

# Township of Forester

Sanilac County, Michigan  
Zoning Ordinance

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# TOWNSHIP OF FORESTER

SANILAC COUNTY, MICHIGAN

## ZONING ORDINANCE

THIS ORDINANCE, FOR THE ZONING OF UNINCORPORATED PORTIONS OF THE TOWNSHIP OF FORESTER, PROVIDES THE REGULATIONS FOR LOCATION, SIZE, HEIGHT, AND USE OF BUILDINGS AND STRUCTURES, AREA AND DIMENSIONS OF LOTS AND YARDS; THE USE OF LANDS IN THE UNINCORPORATED AREA TO BE DIVIDED INTO ZONES OR DISTRICTS OF SUCH NUMBERS, SIZES OR SHAPES AS ARE DEEMED BEST SUITED TO CARRY OUT THE PURPOSE OF THIS ZONING ORDINANCE. TO PROVIDE A METHOD OF ADMINISTRATION, AND PRESCRIBE PENALTIES AND PROCEDURES FOR THE ADMINISTRATION OF THIS ORDINANCE.

### THE TOWNSHIP OF FORESTER ORDAINS:

#### ARTICLE I TITLE AND PURPOSES

##### 1.00.00 TITLE

This Ordinance shall be known as the Forester Township Zoning Ordinance.

##### 1.01.00 PURPOSE

The fundamental purposes of this Ordinance are to:

Promote health, safety, morals, comfort and general welfare, to conserve and protect property and property values; to reduce hazards to life and property, to promote the use of lands and resources in the Township in accordance with their character and adaptability; to secure the most appropriate agricultural and economical provision of public improvements, all in accordance with a comprehensive plan.

The Township Board of Forester finds it necessary and advisable to promote and regulate the growth of said Township according to the provisions of this Ordinance.

Divisions in the unincorporated areas referred to as Districts are graphically presented on the map to be found in the Township office, which, from time to time may be supplemented by legal descriptions in the Appendix.

## ARTICLE II DEFINITIONS

### 2.00.00 DEFINITIONS

For the purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. Any word not herein defined shall be construed as in the State Construction Code of 1972 (1972 PA 230; MCLA 125.1501) and the Michigan Zoning Enabling Act (MZEA) P.A. 110 of 2006, MCL 125.3101, et seq. and the Michigan Planning Enabling Act, P.A. 33 of 2008, MCL 125.3801, et seq. and the amendments thereto. Other terms, phrases, and words not herein defined shall have the meaning customarily assigned to them by general usage in the English language.

### 2.01.00 ACCESSORY STRUCTURE

A structure erected on the same lot or site as the principal use building and intended to serve a purpose incidental to the principal use building, including but not limited to buildings, swimming pools, tennis courts, towers, driveways, parking areas, underground tanks, fences and satellite antennae.

### 2.02.00 ACCESSORY USE OR ACCESSORY BUILDING

A subordinate use or building customarily incident to and located on the same lot with the main use or building.

### 2.03.00 ALLEY

Any public space or thoroughfare twenty (20) feet or less in width, but not less than ten (10) feet in width, which has been dedicated or deeded to the public for public travel and which affords secondary access to abutting property.

### 2.04.00 ALTERATION

A change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

### 2.05.00 APARTMENT HOUSE

A multi-family dwelling for three or more families, living independently of each other as separate housekeeping units, with separate access and egress, and doing their cooking upon the premises.

### 2.06.00 AREA, BUILDING

The aggregate of the maximum horizontal cross section area of the main building on a lot, excluding cornices, eaves, gutters, or chimneys projecting not more than 3 feet, steps, one-story open porches, bay windows, not extending through more than one story and not projecting more than 2 feet, balconies and terraces.

### 2.07.00 BASEMENT

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

## **2.08.00 BLUFFLINE**

The line which is the edge or crest of the elevated segment of the shoreline above the beach which normally has a precipitous front inclining steeply on the lakeward side. Where there is no precipitous front indication the bluffline, the line of perennial vegetation may be considered the bluffline.

## **2.09.00 BUILDING**

A structure designed, built, or occupied as a shelter or roofed enclosure for persons, animals, or property, including tents, lunch wagons, dining cars, mobile homes, trailers, and other roofed structures on wheels or other supports, used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational, or recreational purposes. For the purposes of this definition "roof" shall include an awning or other similar covering, whether or not permanent in nature.

## **2.10.00 BUILDING HEIGHT**

See "Height, Building"

## **2.11.00 BUILDING LINE**

The vertical plane beyond which no building or other structure or portion thereof may be erected, for setback purposes.

## **2.12.00 BUILDING LINE, SETBACK**

See "setback Building Line"

## **2.13.00 CONDITIONAL USE**

See "Special Land Use"

## **2.14.00 DETENTION FACILITY**

Any prison, penitentiary, reformatory, House of Correction, jail, community residential center, institution, halfway house, regional correction/detention facility, treatment center, group home, training center, training center or camp, etc. operated or leased by the Department of Corrections or Department of Social Services constructed and maintained under Act 274 of 1979 or other halfway houses, probationary camps, farms, shops, places of employment operated by or under the supervision of the Department of Corrections providing services to adult or juvenile criminal offenders. (See also Juvenile Detention/Correction Facility.)

## **2.15.00 DISTRICT**

A portion of the unincorporated part of the Township within which certain regulations and requirements apply under the provision of this ordinance.

## **2.16.00 DWELLING**

A building designed or used as the living quarters for one or more persons.

## **2.17.00 DWELLING HOUSE**

A building designed for and occupied exclusively as the residence of not more than two families each living as an independent housekeeping unit.

## **2.18.00 DWELLING UNIT**

One or more rooms providing complete living facilities for one family, including equipment for cooking or provisions for the same, and including room or rooms for living, sleeping, and dining.

### **2.19.00 DWELLING, Multifamily**

A dwelling or group of dwellings on one plot containing separate living units for three or more families, but which may have joint services or facilities.

### **2.20.00 ERECTED**

Any physical operations on the premises required for the construction or placement and includes construction, building, reconstruction, alteration, excavation, fill, drainage, installation of utilities, etc.

### **2.21.00 EROSION**

The collapse or subsidence of land along the shore of a lake or other body of water, including drains, creeks, streams and rivers, as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels.

### **2.22.00 ESSENTIAL SERVICE**

The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions, of underground overhead gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings reasonably necessary for the furnishing of adequate service by such public utilities for municipal departments or commissions or for the public health, safety or general welfare.

### **2.23.00 FAMILY**

A single person doing their own cooking, and living upon the premises as a separate housekeeping unit or a collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, marriage, or other domestic bond.

### **2.24.00 FENCE**

A partition, structure, or gate erected as a dividing marker, barrier, or enclosure.

### **2.25.00 FLEA MARKET**

An enclosed shop or open market wherein two or more vendors sell new or used goods, antiques, curios, art objects, collectibles, or other merchandise.

### **2.26.00 FLOOD OR FLOODING**

A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of drains, creeks, streams, rivers, lakes or other inland water, or abnormally high tidal water or rising coastal water proximately caused by severe storms, hurricanes, tornadoes, or heavy rains.

### **2.27.00 FLOOR AREA, GROSS**

The "gross floor area" shall be the sum of the horizontal areas of the several floors of the building excluding areas used for accessory garage purposes and such basement areas as are devoted exclusively to uses accessory to the operation of the building. All horizontal dimensions shall be taken from the exterior faces of walls, including enclosed porches.

### **2.28.00 GARAGE, PRIVATE**

A building or part thereof accessory to a main building and providing for the storage of motor vehicles and in which no occupation or business for profit is carried on.

### **2.29.00 GARAGE, PUBLIC OR STORAGE**

A building or part thereof other than a private garage for the storage of motor vehicles and in which service station activities may be carried on.

### **2.30.00 GARAGE SALE OR YARD SALE**

A sale of primarily used goods, antiques, curios, clothing, etc., operated on residential property by the owner or occupant on an occasional basis.

### **2.31.00 GASOLINE SERVICE STATION**

A place for the dispensing, sale or offering for sale of motor fuels directly to users of motor vehicles together with the sale of minor accessories and the servicing and minor repair of motor vehicles. A special land use permit is required.

### **2.32.00 GRADE**

The highest ground elevation in contact with any portion of the basement or foundation of a dwelling.

### **2.33.00 HEIGHT, BUILDING**

The vertical dimension measured from the average elevation of the finished lot grade at the front of the building, to the highest point of the building.

### **2.34.00 HIGH RISK EROSION AREA**

An area subject to shoreland deterioration as designated by the Michigan Department of Natural Resources pursuant to the Shorelands Protection and Management Act, P.A. 245 of 1970, as amended. (See Section 9.08.00)

### **2.35.00 HOME OCCUPATION**

An occupation or profession customarily carried on by an occupant of a dwelling unit as a secondary use, which is clearly subservient to the use of the dwelling for residential purposes.

### **2.36.00 HOTEL**

A building with general kitchen and dining facilities and containing rooms intended or designed to be used, rented or hired out to be occupied for sleeping purposes by guests.

### **2.37.00 INDUSTRY**

The production, manufacture, or fabrication of products with the intention of profit. The term also includes the ancillary repair, modification or alteration of products. The raising of farm products is exempted.

### **2.38.00 JUNK**

Articles that have outlived their intended usefulness in their original form and are commonly discarded or gathered up to be converted into another product, either of the same or different kind.

### **2.39.00 JUNKYARD**

An open area where waste, used or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled, shredded or handled, including, but not limited to, scrap iron and other metals, paper, rags, tires and bottles. A "junkyard" includes automobile wrecking yards and includes any area of unreasonable accumulation for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

#### **2.40.00 JUVENILE CORRECTIONAL/DETENTION FACILITY**

Any institution, halfway house, regional detention facility, treatment center, group home, farm, training center, or camp wherein one or more juvenile offenders is detained by court order as the result of a determination of delinquency or under the supervision of the Department of Social Services by court order because of a determination of delinquency.

#### **2.41.00 LOADING SPACE**

An off-street space on the same lot with a building, or contiguous to a group of buildings for unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.

#### **2.42.00 LOT**

A parcel of land capable of being occupied by one building, and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this ordinance.

#### **2.43.00 LOT, CORNER**

A lot at the point of intersection of and abutting on two or more streets.

#### **2.44.00 MOBILE, FACTORY BUILT OR PORTABLE HOME**

As used herein the term "mobile home" shall mean a movable or portable dwelling constructed to be towed on its own chassis and designed for permanent year-round living as a single family dwelling. Provided, however, that the term "mobile home" shall not include motor homes, campers, recreation vehicles (whether licensed or not as motor vehicles) or other transportable structures designed for temporary use and which are not designed primarily for permanent residence and connection to sanitary sewage, electrical power and potable water utilities.

#### **2.45.00 MOTOR VEHICLE REPAIR GARAGE**

A place where the following activities may be carried on: vehicle body repair, engine rebuilding or repair, undercoating, painting, upholstery work, welding and auto glass work.

#### **2.46.00 MOTEL**

A series of attached, semi-detached or detached rental units containing bedroom and toilet facilities for temporary lodging for compensation.

#### **2.47.00 NON-CONFORMING BUILDING**

A building or portion thereof existing at the effective date of this ordinance, or amendments thereto, that does not conform to the use provisions of the ordinance.

#### **2.48.00 NON-CONFORMING LAND USE**

A use of land, existing at the time of the enactment of this ordinance, which does not conform to the regulation of the district in which it is located.

#### **2.49.00 NUISANCE**

Any condition or use of premises or of building exteriors, which is unsightly or detrimental to the property of others or which causes or tends to cause diminution in the value of other property in the neighborhood in which such premises are located.

#### **2.50.00 OCCUPIED**

Includes the use of a building or land for the purpose for which it was designed, arranged or intended.

### **2.51.00 OFF-STREET PARKING LOT**

A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of automobiles.

### **2.52.00 PARKING SPACE**

An area of not less than 200 square feet, net, exclusive of access or maneuvering area, or ramps, columns, etc., to be used exclusively as a temporary storage space for one private motor vehicle. Loading and unloading space shall not be included in such area.

### **2.53.00 PERFORMANCE STANDARDS**

Those criteria by which the use of land will be evaluated for purposes of compliance with use districts and special land use requirements.

### **2.54.00 PLAYGROUND**

A parcel of land set aside for recreational purposes.

### **2.55.00 POND**

A natural or man-made body of water without an encircling fabricated retainer.

### **2.56.00 PUBLIC SERVICE**

Public service facilities (within the context of this ordinance) shall include such uses and services as voting booths, pumping stations, fire halls, police stations, temporary quarters for welfare agencies, public health activities and similar uses.

### **2.57.00 PUBLIC UTILITY**

Any person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation, water or other such essentials.

### **2.58.00 RESIDENTIAL STRUCTURE**

Any building, including a mobile home, occupied, intended to be occupied or constructed to be occupied as a dwelling unit for humans.

### **2.59.00 ROOMING HOUSE**

Any dwelling in which more than two persons, either individually or as families, are housed or lodged for hire, with or without meals. A boarding house or furnished rooming house shall be deemed a "rooming house".

### **2.60.00 SETBACK**

The distance required to establish front, side or rear yard open space.

### **2.61.00 SIGNS**

Every device, frame, letter, figure, character, mark, plane, point, design, picture, stroke, stripe, trademark or reading matter, which is used or intended to be used to attract attention or convey information when the same is placed out of doors in view of the general public. For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship to elements, or where there is reasonable doubt as to the relationship of elements, each element shall be considered to be a single sign. Signboards, billboards, etc. displaying 32 square feet or more shall be considered as accessory structures.

## 2.62.00 SPECIAL LAND USE

### 2.62.01 Definition

A Special Land Use is a use permitted only after application to, and review by, the Planning Commission; review being necessary because the provisions of this ordinance cannot be made precise enough to all applications. The special land uses are conditionally issued by special permit after review by the Planning Commission or on appeal by the Board of Appeals. These land uses cannot be conveniently allocated to one zone or another, or the effects of each individual use cannot be definitely foreseen.

### 2.62.02 Special Land Use versus Variance

The Special Land Use differs from the Variance in several aspects.

- A. A special land use does not require “undue hardship” or “unusual circumstances” in order to allow a use which is otherwise restricted, but not prohibited, by this ordinance.
- B. Variances generally all deviations from physical requirements, but not to use restrictions.

### 2.62.03 General Characteristics

The general characteristics of Special Land Uses include one or more of the following:

- A. They require large areas
- B. They are infrequent activities
- C. They sometimes create an unusual amount of traffic.
- D. They are sometimes obnoxious or hazardous
- E. They may affect public safety and convenience
- F. They may not comply with the Performance Standards Schedule
- G. They may not be compatible with the area

### 2.62.04 Other Characteristics

Other special land uses may be granted, conditionally or without restriction, when it is determined by the appropriate agency that:

- A. Through literally defined as a more restricted use, the proposed use is not inconsistent with the uses in the immediate environment, or
- B. The Planning Commission, while not desiring to rezone a particular area, supports a limited use by a particular land owner for a limited period of time (not to exceed five years without reapplication).

## 2.63.00 STORAGE YARD

The use of open land, or land which is used or designed and/or intended to be used as a repository for storing or keeping of cars, vehicles, boats, equipment, products or other personal property, (new and/or used goods) whether or not the area is adjacent to and part of a business, commercial or industrial use, and whether or not consideration is exchanged for storage therein.

## 2.64.00 STREET

A public thoroughfare which has been dedicated or deeded for public use and which affords principal means of access to abutting property.

## 2.65.00 STRUCTURE

Anything constructed or erected on the ground or attached to something having location on the ground, including signs and billboards, but not including fences or walls used as fences.

## 2.66.00 SWIMMING POOL

A fabricated or artificially formed body of water retained within a manufactured or fabricated structure.



## 2.67.00 USE

The purpose for which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied or maintained.

## 2.68.00 VARIANCE

A modification of the literal interpretation of the zoning ordinance, granted when strict enforcement would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. THE CRUCIAL POINTS OF VARIANCE ARE UNDUE HARDSHIP AND UNIQUE CIRCUMSTANCES APPLIED TO PROPERTY. A VARIANCE IS NOT JUSTIFIED UNLESS ALL OF THESE ELEMENTS ARE PRESENT IN THE CASE. A VARIANCE MAY BE AUTHORIZED BY THE BOARD OF APPEALS, ONLY.

## 2.69.00 YARDS

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

- A) Front Yard - An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.
- B) Side Yard - An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.
- C) Rear Yard - An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.

ARTICLE III  
GENERAL PROVISIONS

**3.00.00 SCOPE OF ORDINANCE**

No land or structure shall hereafter be used, occupied, located, erected, altered or moved upon any premises other than in conformity with provisions of this Ordinance.

**3.01.00 ACCESSORY BUILDINGS**

Unless otherwise specified in this Ordinance, the total first floor area of all accessory buildings on a parcel of land shall not exceed four percent (4%) of the total parcel area.

**3.02.00 ALTERNATIVE ENERGY SYSTEMS (SMALL SCALE)**

**3.02.01 Small Scale Alternative Energy Systems**

Small scale alternative energy systems, including, but not limited to solar, thermal, hydro, or biomass, for the purpose of serving residential, agricultural, commercial or industrial buildings on site shall be permitted as an accessory use in the Agricultural-Residential, Commercial, and Industrial Districts provided they are in compliance with State and Federal regulations.

A) Requirements

- 1) The structure employed shall be required to obtain a land use permit subject to site plan approval by the Forester Township Zoning Administration. A simple site plan shall be drawn to an appropriate scale and shall provide construction details and show the location of all existing public roads, existing structures, utility lines and all structures, facilities and power lines to be constructed on the site as well as identifying adjoining property owners and the location of any structures on adjoining properties.
- 2) No small scale alternative energy system shall be erected, constructed, installed or modified as provided in this section without first obtaining a Forester Township Land Use Permit from the Zoning Administrator. Applications and fees apply. Such fees are as established in the Forester Township Annual Fee Ordinance.
- 3) The property owner shall obtain any necessary electrical permits required. No system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
- 4) The property owner shall construct and maintain the small scale alternative energy system in a safe and neat manner so as not to present a danger to neighbors or present an unsightly appearance.
- 5) The construction and operation of all such proposed small scale alternative energy systems shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, environmental, electrical, communications and FAA aviation requirements.
- 6) It is unlawful for any person to construct, install, or operate a small scale alternative energy system that is not in compliance with this ordinance or with any condition contained in a building permit issued pursuant to this section. Alternative energy systems installed prior to the adoption of this ordinance are exempt.
- 7) This section shall be administered and enforced by the Zoning Administrator or other official as designated. The Zoning Administrator may enter any property for which a building permit has been issued under this ordinance to conduct an inspection to determine whether the conditions stated in the permit have been met.

- 8) Any person who fails to comply with any provision of this ordinance or a land use or building permit issued pursuant to this section shall be guilty of a Grade A civil infraction and subject to enforcement and penalties as allowed by applicable law.

### 3.02.02 Small Scale Wind Energy System

Small scale wind energy systems for the purpose of serving residential, agricultural, commercial or industrial buildings on site shall be permitted as an accessory use in all Districts provided they are in compliance with State and Federal regulations and the following requirements:

#### A) Definition

Small Scale Wind Energy System: A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which is intended to primarily reduce on-site consumption of utility power.

#### B) Requirements

- 1) The structure employed shall be required to obtain a land use permit subject to site plan approval by the Forester Township Zoning Administrator. A simple site plan shall be drawn to an appropriate scale and shall provide construction details and show the location of all existing public roads, existing structures, utility lines and all structures, facilities and power lines to be constructed on the site as well as identifying adjoining property owners and the location of any structures on adjoining properties within 1.1 times the total height of the turbine/wind tower of the common property lines.
- 2) No small scale wind energy system shall be erected, constructed, installed or modified as provided in this section without first obtaining a Forester Township Land Use Permit from the Zoning Administrator. Applications and fees apply. Such fees are as established in the Forester Township Annual Fee Ordinance.
- 3) The property owner shall obtain any necessary electrical permits required. No system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
- 4) The property owner shall construct and maintain the small scale wind energy system in a safe and neat manner so as not to present a danger to neighbors or present an unsightly appearance. The property owner receiving site plan approval shall provide a verified report of a qualified contractor as to the structural integrity of the tower and wind turbine assembly. Facilities, including but not limited to towers, shall be subject to any requirements of the Uniform Construction Code and manufacturer's recommendations.
- 5) The construction and operation of all such proposed small scale wind energy systems shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, environmental, electrical, communications and FAA aviation requirements.
- 6) Towers and other facilities must follow applicable setbacks within the particular zoning district. The minimum setback between a wind energy system and public street(s) or family dwelling shall be no less than 1-1/4 times the total height of the wind tower. A tower or facility mounted on a dwelling shall meet all setback requirements with the exception of that required for a family dwelling.
- 7) A small scale wind energy system shall not exceed one hundred twenty five (125) feet. The total height of a small scale wind turbine shall be the distance to the center of the hub of the wind turbine plus the distance to the tip of the turbine blade at its highest point.

- 8) The base of the wind tower shall be totally and permanently enclosed by a security fence at least six (6) feet high. No fence is required if the climbing apparatus is enclosed inside the wind tower and the entry is secured, or if the climbing apparatus is located at least eight (8) feet above the ground level.
- 9) The owner shall maintain the wind energy system in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and security measures. Any small wind energy system which has been abandoned to disrepair for one year shall be removed by the owner. If the owner is not in compliance the township shall have the authority to enter the owner's property and remove the system at the owner's expense as allowed by law.
- 10) All wind energy systems shall be non-reflective.
- 11) All efforts shall be made not to affect any resident with any strobe effect.
- 12) Small scale wind energy systems shall not exceed forty-five (45) dB at the property line closest to the wind turbine. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure levels exceed forty-five (45) dB the standard shall be ambient dB plus five (5) dB.
- 13) A small scale wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is protected by guy wires, the wires shall be clearly visible to a height of at least six (6) feet above the guy wire anchors. The minimum vertical blade tip clearance from grade shall be twenty (20) feet for a wind energy system employing a horizontal axis rotor.
- 14) It is unlawful for any person to construct, install, or operate a small scale wind energy system that is not in compliance with this ordinance or with any condition contained in a building permit issued pursuant to this ordinance. Wind energy systems installed prior to the adoption of this ordinance are exempt.
- 15) This section shall be administered and enforced by the Zoning Administrator or other official as designated. The Zoning Administrator may enter any property for which a building permit has been issued under this ordinance to conduct an inspection to determine whether the conditions stated in the permit have been met.
- 16) Any person who fails to comply with any provision of this ordinance or a land use or building permit issued pursuant to this ordinance shall be guilty of a Grade A civil infraction and subject to enforcement and penalties as allowed by applicable law.

### **3.03.00 ANTI-FUNNELING**

#### **3.03.01 General**

The intent of this section is to promote the integrity of the lakes within Forester Township while preserving the quality of recreational use of the inland waters; to protect the quality of the lakes by discouraging excess uses; to promote the ecological balance of the waters by limiting incompatible land use of the wetlands associated with the lakes; and to maintain the natural beauty of the lakes by minimizing man-made adjustments to the established shorelines. Nothing in this ordinance shall be construed to limit access to lakes or waterways by the general public by way of a public park or public access site provided or maintained by any unit of state, county or local government.

#### **3.03.02 Regulations**

In any zoning district where a parcel of land is contiguous to a lake, such parcel of land may be:

- A) used as access property or as common open space held in common by a subdivision, association, or any similar agency, or
- B) held in common by virtue of the terms of a plat of record; or
- C) provided for common use under deed covenants or restrictions of record, or
- D) owned by two or more dwelling units located away from the waterfront,

Only if the following conditions are met:

- 1). There shall be at least fifty (50) feet of lake, river, or stream frontage, as measured along the ordinary high-water mark of the lake, river or stream for each single-family dwelling, each site condominium unit, each dwelling unit or each apartment unit utilizing or accessing the lake, river or stream frontage.
- 2) No easement, private park, common area, lot or access property abutting or adjoining a lake, river, or stream shall be used to permit access to the lake, river or stream for more than one single-family dwelling, one dwelling unit, one site condominium unit, one apartment unit, or any other joint use unless such additional access use and common access arrangement is approved as a Special Land Use Permit as provided for in this Ordinance.
- 3) No lake access, boat ramp, shore station, dock, boat launch, or shoreline abutting a lake, river or stream shall be utilized for commercial, business, commercial outdoor recreation or entertainment facilities, institutional or non-residential or non-agricultural uses or purposes unless the property is properly zoned (or rezoned) for such uses or the use is permitted by a Special Land Use or a Planned Unit Development (PUD) approval.
- 4) In no event shall water frontage of such parcel of land consist of a swamp, marsh or bog as shown on the most recent U.S. Geological Survey Maps, or the Michigan Department of Natural Resources MIRIS map, or have otherwise been determined to be wetland by the Michigan DNR or DEQ; and that in no event shall a swamp, marsh or bog be altered by dredging, the addition of earth or fill material or by the drainage of water frontage required by this Ordinance.
- 5) In no event shall such parcel of land abut a man-made canal or channel, and no canal or channel shall be excavated for the purpose of increasing the water frontage required by this Ordinance.
- 6) Access property, as provided for in and meeting the conditions of this section, regardless of total area, shall not be used as a residential lot for the purpose of construction of a dwelling and/or accessory structure(s), commercial or business use.

### 3.03.03 Nonconforming Use

In any district in which accesses have been established before the effective date of this ordinance, such access shall retain historic uses. It is the intent of this ordinance to permit such lawful non-conformance to continue, but not to encourage additional uses and sites.

### 3.04.00 BOAT HOUSES

No front yard shall be required as set forth in the district in which it is located for any boat house constructed adjacent to Lake Huron, the front yard being in this case that part of the yard adjacent to the water. The boat house shall not exceed six hundred (600) square feet in area; shall have a minimum setback of five (5) feet from the side lot line and shall be set back from the harbor line as established by the United States Corps of Engineers and/or DNR. A land use permit is required for a boat house.

### 3.05.00 BUILDING RESTRICTIONS

- A) A land use permit for the alteration of land or the construction, alteration or placement of structures shall be obtained from the Zoning Administrator further set forth in Section 3.22.01. All applications for said permit shall be accompanied by a site plan and the non-refundable land use permit (unless exempted).
- B) Residential, commercial, industrial or other construction, including mobile home placement shall be commenced only after a building permit has been obtained in accordance with the applicable building, plumbing and/or electrical code applicable within the Township and/or the United States Department of Housing and Urban Development, Mobile Home Construction and Safety Standards (24 CAR 3280). Further, construction shall meet all requirements of this Zoning Ordinance relating to uses, size of premises, floor area, setback, side lot and rear lot requirements, etc. as specified for the particular zoning district in which said structure is to be located.
- C) A residential structure (including mobile homes) shall be connected to potable water and sanitary sewage disposal facilities approved by the health agency having jurisdiction.
- D) Residential structures (including site built, factory built and mobile homes) shall:
  - 1) Comply with construction and site plans and be installed pursuant to the manufacturer's setup instructions.
  - 2) Be placed upon a cement and aggregate or other building code-approved foundation wall of the same perimeter dimensions as the structure. The foundation shall set on a footing below the frostline. Any space between the foundation and the floor shall be completely enclosed. Additional support points may be permitted. Where the BOCA permits, the building inspector may permit placement on supporting pillars rather than a perimeter foundation, in which case the structure may be "skirted".
  - 3) Be secured to the premises by an anchoring system or device compatible with those required by the applicable building code or the Michigan Mobile Home Commission.
  - 4) Have exterior walls finished with wood, aluminum or vinyl siding and/or brick facing. All siding must be placed in the same direction, except that minor variations for styling purposes may be approved by the Zoning Administrator.
  - 5) Comply with all roof snow load and strength requirements imposed by the building code or the United States Department of Housing and Urban Development Mobile Home Construction and Safety Standards, and
  - 6) Have windows which shall meet construction and safety standards, and in particular, they shall be of the size, shape and type so as to comply with emergency exit requirements.
- D) The residential structure (which, for mobile home expansions, may include only completely enclosed original supplied or "after-market" factory produced mobile home additions or "tip-outs") shall have a minimum floor area of six hundred (600) square feet and a minimum overall width of twenty (20) feet.
- E) The placement, use and appearance of any structure, (whether residential, commercial or industrial) in any district within the Township of Forester shall be aesthetically compatible with the other structures and uses in the district, as determined by the Zoning Administrator.
- F) No person shall occupy any residential structure as a dwelling until an occupancy permit or certificate is issued by the Building Official or Zoning Administrator.

### **3.06.00 BURIAL OF DEBRIS ON PREMISES**

Trash, debris, garbage, junk, vehicles, equipment, etc., shall not be buried on premises other than those appropriately licensed and approved. Biodegradable material generated on an owner's agricultural zoned premises may be disposed of thereon if such disposal complies with DNR, EPA, Department of Agriculture and County Health Department Regulations.

### **3.07.00 FARM BUILDINGS AND STRUCTURES**

#### **3.07.01 Permits and Fee**

A land use permit (at no fee) shall be required for all accessory structures customarily erected and used on bonafide farms.

#### **3.07.02 Setbacks**

Farm buildings or structures (except open fences) shall be not less than ten (10) feet from the side or rear line of the premises, nor shall they be exempt from flood and erosion hazard criteria. No such building or structure shall be erected less than one hundred fifty (150) feet from the right-of-way of all Federal and State roads and one hundred eight (108) feet from the highway right-of-way on other roads.

### **3.08.00 GRADING AND DRAINAGE**

No premises shall be so filled or graded as to discharge surface water run-off onto abutting or neighboring property in such a manner as to cause flooding, ponding or surface accumulation of such run-off on the abutting or neighboring property.

### **3.09.00 HOME OCCUPATIONS**

#### **3.09.01 Examples:**

Home occupations generally include crafts and services such as dress-maker, music teacher, dance instructor, professional artist, physician, surgeon, chiropractor, osteopath, dentist, architect, engineer, lawyer and other professional occupations and services.

#### **3.09.02 Employees**

Only the resident occupants shall be employed as primary providers of the services offered on the premises. Non-resident support employees and parking therefore may be authorized by the Board of Appeals as a variance only when unique circumstances and/or hardship are satisfactorily demonstrated.

#### **3.09.03 Portion of dwelling used**

The home occupation shall occupy no more than one-fourth (1/4) of the total floor area of the dwelling and shall be situated entirely within the dwelling on the premises. Such use shall not involve any extension or modification of the dwelling, which will alter its outward appearance as a dwelling. In no event shall the occupation reduce the actual living space below that established as the current minimum requirement in the district involved.

#### **3.09.04 Parking**

Sufficient off-street parking shall be provided, which, in no event, shall be less than the parking prescribed in Section 3.18.00 (ie. 2 spaces for each dwelling unit plus two additional spaces).

#### **3.09.05 Signs**

Not more than one name-plate, not exceeding eight (8) square feet in area and containing only the name of the person and the service provided, may be exhibited. In no event shall such signs be illuminated.

### **3.09.06 Displays**

No merchandise shall be sold or displayed on the premises other than those items crafted thereon.

### **3.09.07 Appearance**

The appearance of the premises shall be aesthetically compatible with the neighborhood, conforming as closely as possible to a residential use (e.g. lawns shrubbery, trees, backyards, etc.)

## **3.10.00 JUNKYARDS**

### **3.10.01 Prohibition**

No land or premises shall be used for the construction, formation, creation, maintenance, alteration, enlarging or extending of a junkyard as herein defined, except by obtaining the approval from the Planning Commission. The applicant for a Special Land Use permit shall file with the Planning Commission, in addition to the requirements of Section 3.18.00, the following:

- 1) A statement giving the exact location and size of the premises and all buildings and structures to be erected or moved thereon or already existing. A scale site plan is required.

### **3.10.02 Procedure**

The Planning Commission shall act in accordance with the provisions of Article VIII of this Ordinance in either granting or denying the Special Land Use Permit.

## **3.11.00 LAND USE LIMITATIONS**

No more than one (1) use of a parcel of land and no more than one (1) dwelling on a parcel of land shall be permitted without the approval of the Planning Commission as a Special Land Use. Accessory structures shall conform in size to the requirements of Section 3.01.00.

## **3.12.00 MARINAS AND BOAT LIVERIES**

No parcel of land shall be used for a Marina or Boat Livery except when approved by the Planning Commission as a Special Land Use.

## **3.13.00 MOBILE HOMES**

Mobile homes which comply with the applicable standards of the Mobile Home Commission are permitted in licensed Mobile Home Parks. They shall be permitted in Mobile Home Subdivision and Residential-Agricultural Districts if, at a minimum, the conditions recited In 3.05.00 "Building Restrictions" are met.

## **3.14.00 NON-CONFORMING USES - BUILDINGS AND STRUCTURES**

See Article VIII, Section 8.00.01

## **3.15.00 OPEN FOR EXPANSION**

## **3.16.00 NUISANCE**

### **3.16.01 Definition**

Any condition or use of premises or of building exteriors which is unsightly or detrimental to the property of others, which causes or tends to cause diminution in the value of other



property in the neighborhood or which repeatedly offends or annoys members of the neighborhood, this includes, but is not limited to:

### 3.16.02 **Examples**

Unsheltered and/or exposed storage or keeping or depositing on the premises any of the following examples:

- A. Lumber, junk, trash or debris;
- B. Highway vehicles not in good and safe condition and unlicensed, unused, junked and other automobiles, trailers, semi-tractors and semi-trailers,
- C. Vehicles, implements, machinery and other equipment and/or personal property which is no longer safely usable for the purpose for which it was manufactured;
- D. Abandoned, discarded, or unused objects or equipment such as furniture, stoves, refrigerators, freezers, boats, cans, containers or other boxes with outside latches.
- E. All uncovered basements, abandoned wells, shafts or similar excavations.
- F. Harboring any dog(s), which, by loud and frequent or habitual barking, yelping or howling, shall cause annoyance to the neighborhood or to people passing upon adjacent streets.
- G. Creation or maintenance of noxious odors.

### 3.16.03 **Abatement of Nuisance by Owners, Exemption**

The owners, tenants or occupants of any property within the boundaries of the Township of Forester upon which a nuisance is alleged, and also the owners, lessees, or users of any property declared to be a nuisance, shall jointly or severally abate said nuisance by the prompt removal of said offensive property. Licensed and approved junkyards shall be exempt from this section.

### 3.16.04 **Abatement by Township**

Whenever said owners, tenants, etc. fail to terminate such nuisance, than the Township shall schedule, post and hold a hearing to have the offenders show cause why the Township should not abate same, the expense therefor to be billed to said owners, tenants, etc. jointly and severally. The expenses of abatement may be imposed against the proeprty tax roll as a special assessment.

When property has been removed and placed in storage by the Township, said property shall be sold after the lapse of such time as is provided by law. If the proceeds of such sale are insufficient to pay the costs of abatement said owners shall be liable to the Township for the balance of the costs, jointly and severally. If the proceeds are in excess of costs, the balance shall be paid to the owners, or deposited to the Township treasury for the owners' use.

## 3.17.00 **PARKING OF CERTAIN VEHICLES AND BOATS ON PROPERTY**

- A) The owner of a parcel of land may park or store one boat and one recreational unit upon residential premises, provided such vehicle or boat shall not be parked or stored in the front yard space of the parcel of land or premises.
- B) No boat or recreational unit that is parked or stored by the owner thereof on a parcel of land or premises owned or occupied by the same owner, shall be used or occupied while so parked or stored.

- C) A boat or recreational unit that is not owned by the owner of the parcel of land shall not be parked or stored upon said parcel of land or premises for more than two weeks in any three month period.

### 3.18.00 PARKING OFF-STREET, ACCESS AND EGRESS THEREFROM

#### 3.18.01 Off-street parking required

For each dwelling, business, commercial, industrial or similar building hereafter erected or altered, and located adjacent to a public highway in the Township and including buildings or structures used principally as a place of public assembly, there shall be provided and maintained suitable space off the public right-of-way that is in general adequate for parking, loading and unloading of vehicles in proportions no less than shown on the following table. Such space shall be provided with safe exit to and entrance from the public thoroughfare. Exit and entrance may be combined or provided separately. Approval of the location of such exit and entrance shall be obtained in writing from the County Road Commission, which approval shall include the design and construction thereof in the interest of safety, adequate drainage and other public requirements.

A minimum of two hundred (200) square feet, exclusive of drives, entrances and exits shall comprise one (1) automobile space. Adequate space shall be provided in the off-street parking area for turning the vehicle so that when a vehicle re-enters a public highway it shall be driven in a forward manner and not backed onto said highway.

A) Churches and other places of public assembly

One parking space for each four (4) seats of seating capacity.

B) Commercial establishments

One parking space for every two hundred (200) square feet of floor area or part thereof.

C) Dwellings

Two parking spaces

D) Home Occupations

One parking space for every three hundred fifty (350) square feet of floor space.

E) Manufacturing Establishments

One (1) parking space for every three hundred fifty (350) square feet of floor space of that portion of the building patronized by the public and one (1) parking space for every two (2) persons regularly employed on any shift.

F) Restaurants and Similar Establishments Serving Food or Drink

One parking space for every one hundred (100) square feet of floor area or part thereof.

#### 3.19.00 Parking of Recreational Units

- A. In all zoned districts with an occupied dwelling, the owner of a lot or parcel of land may park or store two (2) recreational units (ie. Motor Home, Boats), currently licensed to that owner, provided such vehicle shall not be parked or stored in the front yard space of the parcel of land or premises.
- B. In all use districts, recreational units shall be parked more than seventy five (75) feet from the road right of way
- C. Upon application for and receipt of a permit issued by the zoning administrator, not more than 2 recreational units may be located and occupied outside of approved storage or camping

sites on parcels of 40 acres or more in any district within the Township for a cumulative total of not more than ninety (90) days out of 365.

- D. All waste disposal procedures must be performed in accordance with the requirements of the health department.

### 3.20.00 PERFORMANCE STANDARDS

#### 3.20.01 Requirement

All applications for land use permits and building permits for structures and uses located in industrial districts and all Special Land Use applications shall be accompanied by a statement or assessment describing the environmental impact of the project and actions that will be taken to avoid adverse environmental effects.

- A) The Statement shall be prepared by qualified personnel with applicable environmental expertise.
- B) The Zoning Administrator or Planning Commission may also require Environmental Impact Statements for Commercial and Mobile Home Subdivision district applications and others when deemed necessary.

#### 3.20.02 Contents of Environmental Impact Statements

Environmental impact statements will, at a minimum, evaluate the structure(s) and/or use by the following performance standards:

A) Smoke

Emission density shall not be greater than No. 1 of the Ringlemann chart except that for an aggregate of not more than four minutes in any 30 minute period an emission equal to but not darker than No. 2 of the Ringlemann chart will be tolerated.

B) Dust, dirt and fly-ash

The quantity of gas-borne or airborne solids of fumes emitted into the open air shall not exceed two-tenths (0.20) grains per cubic foot of the carrying medium at a temperature of five hundred (500) degrees Fahrenheit. The foregoing conditions shall prevail when the percentage of excess air in the stack does not exceed 50 percent at full load. All other forms of dust, dirt and fly-ash shall be completely eliminated in such a way as to prevent their emission into the open air.

C) Odor

There shall be no emission of obnoxious odors.

D) Gases

Emission of gases shall not exceed the following designated limits:

- 1) (SO<sub>2</sub>) Sulfur dioxide- an average of three-tenths (0.3) ppm over a 24 hour period provided, however, that a maximum concentration of five-tenths (0.5) ppm will be allowed for one hour out of every 24 hour period
- 2) (H<sub>2</sub>S) Hydrogen sulfide- shall not exceed 1.0 ppm.;
- 3) (F<sub>2</sub>) Fluorine – shall not exceed 0.1 ppm.;
- 4) (NO<sub>2</sub>) Nitrous fumes – shall not exceed 0.1 ppm.;
- 5) (CO) Carbon monoxide – shall not exceed 0.15 ppm.

E) Glare and Heat

Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure such operation from direct view from any point along the

property line, except during the period of construction of the facilities to be used and occupied.

F) Noise

Emitted noise shall be so muffled or otherwise controlled, as not to become objectionable, due to intermittence, beat frequency, impulsive character (hammering, etc.), periodic character (humming, screeching, etc.) or shrillness. Sirens, bells, whistles, etc., which are utilized solely to serve a public purpose (such as fire, ambulance, police, civil warning alarms) shall be excluded from this regulation.

The intensity level of sounds shall not exceed the following decibel levels on land adjacent to the described uses:

<u>deciBel Level</u>	<u>Adjacent Use</u>	<u>Measuring Site</u>
55	Residential District	Common Lot Line
55	Residential Recreational Districts	Common Lot Line
55	Mobile Home Parks and Subdivisions	Common Lot Line
65	Commercial Districts	Common Lot Line
65	Commercial Recreational Districts	Common Lot Line
70	Agricultural Residential	Common Lot Line
70	Industrial District	Common Lot Line
70	Maximum Sound Level	Lot Line Or Street

G) Vibration

No operation shall cause a seismographic displacement exceeding three-thousandths (0.003) of one inch measured at the property line.

H) Erosion

Plans for management of surface water shall be reviewed, evaluated and approved by the Zoning Administrator and the County Soil Erosion Inspector.

I) Traffic

Traffic access and control patterns and devices shall be reviewed, evaluated and approved by the County Road Engineer.

J) Water supply, consumption and wastewater pollution

- 1) It is the intent of the foregoing standards to prevent injury, detriment, or nuisance to the public, persons or proeprty.
- 2) Engineering evaluation of proposed development in commercial and industrial districts in relation to Site Development Standards may be required at the owner's expense when required by the Planning Commission.
- 3) Adequate greenbelts and/or screening barriers shall be established and maintained between unlike district boundaries and between developed industrial sites. They may be required between developed commercial sites.

**3.21.00 RESERVED FOR EXPANSION**

**3.22.00 PERMIT AND SITE PLAN REQUIRED**

**3.22.01 Land Use Permit**

No use of land, nor any building, structure or mobile home shall be erected, altered, or moved upon any premises until the owner of said premises has made written application to the Zoning Administrator for a land use permit. If the Zoning Administrator finds from the application that the provisions of this Ordinance and other legal requirements are met, including provisions for a safe water supply and safe drainage disposal, then a permit shall be issued, otherwise it shall be denied.

#### 3.22.02 **Performance Guarantee**

- A) To ensure compliance with the provisions of this ordinance and any conditions which may be imposed by administrative action, the Zoning Administrator, the Planning Commission, the Board of Appeals or the Township Board may require the deposit of cash, certified check, irrevocable bank letter of credit or surety bond or some other acceptable performance guarantee be deposited with the Township Clerk whenever a Special Land Use or Variance is granted, or when a permit is issued for improvements to property other than residential.
- B) The cash deposit, along with accrued interest, shall be rebated bi-monthly, with the Township retaining an amount estimated to be 10% greater than the remaining project completion costs. The entire deposit shall be returned within 60 days of satisfactory completion to be determined by Zoning Administrator approval.

#### 3.22.03 **Site Plan**

- A) Every application for a land use permit shall be accompanied by a site plan showing the location of existing and proposed buildings, structures, water supply and septic system and the distance of each from property lines.
- B) Site plans shall be initially reviewed as follows:
  - 1) The Zoning Administrator shall review site plans submitted for currently conforming uses.
  - 2) The Planning Commission and the Township Board shall review site plans concerned with rezoning.
  - 3) The Planning Commission shall review site plans submitted with Special Land Use requests.
  - 4) The Board of Appeals shall review site plans submitted with requests for Variances and appeals from Special Land Use requests and Zoning Administrator's decisions.
- C) The site plan, as approved, shall become part of the record of approval, and subsequent actions relating to the activity shall be consistent with the approved site plan, unless a change conforming to the zoning ordinance receives the mutual agreement of the landowner and the individual or body which initially approved the site plan.

#### 3.22.04 **Permit Fee**

The fee established by the Township Board by resolution shall accompany the application.

#### 3.22.05 **Commencement and Completion**

Upon issuance of a permit, the applicant shall commence and diligently pursue the activity described in the application and upon failure to do so, the permit shall expire three (3) months from the date of issuance; thereafter, an additional permit shall be required and obtained. The exterior structure (eg roof, conventional siding, windows, etc.) shall be completed within one year of issuance of the permit.

### 3.23.00 PUBLIC UTILITY BUILDINGS

The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, communication, steam or water transmission or distribution systems including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health, safety or general welfare, shall be permitted in every zoning district as authorized and regulated by other laws and ordinances, it being the intention hereof to exempt such structures, systems and facilities from the application of this ordinance, provided, that such exemption shall not include buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment.

### 3.24.00 SECTION AND QUARTER SECTION LINES

No building shall be erected within one hundred eight (108) feet of any section or quarter section line, it being the intent of this section to keep sixty-six (66) feet clear for future road purposes and a setback of one hundred eight (108) feet from the center of any road.

### 3.25.00 SIGNS

#### 3.25.01 General

Outdoor advertising signs shall be permitted, subject to the following restrictions:

- A) In Residential (R), Residential Recreational (R-R), Mobile Home Parks or Subdivisions (MHS) or Agricultural-Residential (A-R) not more than one (1) sign of not larger than nine (9) square feet in area.
- B) Commercial, Commercial-Recreational or Industrial property may utilize up to two (2) signs, each of which shall not be larger than thirty-five (35) square feet of total area.
- C) Signs of larger total size or quantity than designated in Section A and B may be allowed only when specifically approved by the Planning Commission as a Special Land Use.
- D) Outdoor advertising signs shall not be placed nearer any highway, street or road than the line of the public right-of-way and such sign shall not obscure traffic vision or create a hazard to the public safety. Signs affixed to any building shall not project more than three (3) feet therefrom.
- E) Any illuminated sign or display shall be non-rotating and non-blinking and of low enough light intensity that it will not interfere with the vision of persons on highways, streets or roads nor be an annoyance to neighbors.

### 3.26.00 STORAGE YARDS

No land or premises shall be used as a storage yard as herein defined except by approval of the Planning Commission as provided in Section 8.020 of this Ordinance.

### 3.27.00 SUBDIVISIONS

All lands situated in recorded plats or subdivisions shall be subject to the following restrictions, conditions and limitations, notwithstanding that the restrictions, conditions, and limitations of the zoning district where they are situated may differ from the following:

#### 3.27.01 Yards

- A) Front Yards

Twenty-five percent (25%) of the lot with a minimum of twenty-five (25) feet from the front lot line.

B) Side Yards

If a lot is one hundred (100) feet or more in width, then at least ten (10) feet on either side and if less than one hundred (100) feet in width, then twenty percent (20%) of the width with a minimum of five (5) feet on each side.

C) Rear Yards

Ten (10) feet in depth. The depth of rear yard abutting upon a street shall not be less than the depth of a front yard required for a building of the same size and kind on the adjoining lot fronting such rear street.

### 3.28.00 SWIMMING POOLS AND PONDS

#### 3.28.01 **Permits, general**

This section applies to all man-made ponds, in-ground pools and above-ground pools. A land use permit shall be required for those utilizing electrical service or requiring more than three (3) feet of excavation. A Site Plan is required. Swimming pools and ponds shall be exempt from land use permit fees.

#### 3.28.02 **Setback and Safety Provisions**

- A) All swimming pools and man-made ponds shall be located in the rear or side yard, not less than five (5) feet from the rear and side lot lines.
- B) All electrical installations or wiring in connection with swimming pools shall conform to the provisions of the National Electrical Code.
- C) If service drop conductors or other utility wires cross under or over a proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the re-location thereof before a permit shall be issued.
- D) No portion of a swimming pool, pond or associated structure shall be permitted to encroach upon any easement or right-of-way which has been granted for public utility use.

### 3.29.00 TEMPORARY DWELLINGS

No person may erect or occupy a temporary dwelling on any lot except as hereinafter provided:

- A) A building, including a basement home, which does not comply with the area requirements of its district may be occupied as a temporary dwelling for a period of not more than six (6) months if construction of a permanent dwelling is actually under way and in active progress during occupancy of such temporary dwelling. One (1) consecutive additional six (6) month period of occupancy may be granted at the discretion of the Board of Appeals.
- B) In the event that any person shall reside in any such temporary dwelling for a period of more than eighteen (18) months and has had extensions granted by the Board of Appeals for the additional periods, the Zoning Administrator, the Planning Commission, the Township Board, any delegated official or any interested party may proceed to have such extended use abated as a nuisance, or may enforce this Ordinance by other means herein provided.
- C) The Board of Appeals may permit the use of a house trailer or mobile home as a temporary accessory dwelling to a permanent dwelling. No more than one temporary structure or mobile home may be used and occupied as such accessory dwelling and then only if the occupants of such trailer have access to and the unlimited use of sanitary facilities of the permanent dwelling.

- D) The use of tents as a temporary dwelling in connection with recreational activities may be permitted upon application to the Board of Appeals showing that the necessary and proper health, sanitation, plumbing and fresh water facilities are provided.
- E) The Board of Appeals may permit on application the use of a trailer as a temporary dwelling with dimensions less than 12 x 50 for a period of 6 months when the occupant of said trailer is definitely engaged in the erection of a permanent dwelling on said lot and when necessary and proper health, sanitation, plumbing and fresh water facilities are provided. If substantial progress has been made toward completion of the building, the Board of Appeals may grant an extension for six months.
- F) One (1) travel trailer, or motor home at each dwelling brought by visitors for traveling purposes may be occupied and allowed for thirty (30) days if the visitors occupying said trailer use the sanitary facilities of the dwelling of the property owner or occupants there visiting, or make other suitable provisions for sanitary facilities.

### 3.30.00 TRANSITION ZONING

#### 3.30.01 Lots in two districts

Where a district boundary line as established in this Ordinance or as shown on the Zoning Map divides a lot which was in single ownership and of record at the time of this Ordinance, the use thereon and the other district requirements applying to the least restricted portion of such lot under this Ordinance shall be considered as extending to the entire lot, provided the more restricted portion of such lot is entirely within ten (10) feet of said dividing district boundary line. The use so extended shall be deemed to be conforming.

#### 3.30.02 Lots in Commercial or Industrial Districts Adjacent to a Residential Zone

Where a lot in a Commercial, Commercial Recreational or Industrial district abuts a lot in a Residential district or Residential Recreational district there shall be provided along such abutting lines a yard equal in width or depth to that required in the residential district.

#### 3.30.03 Front Yard Transition

Where the frontage on one side of a street between two intersecting streets is zoned partly as residential and partly as commercial or industrial, the front yard depth in the commercial or industrial district shall be equal to the required front depth of the residential district.

#### 3.30.04 Corner Lot Transition

On every corner lot in residential subdivisions created after the enactment of this ordinance, there shall be provided on the side street a side yard equal in depth to the required front yard depth on said side street.

#### 3.30.05 Garage Entrances

No public or private garage for more than five (5) motor vehicles shall have an entrance or exit for motor vehicles within forty (40) feet of a residential district.

#### 3.30.06 Parking Lots and Driveways Abutting Residential Zones

Whenever a parking lot or a driveway to a parking lot is hereafter established in other than a residential district so as to abut the side or rear line of a lot in a residential district a solid masonry wall, or a substantial view obstructing fence not less than three (3) feet high and not more than eight (8) feet high, shall be constructed and maintained along said side or rear lot line up to, but not beyond, the setback building line. In addition, in all use districts, the lighting, including any permitted illuminated sign, on any parking lot or driveway shall be arranged so that there will be no annoying glare directed or reflected toward residential buildings or residential districts.





### 3.31.00 UNSIGHTLY VENTURES

#### 3.31.01 Barriers required

- A) Unsightly ventures, including landfills, sand and gravel pits, open pit mines, dumps, junkyards, storage yards and unsightly industrial uses, shall be concealed from the view of the passing public.
- B) The concealing barrier shall be at least eight (8) feet in height above normal property grade level.
- C) The barrier may be a thickly planted green strip of at least fifteen (15) feet in width, an earthen berm, it may be a solid fence or a combination of the three. If a fence, it shall be well maintained and painted one solid color.
- D) A citation or order of non-compliance with this section (issued by the Zoning Administrator) may be appealed to the Board of Appeals, which shall make a review and determination after a public hearing.

### 3.32.00 UNUSED AUTOMOBILES AND VEHICLES

If any outdoor premises contain two or more non-functional, unused or dismantled automobiles, trucks or other self-propelled vehicles for a period of thirty (30) days consecutively, the owner shall comply with the provisions of Section 3.10.00 (Junkyards) and 8.04.00 (Special Land Uses), or shall remove said vehicles on request of the Zoning Administrator. Automobiles or other vehicles that do not bear a current state license plate shall be presumed to be unused.

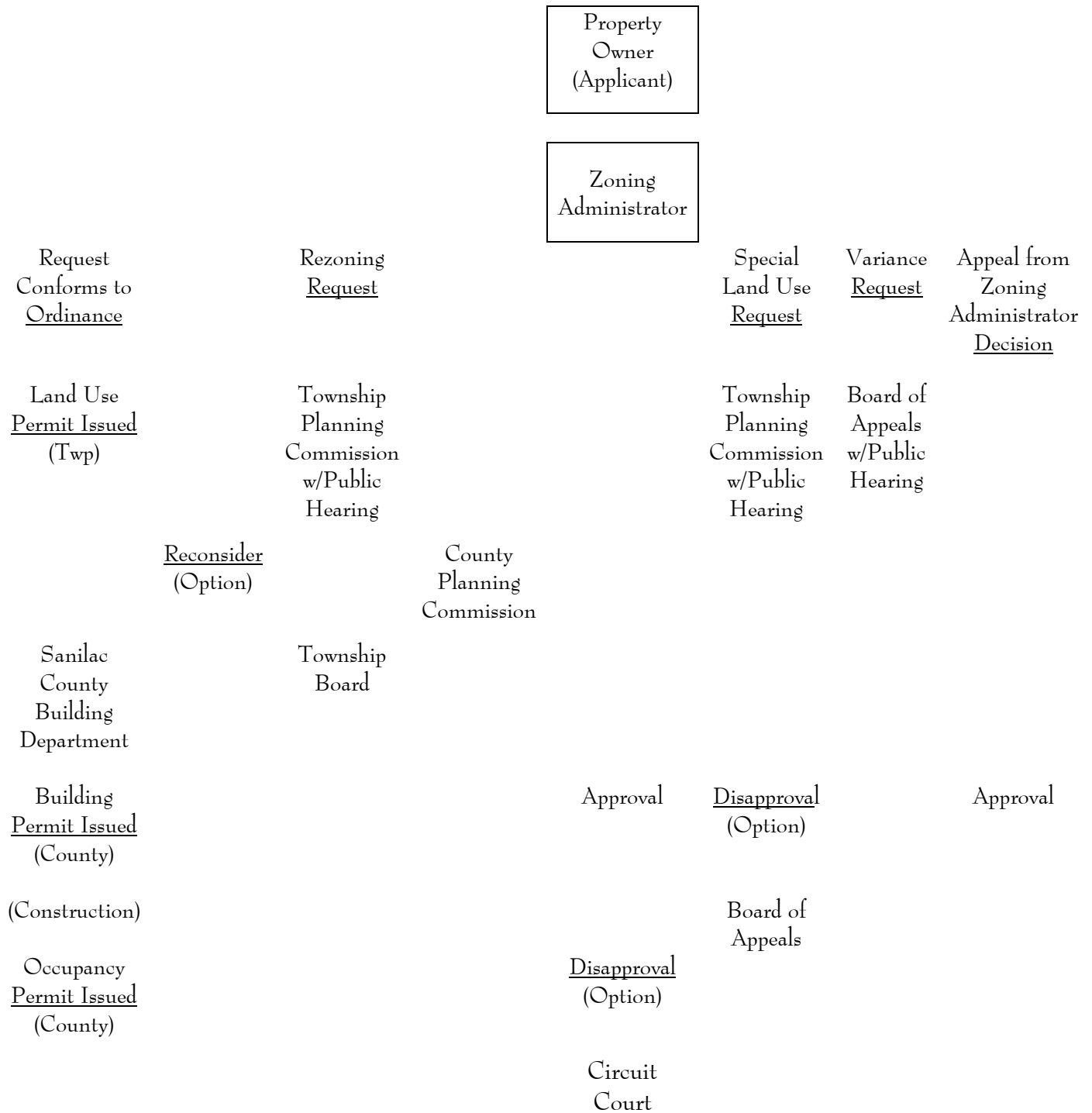
Non-functional or dismantled automobiles, trucks, vans, trailers or other vehicle shall not be used for purposes (housing livestock, storage, etc.) other than that originally intended.

### 3.33.00 WATER SUPPLY AND SEWAGE DISPOSAL

A land use permit shall be contingent upon the approval of the water supply and sewage disposal systems by Sanilac County's Department of Health, or other appropriate official government authority. (See 3.22.06)

ARTICLE IV  
**ADMINISTRATION**

4.00.00 The administration processing of applications specified in Articles V, VI, VII and VIII generally follow the chart shown by Section 4.01.00.



**Diagram 4.01.00 Administrative Processing**

ARTICLE V  
ADMINISTRATION AND FEES

**5.00.00 ZONING ADMINISTRATION**

The provisions of this Ordinance shall be administered and enforced by a Township Zoning Administrator. He/she shall be appointed by the Forester Township Board for such term and subject to such conditions and at such compensation as the Township Board shall determine as reasonable.

**5.00.01 The Township Zoning Administrator shall:**

- A. Process applications for land use permits and review related site plans (See Article III).
- B. Issue permits when proper.
- C. Inspect parcels of land for which permits are requested, including high risk erosion and flood hazard districts (see Section 9.10.00).
- D. Send written notification of any violation of this Ordinance to the owner of the property at issue.
- E. Initiate stop-work orders on violating construction project(s).
- F. Advise the various Township boards on matters of land use.
- G. Maintain the official Township Zoning Map and compile a list of legal descriptions (by use district) of all parcels of realty rezoned pursuant to actions of the Township Board.
- H. Testify at any legal proceedings regarding this Ordinance.

5.00.02 The Zoning Administrator shall not make changes in this Ordinance or vary its terms, in carrying out his/her duties.

5.00.03 In the absence of the Zoning Administrator, the Township Supervisor, assistant of the Zoning Administrator or a designated member of the Planning Commission shall have the authority and power to process applications for land use permits and to issue such permits, if the application meets ordinance requirements.

**5.01.00 FEES**

The Forester Township Board shall, by resolution, set all fees concerned with administration and enforcement of this Ordinance.

ARTICLE VI  
PLANNING COMMISSION

**6.01.00 CREATION OF PLANNING COMMISSION**

Pursuant to the provisions of Michigan Zoning Enabling Act (MZEA) P.A. 110 of 2006, MCL 125.3101, et seq. and the Michigan Planning Enabling Act, P.A. 33 of 2008, MCL 125.3801, et. seq., Forester Township hereby creates the Forester Township Planning Commission.

**6.02.00 PURPOSE**

The purpose of the Forester Township Planning Commission shall be to make, adopt, extend, add to or otherwise amend, and to carry out plans for the unincorporated portions of the township and, as provided in Michigan Zoning Enabling Act (MZEA) P.A. 110 of 2006, MCL 125.3101, et seq., to promote public health, safety and general welfare; to encourage the use of resources in accordance with their character and adaptability; to avoid the overcrowding of land by buildings or people; to lessen congestion on public roads and streets; to facilitate provision for a system of transportation, sewage disposal, safe and adequate water supply, recreation and other public improvements; and to consider the character of each township and its suitability for particular uses judged in terms of such factors as the trend in land and population development. The Planning Commission shall also assume the responsibilities of the Forester Township Zoning Board as provided by the Michigan Planning Enabling Act, P.A. 33 of 2008, MCL 125.3801, et. seq. and the Forester Township Zoning ordinance.

**6.03.00 MEMBERSHIP**

**6.03.01 Seven member panel**

The Forester Township Planning Commission shall consist of seven (7) members who are representative of the major interests in the township.

**6.03.02 *Ex Officio* member**

One member of the Board of Trustees shall serve, *ex officio*, on the Planning Commission.

**6.03.03 Appointment**

All members shall be appointed by the supervisor with the approval of the Township Board.

**6.03.04 Removal**

Members may be removed by the township supervisor, after a hearing, with the approval of the township board.

**6.03.05 Term of office**

The term of each member shall be for 3 years, except that of the members first appointed, 3 shall serve for 1 year, 2 for 2 years and 2 for 3 years.

**6.03.06 Successor in office**

A successor shall be appointed not more than 1 month after the term of the preceding commission member has expired.

**6.03.07 Vacancies in office**

All vacancies for unexpired terms shall be filled for the remainder of such term.

**6.04.00 COMPENSATION**

Members of the planning commission may be compensated for their services as provided by the township board in the annual fee resolution.

## 6.05.00 DUTIES OF THE PLANNING COMMISSION

### 6.05.01 Planning and zoning

As provided in the purposes clause, the Planning Commission shall, in its advisory capacity, make, adopt, extend, add to or otherwise amend, and to carry out plans for the unincorporated portions of the township and assume the administrative responsibilities of the Forester Township Zoning Board.

#### A) Basic plan

The planning commission shall make and adopt a basic plan as a guide for the development of unincorporated portions of the township or any district thereof. The basic plan shall include:

- 1) Maps, plats, charts and descriptive, explanatory and other related matter and shall show the planning commission's recommendations for the physical development of the unincorporated area of the township.
- 2) Those of the following subjects which reasonably can be considered as pertinent to the future development of the township:
  - a) A land use plan and program, in part consisting of a classification and allocation of land for agriculture, residence, commerce, industry, recreation, ways and grounds, public buildings, schools, soil conservation, forest, wild life refuges and other uses and purposes.
  - b) The general location, character and extent of streets, roads, highways, railroads, bridges, waterways and water front developments; flood prevention works, drainage, sanitary sewers and water supply systems, works for preventing pollution and works for maintaining water levels; and public utilities and structures.
  - c) Recommendations as to the general character, extent and layout for the redevelopment or rehabilitation of blighted districts and slum areas; and the removal, relocation, widening, narrowing, vacating, abandonment, changes or use or extension of ways, grounds, open spaces, buildings, utilities or other facilities.
  - d) Recommendations for implementing any of its proposals.

#### B) Consultation

The planning commission shall consult, in respect to its planning, with representatives of adjacent townships; with the county planning commission, if any; with any representatives of incorporated municipalities within the township; and with the regional planning commission, if any.

#### C) Resources

The planning commission may make use of expert advice and information which may be furnished by appropriate federal, state, county, and municipal officials, departments, and agencies having information, maps, and data pertinent to township planning.

#### D) Hearing on master plan

- 1) Before the adoption of the plan or any part, amendment, extension, or addition to the plan, the planning commission shall hold at least 1 public hearing thereon.
- 2) Notice of the hearing shall be given by one (1) publication in a newspaper of general circulation in the township not less than fifteen (15) days before the date of the hearing

E) Adoption of master plan

- 1) The planning commission by majority vote of its membership may adopt the basic plan as a whole by a single resolution, or may by successive resolutions adopt successive parts of the plan, the parts corresponding with major geographical sections or divisions of the township or with functional subdivisions of the subject matter of the basic plan, and may adopt any amendment or extension thereof or addition thereto as herein provided.
- 2) Following the adoption of the basic plan or any part thereof, the planning commission shall transmit a copy of the plan to the township board and to the county planning commission for approval.

6.05.02 **Procedure**

A) Officers

- 1) The planning commission shall elect a chairperson, vice-chairperson, and secretary from its members and shall create and fill other offices or committees as it considers advisable.
- 2) The term of each officer shall be 1 year.

B) Advisory Committees

The planning commission may appoint advisory committees outside of its membership.

C) Meetings

1) *Regular meetings*

The planning commission shall hold not less than 4 regular meetings each year, and by resolution shall determine the time and place of the meetings.

2) *Special meetings*

A special meeting may be called by:

- a) 2 members upon written request to the secretary
- b) By the chairperson, or
- c) Pursuant to requests under the zoning ordinance

The secretary shall send written notice of a special meeting to commission members not less than 48 hours in advance of the meeting.

3) *Open Meetings*

- a) The business which the planning commission may perform shall be conducted at a public meeting of the planning commission held in compliance with Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws
- b) Public notice of the time, date, and place of a regular or special meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976.

6.05.03 **Planning personnel, contracts and expenses**

The township board, upon recommendation of the planning commission, may

- A) Employ a planning director or other planning personnel,
- B) Contract for the services of planning and other technicians, and
- C) Pay or authorize the payment of expenses within the funds budgeted and provided for planning purposes.

6.05.04 **Rules, records and reports**

The planning commission shall:

- A) Adopt rules for the transaction of business,
- B) Keep a public record of its resolutions, transactions, findings, and determinations,

- C) Make an annual written report to the township board concerning its operations and the status of planning activities, including recommendations regarding actions by the township board related to planning and development. A writing prepared, owned, used, in the possession of, or retained by the planning commission in the performance of an official function shall be made available to the public in compliance with Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

**6.05.05 Travel compensation**

The planning commission may make and administer regulations relative to compensation for the travel of its members and employees when engaged in the performance of activities authorized by the township planning commission, including attendance at conferences and meetings.

**6.05.06 Annual budget**

The planning commission shall prepare a detailed budget and submit same to the township board for approval or disapproval.

**6.06.00 FUNDING**

**6.06.01 Appropriation and grant match**

The township board may annually appropriate and make available funds for carrying out the purposes and functions permitted under this act, and may match township funds with federal, state, county or other local government or private grants.

**6.06.02 Grants**

The township board may accept and use gifts and grants for planning commission purposes. Money so accepted shall be deposited with the township treasurer in a special nonreverting planning commission fund for expenditure by the planning commission for the purpose designated by the donor. The township treasurer shall draw warrants against the special nonreverting fund only upon vouchers signed by the chairman and secretary of the planning commission and upon orders drawn by the township clerk.

**6.06.03 Limitation on expenditures**

The expenditures of the planning commission, exclusive of gifts and grants, shall be within the amounts appropriated by the township board.



ARTICLE VII  
**BOARD OF ZONING APPEALS**

**7.00.00 CREATION**

There is hereby created a Board of Zoning Appeals which shall perform its duties and exercise its powers as provided by Michigan Zoning Enabling Act (MZEA) P.A. 110 of 2006, MCL 125.3101, et seq., as amended, and by the provisions of this Ordinance, to the end that the objectives of this Ordinance are observed, public safety, health, morals and general welfare secured and substantial justice done.

**7.01.00 MEMBERSHIP**

**7.01.01 Three Members**

The Board of Appeals shall consist of three (3) members:

- A. The Chairman of the Township Planning Commission;
- B. A member of the Township Board; and
- C. One person appointed by the Township Board from among the electors residing in the township.

**7.01.02 Exclusion of Township Officers and Employees**

No elected officer of the township, nor any employee or contractor thereof, shall serve as a member or as an employee of the Board of Appeals, with the exception of the Township Board member.

**7.01.03 Qualifications**

The members shall be representative of the population distribution and the various interests present in the Township.

**7.01.04 Officers**

The member of the Board of Appeals who has been appointed by the Township Board from the electors at large shall serve as chairperson. The Board of Appeals shall elect from its membership a secretary or such other officers or committees deemed necessary.

**7.01.05 Removal**

Members of the Board of Appeals shall be removable by the Township Board for nonperformance of duty or misconduct in office upon written charges and after a public hearing. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest shall constitute misconduct in office.

**7.02.00 TERMS OF MEMBERS AND OFFICERS**

**7.02.01 Three Year Terms**

The members shall be appointed for a term of three (3) years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of the Planning Commission or Township Board, respectively, and the period stated in the resolution appointing them.

**7.02.02 Staggered Terms**

When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms.

#### **7.02.03 Succession**

A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for un-expired terms shall be filled for the remainder of the term.

#### **7.03.00 COMPENSATION**

The total amount allowed the Board of Zoning Appeals in any one (1) year as per diem or as expenses actually incurred in the discharge of their duties shall not exceed a reasonable sum which shall be appropriated annually in advance by the township board.

#### **7.04.00 MEETINGS AND HEARINGS**

##### **7.04.01 Meetings**

- A. All meetings shall be posted in compliance with the Open Meetings Act (1976 PA 267).
- B. The chairperson of the Board of Appeals, or any two (2) board members may call a meeting for election of officers, to act on questions in administration or interpretation of the zoning ordinance and to act on such other matters as outlined by this Ordinance or Michigan Zoning Enabling Act (MZEA) P.A. 110 of 2006, MCL 125.3101, et seq., as amended.
- C. The Board of Appeals shall not conduct business unless at least two (2) members of the Board are present.

#### **7.05.00 HEARINGS BY BOARD OF ZONING APPEALS**

The Board of Appeals shall hold public hearings as often as required to hear appeals made from decisions of the Zoning Administrator and Planning Commission or requests for variances as set forth in this ordinance in Section 8.05.00.

#### **7.06.00 HIGH RISK VARIANCES**

Any variance granted for land located in a Flood Hazard or High Risk Erosion Area shall, before it becomes effective, be submitted to, and receive the approval of the Michigan Department of Natural Resources under the provisions of 1970 PA 245 Section 10 (MSA 13.1840, MCL 281.640)

#### **7.07.00 WHEN VARIANCE ALLOWED**

The Board of Appeals may grant a "variance" from the strict interpretation of this ordinance when such variance is deemed necessary for the preservation of a substantial property right belonging to other property in the same district, when it finds unique circumstances or hardship controlling and when the granting of such a variance will not be materially detrimental to the public welfare not injurious to the property or improvements in the vicinity or district in which the property of the applicant is located. The Board of Appeals shall follow the preliminary procedures outlined in section 8.05.00

#### **7.08.00 GUIDELINES AND FACTORS**

As with hearings for Special Land Use permits requiring the approval of the Planning Commission, the Board of Appeals shall be guided by the same considerations as for other appeals and by Article VIII and the Sections thereof, and considerations such as outlined by Section 10.03.00 of this Ordinance.

### **7.09.00 DELIBERATION**

After hearing all persons concerned with a particular appeal, the Board of Appeals may immediately grant or deny the request or it may table the appeal for a further hearing or investigation. Whenever the Board of Appeals does not give an immediate decision or postpones the hearing until a later date, the decision of the Board of Appeals shall be communicated to all interested persons who request the same in writing.

### **7.10.00 DECISION FINAL**

The decision of the Board of Appeals shall be final. (MSA 5.2963(23a)). A record of the proceedings shall be kept on all appeals to establish the Board's compliance with:

- A) Constitution and laws of this State,
- B) Appropriate procedure,
- C) Requirement of competent material and substantial evidence,
- D) Requirement of reasonable exercise of discretion.

ARTICLE VIII  
GENERAL EXCEPTIONS AND RESTRICTIONS

**8.00.00 PRE-EXISTING NON-CONFORMING USES (MSA 5.2963(1))**

**8.00.01 Non-Conforming Uses-Buildings and Structures**

A. Prior Lawful Use

The lawful use of any land, buildings or structures existing on the date of enactment of this Ordinance may be continued at the option of the owner thereof, although such use does not conform with the provisions of this Ordinance.

B. Discontinuance of Non-Conforming Uses

If the non-conforming use of any parcel of land, building or structure is discontinued or abandoned through vacancy, lack of operation or otherwise for a continuous period of six (6) months, then any further use thereof shall conform to the provisions of this Ordinance.

C. Completion of Non-Conforming Buildings and Structures

Nothing in this Ordinance shall require any change in the construction or intended use of a building or structure, if construction has been diligently pursued within ten (10) days of the passage of this Zoning Ordinance and a land use permit application has been filed with the Zoning Administrator within thirty (30) days following the effective date of this Ordinance.

D. Structural Alterations

Structural alterations made in a non-conforming building shall not during its life exceed sixty percent (60%) of the assessed value, nor shall the building be enlarged except as provided for in section 8.00.01(E) unless the use therein is changed to a conforming use. However, a non-conforming building damaged by fire, explosion, tornado, earthquake or similar uncontrollable cause to an extent of not more than fifty percent (50%) of its value may be repaired or rebuilt within one (1) year of the date of such damage, but not thereafter.

E. Extension of Non-Conforming Uses

Extension of any non-conforming use within a building, or in adding to any building, for the purpose of extending a non-conforming use shall be permitted only upon variance approval of the Board of Appeals after a public hearing.

**8.01.00 SPECIAL LAND USE HEARING AND NOTICE**

Upon receipt of an application for a Special Land Use, in not less than fifteen (15) days before the hearing:

8.01.01 Notice that such a request has been received shall be published in a newspaper which circulates in the Township, and

8.01.02 Notice shall be posted, sent by mail or delivered personally as follows:

A. To the owners of property for which the Special Land Use is being considered, and

B. To all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and

C. To the occupants of all structures within 300 feet. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals,

partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

D. Posted on the property at least fifteen (15) days before public hearing.

**8.01.03 The notice shall:**

A. Describe the nature of the Special Land Use request.

B. Identify the property which is the subject of the Special Land Use request.

C. State when and where the Special Land Use request will be considered at a public hearing.

D. Indicate when and where written comments will be received concerning the request.

**8.02.00 SPECIAL LAND USE GUIDELINES**

The Planning Commission shall review the particular circumstances and facts of the proposed Special Land Use in the light of the provisions of this Ordinance, health and sanitation, common welfare and safety of the community, as well as the uses prevalent in the area. Factors which must be considered in relation to the intent and purpose of this Ordinance include: conditions of operation, design, site plan, equipment employed, performance standards, size and frequency of use, traffic volume and flow, population density, parking processes, environmental impact, drainage, service to and compatibility with the community, as well as the considerations outlined by Section 10.03.00 of this ordinance.

**8.03.00 DECISION OF PLANNING COMMISSION**

The Planning Commission may approve, approve with conditions, or deny, a request for a Special Land Use. The Planning Commission shall issue a statement describing the decision, the basis for the decision and any conditions imposed on the Special Land Use.

**8.04.00 SPECIAL LAND USES (Requiring Approval of the Planning Commission after a public hearing)**

In addition to other uses requiring approval of the Planning Commission, as set forth in this Ordinance, the following uses also shall require approval of the Planning Commission after a public hearing:

A. Reservoirs, catch basins, aeration fields, ponds used for the dumping of wastes or any other materials or liquids from any commercial or industrial enterprise.

B. Fertilizer manufacturing plants.

C. Slaughter houses, transfer stations and rendering plants.

D. Private airports or aircraft launching and landing pads or strips.

E. Fish smoking or curing.

F. Food processing plants.

G. Migrant workers camps.

H. Sewage disposal plants.

I. Campgrounds.

J. Marinas or boat liveries.

K. Junkyards

L. Open storage yards whether principal or accessory use.

M. Gravel pits, sand mines and open pit mines.

- N. Landfills.
- O. Theaters.
- P. Stadiums or arenas.
- Q. Adult book stores.
- R. Recreational facilities (e.g.. pool halls, video arcades, games of skill, etc.) utilizing 4 or more devices.
- S. Open air markets (eg flea markets, farmer's markets, etc.)
- T. Amusement and recreation parks
- U. Churches
- V. Public and community assembly buildings
- W. Schools
- X. Hospitals, clinics and sanitariums
- Y. Cemeteries
- Z. Funeral homes and mortuaries
- AA Hotels and motels
- BB. Tourist homes and rooming houses
- CC. New and used automobile sales lots
- DD. Motor vehicle repair shops
- EE. Multi-family dwellings
- FF. Boat sales, repair or storage yards
- GG. Playgrounds
- HH. Gasoline and oil service stations
- II. Combustible or toxic material storage structure or yards
- JJ. Bars and taverns
- KK. Certain roadside stands
- LL. Open air assembly of more than 300 people
- MM. Any use not specifically set forth in this ordinance.

**8.05.00 VARIANCES** (Reference MSA 5.2963(20))

The Board of Appeals is exclusively responsible for determination of Variances as outlined by Article VII and defined by Section 7.07.00.

THE CRUCIAL POINTS OF A VARIANCE ARE UNDUE HARDSHIP AND UNIQUE CIRCUMSTANCES APPLIED TO PROPERTY. A VARIANCE IS NOT JUSTIFIED UNLESS THESE ELEMENTS ARE PRESENT IN THE CASE. A VARIANCE MAY BE AUTHORIZED ONLY BY THE BOARD OF APPEALS. THE DECISION OF THE BOARD OF APPEALS SHALL BE FINAL.

**8.05.01 Variance Application and Fee**

Application for a Variance shall be made to the Zoning Board of Appeals and shall be accompanied by the fee annually established by the Forester Township Board.

**8.05.02 Application Contents**

An application for a Variance shall at a minimum contain:

- A. A statement that the applicant(s) is the owner(s) of the property involved, or is acting in the owner's behalf with the owner's written authorization.
- B. A legal description of the property involved.
- C. An accurate diagram of said property showing the existing and proposed location of all buildings and structures thereon. (Site Plan)

- D. The design and uses of the existing and proposed buildings and structures.
- E. A statement in support of the request for the Variance regarding the specifics of the "undue hardship" or "unique circumstances" which are the basis of the request.

#### 8.05.03 Variance Hearing and Notice

Upon receipt of an application for a variance, in not less fifteen (15) days before the hearing:

- A. Notice that such a request has been received shall be published in a newspaper which circulates in the Township, and
- B. Notice shall be posted, sent by mail or delivered personally as follows:
  - 1) To the owners of property for which the Variance is being considered, and
  - 2) To all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and
  - 3) To the occupants of all structures within 300 feet. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
  - 4) Posted on the property at least fifteen (15) days before public hearing.
- C. The notice shall:
  - 1) Identify and describe the property which is the subject of the Variance request.
  - 2) Describe the nature of the Variance request.
  - 3) State the date, time and place that the Variance request will be considered at a public hearing.
  - 4) Indicate the date, time and place that written comments will be received concerning the request.

#### 8.05.04 Decision of Board of Appeals

The Zoning Board of Appeals may approve, approve with conditions or deny a request for a Variance under the provisions of Section 7.07.00.

ARTICLE IX  
ESTABLISHMENT OF DISTRICTS

**9.00.00 TYPES**

The unincorporated area of the Township of Forester, Sanilac County, Michigan, is hereby divided into eight (8) districts designated:

R	Residential	(9.03.00)
RR	Residential/Recreational	(9.04.00)
A-R	Agricultural - Residential	(9.05.00)
MHS	Mobile Home Subdivision	(9.06.00)
C	Commercial	(9.07.00)
CR	Commercial/Recreational	(9.08.00)
I	Industrial	(9.09.00)
HRE	High Risk Erosion Overlay	(9.10.00)

**9.01.00 MAPS**

The boundaries of districts or zones are shown upon the Official Zoning Map (located in the Township office) and maps attached hereto and designated as zoning maps. Zoning maps and all notations, references and other information appearing thereon are hereby declared to be a part of this ordinance and of the same force and effect as if the Districts were fully set forth by metes and bounds description.

**9.02.00 BOUNDARIES OF ZONED DISTRICTS**

For determination of the boundaries of districts shown on the zoning maps, the following rules shall apply:

- 9.02.01 Where boundaries are indicated as following, or approximately following, street and alley lines, the street or alley centerlines shall be construed to be the boundaries.
- 9.02.02 Where boundaries are indicated as following, or approximately following, lot lines or plot lines, the lot line or plot line shall be construed to be the boundary.
- 9.02.03 The Board of Appeals shall, upon application or upon its own motion determine the location of boundaries in cases where uncertainty exists.

**9.03.00 RESIDENTIAL (R) DISTRICTS**

The following shall apply for all Residential Districts:

**9.03.01 Use Types**

A) Permitted Types

- 1. Single or two-family dwellings and buildings accessory thereto, but excluding tents, recreation vehicles, trailer coaches, and motor homes, except as otherwise provided in this Ordinance.
- 2. A home occupation in a dwelling used by the applicant as a residence. Such use shall not involve any extension or modification of the dwelling, which will alter its outward appearance as a dwelling. Signs to advertise such use shall be in compliance with Section 3.25.00. No more than one-third of the total dwelling area shall be used for such purposes. The home occupation shall not employ non-family members. It must comply with parking provisions of Section 3.18.00.
- 3. Mobile homes as defined in Article III.



- B) Special Land Uses (requiring approval of Planning Commission after Public Hearing)
1. Multi-family dwellings - meaning dwellings with more than two basic living units (eg. apartment house).
  2. Playgrounds.
  3. Public or Community assembly buildings.
  4. Churches and schools.
  5. Tourist homes and Rooming Houses.
  6. Second dwelling on a parcel of property. Must be integrally independent unit and comply with all requirements including setbacks, floor area, height, lot size minimums, etc. Access and future uses must also be considered.
  7. Privacy fences or any fence exceeding 48" in height.
- C) Prohibited Uses
1. Raising or harboring of horses, cattle, sheep, swine, mules, burros, goats, or poultry.
  2. Keeping or maintaining more than two dogs per dwelling.
  3. Foster Care Facilities for more than six patients/clients.
  4. Camps, adult and/or juvenile detention or correction facilities.
  5. Any use not otherwise permitted as zoned, or allowed as a Special Land Use or Variance.

#### 9.03.02 Minimum Lot Area

Minimum lot area shall be twenty thousand (20,000) square feet with a minimum frontage of one hundred (100) feet in all new subdivisions or newly created parcels of land.

#### 9.03.03 Driveways and Parking

Driveways shall be not less than ten (10) feet wide and at least three (3) feet from the lot line. Future subdivisions or developments are to provide all driveways on the same side of house; side to be determined by developer at the time of platting. No driveway common to two residences shall be permitted unless an easement providing for same is recorded with the Sanilac County Register of Deeds. Off-street vehicle parking, access and egress shall be provided as shown in Section 3.18.00.

#### 9.03.04 Yards

Every dwelling hereafter erected, altered or moved upon a premises shall be provided with yards having no less than the following minimum sizes:

##### A) Front Yards

1. Front yards shall be equal to the average depth of existing front yards in the block in which parcel is located.
2. In event that there are no pre-existing dwellings on the block or in a new subdivision, then the front yard shall equal 25% of the lot depth.

##### B) Side Yards (other than corner lots):

Shall be at least ten (10) feet in width on each side. No garage or accessory structure shall be located closer to the right-of-way of an abutting side street than the average setback on the abutting side street. In all cases structures shall be far enough from each line so as not to obstruct a view of traffic on the intersecting streets.

##### C) Rear Yards:

Shall be at least 25% of the total lot depth. The depth of a rear yard abutting upon a street shall not be less than the depth of a front yard required for a building of the same size and kind, on the adjoining lot fronting on such rear street.

D) Corner Lot Yards and Improvements

On any corner lot, walls, fences, hedges or accessory structures or plantings shall not rise over three (3) feet in height above the level of the road grade within twenty (20) feet of any corner so as to interfere with traffic visibility. Side yards on corner lots shall not be less than the ratio of the setback on adjacent streets.

E) Waterfront Lots or Parcels

1. Where a lot or parcel is located on the lake or waterfront, the property shall be treated as a through or double-frontage lot or parcel, and shall have the required front yards on both the street and water frontage.
2. A lot or parcel having frontage on the waterfront shall have the yard maintained on the water side as an open, unobstructed yard.
3. The building setback, as it relates to the yard along the waterfront, shall conform to the average setback established by the existing structures. In establishing the average setback based on existing buildings, a straight line shall be drawn between the adjacent buildings from the two corners that are nearest the water and closest to the proposed construction. Any new construction, structure, or part thereof shall be built behind this imaginary line. If either adjacent lot is unimproved, the building on the next improved lot having water frontage shall be used.
4. New construction, including any dwelling, structure, or part thereof, shall include any enclosed, screened, or covered porch, patio, terrace, or deck. A part of the structure shall also include an uncovered raised or unraised porch, patio, terrace, or deck with or without railings that exceeds a height of eighteen (18) inches from the average grade line to the top of the railing or decking. Any architectural elements exceeding eighteen (18) inches above the grade must also be behind this setback line.
5. Any item which creates a continuous visual obstruction such as a fence, a planter, a line of shrubbery, accessory buildings, recreational vehicles, campers, boats, or anything attached below the ground that will exceed eighteen (18) inches in height above the average grade shall not be located between the setback line and the waterfront.

**9.03.05 Fences and Buffers**

Fences, walls, shrubs or earth berm of more than three (3) feet in height above the road grade level are not allowed on any interior lot within ten (10) feet of the road right of way, where they will interfere with traffic visibility from a driveway. For those lots located on the shoreline of Lake Huron, there shall be no fences, walls, structures or shrubs which shall obstruct the field of vision between the lake and adjacent principal dwellings. All fences shall not exceed 48" in height. A request for installation of a fence higher than 48" must be approved through the Planning Commission as a Special Land Use.

**9.03.06 Signs**

Signs shall be in conformance with Section 3.25.00.

**9.03.07 Building Floor Area and Height**

A) Building Floor Area

Every one family, one story dwelling hereafter erected, altered or moved upon premises shall contain not less than seven hundred and fifty (750) square feet of floor area. However, every one family, two story dwelling, hereafter erected, altered or moved upon a premises shall contain not less than seven hundred fifty (750) square feet of total floor area and not less than 600 square feet of ground floor area. Multiple dwellings, if permitted, shall contain an equivalent minimum floor area per unit as required in two family dwellings. In no case shall minimum area include floor space in an attached garage, open porch or other attached structure.

B) Building Height

Buildings may be erected or structurally altered to a maximum height of two and one-half (2 ½ ) stories or thirty-five (35) feet. However, churches (not including steeples), public and semi-public buildings may be erected to a greater height if the building is set back from each required yard line at least one (1) more foot for each foot of additional height above thirty-five (35) feet.

9.03.08 **Accessory Buildings**

- A) No accessory building shall be erected closer to a side lot line than the permitted distance for the dwelling. However, if an accessory building is erected completely to the rear of the dwelling, it may be erected three (3) feet from the side and rear lot lines.
- B) Garages shall not exceed eighteen (18) feet in height.
- C) The total floor area of accessory structures shall not exceed four (4%) percent of the total lot area.

**9.04.00 RESIDENTIAL/RECREATIONAL (RR) DISTRICTS**

The following shall apply for all Residential/Recreational Districts:

9.04.01 **Use Types**

A) Permitted Uses

- 1. Single or two-family dwellings and buildings accessory thereto, but excluding tents, recreation vehicles, trailer coaches, and motor homes, except as otherwise provided in this Ordinance.
- 2. A home occupation in a dwelling used by the applicant as a residence. Such use shall not involve any extension or modification of the dwelling, which will alter its outward appearance as a dwelling. Signs to advertise such use shall be in compliance with Section 3.25.00. No more than one-third of the total dwelling area shall be used for such purposes. The home occupation shall not employ non-family members. It must comply with parking provisions of Section 3.18.00.
- 3. Mobile homes.

B) Special Land Uses (requiring approval of Planning Commission after Public Hearing)

- 1. Multi-family dwellings meaning dwellings with more than two basic living units (eg. apartment house).
- 2. Campgrounds meaning rental of transient space for recreational vehicles such as motor homes, campers, travel trailers.
- 3. Public or Community assembly buildings.
- 4. Tourist homes and Rooming Houses.
- 5. Recreational Parks meaning land uses related to outdoor sports.
- 6. Second dwelling on a parcel of property. Must be integrally independent unit and comply with all requirements including setbacks, floor area, height, lot size minimums, etc. Access and future uses must also be considered.
- 7. Privacy fences or any fence exceeding 48" in height.

C) Prohibited Uses

- 1. Raising or harboring of horses, cattle, sheep, swine, mules, burros, goats, or poultry.
- 2. Keeping or maintaining more than two dogs per dwelling.
- 3. Any use not otherwise permitted as zoned, or allowed as a Special Land Use or Variance.
- 4. Foster Care Facilities for more than six patients/clients.
- 5. Camps, adult and/or juvenile detention or correction facilities.

9.04.02 **Minimum Lot Area**

Minimum lot area shall be twenty thousand (20,000) square feet with a minimum frontage of one hundred (100) feet in all new subdivisions or newly created parcels of land.

### 9.04.03 Driveways and Parking

Driveways shall be not less than ten (10) feet wide and at least three (3) feet from the lot line. Future subdivisions or developments are to provide all driveways on the same side of house; side to be determined by developer at the time of platting. No driveway common to two (2) residences shall be permitted unless an easement providing for same is recorded with the Sanilac County Register of Deeds. Off-street vehicle parking, access or egress shall be provided.

### 9.04.04 Yards

Every dwelling hereafter erected, altered or moved upon a premises shall be provided with yards having no less than the following minimum sizes:

#### A) Front Yards

1. Front yards shall be equal to the average depth of existing front yards in the block in which parcel is located.
2. In event that there is no pre-existing dwelling on the block or in a new subdivision, then the front yard shall equal 25% of the lot depth.

#### B) Side Yards (other than corner lots):

Shall be at least ten (10) feet in width on each side. No garage or accessory structure shall be located closer to the right-of-way of an abutting side street than the average setback on the abutting side street. In all cases structures shall be far enough from each line so as not to obstruct a view of traffic on the intersecting streets.

#### C) Rear Yards

Shall be at least 25% of the total lot depth. The depth of a rear yard abutting upon a street shall not be less than the depth of a front yard required for a building of the same size and kind, on the adjoining lot fronting on such rear street.

#### D) Corner Lot Yards and Improvements

On any corner lot, walls, fences, hedges or accessory structures or plantings shall not rise over three (3) feet in height above the level of the road grade within twenty (20) feet of any corner so as to interfere with traffic visibility. Side yards on corner lots shall not be less than the ratio of the setback on adjacent streets.

#### E) Waterfront Lots or Parcels

1. Where a lot or parcel is located on the lake or waterfront, the property shall be treated as a through or double-frontage lot or parcel, and shall have the required front yards on both the street and water frontage.
2. A lot or parcel having frontage on the waterfront shall have the yard maintained on the water side as an open, unobstructed yard.
3. The building setback, as it relates to the yard along the waterfront, shall conform to the average setback established by the existing structures. In establishing the average setback based on existing buildings, a straight line shall be drawn between the adjacent buildings from the two corners that are nearest the water and closest to the proposed construction. Any new construction, structure, or part thereof shall be built behind this imaginary line. If either adjacent lot is unimproved, the building on the next improved lot having water frontage shall be used.
4. New construction, including any dwelling, structure, or part thereof, shall include any enclosed, screened, or covered porch, patio, terrace, or deck. A part of the structure shall also include an uncovered raised or unraised porch, patio, terrace, or deck with or without railings that exceeds a height of eighteen (18) inches from the average grade line to the top of the railing or decking. Any architectural elements exceeding eighteen (18) inches above the grade must also be behind this setback line.

5. Any item which creates a continuous visual obstruction such as a fence, a planter, a line of shrubbery, accessory buildings, recreational vehicles, campers, boats, or anything attached below the ground that will exceed eighteen (18) inches in height above the average grade shall not be located between the setback line and the waterfront.

#### 9.04.05 Fences and Buffers

Fences, walls, shrubs or earth berm of more than three (3) feet in height above the road grade level are not allowed on any interior lot within ten (10) feet of the road right of way, where they will interfere with traffic visibility from a driveway. For those lots located on the shoreline of Lake Huron, there shall be no fences, walls, structures or shrubs, which shall obstruct the field of vision between the lake and adjacent principal dwellings. All fences shall not exceed 48" in height. A request for installation of a fence higher than 48" must be approved through the Planning Commission as a Special Land Use.

#### 9.04.06 Signs

Unless otherwise permitted by Special Land Use or Variance, signs shall not be permitted.

#### 9.04.07 Building Floor Area and Height

##### A) Building Floor Area

Every one family, one story dwelling hereafter erected, altered or moved upon premises shall contain not less than seven hundred fifty (750) square feet of floor area. However, every one family, two story dwelling, hereafter erected, altered or moved upon a premises shall contain not less than seven hundred fifty (750) square feet of total floor area and not less than six hundred (600) square feet of ground floor area. Multiple dwellings, if permitted, shall contain an equivalent minimum floor area per unit as required in two family dwellings. In no case shall minimum area include floor space in an attached garage, open porch or other attached structure.

##### B) Building Height

Buildings may be erected or structurally altered to a maximum height of two and one-half (2 ½) stories or thirty-five (35) feet. However, churches (not including steeples), public and semi-public buildings may be erected to a greater height if the building is set back from each required yard line at least one (1) more foot for each foot of additional height above thirty-five (35) feet.

#### 9.04.08 Accessory Buildings

- A) No accessory building shall be erected closer to a side lot line than the permitted distance for the dwelling. However, if an accessory building is erected completely to the rear of the dwelling, it may be erected three (3) feet from the side and rear lot lines.
- B) Garages shall not exceed fifteen (15) feet in height.
- C) The total floor area of accessory structures shall not exceed 4% of the total lot area.

### 9.05.00 AGRICULTURAL - RESIDENTIAL DISTRICTS (A-R)

The following shall apply to all agricultural-residential districts:

#### 9.05.01 Use Types

##### A) Permitted Uses

1. Single and two family dwellings and buildings accessory thereto, but excluding tents, recreational vehicles, trailer coaches, and motor homes, except as otherwise provided in this Ordinance.
2. Agricultural enterprises and related structures on five acres or more. Occupants shall have at least five acres to house or otherwise keep livestock (ie. one or more horses, cattle, fowl, goats, pigs, mules, sheep, etc.)
3. Mobile homes as provided for in Article III.

4. Family-owned and operated roadside stands, provided, however, that at least 50% of the produce and all other articles and goods sold therefrom shall be grown upon the premises where the stand is situated. Otherwise no transaction of any nature shall occur at such roadside stand without first obtaining the approval of the Planning Commission after a public hearing. Signs shall conform to the provisions of Section 3.25.00 of this Ordinance.
  5. A home occupation in a dwelling used by the applicant as a residence. Such use shall not involve any extension or modification of the dwelling, which will alter its outward appearance as a dwelling. Signs to advertise such use shall be in compliance with Section 3.25.00. No more than one-third of the total dwelling area shall be used for such purposes. The home occupation shall not employ non-family members. It must comply with parking provisions of Section 3.18.00.
  6. Accessory buildings, structures and uses customarily incidental to the above permitted and approved uses.
- B) Special Land Uses (requiring approval of Planning Commission after a public hearing)  
 The following uses may be permitted, providing such use is not noxious, dangerous nor offensive by reason of odor, dust, smoke, gas, noise, fumes, flames or vibration or does not otherwise become a public nuisance, except for normal odors, dust, noise and vibrations necessary in agricultural activities.
1. Multi-family dwellings, meaning dwellings with more than two (2) basic living units (eg apartment house).
  2. Churches, schools, libraries, cemeteries, hospitals, clinics, sanatoriums, convalescent homes, funeral homes, nursing homes, community fallout shelters, tourist homes, rooming houses, boarding homes and similar uses.
  3. Roadside stands which do not comply with permitted use requirements. Signs shall conform to the provisions of Section 3.25.00 of this Ordinance.
  4. Parks and grounds for outdoor activities and recreation, recreational and community center buildings, campgrounds, airplane landing strips and helicopter landing pads, provided that all such activities be non-commercial and not operated for profit.
  5. Migrant worker camps.
  6. Motor vehicle repair shops.
  7. Juvenile detention facilities as defined in Article II or foster homes, provided that not more than ten (10) children reside and/or receive services on the premises and five (5) or more of the juveniles receiving services are residents of Sanilac County and placed in the facility at the direction of the Sanilac County Probate Court.
  8. Foster Care facilities for more than six (6) patients/clients.
  9. Open/enclosed storage facilities (Ord 05-1)
- C) Prohibited Uses
1. Adult and/or juvenile detention or correction facilities except as provided in Section 9.05.01.

**9.05.02 Minimum Lot Area**

Minimum lot area shall be twenty thousand (20,000) square feet with a minimum frontage of one hundred (100) feet in all new subdivisions or newly created parcels of land.

**9.05.03 Driveways and Parking**

Driveways shall be not less than ten (10) feet wide and at least three (3) feet from the lot line. Future subdivisions or developments are to provide all driveways on the same side of the house; side to be determined by developer at the time of platting. No driveway common to two (2) residences shall be permitted unless an easement providing for same is recorded with the Sanilac County Register of Deeds. Off-street vehicle parking, access and egress shall be provided as shown in Section 3.18.00.

#### 9.05.04 Yards

Every dwelling hereafter erected, altered or moved upon a premises shall be provided with yards having no less than the following minimum sizes:

A) Front Yards:

Shall be at least seventy-five (75) feet in depth from the centerline of the adjacent road right-of-way. However, where there are existing dwellings within fifteen (15) feet of the sidelines of the parcel of land in which the dwelling is located having lesser front yards, the front yard may be reduced to the average of such dwellings.

B) Side Yards:

Shall be at least ten (10) feet in width on each side. No garage or accessory structure shall be located closer to the right-of-way of an abutting side street than twenty-five (25) feet. In all cases buildings shall be far enough from each line as not to obstruct a view of traffic on the intersecting street.

C) Rear Yards:

Shall be at least thirty-five (35) feet in depth. The depth of the rear yard abutting upon a street shall be no less than the depth of a front yard required for a building of the same size and kind, on the adjoining lot fronting on such rear street.

D) Corner Lot.

On any corner lot no walls, fences, hedges, or accessory structures or shrubbery shall rise over three (3) feet in height above the level of the road grade within twenty (20) feet of any corner so as to interfere with traffic visibility.

#### 9.05.05 Fences and Buffers

Fences, walls or shrubs of more than three (3) feet in height above the road grade level are not allowed on any interior lot within ten (10) feet of the front property line, where they will interfere with traffic visibility from a driveway.

#### 9.05.06 Signs

Signs shall be in conformance with Section 3.25.00.

#### 9.05.07 Building Floor Area and Height

A) Building Floor Area

Every one family, one story dwelling hereafter erected, altered or moved upon premises shall contain not less than seven hundred fifty (750) square feet of floor area. However, every one family, two story dwelling, hereafter erected, altered or moved upon a premises shall contain not less than seven hundred fifty (750) square feet of total floor area and not less than six hundred (600) square feet of ground floor area. Multiple dwellings, if permitted, shall contain an equivalent minimum floor area per unit as required in two family dwellings. In no case shall minimum area include floor space in an attached garage, open porch or other attached structure.

B) Building Height

Buildings may be erected or structurally altered to a maximum height of two and one-half (2 ½) stories or thirty-five (35) feet. However, a church (not including steeple), silo, public and semi-public buildings may be erected to a greater height if the building is set back from each yard line at least one (1) more foot for each foot of additional height above thirty-five (35) feet.

#### 9.05.08 Accessory Buildings

A) In any agricultural-residential district no garage shall be erected closer to the side lot line than the permitted distance for the dwelling, unless said garage shall be completely to the rear of the dwelling in which even the building may be erected ten (10) feet from the side lot line. Other accessory buildings shall not be located closer than ten (10) feet to any lot line.

- B) Accessory buildings housing livestock (e.g. cattle, horses, poultry, pigs, sheep, goats, etc.) shall be located not less than two hundred (200) feet from the nearest neighboring dwelling.
- C) The total floor area of accessory structures shall not exceed 4% of the total lot area.

**9.06.00 MOBILE HOME SUBDIVISION or PARK DISTRICT (MHS)**

The following provisions shall apply to all Mobile Home Subdivisions (wherein lots are individually platted and sold as private mobile home sites) or Parks (wherein more than two (2) mobile home sites are owned and managed by a lessor, licensed by the Michigan Department of Commerce).

**9.06.01 New Mobile Parks and Platted Subdivisions** (requiring a zoning district change)

- A. An applicant who wishes to create a new Mobile Home Subdivision or Park shall apply to the Planning Commission to establish a Mobile Home District, when a change in zoning is required.
- B. An Application for a Mobile Home Park shall have the preliminary plan approved by the county road commission, county drain commissioner and the county health department before it will be considered by the Township Planning Commission. In considering an application for a new park, the Planning Commission shall be guided by, and require compliance with, Michigan Mobile Home Commission Rules 125.1904 through 125.1911 and such other Commission rules as apply.
- C. Persons wishing to create a new Mobile Home Subdivision shall comply with the Michigan Subdivision Control Act (1967 PA 288) before the Planning Commission shall consider creating such a new district. Further, the Planning Commission shall make any rezoning recommendations conditional upon compliance with the applicable provisions of this Ordinance, including yards, buffers, fences, screening, lot size roadways, driveways, parking, etc. as restrictions on lot titles.
- D. The Planning Commission shall follow the requirements of Article X in recommending rezoning of any real estate to Mobile Home Subdivision, as well as the requirements of Article VIII for Special Land uses. (Public hearings and notices being required.)

**9.06.02 Use Types**

A) Permitted Uses

Land in Mobile Home Subdivision or Park Districts (MHS) shall be used only for the following purposes.

- 1. Single-family mobile home residential dwellings with not more than one such dwelling per lot.
- 2. A garage and/or accessory building are allowed on each lot.
- 3. Park or Subdivision grounds maintenance buildings.

B) Special Land Use (Requiring Approval of the Planning Commission after a Public Hearing)

- 1. Commercial operations ancillary to the operation of a mobile home park (but not subdivision).
- 2. Playgrounds and recreational facilities.
- 3. Public and community assembly buildings.

C) Prohibited Uses

- 1. Raising or harboring of horses, cattle, sheep, swine, mules, burros, goats, or poultry.
- 2. Keeping or maintaining more than two dogs per dwelling.
- 3. More than one dwelling on a parcel of land, unless a variance is granted by the Board of Appeals after a public hearing.
- 4. Uses inconsistent with the provisions of this Ordinance.
- 5. Camps, adult and/or juvenile detention facilities or correction facilities.
- 6. Foster care facilities for more than six (6) patients/clients.



### 9.06.03 Minimum Lot Area

Minimum lot area shall be no less than sixty (60) feet in width and one hundred fifty (150) feet in length with a minimum area of nine thousand (9000) square feet.

### 9.06.04 Driveways and Parking

- A) Mobile Home Park off-street parking, driveways, access and egress shall be provided in accordance with the Michigan Mobile Home Commission Rules (R 125.1925).
- B) In Mobile Home Subdivisions, driveways shall be not less than ten (10) feet wide and at least three (3) feet from the lot line. All driveways shall be on the same side of the lot. No driveway common to two (2) lots shall be permitted. Parking, access and egress shall be provided according to the requirements of Section 3.18.00 of this Ordinance.

### 9.06.05 Yards

Mobile Home Subdivisions (excepting parks) shall provide yards with no less than the following minimum sizes:

A) Front Yards

Twenty-five (25) feet from the front lot line.

B) Side Yards

Ten (10) feet in width on each side.

C) Rear Yards

Ten (10) feet from the rear lot line.

D) Corner Lot Yards and Improvements

On any corner lot no walls, fences, hedges, or accessory structures or shrubbery shall rise over three (3) feet in height above the level of the road grade within twenty (20) feet of any corner so as to interfere with traffic visibility.

### 9.06.06 Fences and Buffers

- A) Mobile Home Parks and Subdivisions shall be completely screened by a view obstructing fence, earthen berm, coniferous natural growth (or combination thereof) along the entire property line, including the line abutting a public thoroughfare, except at access points. The screen shall be at least six (6) feet above the road grade level.
- B) Mobile Home Parks and Subdivisions shall have open buffer areas at least ten (10) feet wide at all side and rear property lines.
- C) Fences, walls and shrubs of more than three (3) feet in height above the road grade level are not allowed on an interior lot within ten (10) feet of the front property line where they will interfere with the traffic visibility from a drive.

### 9.06.07 Signs

Signs shall be in conformance with Section 3.25.00.

### 9.06.08 Building Floor Area and Height

A) Building Floor Area

Every mobile home in a mobile home subdivision or park shall contain not less than seven hundred fifty (750) square feet of living area and a 4/12 pitch roof. In no case shall minimum area include floor space in an attached garage, open porch or other attached structure.

B) Building Height

Buildings may be erected or structurally altered to a maximum height of two and one-half (2 ½) stories or thirty-five (35) feet. However, public and semi-public buildings may be erected to a greater height if the building is set back from each required yard line at least one (1) more foot for each foot of additional height above thirty-five (35) feet.

### 9.06.09 Accessory Building

- A) No accessory building shall be erected closer to a side lot line than the permitted distance for the dwelling. However, if an accessory building is erected completely to the rear of the dwelling, it may be erected three (3) feet from the side and rear lot lines.
- B) Garages shall not exceed fifteen (15) feet in height.
- C) The total floor area of accessory structures shall not exceed four percent (4%) of the total lot area.

## 9.07.00 COMMERCIAL DISTRICTS (C)

### 9.07.01 Use Types

In Commercial Districts (C) land may be used and buildings or structures be erected, altered or moved on and used, in whole or in part, for any one or more of the following specified uses, except as otherwise provided in this Ordinance. All uses shall comply with the performance standards listed in Section 3.20.00 of this Ordinance. Other than dwellings, structures shall comply with all state and local commercial building codes.

#### A) Permitted Uses

1. Any use which is permitted in Residential district.
2. All generally recognized and accepted retail stores or outlets and their accessory service or production departments.
3. Business and professional offices.
4. Public and personal services direct to the customer (eg barbers and beauticians).
5. Greenhouses and nurseries.
6. Parking lots.
7. Public, semi-public and public utility buildings not including storage yards.
8. Community clubs, fraternal organizations and similar civic social organizations.
9. Sale of alcoholic beverage for consumption off premises.
10. Outdoor advertising signs in conformance with Sec. 3.25.00 of this ordinance.
11. Tourist homes, rooming houses, hotels and motels.
12. Publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformers (stations and substations) gas regulator stations, water and sewage stations and public utility electric power generating facilities.

#### B) Special Land Uses

Commercial District Special Land Use permits shall include the condition that the regular course of business shall not emit any noise, vibration, smoke, dust, fumes, odors, light, glare or other nuisance factors beyond the boundaries of the property on which it is located. Nor shall it be injurious to the surrounding neighborhood or contrary to the public interest or the spirit of this Ordinance. The following Special Land Uses may be permitted upon approval of the Planning Commission after a public hearing:

1. Small businesses engaging in the repair, finishing, alteration, assembling, fabrication or storage of goods.
2. Gasoline and motor vehicle service stations.
3. New and used car lots.
4. Motor vehicle repair shops.
5. Processing or sale of used motor vehicle parts from within a building. However, if sold from vehicles on the premises (known as "junk" cars, trucks, tractors or trailers), the owner and/or operator shall conform to the requirements of a junkyard, as herein defined, and obtain license(s) from the State of Michigan and the Township of Forester.
6. Recreation and amusement facilities (eg. pool halls video arcades, games of skill, etc.) utilizing four (4) or more devices.

7. Food processing plants.
8. Campgrounds, marinas and boat liveryes.
9. Open storage yards, whether principal or accessory use.
10. Theaters, stadiums or arenas.
11. Adult book stores.
12. Open air markets (eg. flea markets, farmers' markets, etc.).
13. Amusement and recreation parks and playgrounds.
14. Churches, schools, public and community assembly buildings.
15. Hospitals, clinics and sanatoriums.
16. Funeral homes, mortuaries and cemeteries.
17. Hotels, motels, tourist homes and rooming houses.
18. Multi-family dwellings.
19. Bars and taverns.
20. Combustible or toxic material storage structures or yards.
21. Private airports, aircraft landing pads or strips.
22. Signs not in compliance with 3.25.00.
23. Any commercial or business use of land or buildings not specifically mentioned in this Section may be conditionally permitted upon approval of the Planning Commission after a public hearing.

C) Prohibited Uses

1. Livestock yards and slaughter houses are prohibited in commercial districts.
2. Adult and/or juvenile detention or correction facilities.
3. Foster care facilities for more than six (6) patients/clients.

9.07.02 **Minimum Lot Area**

Minimum lot area shall be twenty thousand (20,000) square feet with a minimum frontage of one hundred (100) feet in all newly created parcels of property.

9.07.03 **Driveways and Parking**

Driveways shall be not less than ten (10) feet wide and at least three (3) feet from the lot line. Off-street vehicle parking, access and egress shall be provided as shown in Section 3.18.00.

9.07.04 **Yards**

Every building hereafter erected, altered or moved upon commercial premises shall be provided with yards having no less than the following minimum sizes:

A) Front Yards

1. Front yards shall be equal to the average depth of existing front yards in the block in which parcel is located.
2. In event that there are no pre-existing buildings on the block, then the front yard shall be equal to 25% of the total lot depth.

B) Side Yards

No side yards are required, except for dwellings, which shall comply with Residential district setbacks.

C) Rear Yards

No less than 25% of the total lot depth. The depth of a rear yard abutting upon a street shall not be less than the depth of a front yard required for a building of the same size and kind, on the adjoining lot fronting on such rear street.

D) Corner Lot

On any corner lot no walls, fences, hedges or accessory structures or shrubbery shall rise over three (3) feet in height above the level of the road grade within twenty (20) feet of any corner so as to interfere with traffic visibility.

E) Waterfront Lots or Parcels

1. Where a lot or parcel is located on the lake or waterfront, the property shall be treated as a through or double-frontage lot or parcel, and shall have the required front yards on both the street and water frontage.
2. A lot or parcel having frontage on the waterfront shall have the yard maintained on the water side as an open, unobstructed yard.
3. The building setback, as it relates to the yard along the waterfront, shall conform to the average setback established by the existing structures. In establishing the average setback based on existing buildings, a straight line shall be drawn between the adjacent buildings from the two corners that are nearest the water and closest to the proposed construction. Any new construction, structure, or part thereof shall be built behind this imaginary line. If either adjacent lot is unimproved, the building on the next improved lot having water frontage shall be used.
4. New construction, including any dwelling, structure, or part thereof, shall include any enclosed, screened, or covered porch, patio, terrace, or deck. A part of the structure shall also include an uncovered raised or unraised porch, patio, terrace, or deck with or without railings that exceeds a height of eighteen (18) inches from the average grade line to the top of the railing or decking. Any architectural elements exceeding eighteen (18) inches above the grade must also be behind this setback line.
5. Any item which creates a continuous visual obstruction such as a fence, a planter, a line of shrubbery, accessory buildings, recreational vehicles, campers, boats, or anything attached below the ground that will exceed eighteen (18) inches in height above the average grade shall not be located between the setback line and the waterfront.

**9.07.05 Fences and Buffers**

- A) All outdoor storage areas shall be completely screened by a view obstructing fence, earthen berm, coniferous natural growth (or combination thereof) surrounding the storage area, including the line abutting a public thoroughfare. The screen shall be at least six (6) feet above the road grade level. Exceptions may be made by the Planning Commission (for Special Land Uses) and the Board of Appeals (for variances).
- B) Occupants and owners shall also comply with Sections 3.31.00 (Unsightly Ventures) and 3.20.02(J)(3) (Greenbelts) of this Ordinance.

**9.07.06 Signs**

Signs shall be in conformance with Section 3.25.00.

**9.07.07 Building Floor Area and Height**

A) Building Floor Area

Every building hereafter erected, altered or moved upon commercial premises shall contain not less than seven hundred fifty (750) square feet of ground floor area. The total floor area of Commercial district Special Land Uses shall not exceed five thousand (5000) square feet.

B) Building Height

No buildings shall hereafter be erected, altered or moved upon any premises exceeding a height of thirty-five (35) feet or two and one-half (2 ½) stories unless a variance for a greater height is approved by the Board of Appeals after a public hearing and taking into consideration the fire fighting capabilities in the Township or available neighboring fire fighting facilities.

### 9.07.08 Accessory Building

- A) Accessory buildings which are located on a corner lot shall not be placed closer than ten (10) feet to a rear or side line.
- B) The total floor area of accessory structures shall not exceed four percent (4%) of the total lot area.

## 9.08.00 COMMERCIAL/RECREATIONAL DISTRICT (CR)

### 9.08.01 Use Types

In Commercial/Recreational Districts (CR) land may be used and buildings or structures be erected, altered or moved on and used, in whole or in part, for any one or more of the following specified uses, except as otherwise provided in this Ordinance. All uses shall comply with the performance standards listed in Section 3.20.00 of this Ordinance. Other than dwellings, structures shall comply with all state and local commercial building codes.

#### A) Permitted Uses

1. Any use, which is permitted in Residential district.
2. All generally recognized and accepted retail stores or outlets.
3. Business and professional offices.
4. Public and personal services direct to the customer (eg barbers and beauticians).
5. Public and semi-public buildings not including storage yards.
6. Community clubs, fraternal organizations and similar civic social organizations.
7. Sale of alcoholic beverage for consumption off premises.
8. Outdoor advertising signs in conformance with Sec. 3.25.00 of this ordinance.
9. Tourist homes, rooming houses, hotels and motels.
10. Marinas or boat liveries.

#### B) Special Land Use

Commercial/Recreational District Special Land use permits shall include the condition that the regular course of business shall not emit any noise, vibration, smoke, dust, fumes, odors, light, glare or other nuisance factors beyond the boundaries of the property on which it is located. Nor shall it be injurious to the surrounding neighborhood or contrary to the public interest or the spirit of this Ordinance. The following Special Land Uses may be permitted upon approval of the Planning Commission after a public hearing.

1. Greenhouse and nurseries.
2. Parking lots.
3. Recreation and amusement facilities (eg pool halls, video arcades, games of skill, etc.) utilizing four (4) or more devices.
4. Campgrounds.
5. Amusement and recreation parks and playgrounds.
6. Hotels, motels, tourist homes and rooming houses.
7. Multi-family dwellings.
8. Bars and taverns.
9. Any commercial/recreational or business use of land or buildings not specifically mentioned in this section may be conditionally permitted upon approval of the Planning Commission after a public hearing.
10. Privacy fences or any fence exceeding 48" in height.

#### C) Prohibited Uses

1. Livestock yards and slaughter houses.
2. Small businesses engaging in the repair, finishing, alteration, assembling, fabrication or storage of goods.

3. New and used car lots.
4. Motor vehicle repair shops.
5. Processing or sale of used motor vehicle parts from within a building.
6. Food processing plants.
7. Open storage yards, whether principal or accessory use.
8. Theaters, stadiums or arenas.
9. Adult book stores.
10. Hospitals, clinics and sanatoriums.
11. Funeral homes, mortuaries and cemeteries.
12. Combustible or toxic material storage structures or yards.
13. Private airports, aircraft landing pads or strips.
14. Signs not in compliance with 3.25.00.
15. Adult and/or juvenile detention or correction facilities.
16. Foster care facilities for more than six (6) patients/clients.

#### 9.08.02 **Minimum Lot Area**

Minimum lot area shall be twenty thousand (20,000) square feet with a minimum frontage of one hundred (100) feet in all newly created parcels of property.

#### 9.08.03 **Driveways and Parking**

Driveways shall be not less than ten (10) feet wide and at least three (3) feet from the lot line. Off-street vehicle parking, access and egress shall be provided as shown in Section 3.18.00.

#### 9.08.04 **Yards**

Every building hereafter erected, altered or moved upon commercial/recreational premises shall be provided with yards having no less than the following minimum sizes:

##### A) Front Yards

1. Front yards shall be equal to the average depth of existing front yards in the block in which parcel is located.
2. In event that there are no pre-existing buildings on the block, then the front yard shall be equal to 25% of the total lot depth.

##### B) Side Yards

No side yards are required, except for dwellings which shall comply with Residential district setbacks.

##### C) Rear Yards

No less than 25% of the total lot depth. The depth of a rear yard abutting upon a street shall not be less than the depth of a front yard required for a building of the same size and kind, on the adjoining lot fronting on such rear street.

##### D) Corner Lot Yards and Improvements

On any corner lot no walls, fences, hedges or accessory structures or shrubbery shall rise over three (3) feet in height above the level of the road grade within twenty (20) feet of any corner so as to interfere with traffic visibility.

##### E) Waterfront Lots or Parcels

1. Where a lot or parcel is located on the lake or waterfront, the property shall be treated as a through or double-frontage lot or parcel, and shall have the required front yards on both the street and water frontage.
2. A lot or parcel having frontage on the waterfront shall have the yard maintained on the water side as an open, unobstructed yard.

3. The building setback, as it relates to the yard along the waterfront, shall conform to the average setback established by the existing structures. In establishing the average setback based on existing buildings, a straight line shall be drawn between the adjacent buildings from the two corners that are nearest the water and closest to the proposed construction. Any new construction, structure, or part thereof shall be built behind this imaginary line. If either adjacent lot is unimproved, the building on the next improved lot having water frontage shall be used.
4. New construction, including any dwelling, structure, or part thereof, shall include any enclosed, screened, or covered porch, patio, terrace, or deck. A part of the structure shall also include an uncovered raised or unraised porch, patio, terrace, or deck with or without railings that exceeds a height of eighteen (18) inches from the average grade line to the top of the railing or decking. Any architectural elements exceeding eighteen (18) inches above the grade must also be behind this setback line.
5. Any item which creates a continuous visual obstruction such as a fence, a planter, a line of shrubbery, accessory buildings, recreational vehicles, campers, boats, or anything attached below the ground that will exceed eighteen (18) inches in height above the average grade shall not be located between the setback line and the waterfront.

**9.08.05 Fences and Buffers**

- A) All outdoor storage areas shall be completely screened by a view obstructing fence, earthen berm, coniferous natural growth (or combination thereof) surrounding the storage area, including the line abutting a public thoroughfare. The screen shall be at least six (6) feet above the road grade level. Exceptions may be made by the Planning Commission (for Special Land Uses) and the Board of Appeals (for Variances).
- B) Occupants and owners shall also comply with Sections 3.31.00 (Unsightly Ventures) and 3.20.02(J)(3) (Greenbelts) of this Ordinance.
- C) All fences shall not exceed 48" in height. A request for installation of a fence higher than 48" must be approved through the Planning Commission as a Special Land Use

**9.08.06 Signs**

Signs shall be in conformance with Section 3.25.00.

**9.08.07 Building Floor Area and Height**

A) Building Floor Area

Every building hereafter erected, altered or moved upon commercial/recreational premises shall contain not less than seven hundred fifty (750) square feet of ground floor area. The total floor area of Commercial/Recreational district Special Land Uses shall not exceed five thousand (5000) square feet.

B) Building Height

No buildings shall hereafter be erected, altered or moved upon any premises exceeding a height of thirty-five (35) feet or two and one-half (2 ½ ) stories unless a variance for a greater height is approved by the Board of Appeals after a public hearing and taking into consideration the fire fighting capabilities in the Township or available neighboring fire fighting facilities.

**9.08.08 Accessory Buildings**

- A) Accessory buildings which are located on a corner lot shall not be placed closer than ten (10) feet to a rear or side line.
- B) The total floor area of accessory structures shall not exceed four percent (4%) of the total lot area.

## 9.09.00 INDUSTRIAL DISTRICTS (I)

### 9.09.01 Use Types

Land may be used or buildings or structures may be erected, altered or moved on and used, in whole or part, for any one of the following specified uses, except as otherwise provided in this Ordinance: All uses in Industrial Districts shall comply with the Performance Standards listed in Section 3.20.00 of this Ordinance as well as all state and local industrial building codes.

#### A) Permitted Uses

1. Any industrial purpose as defined in Article II which, in the regular course of business, shall not emit any noise, vibration, smoke, dust, fumes, odors, light, glare or other nuisance factors beyond the boundaries of the property on which it is located.
2. Any commercial use or business use that is permitted in Commercial Districts.
3. Public utilities.
4. Outdoor advertising signs in conformance with Section 3.25.00 of this ordinance.

#### B) Special Land Use (requiring Planning Commission Approval after a public hearing):

1. An Industrial use which, in the normal course of business, may emit any noise, vibration, smoke, dust, fumes, odors, light, glare or other nuisance factors beyond the boundaries of the property on which it is located so long as Performance Standards (as outlined in Section 3.20.00) are not exceeded.
2. Reservoirs, catch basins, sewage disposal plants, aeration fields, or ponds used for the dumping or treatment of waste, chemicals, liquids or any other materials from any other commercial or industrial enterprise.
3. Signs not conforming with Section 3.25.00.
4. Fertilizer and other chemical plants.
5. Slaughter houses, transfer stations and rendering plants.
6. Airports or aircraft launching and landing strips.
7. Open storage yards as principal or accessory use.
8. Truck terminals.
9. Gravel pits, sand mines and open pit mines.
10. Landfills and dumps.
11. Combustible or toxic material storage structures or yards.
12. Food processing plants.
13. Junkyards.
14. Schools, churches, public and community assembly buildings.
15. Any industrial use of land or buildings not specifically mentioned in this Section may be conditionally permitted upon approval of the Planning Commission after a public hearing.

#### C) Prohibited Uses

1. Camps, adult and/or juvenile detention or correction facilities.
2. Foster care facilities for more than six (6) patients/clients.

### 9.09.02 Minimum Lot Area

A lot site or parcel of land shall consist of not less than five (5) acres and shall not be less than four hundred (400) feet on the front street.

### 9.09.03 Driveways and Parking

#### A) Driveways

Driveways shall be not less than fourteen (14) feet wide and located at least three (3) feet from the side lot lines.



B) Parking

Off-street vehicle parking and loading space shall comply with the provisions of Section 3.18.00 of this Ordinance. However, vehicle parking shall be allowed only in side or rear yards of industrial zoned property.

C) Fire Lane

A clear and unobstructed drive, at least 14 feet wide, for the access of fire-fighting equipment shall be kept open in side or rear yards.

**9.09.04 Yards**

Every building hereafter erected, altered or moved upon industrial zoned premises shall be provided with yards having no less than the following minimum sizes:

A) Front Yard

Front yards shall include an open area of not less than one hundred and fifty (150) feet measured from the centerline of the abutting highway, street or road. However, where there are existing buildings within fifty (50) feet of the sidelines of the parcel of land upon which the building is to be located, the front yard space may be reduced to the average of such buildings. Front yards shall be ornamentally landscaped.

B) Side Yard

There shall be two (2) side yards, each of which shall not be less than fifty (50) feet in width except where a side property line adjoins a railroad right-of-way, in which case no side yard will be required along such lot line.

C) Rear Yard

There shall be a rear yard of not less than fifty (50) feet in depth except where the property line adjoins a railroad right-of-way, in which case no rear yard will be required.

D) Corner Lot Yards and Improvements

On any corner lot no walls, fences, hedges or accessory structures or shrubbery shall rise over three (3) feet in height above the level of the road grade within twenty (20) feet of any corner so as to interfere with traffic visibility.

**9.09.05 Fences and Buffers**

Where industrial property abuts any other use district, the side yard shall be at least seventy-five (75) feet in width and shall include a green strip at least fifteen (15) feet wide and an isolation barrier at least eight (8) feet high. Such barrier shall consist of coniferous trees and may be supplemented by additional ornamental foliage. The total height of the isolation barrier may include a berm. (See Sections 3.31.00 and 3.20.02(J)(3))

**9.09.06 Signs**

Signs shall be in conformance with Section 3.25.00.

**9.09.07 Building Floor Area and Height**

A) Building Floor Area

Every building hereafter erected, altered or moved upon industrial premises shall contain not less than two thousand (2000) feet of ground floor area.

B) Building Height

Buildings and structures shall not exceed a height of thirty-five (35) feet or two and one-half (2 ½) stories except when a variance for a greater height is approved by the Board of Appeals after a public hearing, and taking into consideration the fire fighting capabilities of the Township or neighboring fire fighting facilities.

**9.09.08 Accessory Buildings**

Accessory buildings shall comply with all setback (yard) requirements.

## 9.10.00 FLOOD HAZARD AND HIGH RISK EROSION OVERLAY DISTRICT (HRE)

### 9.10.01 Purpose

The purpose of this overlay zone is to prevent the placement of structures in areas of high risk erosion and flood hazard consistent with the Shoreland Protection and Management Act, (1970) PA 245 as amended; MSA 13.1831 et seq.; MCLA 281.631). It is furthermore the purpose of this zone to:

- A) Establish a minimum setback line for principal structures from an eroding bluff which based on the erosion studies prepared by the Department of Natural Resources pursuant to the Shorelands Protection and Management Act, P.A. 245 of 1970, as amended, is intended to provide a minimum of 30 years protection from shoreland erosion.
- B) Minimize the economic hardships which individuals and Forester Township may face in the case of unanticipated property loss due to severe erosion or flood hazards, and protect individuals from buying lands which are unsuited for intended purposes because of floor or erosion hazards.
- C) Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or erosion to bluffs and banks of drains, creeks, rivers or the Lake Huron shoreline.
- D) Require that the uses vulnerable to floods or erosion shall be protected against such flood or erosion damage at the time of initial construction, enlarging, altering or moving.
- E) To facilitate qualification for flood insurance under the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973, as amended and regulated by the Federal Insurance Administration, Department of Housing and Urban Development.
- F) The standards and requirements contained in this Section, and on the zoning map, are intended to further the purposes of the Shorelands Protection and Management Act, P.A. 245 of 1970, as amended.

### 9.10.02 Definitions

#### A) Bluffline

The line which is the edge or crest of elevated segment of the shoreline above the beach which normally has a precipitous front inclining steeply on the lakeward side. Where there is no precipitous front indicating the bluffline, the line of perennial vegetation may be considered the bluffline.

#### B) Erosion

The collapse or subsidence of land along the shore of a lake or body of water, including drains, creeks, streams and rivers, as a result of erosion or undermining caused by waves or currents of water exceeding an anticipated cyclical levels.

#### C) Flood or Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of drains, creeks, streams, rivers, lakes or other inland water, or abnormally high tidal water or rising coastal water proximately caused by severe storms, hurricanes, tornadoes, heavy rains or tsunamis.

#### D) High Risk Erosion Area

An area designated as a high risk area due to shoreland erosion by the Department of Natural Resources pursuant to the Shorelands Protection and Management Act, P.A. 245 of 1970, as amended.

9.10.03 **Area Affected**

A) Flood Hazard Areas

Generally, these lands are those bordering on and adjacent to the Bridgehampton River, Sherman Creek, Indian Creek, Big Creek, Cherry Creek and Lake Huron. Copies of the Flood Hazard Area maps as issued by the Federal Insurance Administration shall be kept on file in the Forester Township office for examination by interested parties.

B) Shoreland Erosion Areas

The boundaries of those stretches of shoreland affected by the high risk erosion overlay zone shall be consistent with the affected properties described in Appendum HRE of this section. This area is shown on the official Forester Township Zoning Map, which is part of this ordinance. This area extends landward from the ordinary high-water mark to the minimum setback line for principal structures. For the purpose of the high-risk erosion overlay zone, the minimum setback requirement shall be measured landward from the bluffline and shall be construed as running parallel to the bluffline. In the event the bluffline recedes (moves landward), the setback line of the high-risk erosion area shall also be construed as to have moved landward a distance equal to the bluffline recession.

9.10.04 **Schedule of Regulations**

Within the boundaries of the high risk erosion area established by this Article, no principal structure shall be located between the ordinary high water mark and the line defining the minimum setback distance indicated on the map and Appendum HRE that follow. The setback requirement shall be measured in a landward direction at a distance horizontal from and perpendicular to Appendum HRE, the minimum setback for any principal structure shall be as follows:

<u>Designated High Risk Erosion Area</u>	<u>Required Setback from Bluffline</u>	<u>Minimum Setback Permitted by Variance</u>
Area A	65'	50'
Area B	70'	55'
Area C	55'	40'
Area D	50'	35'
Area E	55'	40'

9.10.05 **Accessory Structures**

Accessory structures which can be easily and economically removed prior to erosion damage are exempted from the setback requirements. No accessory structures which are permanent in either construction or location may be placed in the high risk erosion overlay zone.

9.10.06 **Land Use Permits**

No land use permit shall be issued in any Zoning District for the erecting, constructing, enlarging, altering, repairing or locating of any building or structure on land located in Flood Hazard Area or High Risk Erosion Area as described in Appendum HRE, supra, until the owner or applicant for said land use permit shall file with the Zoning Administrator plans or specifications with a statement or affidavit signed by a Registered Engineer or Registered Architect that precaution will be taken in the construction, erecting, enlarging, repairing or locating of the building or structure to provide adequate protection against flood or erosion damage including:

- A) Elevation of the building or structure on the building site so that the lowest floor of said building or structure, including basements, shall be two (2) feet above the established flood level;

- B) Materials used in such building or structure to be such as to withstand the pressure of a flood and are water resistant;
- C) The location of the building or structure to be such that it will not obstruct the flow of water and possibly cause flooding of other property;
- D) The building or structure when located on land with a bluff or bank that might be subject to erosion from the movement of water, shall be set back a sufficient distance from the edge of said bluff or bank to avoid the risk of shifting or movement of the building or structure caused by erosion to said bluff or bank;
- E) In case of insufficient depth to the land for a safe setback of the building or structure, a sea-wall, breakwater, levee or other support will be erected to prevent erosion or mudslides to the bluff or bank, and
- F) The water system is to be designed to minimize or eliminate filtration of flood waters into the system, and waste disposal system is to be located and designed to avoid impairment of or contamination from the system during flooding.

**9.10.07 Zoning Administrators Duties**

In High Risk Erosion and Flood districts, the Zoning Administrator shall:

- A) Review all land use permit applications to determine if the site of the proposed construction is reasonably safe from flooding, and to make recommendations for construction in all locations which have flood hazards;
- B) Review all land use permit applications to determine if the proposed construction is consistent with the need to minimize flood damage;
- C) In review applications and site plans for construction in flood hazard locations, the Zoning Administrator shall require that any proposed construction must:
  1. Be designed and anchored to prevent the flotation, collapse or lateral movement of the structure or portions of the structure due to flooding or erosion;
  2. Use construction materials and utility equipment that are resistant to flood damage and erosion damage;
  3. Use of construction methods and practices that will minimize flood or erosion damage;
  4. Provide adequate drainage in order to reduce exposure to flood and erosion hazards; and
  5. Locate public utilities and facilities on the site in such a manner as to be elevated and constructed to minimize or eliminate flood or erosion damage. (Utilities and facilities include sewer, gas, electrical and water systems).
- D) Forward all subdivision applications to the Forester Township Planning Commission, which, in reviewing such applications, shall make finding of fact and determine if:
  1. Proposed developments are consistent with the need to minimize flood and erosion damage;
  2. Adequate drainage is provided so as to reduce exposure to flood and erosion damage or hazards;
  3. Adequate drainage is provided so as not to increase the exposure to flood and erosion hazards to adjacent land.
  4. All public utilities and facilities are located, elevated and constructed so as to minimize or eliminate flood and erosion damage.

ARTICLE X  
AMENDMENTS

**10.00.00 INITIATION OF AMENDMENTS**

Amendments to this Ordinance may originate through:

- 10.00.01 The Township Board, or
- 10.00.02 The Township Planning Commission by resolution of the majority of their respective members, or
- 10.00.03 Written petitions signed by no less than sixty percent (60%) of the owners of property located in the unincorporated portion of the Township and within fifteen hundred (1500) feet of all boundaries of property to be rezoned, and filed with the Township Clerk. Such petition shall include the address of each signer and the location of his property in the Township; or
- 10.00.04 Written petition signed by all owners of property for which rezoning is requested.
- 10.00.05 Any petition requesting rezoning of individual parcels of land (by the owners) shall state the specific use or purpose for which rezoning is sought.
- 10.00.06 If granted, it shall be illegal to use such parcel for any purpose other than that specifically authorized; although such other use or purpose is permitted under the district regulations in which the parcel is classified, unless separate proceedings are pursued for such other use.

**10.01.00 PROCEDURE**

- 10.01.01 Each proposed amendment not originating with the Planning Commission shall be referred to said Commission for its consideration and recommendations.
- 10.01.02 The Planning Commission shall hold at least one (1) public hearing on its recommendations, as required by Section 306 of 2006 PA 210, as amended.
- 10.01.03 Notice of the Planning Commission hearing on an amendment shall:
  - A) **Contain:**
    - (1) A summary of the purpose of the hearing.
    - (2) The date, time and place of the hearing.
    - (3) The dates, times and places where the tentative text and maps may be examined.
  - B) **Be published** in a newspaper in general circulation in the Township not less than fifteen (15) days before the hearing date.
  - C) **Be mailed**, not less than fifteen (15) days before the hearing, to each public utility or railroad that registers its name and address with the Township for the purpose of receiving the notice.
  - D) **Be mailed** at least fifteen (15) days before the hearing to the owner(s) of the property to be rezoned and to all owners of property and occupants of dwellings within three hundred (300) feet of the premises to be rezoned (applies only to rezoning).
  - E) **Be posted** on the property to be rezoned (applies only to rezoning):
    - (1) For at least thirty (30) days preceding the date of hearing;
    - (2) With at least one two (2) foot by two (2) foot sign.
  - F) **Be evidenced** by an affidavit of mailing to owner(s) occupants, utilities and railroads filed before the hearing (applies only to rezoning).
  - H) **Be evidenced** by affidavit(s) of publication.
- 10.01.04 During and as a result of the zoning ordinance amendment hearing(s) the Planning Commission shall:

- A. Review the proposed amendment.
- B. Hear and summarize comments from the public.
- C. Consider the amendment (and changes thereto),
- D. Submit copies of the summary, text, maps and the Planning Commission's recommendations to the Sanilac County Planning Commission and file affidavit of mailing.
- E. Submit copies of the summary, affidavits, text, maps and the Planning Commission's recommendations to the Township Board.

10.01.05 Upon receipt of the summary, text, maps, affidavits and the Planning Commission's recommendations, the Township Board:

- A. Shall wait thirty (30) days after the County Planning Commission's receipt of the amendment(s) for its recommendations. If no response is received in thirty (30) days, then the Board may proceed without the County Planning Commission's recommendations.
- B. May hold additional hearing(s) for comments, if deemed necessary, in which case notice shall be published in a newspaper in circulation in the Township not less than fifteen (15) days before the hearing indicating date, time, place and purpose of the hearing.
- C. Shall refer the proposed text back to the Planning Commission for a report on any suggested amendments, changes, additions or departures from the text as originally presented.
- D. May adopt the amendment(s) by a vote of a majority of its membership, after a hearing at a regular meeting (or a special meeting called for the purpose), to be effective upon publication or on any date thereafter.

### **10.02.00 FINALITY**

Any decision made by the Planning Commission, Township Board or the Board of Appeals pertaining to a particular parcel of land prior to the adoption of any amendment to this Ordinance shall be final and not affected by any subsequent amendment unless that parcel of land is the subject of the amendment.

### **10.03.00 CONSIDERATION OF AMENDMENTS**

Any amendments to this ordinance (as well as permits for special land uses and variances) shall be made with reasonable consideration, among other things, to:

- A. The character of each district.
- B. Its peculiar suitability for particular purposes.
- C. Conservation of property values.
- D. General trend and character of land, building and population development.
- E. Master plan for general trend and character of land, building and population development.
- F. Conservation of natural resources and energy.
- G. Prevention of improper uses of land.
- H. Appropriate locations and relations of various uses.
- I. Hazards to life and property.
- J. Population and traffic density.
- K. Environmental impact.
- L. County Planning Commission recommendations

M. Effect of amendment upon adjacent municipalities.

ARTICLE XI  
**ENFORCEMENT**

**11.00.00 VIOLATIONS**

Any building or structure, which is erected, altered, maintained or used, and any use of land which is begun, maintained or changed in violation of any provisions of this Ordinance is hereby declared to be a nuisance per se.

**11.01.00 PENALTIES**

11.01.01 Any person, firm, corporation, or other organization which violates, disobeys, omits, neglects, or refuses to comply with or resists the enforcement of any provision of this Ordinance for which a penalty is not otherwise specified, shall be responsible for a first degree civil infraction.

11.01.02 Land Use permits issued after the commencement of construction shall require payment of double fees.

11.01.03 Each and every day during which an illegal construction, alteration, maintenance or use continues shall be deemed a separate offense.

11.01.04 The imposition of any fine shall not exempt the offender from compliance with the provisions of this Ordinance.

**11.02.00 PROSECUTION**

The Zoning Administrator, Township Attorney, Township Board, Township Board of Zoning Appeals, Prosecuting Attorney of the County, or any owner or owners of real estate within the Zoning District which such buildings, structure or premises is situated may institute injunction, mandamus, abatement or any other appropriate action or proceedings to prevent, or enjoin, abate, or remove any said unlawful construction, alteration, maintenance or use. The rights and remedies provided herein are cumulative and in addition to all remedies provided by law.

**11.03.00 OTHER COURT ACTION**

The Township Board, the Board of Appeals, the Planning Commission or the Zoning Administrator may request the Township attorney to institute injunction, mandamus, abatement or any other appropriate action or proceedings to prevent, enjoin, abate, or remove any said unlawful erection, alteration, maintenance or use. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

**11.04.00 COSTS AND ATTORNEY FEES**

The Defendant found culpable in any civil or criminal action shall be responsible for all actual court costs, attorney fees, expert witness fees and any other expenditures incurred by the Township in the prosecution of this Ordinance.



ARTICLE XII  
**SEVERANCE AND REPEALOR**

**12.00.00 SEVERANCE**

If any section, clause or provision of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

**12.01.00 REPEALOR**

All other previously adopted ordinances or parts of ordinances in conflict with this Ordinance shall, to the extent of such conflict, be considered repealed at such time as this Ordinance becomes legally effective.

ARTICLE XIII  
**EFFECTIVE DATE**

The provisions of this Ordinance are hereby declared to be necessary for the public welfare, health, peace, safety and morals and shall be in effect thirty days after publication, on the 20<sup>th</sup> day of February, 1988.

Motion by: Shanks  
Second by: Foss  
Yeas: Hooper, Hooper, Reid, Foss, Shanks  
Nays: None

Date Adopted: 1/12/1988

\_\_\_\_\_  
Clarence Reid, Supervisor

Maxine Foss, Clerk of the Township of Forester, Sanilac County, Michigan, avers under oath that the statement:

“A zoning ordinance regulating the development and use of land has been adopted by the township board of the Township of Forester on the 12<sup>th</sup> day of January, 1988. This ordinance is to be effective on the 20<sup>th</sup> day of February, 1988.  
A copy of the ordinance may be purchased or inspected by contacting the Township Clerk, Maxine Foss at (313) 622-9542, 6122 E. Downington Road, Deckerville, MI 48427 during regular business hours.”

was published in the Sanilac County News on the 20<sup>th</sup> day of January, 1988 within fifteen days of adoption.

\_\_\_\_\_  
Maxine Foss, Clerk