



Clam Lake Township Zoning Ordinance

TOWNSHIP ORDINANCE NO. 55

ADOPTED: AUGUST 12, 2019

EFFECTIVE: AUGUST 23, 2019

Planning Services Provided by:

B R
Beckett&Raeder

Table of Contents

| | |
|--|----|
| Article 1: Title and Purpose | 1 |
| Section 1.1 Title | |
| Section 1.2 Purpose | |
| Section 1.3 Existing Uses of Lands, Buildings, and Structures | |
| Section 1.4 Exemption of Accessory Farm Buildings and Structures | |
| Section 1.5 Authority | |
| Article 2: Zoning Districts and Zoning Map | 2 |
| Section 2.1 Relationship of Zoning Ordinance to Township Master Plan | |
| Section 2.2 Districts Established | |
| Section 2.3 R – Residential District | |
| Section 2.4 RR - Resort/Residential District | |
| Section 2.5 OS - Office/Service District | |
| Section 2.6 AR - Agricultural/Residential | |
| Section 2.7 FR - Forest/Recreational District | |
| Section 2.8 C-1 - Light Commercial District | |
| Section 2.9 C-2 – Heavy Commercial District | |
| Section 2.10 PUD & PUD-OS | |
| Section 2.11 Clam Lake Corridor Overlay District | |
| Section 2.12 Clam Lake Township Zoning Map | |
| Article 3: Regulated Uses and Dimensions | 6 |
| Section 3.1 Land Use and Zoning Table | |
| Section 3.2 Permitted Uses [P] | |
| Section 3.3 Special Land Use [S] | |
| Section 3.4 Uses Not Allowed | |
| Section 3.5 Site-Specific Standards | |
| Section 3.6 Land Use Type | |
| Section 3.7 Compliance with District Regulations | |
| Section 3.8 Uses Contrary to other Laws, and/or Ordinances | |
| Section 3.9 Regulated Uses | |
| Section 3.10 Schedule of Dimensional Requirements | |
| Article 4: Clam Lake Overlay District | 10 |
| Section 4.1 Purpose | |
| Section 4.2 Applicability | |
| Section 4.3 Additional Site Development Regulations | |
| Section 4.4 Parking Areas | |
| Section 4.5 Buffer Areas | |
| Section 4.6 Signs | |
| Section 4.7 Landscaping and Landscape Plans | |
| Section 4.8 Sidewalks | |
| Section 4.9 Corridor Overlay Site Plan Review | |

Article 5: General Provisions

13

- Section 5.1 Limit of One Main Building or Use Per Parcel
- Section 5.2 Home Occupations/Home Professional Offices
- Section 5.3 Supplementary Setback Regulations
- Section 5.4 Supplementary Lot Provisions
- Section 5.5 Land Divisions
- Section 5.6 Two-Family Dwellings
- Section 5.7 Supplemental Yard Provisions
- Section 5.8 Greenbelt
- Section 5.9 Livestock
- Section 5.10 Water Supply and Waste Disposal
- Section 5.11 Essential Services
- Section 5.12 Temporary Uses
- Section 5.13 Manufactured Home Setup Specifications
- Section 5.14 Nuisances, Per Se
- Section 5.15 Wetland Provisions
- Section 5.16 Commercial Enterprise
- Section 5.17 Non-Conforming Uses
- Section 5.18 Non-Conforming Buildings and Structures
- Section 5.19 Sub-Standard Dwellings
- Section 5.20 Dwelling Unit Requirements
- Section 5.21 Vehicular Parking Requirements
- Section 5.22 Signs
- Section 5.23 Landscaping and Screening
- Section 5.24 Fences
- Section 5.25 Attached Solar Panels
- Section 5.26 Yard Sales
- Section 5.27 Outdoor Wood Furnaces
- Section 5.28 Swimming Pools
- Section 5.29 Marihuana Facilities/Establishments Prohibited
- Section 5.30 Maximum Lot Depth to Width Ratio

Article 6: Special Uses

26

- Section 6.1 Purpose
- Section 6.2 Authority to Grant Permits
- Section 6.3 Application and Fee
- Section 6.4 Information Required in Application
- Section 6.5 Review for Completeness
- Section 6.6 Notice of Public Hearing for Special Uses
- Section 6.7 Hearing and Decision for Special Use Permits
- Section 6.8 Special Use Permit Standards
- Section 6.9 Special Use Permit Conditions
- Section 6.10 Record of Special or Conditional Use Permit
- Section 6.11 Security Requirement
- Section 6.12 Amendment of Special Use Permits

| | |
|--|----|
| Section 6.13 Continuation of Special Use Permit | |
| Section 6.14 Construction Code Permit | |
| Section 6.15 Expiration of Special Use Permits | |
| Article 7: Supplemental Site Development Standards | 31 |
| Section 7.1 Overview | |
| Section 7.2 Residential Accessory Buildings as a Principal Use | |
| Section 7.3 Mini Cabins and Cottages | |
| Section 7.4 Sexually Oriented Businesses | |
| Section 7.5 Gasoline Service Stations and/or Convenience Stores | |
| Section 7.6 Additional Dwelling Units on a Parcel | |
| Section 7.7 Junk Yards, Salvage Yards, Refuse Dumps | |
| Section 7.8 Mining, Processing, and Stockpiling of Mineral Resources | |
| Section 7.9 Solar Energy Farms | |
| Section 7.10 Utility Grid Wind Energy System and Anemometer Towers | |
| Section 7.11 Wireless Communication Facilities | |
| Section 7.12 Recycle/salvage yards and transfer stations | |
| Section 7.13 Private Roads | |
| Article 8: Open Space Preservation & Planned Unit Development | 52 |
| Section 8.1 Overview | |
| Section 8.2 Open Space Preservation Standards (PUD-OS) | |
| Section 8.3 Conventional Planned Unit Development Standards (PUD) | |
| Section 8.4 Material to be Submitted | |
| Section 8.5 Development Plan Review | |
| Section 8.6 Approval Procedure | |
| Section 8.7 Deviations from Approved Site Plan | |
| Article 9: Condominiums & Site Condominiums | 58 |
| Section 9.1 Description and Purpose | |
| Section 9.2 Condominium and Site Condominium Approval Required | |
| Section 9.3 Application for Condominium or Site Condominium Approval | |
| Section 9.4 Procedures for Review of Preliminary Condominiums | |
| Section 9.5 Procedures for Review of Final Condominium | |
| Section 9.6 Standards for Approval | |
| Section 9.7 Construction in Compliance with Approved Plans | |
| Section 9.8 Completion of Improvements | |
| Section 9.9 Expandable or Convertible Condominium Developments | |
| Section 9.10 Revisions of Approved Final Plan | |
| Section 9.11 Incorporation of Approved Provisions in Master Deed | |
| Article 10: Site Plan Review | 63 |
| Section 10.1 Intent | |
| Section 10.2 Uses Subject to Site Plan Review | |
| Section 10.3 Site Plan Review Procedures | |
| Section 10.4 Special Land Uses | |

| | |
|---|----|
| Section 10.5 Standards for Plan Approval | |
| Section 10.6 Amendments to Approved Site Plans | |
| Section 10.7 Appeals of Final Site Plans | |
| Article 11: Zoning Board of Appeals | 66 |
| Section 11.1 Creation and Membership | |
| Section 11.2 Meetings | |
| Section 11.3 Duties and Powers | |
| Section 11.4 Procedures | |
| Section 11.5 PUD and Special Use Appeals to Zoning Board Prohibited | |
| Section 11.6 Alternate ZBA Members | |
| Article 12: Administration and Enforcement | 69 |
| Section 12.1 Zoning Administration | |
| Section 12.2 Duties and Powers of the Zoning Administrator | |
| Section 12.3 Zoning Permits | |
| Section 12.4 Fee Schedule | |
| Section 12.5 Violations and Enforcement | |
| Article 13: Amendments | 72 |
| Section 13.1 Power to Amend | |
| Section 13.2 Who May Initiate | |
| Section 13.3 Procedure for Initiating and Processing an Amendment | |
| Article 14: Validation and Enactment | 73 |
| Section 14.1 Validity | |
| Section 14.2 Enactment | |
| Section 14.3 Repeal of Prior Ordinances | |
| Article 15: Definitions | 74 |

ARTICLE I: TITLE AND PURPOSE

Section 1.1 - Title

This Ordinance shall be known and may be cited as the Clam Lake Township Zoning Ordinance.

Section 1.2 - Purpose

The purposes of this ordinance are as follows:

1. To meet the needs of the citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land;
2. To insure that use of land shall be situated in appropriate locations and relationships;
3. To limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities;
4. To facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements;
5. To promote public health, safety, and welfare.

Section 1.3 – Existing Uses of Lands, Buildings, and Structures

At the discretion of the property owners, the lawful use of any building or structure and of any land or premises as existing and lawful on the date of adoption of this Ordinance may be continued even though such use may not be in conformity with the provisions of this Ordinance.

Section 1.4 - Exemption of Accessory Farm Buildings and Structures

The provisions of this Ordinance shall not apply to the erection, repair or use of customary accessory farm buildings and structures, such as barns, sheds, pens, fences and the like, provided that no building or structure other than open fences, through which there shall be clear vision, shall hereafter be erected, moved or maintained less than one hundred (100) feet from any highway right-of-way line abutting the premises and all zoning setback requirements are met.

Section 1.5 - Authority

This Ordinance is ordained and enacted into law pursuant to the provisions and in accordance with the Zoning Act.

ARTICLE 2: ZONING DISTRICTS AND ZONING MAP

Section 2.1 – Relationship of Zoning Ordinance to Township Master Plan

The zoning ordinance is enacted to regulate the use of property and structures with the purpose of protecting public health, safety and welfare. Standards and regulations within the ordinance regulate the amount, type and use of a building allowable on a piece of land. The zoning ordinance is a tool used by the community to achieve the recommendations of the Clam Lake Township Master Plan, which is a guide for the long-term physical development of the Township.

Section 2.2 – Districts Established

The Township is hereby divided into the following districts, which shall be known as:

- R - Residential
- RR - Resort/Residential
- OS - Office/Service
- AR - Agricultural/Residential
- FR - Forest/Recreational
- C-1 - Light Commercial
- C-2 – Heavy Commercial
- PUD – Conventional Planned Unit Development
- PUD-OS – Open Space Preservation PUD
- Clam Lake Corridor – Overlay Zone

Section 2.3 - R – Residential District

The intent of this district is to establish lots for single-family residential homes with enough space to provide adequate well and septic facilities, as well as safe access and exit. Special uses shall be limited to uses which are compatible with the residential character.

Section 2.4 - RR - Resort/Residential District

The intent of this district is to promote the proper use and conservation of the lakeside and resort areas of the Township while allowing for the development of low to medium density residential projects and selected outdoor recreational facilities (under 10 acres in size).

Section 2.5 - OS - Office/Service District

This district is designed to provide lands for personal and professional offices which, for reasons of size or practicality, are not appropriately suited for Special Use consideration in other Districts. Because of the limited public utilities available in the Township, many uses in this zone will require a special use permit and all will require site plan approval by the Planning Commission.

Section 2.6 - AR - Agricultural/Residential

It is the intent of this district is to protect the rural character and open spaces of certain areas of the Township while also recognizing the need for quality development.

Section 2.7 - FR - Forest/Recreational District

This district is provided to promote the proper use of the Township’s resources and enjoyment of the natural features of the Township while providing space for larger (10 acres +) outdoor recreational facilities, forestry and low density residential development.

Section 2.8 - C-1 - Light Commercial District

This district is provided to establish areas in the Township where general commercial and retail services are appropriate. Uses normally associated with local business and service districts will be considered in this zone. Areas which have public sewer and water available will be given priority consideration as locations for this zone and the respective uses. Because of the limited public utilities available in the Township, most uses in this zone will require a special use permit.

Section 2.9 - C-2 – Heavy Commercial District

This zone is intended for commercial uses which are likely to produce noise, smoke, dust or traffic which may be of an intensity harmful to neighboring properties. As with the commercial (C-1) zone, areas which have public sewer and water available will be given priority consideration as locations for this zone and respective uses. Outdoor storage within fenced areas will be permitted in this district. Because of the limited public utilities available in the Township, most uses in this zone will require a special use permit

Section 2.10 - PUD – Conventional Planned Unit Development (PUD) and Open Space Preservation PUD (PUD-OS) Districts

These zones are intended to provide zoning flexibility for large developments which may propose more than one primary use. All developments proposed for these zones must be approved by the Planning Commission as provided in Article 8 of this Ordinance.

Section 2.11 - Clam Lake Corridor Overlay District

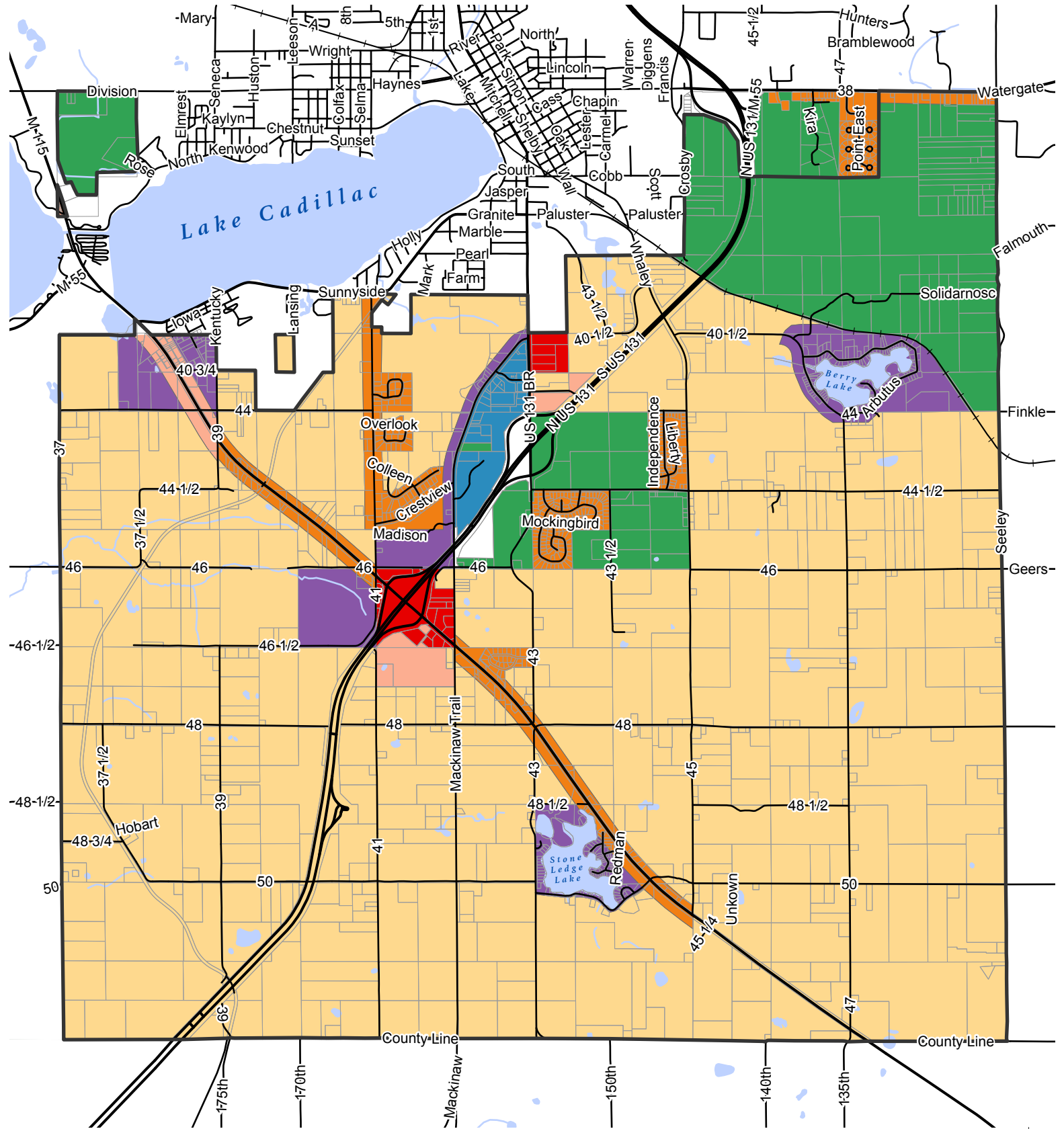
The Clam Lake Corridor Overlay Zone is established for the purpose of allowing a planned office and commercial area to develop. The planned nature of this area is intended to promote uses that are not only compatible but beneficial to one another. Please refer to Article 4 for development standards applicable to the Clam Lake Corridor Overlay District.

Section 2.12 – Clam Lake Township Zoning Map

The locations and boundaries of the zoning districts established above are shown on a map, as the same may be amended from time to time, entitled “The Clam Lake Township Zoning Map,” which accompanies and is hereby made a part of this ordinance. When uncertainty exists as to the boundaries of the zoning districts as shown on the Zoning Map, the following rules of construction and interpretation shall apply:

- A. Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following Township boundaries shall be construed as following Township boundaries.

- D. Boundaries indicated as approximately following shorelines or streambeds shall be construed as following such shorelines or streambeds, and in the event of change in the location of shorelines or streambeds, shall be construed as moving with the shoreline or streambed.
- E. Boundaries indicated as approximately following property lines, section lines or other lines of a government survey shall be construed as following such property lines, section lines or other lines of a government survey as exist as of the effective date of this ordinance or applicable amendment thereof.

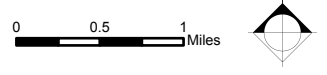


CLAM LAKE TOWNSHIP Clam Lake Township Zoning

Data Sources: State of Michigan Geographic Data Library, Wexford County GIS

- | | | |
|-------------------|----------------------------|-----------------------|
| Township Boundary | Agricultural - Residential | Forest - Recreational |
| State Roads | Residential | Office - Service |
| All Roads | Resort - Residential | Not Zoned |
| Railroads | Commercial 1 | |
| Rivers / Streams | Commercial 2 | |
| Lakes / Ponds | | |

Adopted: August 12, 2019
Effective: August 23, 2019
Township Ordinance No. 55



ARTICLE 3: REGULATED USES AND DIMENSIONS

Section 3.1 – Land Use and Zoning Table

The Regulated Uses Table in this Article lists by land use type (i.e. residential, commercial, etc.) where a particular land use is allowed in a respective base-zoning district.

Section 3.2 – Permitted Uses [P]

If a land use is permitted by-right in a Zoning District, it is identified by the symbol “P.”

Section 3.3 – Special Land Use [S]

The symbol “S” is noted if a land use is permitted after review and approval as a Special Land Use in accordance with Article 6: Special Uses.

Section 3.4 – Uses Not Allowed

If a land use type is not allowed in a Base Zoning District, it is blank without a “P” or “S.”

Section 3.5 – Site-Specific Standards

Land Use types, denoted with an “*” are further regulated with site-specific standards as identified in Article 7: Supplemental Site Development Standards.

Section 3.6 – Land Use Type

Land use types listed in the Regulated Uses Table are defined in Article 15: Definitions.

Section 3.7 – Compliance with District Regulations

Compliance with District regulations shall be required as follows:

- a) No building or structure shall be erected, converted, enlarged, reconstructed, relocated or structurally altered, nor shall any building or land be used, except for a purpose or use permitted in the district in which the building or land is located, nor in excess of the height and bulk limits established for such district.
- b) No building or structure intended for a dwelling use shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the floor area regulations of the district in which it is located.
- c) No building or structure shall be erected, converted, enlarged, reconstructed, relocated or structurally altered except in conformity with the yard and lot area regulations and the off-street parking and loading regulations of the district in which such building is located.
- d) The minimum yards, parking space and other open spaces, including lot area per family, required by this Zoning Ordinance for any building hereafter erected or structurally altered, shall not be encroached upon or considered open space or lot area requirement for any other building, nor shall any other lot area be reduced beyond the district requirements of this Zoning Ordinance.
- e) Every building or structure hereafter erected or structurally altered shall be located on a lot as defined, and in no case shall there be more than one (1) principal building on one (1) lot, except in Commercial and Industrial zones, as provided in parts of this ordinance.
- f) If a change of use is desired, the applicant must obtain a Change of Use permit from the Zoning Administrator.

Section 3.8 – Uses Contrary to Federal, State, or Local Statutes, Laws, and/or Ordinances

Uses for enterprises or purposes that are contrary to Federal, State, and City statutes, laws, and/or ordinances are prohibited. Provided, however, that this provision shall not prohibit the medical use of marijuana in accordance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008.

Section 3.9 – Regulated Uses *(see next page)*

| Zoning Districts | | | | | | | |
|--|----|----|-----|----|----|-----|-----|
| Regulated Uses | R | RR | O/S | AR | FR | C-1 | C-2 |
| Single-family residences | P | P | | P | P | | |
| Duplexes | S | S | | P | S | | |
| Accessory structures | P | P | | P | P | | |
| Family daycare | P | P | | P | | | |
| Home occupations | S | S | | S | S | | |
| Public parks | S | P | | P | P | | |
| Multiple family dwellings | S | S | | | | | |
| Churches | S | S | | S | S | S | |
| Hospitals, clinics | S | S | | | | S | |
| Group daycare | S | S | | S | S | | |
| Assisted living facilities | S | S | | S | | | |
| Additional dwelling unit on a parcel | S* | S* | | S* | S* | | |
| Hotels/motels/resorts | | S | S | | S | S | |
| Restaurants (without drive-thru) | | S | S | | S | S | |
| Restaurants (drive-thru) | | | S | | | S | |
| Public and private recreation facilities | | S | | | | S | |
| Professional offices (less than 2,000 sq ft) | | | P | S | | P | |
| Professional offices (greater than 2,000 sq ft) | | | S | | | S | |
| Retail (less than 2,000 sq ft) | | | S | | S | P | |
| Schools | | | S | S | | | |
| Farms and related activities | | | | P | | | |
| Greenhouses and nurseries | | | | P | S | | |
| Mini cabins and cottages | | | | S* | S* | | |
| Gasoline stations and convenience stores | | | | S* | S* | | P |
| Residential accessory buildings as a principal use | | | | S* | S* | | |
| Agricultural processing | | | | S | | | |
| Roadside stands | | | | S | | | |
| Cemeteries | | | | S | | | |
| Civic, social, and fraternal buildings | | | | S | S | | |
| Privately owned utilities | | | | S | | | |
| Private landing strips | | | | S | S | | |
| Kennels, riding, and boarding stables | | | | S | | S | S |
| Mining, processing, stockpiling | | | | S* | S* | | |
| Hobby farms | | | | | P | | |
| Tree farms | | | | P | P | | |
| Campgrounds and cabin resorts | | | | | S | | |
| Forest industry/processing | | | | | S | | |
| Outdoor recreation facilities | | | | | S | S | |
| Launching facilities/boat livery | | | | | S | | |
| Warehousing and mini storage facilities | | | | | | S | P |
| Automobile service stations | | | | | | S | P |
| Production, processing, assembly/manufacturing | | | | | | | S |
| Recycle stations | | | | | | | S* |
| Vehicle sales | | | | | | | S |
| Sexually oriented businesses | | | | | | | S* |
| Solar Energy Farm | | | | S* | S* | | |
| Wind Energy Facilities and Anemometer Towers | | | | S* | S* | | |
| Wireless Communication Facilities | S* | S* | S* | S* | S* | S* | S* |
| Co-Location with Existing Wireless Facility | P* | P* | P* | P* | P* | P* | P* |
| Junk Yards, Salvage Yards, Refuse Dumps | | | | | | | S* |
| Agritourism | | | | S | S | | |
| Swimming Pools | P | P | P | P | P | P | P |

Section 3.10 – Schedule of Dimensional Requirements

| Zone | Lot Area 1-Fam(sq ft) | Lot Area 2-Fam(sq ft) | Bld Size ¹ /Max Lot Coverage | Height Max ² | Front Setback | Lot Width ³ | Side Yard ⁶ | Rear Yard ⁶ |
|------------------------------------|-----------------------|-----------------------|---|-------------------------|---------------|------------------------|------------------------|------------------------|
| R | 20,000 | 32,000 | 900 ⁴ sq ft | 35 ft | 40 ft | 100 ft | 15 ft | 25 ft |
| RR | 20,000 | 32,000 | 900 ⁵ sq ft | 35 ft | 40 ft | 100 ft | 15 ft | 35 ft |
| AR | 43,560 | 65,340 | 800 sq ft | 35 ft | 50 ft | 165 ft | 30 ft | 50 ft |
| FR | 43,560 | 65,340 | 800 sq ft | 35 ft | 50 ft | 165 ft | 30 ft | 50 ft |
| O/S | 22,500 | | 35% | 35 ft | 75 ft | 150 ft | 30 ft | 60 ft |
| C-1 | 25,000 | | 50% | 35 ft | 30 ft | 150 ft | 20 ft | 60 ft |
| C-2 | 43,560 | | 50% | 40 ft | 100 ft | 150 ft | 20 ft | 60 ft |
| PUD | 10 Acres | | Flexible | Flexible | Flexible | Flexible | Flexible | Flexible |
| Plats/lots with public sewer/water | 12,000 | 18,000 | Depends on Zoning District | 35 ft | 40 ft | 100 ft | 15 ft | 25 ft |

- 1) *The minimum floor area per unit for multiple family units in any District shall be 530 sq. feet. There shall also be lot area equal to 9000 sq. ft. per unit. "Multi-Family Dwelling", and "State Licensed Residential Facilities" located in the Residential and Resort-Residential zones, shall have a minimum lot width requirement of 100 feet and a minimum parcel size requirement of 32,000 square feet. The minimum side yard setback requirement, shall be 25 feet or the height of the building as measured from the mid-point of the peak to eave to the ground whichever is greater. In areas served by municipal sewer, there shall be a maximum lot coverage allowance of 20%. In areas where municipal sewer is not available and where on-site septic systems are planned, there shall also be a lot area equal to 9,000 square feet per unit. State Licensed Residential Facilities in the Agricultural Residential zone shall have a minimum lot width requirement of 165 feet and a minimum parcel size of 65,340 square feet. The minimum side yard setback requirement shall be 30 feet. The maximum building height shall be 35 feet. The minimum front yard setback shall be 50 feet. The minimum rear yard setback shall be 50 feet. In areas served by municipal sewer, there shall be a maximum lot coverage allowance of 20%. In areas where municipal sewer is not available and where on-site septic systems are planned, there shall also be a lot area equal to 9,000 square feet per unit.*
- 2) *Residential accessory structures in the R, PUD/PUD-OS and RR Districts shall not exceed one (1) story or fourteen (14) feet in height (grade to eave). Non-residential accessory structures in any district shall not exceed 35 feet or the height of the principal structure, whichever is less.*
- 3) *The depth of lots in residential zoned areas shall not be more than four (4) times the width.*
- 4) *For non-conforming lots, setback requirements shall be determined by the average setback of the nearest structure on either side of the substandard lot in case of no nearby structures, to the setback requirements for that district.*
- 5) *All dwellings must be at least 20 feet on all four sides at the time of manufacturing.*
- 6) *Residential accessory structures in the R, PUD/PUD-OS and RR Districts shall have a minimum side yard setback of 10 feet and minimum rear year setback of 10 feet.*

ARTICLE 4: CLAM LAKE OVERLAY DISTRICT

Section 4.1 – Purpose

The Clam Lake Corridor Overlay Zone is established for the purpose of allowing a planned office and commercial area to develop. The planned nature of this area is intended to promote uses that are not only compatible but beneficial to one another. Additionally, the Overlay Zone is intended to:

- A. Minimize impacts to natural resources.
- B. Protect the property values and investments made by present and future property owners.
- C. Regulate site and building development to ensure compatibility between adjacent and neighboring sites and buildings.
- D. Provide regulations that supplement existing ordinances by creating additional standards and site plan requirements.

Section 4.2 – Applicability

The regulations set forth in this Article are applicable to lands which are within the Clam Lake Overlay Zone as depicted on the Zoning District Map of Clam Lake Township, as amended.

Section 4.3 – Additional Site Development Regulations

In addition to the dimensional requirements found in Article 3 of this Ordinance, the following requirements shall apply to the Office/Service and Commercial (C-1 and C-2) Zoning Districts:

- A. Office/Service District:
 - a. Front Setback: 75 feet or 25 feet from a lot that fronts on an internal access road system.
 - b. Side Yard: 30 feet, unless adjacent to residentially zoned area, in which case the side yard shall be 50 feet.
- B. Commercial Districts:
 - a. Front Setback: 75 feet or 25 feet from a lot that fronts on an internal access road system.
 - b. Side Yard: 25 feet, unless adjacent to residentially zoned area, in which case the side yard shall be 75 feet.
 - c. Rear Yard; 60 feet, unless adjacent to residentially zoned area, in which case the rear yard shall be 75 feet.

Section 4.4 – Parking Areas

In addition to the required parking requirements set forth in Article 7, the following shall apply to Office/Service and Commercial districts.

- A. All required parking spaces shall have an asphalt or concrete surface.
- B. No more than 35 of the total number of parking spaces required may be placed in a front yard if the underlying zoning district is OS.
- C. No more than 50 of the total number of parking spaces required may be placed in a front yard if the underlying zoning district is Commercial.
- D. Parking areas shall be located at least 15 feet from any road or street right of way or easement.
- E. Parking areas shall be located at least 10 feet from any property line. Access drives linking parking areas on separate properties are permissible, and are not subject to the 10 foot separation requirement.
- F. Landscape islands shall be placed in all parking areas that exceed 30 total spaces Islands shall be provided on the basis of 200 square feet of landscape material for each ten (10) parking spaces.

Section 4.5 – Buffer Areas

Where a rear yard or side yard is adjacent to a residentially zoned area, a 20 feet wide buffer shall be provided in OS and a 30 feet wide buffer shall be provided in Commercial. No buildings, structures, signs, or parking areas shall be placed or located within the buffer area. Fences, walls, or screens, if in accordance with other provisions of this Ordinance, are permissible. The buffer area may be landscaped, and may be used to satisfy dimensional yard requirements.

Section 4.6 – Signs

In addition to the requirements set forth in Section 5.23, the following shall also apply to Office/Service and Commercial (C-1 and C-2) Districts:

- A. All signs shall be located at least 15 feet from all property lines.
- B. The maximum display area of any sign face shall not exceed 75 feet in Office Service or 100 feet in Commercial Districts.
- C. One (1) free-standing sign shall be permitted per parcel, lot, or site.
- D. One (1) wall mounted sign shall be permitted, provided, that it is attached flat against the building.
- E. The maximum height of free-standing signs including support structures is fifteen (25) feet in the Office Service District and Commercial Districts.

Section 4.7 – Landscaping and Landscape Plans

- A. As part of site development landscaping shall be required. All landscape material shall be at a minimum hardy in Zone 5 in accordance with USDA Zones of Plant Hardiness.
- B. Minimum Landscape Material Size:
 - 1. Deciduous Canopy Trees shall be at least 2 1/2" in caliper at the time of planting.
 - 2. Evergreen Trees shall be at least six (6) feet in height at the time of planting.
 - 3. Ornamental Trees shall be at least 2" in caliper at the time of planting.
 - 4. Upright Shrubs shall be at least 18" in height at the time of planting.
 - 5. Spreading Shrubs shall have at least an 18" spread at the time of planting
- C. Landscaped areas should contain a minimum of one (1) evergreen tree or shrub for every one thousand (1,000) sq. ft. of lot area, plus a minimum of one (1) deciduous tree or shrub for every two thousand (2,000) sq. ft. of lot area.
- D. A Landscape Plan showing the location, variety, and size of all plant material shall be submitted for review as part of the submission for site plan review, as required by Article 10.
- E. All landscaped areas shall be maintained and replaced as necessary.

Section 4.8 – Sidewalks

All new developments shall include sidewalks serving the site and along the public right of way so long as the sidewalk can feasibly connected with an existing or future planned sidewalk. All public sidewalks and pathways shall:

- A. Be handicap accessible;
- B. Be no less than four (4) feet wide; and
- C. Create a complete linked network of walkways connecting all uses with parks and other areas.

Section 4.9 – Corridor Overlay Site Plan Review

In addition to the requirements set forth in Article 10, the following standards and requirements shall apply:

- A. Site development shall take place in areas of the site where impacts to mature trees, hill tops, and scenic vistas will be minimized.
- B. Driveways/Curb Cuts:
 - 1. At least 150 feet, measured from centerline to centerline, shall separate driveways or curb cuts located on the same side of the street or road, regardless of property ownership.
 - 2. No more than two (2) driveways or curb cuts shall be allowed per site or development that access the same street or road. Additional driveways or curb cuts are permissible, provided that they access a different street or road.
 - 3. Insofar as possible, curb cuts shall be aligned with those occurring on the opposite side of the street.
- C. Utilities: All utilities, including electric, telephone, and cable television shall be installed underground. All utility installations shall be carried out in accordance with rules and standards promulgated by the Michigan Public Service commission. In the event that utilities cannot be installed underground they shall be located along the base of hill sides and long tree lines, all transformers or mechanical structure associated with the utilities that are ground mounted, shall be landscaped.
- D. Buildings and site Amenities: Insofar as possible, building materials and site amenity materials that blend with the natural surroundings shall be used. Buildings and site amenities shall be harmonious with surrounding developments.
- E. Mechanical Equipment: all mechanical equipment structures including those on building roofs shall be screened from grade view.

ARTICLE 5: GENERAL PROVISIONS

Section 5.1 – Limit of One Main Building or Use Per Parcel

Except in the case of approved Planned Unit Developments (PUD and PUD-OS), no more than one main building or use may be located on a parcel, except for groups of related industrial, commercial, or multiple family dwellings contained within a single, integrated complex, sharing parking and access.

Section 5.2 – Home Occupations/Home Professional Offices

An occupation which is carried out entirely in a residential structure or accessory structure to a principal residential structure and is clearly incidental to residential use. Examples of acceptable occupations include dressmaking, real estate sales, bookkeeping and accounting services, beauty parlor, barber shops and dancing instruction. Such occupation may be engaged in only by a resident entirely within his or her dwelling. Such use shall not occupy more than twenty-five (25) percent of the floor area, exclusive of attic or basement, and shall show no external evidence of such use or any change in the appearance of the building, or of the premises, from residential use.

Section 5.3 – Supplementary Setback Regulations

1. Commercial Districts Bordering State Highways. Setback requirements in Commercial Districts bordering Michigan State Highways shall be measured from edge of road right-of-way, as designated by the Michigan Department of Transportation and filed with the Clam Lake Township Zoning Administrator.
2. Front Lot Lines Which Abut State Highways. All Zoning Districts adjacent to State highways where highway right-of-ways may not be of one continuous width, the overall setback line shall be measured from the center-line of such highway. The setback is measured from the center of the right-of-way and is equal to half the right-of-way plus the setback. The predominant right-of-way width for each individual highway, using the current edition of the Michigan State Highway right-of-way map, shall be considered the minimum right-of-way width with building setbacks beginning from the edge of the highway right-of-way boundary.
3. Established Lot Line Setback. In established (developed) areas, the front setback line may be determined by the established building line of the majority of structures located on the same side of the street within 300 feet of the subject property. These alternative setbacks shall be determined by the Zoning Administrator at the time the zoning permit is requested.

Section 5.4 – Supplementary Lot Provisions

1. Lot Measurement. Every structure, hereafter erected or altered, shall be located on a lot, the description of the boundaries of which are on public record. The burden of proof of the exact location of all lot lines shall rest with the property owner.
2. Lot Frontage and Access. Every lot, other than lots in a recorded plat, shall have public road frontage which is equal to the width of the lot at the building setback line. In recorded plats, road frontage shall be a minimum of sixty-five (65) feet. The minimum frontage for a lot or parcel fronting on a cul-de-sac of a public or private street may be reduced to 40 feet at the front lot line, as long as the lot or parcel meets the minimum width requirement of the zoning district at the minimum front yard setback line.
3. Waterfront Lots. On lots abutting lakes, rivers, streams, channels, canals, or wetland, no building or structure or sewage disposal system, shall be erected less than fifty (50) feet from the edge of the

legally established ordinary high water mark, or, if not established, than the highest known water level.

Section 5.5 – Land Divisions

No parcel or lot, hereafter created by the division of a tract of land shall be less than the minimum required square footage and lot width for the zoning district wherein situated. The provisions of the Land Division Act, 1967 PA 288, as amended, shall also govern the procedure of land division.

Section 5.6 – Two-Family Dwellings

In Zoning Districts which allow the construction of two family housing, the Zoning Administrator may, upon special application approve the erection of dwellings on the lot line separating two lots when erected with a common soundproof wall centering directly upon the centerline subject to all other limitations of the zoning district wherein situated.

Section 5.7 – Supplemental Yard Provisions

The following provisions shall apply to all yards and open space:

1. No yard or open space shall hereafter be used for the open-air parking, disposition, storage, wrecking, dismantling, accumulation or abandonment either temporarily or otherwise, discarded, worn out, wrecked, or dismantled vehicles, machinery, implements, apparatus, furniture, appliances, junk or other personal property. Without limiting the meaning of junk, the term shall include used or salvaged metals, and their compounds, or combinations, used or salvaged lumber, ropes, bags, paper, rag, glass, rubber and similar articles and materials, and without limiting any previous part of this paragraph, businesses shall be limited to the parking or storing of usable idle equipment in rear yard when completely screened from the roadway, naturally, or by a fence, approved by the Planning Commission.
2. Storage or parking of trucks, semi-tractor trailers, semi-trailers, moving vans, non-operative vehicles, auto trailers, manufactured homes, mobile homes, buses, or car bodies and erection of cabins or tents (except children's play tents) shall not be permitted or considered a legal accessory structure. This limitation shall not prohibit the storage of one unoccupied travel trailer or motor home, which is the property of the occupant of the dwelling in the rear yard.
3. No premises shall be so filled or graded as to discharge surface run-off on abutting premises in such manner as to cause ponding or surface accumulation of such run-off thereon.
4. No premises shall be so filled creating a slope more than one (1) foot of vertical to eight (8) feet of horizontal and where land fill is required adjacent to existing dwellings with a low ground level. The Zoning Administrator may require a retaining wall be installed to prevent run-off onto abutting premises, and which fill shall be seeded and maintained. In the event of special circumstances, Zoning Administrator may determine minimum requirements and give special approval.
5. Unattached Accessory Structures. No unattached accessory building or accessory structure shall be set back less than the permanent dwelling on the premises, except a garage when the dwelling is more than fifty (50) feet from the required front setback line and not more than 14 feet in height from grade to peak.

Section 5.8 – Greenbelt

1. To preserve natural resources, water quality and community scenic and recreational values, a greenbelt shall be established and maintained on all waterfront property. The greenbelt shall include all the land area located within fifty (50) feet of the ordinary high water mark of a lake or a

stream abutting or traversing the property in question. Within the greenbelt, the following development or use restrictions shall apply:

- A. No dredging or filling shall be allowed except for reasonable sanding of beaches where permitted by state or federal law.
- B. Pesticides and herbicides shall not be used, except as required to manage invasive species.
- C. Fertilizer use shall be avoided and if necessary, any fertilizers applied shall be lake friendly (e.g. phosphorus free and/or organic).
- D. Neither septic tanks nor septic system filtration fields may be located within the greenbelt.
- E. The greenbelt shall be shown on any plot plan or site plan submitted for approval during the process of developing a water frontage parcel.
- F. No invasive species shall be planted in the greenbelt. Existing invasive species shall be identified and managed using appropriate best management practices as determined by the appropriate state or federal agency.
- G. No more than 15% of the greenbelt may be impervious surface.
- H. Seawalls require appropriate permits from the Michigan Department of Natural Resources - Engineered natural seawalls are preferred.

Section 5.9 – Livestock

1. Chickens, pigs, horses or other such livestock are allowed in the Agricultural-Residential zoning district.
 - a. Such animals or animal waste shall not be kept closer than seventy-five (75) feet from a neighboring residential structure.
 - b. Such animals shall be fenced, managed, and the animal waste shall be managed in accordance with Generally Accepted Agricultural Management Practice Standards (GAAMPS), so as not to be a nuisance.
2. The keeping of exotic, wild or vicious animals is not permitted in Clam Lake Township.

Section 5.10 – Water Supply and Waste Disposal

Every building, structure, or manufactured home hereafter erected and used wholly or in part for human occupancy shall be provided with a safe and sanitary water supply and waste disposal system. If a private water well and septic system are proposed, they shall be approved by the County Health Department, and shall require a permit and preliminary plan from the County Health Department before a zoning permit will be issued.

Section 5.11 – Essential Services

The erection, construction, alteration or maintenance of public utilities or municipal departments or commissions, of overhead or underground gas, electrical, steam or water distribution or transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wire, cables fire alarm boxes, police call boxes, traffic signals, hydrants towers, poles, electrical sub-stations gas regulator station and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health, safety or general welfare, but including buildings, shall be permitted as authorized or regulated by law in any zoning district, it being the intention hereof to except such erection, construction, alteration, and maintenance from the application of this Ordinance. Privately-owned utilities meeting the general intention of this Section shall also be permitted in any Zoning District, but only after a Special Use Permit has been issued by the Planning Commission in accordance with Article 6.

Section 5.12 – Temporary Uses

The Zoning Administrator is authorized to issue a zoning permit for the following temporary uses upon a finding that a requesting temporary use meets the standards stated below for each permitted temporary use as well as the standards in this Section. No garage or other accessory building, recreational vehicle, or basement, partial or temporary structure, whether of a fixed or portable construction, shall be erected or moved onto a lot and used for any dwelling purposes unless authorized by the issuance of a temporary use permit.

- A. Occupancy of a Manufactured Home during construction of a Dwelling:
1. The owner of any lot in a zoning district which meets requirements for a dwelling, may erect not more than one (1) manufactured home upon the premises and occupy the same during the actual construction of a dwelling thereon, but not exceeding One (1) year from date of issuance of a special permit therefore.
 2. Application for such permit shall be made to the Zoning Administrator, granting of which shall be contingent, among other things, with agreement of the applicant to the following conditions.
 - i. The location of the manufactured home on the premises shall be in conformity with the setback of the Zoning District.
 - ii. The water, sewage and waste disposal facilities shall be approved by the County Health Officer, installation and confirmation of which shall precede occupancy of the house or permanent manufactured home.
 - iii. On delivery of the permit, the owner shall certify in a space allotted for that purpose on the copy retained for filing by the Zoning Administrator that he has full knowledge of all limitations of the permit and the penalties that may be imposed upon violation. No permit shall be transferable to any other person.
 - iv. A building permit for the permanent dwelling shall be obtained at the same time as the temporary permit is issued.
- B. Temporary buildings for a use incidental to construction work such as an equipment shed shall be permitted provided that all debris shall be removed within fifteen (15) days after the completion or abandonment of work.
- C. One recreational vehicle may be temporarily located and occupied for recreational purposes on a lot in a Forest-Recreational, F-R, District only, provided that; (1) the owner of the lot is also the owner of the recreational unit, (2) the recreational unit is not rented or leased to the occupants, and (3) there are no violations of health or sanitary codes. The recreational unit may be marked and used for recreational purposes, as stipulated herein, up to fourteen (14) consecutive days.
- D. Carnival, circus, fair, outdoor musical or similar festival for a period not to exceed seven (7) days.
- E. Open lot sale of Christmas trees, for a period not to exceed November 15 to December 25th.
- F. Real estate sales office and/or model home, when in conjunction with a subdivision or PUD.
- G. Commercial sales such as fireworks, for a period not to exceed thirty (30) consecutive days.

Issuance Standards

A permit for a proposed temporary use shall be issued by the Zoning Administrator only if each of the following standards is met by the proposed use:

- A. The proposed use is clearly of a temporary nature.
- B. The temporary use shall not endanger the public health, safety or welfare of the Township, adjacent residents or the inhabitants of the structures of the temporary use.
- C. Structures of temporary uses shall be provided with a safe, sanitary and effective system for water supply and disposal of wastes approved by County Health Department.

- D. The proposed use will cause no traffic congestion.
- E. The proposed temporary use shall meet all lot, yard, setback and other requirements of this Ordinance.
- F. The proposed temporary use is not included in the list of permitted special uses for the that zoning district.
- G. The proposed temporary use, if proposed to construct a conforming building or project, meets all requirements for a building permit for the conforming building or project.

Renewal, Revocation and Appeal

- A. Zoning permits for the temporary uses listed in this Section may be renewed in the same manner as issuance of the original temporary permit.
- B. Upon expiration or revocation of a zoning permit for a temporary use, the temporary use shall cease and all temporary structures, dwellings, or buildings shall be forthwith removed from the parcel of land.
- C. The Zoning Administrator may impose conditions with the issuance of the permit which are designed to insure compliance with the requirements of this section and those of this Section. The Zoning Administrator may revoke a permit at any time for non-conformance with the requirements of this section and a permit issued thereunder.
- D. An appeal of a decision by the Zoning Administrator relative to denial of a zoning permit for a temporary use or renewal thereof may be taken to the Zoning Board of Appeals pursuant to Article 11 of this Ordinance.

Section 5.13 – Manufactured Home Setup Specifications

The following regulations shall apply to all manufactured homes intended for either permanent or seasonal housing:

- A. All manufactured homes shall be placed upon a permanent foundation. The foundation may be in the form of piers of concrete blocks or poured concrete; blocks shall be 8"x16" and poured concrete piers shall be not less than 8"x8" reinforced concrete, each pier on a concrete footing not less than 4 square feet in area and 6 inches thick, or a concrete slab 3 inches thick, or two concrete ribbons six inches thick and 24 inches wide, both running the length of the unit and extending to the outside perimeter of the unit. In the case of ribbons or slab-type foundations, the foundation shall be equal to the length and width of the unit being placed.
- B. Piers shall not be spaced more than ten (10) feet on center and all units shall have tie down facilities installed at each corner of the unit; all units shall be skirted with material such as steel, vinyl, aluminum, masonry, or fiberglass and there shall be provided one square inch of ventilation for each square foot of floor space in the skirting, an access door for inspection and maintenance shall be provided also.
- C. As applicable, such dwelling units shall conform to the applicable requirements of the Premanufactured Unit Rules of the State Construction Code, being Section 6 of Act 230 of the Public Acts of 1972, as amended, including the display of a manufacturers data plate, or the display of the HUD Construction Code Standards for Mobile Homes.
- D. The orientation of the dwelling's front entrance shall be similar to homes in the neighborhood in which it is located.

Section 5.14 – Nuisances, Per Se

The uses of land, dwellings or structures including tents and recreational vehicles, used, erected, altered, raised or converted in violation of this Ordinance or other State Law are declared to be a

nuisance per se. Any land use which produces excessive dust, gas, fumes, smoke, noise, glare or other threat to the health and safety of the surrounding community shall also be determined to be a nuisance, per se. The court shall order the nuisance abated and the owner or agent in charge of the dwelling, structure, tent, trailer coach or land guilty of maintaining or creating a nuisance per se.

Section 5.15 – Wetland Provisions

Pursuant to provisions of the state Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), a permit must be acquired from the Michigan Department of Natural Resources to:

- Deposit or permit the placing of fill material in a wetland.
- Dredge, remove, or permit the removal of soil or minerals from a wetland.
- Construct, operate, or maintain any use or development in a wetland.
- Drain surface water from a wetland.

In accordance with the state act, all wetlands that have a permanent or intermittent surface water connection to a lake, pond, river, or stream, or are located within 500 feet of any lake, pond, river, or stream in the Township are regulated by the Department of Natural Resources. No activity or development may commence in any regulated wetland in the Township prior to the acquisition of a permit from the Department of Natural Resources which authorizes the activity or development. All newly-created lots in the Township must have sufficient upland (i.e.: non-wetland) area to meet minimum size, setback, parking, and accessory use requirements.

Section 5.16 – Commercial Enterprise

The following provisions shall apply to all commercial enterprises, as defined in this Ordinance:

1. All signs shall comply with the requirements of Section 5.22 of this Article.
2. On-site parking shall comply with the requirements of Section 5.21 of this Article.
3. Loading/unloading areas shall be situated in the rear or side of the building. Loading or unloading shall not obstruct the on-site parking areas or pedestrian walkways. Loading and unloading must take place directly into or out of a building, except as provided in Section 5.21 of this Article.
4. Solid waste storage shall be screened from view.
5. All servicing and/or processing shall be conducted within an enclosed building.
6. Access to the property shall be directly provided by a paved street or highway.
7. Merchandise may not be placed outdoors unless the nature of the product requires outdoor placement.

Section 5.17 – Non-Conforming Uses

1. Discontinued Non-Conforming Uses. Any non-conforming use of land, building or structure, which is discontinued through vacancy, lack of operations, or otherwise, for a period of eighteen (18) months, shall be construed as abandonment of use, and any future use thereof shall conform with the provisions of the Zoning District where located.
2. Change of Non-Conforming Use. No non-conforming use shall be changed or expanded to other than a conforming use, nor shall any use be reverted to a former non-conforming use after use has been changed to a conforming use.

Section 5.18 – Non-Conforming Buildings and Structures

1. The use of any non-conforming building which is discontinued for a period of eighteen (18) months shall be construed as abandonment of use following which no further use shall maintain until the building has been brought to conformity with the provisions of this Ordinance.
2. Completion of Non-Conforming Buildings and Structures. To avoid undue hardship, nothing in this Ordinance shall be construed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of this Ordinance, and upon which construction has been diligently commenced and completed within one (1) year of said date. Actual construction shall be construed as permanent fixation of construction material in place.
3. Structural Changes and Enlargement of Non-Conforming Buildings and Structures. No non-conforming buildings, shall be structurally altered or enlarged unless the resultant alteration or enlargement or use conform to the provisions of the Zoning District wherein located. The exception to this Section is manufactured single family dwellings, which may be replaced provided that the replacement lessens the non-conformity.
4. Repair of Non-Conforming Structure. Nothing in this Ordinance shall prohibit the repair, improvement or modernization of a lawful non-conforming building in order to correct deterioration, obsolescence, depreciation and wear, provided that such repair does not exceed an aggregate of thirty (30) percent of the assessed valuation of the building as determined by the assessing officer, unless the building is changed by such repair to a conforming use.

Section 5.19 – Sub-Standard Dwellings

For the express purpose of protecting the health, safety, and general welfare of the inhabitants of the Township, and of reducing hazards to life and property, no basement dwelling, cellar dwelling, garage, house, or other sub-standard structure shall hereafter be occupied, or erected, or moved upon any premises and used for dwelling purposes.

Section 5.20 – Dwelling Unit Requirements

All dwelling units shall comply with the following standards:

1. Complies in all respects with the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of Act 230 of P.A. of 1972, as amended, including minimum heights for habitable rooms.
2. It is firmly attached to a permanent foundation constructed on the site in accordance with the state construction 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 applicable building code for single-family dwellings.
3. In the event that the dwelling is a pre-manufactured unit, as defined herein, such dwelling shall, in addition to the above requirements, be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above. In addition, the unit shall be installed with the wheels removed and shall have no exposed towing mechanisms, undercarriage, or chassis and shall be fully skirted with materials similar to the dwelling unit, as determined by the Zoning Administrator.
4. The dwelling shall be connected to a public sewer and public water supply or to a private system approved by the local health department.

5. The dwelling shall contain no additions or rooms or other areas which 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.
6. The dwelling shall comply with all pertinent building and fire codes. In the case of a pre-manufactured unit, all construction and all plumbing, electrical apparatus and insulation within and connected to said manufactured home shall be of a type and quality conforming to the "manufactured home construction and safety standards" as promulgated by the United States Department of Housing and Urban Development, being 24CFR 3280, and as from time to time such standards may be amended. As assurance of this requirement the unit shall be manufactured after 1975 and shall have the HUD approval sticker prominently displayed.
7. The foregoing standards shall not apply to a manufactured home located in a licensed manufactured home park, except to the extent required by state or federal law.
8. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable state construction code.

Section 5.21 – Vehicular Parking Requirements

1. Off-street parking with adequate access to all spaces shall hereafter be provided and maintained in all zoning districts at the time of erection or alteration of any main building, that is in general adequate for the parking loading and unloading of vehicles in proportions shown in Table 5.1. Parking space requirements for property uses not listed in the table shall be determined by the Zoning Administrator as reasonable for the intended use.
2. Parking for other than residential use shall be either on the same lot or within three hundred (300) feet from the nearest point of the building to the nearest point of the off-street parking lot.
3. Parking for principal residential uses shall not be provided in the front yard.
4. Vehicles are not permitted to be parked in the public right-of-way.
5. No more than 2 (two) vehicles listed for sale are permitted to be parked on an individual property. This provision does not apply to a property that is approved for the commercial sale of vehicles.
6. Adequate space shall be included in all parking areas in all zoning districts to facilitate turning around of vehicles so that entry on the highway may be in a forward manner and not be backing thereunto. The standards of this provision may be waived or reduced by the Zoning Administrator where compliance is impractical in Residential and Resort-Residential Districts and still maintain the safety provision intention of the Ordinance.
7. A minimum of one hundred sixty-two (162) square feet shall comprise vehicular parking space, exclusive of driveway, entrance and exits.

Table 5.1 Off-Street Parking Requirements

| Use | Minimum | Maximum | Measurement |
|-------------------------------|---------|---------|-----------------------------|
| Office Uses | 2.5 | 3 | Per 1,000 GFA |
| Automobile Sales and Services | 3.5 | 4 | Per 1,000 GFA |
| Consumer/Personal Services | 3 | 3 | Per 1,000 GFA |
| Eating and Drinking Places | 1 | 1 | Per 3 seats |
| Places of Assembly | 1 | 1 | Per 3 seats or by Fire Code |
| Commercial & Retail Services | 2 | 3 | Per 1,000 GFA |
| Multiple-Family Dwelling | 1.5 | 2 | Per unit |
| Single-Family Dwelling | 2 | N/A | Per unit |

Section 5.22 – Signs

1. General Standards

- A. No sign shall be located in the public right-of-way or in a position so as to block the view of oncoming pedestrians or motorists unless they are approved by the Wexford County Road Commission, MDOT, or another governmental agency.
- B. No sign shall be attached to any tree.
- C. Unless otherwise noted, setbacks shall conform with the required setbacks of the underlying zoning district.
- D. Mounted signs shall be secured flat against the main building and facing the public street or highway or parking area constituting a part of the business or commercial premises.
- E. Signs in Commercial (C-2) District shall be limited to one permanent sign on each highway frontage and so installed as to not obstruct vision of traffic.
- F. Temporary portable changeable message signs are allowed with a temporary sign permit for a maximum of 14 days per quarter.
- G. Balloons, balloon signs, strings of light bulbs, pennants, streamers, banners or flags of commercial nature for advertising are only permitted for a grand opening of a new business for a period not to exceed 15 days in business district. Exterior banners and pennants permitted for a sale or promotion of goods sold on site for a max of 15 days (consecutive), each sale or promotion with a max of 60 days per calendar year. A temporary sign permit is required.
- H. Advertising on Parked Vehicles. No person shall park any vehicle on a public or private street, parking lot or any public property or off-street parking facility with any advertising sign painted on, affixed to or resting on the vehicle. Exceptions include:
 - i. Vehicles lawfully parked within 300 feet of the residence of the registered vehicle owner.
 - ii. Signs permanently affixed to commercial vehicles while engaged in the ordinary business for which they are registered or maintained.
 - iii. Vehicles owned by public agencies.
- I. For signs in Commercial (C2) District, illumination is permitted and shall be approved by the Township Zoning Administrator to make certain that light-intensity, color and movement are not distracting to motor vehicle operators so as to constitute a traffic hazard.
- J. All requirements related to Billboards shall be found in the Clam Lake Township Ordinance No. 21 of 1998, and No. 33 of 2004, as amended.
- K. The size, height, and location of all signs and billboards erected in the Township, regardless if they require a permit or not, shall conform with the following standards:

Table 5.2 Sign Requirements

| Sign Type | Max Surface Area | Maximum Height | Districts Permitted ¹ |
|------------------------------|---|------------------------|----------------------------------|
| Signs not requiring a permit | 6 sq. ft | n/a | All |
| Temporary sign | 6 sq. ft. | n/a | All |
| Free standing sign | 50 sq. ft in C-2 and 32 sq. ft in C-1 and OS | 25 ft | C-2, C-1, OS |
| Wall mounted sign | 20% of wall surface area where located or 20 sq. ft. (whichever is greater) | 20% of building height | C-2, C-1, OS, FR, AR |
| Billboard (Off-premise) sign | Please refer to Clam Lake Township Ordinance No. 21 of 1998, and No. 33 of 2004 for all requirements related to Billboards. | | |

Notes: In the case of a legal non-conforming use, signs are permitted as allowed in the zoning district that most closely resembles the current use of the property.

2. Signs Not Requiring a Permit

- A. One (1) sign per use
- B. One temporary sign is allowed per 100 feet of lot width but in no instance shall it exceed four (4) signs even if the lot width exceeds 400 feet. Temporary signs shall be made of wire, metal, wood, or other support structure capable of being put in the ground and removed by a single individual with relative ease.
- C. Signs erected or approved by a governmental agency when necessary to give proper directions or to otherwise safeguard the public.
- D. Signs needed to warn the public of dangerous conditions and unusual hazards including but not limited to: road hazards, high voltage, fire danger, explosives, severe visibility, etc.
- E. Signs that have been approved in conjunction with a valid site plan or zoning permit for any principal or accessory use, and signs required by federal or state agencies in connection with federal or state grant programs.
- F. One (1) freestanding sign per roadway frontage shall be permitted on a site that is actively marketed for sale or lease. These signs are allowed on vacant properties.

3. Signs Requiring a Permit

- A. No sign, except those signs specifically identified in Section 5.22.2, shall be erected or altered until a permit is issued by the Zoning Administrator.

Section 5.23 – Landscaping and Screening

- 1. All uses with the required screening shall be screened by walls, fences, vegetation, and berming or a combination of any of these as approved by the planning commission.
- 2. Fences and walls used for screening purposes shall meet the following conditions:
 - a. Fences and walls shall have no openings for vehicular traffic or other purposes except as otherwise provided in this ordinance and except such openings as may be approved by the Planning Commission.
 - b. Fences and walls may not be constructed with openings that exceed 20 percent of the surface. The openings shall not reduce the obscuring effect and shall not reduce the minimum height requirement.
 - c. The height of the required fence or wall shall be as follows:

Table 5.3 Screening Requirements by Use

| Use | Required Height |
|-----------------------------------|-----------------|
| Buildings in Commercial Districts | 3' |
| Multiple-Family Dwellings | 3' |
| Outdoor Storage Areas | 6' |
| Off-Street Parking Area | 3' |
| Loading and Unloading Areas | 6' |

3. Vegetation used for screening purposes shall meet the following conditions:
 - a. Vegetation shall be comprised of one or more of the following upright conifers: blue, green, white, or Serbian spruce; Douglas fir; Austrian pine; juniper; hemlock; or cedar.
 - b. Trees shall be planted 15 feet apart as measured from the center.
 - c. Trees shall not be less than 5 feet in height at the time of planting.
 - d. Existing plant material that complies with the standards of this section, as determined by the Planning Commission, shall be credited toward meeting the screening requirements.
 - e. All required plants shall be maintained in a healthy, growing condition. Any required plants that are destroyed, removed, diseased, or die, shall be replaced within 6 months with plants that meet the requirements of this section. Failure to maintain required plants in such a manner, including the removal and replacement of dead or diseased plant materials, shall constitute a violation of this ordinance.
 - f. The plantings shall be maintained in a neat and attractive manner commensurate with the adjoining areas and shall maintain their density and screening effect throughout the calendar year.
4. Berming used for screening purposes shall meet the following conditions:
 - a. Berms shall be at least 4 feet 6 inches in height, constructed with 1 foot of rise for each 3 feet of horizontal rise.
 - b. Berms shall be seeded with perennial rye and an appropriate grass seed and shall be covered with an organic mulch.
 - c. Berms shall be landscaped with shrubbery and trees to enhance the screening effect and aesthetic appearance of the berm and shall be maintained in a neat and attractive manner.

Section 5.24 – Fences

1. Fences in Residential Districts shall not exceed six (6) feet in height, measured from the ground surface to the uppermost portion of the fence.
2. Fences erected within the front yard in any district shall not exceed three (3) feet in height
3. Fences within the front yard shall be of a type which is not more than 25 percent solid, so as not to obscure vision at the right-of-way or property line of the lot or parcel on which it is placed.
4. Fences in Residential Districts or enclosing residential uses shall not contain barbed wire or be electrified.
5. Fences in Commercial Districts which enclose storage lots or other areas requiring security may contain barbed wire, provided that the barbed portion of the fence not be nearer than six (6) feet from the surface of the ground. The total height of fences in Commercial Districts shall not exceed eight (8) feet.
6. Fences shall not be erected within any public right-of-way in any district.
7. Fences shall not be erected or maintained in any district in such a way as to obstruct the vision of vehicle drivers within the triangular area formed by the intersection of the street right-of-way lines

and a line connecting two points located on those intersecting right-of-way lines twenty-five (25) feet from the point of intersection with the right-of-way lines.

8. In order to provide convenience in maintenance, all fences shall be constructed at least twelve (12) inches inside the property line.
9. Screens will be no closer to the lake than any built structure permanently attached to the dwelling.
10. Fences shall not be constructed of discarded materials.
11. Fences shall be constructed so that the decorative side faces the public right-of-way or adjacent property owner.

Section 5.25 – Attached Solar Panels

The following provisions apply to residential and small-scale commercial solar installations.

1. Glare. Attached, building-integrated solar collection devices, or combination of devices, shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard. This may be accomplished by both the placement and angle of the collection devices as well as human-made or environmental barriers. Glare intensity is considered an issue if it measures more than 20% of the incident sun intensity. Plans to reduce glare may be required in the initial materials submitted.
2. Setbacks. All setbacks shall conform with existing setbacks required for accessory structures in the Clam Lake Zoning Ordinance, as amended.

Section 5.26 – Yard Sales

1. Garage and yard sales are permitted, but only two times per year per property.
2. Each sale may last no longer than three consecutive days.
3. Merchandise is limited to residential-related products.
4. Merchandise shall not be placed on public property.

Section 5.27 – Outdoor Wood Furnaces

This subsection is established to promote the public health, safety and welfare of the citizens of Clam Lake Township by regulating the use of outdoor wood furnaces to reduce the negative impacts to quality of life and property values while not negatively impacting the right of residents to enjoy their private property rights. Outdoor Wood Furnaces are designed for long burn times between loading and typically have chimney heights less than 10 feet. Restricted airflow, low operating temperatures, and large fuel loads frequently result in excessive smoke. The smoke can cause both acute and chronic health problems if nearby residents are exposed.

1. New outdoor wood furnaces installed on or after the effective date of this ordinance amendment adoption must comply with the following provisions:
 - a. The Outdoor Wood Furnace shall be located at least 200 feet from the nearest property line unless otherwise determined not to be a nuisance and shall have a permanently attached stack with a minimum stack height of 15 feet above the ground.
 - b. The Outdoor Wood Furnace shall be constructed, established, installed, operated and maintained in conformance with the manufacturer's instructions. In the event of a conflict, the requirements of this ordinance shall apply unless the manufacturer's instructions are stricter, in which case the manufacturer's instructions shall apply.
 - c. The Outdoor Wood Furnace shall be laboratory tested and listed to appropriate safety standards such as UL, CAN/CSA, ANSI or other applicable safety standards.
 - d. The Outdoor Wood Furnace shall be considered a structure and require a zoning permit.

Section 5.28 – Swimming Pools

Swimming pools may be installed in any district as an accessory use to any principal permitted use if the following conditions are met:

1. There shall be erected and maintained a good quality fence not less than 5 feet in height, with a self-latching gate and with posts embedded in concrete at intervals of not more than 8 feet, enclosing the entire portion of the premises upon which such pools shall be installed or entirely surrounding an area in which such pool is located.
2. Pools may be installed only in the side and rear yards of lots in residential districts.
3. Pools shall not be erected closer than 10 feet from the rear and side property lines of the lot.
4. Pools shall be constructed with a minimum setback of 6' from fences and buildings.
5. Pools may be installed in the front or the rear yard of lots occupied by motels or hotels.

Section 5.29 – Marihuana Establishments Prohibited

1. The establishment and/or operation of any and all types of a “marihuana establishment,” as that term is defined and used in Michigan Initiated Law 1 of 2018, commonly known as the Michigan Regulation and Taxation of Marihuana Act, is prohibited throughout the jurisdictional boundaries of Clam Lake Township, including on any lands that are subject to a Conditional Transfer Agreement whereby Clam Lake has retained jurisdiction or authority to determine whether marihuana establishments may be permitted on those lands, and shall not be permitted on any basis under this ordinance, including by way of a variance.
2. This prohibition includes, but is not limited to, the following types of marihuana establishments:
 - a. Marihuana grower
 - b. Marihuana safety compliance facility
 - c. Marihuana processor
 - d. Marihuana microbusiness.
 - e. Marihuana retailer
 - f. Marihuana secure transporter
3. This section does not limit any privileges, rights, immunities or defenses of a person as provided in the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, MCL 333.26421, et seq.
4. This section does not restrict or prohibit the transportation of marihuana through the Township by (a) a marihuana secure transporter who is licensed to operate in another municipality, or (b) a means otherwise authorized by state law.

Section 5.30 – Maximum Lot Depth to Width Ratio

In all zoning districts, except as stated below in this Section, no lot or parcels shall be created, the length or depth of which exceeds 4 times the width of such lot or parcel of land. The Planning Commission may, however, permit the creation and use of a parcel of land having a length or depth greater than is limited above if the same is approved as a special land use under Article 6. In considering such authorization, the Planning Commission shall consider, in addition to the standards of Article 6, whether unusual or exceptional circumstances pertain to the land, including but not limited to extraordinary topographic or other physical conditions.

ARTICLE 6: SPECIAL USES

Section 6.1 – Purpose

This Ordinance divides the Township into districts in which specific uses are permitted that are mutually compatible. However, there may be other uses that are appropriate to include in a district due to specific circumstances surrounding the use and the impact on neighboring uses and public facilities. Such uses, because of their particular location, or the particular nature of the service offered, may be established in a district through a Special Use Permit.

Section 6.2 – Authority to Grant Permits

The Planning Commission has the authority to approve or disapprove Special Use Permits in accordance with this Ordinance. If approved by the appropriate officials, the Administrator shall issue these permits.

Section 6.3 – Application and Fee

Application for any special use permit permissible under the provisions of this Ordinance shall be made to the Administrator by filling in the official special use permit application form, submitting required data, exhibits, and information, and depositing the required minimum fee. The minimum fee is established from time to time by the Township Board. No part of such minimum fee shall be returnable to the applicant.

- A. When the Commission receives an application that because of its complexity or nature will require more involved review so that additional fees may be required, the Commission shall act to declare that is the case. The Commission shall act by motion indicating that the application requires the assistance of experts to review specified aspects or issues of the application. Additional costs are incurred when:
 1. The complexity of reviewing the application, in the judgment of the Commission, requires hiring expertise beyond that of the Commission or Administrator, such as, but not limited to, hiring the services of such advisor(s) or expert(s) as attorneys, professional planners, engineers, architects, land surveyors, environmental experts, traffic experts, marketing experts, economic development experts or other experts and advisors.
 2. The complexity of reviewing the application requires an abnormal amount of additional time by the Administrator.
 3. The complexity or controversy of the application cause the Commission being in session (holding meetings, reconvened meetings, hearings) more than twice on the application, or holding any special meeting on the application.
 4. The additional review of the application is exclusively for the proposed development, and, if not, then the additional fee shall reflect the proportional amount for the proposed development and other items.
- B. Upon adoption of the motion requiring additional fees, review of the application shall stop until the applicant has paid a minimum additional fee of not less than one thousand (\$1,000) dollars. The Township shall deposit the additional fee with the Township Treasurer who shall keep an accurate accounting of the funds. If the applicant does not deposit the required amount, no further action on the application shall be taken and it will be deemed denied without prejudice.

- C. The Commission shall use the additional fee to contact and select necessary experts and advisors, receive a work proposal and estimate from the experts and advisors on their fees and costs for the application, and for the services of the experts and advisors.
- D. At the next meeting of the Commission, (or prior to the next meeting of the Commission if done by the Administrator in consultation with the Chair of the Commission), the Commission or Administrator shall:
 - 1. establish a budget for the services of the expert(s), and/or advisors, and meeting costs, and zoning administration expenses;
 - 2. send an invoice to the applicant, with an explanation that the applicant must notify the Township within ten (10) days, in writing, that the applicant
 - i. will withdraw the application, or
 - ii. will proceed and pay the balance of the additional fees based on the budget.
 - 3. The Township shall deposit the additional fees with the Township Treasurer who shall keep an accurate accounting of the funds. If the applicant does not deposit the required amount, no further action on the application shall be taken and it will be deemed denied without prejudice.
 - 4. The Commission shall use the additional fee to pay the services of the expert(s), advisor(s), meeting costs, or other additional expenses.
- E. Any additional actual costs incurred in processing the application shall be paid before a permit is issued, and incremental payments may be required as review of the application progresses. The additional costs shall be for no more than the actual additional costs incurred (so no additional revenue is generated) to process the application. No part of collected fees up to the actual costs shall be returned to the applicant. Any remaining monies, beyond the actual costs, upon conclusion of the application, shall be returned to the applicant.
- F. The deposit required by this Section is in addition to any security required elsewhere in this Ordinance.

Section 6.4 – Information Required in Application

An application for a special use permit shall include the following information:

- A. An Application form which includes, at a minimum:
 - 1. The applicant's name and address.
 - 2. A signed affidavit that the applicant is the property owner, or has an ownership interest, or is acting on the owner's behalf.
 - 3. The address and legal description of the property.
 - 4. A specific statement and supporting information regarding the required findings for the Special Use Permit.
 - 5. A complete description of the proposed development including: The number of lots or units; The number and characteristics of the resident and/or impacted population such as density of persons, family size, number of elderly persons and school children, effect on tourism, temporary residents and related material as applicable.
 - 6. Expected demands on community services, and how these services are to be provided, to specifically include: school classroom needs, volume of sewage for treatment, volume of water consumption related to groundwater reserves or community system capacity, change in traffic volume on adjacent roads and other factors that may apply to the particular development.

7. Statements relative to the impact of the proposed development on soil erosion, shoreline protection, wildlife habitat, air pollution, water pollution (ground and surface), noise, and the scale of development in terms of the surrounding environment.
- B. A site plan which includes, at a minimum:
 1. A detailed site plan as specified in Article 10 of this Ordinance.
 2. Evidence of having received, or having an agreement for, or concurrent approval for, any other permits required pursuant to the site plan prior to issuance of a Construction Code Permit.
 - C. In addition, the applicant may be required to furnish:
 1. Elevations on all buildings, including Accessory buildings.
 2. An Environmental Assessment.
 3. Measures which will be undertaken to control soil erosion, shoreline protection, excessive noise, or adverse impacts of the development on the surrounding properties.
 4. A detailed cost analysis of all site improvements, including, but not limited to, buildings, parking structures, landscaping or buffers, retention/detention areas, road improvements, etc.
 - D. The applicant shall certify that the information included is correct and that measures proposed to mitigate adverse impacts will be completed in a timely fashion once the Special Use Permit is approved.

Section 6.5 – Review for Completeness

Upon receipt of the Special Use Permit application, the Administrator will review the application to ensure it is complete.

- A. If the application is not complete, the Administrator will return the application to the applicant with a letter that specifies the additional material required.
- B. If the application is complete, the Administrator and chairman of the Commission shall establish a date to hold a public hearing on the Special Use Permit application.
- C. The complete application package must be submitted to the Zoning Administrator at least 30 days before the Planning Commission meeting at which the application will be considered.

Section 6.6 – Notice of Public Hearing for Special Uses

- A. If the application is complete, the Administrator shall give written notice as required by Section 103 of the MZEA.

Section 6.7 – Hearing and Decision for Special Use Permits

The Commission shall hold a public hearing to receive input on the Special Use Permit application.

- A. Within sixty (60) days following the receipt of a complete application (unless a formal extension is mutually agreed to between the applicant and Commission), the Commission shall either grant, grant with conditions, or deny, the application. The decision shall be in writing and reflect the reasons for the decision.
- B. A special use permit and site plan shall be approved simultaneously, or a special use permit may be conditionally issued prior to approval of a site plan and conditioned upon final approval of the site plan.

Section 6.8 – Special Use Permit Standards

In reviewing all requests for Special Uses, the Planning Commission or Zoning Administrator shall use the following standards:

- A. Is the use designed to protect the health, safety and welfare of the community?
- B. Is the use consistent with the intent and purpose of the district?
- C. Is the use compatible with adjacent land uses?
- D. Are public services and facilities capable of accommodating increased loads caused by the land use or activity?
- E. Does the use comply with other general and specific standards in Article 7 of this Ordinance?

Section 6.9 – Special Use Permit Conditions

- A. Special Use Permits may be granted with conditions, limitations, or additional requirements imposed by the Commission. Any conditions, limitations or requirements upon which approval is based shall be:
 - 1. Reasonable and designed to protect natural resources, the health, safety, and welfare of the public;
 - 2. Relevant to the social and economic well-being of the owners and occupants of the lot in question, of the adjacent area, and of the community as a whole;
 - 3. A valid exercise of the police power;
 - 4. Related to the purposes which are affected by the proposed use or activity;
 - 5. Consistent with the intent and purpose of this Ordinance, generally and specifically, for the respective District;
 - 6. Designed to ensure compatibility with adjacent uses of land and the natural environment;
 - 7. Designed to ensure that public services and facilities affected by the proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
- B. The Planning Commission or Zoning Administrator shall have the right to limit the duration of a Special Land use for mining or sweetening plant operation.

Section 6.10 – Record of Special Use Permit

The application and all other information relating to the Special Use Permit shall be filed in the Township Zoning Administrator's office.

Section 6.11 – Security Requirement

- A. To insure compliance with the site plan and Ordinance and any conditions, limitations or requirements imposed by the Administrator or Commission, the Administrator, upon advice and consent of the Commission, may require
 - 1. a cash deposit,
 - 2. certified check,
 - 3. irrevocable bank letter of credit or
 - 4. surety bond, in an amount and under the conditions permitted by law.
- B. Such security shall be deposited with the Clam Lake Township Treasurer at the time of the issuance of the permit authorizing the commencement of the project. Where the project will take more than ninety (90) days to be completed, the Administrator or Commission may

authorize a rebate of any cash deposit in reasonable proportion to the ratio of the work completed as the work progresses.

- C. The amount of such security shall not exceed the estimated cost of the required conditions, limitations, or requirements.

Section 6.12 – Amendment of Special Use Permits

Amendments to Special Use Permits shall be handled in the same manner as the initial Special Use Permit application. However, minor non-substantive changes may be made to an existing Special Use Permit by mutual agreement between the Administrator and applicant.

Section 6.13 – Continuation of Special Use Permit

A Special Use Permit, with any and all associated benefits, conditions, and required security, may be transferred to a new owner.

Section 6.14 – Construction Code Permit

A Special Use Permit shall be required prior to the issuance of a Michigan State Construction Code Permit, issued pursuant to P.A. 230 of 1972, as amended.

Section 6.15 – Expiration of Special Use Permits

A Special Use Permit shall be valid for as long as the approved use continues in accordance with the terms and conditions of the approved permit. The Special Use Permit will expire on the first to occur of the following conditions:

- A. If replaced or superseded by a subsequent Special Use Permit.
- B. If replaced or superseded by a permitted use.
- C. If the applicant requests rescission of the Special Use Permit.
- D. If the use, or component thereof, is not used for a period of one year or the use, or component thereof, is moved, or vacated. Notice of the expiration shall be given to the property owner in writing.
- E. If the special use permit was issued conditioned upon approval of a site plan and evidence of obtaining all other necessary permits, and the site plan or evidence was not submitted and approved after one year.

ARTICLE 7: SUPPLEMENTAL SITE DEVELOPMENT STANDARDS

Section 7.1 – Overview

In addition to meeting the general standards in Article 6: Special Uses and Article 10: Site Plan Review, the following uses listed below shall also meet the Specific Standards outlined below. Please refer to Table 3.10 to determine the type of permit required for each use.

1. Residential Accessory Buildings as a Principal Use
2. Mini Cabins and Cottages
3. Sexually Oriented Businesses
4. Gasoline Service Stations and/or Convenience Stores
5. Additional Dwelling Units on a Parcel
6. Junk Yards, Salvage Yards, Refuse Dumps
7. Mining, Processing, and Stockpiling
8. Solar Energy Farms
9. Utility Grid Wind Energy System and Anemometer Towers
10. Wireless Communication Facilities
11. Recycle and transfer stations
12. Private Roads (All districts)

Section 7.2 – Residential Accessory Buildings as a Principal Use

Residential accessory buildings without a principal dwelling shall be permitted as a special use in certain districts upon meeting the following conditions, in addition to all other standards for Special Use permits:

1. Must be setback at least one-hundred (100) feet from all property lines.
2. Maximum allowable building size is fifteen-hundred (1,500) square feet.

Section 7.3 – Mini Cabins and Cottages

One Mini-cabin or cottage per parcel shall be permitted as a special use in certain districts upon meeting the following conditions, in addition to all other standards for Special Use permits:

1. Must be setback at least one-hundred (100) feet from all property lines,
2. Must be placed on a permanent foundation,
3. Must contain a minimum of four-hundred fifty (450) square feet of living area per unit,
4. Must meet sanitation standards of the local health department.

Section 7.4 – Sexually Oriented Businesses

A. Purpose. It is recognized that sexually oriented businesses have the potential to negatively impact surrounding properties. It is considered in the best interest of the community to limit clustering of such uses into a particular location and require their dispersal throughout the commercial zone of the Township to minimize their adverse impact to the best extent possible on any other permitted use.

B. Conditions. In order to obtain and retain a Special Use Permit for operation of a sexually oriented business regulated use as defined by this Ordinance, the following conditions must be met, in addition to all other standards for Special Use permits:

1. A Special Use permit must be acquired through the Special Use procedures as described in Article 6.

2. In order to prevent the undesirable concentration of sexually oriented businesses, the regulated uses as specified in the respective zoning district shall not be located within 300 feet of any other such regulated uses as defined by this Section, nor within 1,000 feet of any residentially zoned district or preexisting residential use prior to enactment of the zoning districts, school, daycare center, church, or other religious institution, public park, or other public facility, as measured along a line forming the shortest distance between any portion of the respective properties;
 3. The regulated uses, as specified in the respective zoning district, shall only operate between the hours of 8 a.m. and 10 p.m.;
 4. There shall be a manager on the premises at all times;
 5. No one under the age of 18 shall be allowed onto the premises by the on-site manager of the regulated use;
 6. No alcohol shall be served on the premises;
 7. No product or service for sale or gift, or any picture or other representation, that relates in any way to "specified sexual activities" or "specified anatomical areas", shall be displayed so as to be visible from the street or exterior of the Building of the regulated use;
 8. Once a Special Use permit has been issued for a sexually oriented business, the regulated use shall only be expanded, and/or otherwise amended, in the manner required by Article 6 of this Ordinance;
 9. A Special Use Permit for a sexually oriented business is subject to the terms and conditions of validity set forth in Article 6 of this Ordinance.
 10. Building Exterior: Buildings and structures shall not be painted or surfaced with colors or textures or any design that would simulate a sign or advertising message. Upon order of the Administrator, graffiti appearing on any exterior surface of the Building or structure shall be removed and that surface restored within seventy-two (72) hours of notification of the owner or person in charge of the premises.
 11. Lighting: All adult or sexually-oriented businesses shall be required to install outdoor low intensity lighting that illuminates the entire parking and vehicular use area. The lighting shall be installed on structures which do not exceed sixteen (16) feet in height from finished grade. The lighting shall be adjusted and shielded to direct, focus, and point all illumination from the lighting onto the parking and vehicular area, and to avoid any spillage of illumination onto surrounding properties.
- C. Exceptions to Conditions. The Commission may waive the foregoing spacing requirements found in B(2) of this section if it finds all of the following conditions exist:
1. The proposed use will not be contrary to the public interest or injurious to nearby properties in the proposed location and the spirit and intent of the purpose of the spacing regulations will still be observed;
 2. The proposed use will not enhance or promote a deleterious effect upon adjacent areas through causing or encouraging blight, a chilling effect upon other business and residents or a disruption in neighborhood development;
 3. The establishment of the proposed regulated use in the area will not be contrary to any program of neighborhood conservation nor interfere with any program of urban renewal;
 4. Where all other applicable regulations within the Township Zoning Ordinance or other pertinent Township ordinances will be observed.

Section 7.5 – Gasoline Service Stations and/or Convenience Stores

Gasoline Stations and Convenience Stores shall meet the following standards, in addition to all other standards in this ordinance:

- A. Gasoline Stations and Convenience Stores in non-commercial districts may only be permitted along major roadways, including State or Federal Highways, and County Primary Roads.
- B. Gasoline Stations in non-commercial districts shall be limited to a total of six (6) gasoline or diesel pumps. A pump shall be one unit regardless of the number of hoses.
- C. The hours of operation may be restricted by the Planning Commission by Special Use Permit.
- D. The Planning Commission may relax any of the requirements found in A-C above by Special Use Permit in instances where the requirements are found to be unnecessarily burdensome.

Section 7.6 – Additional Dwelling Units on a Parcel

Additional dwelling units on a parcel shall meet the following standards, in addition to all other standards in this Ordinance:

- A. Not more than one (1) one-family dwelling meeting the minimum district dwelling requirements shall be permitted in addition to the primary dwelling on the same parcel in a zoning district zoned for residential use, provided however that the minimum lot size is at least two (2) times the district minimum lot size per Article 3 of this Ordinance.
- B. Property owners must prepare a site plan for the parcel depicting the theoretical property lines for the individual lots in compliance with the district lot dimensional requirements in Article 5 of this Ordinance. The site plan shall also be prepared in accordance with the Land Division Act, and shall locate the additional dwelling(s) as if the property were divided into individual lots. In locating the additional dwelling(s), the site plan shall ensure compliance with the dimensional requirements of Article 5 for the Zoning District in which the property is located. The site plan shall be approved by the Zoning Administrator prior to issuance of a Zoning Permit. No such plan shall be approved unless the Zoning Administrator determines compliance with district lot dimensional requirements in Article 5 of this Ordinance.
- C. Additional dwellings are encouraged to share driveway access with the primary dwelling; however, if an additional driveway access is requested, the property owner, notwithstanding any provisions to the contrary contained in this Ordinance, shall receive approval of the additional driveway location and cross-section specifications from the County Road Commission if the additional driveway will connect to a Township or County road or to a private street, or from the Michigan Department of Transportation if the additional driveway will connect to a State Highway. Additional driveways shall be approved by the appropriate road agency prior to receiving approval by the Zoning Administrator.
- D. Regardless of whether access is shared or separate, the property owner must obtain an address for any additional dwelling.
- E. This section is not applicable to any land within a platted subdivision.
- F. Travel trailers, motor homes, or recreational vehicles are not allowed to be used as accessory dwellings.

Section 7.7 – Junk Yards, Salvage Yards, Refuse Dumps

In addition to other applicable State and Local laws, junk yards, salvage yards, transfer stations, public refuse dumps, animal and garbage disposal dumps shall be subject to the following provisions:

- A. Junkyards shall be screened by at least three (3) rows of dense evergreen planting. Said rows shall be 10 feet apart; and the evergreens shall be staggered so as to be at 8-foot intervals as to the same row, and 4 foot intervals as to the opposite row. Such planting shall be not less than 4 feet in height

at the time of planting, shall be expected to be not less than 6 feet in height within 3 years. Where a proposed junkyard abuts residentially zoned land, the junkyard screening shall be setback at least 200 feet from the property line;

- B. An opaque fence or wall, or a smoothed and seeded earthen berm, shall be properly installed and maintained along any major thoroughfare and along any maintained street and where such a use is adjacent to a residential zone. Said fence shall be at least eight (8) feet in height. No car bodies or salvage materials not ordinarily used for fencing may be used for this purpose;
- C. Stacking shall not be permitted above the height of the fence or the wall and stored materials must be kept at least ten (10) feet from the interior side of the fence; materials shall not be stacked against the fence or berm;
- D. No advertising shall be permitted on a fence or wall other than the name of business on the premises. Signs shall not exceed 100 square feet on any one side of such fence or wall;
- E. No exterior display or storage of material or salvage parts or wrecked vehicles;
- F. Shall not be located within 300 feet of any major highway, expressway or freeway, and junk shall not be visible from outside the premises;
- G. Storage of used tires provided the tires are stored in a roofed bin, constructed for that purpose;
- H. Maximum number of car bodies to be stored at one time: 200 per acre;
- I. no oil, grease, tires, gasoline, or other similar material shall be burned at any time, and all other burning shall be in accordance with applicable State and local regulations;
- J. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by normal natural causes or forces, nor shall any substance which can contaminate a stream, watercourse, groundwater or otherwise render such stream or watercourse undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or watercourse; and,
- K. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in containers which are adequate to eliminate such hazards.

Section 7.8 – Mining, Processing, and Stockpiling of Mineral Resources

The mining, excavation, processing, stockpiling and removal of gravel, sand, earth, and other mineral resources shall be subject, when permitted by Special Use, to the following provisions:

1. Application Procedures: In addition to fulfilling all requirements of Articles 6 and 10 of this Ordinance, the applicant must provide:
 - A. A detailed proposal as to method of operation, type of machinery or equipment to be used and estimated time that such operation will cover.
 - B. A detailed statement as to type of deposit proposed for extraction.
 - C. A map or sketch showing the proposed contours to which each mining area will be finished upon completion of the mining operation.
 - D. The permit fee established by the fee schedule of this Ordinance.
2. Operational Conditions
 - A. The entire periphery of operation shall be enclosed by a fence not less than six (6) feet in height, adequate to prevent trespass, and erected not less than fifty (50) feet from the edge of any excavation or slope. The fence shall be gated and locked and equipped with a "no trespass" sign when not attended by personnel. All installations shall be maintained in a neat, orderly condition so as to prevent the creation of any health hazard or injury to any adjacent property, individual, or the neighborhood in general.

- B. All operations shall be conducted and maintained to minimize noise, vibration and dust injurious or annoying to persons living in the vicinity. The property owner shall cause all roads and yards under his control to be periodically sprayed or treated, in accord with permit requirements, to reduce dust hazards.
 - C. Machinery or equipment for processing, not provided for by the permit, shall not be permitted by the Planning Commission.
3. Rehabilitation
- A. All areas within operation shall be rehabilitated progressively, as they are worked out or abandoned, to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding surface form so as to appear reasonably natural.
 - B. The floor of all excavations shall be graded to a flat surface, and the redistribution of stockpiled overburden and top soil to the grades prescribed by terms of the mining permit shall all be completed within thirty (30) days after expiration of the permit. Fills shall be laid to provide slopes not greater than one (1) foot vertical to three (3) feet horizontal. The Zoning Administrator shall inspect the area of any permit which has elapsed immediately after expiration of thirty (30) days, and shall issue the owner a release of any performance guarantee upon finding substantial compliance with the provisions of the conditions imposed by the permit for the area.
 - C. All top soil to a depth of not exceeding twelve (12) inches, as determined by the Zoning Administrator, shall be retained in a separate stockpile for spreading evenly over all fills on rehabilitation. Following spreading it shall be seeded to prevent erosion and aid in retention of moisture. All other overburden shall be stockpiled separately and used as fill.
 - D. The plane of all excavation slopes shall intersect the plane of the natural ground surface not less than fifty (50) feet from any adjoining property line or from any existing or dedicated right-of-way.
 - E. The first ten (10) feet of depth of all excavations shall be graded to a slope not to exceed one (1) foot vertical to three (3) feet horizontal. All other excavations shall be graded to slope not to exceed one (1) foot vertical to one (1) foot horizontal.
4. Forfeiture of Performance Guarantee – Upon expiration of any permit and failure of the owner to comply with the provisions of the Ordinance and any conditions imposed under the permit, the Zoning Administrator shall commence proceedings to forfeit a performance guarantee collected.
5. Small Scale Operations – In the event a proposed operation does not exceed ten (10) acres of land, the Planning Commission may, on special petition, modify various requirements of any preceding paragraph commensurate with the proposed operation, and, with due regard for the public interest
6. Non-conforming Operations
- A. The owner of any nonconforming mining operation may obtain a certificate as a valid nonconforming use from the Zoning Administrator. Such certificate shall include a description of the property upon which such operation is under conduct Failure to obtain such a certificate within the time limit, or the termination of non-use of a valid nonconforming use for a thirty (30) day period shall constitute abandonment, and such use shall not resume thereafter without compliance with the provisions of this Ordinance.
 - B. The area of a nonconforming operation may be extended up to ten (10) acres within the limits of contiguous land owned by the property owner on the effective date of this Ordinance on regular permit as hereinbefore provided.
7. Exceptions – The following land uses and/or activities shall be exempt from the provisions of this section of Article 7:

- A. Excavation for construction of a building or other structure for which a building permit has been issued.
 - B. The removal of soil for construction of farm ponds and other earth work approved by the County Soil Conservation District
 - C. The incidental extraction of gravel, sand stone and earth materials on a farm (as defined in this Ordinance) for use on such farm.
8. Reclamation. The final grading and land reclamation plan for each permitted excavation shall be in general accordance with the character of uses and natural features on adjoining lands to the extent practical. Excavations shall be finished with evenly contoured grades to blend in with the adjoining terrain.
- A. Reclamation and rehabilitation of mined areas shall be accomplished as soon as practical following the mining or excavation of an area. Where possible, such rehabilitation and reclamation shall be accomplished concurrently with the mining or excavation operations. An alternate reclamation plan may be filed for cases where continuous reclamation is not practiced or feasible, and a surety bond is provided therewith. A time table for the reclamation and rehabilitation of mined areas shall be agreed upon at the time of a permit being issued.
 - B. The final banks of all excavations shall be sloped at a grade which is not steeper than one (1) foot vertical to three (3) feet horizontal (1:3) from the top to the pit bottom, or otherwise be established to blend in with the adjacent terrain and/or stabilize at the soils natural angle of repose.
 - C. The original topsoil from the site shall be retained and replaced on excavated areas not covered by water, except where streets, beaches, or other planned improvements are desired.
 - D. Vegetation shall be required to be restored by seeding of grasses or sodding and/or the planting of trees and shrubs.
 - E. Upon cessation of mining operations, and within a reasonable period of time not to exceed twelve (12) months thereafter, all plant structures, buildings, and equipment shall be removed, except for that necessary to manage on-site stockpiled materials. On site stockpiled materials shall be removed within twenty-four (24) months of the cessation of the mining operations. This does not preclude a re-start at another time upon permit renewal.

Section 7.9 – Solar Energy Farms

- 1. Intent and Purpose. To allow and promote the use of solar energy within the Township as a clean alternative energy source and to provide associated placement, land development, installation and construction regulations for solar energy farm facilities subject to reasonable conditions that will protect the public health, safety and welfare. These regulations establish the minimum requirements for solar energy farm facilities, while promoting a renewable energy source in a safe, effective and efficient manner.
- 2. Standards
 - a. Minimum Lot Size: There is no minimum lot size. Each solar energy farm is permitted as a use authorized by special use permit which review will consider its compatibility with the surrounding area.
 - b. Height Restrictions: All photovoltaic solar panels and support structures located in a solar energy farm shall be restricted to a maximum height of sixteen (16) feet when orientated at maximum tilt.

- c. Setbacks: All photovoltaic solar panels and support structures associated with such facilities (excluding perimeter fencing) shall be set back a minimum of fifty (50) feet from all property lines. If the right-of-way exists as an easement, the fifty (50) foot setback shall be measured from the edge of the easement. Solar panels shall be kept at least two hundred (200) feet from an existing residential dwelling, measured to the nearest point on the residential structure. Any additional setback requirements in this Ordinance that exceed this requirement shall be adhered to, including but not limited to setbacks from streams, lakes, and wetlands.
- d. Maximum Lot Coverage: maximum lot coverage restrictions shall not apply to the photovoltaic solar panels. Any other regulated structures on the parcel are subject to the maximum lot coverage restrictions of the underlying zoning district.
- e. Safety/Access: A security fence (height and material to be proposed and reviewed/approved through the special use permit approval process) shall be placed around the perimeter of the solar energy farm and electrical equipment. Knox boxes and keys shall be provided at locked entrances for security personnel access.
- f. Noise: No solar energy farm shall exceed sixty (60) dBA as measured at the property line.
- g. Glare: Solar energy farm facilities shall be located or placed so that concentrated solar glare shall not be directed toward or onto nearby properties or right-of-ways at any time of the day.
- h. Landscaping: The special use permit application for a solar energy farm shall include a proposed landscape plan prepared by a licensed landscape architect. This plan will be reviewed through the special use permit approval process to assure that the proposed facility is appropriately landscaped in relation to adjacent land uses and road right-of-ways. A landscape plan shall meet following standards:
 - 1.Plans: A plan view illustrating the landscape plan for the entire project and a rendered view illustrating the view from public rights-of-ways.
 - 2.Buffer: A twenty-five (25) foot wide landscape buffer shall consist of two (2) rows of staggered evergreen trees that at planting shall be minimum of four (4) feet in height. If a solar energy farm is adjacent to a residential dwelling or district, then the minimum height shall be eight (8) feet at the time of planting. The evergreen trees shall be spaced no more than fifteen (15) feet apart on center, measured from the central trunk of one tree to the central trunk of the next tree. The buffer shall also consist of native grasses, wildflowers, or plants which will provide wildlife and pollinator habitat, soil erosion protection, and/or aid in strengthening the soil structure. The buffer shall be required under the following conditions:
 - i. Along the property line adjacent to all residential zoning district
 - ii. If solar panels are located within two hundred (200) feet of a public road right-of-way.
 - iii. Along the property line for the portion of the project within a two hundred (200) foot radius of a residential dwelling in a non-residential zoning district
 - 3.Credit for Existing Conditions: Existing topographical features and existing wooded areas may be accepted in lieu of or in combination with the above by approval of the Planning Commission.
 - 4.Planting Timeline: The required trees shall be planted between April 1st and September 15th. If construction of the solar energy farm begins after August 15th, the required plantings shall be installed by May 1st the following calendar year.

5. Financial Guarantee: A bond, letter of credit, or cash surety shall be provided in the amount equal to one and one-half (1.5) times the cost of the required plantings that the Township shall hold until the next planting season.
 6. Maintenance: The required plantings shall be continuously maintained in a healthy condition. Dead evergreen foliage shall be replaced.
 7. Lawn shall be maintained under the solar panels and shall be mowed to ensure that it does not exceed 10" in height.
- i. Local, State, and Federal Permits: Solar energy farms shall be required to obtain all necessary permits and licensing from Clam Lake Township, Wexford County, State of Michigan, and U.S. Government as applicable prior to construction and shall maintain any necessary approvals as required by the respective jurisdictions or agencies.
 - j. Electrical Interconnections: All electrical interconnections or distribution lines shall comply with all applicable codes and standard commercial large-scale utility requirements. Use of above ground transmission lines shall be prohibited within the site.
3. Additional Special Use Criteria. In addition to the site plan review criteria in Article 10 and special use permit criteria in Article 6, the applicant shall address the following topics in the application for a solar energy farm facility:
 - a. Project Description and Rationale: Identify the type, size, rated power output, performance, safety and noise characteristics of the system including the transmission line/grid connection for the project. Identify the project construction time frame, project life, development phases (and potential future expansions) and likely markets for the generated energy.
 - b. Analysis of On-Site Traffic: Estimated construction jobs and estimated permanent jobs associated with the development.
 - c. Visual Impacts: Graphically demonstrate the visual impact of the project using photos or renditions of the project with consideration given to setbacks and proposed landscaping.
 - d. Environmental Analysis: Identify impacts on surface and ground water quality and any impacts to established natural or constructed drainage features in the area.
 - e. Waste: Identify any solid or hazardous waste generated by the project.
 - f. Lighting: Provide photometric plans showing all lighting within the facility. No light may adversely affect adjacent parcels. All lighting must be shielded from adjoining parcels. Light poles are restricted to a maximum height of eighteen (18) feet.
 - g. Transportation Plan: Provide a proposed access plan during construction and operational phases. Show proposed project service road ingress and egress locations onto adjacent roadways and the layout of facility service road system. Due to infrequent access following construction, it is not required to pave or curb solar energy farm access drives. It shall be required to pave and curb any driveways and parking lots used for occupied offices that are located on site.
 - h. Public Safety: Identify emergency and normal shutdown procedures. Identify potential hazards to adjacent properties, public right-of-ways and to the general public that may be created.
 - i. Sound Limitations: Identify noise levels at the property lines of the project when completed and operational.
 - j. Telecommunications Interference: Identify any electromagnetic fields and communications interference that may be generated.
 - k. Life of the Project and Final Reclamation: Describe the decommissioning and final reclamation plan after the anticipated useful life or abandonment/termination of the project. This includes supplying evidence of an agreement with the underlying property

owner that ensures proper removal of all equipment and restoration of the site within six (6) months of decommissioning or abandonment of the project. To ensure proper removal of the project upon abandonment/termination, a bond, letter of credit or cash surety shall be:

1. In an amount approved by the Township Board to be no less than the estimated cost of removal and may include a provision for inflationary cost adjustments;
2. Based on an estimate prepared by the engineer for the applicant, subject to approval of the Township Board;
3. Provided to the Township prior to the issuance of a land use permit;
4. Used in the event the owner of the project or the underlying property owner fails to remove or repair any defective, abandoned or terminated project. The Township, in addition to any other remedy under this Ordinance, may pursue legal action to abate the violation by seeking to remove the project and recover any and all costs, including attorney fees.

Section 7.10 – Utility Grid Wind Energy System and Anemometer Towers

Utility Grid Wind Energy System, On-site Use Wind Energy System over 20 meters high, and Anemometer Towers over 20 meters high shall meet the following standards:

1. Property Set-Back:
 - A. Anemometer Tower setback shall be the greater distance of the following:
 - i. The setback from property lines of the respective zoning district;
 - ii. The setback from the road right-of-way; and
 - iii. A distance equal to the height of the tower from property lines or from the lease unit boundary, whichever is less.
 - B. Utility Grid and On-site Use Wind Energy System setback shall be greater distance the following:
 - i. The setback from property lines of the respective zoning district;
 - ii. The setback from the road right-of-way;
 - iii. A distance equal to three times the height of the tower including the top of the blade in its vertical position from property lines or from the lease unit boundary, whichever is less; and
 - iv. A distance of 2,640 feet from the property line of any parcel which is not receiving compensation for the Utility Grid Wind Energy System or On-site Use Wind Energy System.
2. An Operations and Maintenance Office building, a sub-station, or ancillary equipment shall comply with any property set-back requirement of the respective zoning district. Overhead transmission lines and power poles shall comply with the set-back and placement requirements applicable to public utilities.
3. Placement shall conform with the Wexford County Airport Zoning Manual.
4. Sound Pressure Level: The turbine-only sound pressure level shall not exceed 45 dB(A) measured at the property lines or the lease unit boundary, whichever is farther from the source of the noise. This sound pressure level shall not be exceeded for more than three minutes in any hour of the day.
5. Safety: Shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the wind energy system. A sign shall be posted near the tower or Operations and Maintenance Office building that will contain emergency contact information. Signage placed at the road access shall be used to warn visitors about the potential danger of falling

ice. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor.

6. Post-Construction Permits: Construction Codes, Towers, and Interconnection Standards: Shall comply with all applicable state construction and electrical codes and local building permit requirements.
7. Pre-Application Permits:
 - A. Utility Infrastructure: Shall comply with Federal Aviation Administration (FAA) requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950 as amended, M.C.L. 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959 as amended, M.C.L. 259.481 et seq.), and the airport overlay zone regulations. The minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA. Utility Grid wind energy systems shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards.
8. Environment:
 - A. The site plan and other documents and drawings shall show mitigation measures to minimize potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities, as identified in the Environmental Analysis.
 - B. Comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, M.C.L. 324.101 et seq.)
9. Performance Security: Performance Security, pursuant to Article 5 this Ordinance, shall be provided for the applicant making repairs to public roads damaged by the construction of the wind energy system.
10. Utilities: Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions. All above-ground lines, transformers, or conductors should comply with the Avian Power Line Interaction Committee published standards to prevent avian mortality.
11. The following standards apply only to Utility Grid Wind Energy Systems:
 - A. Visual Impact: Utility Grid wind energy system projects shall use tubular towers and all Utility Grid wind energy systems in a project shall be finished in a single, non-reflective matte finished color. A project shall be constructed using wind energy systems of similar design, size, operation, and appearance throughout the project. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification. The applicant shall avoid state or federal scenic areas and significant visual resources listed in the local unit of government's Plan.
 - B. Avian and Wildlife Impact: Site plan and other documents and drawings shall show mitigation measures to minimize potential impacts on avian and wildlife, as identified in the Avian and Wildlife Impact analysis.
 - C. Shadow Flicker: Site plan and other documents and drawings shall show mitigation measures to minimize potential impacts from shadow flicker, as identified in the Shadow Flicker Impact Analysis. Utility Grid Wind Energy System or On-site Use Wind Energy System shall be:
 - i. A minimum of 5,400 feet or 20 times the rotor diameter, whichever is less, from a structure designed for human occupancy; or

- ii. The Utility Grid Wind Energy System or On-site Use Wind Energy System shall be turned off (so the rotor(s) are not moving) during the period of time the structure experiences shadow flicker; or
 - iii. There is screening (forest, other building(s), topography) which shields the structure from a direct line of sight to the rotors causing shadow flicker.
- D. Decommissioning: A Planning Commission approved decommissioning plan indicating 1) the anticipated life of the project, 2) the estimated decommissioning costs net of salvage value in current dollars, 3) the method of ensuring that funds will be available for decommissioning and restoration, and 4) the anticipated manner in which the project will be decommissioned and the site restored.
- E. Complaint Resolution: A planning commission approved process to resolve complaints from nearby residents concerning the construction or operation of the project
- F. Electromagnetic Interference: No Utility Grid wind energy system shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the wind energy system. No Utility Grid wind energy system shall be installed in any location within the line of sight of an existing microwave communications link where operation of the wind energy system is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.

Section 7.11 – Wireless Communication Facilities

1. Purpose. The purpose of this section is to establish general guidelines for the siting of wireless communications towers and antennas. The goals of the ordinance are to:
 - A. protect residential zoning districts from potential adverse impacts of towers and antennas;
 - B. encourage the co-location of towers in non-residential areas;
 - C. encourage users of towers and antennas to locate and configure them in a way that minimizes the adverse visual impact on the towers and antennas through careful design, siting, landscaping screening, and innovative camouflaging techniques;
 - D. enhance the ability of the providers of telecommunication services to provide such services to the community quickly, effectively, and efficiently;
 - E. consider the public health and safety of communication towers;
 - F. avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.
2. Applicability.
 - A. New Towers and Antennas. All new towers or antennas in the Township shall be subject to these regulations, except as provided in 5(D) below.
 - B. Amateur Radio Station Operators/Receive only Antennas. This ordinance shall not govern any tower, or the installation of any antenna, that is under seventy feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.
 - C. Preexisting Towers or Antennas. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this ordinance, other than the requirements of Section 7.11.4.

- D. To the extent these provisions conflict with Section 3514 of the MZEA, the provisions of Section 3514 of the MZEA shall prevail.
3. General Requirements
- A. Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
- B. Aesthetics. Towers and antennas shall meet the following requirements:
1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration (FAA), be painted a neutral color so as to reduce visual obtrusiveness. Neutral shall be defined as a color lacking hue such as white or gray.
 2. At a tower site, the design of the buildings and related structures shall, to the extent possible, use conventional materials, colors, textures, screening, and landscaping that will blend them in the natural setting and surrounding buildings.
 3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 4. Whenever possible, towers shall be located away from and out of view from arterial roads to preserve the aesthetics of the Township.
- C. Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views. Lighting required for maintenance must be shielded and directed downward, and only used when necessary.
- D. State or Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the Federal Communications Commission (FCC), and any other agency of the state and federal government with the authority to regulate towers and antennas.
- E. Building Codes: Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the original standards under which the tower was designed in compliance with the Electronic Industries Association (EIA), as amended from time to time. If upon inspection, the Township concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower and antenna at the owner's expense.
- F. Measurement. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located anywhere in the Township irrespective of jurisdictional boundaries.
- G. Not Essential Services. Towers and antennas shall be regulated and permitted pursuant to this Article and shall not be regulated or permitted as essential services, public utilities, or private utilities.
- H. Franchises. Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system

in the Township have been obtained and shall file a copy of all required franchises with the Zoning Administrator.

- I. Multiple Antenna/Tower Plan. The Township encourages the users of towers and antennas to submit a single application for approval of multiple towers or tower parks and/or antenna sites. Applications for approval of multiple sites or tower parks shall be given priority in the review process.
4. Public Property. Antennas located on public property are allowed without formal approval, provided a license or lease authorizing such antenna has been approved by the Township and/or the legislative body having jurisdiction over the location.
5. Administrative Approval. The following provisions shall govern the issuance of administrative approvals for towers and antennas:
 - A. In connection with any such administrative approval, the Zoning Administrator may, in order to encourage shared use, administratively waive any zoning district setback requirements in or separation distances between towers by up to fifty (50) percent.
 - B. In connection with any such administrative approval, the Zoning Administrator may, in order to encourage the use of mono poles, administratively allow the reconstruction of an existing tower to monopole construction.
 - C. If an administrative approval is denied, the applicant shall file an application for a special land use permit hearing by the Planning Commission, pursuant to Section 7.11.6, prior to filing any other appeal that may be available under the Zoning Ordinance.
 - D. List of Administratively Approved Uses. The following uses may be administratively approved by the Zoning Administrator or reviewed by the Planning Commission at the discretion of the Zoning Administrator:
 1. Co-locating antennas on existing structures or towers consistent with the terms of subsections "a." and "b." below.
 - a) Antennas on Existing Structures. Any antenna which is not attached to a tower may be approved by the Zoning Administrator as an accessory use to any commercial, industrial or institutional structure, provided:
 - i. The antenna does not extend more than thirty feet above the highest point of the structure;
 - ii. The antenna complies with all applicable FCC and FAA regulations; and
 - iii. The antenna complies with all applicable building codes.
 - b) Antennas on Existing Towers. An antenna which is to be attached to an existing tower may be administratively approved by the Zoning Administrator. Co-location of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such co-location is accomplished in a manner consistent with the following:
 - i. A tower which is modified or reconstructed to accommodate the co-location of an additional antenna shall be of the same tower type as the existing tower, unless the Zoning Administrator allows reconstruction as a monopole.
 - ii. Height
 - a) An existing tower may be modified or rebuilt to accommodate the Co-location of an additional antenna to a taller height, not to exceed thirty (30) feet over the towers existing height and not to exceed a total height of one hundred ninety nine (199) feet

- b) The height change referred to in subsection (2a.) may only occur one time per communications tower.
 - c) The tower's pre-modification height shall be used to calculate such distance separations.
 - iii. Onsite Location
 - a) A tower which is being rebuilt to accommodate the co-location of an additional antenna may be moved onsite within fifty (50) feet of its existing location.
 - b) After the tower is rebuilt to accommodate co-location, only one tower may remain on the site.
 - c) A relocated onsite tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers. The relocation of a tower hereunder shall in no way be deemed to cause a violation of Section 7.11.6.
 - d) The onsite relocation of a tower which comes within the separation distances to residential structures or residentially zoned districts as established in Section 7.11.6 shall only be permitted when approved by the Zoning Administrator.
 - 2. New Towers in non-residential zoning districts. Locating any new tower in a non-residential zoning district other than industrial or commercial, provided a licensed professional engineer certifies the tower can structurally accommodate the number of shared users proposed by the applicant; the Zoning Administrator concludes the tower is in conformity with the goals set forth in Section 7.11.1 and the requirements of Section 7.11.3; the tower meets the setback requirements and separation distances in and the tower meets the following height and usage criteria:
 - a) For a monopole 100 feet in height;
 - 3. Installing a cable micro cell network through the use of multiple low powered transmitters/receivers attached to existing wireless systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.
- 6. Special Land Use Permits
 - A. General. The following provisions shall govern the issuance of special land permits for towers or antennas by the Planning Commission:
 - 1. In granting a special land use permit, the Planning Commission may impose conditions to the extent the Planning Commission concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
 - 2. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
 - 3. An applicant for a special land use permit shall submit the information described in this section and a non-refundable fee as established by the Board of Commissioners to reimburse the Township for the costs of reviewing the application.
 - B. Towers.
 - 1. Information Required. In addition to any information required for applications for special land use permits pursuant to Article 6 of this Ordinance, applicants for a special use permit for a tower shall submit the following information:

- a) A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (Including when adjacent to municipalities), all properties within the applicable separation distances set forth in this Article, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and other structures, topography, parking, utilities and other information deemed by the Zoning Administrator to be necessary to assess compliance with this Ordinance.
 - b) Legal description and parcel number of the parent tract and leased parcel (if applicable).
 - c) The setback distance between the proposed tower and the nearest residential structure or platted or un-platted residentially zoned properties.
 - d) The separation distance from other towers described in the inventory of the existing sites submitted pursuant to Section 7.11.3 shall be shown on an updated site plan or map.
 - e) A landscape plan showing specific landscape materials.
 - f) Method of fencing, finished color and if applicable, the method of Screening and/or illumination.
 - g) A description of compliance with Section 7.11.3
 - h) A notarized statement by the applicant as to whether construction of the tower will accommodate co-location of additional antennas for future users and specify the number of co-locators.
 - i) Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the Township or within three (3) mile of the border thereof.
2. Factors considered in granting special land use permits for towers. In addition to any standards for consideration of special land use applications pursuant to Article 5 of this ordinance, the Planning Commission shall consider the following factors in determining whether to issue a special land use permit, although the Planning Commission may waive or reduce the burden on the applicant of one or more of these criteria if the Planning Commission concludes that the goals of this ordinance are better served thereby;
- a) Height of the proposed tower;
 - b) Proximity of the tower to residential structures and residential district boundaries;
 - c) Nature of uses on adjacent and nearby properties;
 - d) Surrounding topography;
 - e) Surrounding tree coverage and foliage;
 - f) Design of the tower with particular reference to design characteristics that have the effect to reducing or eliminating visual obtrusiveness.
 - g) Proposed ingress and egress; and
 - h) Availability of suitable existing towers other structures, or alternative technologies not requiring the use of roof towers or structures
3. Setbacks. The following setback requirements shall apply to all towers for which a special land use permit is required; provided, however, that the Planning Commission may reduce the standard setback requirements if the goals of this ordinance would be better served thereby:
- a) Towers must be setback a distance equal to at least the height of the tower from any adjoining lot line of the parent parcel.

- b) Guys and accessory buildings must satisfy the minimum zoning district setback requirements.
- 4. Separation. The following separation requirements shall apply to all towers and antennas for which a special land use permit is required; provided however, that the Planning Commission may reduce the standard separation requirements if the goals of this Ordinance would be better served thereby.
 - a) Separation from off-site uses/designated areas. Tower separation shall be measured from the base of the tower to the nearest off-site residential structure and/or designated areas as specified in Table 1.

Table 7.1: Off-Site Use/Development Area Separation Distance

| Development Area | Separation Distance |
|---|---|
| Single-family or two (2) family residential units ¹ | 200 feet or 300% height of tower whichever is greater |
| Vacant single-family or two(2) family residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired ² | 200 feet or 300% height of tower, whichever is greater |
| Vacant un-platted residential zoned lands ³ | 100 feet or 100% height of tower plus the required setback of the district of location, whichever is greater. |
| Existing multi-family residential units | 200 feet or 300% height of tower, whichever is greater |
| Non-residentially zoned lands or non-residential uses | None; only setbacks apply |

Notes:

1. Includes modular homes and mobile homes for living purposes.
2. Separation measured from base of tower to the nearest lot line.
3. Includes any un-platted residential properties without a valid preliminary subdivision plan or valid development plan approval and a multi-family residentially zoned land.
4. Except as provided for in Article 15 (Definitions) separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base, pursuant to a site plan of the proposed tower. The separation distances (listed in linear feet) shall be as shown in Table 7.2, except where engineering studies show incompatibility.

Table 7.2: Existing Towers – Types

| | Lattice | Guyed | Monopole 75 ft. in height or greater | Monopole less than 75 ft. in height |
|--------------------------------------|---------|--------|--------------------------------------|-------------------------------------|
| Lattice | 10,000 | 10,000 | 1,500 | 750 |
| Guyed | 10,000 | 10,000 | 1,500 | 750 |
| Monopole 75 ft. in height or greater | 1,500 | 1,500 | 1,500 | 750 |
| Monopole less than 75 ft. in height | 750 | 750 | 750 | 750 |

6. Security Fencing. Towers shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with appropriate anti-climbing device; provided however, that the Planning Commission may waive such requirements, as it deems appropriate.

7. Landscaping. The following requirements shall govern the landscaping surrounding towers for which a special land use permit is required; provided, however, that the Planning Commission may waive such requirements if the goals of this ordinance would be better served thereby.
 - i. Tower facilities shall be landscaped with a buffer strip of plant materials at least ten (10) feet wide and of sufficient height to effectively screen the view of the tower compound from property used for residences.
 - ii. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
 - iii. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large wooded lots, natural growth around the property perimeter may be a sufficient buffer.
8. Buildings and Other Equipment Storage
 - A. Antennas Mounted on Structures or Rooftops. The equipment cabinet or structure used in association with antennas shall comply to the following:
 - i. The cabinet or structure shall not contain more than two hundred (200) square feet of gross floor area or be more than ten (10) feet in height. In addition, for buildings and structures which are less than forty (40) feet in height, the related unmanned equipment shelter, if over one hundred (100) square feet of gross floor area or nine (9) feet in height, shall be located on the ground and shall not be located on the roof of the structure. Where antennas are collected on a single tower, the size of the structure may be increased by fifty (50) per cent of the basic size allowed for each additional antenna.
 - ii. If the equipment shelter is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than twenty-five (25) percent of the roof area.
 - iii. Equipment storage buildings or cabinets shall comply with all applicable building codes.
 - B. Antennas Mounted on Utility Poles or Light Poles. The equipment cabinet or structure used in association with antennas shall be located in accordance with the following:
 - i. In residential districts, the equipment cabinet or structure may be located:
 - a) In a front or side yard provided the cabinet or structure is no greater than nine (9) feet in height or two hundred (200) square feet of gross floor area and the cabinet/structure meets the minimum setback requirements from all lot lines. The cabinet/structure shall be screened by an evergreen hedge with the ultimate height of at least six (6) feet and a planted height of at least three (3) feet.
 - b) In a rear yard, provided the cabinet or structure is no greater than ten (10) feet in height or three hundred (300) square feet in gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least three (3) feet.
 - ii. In commercial or industrial districts the equipment cabinet or structure shall be no greater than ten (10) feet in height or four hundred (400) square feet in gross floor area. The structure or cabinet shall be screened by an evergreen hedge with the ultimate height of eight (8) feet and a planted height of at least three (3) feet. In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence six (6) feet in height or an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least three (3) feet.

- C. Antennas Located on Towers. The related unmanned equipment structure, shall not contain more than three hundred (300) square feet of gross floor area or be more than ten (10) feet in height, and shall be located in accordance with the minimum yard requirements of the zoning district in which it is located.
9. Removal of Abandoned Antennas and Towers
- Any antenna or tower that is not operated for a period of twelve (12) consecutive months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the Township notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna at the property owner's or lessee's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.
- A. Performance Guarantee. In accordance with Section 10.3 (3), in authorizing a special use permit, the Township Planning Commission may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond be furnished by the property owner or lessee to ensure compliance with the approved site plan and the special use permit requirements.
10. Non-Conforming Uses
- A. Not Expansion of Nonconforming Use. Towers that are constructed and antennas that are installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.
 - B. Pre-existing Towers. Pre-existing towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this ordinance.
 - C. Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas. Nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a special use permit and without having to meet the separation requirements. The type, height, and location of the tower onsite shall be of the same type and intensity as the original facility approval.

Section 7.12 – Recycle/salvage yards and transfer stations

In addition to other applicable State and Local laws, recycle stations shall be subject to the following provisions:

- A. The facility shall be consistent with the Wexford County Solid Waste Management Plan
- B. Facility will accept only clean, source-separated, recyclable materials.
- C. Facility must provide a means of controlling access to the site to prevent entry and/or drop off of materials when facility is closed/unattended.
- D. No exterior (i.e., outside of the secured area or building) display or storage of material shall be permitted.

Section 7.13 Private Roads

- A. Purpose. The Township has determined that it is in the best interest of the public health, safety and welfare to regulate the construction, improvement, extension, relocation and use of private streets, so as to assure the following matters:

1. That private streets are designed with adequate width, surface and grade so as to assure safe passage and maneuverability of private and emergency vehicles.
 2. That private streets are constructed of suitable materials so as to ensure minimal maintenance and safe passage of vehicles.
 3. That private streets will be constructed so as to protect against or minimize soil erosion and to prevent damage to the lakes, streams, wetlands and other significant natural features of the Township.
- B. Design and Construction Requirements. All private streets shall be designed and constructed in accordance with the following minimum design, construction, inspection, approval and maintenance requirements:
1. The private street right-of-way shall be at least 66 feet in width; provided, however, that a private street measuring 660 feet or less in length and serving not more than four separate lots or parcels may have a right-of-way measuring not less than 40 feet.
 2. The area in which the private street is located shall have a minimum cleared width of 30 feet.
 3. The road bed of the private street shall be a minimum of 24 feet wide; provided, however, that private street measuring 660 feet or less in length and serving not more than four separate lots or parcels may have road bed measuring not less than 20 feet in width.
 4. Private streets serving from three or more buildings, dwellings or parcels of land up to 13 buildings, dwellings or parcels of land shall have a minimum subbase of 12 inches of sand and six inches of finished, compacted gravel (No. 22A), and shall otherwise comply with Wexford County Road Commission construction requirements for unpaved, local roads.
 5. Paved private streets shall be constructed as follows: there shall be a minimum subbase of 12 inches of sand and six inches of finished, compacted gravel (No. 22A), and a minimum of three inches of bituminous aggregate. Such paved private streets shall comply with other applicable Wexford County Road Commission construction requirements for local roads.
 6. Any private street which terminates at a dead end shall have a cul-de-sac with a minimum turn-around radius of 50 feet of traveled street surface.
 7. No private street shall extend for a distance of more than 2,000 feet in length from the nearest public street right-of-way as measured along the centerline of the private street, unless direct access is provided thereto from another public street.
 8. The private street surface shall have a minimum crown of 2/10 of one foot from the centerline of the street to the outside edge thereof.
 9. A street shoulder shall be provided on each side of the private street surface with a minimum width of two feet for each shoulder, and with a slope of 22/100 foot from the outside edge of the street surface to the toe of the slope, except where concrete curbing or valley gutters are provided.
 10. The maximum longitudinal street grade shall not exceed 6 percent, provided the Township may allow up to a 10 percent grade provided the Township is satisfied that such increase in street grade will not adversely public safety or cause undue erosion.
 11. A private street shall be constructed so as to sufficiently control storm water runoff.
 12. All private streets shall have direct access to a public street.
 13. All private streets shall have a recorded permanent right-of-way or easement. The right-of-way or easement shall expressly permit public or private utilities to be installed within the right-of-way.

14. All private streets shall be named and identified by use of appropriately located street name signs.
- C. Application. An application to establish, extend, modify or relocate a private street shall be filed with the Township Zoning Administrator and shall include the following information:
1. The name(s), addresses and telephone numbers of the owners and any other parties having any legal interest in the private street and the property across which it is to be constructed along with the permanent parcel number(s) of all lots and parcels to be accessed by the Private street.
 2. A drawing(s), prepared and sealed by a professional engineer or land surveyor licensed by the State of Michigan with the following information:
 - i. Location, route, elevations, dimensions of the private street in accordance with the standards of this section.
 - ii. Proposed extensions of the private street.
 - iii. The location of all public utilities including but not limited to water, sewer, telephone, gas, electricity and television cable to be located within the private street right-of-way or within 20 feet either side thereof.
 - iv. The location of any buildings and structures to be located within the private street right-of-way.
 - v. A copy of the recordable legal instrument(s) describing and granting the private street easement(s).
 - vi. A copy of a recordable private street maintenance or restrictive covenant agreement that is tied to the deed and contains the following:
 1. Provisions that assure the private street will be maintained, repaired and snow plowed for the full width of the roadway in accordance with the standards of this section and in a manner to assure the private street is safe for travel at all times.
 2. Provisions that assure that the costs of maintenance of the private street and its easement are paid for in an equitable manner.
 3. A legal description of the private street easement and a legal description of the individual properties to be accessed by the private street as of the date of recording.
 3. The applicant shall agree, in writing, that it will assure that any properties then existing or thereafter created which are accessed by the private street shall be subject to the street maintenance or restrictive covenant agreement and that said agreement shall be recorded and run with the land. A copy of said agreement shall be furnished to the Township Attorney prior to recording. Prior to recording, the street maintenance or restrictive covenant agreement shall be revised to address comments provided by the Township Attorney. A recorded copy of the final street maintenance or restrictive covenant agreement shall be provided to the building official and Township Attorney before building permits are issued for any property accessed by the private road.
 4. The applicant shall agree in writing, that by applying for and securing a permit to construct the private road, that it shall indemnify, save and hold the Township, and its officers, employees and agents, harmless from any and all claims for personal injury and/or property damage arising out of the failure to properly construct, maintain, repair and replace the private street. Said indemnification shall be included in the maintenance agreement recorded for the private road.

5. A Soil Erosion and Sedimentation Control Permit as issued by the Road Commission or the Soil Erosion and Sedimentation Control Agency having jurisdiction, if applicable.
 6. A driveway permit issued by the Road Commission, and approval from the Road Commission of the proposed private street name.
 7. Permit and escrow fees in the amounts as periodically established by resolution of the Township Board.
 8. The name of the applicant's private street construction contractor and a statement of the contractor's experience in road construction.
- D. Procedures for Review of a Private Street Application.
1. An application for a private street shall be submitted to the Zoning Administrator for an evaluation of whether the application contains all the information required by this section.
 2. After receipt of a complete application from the Zoning Administrator, the Planning Commission shall consider such application at a public meeting. If the private street is included in a proposed PUD, PUD-OS, special land use, site condominium or other land development requiring Planning Commission consideration, then the Commission may consider approval of the private street as a part of the proceedings for the development.
 3. In approving an application for private street, the Planning Commission may require that the applicant comply with reasonable terms and conditions relating to the placement, design, construction and use of the private street, consistent with the terms of this section and other applicable provisions of this Ordinance.
 4. Following review and approval of a proposed private street by the Planning Commission, the Township building official, or his or her designee, shall determine whether to issue a construction permit for the private street.
 5. As a condition of approval of a private street and the issuance of a construction permit therefor, the Township may require that the applicant provide a performance bond, with an acceptable surety, or a letter of credit, conditioned upon the timely and faithful performance by the applicant under the terms of this section and under the terms of any approvals given for the private street by the Planning Commission and/or building official.
 6. Neither the Planning Commission's approval of a private street or the building official's issuance of a construction permit for a private street constitutes authorization for the construction or occupancy of a structure that will be served by the private street.
- E. Building Occupancy Permits. No building permits or other permits shall be issued for any dwelling, or other building, structure or use, the primary access to which is to be provided by a private street, until the private street has been approved in accordance with this section and other applicable provisions of this Ordinance, and until a private street construction permit and a certificate of compliance have been issued.
- F. Planned Unit Developments; Special Land Uses. If a private street is proposed as part of a PUD, PUD-OS, or a special land use, the provisions of this section may be modified by the Township Board in the approval of the planned unit development or special land use, upon a determination that the requirements of the planned unit development or special land use and the requirements of this section would nevertheless be sufficiently accommodated.

ARTICLE 8: OPEN SPACE PRESERVATION & PLANNED UNIT DEVELOPMENT

Section 8.1 – Overview

The following provisions apply to two types of development options – Open Space Preservation and Conventional Planned Unit Development. While each have a separate set of development standards, both Open Space Preservation and Conventional Planned Unit Development applications shall go through the same approval process.

Section 8.2 – Open Space Preservation Standards (PUD-OS)

A. Legal Basis.

1. The Michigan Zoning Enabling Act, Public Act 110 of 2006 (Zoning Act) requires that zoned townships having a population of 1,800 or more and having undeveloped land zoned for residential development must adopt provisions in their zoning ordinances known as “open space preservation” provisions, which permit land satisfying specified criteria to be developed, at the option of the landowner, with the same number of dwellings on a portion of the land specified in the zoning ordinance, but not more than 50 percent, that, as determined by the Township, could otherwise be developed, under existing ordinances, laws and rules, on the entire land area.
2. At the option of the landowner, land zoned for residential development shall be granted open space preservation approval so long as all standards and requirements of Section 8.2 are met. Open space preservation developments shall also comply with the standards of Section 8.3, to the extent those standards are not inconsistent with the open space preservation provisions of the Zoning Act.

B. Purpose. The purpose of this chapter is to adopt open space preservation provisions consistent with the requirements of the Zoning Act. Any parcel of land in Clam Lake Township subject to this Ordinance which is zoned in such a manner as to allow for residential development may be developed, at the option of the landowner, with the same number of dwelling units that could be otherwise be developed on the entire land area on a portion of the land not to exceed fifty percent of the entire land area.

C. Development Requirements. All of the following shall apply:

1. The land is zoned at a density equivalent to two or fewer dwelling units per acre or; if the land is served by a public sewer system, three or fewer dwelling units per acre;
2. At least fifty percent of the entire land area is set aside as open space to remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land;
3. The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the option provided by this Section would also depend upon such an extension;
4. The option provided pursuant to this Section has not previously been exercised with respect to the land;
5. After a land owner exercises the option provided pursuant to this Section, the land may be re-zoned accordingly; and
6. The development of land under the option in this Section is subject to other applicable ordinances, laws, and rules, including rules relating to suitability of ground water for on-site

water supply for land not served by public water, and rules relating to suitability of soils for on-site sewage disposal for land not served by public sewers.

Section 8.3 – Conventional Planned Unit Development Standards (PUD)

- A. Purpose. The purpose of this district is to permit flexibility in the regulation of land development; encourage innovation in land use and variety in design, layout, and type of structures constructed; achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public service and utilities; encourage provision of useful open space; provide adequate housing, employment, and shopping opportunities particularly suited to the needs of the residents of the Township; and encourage the use, reuse and improvement of existing site and buildings when the uniform regulations contained in other zoning districts do not provide adequate protection and safeguards of the site or surrounding area. This district is intended to accommodate development with mixed or varied uses, sites with unusual topography or unique settings within the township, or on land which exhibits difficult or costly development problems but shall not be allowed where this zoning classification is sought primarily to avoid the imposition of standards and requirements of other zoning classifications rather than to achieve the stated purposes above.
- B. Permitted Uses. All residential uses, including manufactured housing communities; all business, service and professional offices; all light manufacturing, research uses, and all commercial uses or any combination of uses may be permitted in a planned unit development.
- C. Permitted Accessory Uses. Any accessory use permitted in this Ordinance shall be permitted as part of a Planned Unit Development Site Plan.
- D. Development Regulations
 - 1. Ownership. The entire parcel for which application is made must be under one ownership or the application must be made with the written authorization of all property owners.
 - 2. Size. If the proposed PUD contains commercial uses, then the parcel must be a minimum of 10 acres. If the proposed PUD is residential uses only, then there is no minimum size requirement.
 - 3. Amendment Procedure. A PUD zoning classification shall be established, amended or removed pursuant to the procedures set forth in this Article and the procedures of the Zoning Act applicable to zoning ordinance amendments.
 - 4. Standards for Approval. Based upon the following standards, the Planning Commission may recommend denial or approval, and Board of Trustees may deny or approve the proposed Planned Unit Development.
 - a. The uses proposed will have a beneficial effect, in terms of public health, safety, welfare or convenience or any combination thereof, on present and potential surrounding land uses.
 - b. The uses proposed will not adversely affect the public utility and circulation systems, surrounding properties, or the environment. This beneficial effect for the Township (not the developer) shall be one which could not be achieved under any other single zoning classification.
 - c. The uses proposed shall be consistent with the land use plans adopted by the Clam Lake Township Planning Commission.
 - d. The zoning is warranted by the design and amenities incorporated in the development proposal.
 - e. Usable open space shall be provided at least equal to the total of the minimum usable open space which would be required for each of the component uses of the development.

- f. Off-street parking sufficient to meet the minimum required by Article 5. Planning Commissioners may, if deemed appropriate, require for Planned Unit Developments less parking than that required by this Ordinance.
- g. Landscaping shall be provided so as to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
- h. Vehicular and pedestrian circulation, allowing safe, convenient, uncongested, and well-defined circulation within and to the district shall be provided.
- i. Major natural, historical and architectural features of the district shall be preserved.
- j. Use and dimension regulations shall receive some flexibility in the PUD classification, provided the intent and minimum lot size requirements found in Article 3.
- k. Such other requirements applicable to uses of a more intense nature as set forth in Article 5 and Article 6.

Section 8.4 – Material to be Submitted

- A. The applicant for any Open Space Preservation or Conventional PUD zoning classification shall submit the following technical and/or graphic materials together with the application for a Open Space Preservation or Conventional PUD classification preliminary phase approval as further specified by Article 6 of this Ordinance:
 - 1. A complete amendment petition as required by this Article, together with a development plan showing all uses and allotted spaces, gross site area, street and vehicular access areas, number of each variety of habitable space, total number of dwelling units, floor area per habitable space, and total open space.
 - 2. The development plan shall indicate the entire contiguous holdings of the petitioner or owner who wishes to develop the entire parcel or any part thereof, and shall include the area and use of land adjacent to the parcel to be developed, which plan shall exhibit any unusual problems of topography, utility service, land usage or land ownership; said plan shall also exhibit all existing and proposed structures, existing and proposed streets, open spaces and other features as required by ordinance or the land development regulation.
 - 3. The applicant shall present material as to the development's objectives and purposes to be served; conformity to plans and policies of the Township; impact on public schools utilities, and circulation facilities; impact on natural resources; impact on the general area and adjacent property; and a staging plan showing the general time schedule of and expected completion dates of the various elements of the plan.
 - 4. All applications shall include photographs of all existing buildings. Any additional graphics or written materials requested by Planning Commission to assist the Township in visualizing and understanding the proposal shall be submitted.

Section 8.5 - Open Space Preservation or Conventional PUD Development Plan Review

- A. The petitioner shall submit to the Township Planning and Zoning Department sufficient copies of the development plan together with appropriate review fees. Copies of the plan as submitted shall be distributed promptly by the staff to the members of the Planning Commission and the appropriate agencies for review to determine if the development concept can be accommodated by the existing public utility, street, and general Township service facilities, or if any additions to, or extension of facilities are necessary for the project.
- B. The Zoning Administrator shall notify the petitioner of any questions raised by the Township and/or County agencies during said review and shall submit like information to the Planning Commission for

its consideration, along with a report which evaluates the planning aspects of the project and its impact on the present and future development of that part of the Township in which it is located.

- C. Within a reasonable time after the submittal of the plan from the applicant to the Zoning Administrator, the Planning Commission shall hold a public hearing advertised in accordance with Article 12, at which time the petitioner shall present the proposed Open Space Preservation or Conventional PUD development plan and the Planning Commission shall provide its comments to the petitioner.
- D. The Planning Commission shall, after holding public hearings on said development plan and reviewing said reports, make its recommendation to the Board of Trustees on said plan.
- E. If the development plan is recommended for rejection by the Planning Commission to the Township Board, the reasons therefore shall be specified in a formal Finding of Fact Statement, prepared by the Zoning Administrator or Consultant, and approved by the Planning Commission.
- F. The Planning Commission's recommendations and all related reports shall be submitted to the Board of Trustees for its consideration. The Board of Trustees shall either approve, approve with conditions or deny the request for planned unit development rezoning. The Township Board of Trustees shall prepare a report stating its conclusions with regard to the request for an Open Space Preservation or Conventional PUD, including the basis for its decision, the decision and any conditions relating to an affirmative decision.
- G. Any conditions recommended by the Planning Commission and required by the Board of Trustees shall be satisfied by the petitioner or owner prior to subsequent final phase site plan approval and prior to the issuance of any building permits. The Township Clerk shall keep a special record of all approved Open Space Preservation or Conventional PUD development plans and approval conditions.

Section 8.6 - Open Space Preservation & Conventional PUD Approval Procedure

- A. The Open Space Preservation or Conventional PUD zoning approval shall involve two phases.
 - 1. The preliminary phase shall involve a review of the conceptual development plan to determine suitability for inclusion in the land use and zoning plan of the Township and rezoning by the Clam Lake Township Board of Trustees.
 - 2. The final phase shall require detailed site plans for any part of the conceptual development plan prior to the issuance of building permits.
- B. Development Plans. Approval of the development plan by the Board of Trustees shall rezone the property to a " PUD-OS or PUD" zoning classification for uses as shown on the development plan and shall confer upon the owner the right to proceed through the subsequent planning phases in accordance with regulations and ordinances in effect at the time of Board's approval for a period not to exceed three (3) years from date of approval, unless subsequent regulations or ordinances are specifically made applicable to developments which have been so approved. If final phase site plans have not been submitted for approval before the termination of said three (3) year period, said subsequent site planning must conform to the regulations, ordinances and laws in effect at the time said site plan is submitted.
- C. Final Phase Open Space Preservation or Conventional PUD Site Plan Approval. Before any building permits shall be issued, the petitioner shall submit to the Zoning Administrator sufficient copies of the final site plan for all or any part of the development, in accordance with the uses and concepts as shown on the preliminary approved development plan. The final site plan shall comply with all requirements of Article of this Ordinance as well as the following:
 - 1. A detailed site drawing which includes all items listed in Article 9 of this Ordinance.

2. A detailed listing of existing and/or proposed exterior materials shall be provided and will become part of the site plan.
 3. Approval of the final site plan, as provided in Article 10 of this Ordinance, shall entitle the owner to apply for building permits.
- D. Open Space Preservation & Conventional PUD Time for Completion of Development. The proposed Open Space Preservation or Conventional PUD (PUD-OS or PUD) District and all proposed buildings, parking spaces, landscaping, usable open space, and amenities must be started within three (3) years of the establishment of the district and work must be continued in a reasonable diligent manner and completed within five (5) years of the establishment of the district. Said five (5) year period may be extended if applied for by the petitioner and granted by the Planning Commission in writing. Failure on the part of the owner to secure the written extension shall result in stoppage of all construction.

Section 8.7 – Deviations from Approved Open Space Preservation or Conventional PUD Site Plan

- A. Minor changes to a previously approved Open Space Preservation or Conventional PUD site plan may be approved without the necessity of Planning Commission or Board of Trustee action thereon if the Zoning Administrator certifies in writing that the proposed revision constitutes an acceptable level of alteration and does not alter the basic design nor any specific conditions of the plan as agreed upon by Planning Commission and Board of Trustees. The Zoning Administer shall record all such changes on the original site plan and shall advise Planning Commission and Board of Trustees of all said minor revisions at their next scheduled meeting(s) of said administrative approval. Minor changes under this section shall be limited to:
- a. Addition or relocation of all fire escapes.
 - b. Shifting of building heights and elevations, providing such shifting does not exceed ten (10) percent of the previously approved dimension and providing such shifting does not significantly alter the conceptual integrity of the plan.
 - c. Construction of additional or alteration of approved sidewalks, provided that the full intent of pedestrian movement through and around the site is not inhibited thereby.
 - d. Shifting of, additions to, or changes in species of landscape materials, provided that such change does not reduce the minimum landscape requirements.
 - e. Relocation of refuse collection stations.
 - f. Internal rearrangement of parking lots and curb cut locations provided such functional rearrangement does not alter the number of parking spaces required and further provided that the minimum landscape requirements are maintained and further provided that such rearrangement does not inhibit good traffic flow or circulation.
 - g. Any decrease in building size or changes in bedroom counts per dwelling unit in no more than ten (10) percent of the total number of units.
 - h. Installation of recreational or maintenance facilities that do not require erection of a structure intended for human use or occupancy.
 - i. Such other alterations or revisions which do not alter the basic design nor any specific condition of the plan as agreed by the Planning Commission and the Township Board of Trustees .
- B. A final phase site plan approval shall be assigned only after the Board of Trustees approval of the preliminary phase development plan and rezoning of the property as required by this Section. Any deviation from the approved site plan, except as authorized above, shall be considered a violation of this Article and subject to the penalties stated in Article 12, of this Ordinance. Further, any such

deviation shall result in notice of the owner that rezoning procedures will be initiated by the Board of Trustees.

ARTICLE 9: CONDOMINIUMS & SITE CONDOMINIUMS

Section 9.1 – Description and Purpose

- A. Tracts of land that are developed and sold as site condominium developments and condominium developments are not subject to regulation under the Michigan Land Division Act. The Township determines it is in the best interest of public health, safety, and welfare to regulate site condominium developments and condominium developments to assure that these developments will not adversely affect the occupants thereof, other properties or the Township.
- B. This article covers both site condominiums and condominiums, the latter being sometimes referred to as conventional condominiums. Accordingly, the provisions of this article for submission of condominium plans and the procedures for consideration and approval of condominium plans apply equally to conventional condominium developments as well as to site condominium developments. For convenience, conventional condominiums are referred to in this article as condominiums. In some instances, once a particular section or other provision indicates that it applies to both condominiums and site condominiums, certain of the following text may, for convenience, refer to both types as condominiums.

Section 9.2 – Condominium and Site Condominium Approval Required

- A. No improvements for a condominium or a site condominium may be commenced until approval has been given in accordance with this article.
- B. Condominiums and site condominiums shall comply with the Condominium Act, in addition to compliance with this article and other applicable provisions of this Ordinance.
- C. If condominium approval or site condominium approval is requested in connection with an application for approval of a PUD or PUD-OS, then the condominium or site condominium may be reviewed in accordance with the applicable planned unit development procedures.

Section 9.3 – Application for Condominium or Site Condominium Approval

An application for condominium or site condominium approval shall include the following information:

- A. A condominium plan which includes the documents and information required by Section 66 of the Condominium Act.
- B. The dimensions of each site condominium unit; the dimensions of the building envelope for each building that is a detached condominium or that contains attached condominium units.
- C. Approval or tentative approval of the proposed design and location of the entrance to the condominium or site condominium from the County Road Commission or Michigan Department of Transportation, as applicable.
- D. The use and occupancy restrictions and maintenance provisions for all general and limited common elements, and the locations thereof, that will be included in the master deed.
- E. A storm water drainage plan, including all lines, swales, drains, basins, and other facilities and easements granted for installation, repair, and maintenance of all drainage facilities.
- F. A utility plan showing the location of all water supply mains and sanitary sewer mains, if any, and easements for the installation, repair and maintenance of utilities.
- G. A narrative describing the overall objectives of the proposed site condominium.
- H. A narrative describing the proposed method of providing potable water supply, waste disposal facilities and public and private utilities.

- I. A street construction, paving and maintenance plan for all streets within the condominium or site condominium.
- J. A description and summary of each phase of the condominium or site condominium development, if phasing is proposed.
- K. Such other information as the Planning Commission or Township Board may reasonably request in their review of the proposed condominium or site condominium.

Section 9.4 – Procedures for Review of Preliminary Condominium or Site Condominiums

- A. The application and the required number of copies of the preliminary plan of the condominium or site condominium together with the required application fee and zoning escrow deposit, shall be submitted to the zoning administrator.
- B. Upon the administrator's determination that the preliminary plan is complete, the application and the plan shall be forwarded for consideration by the Planning Commission.
- C. After reviewing the preliminary condominium or site condominium plan, the Planning Commission shall approve a resolution stating the Commission's findings concerning the preliminary plan and stating its recommendations thereon, and any conditions imposed.
- D. The Planning Commission shall recommend to the Township Board whether the condominium or site condominium shall be approved, denied, or approved with conditions.

Section 9.5 – Procedures for Review of Final Condominium or Site Condominium Plans

- A. After receiving the Planning Commission's recommendations on the preliminary plan, the applicant shall submit to the zoning administrator the required number of copies of a final site condominium plan which complies with the requirements of this article and the recommendations of the Planning Commission.
- B. The final condominium or site condominium plan shall incorporate the terms and conditions, if any, approved by the Planning Commission in its review of the preliminary plan; provided, however, that if any of the Planning Commission's terms and conditions are not included in the final plan, the applicant shall specify in writing which of them have not been included, and the reasons for the exclusion(s).
- C. The final condominium or site condominium plan, together with any written statement by the applicant as to the non-inclusion of Planning Commission terms and conditions, shall be forwarded by the zoning administrator to the Township Board.
- D. After receiving the final condominium or site condominium plan, the recommendations of the Planning Commission and any written statements by the applicant, the Township Board shall review, and shall by resolution approve, deny or approve with conditions the final plan in accordance with the standards in Section 9.6.
- E. The resolution of the Township Board approving, denying or approving with conditions the final condominium or site condominium plan may include conditions required to assure compliance with the requirements of this article, other applicable provisions of this Ordinance and the Condominium Act.
- F. All terms and conditions included by the Planning Commission and Township Board in their respective approvals of a condominium or site condominium shall be incorporated in the recorded Master Deed, or shall otherwise be reflected in the final condominium or site condominium plan, when recorded as a part of the Master Deed.

Section 9.6 – Standards for Approval of Condominiums and Site Condominiums

A condominium or site condominium shall comply with all of the following requirements

- A. The plan shall comply with the applicable requirements of this article.
- B. The proposed common elements and maintenance provisions, use and occupancy restrictions, utility systems and streets, project layout and design, and other aspects of the proposed condominium or site condominium, shall comply with the Condominium Act and other applicable laws, ordinances and regulations.
- C. Each site condominium unit and each building envelope adjacent to a building that is a detached condominium or that contains attached condominium units shall comply with all applicable provisions of the zone district in which the condominium or site condominium is located, including minimum lot area; minimum lot width; minimum required front, side and rear yards; maximum building height; and other applicable land use requirements in this Ordinance.
- D. If a condominium or site condominium is proposed to have public streets, the streets shall be paved and developed to the minimum design, construction, inspection, approval, and maintenance requirements for platted public streets as required by the County Road Commission.
- E. Private streets may be permitted to provide access to and throughout a condominium or site condominium:
 1. All private streets shall comply with Section 7.13 of this Ordinance.
 2. Provisions in the master deed and condominium bylaws shall obligate the developer and/or condominium association to assure that all the private streets are regularly maintained, repaired and snowplowed so as to assure that they are safe and convenient for travel at all times.
- F. The condominium or site condominium shall be served by approved private water supply wells, septic tanks and drain fields or a private community sanitary sewer system and/or community water supply system, if public water supply and public sanitary sewer facilities are not available; if such public facilities are available, they shall be connected to serve the condominium or site condominium.
- G. Street lights may be required in any condominium or site condominium.
- H. Sidewalks may be required to be installed in condominiums and site condominiums, in accordance with standards and specifications specified in the resolution of approval of the condominium or site condominium.

Section 9.7 – Construction in Compliance with Approved Plans

No buildings or structures in a condominium or site condominium shall be built nor shall any other site improvements be made except in compliance with the final condominium or final site condominium plan as approved by the Township Board, including all conditions of approval.

Section 9.8 – Completion of Improvements

- A. No building permit or occupancy permit for a condominium or site condominium unit in an approved condominium development shall be issued until construction of all required improvements has been completed and approved by the Township, or unless acceptable security for the completion of such improvements has been provided, to the satisfaction of the Township.
- B. Upon completion of all required improvements, a complete as-built plan for all required improvements in the development shall be promptly submitted to the Township, to the attention of the zoning administrator.

Section 9.9 – Expandable or Convertible Condominium Developments

Approval of a final condominium or final site condominium plan shall not constitute approval of expandable or convertible portions thereof unless the expandable or convertible areas are specifically reviewed and approved by the Planning Commission and Township Board in compliance with the procedures and requirements of this article.

Section 9.10 – Revisions of Approved Final Condominium or Final Site Condominium Plan

- A. Changes to an approved condominium or site condominium for which a plan has been approved are subject to this section.
- B. Any change which constitutes an exempt change as described below shall not be subject to review by the Planning Commission under this article, but a copy of an exempt change shall be submitted to the Township zoning administrator; provided, however, that the zoning administrator shall determine whether the proposed change is an exempt change, and shall notify the applicant accordingly. An exempt change shall include only the following:
 - 1. A change in the name of the condominium or site condominium; a change in the name of a street within the condominium or site condominium; or a change in the name of the developer.
 - 2. Any other change in the condominium or site condominium which, as determined by the zoning administrator, does not constitute a major or minor change or will not otherwise change the site configuration, design, layout, topography or any other physical aspect of the land, buildings or structures in or proposed for the condominium or site condominium.
- C. Any change which constitutes a minor change shall be reviewed and approved by the zoning administrator, but in the discretion of the administrator, any such minor change may be referred for decision by the Planning Commission. A minor change means only the following minor changes in the site configuration, design, layout or topography of a condominium or site condominium (or any portion thereof):
 - 1. A decrease in the number of condominium or site condominium units;
 - 2. A reduction of less than 10 percent in the area of the building envelope for any building that is a detached condominium or that contains attached condominium units, provided that the reduction does not result in the building envelope comprising less than the required minimum lot area, having less than the required minimum lot width or having building setbacks less than the minimum required building setbacks specified for the zone district in which the condominium is located.
 - 3. A reduction of less than 10 percent in the area of a site condominium unit, provided that the reduction does not result in the site condominium unit having less than the required minimum lot area, having less than the minimum lot width or having building setbacks less than the minimum required building setbacks specified for the zone district in which the site condominium is located.
 - 4. A reduction of less than 10 percent in the total combined area of the general common elements of the condominium or site condominium, but any such reduction shall not result in noncompliance with any other applicable requirement, including any requirement for minimum open space areas.
 - 5. A reduction of less than 10 percent in the total combined area of the limited common elements of the condominium or site condominium.
 - 6. Any other minor change in the site configuration, design, layout, topography or other aspect of the condominium or site condominium which, as determined by the zoning administrator,

does not constitute a major change, and which would not be material or significant in relation to the entire condominium or site condominium.

- D. Any change which constitutes a major change shall be reviewed by the Planning Commission and the Township Board, as provided in this article for the original review and approval of condominiums and site condominiums. Major change means a major change in the site configuration, design, layout or topography of a condominium or site condominium (or any portion thereof), including, but not limited to, any change that could result in:
1. An increase in the number of condominium or site condominium units.
 2. Any other change in the site configuration, design, layout, topography, or other aspect of the condominium or site condominium, including, without limitation, a change in the location of streets and utilities, or in the size, location, area, or the horizontal or vertical boundaries of a condominium or site condominium unit, and which is determined by the zoning administrator to constitute a major change in the condominium or site condominium.

Section 9.11 – Incorporation of Approved Provisions in Master Deed

All provisions of an approved final condominium or site condominium plan shall be incorporated by reference in the master deed for the condominium or site condominium. The master deed shall be reviewed by the Township attorney, prior to recording, and it shall be subject to the attorney's approval, consistent with this article and the Township's approval of the condominium or site condominium. A copy of the master deed as recorded with the county register of deeds shall be submitted to the Township, to the attention of the zoning administrator, promptly after recording.

ARTICLE 10: SITE PLAN REVIEW

Section 10.1 – Intent

It is the intent of this Article to require site plan review approval for certain buildings, structures and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels and the character of future development. This Site Plan Review is a necessary step in obtaining compliance permits for all uses, whether permitted by right or by Special Use Permit. The only exception is for one and two-family dwellings.

Section 10.2 – Uses Subject to Site Plan Review

Site plan review by the Planning Commission is required for the following:

1. All non-residential development
2. All multi-family development
3. Special land uses in all districts
4. Off-premise signs
5. Planned Unit Developments
6. Developments under Open Space Preservation Options (PUD-OS)

Site plans not required to be reviewed by the Planning Commission shall be reviewed by the Zoning Administrator:

1. Single-family residential homes
2. Two-family homes (Duplexes)

The Zoning Administrator shall review such plans in accordance with the same procedures, requirements and standards used by the Planning Commission.

Section 10.3 – Site Plan Review Procedures

1. Applications for site plan approval shall be submitted to the Zoning Administrator. Preliminary site plan approval applications shall consist of the following:
 - A. An application form supplied by the Zoning Administrator.
 - B. A reproducible copy of the preliminary site plan at a scale of not less than one (1) inch equals one hundred (100) feet with the following minimum information:
 - I. Property dimensions.
 - II. Topographic elevations at intervals determined by the Zoning Administrator.
 - III. Significant vegetation.
 - IV. Water courses and water bodies, including man-made surface drainage ways and wetlands.
 - V. Existing public right of way, pavements, and/or private easements.
 - VI. Existing and proposed uses, buildings and structures and distances from each other as well as from property lines.
 - VII. Zoning classification of abutting properties.
 - VIII. The name and address of the person and firm who drafted the plan and the date on which the plan was prepared.
 - IX. North arrow and scale
 - X. Location of existing and planned wells and septic systems.
2. The Planning Commission or Zoning Administrator may require written statements relative to the effects on the existing traffic capacity of streets, and the proposed development's impact on

schools, existing utilities, or natural features. The Planning Commission or Zoning Administrator shall review the preliminary site plan and approve, approve with conditions, or deny the plan.

3. Approval of the site plan is valid for a period of one (1) year. If construction of the development, or any phase of the development, has not been initiated during that period, the approval of the site plan shall be null and void.
4. Upon written application, filed prior to the termination of the one (1) year review period, the Planning Commission or Zoning Administrator may authorize a single extension of the time limit for approval of a final site plan for a further period of not more than one (1) year. Such extension shall only be granted based on evidence from the applicant that the development has a likelihood of commencing construction within the one (1) year extension.

Section 10.4 – Special Land Uses

For special land uses, the Township Planning Commission shall also review a site plan to be submitted with the application. The Planning Commission shall then shall approve, approve with conditions or deny the submitted site plan. Reasons for denial shall be set forth in writing. The applicant shall be provided with a copy of the Planning Commission action concerning the site plan review. Although a rejected site plan will not void a special use approval, construction permits may be denied until the site plan meets the requirements of this Article and approved.

Section 10.5 – Standards for Plan Approval

Prior to approving a site plan, the Zoning Administrator or Planning Commission, as applicable, shall require that the following standards be satisfied:

1. All elements of the site plan shall be designed to take into account the site's topography, the size and type of plot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
2. For uses adjacent to existing development, the site design shall ensure aesthetic compatibility with existing commercial or residential development.
3. The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those, alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance.
4. The site plan shall provide for reasonable visual and sound privacy for all dwelling units located therein. Fences, walks, barriers and landscaping shall be used, as appropriate, to accomplish these purposes.
5. All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as required by the Fire Department.
6. A pedestrian circulation system which is separated from the vehicular circulation system may be required. In order to ensure public safety, special pedestrian measures, such as crosswalks, crossing signals and other such facilities may be required in the vicinity of schools, playgrounds, shopping areas and other uses which generate a considerable amount of pedestrian traffic.
7. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate storm water, prevent erosion and the formation of dust. The use detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas.

8. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened by an opaque wall or landscaped screen not less than six (6) feet in height.
9. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.

If these standards and the other requirements noted in this Article or in other Township ordinances are met, the site plan shall be approved.

Section 10.6 – Amendments to Approved Site Plans

1. Any person who has been granted site plan approval shall notify the Zoning Administrator of any proposed amendment to such approved plan. The Zoning Administrator shall determine whether the proposed amendment constitutes a minor or major amendment based on, but not necessarily limited to, the following:
 - a. the addition of land to the legal description of the original site plan approval;
 - b. the establishment of another use or uses;
 - c. the addition of more sales or service area, or the addition of dwelling units;
 - d. an expansion or increase in intensity of use;
2. A major amendment to an approved site plan shall comply with the same filing and review procedures of the original approval. A minor amendment may be approved by the Zoning Administrator.

Section 10.7 – Appeals of Final Site Plans

Any person aggrieved by the decision of the Planning Commission in granting or denial of a final site plan approval shall have the right to appeal the decision to the Township Zoning Board of Appeals. The aggrieved party must allege and prove to the satisfaction of the Township Zoning Board of Appeals that he/she has suffered some special damages not common to other property owners similarly situated. The mere increase in traffic in the area, proof of general economic and aesthetic losses or the mere fact that the appellant owns adjacent property are not sufficient to show special damages. The appeal shall state the aggrieved parties' grounds for appeal and shall be filed with the Township Zoning Administrator within five (5) days of the decision of the Planning Commission.

ARTICLE 11: ZONING BOARD OF APPEALS

Section 11.1 – Creation and Membership

There is hereby created a Township Zoning Board of Appeals, the members of which shall be appointed by the Township Board of Trustees. The Board of Appeals shall include three (3) members appointed for staggered terms, as provided by the Zoning Act. All members shall be chosen from electors residing in Clam Lake Township, provided that one member shall be an ex officio member of the Township Planning Commission for the term of his or her membership.

Section 11.2 – Meetings

Meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as the Board may specify in its rule of procedures. A majority of the total membership shall comprise a quorum. The Board shall maintain a record of its proceedings, which record shall be filed in the office of the Township Clerk and shall be a public record.

Section 11.3 – Duties and Powers

The duties and powers of the Board of Appeals shall include the following:

- A. Hear and Decide Appeals. Hear and decide upon appeals from determinations of the Zoning Administrator, Planning Commission, or other administrative agent acting under the terms of the Ordinance.
- B. Interpret Ordinance. Hear and decide upon requests for interpretation of the provisions of the Ordinance
- C. Grant Variances. Grant variances on appeal respecting any provision of this Ordinance, if the same cause practical difficulties in conforming to the strict letter of the Ordinance to the end that the spirit of the Ordinance is observed, equity achieved, and substantial justice done, provided however that this provision shall not be construed as permitting the Board of Appeals to amend the Ordinance or to change any use of property under the guises of a variance.
 1. Basis of Determination: The Zoning Board of Appeals must ensure that any variance granted from this Ordinance.
 - a) Will not be contrary to the public interest or to the intent and purpose of this Ordinance.
 - b) Shall not permit the establishment within a district of any use which is not permitted by right or by special land use permit within the zone district, or any use or dimensional variance for which a special permit is required.
 - c) Will not cause a substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located.
 - d) Is not where the specific condition relating to the property are so general or recurrent in nature as to make the formation of a general regulation for such conditions reasonably practical.
 - e) Will relate to property only that is under control of the applicant.
 2. Special Situations: When all of the foregoing basic conditions can be satisfied, a variance may be granted when any one of the following special situations can be clearly demonstrated.
 - a) Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or

to the intended use of the property that do not generally apply to other property or use in the same zoning district. Such circumstances or conditions shall have not resulted from any act of the applicant subsequent to the adoption of this Ordinance.

- b) Where there are practical difficulties which prevent carrying out the strict letter of this Ordinance, these difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.
 - c) Where the lot or parcel of land was of legal record or has been laid out by a surveyor prior to the date of this Ordinance.
 - d) Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.
- D. Unlisted Property Uses: The Zoning Board of Appeals shall have the power on written request of any property owner to classify a use not listed with a comparable permitted primary or approved use giving due consideration to the purpose of this Ordinance and the following determination standards. The Zoning Board of Appeals shall make a determination of "uses of the same nature and class" according to the following:
- 1. A finding that the proposed use is not listed as a Principal Use permitted or Special Land Use in any zoning district.
 - 2. If the use is not addressed in the Zoning Ordinance, the Zoning Board of Appeals shall select the use listed in the Zoning Ordinance which most closely resembles the proposed use using criteria such as potential impact on property values, traffic generated, aesthetics, noise, vibration, dust, smoke, odor, glare and other objectionable impacts terms of health, safety and welfare in the County. The ZBA may determine that there is no similar use and that the use should be prohibited.
 - 3. Once a similar use is determined, the proposed use shall comply with any special conditions or Special Land Use Standard that apply to the similar use.
 - 4. The Zoning Board of Appeals or applicant shall have the option to request an amendment to the Zoning Ordinance to specifically address the use in question, rather than treating the proposed use as a similar use.
 - 5. The determination as to whether a proposed use is similar in nature and class to other Principal use permitted or Special Land uses within a district should be considered as an expansion of the use regulations, not a variance applying to a particular situation. Any use determined by the Zoning Board of Appeals to be a "use of the same nature or class as uses listed" shall thereafter be considered to be included in the enumeration of the uses.

Section 11.4 – Procedures

The Board of Appeals shall fix rules and regulations (Bylaws) to govern its procedures in accordance with the provisions of the Zoning Act.

- A. Written Requests. All appeals and request for variances, over which the Board has jurisdiction, shall be filed in writing, accompanied by such fee as provided in the fee schedule of this Ordinance.
- B. Limitations. All appeals shall be made within thirty (30) days from the date of any decision constituting the basis for appeal. Upon hearing of such appeals, the Board may affirm, change or modify the ruling, decision, or determination, or in lieu thereof make such other or additional determination as it shall deem proper under the circumstances. The Board shall return its decision in writing within thirty (30) days after a request or appeal has been heard unless additional time is agreed upon by all parties concerned.

- C. Resubmission. No application for variances, which have been denied, shall be resubmitted within ninety (90) days from the last date of denial, except on grounds of newly discovered evidence of proof of changed conditions found to be valid.

Section 11.5 – PUD/PUD-OS and Special Use Appeals to Zoning Board Prohibited

Owing to the discretionary nature of the decision to approve or deny a request for a special use or planned unit development (PUD and PUD-OS), the Zoning Board of Appeals is without jurisdiction to accept appeals or grant variances from the standards set forth within Articles 6 or 8 of this ordinance and/or any other standards or conditions imposed in connection with the Township decision respecting the approval or denial of a special land use or PUD/PUD-OS.

Section 11.6 – Alternate ZBA Members

The Township Board may appoint up to two alternate members by the Board of Appeals, in the same manner, regular members are appointed. An alternate member may serve as a member of the Board of Appeals in the absence of a regular member, if the regular member will be unable to attend one or more meetings. An alternate member may also serve as a member of the Board for the purpose of reaching a decision in case where a regular member has abstained because of conflict of interest. An alternate member who is called to serve in a case before the Board shall serve in a case until a final decision is made, whether at one or more meetings. An alternate member of the Board of Appeals has the same voting rights as a regular member of the Board.

ARTICLE 12: ADMINISTRATION AND ENFORCEMENT

Section 12.1 – Zoning Administration

The provisions of this Ordinance shall be administered by a Zoning Administrator who shall be appointed by the Township Board of Trustees for such term and subject to such conditions as said Board deems desirable to carry out the provisions of the Ordinance. They shall hold office at the pleasure of the Board and receive such compensation as shall be determined by the Board. The Board may also appoint deputy administrators under such conditions and for such term, and for such compensations as the Zoning Administrator in the discharge of the duties of the office.

Section 12.2 – Duties and Powers of the Zoning Administrator

The Zoning Administrator shall enforce this ordinance and:

- A. Issue all Zoning Certificates and Certificates of Compliance and maintain records thereof.
- B. Conduct inspections as outlined elsewhere in this Ordinance.
- C. Maintain permanent and correct records of this Ordinance, including, but not limited to, maps, amendments, special use permits, variations and appeals.
- D. Provide and maintain a public information office relative to all matters arising out of the administration of the Ordinance.
- E. Investigate all applications for variances and special use permits and report his findings to the jurisdictional agency.
- F. Initiate appropriate action to prevent, restrain, correct or abate any illegal act or violation of this Ordinance.

Section 12.3 – Zoning Permits

- A. Application. Before proceeding with the use, erection, alteration, enlargement, rebuilding, location or moving of any building or structure subject to the provisions of this ordinance, the owner of the premises shall first apply for a permit from the Zoning Administrator. Application shall be made upon forms provided by the planning and zoning office, and shall be accompanied by a tax description of the premises and a permit number from the local Health District. In addition, applications for one and two-family dwellings shall be accompanied by a blueprint, or neat pen and ink drawing, showing the following:
 1. The shape, area, and dimensions of the premises.
 2. The kind, dimensions, height and location of all buildings and structures to be erected or moved on the premises, including all yard dimensions and accessory buildings, if any.
 3. On examination of any site, the Zoning Administrator may require a boundary survey and staking of the premises by a registered surveyor, of if site is located in any area having severe soil conditions, low strength, severe slope or humus or peat, as indicated by the soil survey map of Wexford County, additional information may be required by the Zoning Administrator, including engineering specifications to overcome soil deficiency.
- B. Zoning requests for uses other than one and two-family dwellings shall include a site plan which complies with the requirements of Article 9 of this Ordinance. Site Plan Review by the Planning Commission is also required for those requests.
- C. Issuance of Permit
 1. If the Zoning Administrator finds the application conforms with the requirements of the Ordinance and other applicable law, he/she shall so mark the copies over his/hers signature,

including the date. One copy shall be filed in his office, and one returned together with a Zoning Certificate. No permit shall be valid until the required fee has been paid to the Zoning Administrator. All fees shall be transferred to the Township Treasurer on a monthly basis.

2. Any permit under which no work has been actively pursued within one (1) year of issuance shall expire by limitation.
 3. The Zoning Administrator shall have the power to revoke or cancel any permit in case of failure or neglect to comply with the provisions of this Ordinance, or in case of false statements or misrepresentation made in the application. The owner shall be given reasonable notice in writing of liability to voiding action before revocation.
 4. Any builder or contractor who proceeds with the erection, alteration, enlargements, rebuilding location or moving of any building or structure subject to the provisions of this Ordinance without the necessary permits for said property having been issued may be subject to the same penalties as the property owner.
- D. Inspections. Every property, building or structure for which a zoning permit has been issued shall be subject to inspections at the discretion of the Zoning Administrator to verify setback or use in compliance with this Ordinance.
- E. Zoning Certificate. Where a building permit is not required for the use of land or premises the Zoning Administrator shall issue the property a Zoning Certificate, on application therefore, certifying the use of such land complies with all provisions of this Ordinance.
- F. Change of Use Permit. Any time there is a proposed change in the use of a building or space, a permit must be obtained to verify compliance of the activity with the applicable zoning provisions as set forth in this ordinance. This change of use permit is in addition to a Certificate of Occupancy issued by Wexford County.

Section 12.4 – Fee Schedule

To assist in defraying cost of investigation and administration, the Township Board of Trustees may from time to time adopt by resolution a fee schedule governing the issuance of building and use permits and other actions taken under the provisions of the Ordinance, including specifically the following:

1. Building Permits
2. Special Use Permits
3. Appeals or variances addressed to the Township Zoning Board of Appeals
4. Classification of Unlisted Property Uses
5. Request for amendment to Ordinance by property owner

Section 12.5 – Violations and Enforcement

Any use of land or premises, or any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or changed in violation of any term or provision of this Ordinance, is hereby declared to be a nuisance per se. Any person who violates any provision of this Ordinance or any permit, license or exception granted hereunder or any lawful order of the Zoning Administrator or Zoning Board of Appeals issued under this Ordinance is responsible for a Municipal Civil Infraction as defined by Michigan Law.

- A. Inspection of Violation, Notice: The Zoning Administrator shall inspect each alleged violation he or she observes or is made aware of through a written complaint and shall order abatement, in writing, of all conditions found to be in violation of this Ordinance. Notice of violations and orders

to abate shall be served by registered or certified mail to the land owner at their last known address.

- B. Abatement Period: All violations shall be abated within 30 days following the mailing of the written Notice of Violation and order to abate. At the discretion of the Zoning Administrator, the period for abatement may be extended twice in increments of 30 days, upon a showing that the landowner has made and continues to make substantial efforts to come into compliance with the Ordinance.
- C. Fines, Costs: An adjudication or admission of responsibility shall subject the violator to a fine of not less than \$50 for the first offense and not less than \$125 nor more than \$500 for subsequent offenses in the discretion of the Court. In addition, all other costs, damages and expenses provided by law shall be assessed. For purposes of this section, "subsequent offense" means a violation of a provision of this Ordinance committed by the same person within 36 months of a previous violation of the same provision of the Ordinance for which said person admitted responsibility or was adjudicated to be responsible; provided, however, that offenses committed on subsequent days within a period of one week following the issuance of a citation or notice for a first offense shall all be considered separate, first offenses.
- D. Miscellaneous Provisions: Each day during which any violation continues shall be deemed a separate offense. The imposition of any fine hereunder shall not exempt or excuse an offender from compliance with this Ordinance. The remedies provided in this section are cumulative, not exclusive. Accordingly, nothing herein shall bar the Township from seeking relief in the Wexford County Circuit Court for abatement of nuisance or such other relief or remedies as may be provided by law or in equity.

ARTICLE 13: AMENDMENTS

Section 13.1 – Power to Amend

The regulations and provisions incorporated within the text of this Ordinance and the boundaries of zoning districts shown on the zoning map may be amended, supplemented, or changed by Ordinance of the Township Board of Trustees, following public hearing and recommendation of the Township Planning Commission.

Section 13.2 – Who May Initiate

Proposals for amendments, supplements, or changes may be initiated by the Board of Trustees on its own motion, by the Planning Commission, or by petition of one or more owners of property to be affected by the proposed amendment.

Section 13.3 – Procedure for Initiating and Processing an Amendment

1. Each petition by one or more persons for an amendment shall be submitted in an application to the Township Planning Commission through the Zoning Administrator on a standard form provided, and shall be accompanied by a fee pursuant to Article 12 of this Ordinance to cover administrative and publication costs. No part of such fee shall be returnable to a petitioner.
2. When a request for amendment is initiated, the Zoning Administrator shall notify the Township Board of Trustees and the Planning Commission.
3. 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 most likely effect on the community's physical development. The Planning Commission may recommend any additions or modifications to the original amendment proposal.
4. After deliberation on any proposal, the Planning Commission shall conduct at least one public hearing, notice of the time and place of which shall be given as required by Section 103 of the Zoning Act.
5. After the hearing, the Township Planning Commission shall submit a summary of the comments received at the public hearing, along with the proposed amendment and any zoning maps, to the Township Board of Trustees. After receiving the recommended zoning plan, the Township Board of Trustees, at a regular meeting or at a special meeting called for the purpose, shall consider the recommendations and vote upon the adoption of the proposed amendment. Any amendments shall be approved only by a roll call vote of the majority of the members of the Township Board of Trustees.
6. No application for a rezoning which has been denied by the Township Board of Trustees shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Township Planning Commissioners to be valid.
7. Amendment(s) to this Ordinance and/or to the district zoning maps of Clam Lake Township shall become effective 7 days after publication as required by the Zoning Act, or at such later date after publication as may be specified by the Township Board.

ARTICLE 14: VALIDATION & ENACTMENT

Section 14.1 – Validity

Should any article, section, or provision of this Ordinance be found unconstitutional or invalid by the courts, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so determined to be unconstitutional or invalid.

Section 14.2 – Enactment

This Ordinance is hereby declared necessary for the preservation of the peace, health, safety, and welfare of the inhabitants of Clam Lake Township in Wexford County, Michigan.

Section 14.3 – Repeal of Prior Ordinances

The Interim Clam Lake Township Zoning Ordinance, adopted by the Township Board of Trustees, and all subsequent amendments thereto, are hereby repealed, effective upon the effective date of this Ordinance.

ARTICLE 15: DEFINITIONS

For the purpose of this Ordinance, the following definitions shall apply. In the event that a question of definition should arise for a word or phrase not included within, the common dictionary definition shall apply.

ACCESSORY BUILDING OR STRUCTURE - A supplemental building or structure on the same lot or premises as the main building occupied by, or devoted exclusively to an accessory use, not including dwelling, lodging or sleeping purposes. For the purposes of this ordinance, semi-trailers, manufactured homes recreational vehicles or any similar structure shall not be used as an accessory building.

ACCESSORY USE- A subordinate use incidental to and customary in connection with the use of the principle building or use and located on the same lot or premises. It is the intent of this definition that accessory uses are allowed only in conjunction with an existing principal use.

ADULT BOOK AND/OR VIDEO STORE - Means an establishment having, as a substantial or significant portion of its stock in trade or business, books, videotapes, CDs, computer software, computer services, magazines, and other periodicals or other writings as defined in MCL 15.232(I).

ADULT LIVE ENTERTAINMENT ESTABLISHMENTS REGARDLESS OF WHETHER ALCOHOLIC BEVERAGES MAY OR MAY NOT BE SERVED - means establishments which include a night club, bar, restaurant, or similar commercial establishment, which features (a) persons who appear nude or in a state of nudity or semi-nude; and/or (b) live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

ADULT MOTION PICTURE THEATER - Means an enclosure with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or special anatomical areas, as hereinafter defined for observation by patrons therein.

ADULT MINI MOTION PICTURE THEATER - Means an enclosure with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or special anatomical areas, as hereinafter defined for observation by patron therein.

ADULT PARAPHERNALIA/NOVELTY STORE - Means an establishment having as a substantial or significant portion of its stock in trade, paraphernalia designed or usable for sexual stimulation or arousal.

AGRICULTURE - The production, keeping or maintenance, for sale, lease or personal use, of plants and animals useful to man, including but not limited to: forage and sod crops; grains and seed crops- dairy animals and dairy products, poultry and poultry products; livestock, including those species of animals used for human food and fiber or those species of animals used for service to humans. Livestock includes, but is not limited to, cattle, sheep, goats, swine, equine, poultry, aquaculture, and rabbits. Livestock does not include dogs and cats (PA 466 of 1988); bees; fur animals; trees and forest products-

fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to soil conservation.

AGRITOURISM – Any agriculturally based operation or activity that brings visitors to a farm, such as buying produce direct from a farm stand, navigating a corn maze, picking fruit, learning about wine and cheesemaking, or feeding animals. Other terms associated with agritourism are agritainment, value added products, farm direct marketing and sustainable agriculture.

ALTERNATIVE TOWER STRUCTURES - Man-made trees, clock towers, water towers, bell steeples, light poles and similar alternative - design mounting structures that camouflage or conceal the presence of antennas or towers.

ANIMALS, EXOTIC - Any animal that is native to a foreign country or of foreign origin or character, is not native to the United states, or was introduced from abroad, except pet animals, or fowl.

ANIMALS, WILD - Animals which are wild by nature and not customarily domesticated.

ANTENNA - Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals) wireless telecommunication signals or other communication signals.

ASSISTED LIVING FACILITY - A building used and occupied for residential purposes for older adults which provides personalized support services for daily living and resident health care for 7 or more persons under 24-hour supervision or care for persons in need of that supervision or care. This definition shall not apply to adult foster care facilities licensed by a state agency and does not include a facility for the care and treatment of persons released or assigned to adult correctional institutions.

AUTOMOBILE SERVICE STATION - A building and premises wherein gasoline, oil, grease, tires, batteries and other automobile supplies and accessories may be sold at retail and installed, and where minor services may be rendered, not to include the following:

- A. Major mechanical and body work, such as straightening of body parts painting and refinishing.
- B. Storage of damaged automobiles not in operating condition, except those awaiting immediate service (i.e., within three days).
- C. Other work creating noise, glare, fumes or smoke.

BACKHAUL NETWORK - The lines that connect a provider's tower/cell sites to one or more cellular telephone switching offices, and/or long-distance providers, or the public switched telephone network.

BASEMENT- That portion of a building which is partly or wholly below grade but so located that the vertical distance from the mean grade to the floor is greater than the vertical distance from the mean grade to the ceiling.

BILLBOARD - An outdoor sign, structure, or symbol advertising services or products which are not made, produced, assembled, stored, or sold upon or from the lot or premises upon which the billboard is

located. Billboards are also known as "off-premise signs" and "outdoor advertising." Please refer to Clam Lake Township Ordinance No. 21 of 1998, and No. 33 of 2004 for billboard requirements.

BUILDING - Any structure, whether site built or pre-manufactured, which is erected on a site and having a roof supported by columns or walls, which is used or erected for the shelter or enclosure of persons, animals or personal property or for carrying on business activities or other similar uses.

BUILDING HEIGHT - The vertical distance from the established grade at the center of the front of the building to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the mean elevation level between eaves and ridge of a gable, hip or gambrel roof.

BUILDING SIZE - Describes the total exterior size of a structure. In the case of a dwelling, this definition shall not include open breezeways, unenclosed porches or attached garages.

BUSINESS - See Commercial Enterprise

BREEZEWAY - A covered structure connecting an accessory building with the main building. The breezeway shall not be considered or included as part of the living area of the main building for determining square footage requirements for dwelling purposes or for determining yard and area requirements.

CHURCH - A building and the related grounds which are owned by and used for religious services performed by an incorporated religious institution in accordance with the bylaws of their charter.

COMMERCIAL ENTERPRISE- An establishment or activity concerned with the supply and/or distribution of commodities as a means of livelihood. This definition, along with the provisions found in Section 5.16, shall be applied to all retail establishments and businesses provided for in this Ordinance, except Home Occupations/Home Professional Offices.

CONDOMINIUMS - A multi-unit structure or development with individual ownership of each dwelling unit pursuant to the Condominium Act (PA 59 of 1978), as amended.

CONDOMINIUM, UNIT - A condominium unit established in compliance with the Condominium Act which consists of an area of vacant land and a volume of surface or subsurface vacant air space, designed and intended for separate ownership and use as described in the site condominium master deed, and within which a building or other improvements may be constructed by the condominium unit owner. For purposes of determining compliance with the applicable requirements of this Ordinance (including, without limitation, minimum lot area, minimum lot width, minimum required building setbacks and maximum building density requirements) and with other applicable ordinances, a site condominium unit shall be regarded as the equivalent of a lot or parcel of land.

CONSERVATION EASEMENT - Conservation easement means that term as defined in Section 2140 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, being MCL 324.2140.

CONVENIENCE STORES - This industry comprises establishments known as convenience stores or food marts (except those with fuel pumps) primarily engaged in retailing a limited line of goods that generally includes milk, bread, soda, and snacks.

DAY CARE HOME, FAMILY (see "State Licensed Residential Facility") - A single-family dwelling occupied as such in which one (1) but less than seven (7) individuals are received for care and supervision for periods of less than twenty-four (24) hours per day. This definition shall not apply to persons related by blood, marriage or adoption to an adult member of the family occupying the single-family dwelling.

DAY CARE HOME, GROUP (see "State Licensed Residential Facility") - A single-family dwelling occupied as such in which more than six (6) but less than twelve (12) individuals are given care and supervision for periods of less than twenty-four (24) hours per day. This definition shall not apply to persons related by blood, marriage or adoption to an adult member of the family occupying the single-family dwelling.

DRIVE THROUGH BUSINESS - A business establishment so developed that its retail or service character is wholly or partially dependent on providing a driveway approach and service windows or facilities for vehicles in order to serve patrons while in the vehicle.

DUPLEX - See DWELLING, TWO-FAMILY

DWELLING UNIT - A building, or part thereof, providing complete living facilities, including provisions for sleeping, cooking, eating and sanitation, for exclusive use by one family, with no ingress or egress through any other dwelling unit

DWELLING, MULTI-FAMILY - A building containing three (3) or more dwelling units designed for exclusive use and occupancy by three or more families.

DWELLING, SINGLE-FAMILY - A building designed for exclusive use and occupancy as a dwelling unit by one (1) family.

DWELLING, TWO-FAMILY - A building containing two (2) dwelling units, designed for exclusive use and occupancy by two (2) families.

ERECTED - Includes built, constructed, reconstructed, located, moved upon, excavation, or any physical operation on the premises intended or required for a building or structure. Fill, drainage and general property improvements shall not be considered as erection.

FAMILY - A single individual or a number of individuals domiciled together whose relationship is of a continuing non-transient, domestic character and who are cooking and living together as a single nonprofit housekeeping unit. This shall not include any organization or group of individuals whose relationship is of a transitory or seasonal nature or for anticipated limited duration.

FARM - A parcel of land which is used for agricultural activities.

FENCE - Any artificially constructed barrier of any material or combination of materials erected to enclose or separate areas.

FLOOR AREA - For the purpose of computing the required number of parking spaces or minimum living area the sum of the horizontal areas of each story of a building, measured from the interior faces of the exterior walls, and the centerline of interior walls, exclusive of mechanical areas, elevator shafts stairwells and vent shafts for more than one floor, and uninhabitable attics or basements having headroom of seven (7) feet or less.

GASOLINE STATIONS - Establishments that retail automotive fuels (e.g., gasoline, diesel fuel, gasohol) and automotive oils or retail these products in combination with convenience store items. These establishments have specialized equipment for the storage and dispensing of automotive fuels.

GREENBELT - A strip of land fifty feet in depth landward from the Ordinary High Water Mark, placed so as to be parallel to the body of water.

HOBBY FARM – A small farm operated for pleasure or supplemental income rather than for primary income.

HOME OCCUPATION - A gainful occupation traditionally and historically conducted in a dwelling unit as an activity clearly incidental and secondary to the use of the building as a dwelling unit

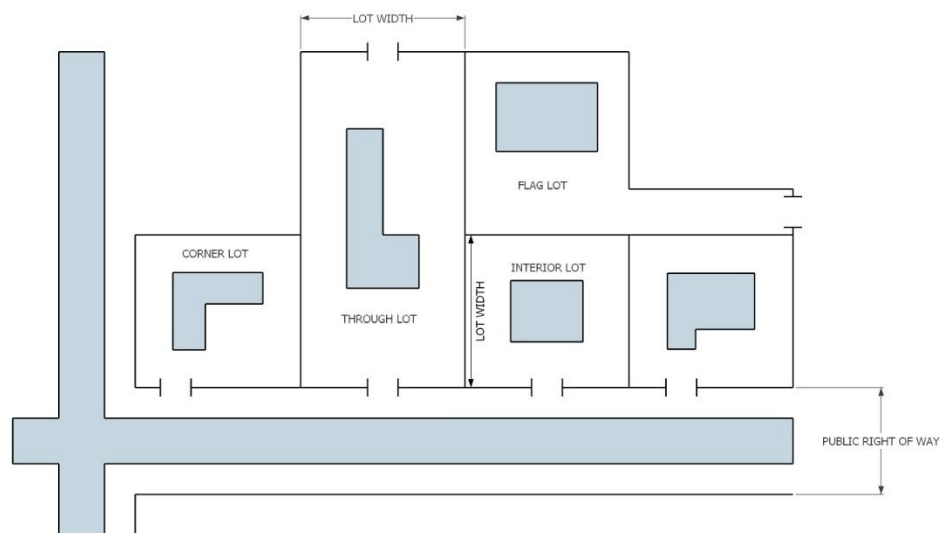
HOME PROFESSIONAL OFFICE - The office of a professional person, such as a doctor, lawyer, osteopath, dentist, chiropractor, engineer or similar professional when said office is located in the practitioner’s residence. (Refer also to General Provisions for Home Occupations)

JUNK - Shall be interpreted to include, but not necessarily be limited to, junk vehicles and parts, construction materials, appliances and other discarded household, commercial or industrial items.

JUNK YARD - The legal and licensed use of premises for storage of old and dilapidated automobiles, trucks, tractors, and other such vehicles and parts thereof, wagons and other kinds of vehicles and parts thereof, scrap building materials, scrap equipment, tanks, cases, barrels, boxes, drums, piping, bottles, old iron, machinery, rags, paper and other kinds of scrap or waste material.

KENNEL - Any place where four or more dogs, cats, or other animals over six months of age are kept, raised, sold, boarded, bred, shown, treated, or groomed.

LOT - An undivided portion of land occupied or intended for occupancy by main building or a group of such buildings and accessory buildings, or utilized for a main use and accessory



uses, together with such yards and parking areas as may be present or required under the provisions of this Ordinance.

LOT AREA - The total horizontal area within the lot lines of a lot exclusive of easements or rights of way for public or private roads or streets.

LOT, CORNER - A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred and thirty five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the curve is of less radius than one hundred and fifty (150) feet, and the tangents to the curve, at the two points where the side lot lines meet the curve, form an interior angle of less than one hundred and thirty-five (135) degrees.

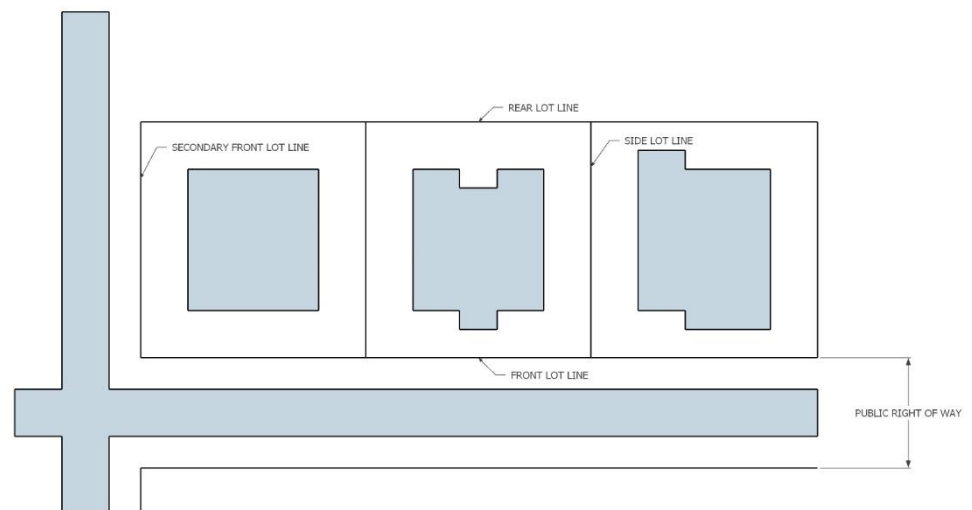
LOT COVERAGE - A part or percent of a lot occupied by buildings or structures.

LOT DEPTH - The arithmetic mean of the shortest and longest distances from the front lot line to the rear lot line

LOT LINE, FRONT - In the case of an interior lot, abutting upon one (1) public or private street, the front lot line shall mean the line separating such lot from such right of way.

LOT LINE, REAR - That lot line which is opposite and most distant from the front lot line. In the case of an irregular or triangular shaped lot, a line at least ten (10) feet in length, entirely within the lot, and generally parallel to and most distant from the front lot line.

LOT LINE, SIDE - Any lot line not a front or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.



LOT LINE, CORNER - In the case of a corner lot, both sides of the property which border a public-right-of-way shall be considered as front lot lines.

LOT OF RECORD - A lot whose legal description is recorded in the office of the Register of Deeds for the County of Wexford, State of Michigan, as a part of a plat or subdivision or by metes and bounds or by rectangular survey.

LOT WIDTH - The horizontal distance between side lot lines measured parallel to the front lot line at the front setback line.

MANUFACTURED HOME - A home, residential building, dwelling unit, dwelling room or rooms, or a building component which is designed for long term residential use and is wholly or substantially constructed at an off-site location, transported to a site and erected.

MOTEL - One or a group of attached or detached or semidetached buildings containing guest rooms or units for rent or hire, which are designed and used primarily for the accommodation of transient automobile travelers.

MANUFACTURED HOUSING COMMUNITY - A parcel or tract of land under the control of a person upon which 3 or more manufactured homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home.

MINI CABINS AND COTTAGES - A type of dwelling that is smaller in square footage than otherwise allowed in this Ordinance.

MODULAR HOMES - Any structure used as a dwelling that has been pre-assembled -and put together in sections and which meets or complies with the requirements of the State Construction Code Group R-3, and requires a permanent foundation as opposed to piers, blocks, wheels, skids, jacks, horses or skirting, said foundation thereby supporting load bearing walls.

NATURAL VEGETATIVE STRIP - A strip of land with natural vegetation twenty-five feet in depth landward from the Ordinary High Water Mark, placed so as to be parallel to the body of water.

NON-CONFORMING BUILDING OR STRUCTURE - A building or structure lawfully existing on the effective date of this Ordinance, or amendments thereto, which does not conform to the regulations of the zoning district in which it is located, pertaining to minimum lot area, minimum lot width, minimum residential floor area, required yards or maximum building height.

NON-CONFORMING USES - A lawful use of a building, structure or land lawfully in existence on the effective date of this Ordinance, or amendments thereto, which no longer conforms to the use regulations of the zoning district in which it is located.

OFFICE - A room, suite of rooms, or building in which services, clerical work, professional duties or the like, are carried out

ORDINARY HIGH WATER MARK - The line between upland and bottomland that persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation.

OUTDOOR WOOD FURNACE - Also known as an outdoor wood-fired boiler, outdoor wood-burning appliance, or hydronic heater, means a fuel-burning device that is designed to burn clean wood or other approved solid fuels and is not located within a dwelling; and heats building space and/or water through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of

water and antifreeze. This definition does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

PARKS AND PLAYGROUNDS, PUBLIC OR PRIVATE - Includes parks, playgrounds and other outdoor recreation facilities which are less than five (5) acres in size.

PREEXISTING TOWERS / ANTENNAS - Any tower or antenna for which a permit has been properly issued prior to the effective date of this ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

PRIVATELY OWNED UTILITIES - Defines those utilities which are owned and operated by private industry. Examples include cellular phone towers and television and radio transmitters.

PROFESSIONAL SERVICE BUSINESS - Includes doctor's offices, dentist offices, real estate offices, chiropractors, optometric services, attorneys and other similar professional services.

RECREATIONAL FACILITY, INDOOR - Commercial recreational facility which is located entirely within an enclosed building. Included in this definition would be bowling alleys, indoor golf ranges, indoor pistol firing ranges, movie theaters and other similar facilities.

RECREATIONAL FACILITY, OUTDOOR - Includes commercial recreational facilities which are either entirely or partially conducted outdoors. Accessory structures, such as refreshment stands and ticket or broadcast booths will be considered part of the facility. This definition includes, but is not limited to, the following: golf courses, miniature golf, Go-kart tracks, amusement parks, and parks and playgrounds larger than five-acre in size.

RECREATIONAL VEHICLE - A licensed vehicle designed to be used primarily for recreation purposes, including but not limited to temporary sleeping quarters and/or cooking facilities, or a unit designed to be attached to a vehicle and used for such purposes. This definition shall include self-propelled motor homes, travel trailers and pick-up campers provided that such vehicle or unit does not exceed forty (40) feet in length.

RECREATIONAL VEHICLE PARK - A parcel of land, licensed by the Health Department, on which two or more recreational vehicles are placed for a period of more than six months out of one calendar year.

RECYCLE FACILITY - A designated location where solid waste is collected in containers and hauled to other locations for disposal or reuse. Facilities which process and/or remanufacture recycled materials may also be included in this definition.

RESIDENTIAL ZONES - A general term referring to any zoning district which allows single family residences as a permitted use.

RETAIL ESTABLISHMENT - See Commercial Enterprise

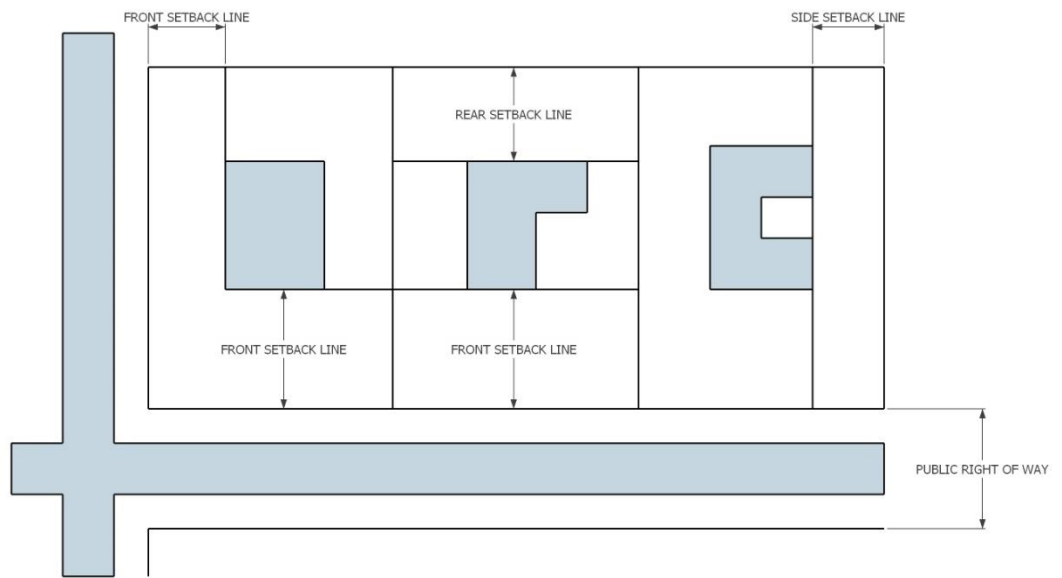
ROADSIDE STAND - A temporary open-air stand or place for the seasonal selling of agricultural produce or a product of a similar nature. A roadside stand is portable and capable of being dismantled or removed from the sales site.

ROAD - A public thoroughfare which affords the principal means of access to abutting property. Also called street or highway.

ROAD, PRIVATE – A path, trail, road, driveway or street which provides or is intended to provide the primary means of access to three or more buildings, dwellings or parcels of land. A private road may be established by easement, right-of-way agreement or other written instrument, or by prescription or other rights of use.

SCREEN - A planting of vegetation or fence which effectively blocks the view of certain land uses from neighboring properties.

SETBACK - A horizontal distance measured from all points along a lot line, which describes an area within which no building or structure may be placed, except in conformance with this Ordinance.



SEXUALLY ORIENTED BUSINESS—Any of the uses defined in this Article of this Ordinance as an adult bookstore, adult video store, adult live entertainment establishment, adult motion picture theatre, adult mini motion picture theater or adult paraphernalia/novelty store, or any establishment which advertises or holds itself out to the public (on signs, publications, television, radio and/or other media forms) as being for the use or benefit solely of adults because of its products or services with an emphasis on, or associated with, specified anatomical areas and/or specified sexual activities, even if only a portion of the establishment is dedicated to one or more of the activities listed herein.

SHORT TERM RENTAL – A dwelling unit, or portions thereof, that is available for use or is used for accommodations or lodging of guests, paying a fee or other compensation, for a period of less than 28 days at a time when the owner of the dwelling does not reside at the dwelling during the rental period.

SIGN - A sign is the use of any words, numerals, figures, devices, designs, or trademarks which constitute a name, identification, description, display, or illustration which is affixed or applied to or represented directly or indirectly upon a building structure, or zoning lot, and which directs attention to an object, product, service, activity, person, institution, organization, or business.

SIGN, CANOPY - A sign which is incorporated into the fabric or material of a canopy. Said canopy being attached to exterior wall or surface of a building. A canopy sign shall be considered a wall sign for purposes of determining sign area. In determining said area, only that portion of the canopy containing lettering or message shall be used as a basis for computation.

SIGN, COMMERCIAL - A sign intended to attract patronage to a specific business establishment or collection of such establishments.

SIGN, CONVERTIBLE - A sign designed to allow frequent changes to the text. Examples are signs which provide gasoline pricing, limited time sales or changed hours of business.

SIGN, DIRECTIONAL - A sign directing and guiding vehicular or pedestrian traffic or parking, but bearing no advertising matter except for the "logo" of the business for which the directional signs are associated.

SIGN, FLASHING - Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity or color at all times while in use.

SIGN, FREESTANDING - A sign supported by one or more uprights, braces or pylons located in or upon the ground or to something requiring location on the ground. Freestanding signs are commonly referred to as "pole" signs. Freestanding signs include billboards.

SIGN, GROUND - A freestanding sign of limited height firmly attached to the ground throughout its base or supported by one or more uprights or braces which are typically less than two (2) feet in height when measured from the ground surface to the base of the sign. Ground signs are also commonly referred to as monument signs.

SIGN, PORTABLE - Any sign so construed as to be readily movable from one location to another and not permanently affixed to a building or the ground. Portable signs include "trailer" signs.

SIGN, AREA - The area of a sign shall be computed as the entire area circumscribed by a parallelogram, triangle, circle, or semi-circle, or any combination of these figures, which includes all of the display area of the sign including frames surrounding display areas. For signs which consist of individual letters attached or painted on the wall of a building, with only the wall as background and no added decoration or border, the sign area shall be the geometrical shape formed by an imaginary line along the exterior perimeter of the work, or words as a whole. For purposes of computing sign area, only one side of a sign shall be used.

SIGN, TEMPORARY - Any sign which is used to promote or identify a temporary use or event which is seasonal in nature. Examples include real estate signs, garage sale signs and political campaign signs. For the purposes of this ordinance, a temporary sign shall not be displayed more than 30 days.

SIGN, WALL - A sign attached to or placed flat against the exterior wall or surface of any building, no portion of which projects more than eighteen (18) inches from the wall, but which may or may not project above the roof or parapet. (See also canopy sign.)

SPECIAL USE - A land use which may be permitted in a specified zoning district only after review and approval by the Planning Commission as outlined in this Ordinance (ARTICLE 6).

SPECIFIED SEXUAL ACTIVITIES - Means and includes any of the following:

- 1) The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts;
- 2) Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy;
- 3) Masturbation, actual or simulated;
- 4) The display of human genitals in a state of sexual stimulation, or arousal or tumescence; or
- 5) Excretory functions as part of or in connection with any of the activities set forth in subdivisions (1) through (4) of this subsection.

SPECIFIED ANATOMICAL AREAS - Means human genitals less than completely or opaquely covered including the pubic region, buttocks, or anus or female breasts below immediately above the top of the areolae; or human male genitals in a discernable state of tumescence, even if opaquely covered.

STANDARD CONSTRUCTION - Construction which meets or exceeds the minimum standards provided in the State Construction Code, as administered by Wexford County.

STORAGE AREA - An enclosed space, either attached or unattached to the primary use building, which is used for the storage of items customary to the principal land use.

STRUCTURE - Any production or piece of work artificially built up or composed of parts joined together in some definite manner, including, but not limited to buildings, radio and television towers, sheds, signs and storage bins.

SUBSTANTIAL OR SIGNIFICANT PORTION - Means a business or establishment or establishment which has:

- 1) Thirty-five percent or more of its stock, materials, or services provided relating to or describing “specified sexual activities”, and/or “specified anatomical areas”, and/or
- 2) Thirty-five percent or more of the usable floor area of the building is used for the sale display, or provision of services describing or relating to specified sexual activities, specified anatomical areas, or both; and/or
- 3) The advertising (on signs, in publications, on television or radio and/or other media forms) associated with the business or establishment, describes or relates to “specified sexual activities” and/or “specified anatomical areas”.

TOWER - Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, and similar communication purposes including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

TOWER, HEIGHT - The distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

TOWER PARK - An area where multiple towers may be approved, by the Planning Commission, to be clustered, subject to engineering limitations.

TRANSFER OF OWNERSHIP OR CONTROL OF A SEXUALLY ORIENTED BUSINESS - Means and includes any of the following:

- 1) The sale, lease, or sublease of the business establishment;
- 2) The transfer of securities which constitute a controlling interest in the business or establishment, whether by sale, exchange or similar means;
- 3) The establishment of a trust, management arrangement, gift or other similar legal device which transfer ownership or control of the business, except for transfer by bequest or other operation of law upon the death of a person possessing the ownership of control.

TRANSITIONAL HOUSING – A supportive – yet temporary – type of accommodation that is meant to bridge the gap from homelessness to permanent housing by offering structure, supervision, support (for addictions and mental health, for instance), life skills, and in some cases, education and training.

UNDEVELOPED STATE - Undeveloped state means a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children’s play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.

VARIANCE - An authorization by the Zoning Appeal Board to a property owner to depart from the dimensional requirements of this Ordinance in cases where strict interpretation would cause practical difficulty or undue hardship and where the property cannot reasonably be used in a manner consistent with the Ordinance.

VEHICLE SALES - This definition shall identify establishments dealing in" the sales of motorized or wind-driven vehicles, including new or used automobiles, recreation vehicles and boats.

WETLAND - Wetlands are lands characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances do support, wetland vegetation or aquatic life and are commonly referred to as a bog, swamp, or marsh.

YARD - A space open to the sky and unoccupied or unobstructed, except by encroachments specifically permitted by this Ordinance, on the same lot with a building or structure. A required yard is measured between the applicable lot line and the nearest foundation line of a building or structure.

YARD, FRONT - A yard extending across the full width of the lot, the depth of which is the distance between the front lot line and foundation line of the building or structure. In the case of a lakefront lot, the yard on the lake side shall be the front yard.

YARD, REAR - A yard extending across the full width of the lot, the depth of which is the distance between the rear lot line and rear foundation line of the main building. In the case of a lakefront lot, the yard on the non-lake side shall be the rear yard.

YARD, SIDE - A yard between the foundation line of the main building and the side lot line extending from the front yard to the rear yard.

ZONING ACT - Michigan Zoning Enabling Act 110 of 2006, as amended.

ZONING DISTRICTS - The division and classification of property within the Township for the purpose of determining appropriate land uses.

