

Denmark Township
Tuscola County, Michigan

Zoning Ordinance

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General Provisions

Denmark Township hereby ordains these regulations for the use of land and structures within the Township, pursuant to the authority of the Township Zoning Act, PA 184 of 1943 as amended, and the adopted Master Plan for Denmark Township.

SECTION 101. SHORT TITLE

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

SECTION 102. PURPOSE

This Zoning Ordinance is based on the adopted Denmark Township Master Plan and any amendments to the Master Plan addressing future development patterns and development goals. This Ordinance is intended to implement the Master Plan by regulating the use of land, buildings, and structures to promote the public health, safety, and general welfare by accomplishing the following:

1. Establishment of zoning districts and uniform regulations applicable to each district governing the use of the land and dimensions for building and site development with such minimum regulations as are deemed necessary to carry out the provisions of this Ordinance.
2. Accommodate and promote land uses which are compatible with the Township's character and conserve the property values and long term stability of prime farmlands, residential neighborhoods, conservation areas, and business districts.

3. Encourage use of the lands and natural resources in accordance with their character and capability, thus preserving important environmental features in the Township, such as wetlands, surface water, prime farmland, topography, open space, mature vegetation, and wildlife habitat. The Ordinance acknowledges the importance of these features on the long-term economic climate of all uses in the Township and the overall quality of life for Township residents.
4. Limit or prohibit improper use of land.
5. Reduce hazards to life and property.
6. Balance the Township's right to compatible and quality development with the property owners' right to a reasonable rate of return on investment.
7. Provide property owners with reasonable, though not always direct, access to property.
8. Lessen congestion on the public streets and highways and facilitate safe and convenient access appropriate to various uses of land and buildings throughout the community.
9. Form a stable guide for public action to facilitate the adequate provision of sewerage and drainage, water supply distribution, and educational, recreational, and other public services.
10. Establish controls over potential conflicting land uses and uses which may need special regulations as Special Land Uses to be compatible with surrounding development patterns and zoning.
11. Comply with the Michigan Right to Farm Act, PA 93 of 1981, as amended. The Michigan Right to Farm Act provides farmers with protection from nuisance lawsuits and authorizes the Michigan Commission of Agriculture to develop and adopt Generally Accepted Agricultural and Management Practices (GAAMPs) for farms and farm operations.
12. Provide for administering this Ordinance, including resolving conflicts with other ordinances, collection of fees, procedures for petitions, hearings and appeals; and to provide for any other matters authorized by the Township Zoning Act.

SECTION 103. INTERPRETATION

Where this Ordinance imposes a greater restriction upon the use of land or buildings than is imposed by other laws or ordinance, or by rules, regulations, permits, easements, covenants or agreements that may be in force, the provision of this Ordinance shall control. Where provisions of any other Ordinance or Regulation of Denmark Township impose stricter requirements for the use of land or buildings, the provisions of the other Ordinance or regulation shall govern.

SECTION 104. PROVISIONS SUPPLEMENTARY TO OTHER LAWS

These provisions shall not be construed as repealing any ordinance now in effect or hereafter made effective relating to rubbish, litter, garbage, refuse, trash or junk, but shall be construed as supplementary to any such ordinances, as well as any statutes of the State of Michigan relating thereto.

SECTION 105. VESTED RIGHTS

Nothing in this Ordinance shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation and/or protection of public health, safety and welfare.

SECTION 106. SEVERABILITY

It is the legislative intent that this Ordinance be liberally construed and should any provision or section of this Ordinance be held unconstitutional or invalid, such ruling shall not affect the validity of the remaining portions of the Ordinance. It is intended that this Ordinance shall stand notwithstanding the invalidity of any part thereof.

SECTION 107. AMENDMENT AND SUPPLEMENT

The Township Board, from time to time, on recommendation from the Planning Commission, or on petition, may amend, supplement or change the district boundaries or the regulations herein or subsequently established herein, pursuant to the authority and procedure established by law.

SECTION 108. REPEAL

Any Ordinance or parts thereof that are inconsistent with this Ordinance are hereby repealed. The adoption of this Ordinance, however, shall not affect or prevent any pending or future prosecution of, or action to abate, any existing violation of the prior Ordinance, as amended, if the use, so in violation, is in violation of the provisions of this Ordinance.

SECTION 109. EFFECTIVE DATE

The Ordinance shall take effect upon Tuesday, June 12, 2007, the date specified by the Denmark Township Board at its meeting of Monday, May 21, 2007.

Definitions

SECTION 201. RULES APPLYING TO THE TEXT

For the purpose of this Ordinance, certain rules of construction apply to the Text, as follows:

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

SECTION 202. DEFINITIONS

1. **ABUT** to physically touch or border upon; to share a common property line.
2. **ACCESSORY USE.** An accessory use includes a building or structure and is clearly used incidental to, customarily found in

connection with, and located on the same lot as the principal use to which it is related

3. ACTIVITY. See USE.
4. ADJACENT. A lot or parcel of land which shares all or part of a common lot line with another parcel of land.
5. AGRICULTURE, ANIMAL means the use of land for the maintenance or production of animals or animals products but does not include livestock production facilities.
6. AGRICULTURE, CROP means the use of land for the production of row crops, field crops, tree crops, timber and the like.
7. AGRICULTURAL RETAIL FACILITY. A booth or stall located on a farm from which produce and farm products are sold to the general public.
8. AGRICULTURE SALES AND SERVICE means an establishment primarily engaged in the sale or rental of farm tools and small implements, feed and grain, tack, animal care products, farm supplies and the like, excluding large implements, and including accessory food sales and machinery repair services.
9. AGRICULTURAL STORAGE means facilities for the warehousing or agricultural products. Typical uses include grain elevators.
10. AIRFIELD. A place on land, including an airport or intermediate landing field, used, or intended to be used, for the takeoff and landing of aircraft.
11. ALLEY. Any dedicated public way affording a secondary means of access to abutting property and not intended for general traffic circulation.
12. ALTERATIONS. Any change, addition or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed".
13. ANIMAL FEED LOT. A place primarily used for integrated live stock feeding solely for the purpose of preparing them for market, including, but not limited to, chicken hatcheries, poultry feeding enterprises and "egg factories".

14. ANIMAL UNIT means a unit of measurement for any livestock production facility calculated by adding the following numbers; the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 25 kilograms (approximately 55 pounds) multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0, plus all other animals on site multiplied by 1.0 per 1000 pounds of body weight.
15. APARTMENTS. A suite of rooms or a room in a multiple-family building arranged and intended for a place of residence of a single-family or a group of individuals living together as a single housekeeping unit.
16. AUTOMOBILE CAR WASH. An establishment being housed in a building or portion thereof together with the necessary mechanical equipment used for washing automobiles and using production line methods.
17. AUTOMOBILE/VEHICLE GAS/FUEL SALES. An establishment primarily engaged in the sale and installation of tires, gas or other fuels and other operational fluids and accessories for use in vehicles. The primary use must constitute over 50% of vehicle traffic to the establishment.
18. AUTO REPAIR GARAGE. Is a place where the following activities may be carried out: vehicle body repair, engine rebuilding or repair, undercoating, painting, tire recapping, upholstery work and auto glass work.
19. AUTOMOBILE SALES. An establishment engaged in the sale, rental or leasing of new or used automobiles, vans or pickup trucks. The primary use must constitute over 50% of vehicle traffic to the establishment.
20. BANK. A building designed to perform one or more services, including, but not limited to, the safeguarding of money and other valuables, the lending of money, the executing of bills of exchange such as checks, drafts and money orders, the issuance of notes, and the receipts of funds. The term 'bank' includes, but is not limited to, banks, savings and loan operations, and credit unions.
21. BAR. A structure or part of a structure used primarily for the sale or dispensing of liquor by the drink.

22. **BASE AREA.** The area, which is the length times the width, in square feet as of the effective date of this Ordinance.
23. **BASEMENT.** A story having part but not more than one half (1/2) of its height above finished grade. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or is used for business or dwelling purposes.
24. **BILLBOARD.** A billboard shall mean any structure or portion thereof designed or intended to be used for posting, painting, or otherwise affixing any advertising sign, which advertising sign does not pertain to the premises or to the use of premises on which the billboard is located or to goods sold or services rendered or activities conducted on such premises.
25. **BLOCK.** The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating) or between the nearest such street and railroad right-of-way, un-subdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development or Township boundary lines of Denmark Township.
26. **BUILDING.** Any structure, either temporary or permanent, having a roof supported by columns, walls or any other supports, which is used for the purpose of housing, sheltering, storing, or enclosing persons, animals, or personal property, or carrying on business activities. This definition includes, but is not limited to, tents, sheds, garages, greenhouses and other accessory structures.
27. **BUILDING, ACCESSORY.** Is a subordinate building, the use of which is clearly incidental to that of the main building or to the use of the land.
28. **BUILDING, FRONT LINE.** The line that coincides with the face for the building nearest the front of the lot. The face includes sun parlors and enclosed porches but does not include steps. Said line shall be parallel to the front property line and measured as a straight line between the intersecting points with the side yard.
29. **BUILDING, HEIGHT OF.** The vertical distance measured from the mean elevation of the finished grade line of the ground above the front of the building to the highest point on the roof for flat roofs; to the deck line of mansard roofs; and to the mean height level between eave and ridges for gable hip and gambrel roofs.

30. **BUILDING INSPECTOR.** An individual appointed/employed to issues permits, collects fees, inspects sites, and issue enforcement actions.
31. **BUILDING LINE.** A line defining the minimum front, side or rear yard requirement outside of which no building of structure may be built.
32. **BUILDING, PRINCIPAL.** A building in which is conducted the main or principal use of the lot on which it is located.
33. **BULK STATION.** A place where crude petroleum, gasoline, naptha, benzene, kerosene, or other flammable liquid is stored for wholesale purposes only, where the aggregate capacity for all storage tank is more than six thousand (6,000) gallons.
34. **BUSINESS SERVICES.** A business service establishment provides services to other businesses as their primary clientele, and may involve some outside storage of equipment or vehicles, but not of inventory. Business services include, but are not limited to, employee training, audio or visual communication media (including broadcast antennas, sign production and installation, equipment rental or repair, building maintenance, and self service storage).
35. **CLINIC.** An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists or similar professionals.
36. **CLUB.** An organization catering exclusively to members and their guests, or premises and buildings for recreational, artistic, political, or social purposes, which are not conducted primarily for gain and which do not provide merchandise, vending, or commercial activities except as required incidentally for the membership, and purpose of such club.
37. **COMMERCIAL RECREATIONAL USE.** See RECREATIONAL USE, COMMERCIAL.
38. **COMMERCIAL SCHOOL.** A commercial school is a private education private educational facility not operated as nonprofit entity and offering instruction in art, business, music, dance, trades, continuing professional education or other subjects.
39. **COMMON LAND.** A parcel or parcels of land together with the improvements thereon, the use, maintenance, and enjoyment of

which are intended to be shared by the owners and occupants of the individual building units in the planned unit development.

40. CONVALESCENT OR NURSING HOME. A building wherein infirm and incapacitated persons are furnished shelter, care, food, lodging, and needed attention for a compensation.
41. CONVENIENCE STORE. A retail operation selling a variety of items which are primarily grocery products. They include items that may be required by neighborhoods residents on a day-to-day basis. Non-grocery items frequently sold in this kind of establishment include newspapers, magazines, seasonal needs, etc.
42. COURT. An open space, partly or wholly enclosed by buildings.
43. COVERAGE LOT. That percent of the plot or lot covered by the building area.
44. CROPS. A harvestable product, planted, grown and cultivated in the soil. Field crops are generally for sale and not consumed on the premises.
45. CUL DE SAC. A street with only one outlet having sufficient space at the closed end to provide vehicular turning area.
46. DAY NURSERY. A private establishment enrolling four or more children where tuition, fees, or other forms of compensation for the care of children is charged, and which is licensed or approved to operate as a child care center.
47. DEGREE OF NONCONFORMANCE. A measure of a property's relative lack of conformance, to be computed using whichever of the following standards applies.
 - (a) USE. A Use is any item listed in the DISTRICT REGULATIONS chapters of this Ordinance as allowed by Right or by Special Use Permit.
 - (b) SETBACK. The square footage of a building that is within a required setback area.
 - (c) AREA. The square footage by which a building or parcel varies from the maximum or minimum area required for its Zoning District.
 - (d) WIDTH OR DEPTH. The distance in feet by which the width or depth of a parcel varies from the minimum or maximum dimension for its Zoning District.

- (e) PARKING. The number of off-street parking spaces which a parcel lacks to conform with the requirements of the Zoning Ordinance.
- 47. DENSITY. The number of dwelling units situated on or to be developed upon gross acre of land.
- 48. DEPTH. For the purposes of this interpreting the Dimensions Table in *Chapter 3 - District Regulations*, depth is the distance from a property line to a structure.
- 49. DEVELOPMENT. The construction of a new building or other structure on a lot, the relocation of an existing building on another lot, or the use of open land for a new use, and/or any man made change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations.
- 50. DISTRICT. A portion of the un-incorporated area of the Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.
- 51. DISTRICT REGULATIONS. Regulations for properties within each Zoning District, found in *Chapter 3 - District Regulations*.
- 52. DRIVE-IN. A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking space for motor vehicles so as to serve patrons while in the motor vehicles or within a building on the same premises and devoted to the same purpose as the drive-in service. Drive-in is also interpreted to include "fast food" operations that serve food in disposable containers.
- 53. DWELLING. A building, or portion thereof, designed for occupancy by one family for residential purposes and having cooking facilities.
- 54. DWELLING TYPES. For the purposes of this Ordinance, dwellings are separated into the following categories:
 - (a) SINGLE FAMILY DWELLING is a detached building containing one (1) dwelling unit.
 - (b) TWO FAMILY DWELLING is a building containing not more than (2) dwelling units.
 - (c) MULTIPLE FAMILY DWELLING is a building or portion thereof containing three (3) or more dwelling units.

55. DWELLING UNIT. A building or portion thereof designed exclusively for residential occupancy by one family having cooking facilities.
56. ERECTED. Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage, and the like, shall be considered a part of erection.
57. ESSENTIAL SERVICES. The erection, construction, alteration or maintenance of underground, surface, or overhead electrical, gas, water, and sewage transmission and collection systems and the equipment and appurtenances necessary for such systems to furnish an adequate level of public service.
58. EXCAVATION. Removal or recovery by any means, of soil, rock, minerals, mineral substances or organic substances, other than vegetation, from water or land, on or beneath the surface, whether exposed or submerged.
59. EXCEPTION. A use permitted only after review of an application by the Board of Appeals or Legislative Body or a modification in the standards of this Ordinance specifically permitted after review by the Board of Appeals, Planning Commission or Legislative Body; such review being necessary because the provisions of this Ordinance covering conditions precedent or subsequent are not precise enough to all applications without interpretation and such review and exception is provided for by this Ordinance. An exception is not a variance.
60. FAMILY. Two or more persons related by blood, marriage, or adoption, living together in a dwelling unit, or group of not more than four (4) persons, who need not be related, living together in a single dwelling unit.
61. FARM. A tract of land that is directly devoted to agricultural purposes. A farm includes cultivation of crops and horticulture. A farm does not include establishments operated as roadside stands, nurseries, chicken hatcheries, apiaries or include keeping or operating establishments for farm animals of any kind, fur bearing animals, riding or boarding stables, kennels, quarries, gravel or sand pits.
62. FARMING, GENERAL. The practice of agriculture on a farm as defined above.

63. FENCE. An artificially constructed barrier of any material or combination of materials erected to enclose, screen, decorate or separate areas.
64. FENCE, OBSCURING. A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.
65. FIELD CROPS. A harvestable product, planted, grown and cultivated in the soil. Field crops are generally for sale and not consumed on the premises.
66. FILLING. Depositing or dumping of any matter onto, or into the ground except common household gardening and ground care.
67. FLAG LOT. A lot not fronting entirely on or abutting a public road and where access to the public roads is by a narrow, private right-of-way.
68. FLOOR AREA. The floor area of a residential dwelling unit is the sum of the horizontal areas of each story of the building as measured from the exterior walls; exclusive of areas of basements, unfinished attics, attached garages, breezeways and enclosed and unenclosed porches.
69. FLOOR AREA, USABLE. (For the purpose of computing parking): That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded from this computation of "Usable Floor Area". Measurement of usable floor area shall be the sum of the horizontal areas of the several floors.
70. FRUIT ORCHARD. A planting of fruit trees for the purpose of harvesting fruit.
71. FUNERAL HOME. A building used for the preparations of the deceased for burial and the display of the deceased, and ceremonies connected therewith before burial or cremation.
72. GARAGE, SERVICE. Any premises used for the storage or care of motor driven vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

73. GARBAGE. Animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking and serving of foods.
74. 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 services for motor vehicles, but not including major automobile repair such as bumping and painting.
75. GRADE. The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground of each face of the building.
76. GREENBELT. A strip of land of definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance.
77. GREENHOUSE. A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate, out of season plants for subsequent sale or personal use.
78. GROSS FLOOR AREA. The sum of the gross horizontal areas of several floors of a building measured from the exterior face or exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading spaces, loading spaces for motor vehicles, or any space where the floor-to-ceiling height is less than six feet. For the purpose of calculating parking and loading requirements, the gross floor area is the floor area used for service to the public. It shall not include floor area used solely for storage or processing and packaging of merchandise.
79. HEIGHT, MEASUREMENT OF. The height of a building, fence, or wall at any given level is the height above the natural grade of any portion or portions of a wall or walls along the length of the building. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.
80. HIGH IMPACT OF LIVESTOCK OR POULTRY RAISING. Any agricultural operation with a sufficient number of animals on the

premises to equal or exceed a total of twenty (20) "Animal Units", as defined below. It is characterized by the confinement of livestock or poultry where the confinement area accumulated manure that must be removed, or where a sustained ground cover (crops, vegetation, forage growth or post harvest residue) cannot be maintained over the normal growing season throughout the area where animals are confined.

81. HOME OCCUPATION Any business carried on by one or more members of a family residing on the premises, providing it:
- (a) is operated in its entirety within the principal dwelling or accessory structure;
 - (b) does not have a separate entrance from outside the building;
 - (c) does not involve alteration or construction not customarily found in dwellings or accessory structures;
 - (d) does not use any mechanical equipment except that which is used normally for purely domestic or household purposes;
 - (e) does not use more than twenty-five (25%) percent of the total actual floor area of the dwelling, or fifty (50%) percent of the total actual floor area of the accessory structure, with a maximum total area for the home occupation of five hundred (500) square feet;
 - (f) does not display, or create outside the structure any external evidence of the operation of the home occupation, including additional traffic, except for one (1) non-animated, non-illuminated, wall sign having an area of not more than two (2) square feet.
 - (g) does not employ more than one (1) person other than family members residing on the premises.
 - (h) is not conducted such that it requires parking in excess of that required for the residential structure in which it is located.
 - (i) home occupations specifically exclude tattoo and piercing parlors and massage studios.
82. HORTICULTURE. The cultivation of a garden or orchard.
83. HOSPITAL. An institution for the diagnosis, treatment or care of aged, sick or injured people. The term "hospital" shall include a rest home, nursing home and convalescent home, but shall not include any institution for the care of mental disorders or the treatment of alcoholics or drug addicts.
84. HOTEL. See MOTEL.

85. HOUSE TRAVEL TRAILER. A vehicular portable structure designed as a temporary dwelling for travel, and recreation and vacation uses.
86. INCARCERATION FACILITY. Any jail, prison, holding facility, work camp or detention center of any kind.
87. INCINERATOR. An engineered apparatus used to burn waste substances and in which all the combustion factors, temperature, retention time, turbulence and combustion air, can be controlled.
88. INDOOR USE. A use, the majority of which is contained within a structure.
89. INSTITUTION, EDUCATIONAL. A school for kindergarten through twelfth grade or any colleges or universities authorized by the state to award degrees.
90. INSTITUTION, HUMAN CARE. A public or private facility for physical or mental care. A human care institution may include hospitals, convalescent or nursing homes, homes for the mentally or physically impaired, and mental, physical or substance abuse rehabilitation facilities.
91. INSTITUTION, RELIGIOUS. A structure or place in which worship, ceremonies, rituals and education pertaining to a particular system of beliefs are held.
92. INSTITUTION, SOCIAL. Any profit or nonprofit use or facility in which activities for leisure or philanthropy are carried out. Such institutions may include service clubs, scout organizations, hobby clubs and veterans organizations.
93. JUNK/SALVAGE YARD. A licensed open area where waste, used or second hand materials are brought and sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A Junk/Salvage Yard includes automobile-wrecking yards, and two or more inoperative, unlicensed vehicles located on a single lot. Operations with characteristics of salvage yards are called recycling centers, junk yards, scrap yards, etc., shall be considered as salvage yards.
94. KENNEL. Any facility, on a single parcel, where more than three (3) dogs, three (3) cats, or other household pets, over four (4)

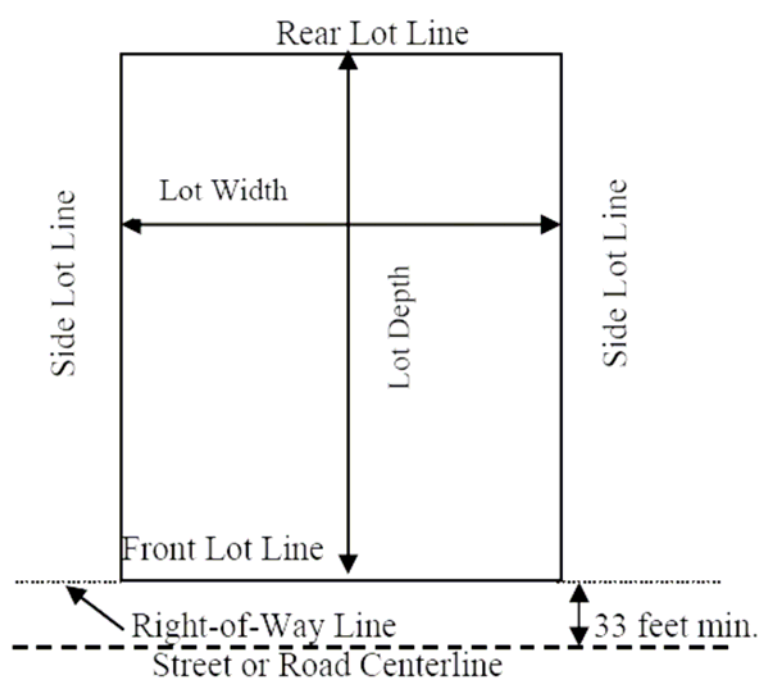
months old are kept, housed or boarded for a fee, or where such animals are kept for breeding purposes.

95. LANDING STRIP. See AIRFIELD.
96. LIVESTOCK PRODUCTION FACILITY means a facility where farm animals, as defined in the Right to Farm Act, such as dairy cattle, poultry, beef cattle, sheep, swine, horses, etc. are confined with a capacity of 50 animal units or greater and the associated manure storage facilities. Pasture systems are excluded.
97. LOADING/BERTH SPACE. An off-street space at least ten (10) feet wide, twenty-five (25) feet long and fifteen (15) feet high, either within a building or outside on the same lot, provided, maintained and available for the loading or unloading of goods or merchandise, and having direct and unobstructed access to a public street or alley.
98. LOT. A parcel of land occupied or intended for occupancy by a main building and accessory buildings thereto, together with such open spaces as are required under the provisions of this Ordinance. Every lot shall abut upon and have permanent access to a public street.
99. LOT AREA. The total horizontal land area within the lot lines of the lot.
100. LOT: CORNER, INTERIOR AND THROUGH.
 - (a) CORNER LOT. A lot which has at least two contiguous sides abutting upon a street for their full length, and provided the two sides intersect at an angle of not more than one hundred thirty five (135) degrees.
 - (b) INTERIOR LOT. A lot other than a corner lot.
 - (c) THROUGH LOT. An Interior Lot having frontage on two streets which do not intersect at a point contiguous to such lot.
101. LOT COVERAGE. The part or percent of the lot occupied by buildings, including accessory buildings.
102. LOT DEPTH. The horizontal distance between the front and rear lot lines, measured along the median between side lot lines.
103. LOT, DOUBLE FRONTAGE (THROUGH LOT). Is any interior lot having frontage on two more or less parallel streets as

distinguished from a corner lot. In the case of a row of double frontage lots, all sides of lot adjacent to streets shall be considered frontage, and front yards shall be provided as required.

104. LOT LINES.

- (a) LOT LINE, FRONT. The lines abutting a lot as defined herein: That line separating the lot from a street right-of-way. In the case of a corner lot or through lot the lines separating the lot from each street.
- (b) LOT LINE, REAR. Lot line which is opposite the front lot line. In the case of a corner lot, the rear lot line may be opposite either front lot line, but there shall only be one rear lot line. In the case of a lot with side lines converging at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than twenty (20) feet long, lying farthest from the front lot line and wholly within the lot.
- (c) LOT LINE, SIDE. Any lot line that is not a front or rear lot line.



105. LOT, WIDTH OF. The distance from one side lot line to the other side lot line, measured parallel to the front lot line at the minimum building setback.

106. LOT OF RECORD. A parcel of land, the dimensions of which are shown on a document or map recorded with the County Register of Deeds.
107. LUMBER YARD. A lumber yard is a business which emphasizes the sale of lumber and wood products where material may be stored or displayed in the principal building or in accessory shed-type structures.
108. MASTER PLAN. The comprehensive Township Plan including graphic and written proposals indicating the general location for streets, roadways, parks, school, public buildings, and all physical development of the Township, and includes any unit or part of such plan, and any amendment to such plan or parts thereof. Such plan may or may not be adopted by the Planning Commission and or Legislative Body.
109. MANUFACTURED HOME. Factory-built single-family structure that is manufactured under the authority of 42 U.S.C., Sections 5401 to 5426 (National Manufactured Home Construction and Safety Standards Act 1974), is transportable in more than one section, is built on a permanent chassis and does not have hitch, axles, or wheels permanently attached to the body frames.
110. MANUFACTURED HOME PARK. A parcel or tract of land under the control of a person upon which 3 or more manufactured homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a mobile home.
111. MANUFACTURED HOME SPACE. A plot or parcel of land within the Manufactured Home Park designed to accommodate one (1) manufactured home.
112. MANUFACTURED HOME STAND. That part of an individual Manufactured Home site which has been reserved for the placement of the Manufactured Home, appurtenant structures, or additions.
113. MOBILE HOME. See MANUFACTURED HOME.
114. MODULAR HOME. See MANUFACTURED HOME.

115. MOTEL. A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units designed primarily for transients. The term "motel" shall include buildings designed as "auto courts," "tourist courts", "travel lodge", "motor courts", "motor hotels", and similar names which are designed as integrated units of individual rooms under common ownership. For the purposes of this ordinance, "motel" and "hotel" have the same meaning.
116. NONPROFIT ORGANIZATION. The term "nonprofit organization" shall include any church, school, governmental agency, service club or similar organization which owns or leases property in Denmark Township.
117. NONCONFORMITY. Any use of land or a building, any parcel of land, or any building or other structure which does not comply with all of the District Regulations for the Zoning District in which it is located.
118. NONCONFORMING BUILDING. A building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto and that does not conform to the provisions of the Ordinance in the district in which it is located.
119. NONCONFORMING USE. Any use of building, structure, or land existing at the time of enactment of this Ordinance, and which does not conform to the regulations of the district or zone in which it is situated.
120. NUISANCE. An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrates movement or people or things such as noise, dust, smoke, odor, glare, fumes, flashes, vibrations, shock waves, heat, electronic or atomic radiation, objectionable effluent, and traffic.
121. NURSERY. Land or greenhouses used to raise flowers, shrubs, trees, and other plants for sale.
122. OCCUPIED. Includes the meaning of intent, design or arranged for occupancy.
123. OFFICE. An office is a place of business in which professional services are rendered or management activities of an enterprise

are carried out. All such activities take place inside a building. Office activities include, but are not limited to, law, medicine, dentistry, accounting or bookkeeping, tax preparation, insurance, securities brokerage, executive or managerial functions for any type of enterprise, workshop or studio for a graphic artist or photographer, studio for broadcast media, all aspects of a newspaper or publishing business except actual printing, binding or distribution centers, and a base of operation for salespeople which does not include storage or display of merchandise.

124. 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 more than three (3) vehicles.
125. OPEN FRONT STORE. A business establishment so developed that service to the patron may be extended beyond the walls of the structure not requiring the patron to enter the structure. The term "Open Front Store" shall not include automobile repair stations or automobile service stations.
126. OPEN SPACE. Any unoccupied space open to the sky on the same lot with a building.
127. OUTDOOR ASSEMBLY. These uses include outdoor amphitheatres, race tracks, drive in theaters and similar uses. These uses may also include special purpose assembly such as music festivals, fairs and similar activity.
128. OUTDOOR USE. A use, of which the majority is conducted outside of a structure of any kind.
129. PARCEL. See LOT.
130. PARKING SPACE. An off-street space of at least one hundred-eighty (180) square feet exclusive of necessary driveways, aisles or maneuvering areas suitable to accommodate one (1) motor vehicle and having direct unobstructed access to a street or alley.
131. PERSONAL SERVICE BUSINESS. A personal service business primarily serves needs of individual people or families, including but not limited to hair or skin care, grooming dry cleaning, millinery or tailoring, shoe repair, and repair of small appliances, watches or jewelry.
132. PLAT. A map of a subdivision of land.

133. POND. An artificially or naturally confined body of still water, less than one (1) acre in size, excluding swimming pools.
134. PRINCIPAL BUILDING. A building in which is conducted the principal use of the lot on which it is located.
135. PRINCIPAL USE. The main use to which the premises are devoted and the principal purpose for which the premises exist.
136. PUBLIC BUILDING. Any building held, used, or controlled exclusively for public purposes by any department or branch of government, state, county, municipality without reference to ownership of the building or the realty upon which it is situation. A building belonging or used by the public for the transaction of public or quasi-public businesses.
137. 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 including essential services.
138. PUBLIC SERVICE INSTALLATION. A building, structure or use of land that provides a service that is essential to the general public's convenience or safety and is also defined as a PUBLIC UTILITY.
139. PUBLIC STREET. Any vehicular way which: (1) is an existing state, county, or municipal roadway; or (2) is shown upon a plat approved pursuant to law; or (3) is approved by other official action; and includes the land between the street or right-of-way lines, whether improved or unimproved. A public thoroughfare which affords the principal means of access to abutting property.
140. PUBLIC UTILITY. Any person, firm, corporation, municipal department or board fully authorized to furnish to the public electricity, gas, steam, telephone, telegraph, transportation or water service.
141. RECREATIONAL USE, COMMERCIAL. Commercial recreational facilities are for profit establishments providing recreational activities for a fee. In general, these activities are participatory in nature. Commercial recreational facilities include such uses as bowling alleys, roller rinks, race tracks, arcades, indoor driving ranges, etc.

142. RECREATIONAL USE, PRIVATE. A recreational use carried out entirely on private land for the property owner and his guests' pleasure. Private recreational uses are not open to the public or admissible by a fee.
143. RIGHT-OF-WAY. A street, alley or other thoroughfare or easement permanently established for passage of persons, vehicles or utilities.
144. ROADSIDE STAND. A structure for the display of agricultural products, with no space for customers within the structure itself.
145. RUBBISH. A general term for solid waste, excluding food waste and ashes taken from residences, commercial establishments and institutions.
146. ROOM. For the purpose of determining lot area requirements and density in a multiple-family district, a room is a living, dining room or bedroom that is equal to at least eight (80) square feet in area for each room. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways and storage. Plans presented showing 1, 2 or 3 bedroom units and including a "den", "library", or other extra room shall count such extra room as a bedroom for the purpose of computing density.
147. SALE, GARAGE INCLUDING RUMMAGE SALE, BASEMENT SALE, YARD SALE. A rummage sale is a temporary sale of used personal items.
148. SALES AREA. The area open to the public of a retail or wholesale establishment used for the display or transaction of goods.
149. SERVICE AREA. Anywhere fuel is dispensed or any service of the business is performed.
150. SANITARY LANDFILL. A tract of land developed, designed, and operated to accommodate general types of solid waste including but not limited to garbage, rubbish, soils, and concrete, but excluding hazardous waste.
151. SECTIONAL HOME. Two or more units, fabricated and transported to the building site where they are put on a permanent foundation and thereon finished as a residential unit.

152. S.E.V. The State Equalized Valuation of the property in question. This is presumed to be fifty percent (50%) of the property's true cash value.
153. SERVICE BUSINESS. A service business is an enterprise which deals in the performance of work for hire. No outdoor activity takes place on the premises. All work is performed either at the customer's place of business or residence or within the building occupied by the service business. See also PERSONAL SERVICE BUSINESS.
154. SETBACK. The distance required to obtain minimum front, side or rear yard open space provisions of this Ordinance.
155. SIGN. A name identification, description, display or illustration which is affixed to or represented directly or indirectly upon a building, structure or piece of land and which is intended to direct attention to an object, product, place, activity, person, institution, organization or business. However, a "sign" shall not include a sign located completely within an enclosed building.

For the purpose of this ordinance the following sign or sign-related terms are defined:

- (a) AREA, OR SURFACE AREA, OF SIGN. That area per face enclosed by one outline, the sides of which make contact with the extreme points or edges of the sign, excluding the supporting structure which does not form part of the sign proper or of the display.
- (b) ELECTRIC SIGN. Any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.
- (c) ELECTRONIC MESSAGE BOARD. Changeable copy signs in which the copy consists of an array of lights activated and deactivated simultaneously with a frequency of message change of not less than 20 seconds. Signs displaying time and temperature only may change messages with a frequency of no less than 5 seconds.
- (d) FREESTANDING SIGN. A sign which is affixed to a permanent foundation, but not attached to the building proper. (Also "Ground Mounted" sign.)
- (e) GROUND LEVEL. The elevation to be used for computing the height of signs. Defined as the roadway center line grade elevation at its intersection with the center line of the driveway serving the parcel which is located nearest to the sign location.

- (f) ILLUMINATED SIGN. A sign that provides artificial light directly or through any transparent or translucent material.
- (g) INTEGRAL SIGN. Names of buildings or farm, date of erection, monumental citations, commemorative tablets and the like which are made an integral part of the walls of the structure (or roof for farm buildings).
- (h) JOINT SIGN. A sign which gives direction and identification to a group of adjacent businesses whether or not under single management.
- (i) LOCATION. A lot, premise, building, wall or any place whatsoever upon which a sign is located.
- (j) MARQUEE. An identification sign attached to or made a part of a marquee, canopy, or awning projecting from and supported by the building.
- (k) PROJECTING SIGN. A sign, other than a wall sign, which projects 18" or more from and is supported by a wall of a building or structure.
- (l) ROOF LINE. This shall mean either the high point of the roof or the top of the parapet, whichever forms the top line of the building silhouette and where a building has several roof levels, this roof or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.
- (m) ROOF SIGN. Any sign erected, constructed, and maintained wholly upon or over the roof of any building.
- (n) SETBACK. A distance measured from the outer boundary of a parcel in which erection of a sign is not permitted. A Front Setback is measured from the edge of the right of way of any abutting roadway. A Rear Setback is measured from the property line opposite the roadway. A Side Setback is measured from any other abutting property line. Corner lots shall require two front setbacks, but only one rear setback.
- (o) SIZE OF SIGN. The size of a sign is computed as the product of its height and its width expressed in square feet. A sign shall be considered to have not more than two (2) sides, i.e., a 3-sided sign equals two (2) signs.
- (p) PORTABLE SIGN. A display, informational sign, banner, or other advertising device intended for a limited period of display, including any sign which can be physically lifted, pulled, carried or wheeled from one location to another.
- (q) WALL SIGN, FLAT. One affixed directly to or otherwise inscribed on an exterior wall and confined within the limits thereof of any building and which projects from that surface less than eighteen (18") inches at all points.

156. SITE, AREA. The total area within the property lines excluding rights-of-way, easements, etc.
157. SITE PLAN. A scaled drawing(s) illustrating existing conditions and containing the elements required herein as applicable to the proposed development to ensure compliance with zoning provisions.
158. SOIL or SOILS. Peat, gravel, sand, clay, subsoil, topsoil, earth or other soils, including overburden.
159. SPECIAL USE. The term applies to a use which may be permitted by the issuance of a Special Use Permit by the Township Planning Commission. Specified procedures and requirements, as outlined in cited sections must be complied with prior to final issuance of said permit.
160. STABLE, PRIVATE. An accessory building in which horses are kept for private use and not for hire, remuneration, or sale, and further that not more than three (3) horses are boarded.
161. STATE LICENSED RESIDENTIAL FACILITY. A State Licensed Residential Facility is a private residence licensed by the State of Michigan to receive not more than six (6) aged, emotionally disturbed, developmentally disabled or physically handicapped adults who require ongoing supervision but not continuing nursing care. The licensee must be a member of the household and an occupant of the residence. None of the following may be construed to be a State Licensed Residential Facility: a nursing home, home for the aged, or hospital as defined by Act 368 of 1978; a hospital for the mentally ill as defined by Act 258 of 1974; a county infirmary as defined by Act 280 of 1939; a child caring institution, children's camp, foster family home or group home as defined by Act 116 of 1973; a Veterans' facility as defined by Act 152 of 1885; nor an alcohol or substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, a hotel or a rooming house, nor a residential facility licensed by the State to care for four (4) or fewer minors.
162. STORY. That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and ceiling next above it.

163. STORY, HALF. A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level and in which space not more than two-thirds (2/3) of the floor area is finished off for the use. A half-story (1/2) containing independent apartments or living quarters shall be counted as a full story.
164. STORY, HEIGHT OF. The vertical distance from the top surface of one floor to the top surface of the next above. The height of the topmost story is the distance from the top surface of the floor to the top surface of the ceiling joints.
165. STREET. A public thoroughfare which affords the principle means of access to abutting property.
166. STREET, FUNCTIONAL CLASSIFICATION. Functional classification is the process by which streets and highways are grouped into classes, or systems, according to the character of service they are intended to provide. Three basic groups include: (1) Arterials primarily for mobility, (2) Collectors for both mobility and land access, and (3) Locals primarily for land access.
- (a) PRINCIPAL ARTERIAL. Serves the major centers of activity of the region, the highest traffic volume corridors, and the longest trip desire.
 - (b) MINOR ARTERIAL. Interconnects with and augments the principal arterial system and provides service to trips of moderate length at a somewhat lower level of travel mobility than principal arterials.
 - (c) COLLECTOR. Collector system provides both land access service and for local traffic movements within residential neighborhoods, commercial areas and industrial areas.
 - (d) LOCAL. Serves as direct land access and access to higher systems.
167. STREET LINE. The legal line of demarcation between a street right-of-way and land for service, benefit or enjoyment.
168. STRUCTURE. See also BUILDING.
169. SUBDIVISION. The partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale, or lease of more than 1 year, or of building development that results in 1 or more parcels of land less than 40 acres or the equivalent, and that is not exempted from the platting

requirements of Act 288 of 1967, as amended. "Subdivide" or "subdivision" does not include a property transfer between 2 or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of Act 288 of 1967 as amended or the requirements of this Ordinance.

170. TAVERN. An establishment used primarily for the serving of liquor by the drink to the general public and where food or packaged liquors may be served or sold only as accessory to the primary use.
171. TEMPORARY BUILDING USE. A use in a temporary or permanent structure, established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period granted in the special use permit.
172. TEMPORARY OUTDOOR USE. A use carried out in an open area or uncovered or temporary structure, which is disbanded when the designated time period, activity, or use for which the temporary structure was erected, has ceased.
173. THOROUGHFARE, MAJOR. An arterial street which is intended to serve as a large volume trafficway for both the immediate Township area and the region beyond, and may be designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term.
174. THOROUGHFARE, SECONDARY. An arterial street which is intended to serve as a trafficway serving primarily the immediate Township area and serving to connect with major thoroughfares.
175. TOURIST HOME. Any dwelling used or designed in such a manner that certain rooms in excess of those used by the family, or occupied as a dwelling unit are rented to the public for compensation and shall cater primarily to the public traveling by motor vehicle.
176. TOWNSHIP. The Township of Denmark, Tuscola County, Michigan.
177. TRAILER. A structure, standing on wheels, towed or hauled by another vehicle and used for short term occupation, carrying materials, goods or objects or for use as a temporary office.

178. TRAILER COURT. Any plot of ground upon which two or more trailer coaches, occupied for dwelling or sleeping purposes, are or may be located.
179. TRAILER COACH (MOBILE HOME). Any vehicle designed, used, or so constructed as to permit its being used as a conveyance or being conveyed upon the public street or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons.
180. TRAVEL TRAILER. A vehicle designed as a travel unit for occupancy as a temporary or seasonal vacation living unit.
181. TRUCK FARMING. Horticultural practice of growing one or more vegetable crops on a large scale for shipment to distant markets.
182. USE. The purpose for which land or a building is arranged, designed, or intended, or for which land or a building may be occupied.
183. VARIANCE. A modification of the literal provisions of this Ordinance granted when strict enforcement thereof would cause undue hardship due to circumstances unique to the specific property on which the modification is granted by the Zoning Board of Appeals under the provisions of this Ordinance and Act 184 of 1943 as amended.
184. VETERINARIAN. One qualified and authorized to treat diseases and injuries of animals.
185. VISUAL SCREEN. A method of shielding or obscuring one abutting structure or use from another by fencing, walls, berms or densely planted vegetation.
186. WALL, OBSCURING. A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.
187. WAREHOUSE. A building used primarily for the storage of goods and materials.
188. WHOLESALE BUSINESS. A wholesale business is an enterprise which buys and/or repackages products for sale to retail businesses. Inventory of a wholesale business is stored within an enclosed building.

189. WIND ENERGY CONVERSION SYSTEM. A combination of: (1) A surface area, either variable or fixed, for utilizing the wind for electrical powers; and (2) A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device; and (3) The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and (4) The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted. The term "wind energy conversion system" shall be abbreviated as "WECS."

(a) Tower Height:

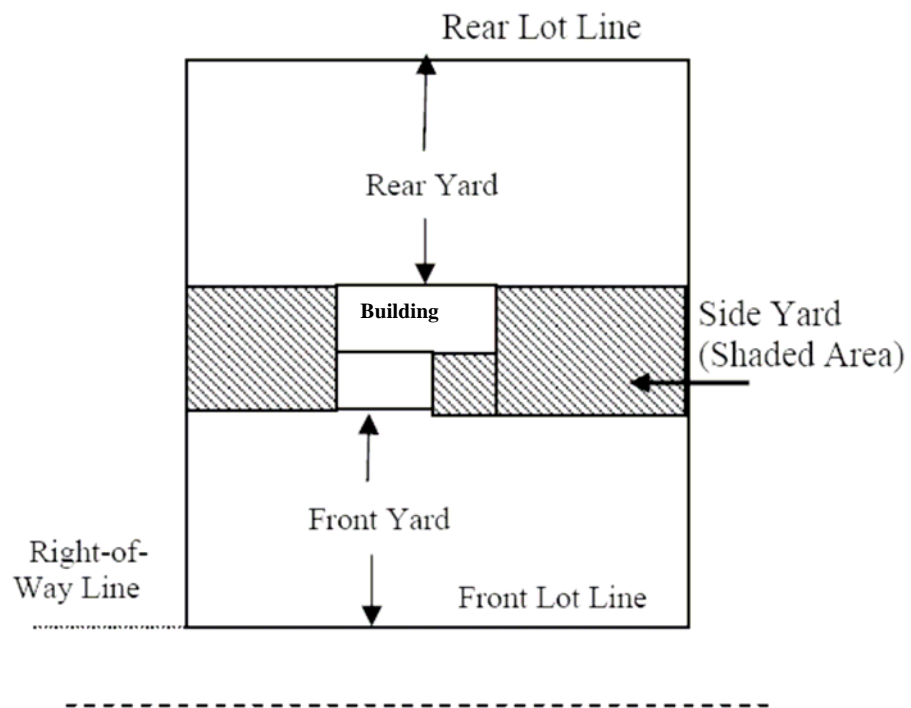
i. Horizontal Axis Wind Turbine Rotors: The distance between the ground and the highest point of the WECS, as measured from the ground, plus the length by which the rotor blade on a horizontally mounted WECS exceeds the structure that supports the rotor and blades.

ii. Vertical Axis Wind Turbine: The distance between the ground and the highest point of the WECS. Survival Wind Speed: The maximum wind speed, as designated by the WECS manufacturer, at which a WECS, in unattended operation (not necessarily producing power) is designed to survive without damage to any structural equipment or loss of the ability to function normally.

(b) Interconnected WECS: A WECS that is electrically connected to the local electrical power utility system and could feed power back into the local electrical power utility system.

190. WIRELESS COMMUNICATION FACILITY. Any personal wireless services and structures as defined in the Telecommunications Act of 1996 which includes and provides FCC licensed commercial wireless telecommunication service including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ENSM) paging, and similar services that currently exist; or that may in the future be developed.

191. YARD. An open space on the same lot with a building, which may not be occupied by buildings, structures or parking areas, except as otherwise provided. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the building line.
192. YARD, FRONT. A yard between the front lot line and the nearest point of the main building.
193. YARD, CORNER. A yard extending from the rear line of the required front property line of a site where no front yard is required, to the rear property line, the width of which is the horizontal distance between a street property line not considered a front property line and a line parallel thereto on the site. (See lot line or property line: front property line for a determination of front and corner yards.)
194. YARD, REAR. A yard between the rear lot line and the nearest point of the main building.
195. YARD, SIDE. The yard between the nearest point of the main building and any side line.



196. ZONING ADMINISTRATOR. Administers and enforces the zoning ordinance.
197. ZONING DISTRICT. Zoning Districts are those areas of the community within which similar land use activities are permitted and for which the regulations contained within this Ordinance are the same.

Chapter

3

Districts

SECTION 301. DIVISION OF THE TOWNSHIP

For the purposes of this Ordinance, all land within Denmark Township, excepting streets and alleys, is divided into the following Zoning Districts.

AG	Agricultural district
R-1	Low Density Residential district
R-2	High Density Residential district
B	Business district
I	Industrial district

SECTION 302. ZONING MAP

The boundaries of these districts are hereby defined and established as shown on a map entitled "Denmark Township Zoning Map," which accompanies this Ordinance and which map with all explanatory matter thereon is hereby made a part of this Ordinance. The official zoning map shall be kept and maintained by the Township Clerk.

The location and boundaries of the Zoning Districts established in the Township shall be shown on the Zoning Map and said map, and any section, or portion thereof, together with all notations, dimensions and other data shown thereon, are thereby made a part of this Ordinance to the same extent as if the information set forth on said map were fully described and incorporated herein.

The Zoning Map may be amended from time to time to reflect changes in districts and the rezoning of a lot or lots shown thereon in the same manner as amendments may be made to the text of this Ordinance. Such changes shall be recorded to scale on duplicated copies of the Zoning Map and shall be accomplished by written legal descriptions in appropriate amendatory ordinances.

SECTION 303. INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys, shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be constructed as following such lot lines.
3. Boundaries indicated as following railroad lines shall be construed to be the midline between the main tracks.
4. Boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.
5. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 4 above shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.
6. Where physical or natural features existing on the ground are at variance with those shown on the Zoning Map, or in other circumstances not covered by subsections 1 through 5 above, the Zoning Board of Appeals shall interpret the district boundaries.
7. Insofar as some or all of the various districts may be indicated on the Zoning map by patterns which, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of any public right-of-way.

SECTION 304. ZONING OF VACATED AREAS

If all or any portion of any public street, alley, right-of-way, easement, or land shall ever revert to or come into private ownership or shall ever be used for any purpose other than a public purpose, said land shall be subject to all of the regulations which apply within the district where located, or within the most restrictive of the immediately adjacent districts, if there be more than one.

SECTION 305. SCOPE OF REGULATIONS

No building or structure or part thereof shall be hereafter erected, moved constructed, or altered, and no new use or change in use of a parcel or structure shall be made unless it conforms with the provisions of this Ordinance, including the regulation of the Zoning District in which it is located.

The regulations applying to Zoning Districts include specific limitation on the use of land and structures, height and bulk of structures, parcel area and dimensions, setback of structures from public thoroughfares and neighboring properties, and area of a parcel that can be covered by structures.

The Zoning Board of Appeals shall have the power to classify a use which is not specifically mentioned by this Ordinance. Said use shall be treated in a like manner with a comparable permitted or prohibited use for the purpose of clarifying the district regulations of any Zoning District.

SECTION 306. APPROVAL OF PLATS

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

SECTION 307. DISTRICT REGULATIONS TABLES

A summary of dimensional regulations for all Zoning Districts are contained together in the following table, page 3-4. The table specifies a related set of information for all Zoning Districts, specifically parcel dimensions and setback requirements for parcels in each Zoning District. It does not include the general requirements of this Ordinance. The reader is urged to become familiar with all Ordinance provisions before making any decision regarding use of a parcel or structure in Denmark Township.

SCHEDULE OF DIMENSIONAL REGULATIONS

all values are required minimum lengths and areas

District	AG	R-1	R-2	B	I
Lot Area	43,560 square feet (1 acre) for all farm-related development	Fifteen thousand (15,000) square feet	Twenty-one thousand (21,500) square feet. 43,560 square feet (1 acre) for multiple family dwellings.	N/A	Thirty thousand (30,000) square feet. See Section 805 for additional requirements.
Lot Width	175 feet for all farm-related development	100 feet	100 feet	N/A	150 feet
Front Yard	60 feet from road right-of-way	40 feet	25 feet	25 feet	40 feet
Rear Yard	50 feet	30 feet	20 feet	20 feet	30 feet
Side Yard, each	20 feet	10 feet	10 feet	5 feet Where a B district abuts an R-1 or R-2 district, each side yard shall be 10 feet.	10 feet
Corner Yard	60 feet for both the front and side yards	40 feet for both front and side yards	25 feet for both front and side yards	25 feet for both front and side yards	40 feet for both front and side yards
Minimum Housing Unit	1,200 square feet	1,200 square feet	See Section 604	N/A	N/A
Maximum Structure Height	35 feet, or 2 stories for principal structure. Max height for farm-related accessories is 150 feet.	35 feet, or 2.5 stories	35 feet, or 2.5 stories	35 feet, or 2.5 stories	35 feet, or 2.5 stories, except for the uses listed in Section 804 that are limited 150 feet
Maximum Lot Coverage	30%	30%	30%	N/A	N/A
Accessory Structures	greater than 10 feet from principal structure	greater than 10 feet from principal structure	greater than 10 feet from principal structure	greater than 10 feet from principal structure	N/A

Chapter

4

AG Agricultural District Regulations

SECTION 401. INTENT AND PURPOSE

It is the intent of the regulations for this district to promote the maintenance of farms and open space areas, while at the same time provide for special uses of a non-farm nature, which will not detract from the basic objectives of this district. The purpose of these regulations is to control the development of non-farm uses of land within areas of the Township devoted primarily to open space, woodlands, and farmland.

SECTION 402. USES PERMITTED BY RIGHT

1. Farms
2. Fruit orchards
3. Truck farming
4. Horticulture
5. Nurseries and greenhouses
6. Forestry
7. One-family detached dwellings, not to exceed one (1) one-family dwelling per lot.
8. Stables and riding academies
9. Kennels
10. Publicly-owned and operated parks, parkways, and recreational facilities
11. Roadside produce stands
12. Accessory buildings and uses customarily incident to any of the above permitted uses

SECTION 403. USES PERMITTED BY SPECIAL USE PERMIT

1. Home occupations
2. Public service installations
3. Churches, public libraries, public buildings, (excluding public works garages and storage yards) and any incidental uses
4. Colleges, universities and other such institutions of higher learning

5. Public, parochial and other private elementary, intermediate and/or high schools offering courses in general education and not operated for profit.
6. Cemeteries
7. Institutional or private non-commercial recreation centers
8. Private, non-profit swimming pools
9. Golf courses, not including driving ranges or miniature golf courses
10. Nursery schools, day nurseries and child care centers
11. Two-family dwellings, one (1) per lot
12. Commercial grain and seed elevators
13. Wholesale agricultural product storage
14. Intensive livestock production facility
15. Auction yards
16. Religious, social, and educational institutions
17. Institutions for Human Care that are hospitals, assisted living, nursing or convalescent homes, clinics, day care or senior day care and excluding incarceration facilities and facilities for the treatment of drug and alcohol abuse
18. Wireless communication facilities
19. State licensed residential facilities
20. Accessory buildings and uses customarily incident to any of the above uses
21. Airfields and landing strips

Regulations for Uses Permitted by Special Use Permit are found in Chapter 14 - Special Land Use Requirements.

SECTION 404. DIMENSIONAL REQUIREMENTS

1. Lot Area, Minimum – Forty-three thousand, five hundred sixty (43,560) square feet, or one (1) acre, for all farm-related development.
2. Lot Width, Minimum – One hundred seventy-five (175) feet for all farm-related development.
3. Front Yard, Minimum – Sixty (60) feet from road right-of-way.
4. Rear Yard, Minimum - Fifty (50) feet.
5. Side Yard, each, Minimum – Twenty (20) feet.
6. Corner Yard, Minimum – Sixty (60) feet for both the front and side yards.
7. Minimum Floor Area per Dwelling Unit – Each one-family detached dwelling unit shall have a minimum finished living area of one thousand two hundred (1,200) square feet of floor area.
8. Height, Maximum – Thirty-five (35) feet or two (2) stories for principle structure. Maximum height for farm-related accessories is one hundred fifty (150) feet. The maximum height for farm-related accessories does not include silos and radio towers
9. Lot Coverage, Maximum Percent – Thirty (30%) percent

10. Accessory Structures - No accessory Structures may be located closer than ten (10') feet to the principal structure or in the front yard. However, accessory structures may be located in side yards in front of the principle structure's front building line, but may not be located within the required front yard.

R-1 Low Density Residential District Regulations

SECTION 501. INTENT AND PURPOSE

This district is intended primarily for one-family detached residential uses, together with such uses as schools, churches, and recreation uses. The regulations herein set forth are designed for the purposes of encouraging a residential environment of compatible low-density dwellings located on individual lots.

SECTION 502. USES PERMITTED BY RIGHT

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

1. One-family detached dwellings, not to exceed one (1) one-family dwelling per lot.
2. Publicly-owned and operated parks, parkways, and recreational facilities
3. Religious institutions
4. One-family detached dwellings, when associated with a religious institution
5. Customary home occupations
6. Bed and breakfasts
7. Accessory buildings and uses customarily incident to any of the above permitted uses

SECTION 503. USES PERMITTED BY SPECIAL USE PERMIT

1. Public buildings
2. Public service installations
3. State licensed residential facilities
4. Two-family dwelling
5. Multi-family dwellings

Regulations for Uses Permitted by Special Use Permit are found in Chapter 14 - Special Land Use Requirements.

SECTION 504. DIMENSIONAL REQUIREMENTS

1. Lot Area, Minimum – Fifteen thousand (15,000) square feet.
2. Lot Width, Minimum – One hundred (100) feet.
3. Front Yard, Minimum – Forty (40) feet.
4. Rear Yard, Minimum – Thirty (30) feet.
5. Side Yard, Minimum – Ten (10) feet.
6. Corner Yard, Minimum – Forty (40) feet for both front and side yards.
7. Minimum Floor Area per Dwelling Unit – Each one-family detached dwelling unit shall have a minimum finished living area of one thousand two hundred (1,200) square feet of floor area.
8. Height, Maximum – Thirty-five (35) feet or two and one half (2½) stories.
9. Lot Coverage, Maximum Percent – Thirty (30%) percent.
10. Accessory Structures – No accessory structures may be located closer than ten (10) feet to the principal structure. Accessory structures may be located in side yards in front of the principle structure's front building line, may not be located within the required front yard.

R-2 High Density Residential District Regulations

SECTION 601. INTENT AND PURPOSE

The intent and purpose of this district is to provide sites for single-family homes on smaller lots, and related uses, as well as multi-family dwellings. This district further provides a variety of housing styles, designs and costs to meet the needs of existing and potential residents while promoting development and preservation of neighborhoods of higher density than in the R-1 district.

SECTION 602. USES PERMITTED BY RIGHT

1. Single-family dwelling
2. Two-family dwelling
3. Multiple-family dwellings
4. Home occupations
5. Accessory building and uses customarily incident to any of the above permitted uses.

SECTION 603. USES PERMITTED BY SPECIAL USE PERMIT

1. Public parks
2. Public buildings
3. Public service installations
4. Manufactured home parks
5. Clubhouse, swimming pool, playgrounds, common areas and recreation facilities for the use of manufactured home park residents.
6. Accessory uses or structures related to manufactured home parks such as business office, laundry facilities, and home occupations otherwise permitted in residential districts under this article.

Regulations for Uses Permitted by Special Use Permit are found in Chapter 14 - Special Land Use Requirements.

SECTION 604. DIMENSIONAL REQUIREMENTS

1. Lot Area, Minimum – Twenty-one thousand five hundred (21,500) square feet; multiple family dwellings must be erected on a minimum lot size of forty-three thousand five hundred sixty (43,560) square feet (1 acre).
2. Lot Width, Minimum – One hundred (100) feet.
3. Front Yard, Minimum – Twenty-five (25) feet.
4. Rear Yard, Minimum – Twenty (20) feet.
5. Side Yard, Minimum – Ten (10) feet.
6. Corner Yard, Minimum – Twenty-five (25) feet for both front and side yards.
7. Apartment Unit, Minimum
 - a. Efficiency Apartment - Is a dwelling unit containing not over six hundred forty **(640) square feet** of floor area, and consisting of not more than one (1) room in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density shall be considered as a one (1) room unit.
 - b. One Bedroom Unit - Is a dwelling unit containing a minimum floor area of at least six hundred and forty **(640) square feet** per unit, consisting of not more than two (2) rooms in addition to kitchen, dining and sanitary facilities, and for the purposes of computing density shall be considered a two (2) room unit.
 - c. Two Bedroom Unit - Is a dwelling unit containing a minimum floor area of at least eight hundred **(800) square feet** per unit, consisting of not more than three (3) rooms in addition to kitchen, dining and necessary sanitary facilities, and for the purposes of computing density shall be considered as a three (3) room unit.
 - d. Three or More Bedroom Unit - Is a dwelling unit wherein for each room in addition to the three (3) rooms permitted in a two (2) bedroom unit, there shall be provided an additional area of two hundred (200) square feet to the minimum floor area of eight hundred **(800) square feet**. For the purpose of computing density, said three (3) bedroom unit shall be considered a four (4) room unit and each increase in a bedroom over three (3) shall be an increase in the room count by one (1) over the four (4).
8. Minimum Floor Area per Dwelling Unit – Each one-family detached dwelling unit shall have a minimum finished living area of one thousand two hundred (1,200) square feet of floor area.
9. Height, Maximum – Thirty-five (35) feet or two and one half (2½) stories.
10. Lot Coverage, Maximum Percent – Thirty (30%) percent.
11. Accessory Structures – Accessory structures allowed in rear yard only.

B Business District Regulations

SECTION 701. INTENT AND PURPOSE

The intent and purpose of this district is to meet the day-to-day convenience shopping and service needs of persons residing in nearby residential and agricultural areas. Further it is designed to provide a transition between major thoroughfares and residential districts.

SECTION 702. USES PERMITTED BY RIGHT

1. Professional and administrative offices
2. Personal services
3. Medical and dental offices, including clinics
4. Retail food
5. Other retail goods & services establishments
6. Banking and financial institutions
7. Building supply and showrooms
8. Offices and showrooms of plumbers, electricians, decorator or similar trades
9. Private clubs and lodge halls
10. Religious institutions
11. Theaters, assembly halls and similar places of assembly when conducted completely within enclosed buildings
12. Bottling works and food packaging.
13. Car washes when completely enclosed in a building
14. New automobiles sales or showrooms
15. Restaurants, supper clubs, and taverns
16. Bowling alleys, pool or billiard parlor or club
17. Commercial printing and newspaper offices
18. Business schools or private schools operated for profit
19. Public service facilities
20. Agriculture-related sales
21. Utility service buildings
22. Public buildings
23. Accessory building and uses customarily incident to any of the above permitted uses.

All uses shall be subject to the following limitations:

All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.

All business, servicing or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building.

SECTION 703. USES PERMITTED BY SPECIAL USE PERMIT

1. Gasoline service station for sale of gasoline, oil, and minor accessories
2. Motels, hotels, cabin courts, and tourist lodging facilities
3. Outdoor sales space for exclusive sale of second-hand automobiles, RVs, travel trailer rental
4. Commercially used outdoor recreational space for children's amusement parks, carnivals, rebound tumbling facilities, miniature golf courses, and golf driving ranges

Regulations for Uses Permitted by Special Use Permit are found in Chapter 14 - Special Land Use Requirements.

SECTION 704. DIMENSIONAL REQUIREMENTS

1. Lot Area, Minimum – N/A
2. Lot Width, Minimum – N/A
3. Front Yard, Minimum – Twenty-five (25) feet
4. Rear Yard, Minimum – Twenty (20) feet
5. Side Yard, Minimum – Five (5) feet, but where a B district abuts an R-1 or R-2 district, the side yard shall be ten (10) feet.
6. Corner Yard, Minimum – Twenty-five (25) feet for both front and side yards.
7. Height, Maximum – Thirty (35) feet or two and a half (2.5) stories.
8. Lot Coverage, Maximum Percent – N/A
9. Accessory Structures – No accessory structures may be located closer than ten (10) feet to the principal structure. Accessory structures may be located in side yards in front of the principal structure's front building line, may not be located within the required front yard.

I Industrial District Regulations

SECTION 801. INTENT AND PURPOSE

To encourage attractive industrial development that is in keeping with the Township's character. To permit manufacturing, processing, assembling, packaging or treatment of products when these activities take place only inside a building. To permit compatible sales or service uses. To prohibit residential or intensive retail uses in industrial locations.

SECTION 802. USES PERMITTED BY RIGHT

No building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in the Ordinance:

1. Any use charged with the principal function of basic research, design and pilot or experimental product development when conducted within a completely enclosed building. The growing of any vegetation requisite to the conducting of basic research shall be excluded from the requirement of enclosure.
2. Truck terminals.
3. Manufacturing.
4. Public utility installations.
5. Water supply and sewage disposal plants.
6. Water and propane tank holders.
7. Railroad transfer and storage tracks.
8. Railroad rights-of-way. Freight terminals.
9. Warehousing and outdoor storage.
10. Central dry cleaning plants or laundries.
11. Automotive repair garages, auto engine and body repair, and undercoating shops when completely enclosed.
12. Tractor and trucking facilities, including storage and repair.
13. Heating and electric power generating plants, and all necessary uses.
14. Any production, processing, cleaning, servicing, testing, repair, or storage of materials, goods, or products.
15. Laboratories

16. Agricultural facilities
17. Agriculture
18. Accessory buildings and uses customarily incident to any of the above permitted uses.

SECTION 803. USES PERMITTED BY SPECIAL USE PERMIT

1. Lumber and planing mills.
2. Metal plating, buffering and polishing.
3. Junkyards.
4. Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant.
5. Wireless Communication Facilities.
6. Accessory uses and buildings customarily incident to any of the above permitted uses.

Regulations for Uses Permitted by Special Use Permit are found in Chapter 14 - Special Land Use Requirements.

SECTION 804. DIMENSIONAL REQUIREMENTS

1. Lot Area, Minimum – Thirty thousand (30,000) square feet.
2. Lot Width, Minimum – One hundred fifty (150) feet.
3. Front Yard, Minimum – Forty (40) feet.
4. Rear Yard, Minimum – Thirty (30) feet.
5. Side Yard, Minimum – Ten (10) feet.
6. Corner Yard, Minimum – Forty (40) feet for both front and side yards.
7. Minimum Floor Area per Dwelling Unit – N/A
8. Height, Maximum – Thirty-five (35) feet or two and one half (2½) stories for principal structure. Except for agricultural related facilities and communication towers, which shall be limited to 150 feet in height.
9. Lot Coverage, Maximum Percent – N/A

SECTION 805. GENERAL USE REQUIREMENTS

1. Enclosed Buildings and Storage.
 - a) Activities in this district shall be carried on in completely enclosed buildings. Storage may be permitted out-of-doors PROVIDED that within two hundred (200') feet of any other district or use said storage shall be in completely enclosed buildings.
 - b) All outdoor storage shall be effectively screened by a solid, uniformly finished wall or fence with solid entrance and exit gates, which fence or wall shall be at least four (4') feet in height, but in no case shall the fence be lower than the enclosed storage up to a maximum of eight (8') feet in

height. Such storage shall be deemed to include the parking of licensed motor vehicles over one and one-half (1½) tons rated capacity. The fence shall be located in accordance with Chapter 9 General Provisions.

2. Uses in this District shall conform to the following standards:
 - a) Emit no obnoxious, toxic or corrosive fumes or gases that are harmful to the public health, safety or general welfare; except those produced by internal combustion engines under design operating conditions.
 - b) Emit no smoke, odorous gases or other odorous matter in such quantities as to be offensive at or beyond any boundary of the parcel.
 - c) Produce no heat or glare to such an extent to be detrimental to the health, safety and general welfare at or beyond the lot boundaries.
 - d) Produce no physical vibrations to such an extent to be determined detrimental to the health, safety and general welfare at or beyond the lot boundaries.
 - e) Does not include in the manufacturing process any production or storage of any material designed for use as an explosive or in the use of any such material in production.
 - f) Shall conform to the Michigan Department of Environmental Quality standards for industrial operations including any pollutant discharge.

General Requirements

SECTION 901. GENERAL

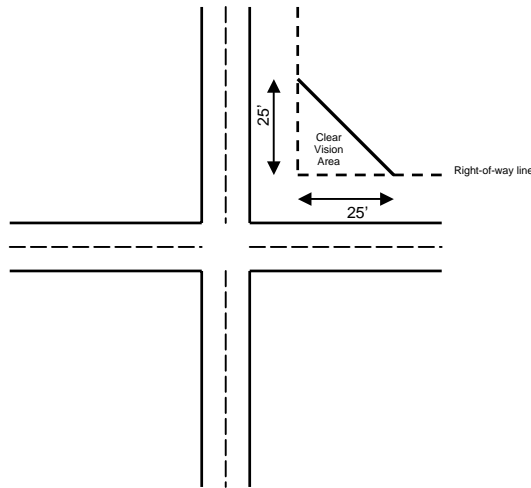
Except to the extent as may be otherwise specifically provided and in addition to any other applicable provision of this Ordinance, all buildings, structures and/or uses in the Township shall be governed by these General Requirements.

SECTION 902. SUPPLEMENTARY PARCEL REGULATIONS

1. **Access to an Arterial or Collector Street.** Vehicular access shall be provided to an existing or planned arterial or collector street. However, access driveways may be permitted where such access is provided to a street where the property directly across the street from such driveway and all property abutting such street between the driveway and the major thoroughfare or collector street is zoned for multiple family or any nonresidential use, and is developed with permanent uses other than single family residences or is an area which will be used for other than single family purposes in the future. This exception shall apply only if there are special circumstances that indicate that there will be a substantial improvement in traffic safety by reducing the number of driveways to a major thoroughfare or collector street.
2. **Accessibility to a Lot.** No dwelling shall be built on a lot unless the lot has access to vehicular traffic as provided in Section 902, A. Such access shall have a minimum width of thirty-three (33) feet, except where an access of record of less width existed prior to the effective date of this Ordinance. All regulations contained in this Ordinance shall apply to such accesses of record in the same manner as if the same were dedicated streets.

3. **Walls, Fences, And Planting Areas**

- a) In all residential districts, entrance way structures including, but not limited to: walls, columns, and gates marking entrances to single family subdivisions or multiple housing projects, shall be permitted.
- b) No fence, wall, shrubbery, or other obstruction to vision above a height of two (2) feet from the established street grade shall be permitted within the triangular area formed at the intersection of any street right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.



- c) Land between a wall, fence, or shrubbery and front property line or street right-of-way line shall be kept free from refuse and debris and shall be landscaped. The ground area and all landscaping shall be kept neat and orderly in appearance and all living materials shall be maintained in a healthy, growing condition.
- d) Fences are permitted, or required; subject to the following:
 - i. Fences on all lots in residential districts that enclose property and/or are within a required side or rear yard shall not exceed six (6) feet in height, measured from the surface of the ground. Said fence shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard; whichever is greater.

- ii. Fences which enclose public or institutional parks, playgrounds, or public landscaped areas, shall not exceed eight (8) feet in height, measured from the surface of the ground, and shall not obstruct vision to an extent greater than twenty-five (25%) percent of their total area.
- iii. Except for agricultural and/or public utility uses, fences shall not contain barbed wire, electric current or charge of electricity.
- iv. All fences shall be maintained in their upright condition. Missing boards, pickets or posts shall be replaced in a timely manner with material of the same type and quality.
- v. All supporting posts and cross-members of all fences shall face toward the interior of the lot of the person erecting the fence.
- vi. Fences shall be a maximum of thirty-six (36) inches in height when in the front yard and shall be decorative in nature, constructed of materials such as treated wood, brick, stone, reinforced concrete, or other masonry materials, redwood, cedar, preservative treated wood or other equivalent materials approved by the Zoning Administrator.
- vii. Chain link fences shall not be allowed in the front yard.
- viii. Location of fences should be positioned so that it does not cause a traffic hazard, vision obstruction, or other public safety danger.
- ix. All fence installations must first receive approval from the Zoning Administrator.
- x. Protective fences required in this Ordinance for child amusement and recreation areas and public and private pools need not be obscuring fences unless otherwise herein provided.

- e) Any lot which is used for parking, storage, or any commercial or industrial purpose shall be screened from any adjoining residential lot by either of the following:
 - i. A natural compact planting area of evergreens or shrubbery which maintain their density and screening effect throughout the calendar year, and which are maintained in a neat and attractive manner; or
 - ii. An artificial wall or fence of sufficient density or compactness to screen these structures and activities from the view of the adjoining residential lot which shall be maintained in a neat and attractive manner.
- f) Trees, shrubs or other plant material shall be set back a sufficient distance from any property so that, at maturity, they do not encroach upon any adjoining property.
- g) The minimum height of any required obscuring wall, fence or planting area shall be as follows:
 - i. Eight (8) feet for any industrial use and other such similar uses.
 - ii. The height of stored materials in any storage area or six (6) feet; whichever is higher.
 - iii. Five (5) feet for all other uses.
- h) The height of any obscuring wall, fence or planting area shall be measured from the grade level on which the same is situated.
- i) No obscuring wall, fence or planting area shall be closer than ten (10) feet from any adjoining street right-of-way line.
- j) An obscuring wall, fence, or planting area may, upon approval of the Planning Commission, be located on the opposite side of an alley right-of-way when mutually agreeable to affected property owners.
- k) An obscuring wall, fence or planting area, between a parking lot or facility or outdoor storage area and any adjoining residential lot shall not be required when such areas are located more than two hundred (200) feet distant from such adjoining residential lot.

- l) An obscuring wall, fence or planting area shall have no openings for vehicular traffic or other purposes, except opening which do not in any square section (height and width) exceed twenty (20%) percent of the surface. The openings shall be so spaced as to maintain the obscuring character required, and shall be reviewed and approved by the Zoning Administrator.

SECTION 903. SUPPLEMENTARY DWELLING REGULATIONS

1. **Manufactured Housing Standards.** No person, or entity, shall use, occupy or permit the use or occupation of a manufactured home as a dwelling within the Township, not designated as a manufactured home park, unless:
 - a) A permit for the placement of a manufactured home has been obtained from the Zoning Administrator.
 - b) The placement of a manufactured home, and the premises upon which it shall be located shall meet all requirements of the Township Zoning Ordinance relative to uses, size of premises, floor area, set back, side lot, and rear lot requirements specified for the particular zoning district in which the manufactured home is located. Further, a manufactured home occupied as a dwelling, shall have a minimum width across any front, side, or rear elevation of fourteen (14') feet. Where a manufactured home dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed under the Township Building Code, then and in that event such federal or state standard or regulation shall apply.
 - c) A manufactured home shall be firmly attached to a permanent foundation constructed on the site in accordance with the Township Building Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the Township Building Code for other single-family dwellings. The manufactured home dwelling shall be installed pursuant to the manufacturer's set-up instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Manufactured Home Commission, and shall have a perimeter wall as required above. The manufactured home shall be so placed

and situated that the wheels shall be removed and the underside or chassis of the manufactured home shall be completely enclosed and connected to the foundation so that the towing mechanism, undercarriage or chassis are not exposed to view.

- d) A manufactured home shall meet or exceed all requirements imposed by the United States Department of Housing and Urban Development Manufactured Home Construction and Safety Standards.
- e) A manufactured home shall contain no additions or rooms or other areas that are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
- f) A manufactured home shall be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six (6") inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; shall have not less than two exterior doors with the second one being in either the rear or side of the mobile home dwelling; shall have steps connected to the said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.
- g) The compatibility of design and appearance shall be determined in the first instance by the Zoning Administrator upon review of the plans submitted for a particular manufactured home, subject to appeal by an aggrieved party to the Zoning Board of Appeals. Any determination of compatibility shall be based upon the standards set forth herein, as well as the character, design and appearance of one or more residential dwellings located outside a manufactured home park within two thousand (2,000') feet of the subject manufactured home where such area is developed with dwellings to the extent of not less than twenty (20%) percent of the lots situated within the area; or, where the area is not developed, by the character, design, and appearance of one or more residential dwellings located outside of mobile home parks throughout the Township. This shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land

contour, or relief from the common or standard designed home.

- h) A manufactured home lot shall provide an additional ten (10) feet of front yard.
- i) The side of a manufactured home shall not be closer than thirty (30) feet to the side of an adjacent conventionally on-site constructed single-family dwelling unit.

2. **Accessory Buildings**

- a) Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations of this Ordinance applicable to main buildings.
- b) Accessory buildings shall not be erected in any required yard, except a rear yard as specified in the relevant zoning district, described in Chapters #4 through #8.
- c) An accessory building shall not occupy more than twenty-five (25%) percent of a required rear yard, and in a residential district the accessory building shall not exceed 1 1/2 times the size of main ground floor area of the main building.
- d) No detached accessory building shall be located closer than three (3) feet to any side or rear lot line.
- e) In no instance shall an accessory building be located within a dedicated easement or right-of-way.
- f) An accessory building may not exceed twenty-five (25) feet in height at the peak (maximum height of roof or gable) unless approved by the Planning Commission and to be in proportion with the principal structure and the size of the overall site.
- g) When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard setback required on the lot in the rear of such corner lot.
- h) All manufactured homes owned by residents of the Township and stored on individual lots in residential districts

shall be stored only within the confines of the rear yard and shall further comply with the requirements of this section applicable to accessory buildings, insofar as distances from principal structures, lot lines and easements are concerned. No such manufactured or mobile home shall be used for a dwelling.

- i) Any building erected as a garage or in which the main portion is a garage shall in no case be occupied for dwelling purposes unless it is auxiliary to a residence already being occupied upon the lot and unless it also complies with all the provisions of this Ordinance relating to buildings for residential purposes.
- j) No accessory building or use shall exist prior to the establishment of the principal building or use upon the lot except as a temporary building. Such temporary building use shall terminate upon completion of the principal building or buildings upon the lot.

- 3. **Basement.** No structure, the major portion of which consists of a basement, shall be occupied for living and/or sleeping purposes by human beings except under a variance permit from the Zoning Board of Appeals for a limited period of two (2) years to permit the construction of the above grade dwelling as shown on appropriate plans submitted by the applicant and provided said board is satisfied with the applicant's ability and intent to complete such construction within said period.

SECTION 904. SUPPLEMENTARY USE REGULATIONS

- 1. A home occupation, where permitted, shall be subject to the following limitations:
 - a) It shall occupy no more than twenty (20%) percent of the floor area of the dwelling unit.
 - b) It shall be conducted only by the person or persons occupying the dwelling their principal residence a major portion of each month; provided, however, the Planning Commission may permit additional subordinate workers who do not reside in the dwelling when such approval would not materially impair the residential character of the neighborhood or cause traffic congestion or parking problems. In no event, however, shall such additional workers exceed three (3) in number.

- c) The dwelling and/or lot shall have no exterior evidence to indicate that the same is being utilized for any purpose other than that of a dwelling except for one unanimated, non-illuminated, sign in compliance with the standards listed in Chapter 12.
 - d) No goods shall be sold from the premises that are not strictly incidental to the principal home occupation conducted therein.
 - e) No occupation shall be conducted upon or from the premises that would constitute a nuisance.
 - f) Any home occupation shall be subject to annual inspection by the Zoning Administrator and may be terminated by order of such inspector whenever it fails to comply with this Ordinance.
 - g) The Planning commission shall have authority to determine whether or not a proposed or present home occupation complies with this Ordinance, whether or not it is compatible with the character of the zoning classification in which located, and whether or not the health, safety, and general welfare of the neighborhood will thereby be impaired.
2. **Essential Services.** Essential services shall be permitted as authorized and regulated by law and other Ordinances of the Township, it being the intention hereof to exempt such essential services from the application of this Ordinance.
3. **Keeping of Animals/Pets.** No more than six (6) cats and/or dogs may be kept on a residential zoned property.
4. **Swimming Pools.**
- a) A private swimming pool shall be permitted as an accessory use to one-family or two family dwelling units, but must be located only in a rear yard.
 - b) All swimming pools, public or private, are subject to the following:
 - i. The outside wall of a swimming pool shall not be closer than ten (10) feet to a side or rear yard lot line or the required setback or a rear or side yard, whichever distance is greater.

- ii. The outside wall of a swimming pool shall be no closer than thirty-five (35) feet to the front yard lot line.
 - iii. The outside wall of a swimming pool shall be no closer than four (4) feet to any building on the same lot.
 - iv. For the protection of the general public, a swimming pool shall be completely enclosed by a fence not less than five (5) feet in height. Gates shall be of a self-closing and latching type, with the latch on the inside of the gate not readily available for children to open. Gates shall be capable of being securely locked when the swimming pool is not in use for extended periods.
 - v. All electrical installations or wiring in connection with swimming pools shall conform to the provisions of the appropriate electrical code, as amended and adopted by the Township.
 - vi. If service drop conductors or other utility wire cross under or over a proposed swimming pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation thereof before a permit is issued for the construction of a swimming pool.
 - vii. No portion of a swimming pool or associated structure shall be permitted to encroach upon any right-of-way that has been granted for public utility use or any other easement or right-of-way.
5. **Ponds.** Ponds are permitted as a landscaping enhancement to residential uses in the AG and R-1 districts, subject to the following:
- a) Excavation Guidelines.
 - i. Soils excavated for the creation of these ponds may not be taken off the parcel site for commercial purposes.
 - ii. Sites of ecological significance, such as wetlands, must be avoided.

- iii. Ponds should be located in areas that will minimize the chance of pollution from sources such as feedlots, farmsteads, corrals or septic tanks.
- iv. Excavations may not extend closer than fifty (50') feet to a power line.
- b) Ponds of less than five hundred (500') surface feet may be constructed without site plan approval.
- c) Ponds greater than five hundred (500') surface feet – but less than fifteen hundred (1,500) surface feet – may be constructed after administrative site plan review and issuance of a building permit by the Township. The site plan should be submitted according to the requirements of Chapter 15.
- d) Ponds greater than fifteen hundred (1,500) surface feet are subject to a full site plan review by the Planning Commission.
- e) No building permit will be issued for any pond unless and until the property owner can produce an approved permit from Tuscola County Drain Commissioner for soil erosion control and can demonstrate that this pond is not a regulated wetland, as identified by the State of Michigan.
- f) Slopes surrounding the pond shall be no greater than three to one (3:1). Further, slopes into the pond itself shall be established at a grade of three to one (3:1) to allow for swimmers or those who enter the pond accidentally to climb out.
- g) The Township may require the submission of a sum of money to be placed in escrow by the applicant, from which they can recover the costs associated with approving and inspecting the pond. Such costs shall be made known to the applicant at the time of submission of the required documentation. Any monies, placed in escrow but not expended for the review, approval and inspection shall be returned to the applicant.

6. **Temporary Buildings.**

- a) Tents, travel trailers, motor homes, or recreational vehicles may not be used as dwelling units except in duly licensed or

government operated parks or camps. The owner of a lot, however, may use a tent, travel trailer, motor home, or recreational vehicle for a temporary dwelling unit on his lot for no more than a total of ninety (90) days in any calendar year; provided it is connected to running water and sewage facilities.

b) Subject to the provisions of Chapter 14, Special Land Uses, the Planning Commission may, in its discretion, permit a temporary use and/or structure in any district, whether permitted therein or not, for a period not to exceed one (1) year; subject to the following additional conditions:

- i. The use and/or structure shall be in harmony with the general character of the district.
- ii. The granting of the temporary use and/or structure shall in no way constitute a change in the uses permitted in the district nor on the property where located.
- iii. The granting of the temporary use and/or structure shall be in writing, stipulating all conditions as to time, nature of development permitted, and arrangements for removing the use at the termination of said temporary permit.
- iv. All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the Township shall be made at the discretion of the Planning Commission.

7. **Voting Place.** The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any public property as a voting place in connection with a public election.

8. **Automobile Sales, New and Used.** The sale of vehicles is prohibited in off-street parking areas other than the sale of the property owner's own vehicle. This means parking lots may not be used to display vehicles, boats, or other items for sale. Emergency service required to start vehicles, however, is permitted. Furthermore, the buying, selling, brokering, leasing, negotiating a lease, or dealing in five (5) or more vehicles in a 12-month period requires a dealer's license from the State of Michigan. State law requires the application for a dealer's license to include written

verification from the Zoning Administrator that the business meets all Denmark Township zoning and municipal requirements. The Michigan Secretary of State may deny the application for a dealer's license, refuse to issue or may suspend or revoke a license already issued, if it finds the applicant or licensee is not in compliance with all applicable zoning and municipal requirements in Denmark Township. Self-certification is not permitted.

9. **Storage of Inoperable/Unused Vehicles.** In order to limit and restrict the outdoor storage or unreasonable accumulation of junk cars, unused cars, stock cars, and dilapidated non-operating motor vehicles upon any lot in the Township except within an area where a junk dealer is permitted to operate or the area is zoned for such purposes, the following standards apply:
 - a) The storage of dismantled, wrecked and/or unlicensed vehicles within any District is expressly prohibited unless contained within a licensed junkyard, or an enclosed structure, or provided that storage does not exceed ten (10) days in any one (1) year.
 - b) The Zoning Board of Appeals may permit the storage to continue by granting a variance that is only to be granted where peculiar circumstances exist, where no adjoining property owner is adversely affected thereby, and where the spirit and purpose of these regulations are still observed. This regulation does not include conventional farming implements when the implements are located on farm premises.
10. **Weed Abatement.** No owner or occupant of any residentially zoned lot or land within the township shall allow or permit thereon any growth of grass to a greater height than ten (10) inches.

SECTION 905. YARD REGULATIONS

1. **Role of the Zoning Board of Appeals.** When yard regulations cannot reasonably be complied with, as in the case of a planned development in the R-2 District, or where their application cannot be determined on lots of peculiar shape, topography, or due to architectural or size arrangement, such regulations may be modified or determined by the Zoning Board of Appeals.
2. **Multiple Dwellings Side Yard.** For the purposes of side yard regulations, a row house or a multiple-dwelling shall be considered as one (1) building occupying one (1) lot.

3. **Porches.** An open, unenclosed, and uncovered porch or paved terrace may project into a front yard for a distance not exceeding ten (10) feet, but this shall not be interpreted to include or permit fixed canopies.
4. **Projection into Yards.** Architectural features, not including vertical projections, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard; and may extend or project into a required front yard not more than three (3) feet.
5. **Access Through Yards.** For the purpose of this Ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yards, and/or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace, or other pavement servicing the like function, and not in excess of nine (9) inches above the grade upon which placed, shall for the purpose of this Ordinance not be considered to be a structure, and shall be permitted in any required yards.

SECTION 906. LOT AREA

Any lot existing and of record at the time this Ordinance became effective may be used for any principal use permitted, other than special land uses for which special lot area requirements are specified in Chapter 14, in the district in which such lot is located whether or not such lot complies with the lot area requirements of this Ordinance, except as provided in Chapter 9, Section 906, of this Ordinance. Such use may be made provided that all requirements other than lot area requirements prescribed in this Ordinance are complied with, and provided that not more than one (1) dwelling unit shall occupy any lot except in conformance with the provisions of this Ordinance for required lot area for each dwelling unit.

SECTION 907. NONCONFORMITIES

1. **INTENT.** It is the intent of this Section to permit the continuation of any lawful use of a building or land existing as of the effective date of this Ordinance. However, it is hereby declared that nonconformance with the provisions of this Ordinance is not in the best interests of the Township and ought to be discontinued as circumstances permit. Any nonconforming building, structure or use shall not be enlarged or expanded and may be changed, repaired, or reconstructed only as prescribed by this Section.

2. LEGALITY OF NONCONFORMITIES. Nonconformities will be classified as "legal" or "illegal" based on the following guidelines. Regulation of nonconformities will vary based on their legality.

ILLEGAL nonconformities are those that have been developed in conflict with zoning regulations.

LEGAL nonconformities are those that meet each applicable criterion, listed below. Note that temporary signs are not considered legal nonconforming structures.

- a) The nonconformity existed legally before the effective date of this Ordinance.
- b) The nonconformity complied with the District Regulations of the previous zoning ordinance, or existed legally through a special use permit or variance.
- c) Nonconforming Setback or Lot Size only: The nonconformity resulted from land acquisition by a government agency, such as for a road right of way.
- d) Nonconforming Buildings or Structures only: The building or structure does not extend into a public right of way, or over a neighboring property line.

3. LOSS OF LEGAL NONCONFORMING STATUS. If a nonconforming use of land or structure ceases for any reason for a period of twelve (12) months or more, any reuse of the land or structure must conform to all requirements of this Ordinance. Any lot existing and of record on the effective date of this Ordinance maybe used for any use permitted in the district in which such lot is located whether or not such lot complies with the lot area requirements of this Ordinance provided all other provisions hereof are complied with.
4. Any building or structure for which a building permit has been issued and the actual construction of the whole or a part of which has been stated, or for which a contract or contracts have been entered into pursuant to a building permit issued prior to the effective date of this Ordinance may be completed and used in accordance with the plans and application on which said building permit was granted. Failure to start construction within thirty (30) days or complete construction of any such building or structure within one (1) year after the effective date of this Ordinance shall be a violation.

5. Any sign, billboard, commercial advertising structure or object which lawfully existed and was maintained at the time this Ordinance became effective may be continued even though such use does not conform with the provisions of this Ordinance; provided that, all such nonconforming signs, billboards, commercial advertising structures and objects and their supporting members located in any residential or business district shall be completely removed from the premises within ten (10) years from the effective date of this Ordinance.
6. There may be a change of tenancy, ownership, or management of an existing nonconforming use of land or structure, or land and a structure in combination; provided there is no change in the nature or character of such nonconforming use.
7. Where a lawful structure exists on the effective date of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, density, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful; subject to the following:
 - a) A structure that is nonconforming as to use regulations shall not be added to or enlarged in any manner unless such structure, including such additions and enlargements, is made to conform to all regulations of the district in which it is located.
 - b) A structure nonconforming as to height or density regulations may be added to or enlarged if such addition or enlargement conforms to the regulations of the district in which it is located.
 - c) When a structure or portion thereof is moved from one district to another or to another location within the same district, it must conform or be made to conform to all of the regulations of the district to which it is moved.
 - d) A nonconforming use of a portion of a structure, which structure otherwise conforms to the provision of this Ordinance, shall not be expanded or extended into any other portion of such conforming structure, not changed except to a conforming use. If such nonconforming use or portion thereof is discontinued or changed to a conforming use, any future use of such structure or portion thereof shall be in

conformity with the regulations of the district in which such structure is located.

- e) Should such structure be destroyed by any means to an extent of more than fifty (50%) percent of its latest state equalized value it shall be reconstructed only in conformity with the provisions of this Ordinance.
- f) On any structure devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing to an extent not exceeding fifty (50%) percent of the latest state equalized value of the structure; provided that the cubic content of the structure as it existed on the effective date of this Ordinance shall not be increased. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

- 8. When, on the effective date of this Ordinance, a lawful use of land exists that is made no longer permissible under the terms of this Ordinance, such use may be continued, so long as it remains otherwise lawful; subject to the following:
 - a) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied on the effective date of this Ordinance.
 - b) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use on the effective date of this Ordinance.
 - c) If such nonconforming use of land ceases for any reason for a period of more than six (6) consecutive months, any subsequent use of such land shall conform to the regulations for the district in which such land is located.
 - d) No structure shall be placed on this land except in conformity with the provisions of this Ordinance.
- 9. If a lawful use of a structure, or of structure and land in combination, exists on the effective date of this Ordinance, that is made no longer permissible under the terms of this Ordinance,

such lawful use may be continued so long as it remains otherwise lawful; subject to the following:

- a) No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except to change the use of the structure to a use permitted in the district in which it is located.
- b) Any nonconforming use may be extended throughout any parts of a structure that were manifestly arranged or designed for such use, and which existed on the effective date of this Ordinance, but no such use shall be extended to occupy any land outside such structure.
- c) If no structural alterations are made, any nonconforming use of a structure and land in combination, may be changed to another nonconforming use of the same or a more restricted classification; provided that the Zoning Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Zoning Board of Appeals may require conditions and safeguards in accord with the purpose and intent of this Ordinance. When a nonconforming use of a structure, or structure and land in combination, is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.
- d) Any structure, or structure and land in combination, nor on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- e) When a nonconforming use of a structure, or structure and land in combination, is discontinued, vacated, unoccupied, or ceases to exist for six (6) consecutive months or for eighteen (18) months during any three (3) year period, it shall be conclusively presumed that same has been legally abandoned; and the structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.

- f) When nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
10. Whenever the owner shall fail to comply with the provisions of this Ordinance relating to removal or discontinuance of a nonconforming use, the Zoning Administrator shall serve notice in writing on such owner or his agent requiring him to comply herewith in a reasonable time after such notice. If, after such notice, the owner shall fail to comply herewith, the Zoning Administrator shall take such action as may be necessary, including civil action, to cause compliance with the provision hereof.

SECTION 908. PERFORMANCE STANDARDS

No use otherwise allowed, shall be permitted within any district which does not conform to the following standards of use, occupancy, and operation, which standards are hereby established as the minimum requirements to be maintained within said area:

- 1. No person shall operate or cause to be operated any use nor erect or use any structure that constitutes a nuisance.
- 2. Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line and as not to create a nuisance or hazard along property lines. Radioactive materials and wastes shall not be emitted to exceed quantities established as safe by the US Bureau of Standards when measured at the property line.
- 3. The storage, utilization, or manufacture of materials, goods or products ranging from free or active burning to intense burning, as determined by the Fire Marshall is permitted; subject to compliance with all other yard requirements and performance standards and provided that the following conditions are met:
 - a) Said materials or products shall be stored, utilized or produced within completely enclosed buildings or structures having incombustible exterior walls, which meet the requirements of the applicable building code.

SECTION 909. LIGHTING

- 1. Outdoor lighting in all districts used to light the general area of a lot shall be directed downward, shielded to reduce glare and shall be placed so as to not interfere with the vision of persons on adjacent lots or rights-of-way.

2. Lighting used for the external illumination of buildings, so as to feature said buildings, shall be shielded to reduce glare, and placed so as not to interfere with the vision of persons on adjacent lots or rights-of-way.
3. Illumination of signs shall be directed downward, shielded to reduce glare, and placed so as to not interfere with the vision of persons on adjacent lots or rights-of-way.
4. Illumination of signs and any other outdoor feature shall not be of a flashing, moving or intermittent type, except for electronic message boards as defined in Chapter 2. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use.

SECTION 910. HEIGHT LIMIT

The height limitations of this Ordinance shall not apply to farm buildings, chimneys, church spires, flag poles, public monuments, or wireless transmission towers, provided, however, that the Zoning Board of Appeals may specify a height limit for any such structure when such structure requires authorization as a conditional use.

A gray square graphic with the word "Chapter" in a bold, black, sans-serif font at the top, and the number "10" in a large, white, bold, sans-serif font below it.

Chapter 10

Reserved

This chapter is reserved for future changes or amendments to the Denmark Township Zoning Ordinance.

Parking Requirements

SECTION 1101. INTENT AND PURPOSE

This chapter is intended to provide efficient and safe access management and adequate parking area for specific uses as well as to promote the efficient use of land. It also seeks to prevent adverse environmental impacts of large paved areas.

SECTION 1102. CONSTRUCTION AND DESIGN

Regulations in this section apply to all Zoning Districts.

1. **APPLICATION.** Any person desiring to establish or change a parking area shall submit plans to the Zoning Administrator showing the location, design, size, shape, landscaping, surfacing, marking, lighting, drainage, curb cuts, entrances, exits, and any other features of the parking lot.
2. **STANDARDS.** The design and construction of parking areas shall conform to the following requirements:
 - a) Parking spaces shall be at a minimum ten (10') feet by eighteen (18') feet in **SIZE**. This does not include access drives and aisles. Designated handicapped spaces must be twelve and half (12' 6") feet wide by twenty (20') feet long.
 - b) **HANDICAPPED SPACES.** Off-street parking facilities required for buildings shall be provided in accordance with the following table and identified by signs as being reserved for handicapped persons. Signs shall be located approximately six (6') feet above grade. Where a curb exists between a parking lot surface and a sidewalk surface, an inclined approach or a curb cut with a gradient not more than one (1') foot in twelve (12') feet and a width of not less than four (4') feet shall be provided for wheelchair access.

Parking spaces for the physically handicapped shall be located as close as possible to walkways and entrances. Signs shall be provided when necessary, indicating the direction of travel to an accessible entrance.

Total in Parking Lot	Number of Accessible Spaces
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
500 to 1,000	2% of total
over 1,000	20, plus 1 for each 100 over 1,000

- c) Any LIGHTING used to illuminate any off-street parking and loading area shall be arranged to direct light away from adjoining premises.
- d) Each off-street parking DRIVEWAY OPENING to a Public Street must be approved by the agency having jurisdiction over the street following site plan review by the Planning Commission. If the Public Street is paved, the driveway must be paved for at least the length required for stacking area as defined below. Lanes for entering and exiting traffic shall be clearly marked on the pavement. Each driveway shall intersect a Public Street at a ninety (90°) degree angle.
- e) Each off-street parking driveway shall include an on-site STACKING AREA, which does not function as an access aisle for parking spaces, equivalent to at least five (5%) percent of the spaces in the parking area.
- f) All off-street parking driveways shall have a CLEAR VISION AREA unobstructed by accessory structures or plantings, within twenty (20') feet of any Public Street Right-of-Way, for a sight distance of fifty (50') feet along the near edge of the pavement in either direction.

- g) Except for parallel parking, all parking spaces shall be clearly marked with STRIPING which shall be maintained. Stone lots do not need to be striped.
- h) LANDSCAPING. Off-street parking shall be permitted to occupy required front, side and rear yards after approval of the parking plan layout, provided that there shall be maintained a minimum landscaped setback of ten (10') feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest right-of-way line.
- i) Off-street parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.
- j) The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited.
- k) For the purpose of computing the number of parking spaces required, the definition of USABLE FLOOR AREA shall govern.
- l) Off-street parking areas shall be effectively SCREENED on any side which abuts a residentially zoned district or institutional use, by a screening of evergreen hedge or other natural landscaping. If the owners of adjacent residential properties request, in writing, this screening shall be done by a solid uniformly painted fence or wall not less than four (4') or more than six (6') feet in height and maintained in good condition.
- m) ACCESS DRIVES to and from a parking area shall be paved. Access drives are not part of the required parking area. Design and construction of access drives must be reviewed approved by the Township staff and in the instance of State roads, such as M-15 the Michigan Department of Transportation.
- n) In cases where the Planning Commission determines that the level of traffic using a parking area or the nature of traffic in the parking area requires a hard surface for safe and efficient operation, the parking area shall be SURFACED

with an asphalt, concrete, or similar durable and dustless surface, and shall be graded and drained to dispose of all surface water.

3. **SHARED ACCESS.** The Planning Commission must require shared access between and among uses where feasible, excluding single family residential uses. Feasibility is determined with respect to the physical design of the site and not the effort or costs involved with achieving joint access. This requirement applies to driveways and access drives associated with site redevelopment or new construction. In the case of new development, a joint driveway agreement must be signed by all property owners involved prior to a construction permit being issued. Driveways must be designed to allow joint access in the future, where feasible, and an agreement to allow future use of the drive for joint access must be signed at the time of site plan approval. Shared drives must be shown on site plans at the time of review by the Planning Commission. Refusal to design a site with provisions for joint access or refusal to participate in a joint access agreement is justification for site plan denial by the Planning Commission.
4. **DRIVEWAY CLOSURE.** Nonconforming driveways, per this ordinance, shall be made to be less nonconforming at the time a site is redeveloped. Lessening the degree of driveway nonconformance may include the Planning Commission requiring closing a driveway or combining driveways or access points at the time of site plan review.
5. The **OCCUPANCY** of a building or any part of a building shall not change from one use to a use in another classification unless the minimum parking requirements are provided for the new use. No building shall be enlarged if the enlargement requires additional parking space, unless the minimum requirements for off-street parking are provided.
6. Parking spaces may **COUNT TOWARD THE REQUIREMENT** for a Parcel if they are located on it or on an adjoining Parcel where the farthest space is not over five hundred (500') feet from the nearest public entrance to the Principal Building, with a continuous paved walkway between the lot and entrance.

SECTION 1103. OFF-STREET PARKING REQUIREMENTS

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

USE	NUMBER OF SUGGESTED PARKING SPACES PER UNIT OF MEASURE
RESIDENTIAL	
Residential, one-family and two family	Two (2) for each dwelling unit.
Residential, Multiple-family	Two (2) for each dwelling unit.
Housing for the Elderly.	One (1) for each two (2) units, and one (1) for each employee. Should units revert to general occupancy, then one and one-half (1½) spaces per unit shall be provided.
Manufactured Home Park	Two (2) for each manufactured home unit and one for each employee of the park.
INSTITUTIONAL	
Religious Institutions	One (1) for each three (3) fixed seats.
Hospitals	One (1) for each one (1) bed
Homes for the aged and convalescent homes	One (1) for each four (4) beds
Elementary and junior high schools	One (1) for each one (1) teacher, employee or administrator, in addition to the requirements of the auditorium
Private clubs or lodge halls	One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.
Senior high schools	One (1) for each one (1) teacher, employee or administrator and one for each ten (10) students, in addition to the requirements of the auditorium
Private golf clubs, swimming pool clubs, tennis clubs, or other similar uses	One (1) for each two (2) member families or individuals plus spaces required for accessory use such as a restaurant or bar
Golf courses open to the general public, except miniature of "Par-3" courses	Six (6) for each one (1) golf hole and one (1) for each one (1) employee, plus spaces required for each accessory use, such as a restaurant or bar.
Fraternity or sorority.	One (1) for each five (5) permitted active members, or one (1) for each two (2) beds, whichever is greater.
INSTITUTIONAL	
Stadium, sports arenas, or similar place of outdoor assembly.	One (1) for each three (3) seats or six (6) feet of benches.
Theaters and auditoriums.	One (1) for each three (3) seats plus one (1) for each two (2) employees.
COMMERCIAL	
Planned commercial or shopping center.	One (1) for each one hundred (100) square feet of usable floor area.
Auto Wash.	One (1) for each one (1) employee. In addition, reservoir parking spaces equal in number to five (5) times the maximum capacity of the auto wash for automobiles awaiting entrances to the auto wash shall be provided. Maximum capacity of the auto wash for the purpose of determining the required reservoir parking shall mean the greater number possible of automobiles undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by twenty (20).

Beauty Parlor or Barber Shop.	Three (3) spaces for each of the first two (2) beauty or barber chairs and one and one-half (1½) spaces for each additional chair.
Bowling Alleys.	Five (5) for each one (1) bowling lane.
Dance halls, pool or billiard parlors, roller or skating rinks, exhibition halls, and assembly halls without fixed seats.	One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes.
Establishment for sale and consumption on the premises of beverages, food or refreshments.	One (1) for each one hundred (100) square feet of usable floor space or one (1) for each two (2) persons allowed within the maximum occupancy load as established by local, county, or state fire, building or health codes, whichever is the greater
Roadside stands	One (1) for every five-hundred (500) square feet of lot area for retail sales and retail uses
Furniture and appliance, household equipment, repair shops, show-room of a plumber, decorator, electrician, or similar trade, shoe repair and other similar uses	One (1) for each eight hundred (800) square feet of usable floor area. (For that floor area used in processing, one (1) additional space shall be provided for each two (2) persons employed therein
Gasoline service stations	Two (2) for each lubrication stall, rack, or pit; and one (1) for each gasoline pump
Laundromats and coin operated dry cleaners	One (1) for each two (2) washing and/or dry-cleaning machines.
Miniature "par 3" golf courses.	Three (3) for each one (1) hole plus one (1) for each one (1) employee.
Mortuary establishments	One (1) for each fifty (50) square feet of usable floor space
Motel, hotel, or other commercial lodging establishments.	One (1) for each one (1) occupancy unit plus one (1) for each one (1) employee
Motor vehicle sales and service establishments	One (1) for each two hundred (200) square feet of usable floor space of sales room and one (1) for each one (1) auto service stall in the service room
Nursery school, day nurseries, or child care centers	One (1) for each three hundred and fifty (350) square feet of usable floor space.
Retail stores except as otherwise specified herein	One (1) for each one hundred and fifty (150) square feet of usable floor space
Banks	One (1) for each one hundred (100) square feet of usable floor space
Business offices or professional offices	One (1) for each two hundred (200) square feet of usable floor space
Professional offices of doctors, dentists or similar professions	One (1) for each fifty (50) square feet of usable floor area in waiting rooms, and one (1) for each examining room, dental chair or similar use area
INDUSTRIAL	
Industrial or research establishments, and related accessory offices	Five (5) plus one (1) for every one and one-half (1 ½) employees in the largest working shift. Space on site shall also be provided for all construction workers during periods of plant construction.
Warehouses and wholesale establishments	Five (5) plus one (1) for every one (1) employee in the largest working shift, or one (1) for every seventeen hundred (1700) square feet of usable floor space, whichever is greater

Any variations from these requirements must be requested in writing with justification and must be approved by the Zoning Administrator or by the Planning Commission when deemed necessary by the Zoning Administrator.

When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one half ($\frac{1}{2}$) shall be disregarded and fractions over one half ($\frac{1}{2}$) shall require one (1) parking space.

SECTION 1104. OFF-STREET WAITING AREA FOR DRIVE-THROUGH FACILITIES

1. An off-street waiting space is defined as an area with a minimum width of ten (10') feet and a minimum length of twenty (20') feet and shall not include the use of any public space, street, alley or sidewalk and shall be located entirely within any commercial district.
2. Uses occupied or built for the purpose of serving customers in their vehicles by a service window or similar arrangements, off-street waiting spaces shall be provided as shown in the following chart.
3. Drive-through lanes shall not utilize any space which is necessary for adequate access to parking spaces from internal maneuvering lanes.
4. Drive-through lanes shall have a minimum centerline radius of twenty-five (25') feet.
5. Drive-through lanes shall be striped, marked, or otherwise distinctively delineated.
6. No space shall be located closer than fifty (50') feet to any lot in any Residential District, unless wholly within a completely enclosed building or enclosed on all sides facing-Residential Zones, by a wall or uniformly painted solid board or masonry fence of uniform appearance which is not less than six (6') feet in height.

USE SERVED BY DRIVE-THROUGH LANE	MINIMUM STACKING REQUIREMENTS (PER LANE)
1. Restaurant	The distance between the order board and the pick-up window shall store four (4) vehicles, and storage shall be provided for four (4) vehicles in advance of the menu board (not including the vehicles at the pick-up window and menu board)
2. Financial Institution	Six (6) vehicles per lane inclusive of the vehicle at the window.
3. Car Wash (coin-operated)	Three (3) vehicles in advance of the washing bay and storage for one and one-half (1½) vehicles beyond the washing bay as a drying and vacuum area.
4. Car Wash (tunnel wash)	Four (4) times the maximum capacity of the car wash in advance of the tunnel and three (3) vehicles beyond the tunnel for drying areas.
5. Child Care Centers	One (1) vehicle per fifteen (15) children inclusive of the vehicle at the drop-off point. No parking area or maneuvering lanes shall be permitted between the drop-off point and the principal entrance to the building.
6. Dry Cleaners	Four (4) vehicles per lane inclusive of the vehicle at the window.
7. Quick Oil Change	Four (4) vehicles per lane inclusive of vehicle being serviced.
8. Convenience Market	Three (3) vehicles per lane inclusive of the vehicle at the window.
9. Other Uses	For uses not listed above, the Planning Commission shall make a determination of minimum required vehicle stacking at the time of site plan review, based upon analysis by the Zoning Administrator.

SECTION 1105. LOADING SPACE REQUIREMENTS

1. For every building, or addition to an existing building, hereafter erected to be occupied by a use allowed in any commercial or industrial zone district or other similar use requiring the receipt or distribution of materials or merchandise, there shall be provided and maintained on the same premises with such building additional off-street loading spaces in relation to floor area as follows:

Gross Floor Area (In Square Feet) Space Required	Minimum Loading and Unloading
10,000 - 20,000	One (1) space
20,001 - 50,000	Two (2) spaces
50,001 - 100,000	Three (3) spaces
100,001 +	One (1) additional space for each additional one hundred thousand (100,000) square feet or fraction thereof.

2. Each such loading space shall be at least ten (10) feet in width, fifty (50) feet in length, and fourteen (14) feet in height. No such space shall be located closer than fifty (50) feet to any lot in any residential district unless wholly within a completely enclosed building or enclosed on all sides by a wall, or a greenbelt, berm, or buffer strip.
3. Lights used to illuminate loading areas shall be arranged so as to reflect away from adjacent properties.
4. Loading spaces shall not be provided in the front yard, the front side of any building, or on any building side facing and directly visible to a public street, unless the Planning Commission determines such a location is necessary due to the building's location or placement, the existing street patterns, or other factors.

Signs

SECTION 1201. SCOPE

These standards are adopted to:

1. Maintain and enhance the aesthetics of the community.
2. Enhance pedestrian and traffic safety.
3. Preserve public health, safety, and welfare.
4. Minimize the adverse effects of signs on nearby public and private property.
5. Minimize driver distraction.
6. Encourage appropriate plants and landscaping material.
7. Avoid excessive signage.
8. Protect and enhance the scenic views and natural landscapes.
9. Protect and enhance economic viability by assuring aesthetic appeal for visitors and residents.
10. Promote the use of aesthetically pleasing sign materials and colors.
11. Avoid obstacles, distractions, or traffic hazards that impair a traveler's ability to see pedestrians, traffic signs, or vehicles.
12. Preserve the right to enjoy scenic amenities.
13. Enhance the effectiveness of necessary directional and warning signs.
14. Preserve property values.
15. Provide for the effectiveness of permitted signs.
16. Avoid adverse lighting or reflection.
17. Require structurally safe signs.

SECTION 1202. PERMIT PROCEDURE

Prior to construction or establishment of any sign, except as otherwise specifically noted in this Ordinance, a permit shall be obtained from the Township Zoning Administrator. A sign permit shall become null and void

if the work for which the permit was issued has not been completed within a period of 6 months after the date of the permit.

1. ACTIONS EXEMPT FROM PERMITTING. The following operations shall not be considered as creating a sign and therefore shall not require a sign permit.
 - a) REPLACING COPY. The changing of the advertising copy of an approved painted or printed sign or on a theater marquee and similar approved signs which are specifically designed for the use of replaceable copy.
 - b) MAINTENANCE. Painting, repainting, cleaning, light bulb replacement, and other normal maintenance and repair of a sign or a sign structure unless a structural change is made.
2. APPLICATIONS. Application for a permit to construct or locate a permanent sign shall be obtained from the Township Zoning Administrator. The application shall include the following information.
 - a) Name, address, telephone number of the landowner, developer, or petitioner.
 - b) A map of the property at a scale of 1"=25' showing the location and type of existing structures on the site, property boundaries, location and type of structures or adjacent properties, road rights-of-way, entrances and exits onto the subject property and exact location of the proposed sign(s) with setback from all structures and property lines. The drawings submitted for sign permits must comply with all pertinent aspects of the approved site plan in instances where a site plan is required.
 - c) An elevation drawing of the proposed sign(s) depicting its design, lettering, method of illumination and other relevant information. The dimensions of the height and length, and width of the sign(s) and height between ground elevation and the bottom of the sign, shall be noted.
 - d) In the case of a wall sign, an elevation of the wall of the building on which the sign is to be placed, including a depiction of the wall sign at scale, shall be shown. The dimension of the building wall and the sign shall be depicted.

- e) The proposed dates of construction and completion of the sign.
- f) Structural information necessary to comply with all current building codes.
- g) In the case of a portable sign, the length of time the proposed sign will be on the site.
- h) A fee shall be paid to Denmark Township for each sign permit. A schedule of fees shall be established and amended from time to time by the Township Board.

3. DURATION OF PERMIT FOR PORTABLE SIGNS. All portable signs are subject to the restrictions outlined in the following Table of Special Purpose Sign Regulations and subject to the location restrictions for permanent signs in the applicable Zoning District. Each such sign shall require a permit if it is to be posted more than 7 days.

Zoning District	Duration of Permit	Permits per Parcel
RESIDENTIAL: BOTH R-1 & R-2	30 days	2 per year
AGRICULTURE	30 days	2 per year
BUSINESS	30 days	2 per year
INDUSTRIAL	30 days	2 per year

SECTION 1203. MEASUREMENT OF A SIGN

Measurement of a sign includes the entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. This excludes the necessary supports or uprights on which the sign is placed but includes any sign tower. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area. In the case of a sphere, the total area of the sphere shall be divided by four (4) to determine the maximum permitted sign area. The height of a sign shall be

measured from the average grade of the lot at the setback line. If a sign includes a numeric address, the portion of the sign containing the address.

SECTION 1204. TABLE OF SIGNS PERMITTED

District	Type	# Per Parcel	Size	Placement	Height
AG	Non dwelling use sign	1	32 sq.ft.	Within required yard	6 ft.
	Small sign	1	6 sq.ft.	Within required yard	6 ft.
	Wall Sign	1	No limit	Anywhere on bldg.	Height of wall
	Portable	1	32 sq.ft.	Within required yard	7 ft.
R-1 R-2	Non dwelling use sign	1	18 sq.ft.	Within required yard	6 ft.
	Small sign	1	2 sq.ft.	Within required yard	4 ft.
	Wall Sign	1	6 sq.ft.	Any wall	Height of wall
	Portable	1	32 sq.ft.	Within required yard	5 ft.
B	Wall	No limit	32 sq.ft.	Anywhere on bldg.	Height of wall
	Monument/freestanding	1	64 sq.ft.	Within required yard	12 ft.
	Marquee/Canopy	1	32 sq.ft.	On structure	Height of highest eave
	Portable	1	32 sq.ft.	Within required yard	8 ft.
	Electronic message board	1	32 sq.ft.	Within required yard	8 ft.
I	Wall	1	No limit	Anywhere on bldg.	Height of wall
	Monument/freestanding	1	64 sq.ft.	Within required yard	12 ft.
	Pole sign	1	32 sq.ft.	Within required yard	12 ft. at grade of lot line
	Roof	1	60 sq.ft.	On structure	Roof line
	Portable	1	32 sq.ft.	Within required yard	5 ft.
	Electronic message board	1	32 sq.ft.	Within required yard	8 ft.

NOTES TO TABLE

1. In the case of through lots (a lot or lots held under one ownership fronting on two streets), on a street, one sign may be allowed per access.

2. In the case of a corner lot, situated on two or more streets, signs may be permitted on each street.
3. Signs must be out of the road right-of-way.
4. Only one (1) monument sign shall be permitted on each lot, except that a business center shall be permitted one (1) monument sign for each major street frontage. The entire sign shall not exceed twelve (12) feet in height. If more than four (4) businesses are located in one center, additional monument signs will be allowed. One (1) wall sign is allowed per individual business of thirty-two (32) square feet in a business center.
5. Electronic message boards have a maximum allowed area of 32 square feet. When an electronic message board is combined with a monument sign, the maximum area of the electronic message board will be half (50%) of the total sign area.
6. The height of wall signs may be up to the height of the wall.
7. One (1) sign not exceeding four (4) square feet may be permitted per additional building entrance, exit or service window.
8. Parcels with greater than four hundred (400) lineal feet of frontage may be granted additional signage at the site plan review phase.
9. **POLITICAL CAMPAIGN SIGNS.** Signs up to an area of 6 square feet for each parcel. Signs between six (6) and thirty-two (32) square feet require a permit and are not exempt from these requirements. These signs may be erected no more than thirty (30) days before, and must be removed no more than four (4) days after, the election for which they were made.
10. **NONDWELLING USE SIGNS.** In the AG, R-1, and R-2 districts, only non-dwelling use signs may be illuminated.

SECTION 1205. SIGNS EXEMPT FROM PERMIT REQUIREMENTS

The following exempt signs are allowed in all zoning districts within the Township. All exempt signs shall comply with setback provisions for the Zoning District in which they are located.

1. **CONSTRUCTION SIGNS.** These signs may be displayed during the construction period, commencing with the issuance of a building permit. The signs shall have a maximum area of thirty-two (32) square feet. The signs shall be confined to the site of the

construction and shall be removed no more than four (4) days after the beginning of the intended use of the project.

2. **SMALL SIGNS.** In the AG, R-1, and R-2 zoning districts, one (1) sign, no greater than six (6) square feet or four (4') feet in height is permitted without a permit, provided it is located within the required yard.
3. **PRIVATE TRAFFIC DIRECTION SIGNS.** Signs located on private property, necessary to promote vehicular and pedestrian safety are exempt from permitting. These may include directional signs, parking signs, and other related signs at the discretion of the owner.
4. **PORTABLE SIGNS.** Portable signs with less than a seven (7) day duration.

SECTION 1206. PROHIBITED SIGNS

Signs are prohibited which:

1. Are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or emergency vehicle.
2. Obstruct a motorist's view of any traffic signs, street sign, or traffic signal.
3. Are not properly anchored or secured to a building or the ground.

SECTION 1207. ILLUMINATION

There shall be no flashing, oscillating, or intermittent, illumination of any sign located in the line of vision of a traffic control device or interfering with safe vision along any roadway, especially at intersections. All illuminated signs shall be designed and located to prevent the light from being cast upon adjoining residences and shall be located at least one hundred fifty (150') feet from any residential use. The illumination of any sign shall not be detrimental or annoying to surrounding property nor constitute a safety hazard, as determined by the Zoning Administrator.

In the AG, R-1, and R-2 districts, only non-dwelling use signs may be illuminated.

SECTION 1208. NONCONFORMING SIGNS

Note that portable signs are not considered to be acceptable nonconforming structures.

1. Nonconforming signs:
 - a) Shall not be changed in such a way to remain nonconforming.
 - b) Shall not be altered structurally so as to prolong the life of the sign or so as to change the shape, size, type, or design of the sign unless such change renders the sign conforming.

SECTION 1209. CONSTRUCTION AND MAINTENANCE

The construction of any sign shall be such that it will withstand all wind and vibration forces that can be normally expected to occur in the vicinity. All signs shall be properly maintained and shall not be allowed to become unsightly through disrepair or action of the elements. No sign permit shall be issued until the building and zoning inspectors are satisfied the sign to be constructed complies with the provisions of this Ordinance and will be constructed in a safe, sturdy and durable manner with proper bracing anchorage and foundation. A sign shall not be erected or installed until a permit is first obtained from the Township Zoning Administrator and from the Building Inspector.

SECTION 1210. VIOLATIONS AND REMOVAL

1. Any sign erected, altered, or converted subsequent to the passage of this Article and in violation of any of the provisions thereof is hereby declared to be a nuisance per se.
2. Upon discovery of a violation of this Article the Zoning Administrator shall provide written notice to the person in possession of the premises upon which the sign is erected as is reasonably available and to the owner of the premises upon which the sign is erected as shown by the records of the Township Assessor. Such notice shall state the defects found upon inspection of the sign and order the sign to be brought into compliance with this Article or removed.
3. The Zoning Administrator or his representative shall also post a copy of such notice upon the violating sign or upon the premises upon which the sign is erected. Such notice shall be sufficiently weatherproof to withstand normal exposure to the elements and shall be readily visible from the nearest public thoroughfare.

4. If the violating sign has not been removed or brought into compliance with this Article within thirty (30) days from the issuance of the order specified in (2) above, the Zoning Administrator or his deputies shall provide notice to the person in possession of the premises upon which the violating sign is erected and to the owner of premises upon which the sign is erected. The owner may request an interpretation of the Ordinance or an administrative decision at the Zoning Board of Appeals. Notice shall be provided in the same manner as in (2) and (3) above.
5. If the Zoning Board of Appeals determines that the sign involved is in violation of this Article he shall order the action necessary to bring the sign into compliance. Based upon competent evidence and testimony the Board of Appeals shall also establish a reasonable time by which the requirements of the order shall commence and shall be completed.
6. If the decision and order provided for in (5) above are not complied with in the specified time, the Zoning Administrator may cause the violating sign to be removed and destroyed. The cost of removal, destruction, and disposal of the sign may be charged against the premises.
7. Nothing in this Section shall prevent the Zoning Administrator from ordering the complete removal of any sign presenting an immediate threat to the safety of the public.

SECTION 1211. ABANDONED SIGNS

A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business is no longer conducted on the premises. If the owner or lessee fails to remove it within thirty (30) days of the termination of business, the Zoning Enforcement Officer, or a duly authorized representative, may remove the sign at cost to the property owner. When a successor to a defunct business agrees to maintain the signs as provided in this code, this removal requirement shall not apply.

Landscaping

SECTION 1301. GENERAL

Whenever in this Ordinance landscaping is required, it shall be planted within six (6) months from the date of issuance of a certificate of occupancy and shall thereafter be reasonably maintained with permanent plant materials to provide a screen to abutting properties. Suitable materials equal in characteristics to the required plant materials listed below shall be provided.

1. Plant materials shall not be placed closer than four (4) feet from the fence line or property line.
2. Where plant materials are placed in two or more rows, plantings shall be staggered in rows.
3. Evergreen trees shall be planted not more than thirty (30) feet on centers.
4. Narrow evergreens shall be planted not more than six (6) feet on centers.
5. Deciduous trees shall be planted not more than thirty (30) feet on centers.
6. Tree-like shrubs shall be planted not more than ten (10) feet on centers.
7. Large deciduous shrubs shall be planted not more than four (4) feet on centers.

SECTION 1302. REQUIRED LANDSCAPING FOR PARKING AREAS

Landscaping for parking areas is intended to provide visual separation of uses from streets and visual separation of compatible uses so as to soften the appearance of street, parking, and building elevations.

1. **Required Amount**

- a) If the parking area contains no more than fifty (50) parking spaces, at least twenty (20') square feet of landscape development must be provided as described in paragraph B of this section for each parking stall proposed.
- b) If the parking area contains more than fifty (50), but less than one hundred (100) parking spaces, the Zoning Administrator shall determine the required amount of landscaping by interpolating between twenty (20) and forty (40) square feet for each parking stall proposed. The area must be landscaped as described in this section.
- c) If the parking area contains more than ninety-nine (99) parking spaces, at least forty (40) square feet of landscape development must be provided as described in paragraph B of this section for each parking stall proposed.

2. **Design.** Each area of landscaping must be at least one hundred (100) square feet of area in size and must be at least four (4') feet in any direction. The area must contain at least one (1) tree at least six (6) feet in height. A minimum size of one and one-half (1½) inches in caliper must be met if it is deciduous. The remaining ground area must be landscaped with plant materials, grass, and decorative mulch or unit pavers, as approved by the Zoning Administrator.

Special Land Use Permit Requirements

SECTION 1401. INTENT, PURPOSE, AND PROCESS OF A SPECIAL USE PERMIT

1. **INTENT.** In contrast to the clear-cut and objective process desired for most zoning decisions, the Special Use Permit process is intended to be at least partly subjective. It relies upon the judgment of the Planning Commissioners, the sincerity of the applicant, and the opinions or feelings of people who live or own property near the site of a proposed Special Use. The Special Uses that are designated for a particular Zoning District are generally complementary to the uses permitted by right. However, because of their unique characteristics or more intensive natures, these uses require special consideration of the welfare of adjacent properties and the community as a whole.
2. **PURPOSE.** This Chapter provides procedures and standards for regulating activities identified as uses by Special Use Permit for each Zoning District. Special Uses represent a middle range between uses that are clearly permitted and uses that are clearly denied in any Zoning District. The purpose of designating Special Uses is to allow practical latitude for a property owner or developer to use a parcel of land while maintaining protection of the health, safety, comfort, convenience and general welfare of neighbors and the community at large.
3. **PROCESS.** Regulation of Special Uses includes two separate steps.
4. First is the review of the Site Plan for the proposed use. Second is the decision of whether a Special Use Permit will be granted.

- a) **STANDARDS.** During the Special Use Permit process, various considerations will be explored before approval of the Site Plan or the Special Use Permit. Some of these are defined in this Chapter as additional site plan review standards for various Special Uses. These standards are intended to reduce the impact of a Special Use on surrounding properties. They are minimum requirements that must always be met.
 - b) **CONDITIONS.** The Planning Commission may attach additional conditions to the approval of the Site Plan or the Special Use Permit. These conditions must be based on requirements or concerns defined by this Ordinance.
 - c) **PRECAUTION.** No person should think that compliance with the standards defined by this Chapter automatically grants them the right to establish a Special Use in a given Zoning District. Rather, the privilege of establishing a Special Use is granted or denied by the Planning Commission following the process outlined in this Chapter. This process includes notification of nearby residents and property owners who may voice their opinions at a public hearing before a decision is made to grant a Special Use Permit. Since Special Uses generally impose physical, visual or psychological impacts on neighboring parcels, the input of neighboring residents or property owners is a legitimate factor for the Planning Commission to consider when deciding whether to allow such uses.
 - d) **PERMANENCE.** Note that once a Special Use Permit has been granted, it may only be revoked if the conditions mentioned above, or other requirements of this Ordinance, have been violated. Otherwise, the Special Use Permit "runs with the land" and is one of the rights that transfers when the parcel is rented or sold. Therefore, this Ordinance does not provide for placement of any time limit on a Special Use Permit, except that the Special Use Permit may expire or be revoked.
5. **LIST OF USES PERMITTED BY A SPECIAL USE PERMIT.** A table that lists all Special Uses, by Zoning District, in Denmark Township is shown on page 14-3.

X = allowed by Special Use Permit	Districts				
	AG	R-1	R-2	B	I
Accessory buildings and uses - Section 1403	X				X
Accessory uses or structures related to manufactured home parks such as business office, laundry facilities, and home occupations - Section 1416			X		
Airfields and landing strips - Section 1405	X				
Auction yards - Section 1406	X				
Cemeteries - Section 1407	X				
Churches, public libraries, public buildings, (excluding public works garages and storage yards) and any incidental uses - Section 1408	X				
Clubhouse, swimming pool, playgrounds, common areas and recreation facilities for the use of manufactured home park residents - Section 1416			X		
Colleges, universities and other such institutions of higher learning - Section 1408	X				
Commercial grain and seed elevators - Section 1406	X				
Commercially used outdoor recreational space for children's amusement parks, carnivals, rebound tumbling facilities, miniature golf courses, & golf driving ranges - Section 1409				X	
Gasoline service station for sale of gasoline, oil, & minor accessories - Section 1410				X	
Golf courses, not including driving ranges or miniature golf courses - Section 1411	X				
Home occupations - Section 1412	X				
Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant - Section 1413					X
Institutional or private non-commercial recreation centers - Section 1420	X				
Institutions for Human Care that are hospitals, assisted living, nursing or convalescent homes, clinics, day care or senior day care, excluding incarceration facilities & facilities for the treatment of drug & alcohol abuse - Section 1408	X				
Intensive livestock production facility - Section 1406	X				
Junkyards - Section 1413					X
Lumber and planing mills - Section 1413					X
Manufactured home parks - Section 1416			X		
Metal plating, buffering and polishing - Section 1413					X
Motels, hotels, cabin courts, and tourist lodging facilities - Section 1414				X	
Multi-family dwellings - Section 1417		X			
Nursery schools, day nurseries and child care centers - Section 1419	X				
Outdoor sales space for exclusive sale of second-hand automobiles, RVs, travel trailer rental - Section 1404				X	
Private, non-profit swimming pools - Section 1403	X				
Public buildings - Section 1408		X	X		
Public parks - Section 1408			X		
Public service installations - Section 1408	X	X	X		
Public, parochial and other private elementary, intermediate and/or high schools offering courses in general education and not operated for profit - Section 1408	X				
Religious, social, and educational institutions - Section 1408	X				
State licensed residential facilities - Section 1408	X	X			
Two-family dwelling - Section 1417	X	X			
Wholesale agricultural product storage - Section 1418	X				
Wireless communication facilities - Section 1415	X				X

SECTION 1402. HOW A SPECIAL USE PERMIT IS REVIEWED

1. **SUBMISSION OF APPLICATION.** The application package is to be submitted to the Denmark Township Zoning Administrator.
 - a) **CONTENTS.** The application package consists of a Special Use Permit Application form completed in full by the applicant, accompanied by a fee as established by the Township Board and a site plan.
 - b) **APPLICATION DEADLINE.** The complete application package must be submitted to the Zoning Administrator at least twenty (20) days before the Planning Commission meeting at which it will be considered.

2. **SIMULTANEOUS CONSIDERATION OF REZONING AND SPECIAL USE PERMIT.** In the event that allowance of a desired use requires both a rezoning (change in Zoning District designation for the parcel) and a Special Use Permit, both requests may be submitted jointly and considered at a single meeting of the Planning Commission, subject to the following requirements.
 - a) **SEPARATE.** The rezoning shall be considered separately from the Special Use Permit.
 - b) **PROCEDURES.** The Ordinance procedures for each decision shall be followed as specified. Any Special Use Permit approval must be conditioned upon adoption of the rezoning by the Township Board.
 - c) **STANDARDS.** All standards required by this Ordinance shall be observed for each action.
 - d) **PUBLIC HEARINGS.** The public shall be given the opportunity for input on both the rezoning and Special Use decisions. Thus, two (2) separate public hearings shall be held at the same meeting.

3. **PLANNING COMMISSION REVIEW AND HEARING.** The Special Use Permit application package shall be the subject of both a Site Plan Review and a public hearing conducted by the Planning Commission. If the applicant wishes to have the Site Plan Review and Special Use Permit considered at a single Planning Commission meeting, the following process occurs:

- a) PUBLIC HEARING ON SPECIAL USE. The Planning Commission shall hold a public hearing on the application as part of the meeting in which the Special Use Permit is considered.
 - i. NOTICE. A notice of public hearing shall be mailed to all parties specified in Chapter 15 and published in a newspaper of general circulation in the Township not less than five (5) nor more than fifteen (15) days before the date of such hearing.
 - ii. DELAY AT APPLICANT'S REQUEST. If a site plan for a Special Use has been denied, the applicant may ask that the Special Use Permit, including the public hearing, be postponed. However, postponing the hearing prior to the hearing taking place, requires an additional notification of neighboring property owners and newspaper publication of another notice. Therefore, the applicant will be required to pay an additional application fee to offset the Commission's added cost.
- b) CONSIDERATION OF SPECIAL USE PERMIT. Following the close of the public hearing, consideration of the Special Use permit shall take place.
 - i. OPEN MEETING. Note that the Open Meetings Act requires this vote to take place in an open public meeting.
 - ii. PROMPT DECISION. In the interest of fairness and a timely response for all concerned parties, the Planning Commission shall render their decision on the Special Use Permit during the same meeting in which the public hearing is held, unless further information must be obtained before a decision can be made. In such cases, action upon the Special Use Permit may be tabled to a public meeting of the Planning Commission to be held on a specific date that is identified in the motion to table.
- c) SITE PLAN REVIEW. The Planning Commission shall conduct a Site Plan Review for the proposed use, using the procedure and standards presented in Chapter 15 and any specific standards identified for the Special Use by this Chapter. The Planning Commission may approve the site

plan as presented, approve it with conditions, deny it, or table approval of it to a specific meeting date.

- i. PUBLIC INPUT. The Site Plan Review may be completed before public input is heard on the question of granting the Special Use Permit. This is because the Site Plan Review process is intended to be an objective review of factual information to determine whether precise standards have been met. However, the Planning Commission may choose to accept public comments or questions relating only to design considerations of the site plan.
 - ii. IF THE SITE PLAN IS DENIED. In the event the site plan is denied, consideration of the Special Use Permit shall still occur, including the public hearing. The Special Use Permit may still be approved with the condition that site plan approval must be obtained before the Special Use Permit is valid.
4. REAPPLICATION. An application for a Special Use Permit that has been denied, may not be resubmitted until one (1) year after the date of denial has passed.
5. TERMS OF PERMIT. A Special Use Permit consists of a Permit that specifies the Special Use that is to be allowed and any conditions which were attached by the Planning Commission. If a use established under a Special Use Permit is discontinued for a period of one (1) year, the Special Use Permit shall expire. To reestablish the use after such expiration will require granting a new Special Use Permit, starting with a new application.
6. REVOCATION. The privilege of a Special Use Permit is subject to all the conditions that have been attached to it during the process described above. Except as noted in item (4), the permit remains valid as long as all of those conditions are met. However, the Township, via the Planning Commission, shall revoke any Special Use Permit after it has been proven that the permit conditions have been violated.
 - a) FIRST NOTICE. The Zoning Administrator shall send written notice of a violation to the holder of the Permit by certified mail. The notice shall state that correction must be made within thirty (30) days or the Planning Commission will revoke the Special Use Permit and order the use to cease.

- b) **CONSIDERED NONCONFORMING.** From the time the Zoning Administrator's notice of violation is issued, until compliance with all Special Use Permit conditions is restored, the use in question shall be treated as an unacceptable Nonconforming Use.
- c) **PLANNING COMMISSION ACTION.** The Zoning Administrator shall notify the Planning Commission of the violation of conditions of the Special Use Permit at the next regular Planning Commission meeting, and revocation of the Special Use Permit shall be considered then. The Planning Commission's meeting will usually take place before the thirty (30) day period for the first notice has expired. In that case, the resolution to revoke the Special Use Permit should be worded so that it takes effect only if compliance with all requirements is not restored. It shall also include authorization for the Zoning Administrator to order the permit holder to cease the permitted use if the violations are not corrected by the end of the first notice period.
- d) **SECOND NOTICE AND ORDER.** After expiration of the thirty (30) day period, the Zoning Administrator shall notify the permit holder by certified mail that the Special Use Permit has been revoked, and the use for which the permit was granted must cease within sixty (60) days from the date of this second notice.
- e) **ENFORCEMENT OF ORDER.** Failure to comply with the order to cease an activity for which a Special Use Permit has been revoked is a violation of this Ordinance, subject to all penalties thereof.

7. **STANDARDS TO CONSIDER WHEN REVIEWING A SPECIAL USE PERMIT.**

- a) **STANDARDS ATTACHED TO SITE PLAN REVIEW.** Before approving or denying a Special Use Permit Application, the Planning Commission reviews the site plan for said use, to establish that all applicable standards are satisfied. The Site Plan review shall determine compliance with the applicable District Regulations, the Site Plan Review Standards from Chapter 15 and any applicable standards from this Chapter, including the following general standards.

The Planning Commission shall review each Special Use Permit Application for the purpose of determining that each

proposed use meets the following general standards and, in addition, shall find adequate evidence that each use on the proposed site will:

- i. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.
 - ii. Not be hazardous or disturbing to existing or intended uses in the same general area and will be an improvement to property in the immediate vicinity and to the community as a whole.
 - iii. Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities and/or schools.
 - iv. Not create excessive additional requirements at public cost for public facilities and services.
 - v. Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by reasons of excessive production of traffic, noise, smoke, fumes, glare or odors.
 - vi. Be consistent with the intent and purpose of the Zoning District in which it is proposed to locate such use.
- b) **ADDITIONAL CONDITIONS.** The Planning Commission may stipulate any additional conditions or safeguards deemed necessary to achieve the objectives of this Ordinance. These may be defined during the Site Plan Review process or during consideration of whether to grant the Special Use Permit. All conditions attached to the approval of the site plan are also conditions of the Special Use Permit. These conditions, and the reasoning behind them, must be documented in the Planning Commission's minutes, written on the site plan itself and communicated to the applicant in writing. The permit will not take affect until the conditions of approval are accepted by the applicant,

signified by the signatures on the site plan itself, of both the applicant and the Planning Commission chairman.

- c) **ENFORCEMENT OF CONDITIONS.** The breach of any condition shall be cause for the Planning Commission to revoke a Special Use Permit.

SECTION 1403. ACCESSORY BUILDING AND USES

Accessory uses and buildings shall be such as they do not alter the character of the premises on which they are located or impair the neighborhood. Furthermore, accessory uses and buildings shall conform to the provisions set forth in Section 903 of Chapter 9.

SECTION 1404. OUTDOOR SALES SPACE FOR EXCLUSIVE SALE OF SECOND-HAND AUTOMOBILES, RVs, AND TRAVEL TRAILER RENTAL

Outdoor automobile rental or sale, and storage for rental or sale shall be designed according to the following standards:

1. Location and width of driveways. No portion of a driveway at the street line shall be closer than 10 feet from a side lot line or 20 feet from any portion of another driveway on the same lot. The maximum width of driveways at the lot line shall be 30 feet and the minimum width, 20 feet. The minimum curb radius shall be 15 feet.
2. Dimensional and landscaping regulations. Such facilities shall be required to provide year-round opaque screening; comprised of walls, fences, berms, or evergreen plantings; where such facilities abut residential districts or residential uses. In the case of outdoor automobile rental or sale, and storage for rental or sale, such outdoor facilities shall also be subject to landscaping requirements detailed in Chapter 13.
3. Surfacing and lighting. The area of the lot not landscaped or occupied by structures shall be graded, surfaced with asphalt or other suitable material and drained in a manner deemed adequate by the Planning Commission to prevent nuisances or erosion or excessive water flows onto any other property or street. All illumination on outdoor areas and sales lots shall be shielded so as to prevent direct glare onto any other property or street.
4. Other. The sale of vehicles is prohibited in off-street parking areas other than the sale of the property owner's own vehicle. This means parking lots may not be used to display vehicles for sale. The

buying, selling, brokering, leasing, negotiating a lease, or dealing in five (5) or more vehicles in a 12-month period requires a dealer's license from the State of Michigan. State law requires the application for a dealer's license to include written verification from the Zoning Administrator that the business meets all Denmark Township zoning and municipal requirements. The Michigan Secretary of State may deny the application for a dealer's license, refuse to issue or may suspend or revoke a license already issued, if it finds the applicant or licensee is not in compliance with all applicable zoning and municipal requirements in Denmark Township. Self-certification is not permitted.

SECTION 1405. AIRFIELDS AND LANDING STRIPS

1. Airfield
 - a) The proposed airfield shall be at least two thousand six hundred forty (2,640) feet by five hundred (500) feet.
 - b) Any runway shall have a minimum length of one thousand five hundred (1,500) feet with a five hundred (500) foot clearance at each of the runway's ends.
 - c) Buildings, height limits, lighting, parking and uses and activities shall be in accordance with applicable FAA and MAC regulations.

2. Landing Strip
 - a) The private landing strip may not be held out for public use nor shall it be displayed on aeronautical charts except as a restricted facility.
 - b) The private airstrip must meet all applicable requirements of the Aeronautics Code of the State of Michigan (Act 327 of 1945) as amended.
 - c) A private airstrip shall not be used for commercial activities which include the operation of aircraft for the purpose of carrying passengers, providing air charter, flight instruction, aircraft rental and/or leasing, or other operations deemed similar by the planning commission. A private airstrip may be used for the operation of the aircraft for the purpose of aerial spraying and dusting, banner towing, aerial photography or other such similar operations as approved by the Planning Commission.

SECTION 1406. AUCTION YARDS, COMMERCIAL GRAIN AND SEED ELEVATORS

Intensive livestock production facilities, wholesale agricultural product storage, auction yards, and commercial grain and seed elevators, as defined in this ordinance shall:

1. **COMPLIANCE WITH APPLICABLE LAWS.** Shall comply with all applicable local, state and federal standards including, for example, the Federal Clean Water Act (being P.L. 92-500 of 1972, as amended, 33 USCS 1251 et seq), point source pollution control parts of the Michigan Natural Resources and Environmental Protection Act (being parts 31-53 of P.A. 451 of 1994, as amended, M.C.L. 324.3101-324.5399), and the most recent Generally Accepted Agricultural and Management Practices, published and adopted by the Michigan Commission of Agriculture pursuant to the Michigan Right to Farm Act (being P.A. 93 of 1981, as amended, M.C.L. 286.471 et seq). Where required by the Right to Farm Act for nuisance protection, New and Expanding Livestock Production Facilities (as defined in the Generally Accepted Agricultural and Management Practices) shall have proposed sites verified by the Michigan Department of Agriculture.

2. **SETBACKS.** The following requirements shall apply to every parcel, building, structure, or use on which an intensive livestock production facility, wholesale agricultural product storage, auction yard, or commercial grain and seed elevator is located:
 - a) **Front Yard** – The minimum front setback shall not be less than the greater of one hundred (100') feet from the right of way or one hundred sixty six feet (166') from the center of the road.

 - b) **Rear Yard** – The minimum rear setback shall not be less than fifty (50') feet.

 - c) When a proposed intensive livestock production facility is adjacent to any dwelling, the parcel owner of the proposed new use shall establish one of the following buffers on his parcel adjacent to, and along the contiguous boundary of the parcel on which the dwelling is located:
 - i. Buffer area (setback) of one thousand (1,000) feet, or

 - ii. a buffer of tree cover on the periphery of the property that is no less than fifty (50) feet in width and must be

natural vegetation. This buffer shall contain at least one (1) straight or staggered row of deciduous or evergreen trees, spaced not more than twenty (20') feet apart and at least two (2) rows of deciduous or evergreen shrubs which will grow to an ultimate height of at least six (6') feet planted not more than six (6') feet apart. All plantings must adequately provide a vegetated buffer all year round.

- iii. or any combination of the above or an alternative mutually agreed upon by the property owner of the new use and the property owner of the existing contiguous use.

- 3. **MINIMUM PARCEL AREA.** No building, structure or use shall be established on any parcel less than forty (40) acres.

SECTION 1407. CEMETERIES

- 1. **Site Location Principles.** The following principles shall be used to evaluate the proposed location of a cemetery within a permitted district. These principles are alterable depending upon the specific conditions of each situation, but they shall be applied by the Planning Commission as general guidelines to help assess the impact of a cemetery upon the district in which such use is proposed to be located.
 - a) Motor vehicle entrance should be made on a principal arterial or immediately accessible from a principal arterial as to avoid the impact of traffic generated by the cemetery upon a residential area.
 - b) Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of the intrusion of the cemetery into a residential area.
- 2. All buildings shall be of an appearance that shall be harmonious and unified as a group of buildings and shall blend appropriately with the surrounding area. Further, no building shall be closer than forty (20) feet to any property or street line and no more than twenty-five (25%) percent of the gross site area shall be covered by structures.
- 3. The proposed site must be at least ten (10) contiguous acres.

SECTION 1408. PUBLIC, RELIGIOUS, AND INSTITUTIONAL USES

1. Authorization. In recognition of the many institutional types of non-residential functions that have been found compatible and reasonably harmonious with residential uses, certain institutional uses specified in this Section may be authorized by the issuance of a Special Use Permit. Such permit shall not be issued unless all the procedures and applicable requirements stated herewith, together with the additional requirements of this Section, can be complied with.
2. Uses. The following uses may be authorized in those districts as noted under the respective Zoning Districts, and provided the applicable conditions are complied with:
 - a) Institutions for Human Care that are hospitals, assisted living, nursing or convalescent homes, clinics, day care or senior day care and excluding incarceration facilities and facilities for the treatment of drug and alcohol abuse.
 - b) Religious Institutions. Churches, synagogues, or similar places of worship, convents, parsonages and parish houses, and other housing for clergy.
 - c) Educational and Social Institutions. Public and private elementary and secondary schools, and institutions for higher education, such as colleges and universities, auditoriums and other places of assembly, and centers for social activities, including charitable and philanthropic activities. Camp or correctional institutions are prohibited.
 - d) Public Buildings and Public Service Installations. Publicly owned and operated buildings, libraries, parks, public utility buildings and structures, transformer stations and substations and gas regulator stations.
3. Site Location Principles. The following principles shall be utilized to evaluate the proposed location of any institutional use within a permitted district. These principles are alterable depending upon the specific conditions of each situation, but they shall be applied by the Planning Commission as general guidelines to help assess the impact of an institutional use upon the District in which such use is proposed to be located.
 - a) Motor vehicle entrance should be made on a Principal Arterial or immediately accessible from a Principal Arterial as

to avoid the impact of traffic generated by the institutional use upon a residential area.

- b) Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of the intrusion of the institutional use into a residential area.

4. Hospitals. (For overnight stay)

- a) The proposed site shall be at least five (5) acres in area.
- b) All structures shall be located at least fifty (50) feet from any residential use.
- c) The proposed site shall have at least one (1) property line abutting a principal or minor arterial.
- d) No more than twenty-five (25%) percent of the gross site shall be covered by structures.
- e) Ambulance and delivery areas shall be obscured from all residential views with a wall or barrier or other such suitable buffer as determined by the Planning Commission.

5. Religious Institutions.

- a) The proposed site shall be at least one (1) acre in size plus one-half ($\frac{1}{2}$) acre per hundred (100) seats in the main auditorium.
- b) No building shall be closer than forty (40) feet to any property or street line.
- c) No more than twenty-five (25%) percent of the gross site area shall be covered by structures.

6. For all other uses that may be permitted, except public utility transformer stations and substations, gas regulator stations and housing for religious personnel attached to a church or school function.

- a) No building shall be closer than forty (40) feet to any property or street line.
- b) No more than twenty-five (25%) percent of the gross site area shall be covered by structures.

- c) All buildings shall be of an appearance that shall be harmonious and unified as a group of buildings and shall blend appropriately with the surrounding area.
7. For public utility transformer stations and substations, gas regulator stations.
- a) All buildings shall be harmonious in appearance with the surrounding residential area and shall be similar in design and appearance to any other buildings on the same site development.
 - b) Where mechanical equipment is located in the open air, it shall be screened from the surrounding residential area by suitable plant material and it shall be fenced for safety. All buildings housing mechanical equipment shall be landscaped and maintained to harmonize with the surrounding area.

SECTION 1409. COMMERCIALY USED OUTDOOR RECREATIONAL SPACE FOR CHILDREN’S AMUSEMENT PARKS, CARNIVALS, REBOUND TUMBLING FACILITIES, MINITURE GOLF COURSES, AND GOLF DRIVING RANGES

1. Children’s amusement parks, carnivals, and rebound tumbling facilities.
- a) Minimum lot size shall be ten (10) acres.
 - b) A site plan shall be provided clearly defining activity areas using fences, buildings, walkways or other suitable barriers.
 - c) All buildings, structures and parking shall be at least three hundred (300) feet from any dwelling unit excluding any dwelling unit on the site.
 - d) The Planning Commission may require placement of a six (6) foot high fence around all or part of the site.
 - e) Access shall be provided onto a primary road, as designated by the Tuscola County Road Commission. Access shall be controlled, with capability to accommodate at least three (3) lanes of ingress traffic. At least three hundred (300) feet on stacking (queuing) area shall be provided on site before parking fee collection.

- f) The amount of on-site parking shall be deemed sufficient by the Planning Commission.
- g) Maximum coverage by buildings and structures shall be twenty percent (20%).
- h) The Planning Commission may require posting of a performance bond or other form of financial guarantee. The bond shall be in an amount determined by the Board as necessary to cover any potential damage or clean-up on the site or adjacent properties.
- i) The Planning Commission may establish limits on hours of operation, time limits on validity of special use permit, or any other measures deemed necessary to minimize negative impacts on nearby uses and traffic operations along public streets.
- j) Prior to issuance of a Special Land Use Permit, the applicant shall provide evidence of public liability insurance and property damage insurance to cover potential liability for death or injury to persons, or damage to property, which may result from the conduct of the activity.

2. Miniature golf courses and golf driving ranges.

- a) Sites shall be located on a principal arterial road.
- b) Whenever any use that may be permitted in this subsection abuts property within a residential or agricultural district, a transition strip at least one hundred (100) feet in width shall be provided between all operations and structures, including fences, and the residential or agricultural property. Grass, plant materials and structural screens of a type approved by the Planning Commission shall be placed within said transition strip.
- c) Lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from all residential lands which adjoin the site.
- d) A minimum yard of one hundred (100) feet shall separate all uses, operations and structures permitted herein, including fences, from any public street or highway used for access or exit purposes. This yard shall be landscaped in accordance with plans approved by the Planning Commission.

SECTION 1410. GASOLINE SERVICE STATION FOR SALE OF GASOLINE, OIL, AND MINOR ACCESSORIES

1. **INTENT.** It is the intent of this section to exercise a measure of control over service stations and permitted buildings, and their sites, and to establish a basic set of standards within which individual solutions may be developed to meet the retail service needs of motor vehicles. The objectives of the regulations set forth in this section are to:
 - a) Promote the type of development that will be compatible with the other land use activities located in areas where service stations will be constructed.
 - b) Control those aspects of service station design, site layout and operation which may, unless regulated, be damaging to surrounding uses of land.
 - c) Minimize the traffic congestion and safety hazards that can be in service station activity.
2. **USES THAT MAY BE PERMITTED.** Gasoline stations and vehicle repair, PROVIDED such accessory uses and services are conducted wholly within a completely enclosed building.
3. **SITE DEVELOPMENT REQUIREMENTS.** The following requirements for site development, together with any other applicable requirements of this Ordinance shall be complied with:
 - a) Minimum site size. Fifteen thousand (15,000) square feet with a minimum width of one hundred fifty (150') feet.
 - b) Site location. The proposed site shall have at least one (1) property line on a principal or minor arterial road.
 - c) Building setback. The gasoline station, or permitted buildings shall be setback fifty (50') feet from all street right-of-way lines and shall not be located closer than fifty (50') feet to any property line in a residential district unless, separated there from by a street or alley.
 - d) No installations, except walls or fencing and permitted signs, lighting and essential services, may be constructed closer than twenty (20') feet to the line of any street right-of-way.

- e) Hydraulic hoists, pits and all lubrication, greasing, automobile washing and repair equipment shall be entirely enclosed within a building.
- f) Access drives. No more than one (1) driveway approaches shall be permitted directly from any principal or minor arterial nor more than one (1) driveway approach from any other street, each of which shall not exceed thirty-five (35) feet in width at the property line.
- g) If the service station or permitted building site fronts on two (2) or more streets, the driveways shall be located as far from the street intersection as practicable.
- h) No driveway or curb cut for a driveway shall be located within ten (10) feet of an adjoining property line and shall be no less than twenty-five (25) feet from any adjacent lot within a R-1 or R-2 District as extended to a curb or pavement.
- i) Curbing and paving. A raised curb at least six (6) inches in height shall be erected along all of the street property lines, except at driveway approaches. The entire service area shall be paved with a permanent surface of concrete or asphalt.
- j) Fencing. A solid fence or wall six (6) feet in height shall be erected along all property lines abutting any lot within a residential district.
- k) Lighting. Exterior lighting shall be so arranged so that it is deflected away from adjacent residential districts and adjacent streets.

SECTION 1411. GOLF COURSES, NOT INCLUDING DRIVING RANGES OR MINITURE GOLF COURSES

1. Standards in this section shall apply to Golf Courses and may include public or private golf courses, country clubs, and swimming facilities. This section does not include uses that are driving ranges, miniature golf courses, and accessory uses to a residential use.
2. SITE LOCATION. Site location should be allowed which enhance the natural environment and amenities for community life.

3. DEVELOPMENT REQUIREMENTS. The following standards shall be applicable as basic requirements for the use of land or for the erection, reconstruction, or alteration of permitted structures.
 - a) Minimum site shall be twenty (20) acres or more.
 - b) Access shall be so designed as to provide all ingress and egress directly onto or from an arterial or principal collector thoroughfare.
 - c) Minimum site for swimming facilities may occupy no less than four (4) acres.
 - d) Lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from all residential lands which adjoin the site.
 - e) Minimum yard and height standards require that no building shall be closer than fifty (50) feet to any property or street line.

SECTION 1412. HOME OCCUPATIONS

The regulation of a Home Occupation as provided herein is intended to secure flexibility in the application of the requirements of this Ordinance; but such flexibility is not intended to allow the essential character of the Agricultural district, in terms of use and appearance, to be changed by the occurrence of non-agricultural or non-residential activities. A Home Occupation is intended for service type businesses, not to include general retail, office, or industrial. The Planning Commission shall make determination as to whether proposed use fits the intent and purpose of the Ordinance.

1. The minimum lot size for a Home Occupation is one (1) acre.
2. The Home Occupation shall occupy no more than one existing accessory building that is in addition to the dwelling unit on the same lot. The non-residential use shall only be permitted in a dwelling unit and/or one (1) existing accessory structure.
3. The non-residential use shall only be incidental to the primary residential use. All activities shall be carried on within an enclosed structure and shall not require, or result in, any permanent interior or exterior alterations to the dwelling or property upon which the dwelling is located.

4. No Home Occupation accessory building shall be permitted within one hundred (100) feet of any adjoining lot line.
5. No equipment or process shall be used in such Home Occupation that creates noise, vibration, glare, vermin, animal waste, fumes, odors or electrical interference detectable to the normal senses off the lot.
6. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
7. No storage or display of goods within the dwelling unit or accessory structure shall be visible from adjacent property.
8. The Home Occupation shall not require additional off-street parking spaces or loading or unloading areas.
9. The Home Occupation shall not entail the use or storage of explosive, flammable, or otherwise hazardous waste.
10. The dwelling on the site shall be occupied by the owner of the Home Occupation.
11. The Home Occupation shall occupy no more than twenty five percent (25%) or 800 square feet (whichever is less) of the floor area of the dwelling unit, but may occupy all of the accessory structure.
12. The Home Occupation shall permit no more than two (2) employees on the premises other than members of the immediate family residing on the premises.
13. The outdoor storage of goods and/or materials is prohibited, with the exception of large equipment, which at the discretion of the Planning Commission may be located within a buffered and screened area.
14. No traffic shall be generated by such Home Occupation in greater volumes than would normally be expected in a residential neighborhood. Any need for parking generated by the conduct of such Home Occupation shall be met off the street and other than in a required front yard, although motor vehicles may be parked in an existing driveway, if it is of sufficient size. No additional off-street parking demand shall be created.

15. All lights shall be directed on site and shielded to reduce glare to adjacent areas.
16. Hours of operation shall be determined by the Planning Commission.

SECTION 1413. HIGH INTENSITY USES

Standards in this section shall apply to all of the following uses in Zoning Districts where they are identified as Special Uses in the District Regulations for each zone. These uses are: incinerators; lumber and planing mills; metal plating, buffering, and polishing; and junkyards.

1. **GENERAL.** All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less than those in applicable state statutes, the state requirements shall prevail. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property and individual, or to the community in general.
2. **TREE BUFFERS FOR JUNKYARDS.** Buffers of tree cover shall be provided on the periphery of the property. The buffer shall be no less than fifty (50) feet in width and must be natural vegetation. This buffer shall contain at least one (1) straight or staggered row of deciduous or evergreen trees, spaced not more than twenty (20) feet apart and at least two (2) rows of deciduous or evergreen shrubs which will grow to an ultimate height of at least six (6) feet planted not more than six (6') feet apart. All plantings must adequately provide a vegetated buffer all year round.
3. **NO HAZARDOUS OR TOXIC WASTE.** No hazardous or toxic wastes, as defined by the Department of Environmental Quality, may be deposited or stored by any use in this group.
4. **TRUCK ACCESS.** Routes for truck movement to and from the site shall be identified by the Tuscola County Road Commission. Wear on public roads, traffic hazards, and encroachment of noise, dust, and other nuisances upon adjacent uses must be considered.
5. **ACTIVITY RESTRICTIONS.** No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.

6. FENCE REQUIREMENTS.

- a) AROUND INCINERATOR. Berms and fences shall be constructed around any incinerator as required by the regulations promulgated by solid waste laws of the State of Michigan. The berms and fences shall be placed on the interior of the vegetated buffers mentioned above and shall not decrease their width. Fences shall have a gate entrance that can be locked during hours when no operation is taking place.
- b) AROUND JUNKYARD. A solid fence or wall at least eight (8) feet in height shall be provided around the active area of a junkyard or resource recovery operation to screen said activity from surrounding property. Such fence or wall shall be of sound construction, painted, or otherwise finished neatly and inconspicuously. All activities shall be confined within the fenced-in area. There shall be no stacking of material above the height of the fence or wall, except that moveable equipment used on the site may exceed the wall or fence height. No equipment, material, signs, or lighting shall be used or stored outside the fenced-in area. Aesthetic and structural qualities of fencing shall be regulated by the Planning Commission at the time of site plan review.
- c) AROUND LUMBER OR PLANING MILL OR METAL PLATING, BUFFERING, AND POLISHING OPERATIONS. All operations shall be completely enclosed by a wire link fence not less than eight (8) feet high.

SECTION 1414. LODGING ESTABLISHMENTS

- 1. STATEMENT OF INTENT. It is the purpose of this section to establish reasonable requirements for transient lodging facilities. It is intended that these regulations will provide for facilities, such as hotels, motels, cabin courts, and tourist lodging facilities in the Township that are appropriate in scale and location so as to not create undue traffic congestion, noise or other interference with the predominantly rural and scenic character of the Township.
- 2. QUALIFYING CONDITIONS
 - a) Minimum Floor Area: Each guest room shall contain not less than one hundred (100) square feet of floor area.

- b) The maximum number of guests per unit shall not exceed six (6) persons.
- c) Minimum Lot Area: The minimum lot size shall be one (1) acre with a minimum width of one hundred (100) feet.
- d) Maximum Lot Coverage: All buildings, including accessory buildings, shall not occupy more than thirty-five percent (35%) of the net area within property lines.
- e) Minimum Yard Dimensions: All buildings shall be set back no less than fifty (50) feet from any street line, and no less than twenty-five (25) feet from any side or rear property line.
- f) Maximum Building Height: The maximum building height shall be two and a half (2.5) stories, but not to exceed thirty-five (35) feet.
- g) Site Screening: Shrubs and/or trees may be used to screen alone or in combination with structural screens. No screening shall in any way impair safe vertical or horizontal site distance for any moving vehicle. Screening at least four (4) feet high shall be erected to prevent headlight glare from shining on adjacent residential or agricultural property. No screening shall be closer than seventy-five (75) feet to any street line, except for headlight screening which shall not be closer than thirty (30) feet.
- h) Lighting: No lighting shall have a source of illumination or light lenses visible outside the property lines of the parcel or lot, and shall in no way impair safe movement or traffic on any street or highway.
- i) Accessory Uses: Uses such as swimming pools and other outdoor recreational uses, meeting rooms, restaurants, taverns or bars, and a caretaker's or proprietor's residence shall be permitted provided that these uses are located on the same site as the principal use to which they are accessory. Appropriate permits shall have been obtained from regulating County or State agencies.
- j) Well and Septic System: Proof of evaluation of the well and septic system by the Health Department and conformance to that agency's requirements shall be supplied by owner.

- k) **Fencing or Planting Buffer:** In the event that the Planning Commission determines that noise generation may be disturbing to neighbors, or that the location of the establishment is in an area where trespass onto adjacent properties is likely to occur, then the Planning may require that fencing and/or a planting buffer be constructed and maintained.
- l) **Activities and Outdoor Gatherings:** Activities made available to guests shall be on the lot used for the facility or on lands under the direct control of the operator either by ownership or lease. Outdoor gatherings of guests or other individuals shall be carried on in such a manner and at such hours as to not be disruptive to neighboring properties.
- m) **Density of Development:** The maximum number of rental units which may be developed at any single location shall be twenty (20). Accessory uses shall be as approved as a part of the special use permit approval process.

SECTION 1415. WIRELESS COMMUNICATION FACILITIES

1. **INTENT AND PURPOSE.** The intent and purpose of these regulations is to accommodate the communications needs of people while protecting the public health, safety and general welfare of the community. These regulations will,
 - a) Facilitate the provision of wireless telecommunication services to the residents and businesses of the Township,
 - b) Minimize adverse visual effects of towers through design and siting standards,
 - c) Avoid potential damage to adjacent property from tower failure through structural standards and setback requirements, and
 - d) Maximize the use of existing approved towers and buildings to accommodate new wireless telecommunication facilities in order to reduce the number of towers necessary to serve the community.
2. **DISTRICT REGULATIONS.** A wireless communication facility shall require a building permit in all instances and may be permitted as follows:

- a) A Wireless Service Facility may locate on any existing guyed tower, lattice tower, monopole, electric utility transmission tower, fire tower or water tower, provided that the installation of the new facility does not increase the height of the existing structure except as provided in the Height Regulations in this Ordinance.
- b) Newly constructed towers in the Agricultural and Industrial Districts are allowed by Special Use Permit under the following situations:
 - i. The Planning Commission finds that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a one and one half (1.5) mile radius of the proposed tower location due to one or more of the following reasons:
 - 01. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
 - 02. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.
 - 03. Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonable as documented by a qualified and licensed professional engineer.
 - 04. Other unforeseen reasons make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.

3. **COLOCATION.** Licensed carriers shall share wireless service facilities and sites where feasible and appropriate, thereby reducing the number of wireless service facilities that are stand-alone facilities. All applicants for a Special Use Permit for a wireless service facility shall demonstrate a good faith effort to collocate with other carriers. Such good faith effort includes:
 - a) A survey of all existing structures that may be feasible sites for collocating wireless service facilities,
 - b) Contact with all the other licensed carriers for commercial mobile radio services operating in the County and,
 - c) Sharing information necessary to determine if collocation is feasible under the design configuration most accommodating to collocation.

In the event that collocation is found to be infeasible, a written statement of the reasons for the lack of feasibility shall be submitted to the Township. The Township may retain a technical expert in the field of RF engineering to verify if collocation at the site is not feasible or is feasible given the design configuration most accommodating to collocation. The cost for such a technical expert will be at the expense of the applicant. The Township may deny a Special Use Permit to an applicant that has not demonstrated a good faith effort to provide for collocation.

4. **TOWER CONSTRUCTION.** Any proposed commercial wireless telecommunication service tower shall be designed, structurally, electrically and in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights. Towers shall be constructed to ANSI EIA TIA-222-F Structural Standards for Steel Antenna Towers and Antenna Supporting Structures and National Building Code construction standards for steel structures.
5. **TOWER, ANTENNA AND ACCESSORY BUILDING DESIGN.** Proposed or modified towers and antennas shall meet the following design requirements:
 - a) Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances

where the color is dictated by federal or state authorities such as the Federal Aviation Administration.

- b) Commercial wireless telecommunication service towers shall be of a monopole design unless the Planning Commission determines that an alternative design would better to blend into the surrounding environment.
- c) Accessory Utility Cabinets and Buildings. All utility buildings and structures accessory to a transmission structure shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.

6. TOWER SETBACKS. Towers shall conform with each of the following minimum setbacks requirements:

- a) Towers shall meet the setbacks of the underlying zoning district with the exception of industrial zoning districts, where towers may encroach into the rear setback areas, provided that the rear property line abuts another industrially zoned property and the tower does not encroach upon any easements.
- b) Towers shall be set back from planned public right-of-ways as shown on the Township's Master Plan by a minimum distance equal to one half of the height of the tower including all antennas and attachments.
- c) Towers shall not be located between a principal structure and a public street, with the following exceptions:
 - i. In industrial zoning districts, towers may be placed within a side yard abutting an internal industrial street.
 - ii. On sites adjacent to public streets on all sides, towers may be placed within a side yard abutting a local street.
- d) A tower's setback may be reduced or its location in relation to a public street varied, at the discretion of the Planning Commission to allow the integration of a tower into an

existing or proposed structure such as a church steeple, light standards, power line support device, or similar structure.

- e) Towers and associated structures, including fencing, may not be constructed within five hundred (500) feet of a dwelling unit, except where they are being collocated on existing towers or structures.

7. TOWER HEIGHT. In all zoning districts, the maximum height of any tower, including antennas and other attachments, shall not exceed two hundred (200) feet except as granted by the Zoning Board of Appeals.

8. TOWER LIGHTING. Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots or similar areas may be attached to the tower.

9. SIGNS AND ADVERTISING. The use of any portion of a tower for signs or other forms of advertising other than warning or equipment information signs are prohibited.

10. ABANDONED OR UNUSED TOWERS OR PORTIONS OF TOWERS. Abandoned or unused towers or portions of towers shall be removed as follows:

- a) All abandoned or unused towers and associated facilities shall be removed within twelve (12) months of the cessation of operations at the site unless a time extension is approved by the Zoning Administrator. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. In the event that a tower and associated facilities is not removed within twelve (12) months of the cessation of operations at a site, the tower and associated facilities may be removed by the Township and the costs of removal assessed against the property.
- b) Unused portions of towers above a manufactured connection shall be removed within six (6) months of the time of antenna relocation. The replacement of portions of a tower

previously removed requires the issuance of a new special use permit.

11. INTERFERENCE WITH PUBLIC SAFETY TELECOMMUNICATIONS. No new or existing telecommunications service shall interfere with public safety telecommunications. All applications for new service shall be accompanied by an inter-modulation study which provides a technical evaluation of existing and proposed transmission and indicates all potential interference problems. Before the introduction of new service or changes in existing service, telecommunication providers shall notify the Township at least ten (10) calendar days in advance of such changes and allow the Township to monitor interference levels during the testing process.
12. MODIFICATIONS. A modification of a wireless service facility may be considered equivalent to an application for a new wireless service facility and will require a Special Use Permit when the following events apply:
 - a) The applicant and/or co-applicant wants to alter the terms of the Special Use Permit by changing the wireless service facility in one or more of the following ways:
 - i. Change in the number of facilities permitted on the site;
 - ii. Change in the technology used for the wireless service facility.
 - b) The applicant and/or co-applicant wants to add any equipment or additional height not specified in the original design filing.
13. SITE PLAN SUBMISSION REQUIREMENTS.
 - a) General Filing Requirements
 - i. Name, address and telephone number of applicant and any co-applicants as well as any agents for the applicant or co-applicants.
 - ii. Co-applicants may include the landowner of the subject property, licensed carriers and tenants for the personal wireless service facility.

iii. Original signatures for the applicant and all co-applicants applying for the Special Permit. If the applicant or co-applicant will be represented by an agent, original signature authorizing the agent to represent the applicant and/or co-applicant. Photo reproductions of signatures will not be accepted.

b) Location Filing Requirements

i. Identify the subject property by including the Municipality as well as the name of the locality, name of the nearest road or roads, and street address, if any.

ii. Tax map and parcel number of subject property.

iii. Zoning district designation for the subject parcel.

iv. A line map to scale showing the lot lines of the subject property and all properties within three hundred (300) feet and the location of all buildings, including accessory structures, on all properties shown.

c) Siting Filing Requirements

i. A one-inch-equals-forty (40) feet vicinity plan showing the following:

01. Property lines for the subject property.

02. Property lines of all properties adjacent to the subject property within three hundred (300) feet.

03. Tree cover on the subject property and adjacent properties within three hundred (300) feet, by dominant species and average height, as measured by or available from a verifiable source.

04. Outline of all existing buildings, including purpose (e.g. residential buildings, garages, accessory structures, etc.) on subject property and all adjacent properties within three hundred (300) feet.

05. Proposed location of antenna, mount and equipment shelter(s).
 06. Proposed security barrier, indicating type and extent as well as point of controlled entry.
 07. Location of all roads, public and private, on the subject property and on all adjacent properties within three hundred (300) feet including driveways proposed to serve the personal wireless service facility.
 08. Distances, at grade, from the proposed personal wireless service facility to each building on the vicinity plan.
 09. All proposed changes to the existing property, including grading, vegetation removal and temporary or permanent roads and driveways.
 10. Representations, dimensioned and scale, of the proposed mount, antennas, equipment shelters, cable runs, parking areas and any other construction or development attendant to the personal wireless service facility.
- ii. Siting elevations, or views at-grade from the north, south, east and west for a fifty (50) foot radius around the proposed personal wireless service facility plus from all existing public and private roads that serve the subject property. Elevations shall be at either one-quarter inch equals one foot or one-eighth inch equals one foot scale and show the following:
01. Antennas, mounts and equipment shelter(s), with total elevation dimensions and AGL of the highest point.
 02. Security barrier. If the security barrier will block views of the personal wireless service facility, the barrier drawing shall be cut away to show the view behind the barrier.
 03. Any and all structures on the subject property.

04. Existing trees and shrubs at current height and proposed trees and shrubs at proposed height at time of installation, with approximate elevations dimensioned.

d) Design Filing Requirements

- i. Equipment brochures for the proposed personal wireless service facility such as manufacturer's specifications or trade journal reprints shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.
- ii. Materials of the proposed personal wireless service facility specified by generic type and specific treatment (e.g., anodized aluminum, stained wood, painted fiberglass, etc.). These shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.
- iii. Dimensions of the personal wireless service facility specified for all three directions: height, width and breadth. These shall be provided for the antennas, mounts, equipment shelters and security barrier, if any.
- iv. Landscape plan including existing trees and shrubs and those proposed to be added, identified by size of specimen at installation and species.
- v. If lighting of the site is proposed, the applicant shall submit manufacturers computer generated point to point printout, indicating the horizontal foot candle levels at grade, within the property to be developed and twenty-five (25) feet beyond the property lines. The printout shall indicate the locations and types of luminaries proposed.

SECTION 1416. MANUFACTURED HOME PARKS

Manufactured Home Parks must comply with the following standards. These shall be specified, by reference, as conditions for approval of a Special Use Permit for a Manufactured Home Park

1. STATE PERMIT COORDINATION. The Michigan Mobile Home Commission has issued comprehensive rules regulating safety, licensing, construction, business practices and other aspects of Manufactured Home Parks under the authority of Section 11(2) of the Mobile Home Commission Act (Public Act 96 of 1987). Special Use Permit approval for a Mobile Home Park constitutes "preliminary local zoning approval" as provided by the Act. A construction permit and license for operation of the Manufactured Home Park must be obtained from the Michigan Mobile Home Commission after Special Use Permit approval.
2. EXCEPTIONS TO STATE STANDARDS. The Michigan Mobile Home Commission's Rules establish basic standards to be met in any Michigan community when constructing a Manufactured Home Park. Overall, these standards are hereby adopted, by this reference, as the standards for local zoning approval, with the exceptions noted below.
3. BUFFERS AND GREENBELTS. Where a Manufactured Home Park abuts an AG, R-1, R-2, or I district, the entire perimeter of the park shall be enclosed by a fence at least four (4) feet high and there shall be a greenbelt planting strip not less than fifteen (15) feet wide around the entire site. The greenbelt shall contain at least one straight or staggered row of deciduous or evergreen trees, spaced not more than twenty (20) feet apart or at least two rows of deciduous or evergreen shrubs which will grow to a mature height of at least six (6) feet, planted not more than six (6) feet apart.
4. DIMENSIONAL REQUIREMENTS.
 - a) Park Site Standards.
 - i. Mobile homes intended for residential use must be located within a properly authorized Manufactured Home Park.
 - ii. Minimum site size for Manufactured Home Park shall be forty (40) acres.
 - iii. Minimum number. At least thirty (30) spaces shall be completed and ready for occupancy along with related park improvements before first occupancy.
 - iv. Minimum site location standards require each proposed site to have at least one (1) property line not less than two hundred (200) feet in length abutting a

principal or minor arterial or collector street. The arterial or collector street shall be paved and of sufficient design capacity as required by the Tuscola County Road Commission to safely and effectively handle any increased traffic generated.

- v. Minimum site access standards require a minimum of two (2) site access points and all points of entrance or exit from the Park are to be paved to a minimum width of twenty-four (24) feet for a two-way or one-way. All street entrance or exit drives shall not be located closer than three hundred and fifty (350) feet from the intersection of any two (2) arterial streets, and no street parking shall be allowed within one hundred (100) feet of intersection with the public street.
- vi. Minimum Side Yard dimensions require that no building upon the premises shall be located closer than fifty (50) feet from any property line.
- vii. Maximum height for any building or structure shall not exceed two and one-half (2 1/2) stories or thirty-five (35) feet.

b) Manufactured Home Space Standards

- i. Minimum space shall be five thousand (5,000) square feet and the lot shall not be less than fifty (50) feet in width. Park density shall not exceed six (6) units per gross acre of park site. For each five (5%) percent increase in open space, an increase of one unit per gross acre of park site will be granted up to eight (8) units per acre.
- ii. Minimum space yard dimensions for front yards and rear yards shall be ten (10) feet and for the side yards shall be a minimum of (10) feet from the nearest space line and the aggregate side yard dimensions shall not be less than twenty-five (25) feet.

The front yard is the yard which runs from the hitch end of the stand to the nearest space line. The rear yard is the opposite end of the stand and the side yards are at right angles to the ends.

Yard area shall not be encroached upon by enclosed buildings or structures, except that surfaced parking area or surfaced patio area may be provided in yard areas but in all cases shall not be closer than five (5) feet from a space side yard line.

- iii. Space improvement standards require that each stand consisting of a solid reinforced concrete slab at least four (4) inches in depth. All off-street parking spaces provided on individual mobile home space or on the mobile home park site shall be clearly defined and hard surfaced with bituminous or concrete surfacing which shall be durable and well drained under normal use and weather conditions.

An outdoor concrete surfaced patio area of not less than two hundred (200) square feet shall be provided at each mobile home site, conveniently located to the entrance of the mobile home.

- iv. Storage facilities shall be waterproof and will provide a maximum space of five hundred (500) cubic feet for each mobile home space.
5. **ROADS.** Roadways within a manufactured home park shall be developed to the standards required by Denmark Township residential subdivision streets. Roads where no parking is allowed must be posted with "No Parking" signs.
 6. **PEDESTRIAN CIRCULATION.** A pedestrian circulation system, separate from vehicular roadways and meeting the Mobile Home Commission Rules' construction requirements for same, must be provided. That is, such a system is not optional for Manufactured Home Parks in the Township. A pedestrian circulation system must be paved, connect all dwelling units, any community building and be a minimum of a four (4) foot wide hard surface.
 7. **RECREATIONAL LAND.** At least five (5%) percent of the gross site area must be devoted and landscaped for recreational uses. Uses may include playgrounds, open space for sports or picnic areas, as examples.
 8. **SALE OF MANUFACTURED HOMES PROHIBITED.** The sale, display or storage of Manufactured Homes in any portion of the Manufactured Home Park is expressly prohibited. However, a vacant Manufactured Home located on a Manufactured Home

Space and owned by its former resident, connected to utilities, and offered for sale or rent is not in violation of this provision.

9. CONSTRUCTION WITHIN THE MANUFACTURED HOME PARK. Where the park is developed in phases, future construction access must be routed to minimize the amount of traffic through the completed phases of the park.

SECTION 1417. RESIDENTIAL USES

1. Applicability. Residential uses requiring a Special Use Permit from the Planning Commission are Two-Family Dwelling Units and Multi-Family Dwelling Units.
2. Requirements
 - a) Two-Family Dwelling
 - i. Allowed by Special Use Permit in AG and R-1 districts only.
 - ii. Two-family dwellings are limited to one (1) per lot.
 - iii. Each dwelling unit shall have a minimum finished living area of one thousand two hundred (1,200) square feet of floor area.
 - iv. Minimum lot area. Forty-three thousand, five hundred sixty (43,560) square feet, or one (1) acre.
 - b) Multi-Family Dwellings
 - i. Allowed by Special Use Permit in the R-1 district only.
 - ii. Multiple-family dwelling units in a development are limited two (2) to ten (10) apartment dwelling units per lot.
 - iii. Apartment Unit, Minimum Floor Unit.
 - iv. Minimum lot area. Forty-three thousand, five hundred sixty (43,560) square feet, or one (1) acre.
 01. Efficiency Apartment - Is a dwelling unit containing not over six hundred forty (640) square feet of floor area, and consisting of not

more than one (1) room in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density shall be considered as a one (1) room unit.

02. One Bedroom Unit - Is a dwelling unit containing a minimum floor area of at least six hundred and forty (640) square feet per unit, consisting of not more than two (2) rooms in addition to kitchen, dining and sanitary facilities, and for the purposes of computing density shall be considered a two (2) room unit.
03. Two Bedroom Unit - Is a dwelling unit containing a minimum floor area of at least eight hundred (800) square feet per unit, consisting of not more than three (3) rooms in addition to kitchen, dining and necessary sanitary facilities, and for the purposes of computing density shall be considered as a three (3) room unit.
04. Three or More Bedroom Unit - Is a dwelling unit wherein for each room in addition to the three (3) rooms permitted in a two (2) bedroom unit, there shall be provided an additional area of two hundred (200) square feet to the minimum floor area of eight hundred (800) square feet. For the purpose of computing density, said three (3) bedroom unit shall be considered a four (4) room unit and each increase in a bedroom over three (3) shall be an increase in the room count by one (1) over the four (4).

3. Criteria for approval. Two-family and multiple-family dwellings in developments containing two (2) to ten (10) dwelling units are subject to the following minimum requirements.
 - a) Relation to utilities and public facilities. Public water must be provided for developments in excess of two-family and storm and surface drainage systems and other utility systems shall be installed by the developer as deemed necessary by the Planning Commission and shall conform to all applicable Township and County regulations.

- b) Access. Developments must have frontage along improved streets in order to provide direct access to such dwellings.
 - c) Compatibility. The basic design, including proposed style and materials, of the proposed buildings, the relationship between the proposed buildings and the site, and the overall physical appearance of the developments shall be in general harmony with the character of the surrounding residential neighborhood and shall not serve to blight or detract from abutting residences or other property.
 - d) Screening. To the extent deemed necessary by the Planning Commission, fences, walls, or vegetative screening shall be provided along edges of the development to protect residents or visitors to such developments from undesirable views, glare, noise or other off-site influences or to protect residents or visitors in adjoining residential districts from similar adverse influences within the development. In both cases, screening shall be designed to control existing or potential adverse views from existing or potential first-floor residential windows in the development or other residential districts. In particular, the following shall be screened:
 - i. Off-street parking areas.
 - ii. Service areas for storage and collection of trash and garbage.
 - iii. Utility areas such as sewage pumping stations, electric utility substations and the like.
4. Development standards. Two-family and multiple-family dwellings in developments containing two (2) to ten (10) dwelling units are subject to the following minimum development standards.
- a) Entrance and exit. There shall be one curb cut or, if deemed necessary by the Planning Commission, a maximum of two curb cuts along the frontage of all multi-family dwelling unit sites to provide for safe entrance and exit. The requirements herein shall not relieve the owner of the requirement to obtain all applicable permits for such curb cuts.
 - b) Parking. There shall be two parking spaces per dwelling unit. There shall be no outdoor parking or driveways within 15 feet of any dwelling or within ten feet of any property line.

- c) Landscaping. The site shall be suitably landscaped in accordance with standards set forth in Chapter 13.

SECTION 1418. WHOLESALE AGRICULTURAL PRODUCT STORAGE

1. Each application for wholesale agricultural product storage must meet the following standards:
 - a) Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.
 - b) Not be hazardous or disturbing to existing or intended uses in the same general area and will be an improvement to property in the immediate vicinity and to the community as a whole.
 - c) Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities and/or schools.
 - d) Not create excessive additional requirements at public cost for public facilities and services.
 - e) Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by reasons of excessive production of traffic, noise, smoke, fumes, glare or odors.
 - f) Be consistent with the intent and purpose of the Agricultural District.

SECTION 1419. NURSERY SCHOOLS, DAY NURSRIES AND CHILD CARE CENTERS

1. Authorization. In order to facilitate the care of school children, this section provides for the inclusion of nursery schools and child care centers within the Agricultural District. This use may be authorized by the issuance of a special use permit or as otherwise cited when all of the procedures and applicable requirements stated and the additional requirements of this section can be complied with.

2. Uses That May Be Permitted. Nursery schools, day nurseries and child care centers (not including dormitories) may be authorized, PROVIDED that there shall not be more than one (1) dwelling unit used for residential purposes on the site.
3. Development Requirements. The following requirements for site development together with any other applicable requirements of this Ordinance shall be complied with:
 - a) Minimum site size: Forty-three thousand, five hundred sixty (43,560) square feet with one hundred seventy-five (175) feet lot width at front building lines.
 - b) Play area: There shall be provided on the site additional useable outdoor play area at the rate of fifty (50) square feet for each child not a member of the family, exclusive of required front yard, required side yard along a street and of driveways and parking areas. The play area shall be fenced for safety and shall be screened from any adjoining land by suitable plant material.

SECTION 1420. INSTITUTIONAL OR PRIVATE NON-COMMERCIAL RECREATION CENTERS

Standards in this section shall apply to all of the following uses in Zoning Districts where they are identified as Special Uses. These uses may include Country Clubs, Driving Range, Racket Sport, Gun Clubs, and Swimming Facilities. This section does not include uses that are accessory uses to a residential use.

1. SITE LOCATION. Site location should be allowed which enhance the natural environment and amenities for community life.
2. DEVELOPMENT REQUIREMENTS. The following standards shall be applicable as basic requirements for the use of land or for the erection, reconstruction, or alteration of permitted structures.
 - a) Minimum site shall be twenty (20) acres or more.
 - b) Access shall be so designed as to provide all ingress and egress directly onto or from an arterial or principal collector thoroughfare.
 - c) Minimum site for tennis, racket sport and swimming facilities may occupy no less than four (4) acres.

- d) Lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from all residential lands which adjoin the site.
- e) Minimum yard and height standards require that no building shall be closer than fifty (50') feet to any property or street line.

Site Plan Review

SECTION 1501. INTENT AND PURPOSE

The purpose of site plan review is to determine compliance with the provisions and intent set forth in this ordinance and to promote the orderly development of the Township and to prevent the development or alteration of land without proper attention to siting and appearance.

SECTION 1502. SITE PLAN REVIEW

Prior to the erection of any building or structure or additions thereto, change in use in any zoning district, any land use requiring special approval or any planned unit development, a site plan shall be submitted for review and approval. This review and approval shall be performed by the Zoning Administrator or by the Township Planning Commission.

At no time shall a site plan be reviewed when considering a request for rezoning. A decision to rezone property should be based on the long-term goals and the Future Land Use as determined in the Master Plan of the Township. Also, it is important to consider the timeliness of the development and the long-term use of land.

1. Administrative Review by the Township Zoning Administrator.
 - a) The Zoning Administrator shall perform a site plan review for:
 - i. A change in the use of a structure or land that does not require additional parking and does not involve structural alterations;
 - ii. An accessory building to a non-residential use containing one thousand (1,000) square feet or less;
 - iii. Developments up to four (4) residential units together.

- iv. An addition to an existing non-residential structure if the addition totals twenty-five (25%) percent or less of the existing structure, and only if the addition will be surfaced with material or materials which do not differ from materials on the existing structure.
 - v. In order to perform this review, the Zoning Administrator may require the submission of information set forth in this section.
- b) The Zoning Administrator will transmit copies of the site plan to the departments as appropriate for review. Upon receiving recommendations from the different departments, the Zoning Administrator shall transmit the recommendations to the applicant, and if the applicant concurs with the staff recommendations, the site plan will be approved along with all the recommendations as agreed to by the applicant.
 - c) In instances where the applicant does not concur with recommendations or where the Zoning Administrator deems Planning Commission review necessary during the administrative site plan review, the applicant or the Zoning Administrator may request the site plan be transmitted to the Township Planning Commission. The applicant will be required to pay the appropriate associated fee for site plan review.
2. Site Plan Review by the Township Planning Commission. All other structures and uses of land or buildings not covered in Section 1502 (1) shall be reviewed by the Township Planning Commission, including residential developments over four (4) units together, and all proposals in the commercial and industrial districts. The following site plan review procedures shall be followed:
- a) Application Deadlines. If a zoning application requires a site plan review by the Planning Commission pursuant to Section 1502 a complete application package must be received thirty (30) days prior to the meeting of the Township Planning Commission.
 - b) Application. The application requesting a site plan review must be accompanied by a fee, as established by the Township Board. The application will not be reviewed until all requirements, including the fee, has been paid. The site plan must include all relevant items listed below, including the

seal and signature of an engineer licensed within the State of Michigan.

- c) Scale. The site plan must be drawn to a consistent scale of not less than one inch equals fifty feet (1" = 50') for sites of three acres or less, or one inch equals two hundred feet (1" = 200') for larger sites.
- d) Identification. The applicant's name. Address and telephone number and the name and address of the firm(s) responsible for preparation of the site plan must be included. If the applicant does not own the property, the owner must be identified and must sign a statement certifying that the applicant is acting in the owner's behalf.
- e) Property Information. The site plan must accurately depict the subject property and land adjacent to and across any thoroughfare from it, including all existing and proposed easements or right-of-way. Zoning of the site, and of adjacent properties, must be identified. A legal description, property tax identification number, and computation of the area of the property must accompany the site plan.
- f) Site Features. The site plan should depict existing environmental conditions, including the located of wooded areas or isolated trees over six inches in diameter, topography, drainage features, wetlands, any existing structures, including those proposed for removal, and other significant conditions. The Approximate location and use of structures and the location of the nearest driveways on adjacent or opposing parcels should be shown.
- g) Transportation Features. The site plan must show the location and surface type of all existing and proposed public roads, access drives, internal vehicle circulation areas, parking lots (including number and location of handicapped parking spaces), sidewalks, loading areas or docks, truck bays, and refuse pickup stations.
- h) Utilities. The site plan must show the location and size of all existing and proposed public utilities. Waterline information shall include location of existing and proposed fire hydrants and valves. Sanitary sewer information shall include location of any pumping station and approximate location of manholes. Storm drainage information shall include any enclosed drains, flow restrictors and on-site retention. The

site plan must also including any existing or proposed private utilities, such as natural gas, electricity, telephone and cable television.

- i) Structures. The site plan must show the location and dimensions, including height, of all proposed buildings, accessory structure and related features. For multi-family housing developments, the number of units in each building must be identifies. Schematic plans and elevations of all structures exceeding five thousand (5,000) square feet of total floor area must be included. The site plan should also show the location, arrangement, dimensions and type of proposed signs, lighting, landscaping, screening, fences, and decorative walls.
- j) Supplementary Material. The site plan shall be complemented by any additional that, in the Zoning Administrator's discretion, is important for the Site Plan Review process. This could include, but not be limited to, an assessment include, but not be limited to, an assessment of the proposed project's impact on environmental, historic social or economic conditions; traffic studies; or proposed measures to control or mitigate such impacts as noise, smoke, particulates, vibration, odors, or fire hazards.

3. Approval Process. The site plan shall be reviewed by the Township Planning Commission and shall be approved, disapproved, approved with specific conditions, or tabled as may be deemed necessary to carry out the purpose of this chapter and other codes and regulations of the Township. If, during review, the Planning Commission finds a site plan not in conformance with the provisions set forth in this section it may, at its discretion, return the site plan to the applicant with a written statement of the modifications necessary to secure approval.

- a) Approval. Following approval of the site plan, it shall become part of the record, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan unless a change or addition conforming to this chapter received the mutual agreement of the landowner and the Township Planning Commission or Zoning Administrator, as appropriate. Incidental and minor variations of the approved site plan with written approval of the Zoning Administrator shall not invalidate prior site plan approval.

- b) Approval with Conditions. The Planning Commission may, in accordance with this ordinance and the specific guidelines contained herein, approve the site plan with conditions. These conditions may include the provisions of buffers, fencing, screening or other such additional items intended to protect the health, public welfare and safety of the greater Township.
- c) Denial for Specific Requirements. In instances where specific dimensional or area requirements of this chapter are not satisfied on the site plan, requests for variance(s) may be initiated by the applicant to the Township Planning Commission of Appeals. Requirements not met are grounds for denial.
- d) Approved Site Plan. The approved site plan shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan unless a change or addition conforming to this chapter receives the mutual agreement of the landowners and the Township Planning Commission or Zoning Administrator as appropriate. Incidental and minor variations of the approved site plan with written approval of the Zoning Administrator shall not invalidate prior site plan approval.

SECTION 1503. FEES

An application or request for site plan reviews shall be accompanied by a fee to defray the actual costs thereof the Township.

All fees shall be payable to the Township Treasurer to the credit of the general fund of the Township. The Township Board shall, by resolution, from time to time, establish the amount of such fees. The Township may retain professional assistance in performing such reviews with those costs to be passed on to the applicant, only when and if the applicant is made aware of the costs prior to the application. Only one (1) fee shall be required where an applicant's proposed use or request requires more than one action by the Township, its boards or officials.

Administration

SECTION 1601. PURPOSE AND INTENT

The purpose of administration of the zoning ordinance and in particular with the issuance of building permits, zoning compliance certificates and site plan review is to ensure compliance with the provisions and intent set forth in this ordinance and to promote the orderly development of the Township and to prevent the development or alteration of land without proper attention to sitting and appearance.

SECTION 1602. ZONING PERMITS

No building or structure, or part thereof, shall be hereafter erected, altered, moved, or repaired unless a Zoning Permit shall have been first issued for such work. The terms “altered” and “repaired” shall include any changes in exterior structural parts, light, ventilation, or means of egress and ingress, or other changes affecting or regulated by the applicable Building code, Housing Law of Michigan, or this Ordinance, except for minor repairs or changes not involving any of the aforesaid features. A zoning permit is required for all uses in all districts.

SECTION 1603. FEES

An application or request for a special land use application, rezoning, and issues directed to the Zoning Board of Appeals shall be accompanied by a fee to defray the actual costs thereof the Township.

All fees shall be payable to the Township Treasurer to the credit of the general fund of the Township. The Township Board shall, by resolution, from time to time, establish the amount of such fees. The Township may retain professional assistance in performing such reviews with those costs to be passed on to the applicant, only when and if the applicant is made aware of the costs prior to the application. Only one (1) fee shall be required where an applicant’s proposed use or request requires more than one action by the Township, its boards or officials.

Permits issued for agricultural accessory buildings and other agricultural uses shall be exempt from the payment of fees.

SECTION 1604. ADMINISTRATION OF THE ORDINANCE

The provisions of this ordinance shall be carried out by the Denmark Township Planning Commission, the Zoning Board of Appeals, the Township Board, and the Township Zoning Administrator in conformance with applicable State of Michigan enabling legislation.

1. Zoning Administrator. The Denmark Township Manager with the recommendation of the Planning Commission shall employ the Zoning Administrator to carry out day-to-day administration and enforcement of this Ordinance. Condition of the Zoning Administrator's employment, including compensation, shall be established by the Township Board. Additional staff may be employed, under the supervision of the Zoning Administrator, to assist with administration and enforcement of this Ordinance.

The Zoning Administrator's duties shall include the following items and any other tasks that may be assigned by the Township Board or provisions of this Ordinance.

2. Accept And Record Applications, Issue And Record Permits. All applications for Zoning Permits shall be submitted to the Zoning Administrator who shall keep a record of all application which have been submitted and their disposition. When all applicable provisions of this Ordinance have been met regarding any application, the Zoning Administrator shall consult with the applicant to determine the proper course of action. The Zoning Administrator shall maintain a record of all applications and related Zoning permits, including documentation for each.
3. Issue Written Denial. When any application for a Zoning Permit is denied, the Zoning Administrator shall provide the applicant with a written denial, stating the reasons for the denial.
4. Notice of Hearings. Whenever a zoning matter is the subject of a public hearing before the Planning Commission or the Zoning Board of Appeals, the Zoning Administrator or Township Clerk shall prepare notices of the hearing and disseminate said notices as required by this Ordinance.
5. Inspections. The Zoning Administrator shall be empowered to make inspections of buildings or premises to carry out enforcement of this Ordinance.

6. Record Nonconforming Uses. The Zoning Administrator shall record all nonconforming uses existing at the effective date of this Ordinance for the purpose of carrying out the provisions of Chapter 9 - General Requirements.
7. Record Special Use. The Zoning Administrator shall keep a record of all Special Use Permits issued under the terms of this Ordinance for the purpose of carrying out provisions of Chapter 14.
8. Record Interpretations of Ordinance. The Zoning Administrator shall maintain a concise record of all interpretations of this Ordinance rendered by the Zoning Board of Appeals to fulfill requirements of Section 1604.13. This record shall be consulted whenever questions arise concerning interpretation of any provisions of this Ordinance to determine whether any applicable precedents have been set.
9. Public Information. The Zoning Administrator or Township Clerk shall respond to inquiries and dispense information or copies of this Ordinance to make public aware of and familiar with the provisions of this Ordinance. Public awareness and acceptance of the Zoning Ordinance will help to maintain compliance with it.
10. Respond To Complaints. The Zoning Administrator shall respond within five business days, whenever possible, to any complaint regarding an alleged violation of the terms or conditions of this Ordinance or any permit issued pursuant to it. The Zoning Administrator shall provide a report at each regular Planning Commission meeting summarizing the nature of the disposition of complaints that have been received.
11. May Not Change Ordinance. Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance or to vary the terms of this Ordinance.
12. Planning Commission. The Denmark Township Planning Commission, established by the Township Board under the provisions of Act 184 of 1943 and Act 168 of 1959, shall be responsible for the following administrative and enforcement activities under this Ordinance.
 - a) Site Plan Approval. The Planning Commission shall review Site Plans and issue its approval, conditional approval or denial of same as provided by Chapter 15.

- b) Special Use Permits. The Planning Commission shall conduct a public hearing on any application for a Special Use Permit. Following a public hearing, the Planning Commission shall review and approve or deny said application. The Planning Commission shall also take any necessary action to revoke a Special Use Permit as provided by Chapter 14.
- c) Rezoning or Amendment. The Planning Commission shall conduct a public hearing for any proposal to rezone property or to amend the text of this Ordinance, using the process described in the Township Zoning Act, PA 184 of 1943, as amended. Following the public hearing, the Planning Commission shall also make its recommendation regarding the proposed rezoning or text change to the Township Board. In addition, the Planning Commission shall also submit the proposal to rezone property or to amend the text of this Ordinance, including any zoning maps, to the Tuscola County Planning Commission for review, and, if provided to the Township, a recommendation. Further procedures are provided in Section 1604.18 of this ordinance. The Planning Commission may initiate a text change or rezoning, subject to the requirements for notice, hearing, and Township Board approval.

13. Zoning Board of Appeals.

- a) Establishment. The Township Board, exercising the authority of Act 184 of the Public Acts of 1943, as amended, hereby provides that a Township Zoning Board of Appeals be established. Upon adoption of this Ordinance, the Zoning Board of Appeals established under the terms of the previous Zoning Ordinance shall remain in office, including all members thereof.
- b) Membership. The Denmark Township Zoning Board of Appeals shall consist of three (3) members. The first member of the Board of Appeals shall be a member of the Township Planning Commission, one member shall be a member of the Township Board, and the remaining member shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township. An elected officer of the Township may not serve as Chairman of the Zoning Board of Appeals. An employee or contractor of the Township Board of Appeals shall be removable by the Township Board for

nonperformance of duty or misconduct in office upon written charges and after public hearing.

- c) **Terms of Office.** Terms of Zoning Board of Appeals members shall be for 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 said bodies and the period stated in the resolution appointing them. A successor shall be appointed not more than one month after the term for the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.
- d) **Per Diem or Expenses.** The total amount allowed such Board of Appeals in 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.
- e) **Rules of Procedure.** The Board of Appeals shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function. The Board shall choose its Chairman, and in the Chairman's absence, an acting chairman.
- f) **Meetings.** Meetings shall be held at the call of the Chairman and at such time as the Board of Appeals may determine. A simple majority of the membership of the Board of Appeals shall constitute a quorum and may conduct any items of business brought before the Board. All meetings of the Board shall be open to the public. The Board may declare any meeting, or part of any meeting, a study meeting to pursue matters of business without comment or interruption from the public in attendance.
- g) **Records.** Minutes shall be recorded of all proceedings which shall contain evidence and dated relevant to every case considered together with the voted of the members and the filed in the office of the Township Clerk and shall be public records.
- h) **Decisions.** The Zoning Board of Appeals shall return a decision upon each case within thirty (30) days of the filing of a request or appeal unless a further time is agreed upon by the parties concerned. Any decision of the Zoning Board of Appeals shall not take effect until the expiration of five (5)

days after the dated of said decision, unless the Board of Appeals certified on the record that the decision must be given immediate effect for the preservation of property or personal rights. No Zoning permit authorized by such a decision shall be issued until the decision has taken effect.

- i) Majority Vote. The concurring vote of a majority of the members of the Zoning Board of Appeals present at the meeting shall be necessary to decide upon any issue brought before the Board.
- j) Conflict Of Interest. A member of the Zoning Board of Appeals shall disqualify himself or herself from a vote in which a member has a conflict of interest. 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.
- k) Duties. The Denmark Township Zoning Board of Appeals shall have the power to act on those matters where this Ordinance provides for an administrative review, interpretation, or variance as defined in this Section. The Board of Appeals shall NOT have the power to alter or change the zoning district classification of any property, or to make any change in the terms or intent of this ordinance.
- l) Administrative Review. The Zoning Board of Appeals is empowered to review and reverse or modify any order, decision or determination made by an administrative official charged with enforcing or administering this Ordinance. The Board is not empowered to overturn decisions of the Planning Commission regarding Special Use Permits, including such permits for Planned Unit Developments. The Board may not overturn the denial of a site plan in connection with any Special Use Permit proceedings. An Administrative Review by the Zoning Board of Appeals may be requested by any person aggrieved, or by any officer, department, or board of the local government. Any such request must be made in writing not more than ten (10) days after the date of the Zoning Administrator's decision.
 - i. An administrative review shall stay all proceedings in furtherance of the action being reviewed, except as follows. If the Zoning Administrator certifies in writing to the Zoning Board of Appeals, after a request for an administrative review has been filed, that a stay would

cause imminent peril to life or property, the proceedings shall not be stayed unless a restraining order is issued by the Zoning Board of Appeals or by court action.

- ii. Interpretation. The Zoning Board of Appeals may interpret provisions of this Ordinance as outlined below. Each such interpretation shall establish the precedent for future treatment of the issue being addressed. To achieve the objective of consistent enforcement of this Ordinance, whenever an interpretation question arises which has been addressed previously by the Zoning Board of Appeals, the earlier interpretation shall apply without requiring further action by the Board. Interpretation issues do not include dimensional variance issues. The Zoning Administrator shall keep a concise record of all interpretations made by the Zoning Board of Appeals to facilitate such reference.
- iii. The Board may determine the precise location of the boundary lines between zoning districts.
- iv. The Board may classify any activity which is not specifically mentioned in the any Zoning District as a Use by Right or Special Use within at least one Zoning District, provided that said classification shall be consistent with the classification of similar uses and with the purpose and intent of each Zoning District.
- v. The Board may determine the off-street parking and loading space requirements of any use for which these requirements are not determinable using the information provided for this purpose in Chapter 5, Parking.
- vi. The Board may interpret any portion of this Ordinance when unable to clearly determine its intent or effect.

14. Variances

The Board of Zoning Appeals shall have the power to authorize, upon an appeal, specific variances allowed by law, PROVIDED the conditions listed herein can be satisfied:

- a) That any variance granted from this Ordinance meet the following State of Michigan Standards:
- i. Applying the ordinance's requirements would render use of the property impracticable or be unnecessarily burdensome.
 - ii. The site experiences circumstances unique to the property that are not generally found with similarly zoned property.
 - iii. The character of the site and the standards of the ordinance, approval of the variance would not provide the applicant with a right or privilege not made available to others and there is no variance of lesser magnitude more appropriate.
 - iv. The problem was not self-created.
 - v. Where there are practical difficulties or unnecessary hardships that prevent carrying out the strict letter of this Ordinance. These hardships or difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.
 - vi. There are exceptional or extraordinary circumstances or physical conditions such as but not limited to narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district. Such circumstances or conditions shall not have resulted from any act of the applicant, subsequent to the adoption of this Ordinance.
 - vii. Such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.
- b) The following rules shall be applied in the granting of variances:

- i. The Board of Zoning Appeals may specify, in writing, such conditions regarding the character, location, length of time and other features that will in its judgment, secure the objectives and purposes of this Ordinance. The breach of any such condition shall automatically invalidate the variance granted.
 - ii. Each variance granted under the provisions of this Ordinance shall become null and void unless:
 - The construction authorized by such variance or permit has been commenced within six (6) months after the granting of the variance.
 - The occupancy of land, premises or buildings authorized by the variance has taken place within one (1) year after the granting of the variance.
 - iii. No application for a variance which has been denied wholly or in part by the Board of Zoning Appeals shall be resubmitted for a period of one (1) year from the date of the last denial, except on the grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Board to be valid.
- c) Temporary variances. The Board of Zoning Appeals may grant temporary variances for temporary structures, such as a garage, partial structure, cellar or basement to be used for dwelling purposes, subject to the following procedures and limitations:
- i. An application for a variance for the erection or movement of a temporary structure for dwelling purposes, including trailer coaches, shall be made to the Board of Zoning Appeals.
 - ii. The Board of Zoning Appeals shall give due notice to the applicant and to all property owners within three hundred (300') feet of the property affected at least (8) days before the hearing will be held on such application.

- iii. A temporary variance shall not be granted unless the Board of Zoning Appeals finds adequate evidence that the proposed location of the use will not be detrimental to property in the immediate vicinity; and that the proposed water supply and sanitary facilities have been approved by the Tuscola County Health Department.
 - iv. The Board of Zoning Appeals may impose any reasonable conditions in addition to the district requirements in which the use is proposed, including setbacks, land coverage, off-street parking, landscaping and other requirements deemed necessary to protect adjoining properties and the public welfare. The violation of any such condition shall automatically invalidate the permit.
 - v. Unique and temporary conditions shall exist which justify the need for a manufactured home on a given lot or parcel such as a dwelling for seasonal farm labor, aged family members, domestic employees or similar dwelling needs of a temporary nature that relate to the use of the principal dwelling on the property in question.
 - vi. The variance issued shall clearly set forth the conditions under which the variance is granted and shall state that the proposed temporary dwelling structure is to be vacated upon expiration of a specific time limit not to exceed twelve (12) months. No temporary variance shall be transferable to any other owner or occupant. The variance may be renewed in the case of manufactured homes if the conditions of (i-v) above can be met again.
- d) Bond for Compliance. In authorizing any variance, or in granting any conditional, or special approval permits, the Zoning Board of Appeals may require that a bond of ample sum be furnished to ensure compliance with requirements, specifications and conditions imposed with the grant of variance.

15. Rules for Zoning Board of Appeals Actions

- a) A public hearing must be held by the Zoning Board of Appeals prior to making a decision on a variance, an

administrative review or interpretation that relates to a specific parcel. In the case of a variance, mailed notice shall be given to all property owners and occupants within three hundred (300) feet not less than five (5) days nor more than fifteen (15) days before the date of the meeting at which the action will be considered.

- b) In making a decision on a variance, the Zoning Board of Appeals must endeavor to avoid causing a substantial adverse effect upon property values in the immediate vicinity of the subject property. Nor shall such actions have the effect of substantially impacting property values for land in the Zoning District in which the subject property is located.
 - c) Any action brought before the Zoning Board of Appeals may relate only to a single parcel which must be under control of the applicant. If the applicant is not the owner of the property, evidence must be provided that the owner concurs with the request for Zoning Board of Appeals action.
 - d) Approval by the Zoning Board of Appeals of any request may not be granted simply to prevent an economic loss. Improving an owner's chance to profit from sale of a parcel is NOT an objective of this Ordinance.
 - e) Any request which has been denied wholly or in part by the Zoning Board of Appeals may only be appealed to the Circuit Court. However, if new evidence or changed conditions are found, the Board may elect to rehear a case.
16. Township Board. On recommendation of the Planning Commission, the Township Board has adopted the Zoning Ordinance, making it the enforceable policy of the Township government. Likewise, the Township Board may amend the text of this Ordinance, or the boundaries of Zoning Districts (rezoning). With accordance with 17 and 18, below.
17. Initiation of Amendments. Proposals for amendments, supplements, or changes may be initiated by the Township Board of its own action, by the Planning Commission or by petition of one (1) or more owners, or their agents, of property to be affected by the proposed amendment.

18. Amendment Procedures.

- a) Petition to the Township Board. Each petition by one (1) or more owners, or their agents, for an amendment shall be submitted upon an application of standard from the township Clerk. A fee as established by the Township Board shall be paid at the time of application to cover costs of necessary advertising, for public hearings and investigation of the amendment request. The clerk shall transmit the application to the Planning Commission for recommended action.
- b) Recommendation. The Planning Commission shall consider each proposal for amendment in terms of its own judgment on particular factors related to the individual proposal and in terms of the likely effect of such proposal upon the Master plan for the community. The Planning Commission may recommend any additions or modifications to the original amendment petition.
- c) Public Hearing. After deliberation on any proposal the Planning Commission shall conduct at least one (1) public hearing, notice of the time and place of which shall be given by two (2) publications in a newspaper of general circulation in the community the first to be printed not more than thirty (30) days nor less than twenty (20) days and the second not more than eight (8) days before the date of such hearing. Not less than twenty (20) days notice of the time and place of such hearing shall also be given, by certified mail, to each public utility company servicing the community, and which had registered its name and mailing address for the purpose of receiving such notice, and to each railroad company servicing the community and to each railroad within the zone affected. The notice shall include the places and times at which the tentative text and/or map amendment to the Zoning Ordinance may be examined.
- d) The Township Planning Commission shall give a notice of the proposed rezoning to the owner of the property in question, to all persons to whom any area property within three hundred (300) feet of the premises in question is assessed, and to the occupants of all single and two family dwellings within three hundred (300) feet per zoning law. The notice shall be delivered personally or by mail to the respective owners and tenants at the address given in the last assessment roll. If the tenant's name is not known, the term "occupant" may be used. If the notice is delivered by

mail, an affidavit of mailing shall be filed with the Planning Commission before the hearing. The notice shall be made not less than eight (8) days before the hearing stating the time, place, date and purpose of the hearing. An amendment for the purpose of conforming to a provision of the zoning ordinance to the decree of a court of competent jurisdiction as to any specific lands may be adopted by the Township Board and the notice of the adopted amendment published without referring the amendment to any other board or agency provided for in this act.

- e) Tuscola County Planning Commission. Following the conclusion of the Public Hearing, the Planning Commission shall submit the proposed amendments, including any zoning district map, to the Tuscola County Planning Commission for their review and recommendation. The recommendation of the County Planning Commission shall be conclusively presumed unless such Commission shall within thirty (30) days of its receipt, have notified the Township Board of its disapproval or approval.
- f) Township Board. Upon receipt of the Planning Commission's together with the County Planning Commission's recommendation, the Township Board shall review said recommendations.
- g) If the Township Board shall deem any amendments, changes, additions or departures are advisable to the proposed Ordinance amendment recommended by the Planning Commission, it shall refer the same back to the Planning Commission for a report thereon within a time specified by the Township Board.
- h) After receiving the proposed amendment recommendations heretofore specified, the Township Board shall grant a hearing on the proposed amendment to any property owner who has filed a written request to be so heard and shall request the Planning Commission to attend such hearing.
- i) Thereafter, the Township Board may deny, or adopt the amendment with or without any changes.
- j) Re-submittal. No application for a rezoning which has been denied by the Township Board shall be resubmitted for a period of one (1) year from the date of the last denial except on grounds of newly discovered evidence or proof of

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

SECTION 1605. ENFORCEMENT

1. In this section the term “violation of this Code” means any of the following:
 - a) Doing an act that is prohibited or made or declared an offense, (a municipal civil infraction, a violation) by ordinance or by rule or regulation authorized by ordinance.
 - b) Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance.
 - c) Failure to perform an act if the failure is prohibited or is made or declared unlawful, an offense, a municipal civil infraction, a violation or a misdemeanor by ordinance or by rule or regulation authorized by ordinance.
2. In this section the term “violation of this Code” does not include the failure of a township office or township employee to perform an official duty unless it is specifically provided that the failure to perform the duty is to be punished as provided in this section.
3. Except as otherwise provided by law or ordinance, violations of the zoning ordinance are municipal civil infractions. The following provisions apply to municipal civil infraction.
 - a) A person who violates any provision of this zoning ordinance that is a municipal civil infraction is responsible for a municipal civil infraction and is subject to a civil fine in accordance with the following schedule, with time periods determined from the date of the violation:

Violation Within Three-Year Period	Minimum Fine	Maximum Fine
First	\$50.00	\$500.00
Second	125.00	500.00
Third	250.00	500.00
Fourth or subsequent	400.00	500.00

- b) Additionally, the person responsible for a municipal civil infraction shall pay costs. Such costs may include all direct

or indirect expenses that the township has occurred in connection with the violation. In no case, however, shall costs of less than \$50.00 or more than \$500.00 be ordered.

4. A person convicted of a violation of this Code that is a misdemeanor shall be punished by a fine not to exceed \$500.00 or by imprisonment for a period of not more than 90 days, or by both such fine, and imprisonment; provided, however, that a violation of this Code that is a misdemeanor shall be punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both, if the violation substantially corresponds to a violation of state law that is a misdemeanor for which the maximum period of imprisonment is 93 days. A person convicted of a misdemeanor violation of this Code is responsible for costs of prosecution.
5. Except as otherwise provided by law or ordinance:
 - a) As to violations of this Code that are continuous with respect to time, each day that the violation continues is a separate offense.
 - b) As to other violations, each violation constitutes a separate offense.
6. The imposition of a penalty does not prevent suspension or revocation of a license, permit or franchise or other administrative sanctions.
7. Violation of this Code that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent injunctive relief or civil or quasi-judicial enforcement.