commercial entity, consortium, joint venture, government entity or any legal entity that is responsible for the payment of any fee to the Township, and their heirs, estates, successors and assigns.
 - (c) **Project.** A specific plan or design beginning when the application is submitted and all associated fees are paid to the Township of Frankenmuth and concluding when the final certificate of occupancy has been issued; when the owner of the property or person with authority to submit the plan or design to the Township notifies the Township in writing that it plans to abandon the plan or design submitted for a period not less than 3 months, or when annexation to the City of Frankenmuth occurs.

- (3) **COST RECOVERY AUTHORIZATION AND PROCEDURE**
 - (a) The Township may recover all assessable costs relating to any application, permit, and other similar services from any or all responsible parties jointly and severally.
 - (b) The Township Supervisor, Zoning Administrator, or his or her designee, shall determine the total assessable costs for each various types of applications and administrative review procedures on a per application, review, or service basis.
 - (c) After consideration of the factors in (b) immediately above, the Township Supervisor, Zoning Administrator, or his or her designee, may allocate assessable costs among and between responsible parties, including allocating all or some of such costs jointly and severally against more than one responsible party.

- (d) The Township Board shall adopt a fee schedule for various applications, permits, and other similar services which may be amended from time to time by resolution of the Township Board. *Said fee is only an estimate as actual costs may vary.*

(4) BILLING AND COLLECTION OF ASSESSABLE COSTS

- (a) All fees collected with regard to any application, permit, or other similar services shall be deposited in such a way that expenditures can be tracked and an itemized bill can be provided if requested.
- (b) If the account in which, the fee collected reaches a zero amount prior to the completion of the review of other action needed to take place, the Township shall invoice the responsible party for the estimated additional amount needed to complete the review or other action that needs to take place.
- (c) If the Township needs to invoice the responsible party for the estimated additional amount needed to complete the review or other action needed to take place, the Township Supervisor, of his or her designee, shall have the authority to determine if the responsible party's application, permit, or other similar service continues in the process or if it the process shall be stopped until the additional requested fee is received and has been cleared by the Township's banking institution.
- (d) Upon the issuance of the final certificate of occupancy for the entire project, the Township Treasurer, or his or her designee, shall within ninety (90) days return to the responsible party any unused funds and an accounting of the expended funds. If all funds are expended, then the Township Treasurers, or his or her designee, shall only furnish an accounting if so requested by the responsible party.
If the project is of a nature that does not require an issuance of a certificate of occupancy at any time, from the start of the project to the finish, a written determination by the appropriate Board or township official stating that the application, permit, or other similar services has been completed, the Township Treasurer, or his or her designee, shall within ninety (90) days return to the responsible party any unused funds and an accounting of the expended funds. If all funds are expended, then the Township Treasurer, or his or her designee, shall only furnish an accounting if so requested by the responsible party.

(5) PROCEDURE FOR APPEALING ASSESSABLE COSTS.

- (a) Any responsible party who receives an accounting of assessable costs shall have an opportunity to meet with the Township Supervisor, of his or her designee, to request a modification of assessable costs. *The responsible party shall request a meeting with the Township Supervisor in writing within seven (7) calendar days of the date of receipt of the accounting of assessable costs.* Said meeting shall take place no later than fourteen (14) calendar days after the Township Supervisor receives the written request.
- (b) If after meeting with the Township Supervisor, or his or her designee, the responsible party is still not satisfied, he or she may appear before the Township Board to further request a modification of assessable costs. A responsible party who desires to appear before the Township Board must first meet with the Township Supervisor, or his or her designee, as provided above and shall *file a written request to appear before the Township Board with the Township Clerk*

within seven calendar days after the date of the meeting with the Township Supervisor:

Any filed request to appear shall be specifically identify and explain all reasons why the responsible party believes the assessable costs should be modified. Any reason, basis or argument for modification of assessable costs not set forth in the request to appear shall be deemed waived by the responsible party, unless the information presented is a new matter that was unknown to the applicant at the time the request to appear before the Township Board was made.

- (c) Upon receipt of such request, the Township Clerk will place the responsible party on the agenda of the next regularly scheduled Township Board meeting, which meeting is at least 14 calendar days after the date on which the responsible party files the request to appear.
 - (d) Failure to timely file a written request to appear either before the Township Supervisor or the Township Board shall constitute a waiver of the responsible party's right to appear before the Township Board; and shall further constitute the responsible party's agreement to pay the assessable costs.
 - (e) After a responsible party has been given an opportunity to appear before it, the Township Supervisor or the Township Board shall promptly determine whether to confirm, modify or void the payment of assessable costs invoiced and notify the responsible party in writing within thirty (30) days of its decision.
- (6) **NO LIMITATION OF LIABILITY.** The recovery of assessable costs pursuant hereto does not limit the liability of a responsible party under applicable local, state or federal law.
- (7) **SEVERABILITY.** The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of the ordinance other than said part of portion thereof.