

Kawkawlin Township Zoning Ordinance



Kawkawlin Township, Bay County

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Article I ■ In General

Section 100 - Title

This Ordinance shall be known and may be cited as the KAWKAWLIN TOWNSHIP ZONING ORDINANCE.

Section 101 - Purpose

This chapter's provisions are established pursuant to the authority conferred by the Michigan Zoning Enabling Act, [PA 110 of 2006](#), as amended, the purpose of a zoning ordinance is to:

1. Promote public health, safety, and general welfare.
2. Encourage the use of lands in accordance with their character and adaptability, and to limit the improper use of land.
3. Conserve natural resources and energy.
4. Meet the needs of residents for food, fiber, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land.
5. Insure that uses of land are situated in appropriate locations and relationships.
6. Avoid the overcrowding of population.
7. Provide adequate light and air.
8. Lessen congestion on public roads and streets.
9. Reduce hazards to life and property.

10. Facilitate adequate provisions for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation, and other public requirements.
11. Conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources, and properties.

The zoning ordinance shall be made with reasonable consideration, among other things, to the character of each district; its peculiar suitability for particular uses; the conservation of property values and natural resources; and the general and appropriate trend and character of land, building, and population development.

Section 102 - Rules of Construction

The following rules of construction apply to the text of this chapter:

1. The particular shall control the general.
2. In the case of any difference of meaning or implication between the text of this chapter and any caption or illustration the text shall control.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. A building or structure includes any part thereof.

6. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
7. The word "person" includes an individual, a corporation, a partnership, an incorporated association or any other similar entity.
8. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and," "or," "either . . . or," the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
 - c. "Either . . . or" indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.
9. Terms not defined in **Article II** shall have the meaning customarily assigned to them.
10. "Township" shall refer specifically to the Township of Kawkawlin.

Section 103 - Vested Rights

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

Section 104 - Severance Clause

Sections of this chapter shall be deemed to be severable and should any section, paragraph or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this chapter as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 105 - Effective Date

A public hearing having been held, the provisions of this chapter are hereby given immediate effect, pursuant to the provisions of the Michigan Enabling Zoning Act, [PA 110 of 2006](#), as amended.

Article II ■ Definitions

1. **Accessory Building, Structure or Use:** A subordinate building or structure on the same lot as the main building occupied by or devoted exclusively to an accessory use, but not for dwelling, lodging, or sleeping purposes. Where an accessory building is within ten (10') feet of the principle structure, the accessory building shall be considered a part of the main building. Examples of an accessory structure are a garage, carport, shed, pole barn, or other similar use naturally and normally incidental and subordinate to the main use of the land or building.

2. **Adult Entertainment Business:** A business or commercial enterprise engaging in any of the following:

a. **Adult Arcade:** Any place to which the public is permitted or invited where coin operated or slug-operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by depicting or describing Specified Sexual Activities or Specified Anatomical Areas.

b. **Adult Bookstore or Adult Video Store:** A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration one or more of the following:

i. Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or

video reproductions, slides or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or

ii. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it comprises thirty-five percent (35%) or more of sales volume or occupies thirty-five percent (35%) or more of the floor area or visible inventory within the establishment.

c. **Adult Cabaret:** A nightclub, bar, restaurant, or similar commercial establishment that regularly features:

i. Persons who appear in a state of nudity;

ii. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;

iii. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified

Sexual Activities or Specified Anatomical Areas; or

- iv. Persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience of customers.

d. **Adult Motel:** A hotel, motel or similar commercial establishment that:

- i. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right of way that advertises the availability of any of the above;
- ii. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
- iii. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.

e. **Adult Motion Picture Theater:** A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media that are characterized by depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

f. **Adult Theater:** A theater, concert hall, auditorium, or similar

commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.

g. **Specified Anatomical Areas:** Are defined as:

- i. Less than completely and opaquely covered human genitals, pubic regions, buttocks, anus, and female breast below a point immediately above the top of the areola; and
- ii. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

h. **Specified Sexual Activities:** Means and includes any of the following:

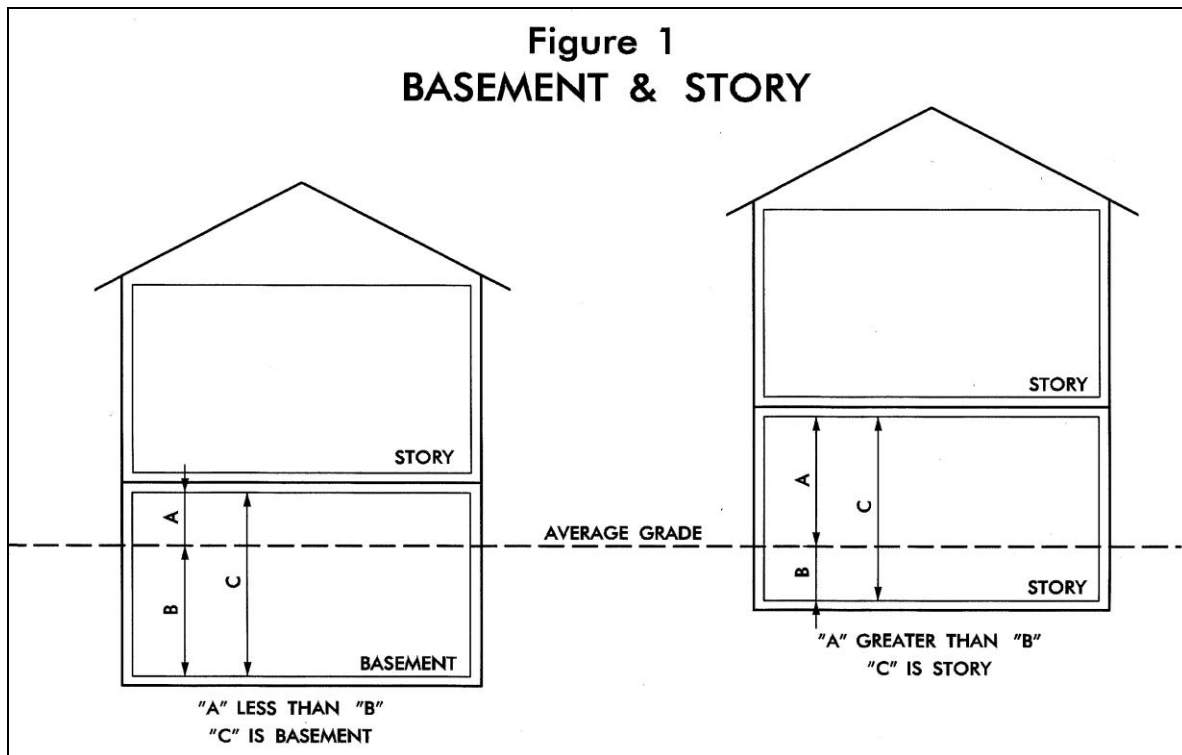
- i. The fondling or other erotic touching of human genitals, pubic regions, buttocks or female breast;
- ii. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- iii. Masturbation, actual or simulated; or
- iv. Excretory functions as part of or in connection with any of the activities set forth in (i) through (iii) above.

3. **Agriculture:** The use of land as a "Farm" or "Farm Operation" as defined in the [Michigan Right to Farm Act, Public Act 93 of 1981](#), as amended.

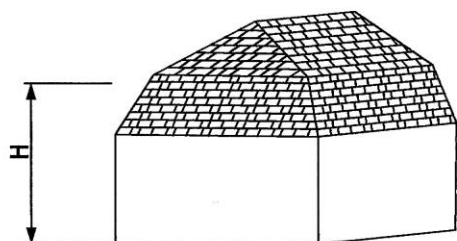
4. **Airport:** A parcel of land and accommodating service and/or storage buildings utilized for airplane traffic. An airport may include taxi

- strips, parking aprons, necessary weather indicators and appropriate lighting.
5. **Alley:** A public way which affords a secondary means of access to abutting property but is not intended for general traffic circulation.
 6. **Alterations:** Any change, addition or modification in construction or type of use of occupancy; any change in the supporting structural members of a building, such as walls, partitions, columns, beams, girders, or any change which may be referred to as "altered" or "reconstructed."
 7. **Animal Auction and Production Yards:** See the [Michigan Generally Accepted Agricultural Management Practices](#).
 8. **Architectural Features:** Architectural features of a building shall include cornices, eaves, gutters, courses, sills, lintels, bay windows, chimneys and decorative ornaments.
 9. **Automobile Repair:** Any major activity involving the general repair, rebuilding, or reconditioning of motor vehicles or engines; collision repair, such as body, frame, or fender straightening and repair; overall painting and vehicle rust-proofing; refinishing or steam cleaning; salvage or storage facility.
 10. **Automobile Sales Area:** Any space used for display, sale or rental of motor vehicles, in new or used and operable condition.
 11. **Automobile Wash Establishment:** A building, or portions thereof, the primary purpose of which is that of washing motor vehicles.
 12. **Average:** For the purpose of this Ordinance, the term, "average" will be an arithmetic mean.
 13. **Bar:** A building or portion thereof where liquors are sold to be consumed on the premises, but not including restaurants where the principal business is serving food.
 14. **Basement:** At least two sides of a building which are partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story (see **Figure 1**).
 15. **Bed and Breakfast Facility:** Any family occupied dwelling used as a bed and breakfast facility as defined in Section 4b of [Michigan Public Act 230 of 1972](#), as amended.
 16. **Bedroom:** A dwelling room used or intended to be used by human beings for sleeping purposes.
 17. **Billboard:** A piece of construction upon which a sign or advertisement is displayed for the purpose of informing the general public, but not including bulletin boards used to display official court or public office notices (see also **Sign definition**).
 18. **Board of Appeals:** As used in this Ordinance, this term means the Kawkawlin Township Zoning Board of Appeals.
 19. **Boarding, Lodging, or Rooming House:** A building other than a hotel where for more than twenty (20) days a year lodging, meals, or both are offered to more than three (3), but less than twenty-one (21) persons at a time for compensation.
 20. **Boat and/or Canoe Livery and Boat Yard:** A place where boats and/or canoes are stored, rented, sold, repaired, decked and serviced.

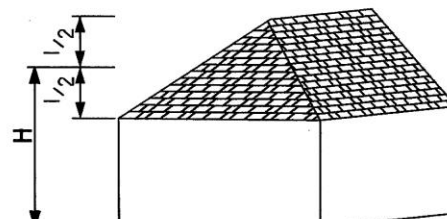
21. **Buffer Strip:** See **Greenbelt definition.**
22. **Building:** Any structure having a roof supported by columns or walls for the shelter or enclosure of persons, animals, or property of any kind.
23. **Buildable Area:** The buildable area of a lot is the space remaining after the minimum setback and open space requirements of this Ordinance have been complied with.
24. **Buildable Width:** The width of a lot left for building after required side yards are provided.
25. **Building Height:** The building height is the vertical distance measured from the established grade to the highest point of the roof surface if a flat roof; to the deck of a mansard roofs; and to the mean height level between eaves and ridge of gable, hip and gambrel roofs. When the terrain is sloping the ground level is measured at the average wall line (see **Figure 2**).
26. **Bulk Station:** A place where crude petroleum, gasoline, naptha, benzyl, kerosene, benzene, or any other liquid are stored for wholesale purpose, where the aggregate capacity of all storage tanks is more than six thousand (6,000) gallons



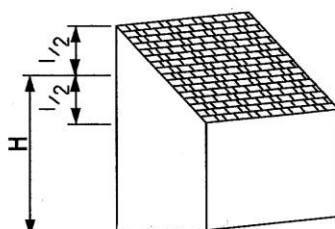
**Figure 2
BUILDING HEIGHT**



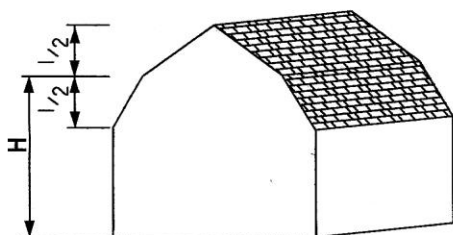
MANSARD ROOF



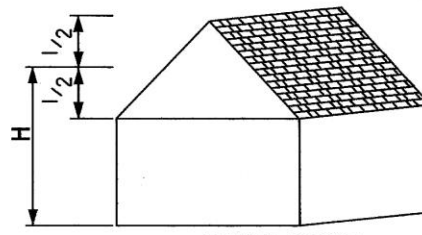
HIP ROOF



SHED OR SALT BOX ROOF



GAMBREL ROOF



GABLE ROOF

27. **Campgrounds:** Any parcel or tract of land, under the control of any person where sites are offered for the use of the public or members of an organization, either free of charge or for a fee for the establishment of temporary living quarters for five (5) or more recreational units.

28. **Child Care Organization:** Means a facility for the care of children under 18 years of age, as licensed and regulated by the State under [Act 116 of the Public Acts of Michigan of 1973](#) (MCL 722.111 et seq., MSA 25.358 (11) et seq.), as amended, and associated rules promulgated by the State Department of Consumer and Industry Services. Such organizations shall be further defined as follows:

- a. **Family day care home** means a private home in which one but less than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Family day care homes include homes that give care to an unrelated minor child for more than four weeks during a calendar year.
- b. **Group day care home** means a private home in which more than six, but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except

children related to an adult member of the family by blood, marriage or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year.

29. **Cemetery:** Any publicly or privately owned place for the interment of human or pet remains.
30. **Church/Religious Institution:** A building wherein people regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such principal purpose.
31. **Clinic:** A building or group of buildings where human patients are admitted for examination and treatment by more than one professional, such as a physician, dentist, or the like, except that human patients are not lodged overnight.
32. **Club:** Buildings and facilities owned or operated by corporation, association, person or persons, for social, educational, or recreational purposes.
33. **Convalescent or Nursing Home or Senior Assisted Living Home:** A home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders and who require continuous nursing care and supervision. Said home shall conform and qualify for license under State law.
34. **Drive-Through Business:** Any restaurant, bank or business with an auto service window.
35. **Dry Cleaner/Laundry:** An establishment that cleans clothes or other fabrics through a process that

uses solvents and specialized equipment instead of using water.

36. **Dwelling Unit:** A building or portion of a building, either site-built or pre-manufactured, that has sleeping, living, cooking and sanitary facilities and can accommodate one (1) family, either permanently or transiently. In the case of buildings that are occupied in part, the portion occupied shall be considered a dwelling unit, provided it is in conformance with the criteria for dwellings. In no case shall any side of a dwelling unit be less than twenty (20) feet in width. In no case shall a travel trailer, truck, bus, motor home, tent or other such portable structures be considered a dwelling unit.
 - a. **Single-Family Dwelling:** A detached building containing not more than one (1) dwelling unit designed for residential use and conforming in all other respects to the standards set forth in Dwelling Unit.
 - b. **Two-Family Dwelling:** A building containing not more than two (2) separate dwelling units designed for residential use and conforming in all other respects to the standards set forth in Dwelling Unit.
 - c. **Multiple-Family Dwelling:** A building containing three (3) or more dwelling units designed for residential use and conforming in all other respects to the standards set forth in Dwelling Unit.
37. **Efficiency Unit:** A dwelling unit for one individual or small family consisting of one (1) room, exclusive of bathroom, hallway, closets, and the like providing not less than three hundred and fifty (350) square feet of usable floor area.
38. **Erected:** Includes built, constructed, reconstructed, extension,

enlargement, moved upon, or any physical operation on the premises intended or required for a building or structure. Excavation, fill, drainage, and general land improvements that are not required for a building or structure, shall not be considered to fall within this definition.

39. **Essential Services:** The phrase "essential services" means the erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, supply or disposal systems, including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, poles, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment. Telecommunication towers or facilities, alternative tower structures, water towers, wireless communication antennas, electric transmission towers, water or sewage treatment plants, electric substations, gas regulator stations, and other major public utility structures are not included within this definition.
40. **Excavating:** The removal of sand, stone, gravel, or soil.
41. **Family:** A group of two or more persons related by blood, marriage, or adoption, including foster children, together with not more than one additional person not related by blood, marriage, or adoption living together

as a single housekeeping unit in a dwelling unit.

42. **Farm:** All of the contiguous neighboring or associated land operated as a single unit on which legitimate agriculture as defined by the [Michigan Right to Farm Act, Public Act 93 of 1981](#), as amended, is carried on directly by the owner-operator, manager, or tenant-farmer by his own labor or with the assistance of members of his household or hired employees.
43. **Farm Machinery Sales and Service:** A business that provides farm and similar equipment for rent or sale to the general public or contractors for a limited period of time. Used equipment and a limited proportion (up to 10%) of new items in the inventory of the business may be advertised for sale.
44. **Farming:** The use of land for tilling of the soil, raising of tree or field crops, or animal husbandry, as a source of significant income. See Generally Accepted Agricultural Management Practices ([GAAMPs](#)).
45. **Fence:** Any permanent or temporary means, partition, structure or gate erected as a dividing structure, barrier, or enclosure, and not part of a structure requiring a building permit.
46. **Filling:** The depositing or dumping of any matter onto, or into the ground, except common gardening and ground care.
47. **Garage or Pole Barn-Private:** A building used primarily for the storage of vehicles, boats, and domestic animals for the use of the occupants of a lot on which such building is located.
48. **Garage-Public:** A building, or part thereof, designed or used for equipping, servicing, repairing, hiring,

storing, or parking motor vehicles. The term repairing does not include the rebuilding, dismantling or storage of wrecked or junked vehicles.

49. **Garage Sale/Yard Sale/Rummage Sale/Flea Market:** The outdoor sale or offering for sale to the general public of over five items of property on any portion of a lot.

50. **Gas and Oil Processing Facilities:** Any facility and/or structure used for, or in connection with, the production, processing or transmitting of natural gas, oil, or allied products or substances, and the injection of same into the ground for storage or disposal, not under the exclusive jurisdiction or control of the Geological Survey Division, Department of Environmental Quality or Public Service Commission; not including industrial facilities such as cracking plants, large oil storage facilities and heavy industrial operations and facilities.

51. **Gasoline Service Station:** Any land, building or structure used for sale or retail of motor vehicle fuels, oils, or accessories, or installing or repairing parts and accessories, but not including repairing or replacing of motors, doors, or fenders, or painting motor vehicles.

52. **Golf Course:** A tract of land for playing golf, improved with trees, greens, fairways, hazards, and which may include clubhouses or shelters.

53. **Grade:** The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

To calculate average grade for an uneven grade lot, use the following equation:

$$AG = (G1 + G2 + G3 + G4) / 4$$

AG = Average grade for the lot

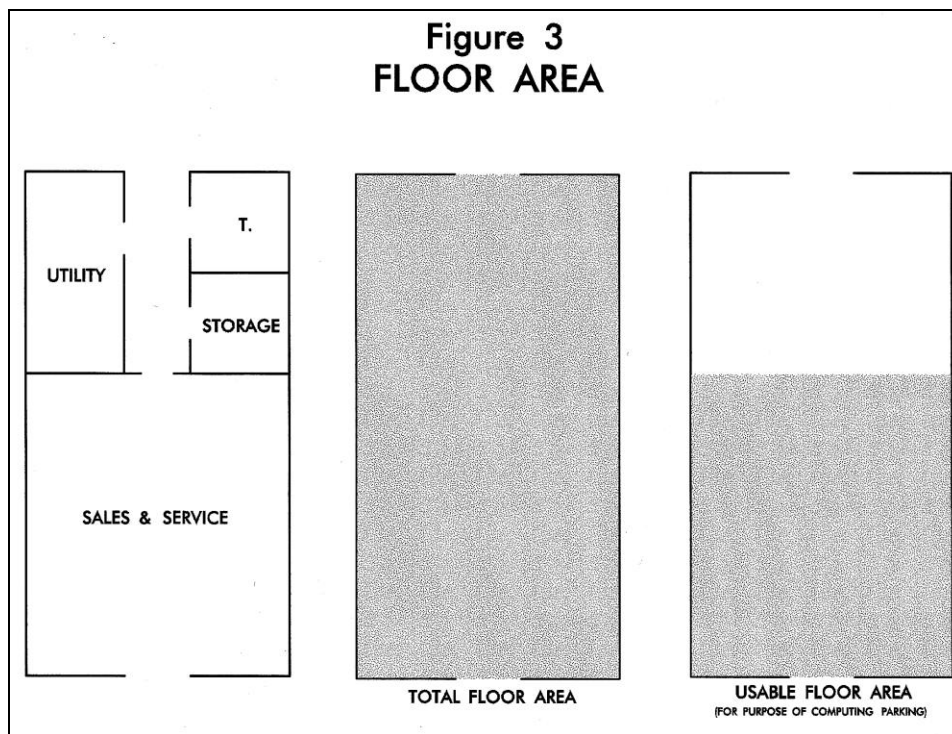
G1 = Average grade for side 1

G2 = Average grade for side 2

G3 = Average grade for side 3

G4 = Average grade for side 4

54. **Greenbelt:** A strip of land of definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen or buffer area in carrying out the requirements of this Ordinance.
55. **Ground Floor Area:** The square footage of floor space measured from exterior to exterior wall, but not including enclosed and unenclosed porches, breezeways, garages, attic, and basement (see **Figure 3**).



56. **Hazardous Substances:** Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental to the health of any person handling or otherwise coming into contact with such material or substance.

57. **Home Occupation:** An occupation, profession, activity, or use that is clearly an incidental or secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.

58. **Hospital:** An institution providing health services, primarily for in-patients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities, clinics and staff offices.

59. **Hotel or Motel:** A building occupied or used as a predominantly temporary residence by individuals or groups of individuals, with or without meals, and in which building there are more than five (5) sleeping rooms and in which rooms there is no provision for cooking.

60. **Incinerator:** A device used to burn waste substances and in which all the combustion factors, temperature, retention, time, turbulence and combustion air can be controlled.

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

62. **Intensive Livestock Operation:** Any farm or farm operation engaged in raising, breeding, or feeding beef or

dairy cattle, horses, swine, sheep, goats, poultry/fowl, turkeys/ducks, or other livestock in concentrations of 500 or more animal units, including any buildings, structures, excavations, or enclosed areas directly involved therein, including land used for pasture or feedlot purposes, and any animal waste storage structures, excavations, or areas directly connected to or associated with such operations.

For purposes of this Ordinance, an animal unit shall be construed as a unit of measure used to compare relative differences in the manure, pollutants, nutrients, etc., production characteristics of animal wastes, with the following equivalencies applicable to various animals.

<u>Species</u>	<u>Animal Unit</u>
Slaughter and Feeder Cattle	1.0
Mature Dairy Cattle	1.4
Horses	2.0
Swine weighing over 55 lb.	0.4
Sheep/Goats	0.1
Turkeys	0.02
Chickens w/overflow watering	0.01
Chickens with liquid manure system	0.03
Ducks	0.2

The equivalency for types of livestock not specifically listed above shall be stated as equivalency for the type of animal which is most similar in terms of characteristics of animal wastes, as determined, if necessary, by the Board of Appeals.

63. **Junkyard:** The use of premises or building for storage or abandonment, keeping, collecting, baling, of inoperable automobiles, trucks, tractors and other such vehicles and parts thereof, scrap building materials, scrap contractor's equipment, tanks, cases, barrels, boxes, piping, bottles, drums, glass, rags, machinery, scrap

iron, paper and any other kind of scrap or waste material.

64. **Kennel, Commercial:** Any lot or premises on which four (4) or more dogs or cats, four (4) months of age or older are kept temporarily or permanently for the purpose of breeding or boarding for a fee.

65. **Key Hole Development (Funneling):** Three or more non-riparian property owners having access to or right-of-way to the water's edge or having dock privileges.

63. Laboratory:

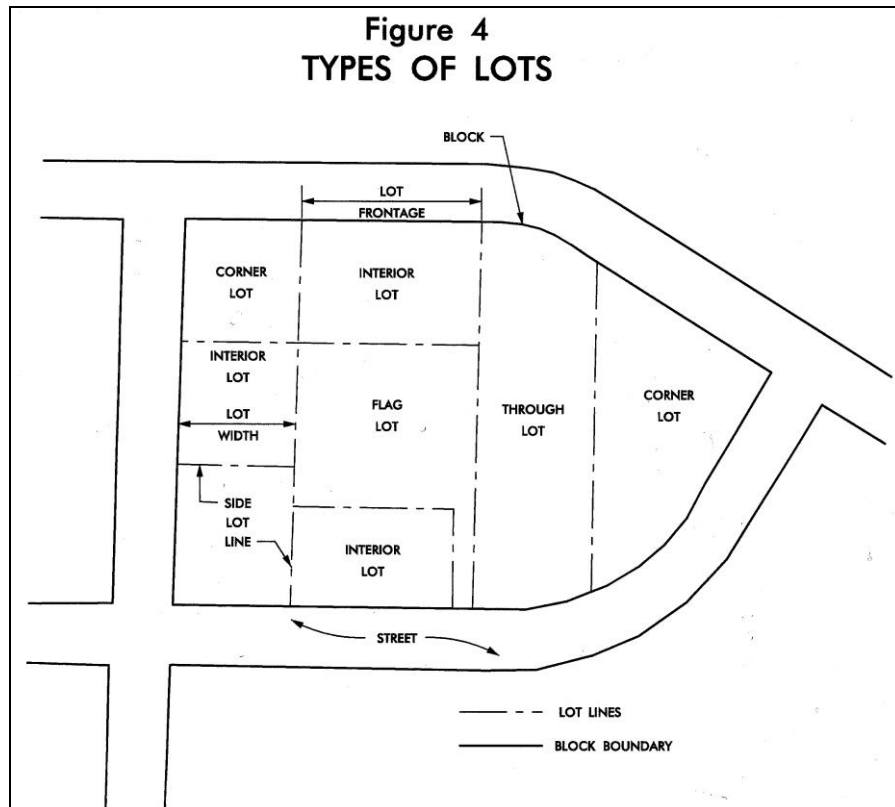
- a) Medical or dental: A laboratory that provides analytical or diagnostic services to physicians and dentists. No fabrication is conducted on the premises except the custom fabrication of dentures or surgical supports.
- b) Experimental: A building or part of a building devoted to the testing and analysis of any product or animal.

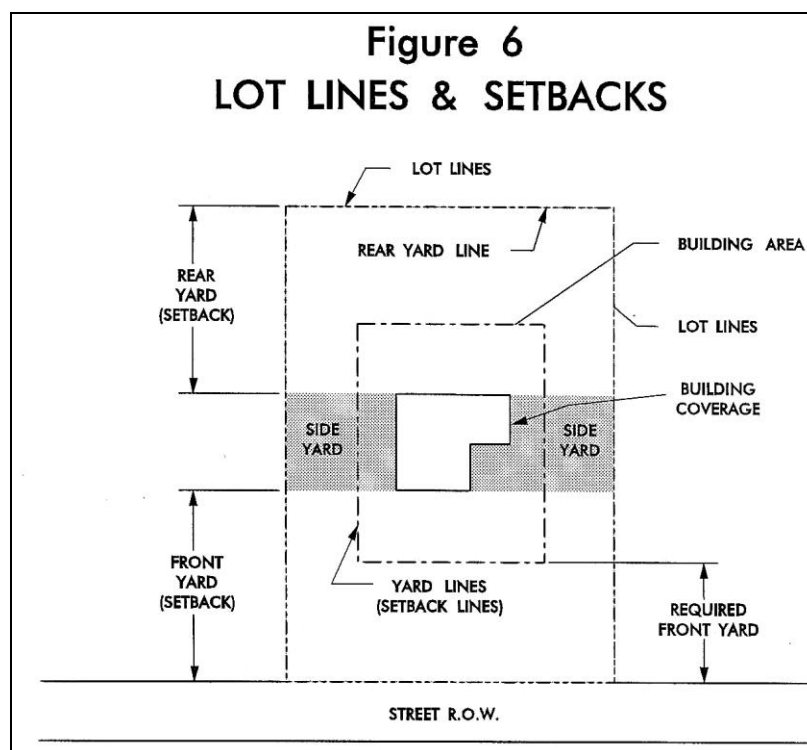
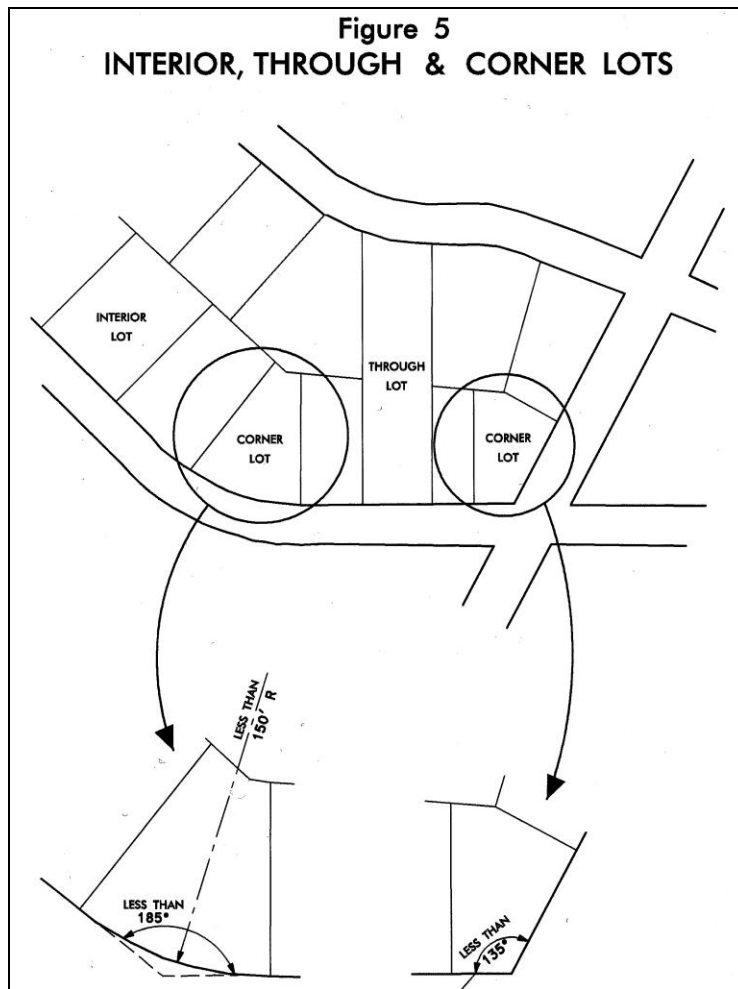
64. **Landfill:** The disposal of waste materials by burying said materials and providing a level cover of soil harmonious with existing drainage and sufficient to control odors, rodents, insect nuisances and other hazards, provided that such material shall neither be disposed of nor prepared for disposal by burning on the site.

65. **Loading Space:** An off-street space on the same lot with a building or group of buildings, for temporary parking for a commercial vehicle while loading or unloading merchandise or materials. Off-street loading space is not to be included as off-street parking space in computation of required off-street parking.

66. **Lot:** The parcel of land occupied or to be occupied by a use or building and its accessory buildings or structures together with such open spaces, minimum area, and width required by this Ordinance for the district in which located, but not including any area within any abutting right-of-way or traffic lane (see **Figure 4**).
- a. **Corner Lot:** A lot located at the intersection of two streets or a lot bounded on two sides by a curving street, any two (2) sides of which form an angle of one hundred thirty-five (135) degrees or less (see **Figure 5**).
 - b. **Front Lot Line:** In the case of an interior lot abutting upon one public or private street, the front lot line shall be the line separating such lot from the street right-of-way. In the case of a corner lot, the front lot lines shall be the lines separating said lot from both streets. In case of a row of double frontage lots, one street shall be designated as the front street for all lots in the plat and in the request for zoning permit. If there are existing structures in the same block fronting on one (1) or both of the streets, the required front yard setback shall be observed on those streets where such structures presently front. In the case of a lot having frontage upon a lake, river, or stream, the water frontage shall be considered the front lot line (see **Figure 6**).
 - c. **Interior Lot:** A lot other than a corner lot with only one (1) lot line fronting on a street.
 - d. **Lot Coverage:** The part or percent of the lot occupied by buildings or structures including accessory buildings or structures.
 - e. **Lot Depth:** The horizontal distance between front and rear lot lines, measured along the median between side lot lines.
 - f. **Lot of Premises:** The parcel of land occupied or to be occupied by a use or building and its accessory buildings or structures together with such open spaces, minimum area, and width required by this Ordinance for the district in which located, but not including any area within any abutting right-of-way or traffic lane.
 - g. **Lot of Record:** A parcel of land defined by a legal description and recorded in the office of the Bay County Register of Deeds on or before the effective date of this Ordinance.
 - h. **Lot Width:** The horizontal distance between the side lot lines, measured at the two (2) points where the building setback line intersects the side lot line.
 - i. **Rear Lot Line:** The lot line being opposite the front lot line. In the case of a lot irregularly shaped at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.
 - j. **Side Lot Line:** Any lot line not a front lot line or a 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.
 - k. **Through Lot:** A lot other than a corner lot having frontage on two (2) more or less parallel streets.

- l. **Waterfront Lot:** A lot having frontage directly upon a river, stream, or a natural or man-made lake. The portion adjacent to the water is considered the front of the lot.
- m. **Zoning Lot:** A contiguous tract of land which at the time of filing for a zoning permit is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership.





67. **Lumber Yard:** A commercial or wholesale facility where building materials are sold and where lumber and other construction materials are warehoused within an enclosed yard or building.
68. **Manufactured Home:** Factory-built single-family structure that is manufactured under the authority of [42 U.S.C., Sections 5401 to 5426 \(National Manufactured Home Construction and Safety Standards Act 1974\)](#), is transportable in more than one section, is built on a permanent chassis and does not have hitch, axles, or wheels permanently attached to the body frame.
69. **Manufacturing:** The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing. The manufacturing or compounding process of raw materials. These activities or processes would necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. These activities may involve outdoor operations as part of their manufacturing process.
70. **Marina:** A facility which extends into or over a river, canal, Saginaw Bay, Lake Huron or waterway in the Township and provides docking for four or more recreational watercraft for personal use of the owner/occupant of the waterfront property; or, a facility owned and operated by a person which extends into or over a river, canal or waterway in the Township and offers service to the public or members of the Marina for docking and loading of recreational watercraft. Marinas may include accessory facilities repair and fueling facilities, boat clubs and docks.
71. **Massage Establishment:** Any establishment where massages are administered for pay, including, but not limited to, massage parlors, health clubs, sauna baths, and steam baths. This definition shall not be construed to include hospital, nursing home, medical clinic, or the office(s) of a physician, surgeon, chiropractor, osteopath, physical therapist, or massage therapist duly licensed by the State of Michigan, nor a barber shop or beauty shop in which massages are administered only to the scalp, the face, the neck, or the shoulders. This definition shall not be construed to include a public or nonprofit organization such as a school, park department, YMCA or YWCA operating a community center, swimming pool or other educational, cultural, recreational facilities for residents of the area.
72. **Master Plan or Comprehensive Plan:** The statement of policy by the Township Planning Commission relative to the agreed-upon desirable physical pattern of future community development. It consists of a series of maps, charts, and written material representing in summary form the community's conception of how it should grow in order to bring about the very best community living conditions.
73. **Migratory Labor:** Temporary or seasonal labor employed in planting, harvesting, or construction.
74. **Ministorage/Self storage:** A structure containing separate storage areas of varying sizes that are leased or rented on an individual basis.
75. **Mobile Home:** See **Manufactured Home** definition.

76. **Manufactured Home Park.** A parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual non-recreational basis, and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park.
77. **Motor Home:** See **Recreational Vehicle definition.**
78. **Museum:** A building having public significance by reason of its architecture or former use or occupancy or building serving as a repository for a collection of natural, scientific, or literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge, and which may include as an accessory use the sale of goods to the public as gifts or for their own use.
79. **Native Vegetation Strip:** See **Greenbelt definition.**
80. **Non-Conforming Use:** A use which lawfully occupied a building or land at the effective date of this Ordinance or Amendments thereto that does not conform to the use regulations of the Zoning District in which it is located.
81. **Nuisance Factor:** An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as noise; dust; heat; electronic or atomic radiation; objectionable effluent; noise or congregation of people, particularly at night; and passenger traffic.
82. **Nursery:** A space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for retail sale on the premises, including products used for gardening or landscaping. The definition of nursery does not include space used for the sale of fruits or vegetables.
83. **Off Street Parking Lot:** A facility providing vehicular parking spaces, along with adequate drives and aisles. Adequate maneuvering space shall also be included to allow unrestricted access and egress to at least two (2) vehicles.
84. **Open Air Business:** Includes any use operated for profit, substantially in the open air, including:
- Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sale, repair or rental services.
 - Outdoor display and sale of garages, motor homes, mobile home, snowmobiles, farm implements, swimming pools and similar activities.
 - Retail sale of trees, fruit, vegetables, shrubbery, plants, seeds, top-soil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
 - Tennis courts, archery courts, shuffleboard, horseshoe courts, rifle ranges, miniature golf, golf driving ranges, children's amusement park or similar recreation uses.
 - Flea market.
85. **Ordinary High Water Line:** Is defined as in the Michigan Inland Lakes and Stream Act to mean the line between upland and bottomland which 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 soil and the vegetation. On an inland lake which has had a level established by law, it means the high-established level. On a river or stream, the ordinary high water mark shall be the ten-year flood limit line.

86. **Park:** Properties and facilities owned or operated by any governmental agency, or owned or operated by any private agency, which are open to the general public for recreational purposes.

87. **Parking Space:** An area of definite length and width exclusive of drives, aisles, or entrances, giving access thereto, and fully accessible for the storage or parking of permitted vehicles.

88. **Personal Services Facilities:** Establishments primarily engaged in providing services involving the care of a person or his or her apparel.

89. **Pick-up Camper:** See **Recreational Vehicle definition**.

90. **Place of Worship:** See **Church definition**.

91. **Pond:** A permanent or temporary body of water that is greater than one acre and less than five acres in size.

92. **Porch, Enclosed:** A covered entrance to a building or structure which is totally enclosed or screened, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

93. **Porch, Open:** A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or integral roof with principal building or structure to which it is attached.

94. **Principal Use:** The main use of land or structures, as distinguished from a secondary or accessory use.

95. **Production of Fur Bearing Animals.** See Farming.

96. **Professional Office:** The office of a professional person such as a doctor, dentist, engineer, architect, attorney, insurance or real estate agent, and the like.

97. **Public Sewer Systems:** A public sewer system shall be defined as a central or community sanitary sewage and collection system of pipes and structures including pipes, conduits, manholes, pumping stations, sewage and waste water treatment works, diversion and regulatory devices, and outfall structures, collectively or singularly, actually used or intended for use by the general public or a segment thereof, for the purpose of collecting, conveying, transporting, treating or otherwise handling sanitary sewage or industrial liquid waste of such a nature as to be capable of adversely affecting the public health operated and maintained by the general public.

98. **Public Utility:** Any person, firm, corporation, municipal department board, or commission fully authorized to furnish and furnishing, under Federal, State or municipal regulations, to the public, electricity, gas, steam, communications, telegraph, transportation, water services, or sewage disposal.

99. **Recreation, Indoor:** A recreational land use conducted entirely within a building, including arcade, arena, art gallery and studio, art center, assembly hall, athletics and health clubs, auditorium, bowling alley, club or lounge, community center, conference center, exhibit hall, gymnasium, library, movie theater, museum, performance theater, pool or billiard hall, skating rink, swimming pool, and tennis court.
100. **Recreation, Outdoor:** Recreational uses conducted almost wholly outdoors, including golf driving ranges (not associated with a golf course), miniature golf, rifle ranges, water parks, amusement parks, and similar uses.
102. **Recreational Vehicle:** A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities, or a unit designed to be attached to a vehicle and used for such purposes, including self-propelled motor homes, pickup campers, fifth wheel trailers, travel trailers, and tent trailers; provided, however, that any such vehicle or unit which is forty (40) feet or more in overall length and connected to water or sewer facilities shall be considered a mobile home and shall be subject to all regulations of this Ordinance applicable to a mobile home.
103. **Recreational vehicle (RV) Park/Campground:** A parcel of land reserved for the location of recreational vehicles, including building sites set aside for group camping and similar recreational vehicles.
104. **Research and Development Facility:** Any facility that is involved in the inquiry, examination, investigation or experimentation aimed at the discovery and/or interpretation of facts, revision of accepted theories or laws in the light of new facts, or practical application of such new or revised theories of laws and the development thereof.
- Development may include a limited number of test units of a given product resulting from such research and shall include limited production while a product is being test-marketed, which is the interim step between full research and development and ultimate full-scale production.
105. **Resort:** A recreational lodge, camp or facility operated for gain, and which provides overnight lodging and one or more of the following: golf, skiing, dude ranching, recreational farming, snowmobiling, pack trains, bike trails, boating, swimming, hunting and fishing and related or similar uses normally associated with recreational resorts.
106. **Restaurant:** A business located in a building where, in consideration for the payment of money, meals are habitually prepared, sold and served to persons for consumption on or off the premises, having suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of goods that may be required for ordinary meals, and deriving the major portion of its receipts from the sale of food and complying with state and federal health regulations.
107. **Retail Store:** Any building or structure in which goods, wares, or merchandise is sold to the ultimate consumer for direct consumption and not for resale.
108. **Roadside Stand:** An accessory and temporary farm structure operated for the purpose of selling local agricultural products, part of which are raised or produced on the same farm premises.
109. **Sawmill, Lumbering:** The cutting and storing of forest products and the operation of portable sawmills and planers.

110. **School:** A public or private educational institution offering students a conventional academic curriculum, including kindergartens, elementary schools, middle schools, and high schools. Such term shall also include all adjacent properties owned by and used by such schools for educational, research, and recreational purposes.

111. **Setback:** The distance between a building or structure (excluding any uncovered steps or unenclosed or uncovered porches) and a front, side, or rear lot line.

112. **Sexually Oriented Business:** see Adult Entertainment Business.

113. **Sign:** An identification, description, illustration or device affixed to, or represented directly or indirectly upon a building, structure or land and which directs attention to a product, place, person, activity, institution, or business.

114. **Site Condominium Projects:** Site condominium projects are developments in which land is divided into condominium units consisting of an area of vacant land and a volume of vacant air space within which a building or other improvements may be constructed by the condominium unit owner. Site condominium projects are created and recorded under the provisions of the Condominium Act, [Public Act 59 of 1978](#), as amended. Site condominium projects can be used for residential, office, industrial, business, recreational, or any other type of use.

115. **Stable, Commercial:** A structure used to house horses for commercial purposes. Commercial purposes include riding stables, riding academies, and the breeding, raising and/or training of horses with the expectation of sale at a profit or for racing. Commercial purposes do not

include the housing and training of horses by an individual property owner or member of his immediate family for showing or competition by the individual or member of his immediate family, provided, however, that there not be more than one horse per acre of land in the parcel.

116. **State Licensed Residential Facility:** A private home licensed by the State Department of Social Services for care of sick, elderly or handicapped adults. A family home is defined as having 1 to 6 adults; a group home has 7 to 20.

117. **Storage, Indoor:** see Warehouse

118. **Story:** That portion of a building, other than a basement or mezzanine, included between the surface of any floor and the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it (see **Figure 7**).

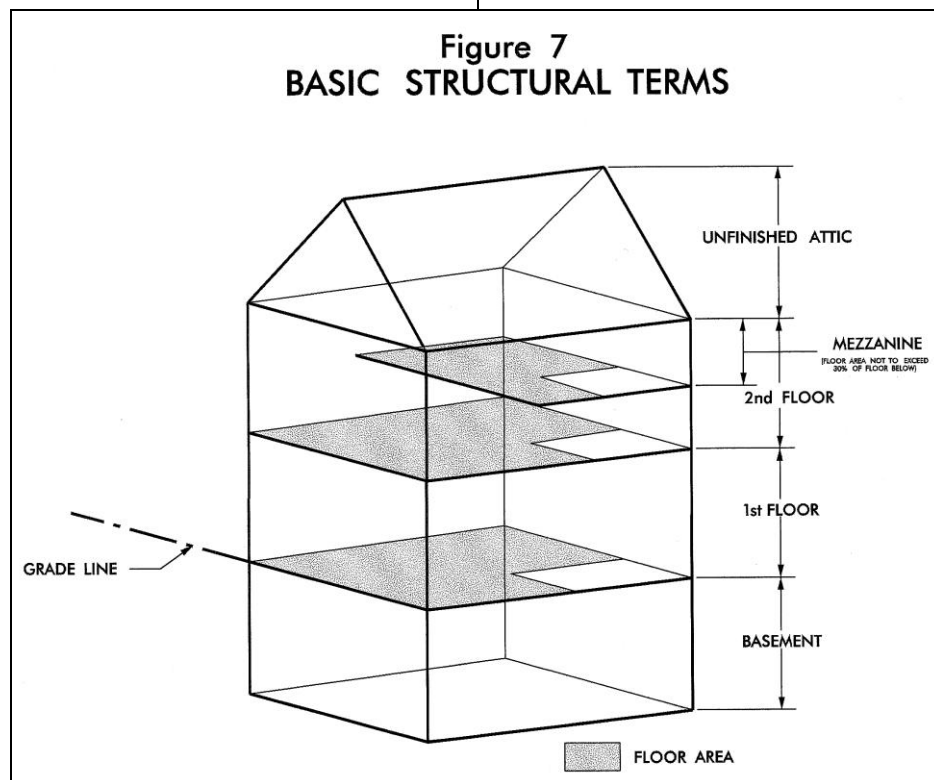
- a. A "mezzanine" floor shall be deemed a full story only when it covers more than fifty percent (50%) of the area of the story underneath said mezzanine, or if the vertical distance from the floor next below it to the next above it is twenty-four (24) feet or more.
- b. For the purpose of this Ordinance, a basement or cellar shall be counted as a story only if over fifty percent (50%) of its height is above the level from which the height of the building is measured, or if it is used for business purposes.
- c. An attic shall be deemed a full story when more than fifty percent (50%) of the floor area has a ceiling height of at least seven feet-six inches (7'6").

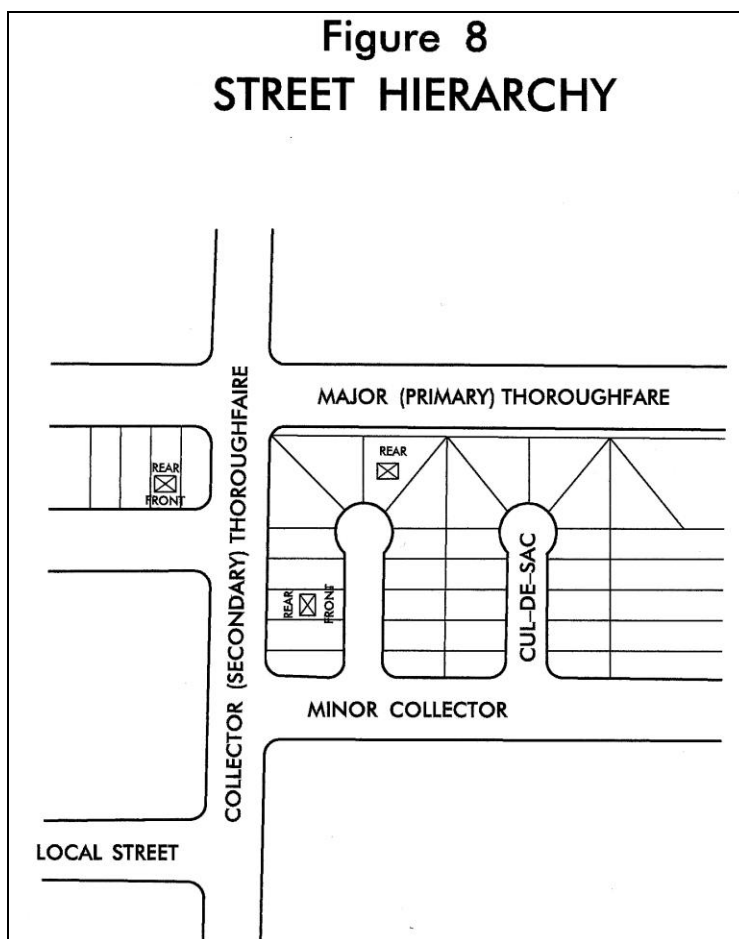
119. **Street, Highway, Road:** A thoroughfare that affords the principal

means of access to abutting property
(see **Figure 8**).

something having permanent location
on the ground.

120. **Structure:** A construction or building,
the use of which requires permanent
location on the ground or attached to





121. Telecommunication Tower: All structures and accessory facilities, including Alternative Tower Structures, relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals; including, but not limited to, radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial mobile radio service facilities, personal communication services towers (PCS), and cellular telephone towers.

Not included in this definition are: citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; satellite dishes; federally licensed amateur (HAM) radio facilities; and governmental facilities which are

subject to state or federal law or regulations which preempt municipal regulatory authority.

122. Temporary Building and Use: A structure or use permitted by this Zoning Ordinance to exist during periods of construction of the main building or for special events.

123. Theater, Indoor: Any building used primarily for the presentation of dramatic spectacles, shows, movies, or other entertainment open to the public, with or without charge.

124. Theater, Outdoor: Any other place used for the presentation of dramatic spectacles, shows, movies, or other entertainment open to the public, with or without charge, but not including athletic events.

125. **Tourist Home:** See Bed and Breakfast definition.

126. **Trailer Coach:** See Recreational Vehicle definition.

127. **Travel Trailer:** See Recreational Vehicle definition.

128. **Undevelopable Land:** Land which has soil types or a high water table condition which present severe limitations on septic tanks and tile fields and on which no septic tank and tile field can be legally constructed and to which no public sewer is extended.

129. **Use:** The lawful purpose of which land or premises, or a building thereon, is designed, arranged, or intended, or for which it is occupied, or maintained, let, or leased, according to this Ordinance.

130. **Variance:** A modification of literal provisions of this Ordinance which the Board of Appeals is permitted to grant when strict enforcement of said provision would cause undue hardship owing to circumstances unique to the individual property in which the variance is sought.

131. **Veterinary clinic:** A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.

132. **Warehouse:** A building primarily used for the storage of goods and materials.

133. **Wholesale Sales:** Establishments or places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents

or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

134. **Wireless communication devices (WiFi):** WiFi is a trademarked name for Wireless Fidelity that is commonly used to refer to a local area network that uses high frequency radio signals to transmit and receive data over distances of a few hundred feet; uses ethernet protocol)

135. **Yard:** A space open to the sky between a building and the lot lines of the parcel of land on which the building is located, unoccupied or unobstructed by an encroachment or structure except as otherwise provided by this Ordinance (see **Figure 9**).

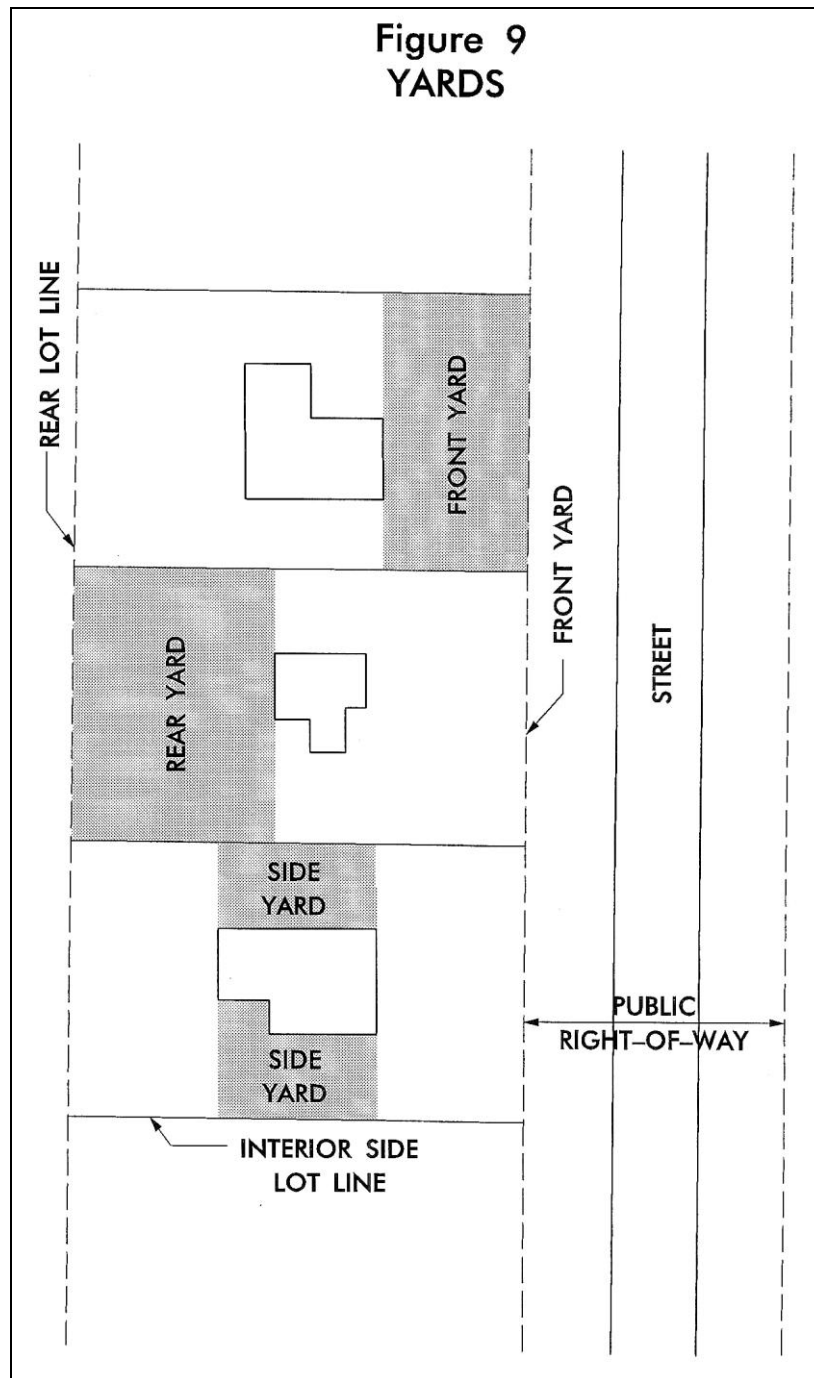
a. **Front Yard:** A yard across the full width of the lot extending from the front line of the principal building to the front lot line, or highway-right-of-way line as the case may be.

b. **Rear Yard:** A yard extending across the full width of the lot from the rear line of the building to the rear lot line.

c. **Side Yard:** A yard extending between the side lot line and the nearest side of the building.

136. **Zoning Administrator:** The official designated by the Kawkawlin Township Board of Trustees to administer and enforce the provisions of this Ordinance.

137. **Zoning Permit:** Written authority as issued by the Zoning Administrator on behalf of the Township permitting the construction, moving, exterior alteration or use of a building in conformity with the provisions of this Ordinance.



Article III ■ Zoning Districts and Map

Section 300 - Districts Enumerated

For the purpose as defined in **Section 101**, Kawkawlin Township of Bay County shall be divided into the following Zoning Districts:

1. Agricultural/Rural Residential – A-R
2. Single-Family Residential District – R-1
3. Single-Family/Two-Family Residential District – R-2
4. Multiple-Family Residential District – R-3
5. Manufactured Home Park District – R-4
6. Neighborhood Commercial District – C-1
7. Highway Commercial District – C-2
8. Light Industrial District – I-1

Section 301 - Boundaries

1. The boundaries of these districts are hereby established as shown on the zoning map, and which map with all notations, references, and other information shown thereon shall be as much part of this chapter as if fully described in this article.
2. Unless shown otherwise, the boundaries of the district are lot lines, section lines, the centerlines of streets, alleys, roads or such lines extended, and the corporate limits of the Township.
3. Where, due to the scale, lack of detail or illegibility of the zoning map accompanying, there is any uncertainty, contradiction or conflict as to the intended location of any district boundaries, shown thereon, interpretation concerning the exact

location of district boundary lines shall be determined, upon written application, by the Board of Appeals.

Section 302 - District Boundaries Interpreted

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

1. Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following Township limits shall be construed as following Township limits.
4. Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.
5. Boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.
6. Boundaries indicated as parallel to or extensions of features indicated in subsections (1) through (5) of this section shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
7. Where physical or natural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not

covered by subsections (1)--(6) of this section, the Board of Appeals shall interpret the district boundaries.

8. Insofar as some or all of the various districts may be indicated on the zoning map by patterns which, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of any public right-of-way.

Section 303 - Zoning of Vacated Areas

Whenever any street, alley or other public way within the Township shall be vacated, such street, alley or other public way or portion thereof shall automatically be classified in the same zone district as the property to which it attaches.

Section 304 - District Requirements

All buildings and uses in any district shall be subject to the provisions of **Articles IV** and **V** of this Ordinance.

Districts Intent and Purposes

Zoning District	Stated Intent and Purpose
A-R Agricultural/Rural Residential District	<p>This district provides for the continuance of farming, ranching, and commercial gardening activities on land being utilized for these purposes. The district is also intended for very low density single-family housing as well as the preservation of natural open space lands and lands that are unsuitable for development due to constraints such as flooding, or lack of infrastructure.</p> <p>When land in the Agricultural/Rural Residential District is needed for urban purposes, it is anticipated that the zoning will be changed to the appropriate zoning district(s) to provide for orderly growth and development in accordance with the Master Plan.</p>
R-1 Single-Family Residential District	<p>The intent of this district is to provide for low density, single-family residential development and related public and semi-public buildings, facilities, and accessory structures, consistent with the essentially rural character of the Township.</p> <p>The provisions of this district are intended to protect and stabilize existing single-family developments and to encourage future single-family developments to occur on vacant land suitable for development, contiguous to existing residential land, with adequate public services and utilities. Encroachment by non-residential uses and activities considered capable of adversely affecting the low density residential character of this district is discouraged.</p>
R-2 Single-Family/Two-Family Residential District	<p>The purpose of this district is to provide for stable, quality single-family and two-family residential developments at slightly increased densities, along with related public and semi-public buildings, facilities, and accessory structures. Districts of this nature are generally found in more established urbanized areas with existing public services and facilities, and serve as buffers or transitions between lower density residential areas and higher or non-residential areas.</p>
R-3 Multiple-Family Residential District	<p>The intent of this district is to provide for an efficient and economic use of land through a mixture of single-family, two-family, and multiple-family housing types together with such public and semi-public buildings and facilities and accessory structures as may be necessary and are compatible with such residential developments.</p> <p>The provisions of this district are intended to provide for the development of such projects with characteristics that are compatible with surrounding areas, while preserving open space and other natural features. It is the intent of this district to locate residential developments near concentrations of nonresidential activities and facilities such as employment centers, with adequate access to major transportation arteries and existing public facilities and services.</p>

Zoning District	Stated Intent and Purpose
R-4 Manufactured Home Park District	<p>The intent of this district is to preserve the interests of alternate types of residential developments by providing for manufactured housing developments and to protect the residents of any manufactured home development.</p>
C-1 Neighborhood Commercial District	<p>The intent of this district is to provide for a limited number of existing or potential low intensity office, business, and commercial facilities intended to serve diverse local needs.</p> <p>The provisions of this district are intended to permit the continuance of existing and compatible business and commercial developments that benefit from being in close proximity to each other and surrounding residential districts, and to prevent larger strip commercial or general business developments. The provisions of this district also intend to avoid undue traffic congestion on minor streets by directing such developments to abut upon or have relative access to major transportation arteries. Encroachment by industrial, residential or other uses considered capable of adversely affecting the localized commercial and business characteristics of the district are discouraged.</p>
C-2 Highway Commercial District	<p>The intent of this district is to provide for areas that are designed for the commercial needs that appeal to a wider community interest than those found in the neighborhood business district. The general character of this district comprises a broad range of retail and service uses, entertainment uses, community facilities, and general office uses.</p> <p>The provisions of this district are intended to encourage general commercial development to locate along major arteries particularly adjacent to major intersections where such development could most adequately serve the needs of the community's residents and those of the traveling public, without excessive quantities of strip development. The district discourages encroachment by industrial, residential or other uses considered capable of adversely affecting the general business characteristics of this district.</p>
I-1 Light Industrial District	<p>The I-1 Light Industrial District is designed to accommodate wholesale activities, warehousing and industrial operations whose external physical effects are restricted to the area of the I-1 district and have no detrimental effect on the surrounding properties. The I-1 district is structured to permit, along with specified uses, the manufacturing, assembly, treatment and processing of finished and semi finished products from previously prepared material.</p>

Consolidated Uses Chart

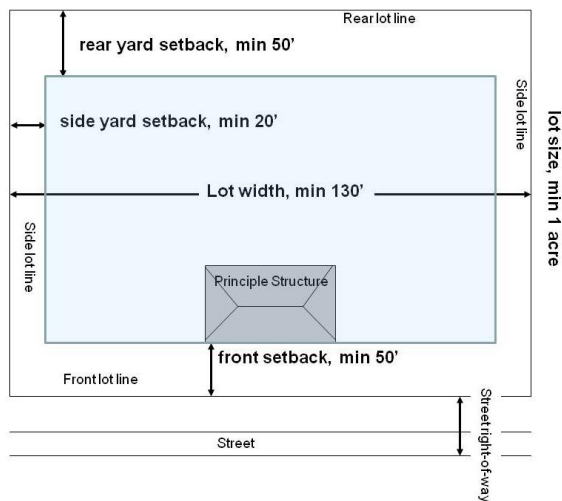
Use	√= Permitted by Right S=Special Land Use Permit		Districts					
	A-R	R-1	R-2	R-3	R-4	C-1	C-2	I-1
Accessory uses	√	√	√	√	√	√	√	√
Administrative, executive, governmental, and professional offices						√	√	
Adult entertainment businesses							S	S
Airports and aircraft landing fields	S							
Animal sales yards	S							
Auto salvage and storage facilities								S
Automobile repair garages, auto engine and body repair, and undercoating shops when completely enclosed							S	S
Automobile sales and repair							S	
Automobile wash establishments							S	
Bed and breakfast facilities	√	S	√	√				
Boat sales and services							S	
Bowling alleys							√	
Building material sales							S	
Campgrounds			S					
Campgrounds and travel trailer parks	S							
Carpentry, plumbing, electrical sales, service and contracting offices							√	
Cemeteries, including columbarium, mausoleums and crematories	S							
Central dry cleaning plants or laundries								S
Child care organizations	S					√		
Circus and carnival lots	S							
Clinics	S					√	√	
Clubs						√	√	
Convalescent or nursing home or senior assisted living home	S			S				
Family day care homes		√	√	√				

√= Permitted by Right S=Special Land Use Permit		Districts						
Use	A-R	R-1	R-2	R-3	R-4	C-1	C-2	I-1
Farm machinery sales and services							S	
Farms, crop and livestock, including truck gardens, tree farms, sod farms, and other specialty crops, but excluding the raising of fur bearing animals	√							
Forestry and wildlife preserves	√							
Fur bearing animals, raising of	S							
Gas and oil processing facilities	S							S
Gasoline service station						S	S	
Golf courses and country clubs	√	S	S					
Golf driving range and miniature golf							√	
Gravel pits	S							
Group day care homes		S	S	S				
Home occupations	S	S	S	S	S			
Hospitals	S			S		S	√	
Hotels or motels						S	√	
Incinerators								S
Intensive livestock operations	S							
Junkyards								S
Kennels, commercial	S						S	S
Landfills								S
Laundromats, laundries and dry cleaning establishments							S	
Libraries							√	
Lumber and planing mills when completely enclosed and when located in the interior of the district								S
Major public utility structures such as water towers and water or sewage treatment plants								S
Manufactured and mobile home and travel trailer sales and service							S	

Use	√= Permitted by Right S=Special Land Use Permit					Districts		
	A-R	R-1	R-2	R-3	R-4	C-1	C-2	I-1
Manufactured home parks					√			
Marinas						S		
Mini/self storage facilities							S	S
Multiple-family dwellings				√		√		
Museums							√	
Nurseries							√	
Personal service establishments which perform such services as, but not limited to: shoe repair, tailor shops, beauty/barber shops, interior decorators, photographers.						√		
Publicly owned and operated parks and playgrounds	√		√	√				
Publicly owned buildings and community facilities, including schools	√		S	S	S			
Radio-TV stations, studios	S							
Religious Institutions	√	S	√	√		√		
Research, design and experimental product development uses when conducted within a completely enclosed building								√
Resorts	S							
Restaurant, including drive-through							√	
Restaurants, drive through							S	
Restaurants, except drive-through						√		
Retail businesses which supply such commodities as, but not limited to, groceries, meats, dairy products, baked goods or other foods, drugs, dry goods or hardware.						√		
Retail uses which have an industrial character in terms of either their outdoor storage requirements or activities,								√
Rifle ranges	S							
Roadside stands	√							

√= Permitted by Right S=Special Land Use Permit		Districts						
Use	A-R	R-1	R-2	R-3	R-4	C-1	C-2	I-1
Sawmills-temporary use not to exceed one (1) year	S							
Single-family dwelling on same parcel as a C-1 use.						√		
Single-family dwellings	√	√	√	√				
Snowmobile sales and service							S	
Stables, commercial	S							
State Licensed Residential Facilities for 1-6 people		√	√	√				
State Licensed Residential Facilities for 7-12 20 people			S					
Storage and transfer of electric and gas service buildings and yards. Public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations								S
Storage facilities for building materials, sand, gravel, stone, lumber or storage of contractor's equipment and supplies								S
Swimming pools-public							√	
Taverns and bars							√	
Telecommunication towers	S						S	S
Theaters, indoor							√	
Theaters, outdoor	S							
Trucking facilities								S
Two-family dwellings			√	√				
Utility trailer storage and use							S	
Veterinary clinic or hospital							√	
Warehousing and wholesale establishments.								√
Wireless Communication (WiFi)	√					√	√	√

<u>Agricultural/Rural Residential District, A-R</u>	
Permitted Uses	Special Land Uses
Farms, crop and livestock, including truck gardens, tree farms, sod farms, and other specialty crops, but excluding the raising of fur bearing animals	Airports and aircraft landing fields
Single-family dwellings	Animal sales yards
Bed and breakfast facilities	Campgrounds and travel trailer parks
Religious Institutions	Cemeteries, including columbarium, mausoleums and crematories
Forestry and wildlife preserves	Child care organizations
Golf courses and country clubs	Circus and carnival lots
Publicly owned and operated parks and playgrounds	Clinics
Publicly owned buildings and community facilities, including schools	Convalescent or nursing homes or senior assisted living homes
Real estate offices (sales)	Fur bearing animals, raising of
Roadside stands	Gas and oil processing facilities
Wireless Communications (WiFi)	Gravel pits
Accessory Uses	Home occupations
	Hospitals
	Intensive livestock operations
	Kennels, commercial
	Radio-TV stations, studios
	Resorts
	Rifle ranges
	Sawmills-temporary use not to exceed one (1) year
	Stables, commercial
	Telecommunication towers
	Theaters, outdoor

Agricultural/Rural Residential District, A-R

Minimum lot size = 1 acre

Minimum width = 130 ft

Maximum building height = 2 stories or 35 ft
whichever is less.

Maximum building lot coverage = 35%

Minimum front yard setback = 50 ft

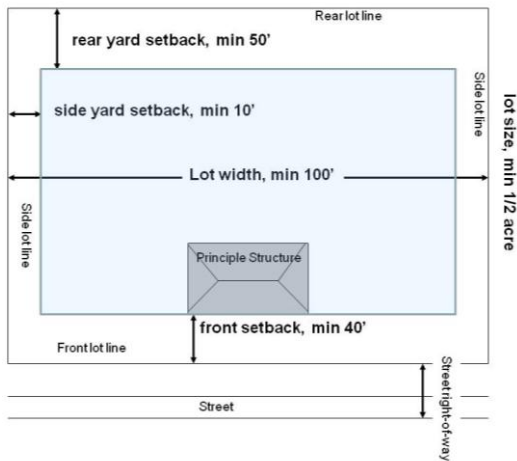
Minimum side yard setback = 20 ft

Minimum rear yard setback = 50 ft.

Minimum floor area per dwelling unit = 1,000 sq
ft

Single Family Residential District, R-1

Permitted Uses	Special Land Uses
Single-family dwellings	Bed and Breakfast facilities
Family day care homes	Religious Institutions
State Licensed Residential Facilities for 1-6 people	Golf courses and country clubs
Accessory uses	Group day care homes
	Home occupations



Minimum lot size = 1/2 acre

Minimum width = 100 ft

Maximum building height = 2 stories or 25 ft
whichever is less.

Maximum building lot coverage = 30%

Minimum front yard setback = 40 ft

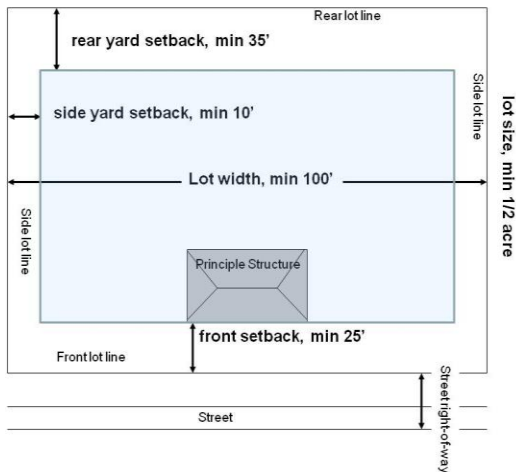
Minimum side yard setback = 10 ft

Minimum rear yard setback = 50 ft.

Minimum floor area per dwelling unit = 1,000 sq
ft

Single Family/Two-Family Residential District, R-2

Permitted Uses	Special Land Uses
Single-family dwellings	Campgrounds
Two-family dwellings	Golf courses and country clubs
Bed and breakfast facilities	Group day care homes
Religious Institutions	State Licensed Residential Facilities for 7- 20 people
Family day care homes	Home occupations
State Licensed Residential Facilities for 1- 6 people	Publicly owned buildings and community facilities, including schools
Publicly owned and operated recreation areas, parks and playgrounds	
Accessory uses, buildings and structures customarily incidental to the uses permitted by right.	



Minimum lot size = 1/2 acre

Minimum width = 100 ft

Maximum building height = 2 stories or 25 ft whichever is less.

Maximum building lot coverage = 35%

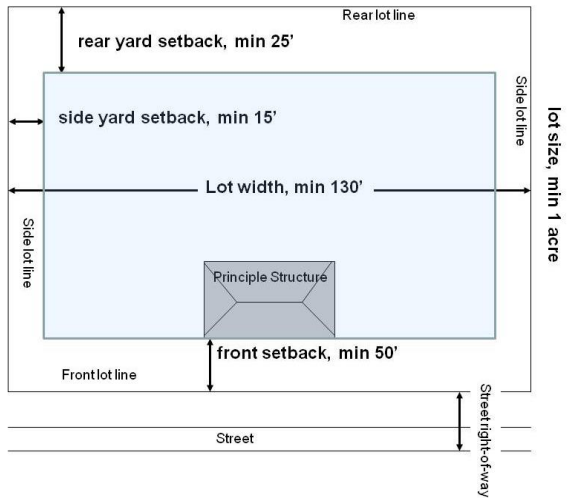
Minimum front yard setback = 25 ft

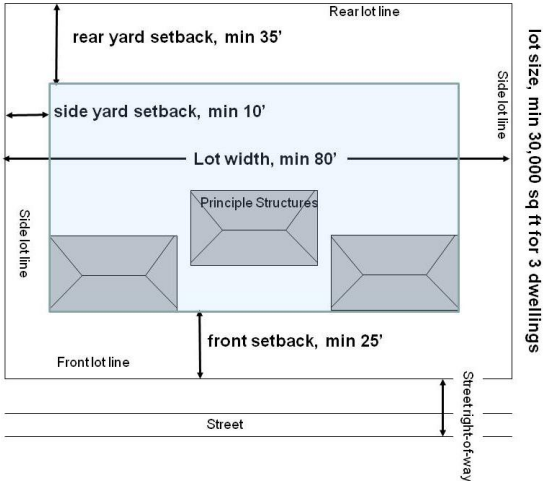
Minimum side yard setback = 10 ft

Minimum rear yard setback = 35 ft.

Minimum floor area per dwelling unit = 950 sq ft

Multiple Family Residential District, R-3

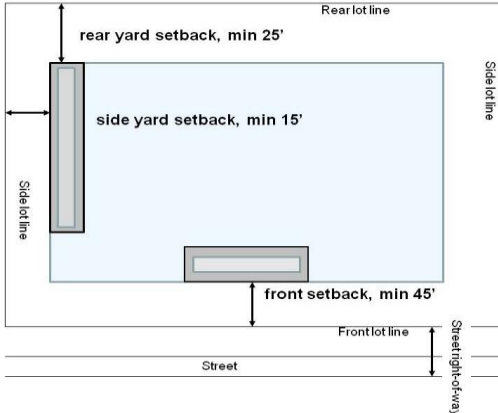
Permitted Uses	Special Land Uses										
Single-family dwellings	Convalescent or nursing home or senior assisted living home										
Two-family dwellings	Group day care homes										
Multiple-family dwellings	Home occupations										
Bed and breakfast facilities	Hospitals										
Religious Institutions	Publicly owned buildings and community facilities, including schools										
Family day care homes											
State Licensed Residential Facilities for 1-6 people											
Publicly owned and operated parks and playgrounds											
Accessory uses											
											
<p>Minimum lot size = 1 acre</p> <p>Minimum width = 130 ft</p> <p>Maximum building height = 3 stories or 40 ft whichever is less.</p> <p>Maximum building lot coverage = 35%</p> <p>Minimum front yard setback = 50 ft</p> <p>Minimum side yard setback = 15 ft</p> <p>Minimum rear yard setback = 25 ft.</p> <p>Minimum floor area per dwelling unit =</p> <table> <tr> <td>Efficiency</td><td>350 sq. ft.</td></tr> <tr> <td>One-bedroom apartment</td><td>500 sq. ft.</td></tr> <tr> <td>Two-bedroom apartment</td><td>700 sq. ft.</td></tr> <tr> <td>Three-bedroom apartment</td><td>800 sq. ft.</td></tr> <tr> <td>Four-bedroom apartment</td><td>880 sq. ft.</td></tr> </table>		Efficiency	350 sq. ft.	One-bedroom apartment	500 sq. ft.	Two-bedroom apartment	700 sq. ft.	Three-bedroom apartment	800 sq. ft.	Four-bedroom apartment	880 sq. ft.
Efficiency	350 sq. ft.										
One-bedroom apartment	500 sq. ft.										
Two-bedroom apartment	700 sq. ft.										
Three-bedroom apartment	800 sq. ft.										
Four-bedroom apartment	880 sq. ft.										

Manufactured Home Park District, R-4	
Permitted Uses	Special Land Uses
Manufactured home parks	Home occupations
Accessory uses	Publicly owned buildings and community facilities, including schools
	
<p>Minimum lot size = 30,000 sq ft (for 3 dwelling units)</p> <p>Minimum width = 80 ft</p> <p>Maximum building height = 2 stories or 25 ft whichever is less.</p> <p>Maximum building lot coverage = 35%</p> <p>Minimum front yard setback = 25 ft</p> <p>Minimum side yard setback = 10 ft</p> <p>Minimum rear yard setback = 35 ft.</p> <p>Minimum floor area per dwelling unit = 1,000 sq ft</p>	

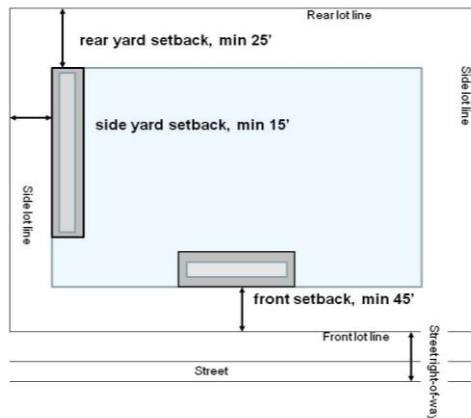
Manufactured home parks, subject to the requirements established by the [Mobile Home Commission Act, Public Act 96 of 1987, as amended](#), and [Title 42, Chapter 70 of the Manufactured Home Construction and Safety Standards](#) of 2009, as amended.

Manufactured Home Parks as permitted in the R-4 Manufactured Home Park District shall comply with the following conditions:

1. Manufactured Home Parks shall comply with all the regulations and requirements of the [Mobile Home Commission Act, Public Act 96 of 1987, as amended](#), and [Title 42, Chapter 70 of the Manufactured Home Construction and Safety Standards](#) of 2009, as amended.
2. The layout of the manufactured housing development and support facilities shall be in accordance with acceptable planning and engineering practices and shall provide for the convenience, health, safety, and welfare of the residents.
3. An obscuring wall or fence not less than four (4) nor more than six (6) feet in height, or a greenbelt buffer of not less than ten (10) feet in width, or combination of both, shall be provided on all sides of the manufactured housing park development, with the exception of that portion providing ingress and egress to the development.
4. Units shall be attached to a Michigan Manufactured Housing Commission approved foundation or basement and anchoring system, and shall be installed according to manufacturer's setup instructions.
5. No manufactured home site or any building in a manufactured home park shall be located closer than fifty (50) feet to the right-of-way line of a public thoroughfare nor closer than twenty (20) feet to any other manufactured home park property line.

Neighborhood Commercial District, C-1	
Permitted Uses	Special Land Uses
Administrative, executive, governmental, and professional offices	Gasoline service station
Child care organizations	Hospitals
Religious Institutions	Hotels or motels
Clinics	Marinas
Clubs	
Multiple-family dwellings	
Personal service establishments-	
Restaurants, except drive-through	
Retail businesses which supply such commodities as, but not limited to, groceries, meats, dairy products, baked goods or other foods, drugs, dry goods or hardware.	
Single-family dwelling on same parcel as a C-1 use.	
Wireless Communication (WiFi)	
Accessory uses	
	Minimum lot size = none Minimum width = none Maximum building height = 2 stories or 25 ft whichever is less. Maximum building lot coverage = 35% Minimum front yard setback = 45 ft Minimum side yard setback = 15 ft Minimum rear yard setback = 25 ft.

<u>Highway Commercial District, C-2</u>	
Permitted Uses	Special Land Uses
Administrative, executive, governmental, medical, and professional offices	<u>Adult entertainment businesses</u>
Bowling alleys	<u>Building material sales</u>
Carpentry, plumbing, electrical sales, service and contracting offices	<u>Farm machinery sales and services</u>
Clubs	<u>Kennels, commercial</u>
Outdoor sales	<u>Manufactured and mobile home and travel trailer sales and service</u>
Golf driving range and miniature golf	<u>Snowmobile sales and service</u>
Hospitals	<u>Telecommunication towers</u>
Hotels or motels	<u>Utility trailer storage and use</u>
Libraries	
Museums	
Nurseries	
Restaurant, including drive-through	
Retail stores and outlets	
Swimming pools-public	
Taverns and bars	
Theaters, indoor	
Veterinary clinic or hospital	
Wireless Communication (WiFi)	

Highway Commercial District, C-2

Minimum lot size = none

Minimum width = none

Maximum building height = 2 stories or 25 ft
whichever is less.

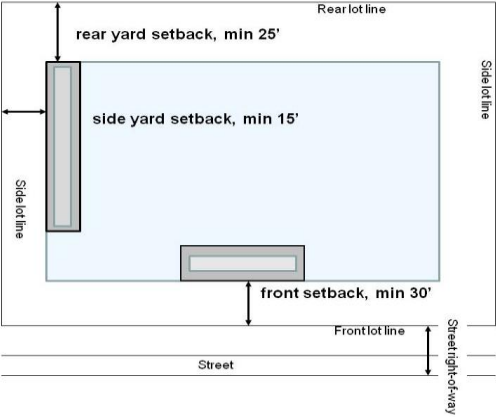
Maximum building lot coverage = 35%

Minimum front yard setback = 45 ft

Minimum side yard setback = 15 ft

Minimum rear yard setback = 25 ft.

<u>Light Industrial District, I-1</u>	
Permitted Uses	Special Land Uses
Manufacture, compounding, processing, packaging or treatment	<u>Adult entertainment businesses</u>
Laboratories, Research, design and experimental product development uses when conducted within a completely enclosed building	<u>Automobile repair garages, auto engine and body repair, and undercoating shops when completely enclosed</u>
Retail uses which have an industrial character in terms of either their outdoor storage requirements or activities-and uses which serve convenience needs of the industrial district	<u>Auto salvage and storage facilities</u>
Warehousing and wholesale establishments.	<u>Central dry cleaning plants or laundries</u>
Wireless Communication (WiFi)	<u>Gas and oil processing facilities</u>
Other uses similar to the above uses.	<u>Junkyards</u>
Accessory uses	<u>Kennels, commercial</u>
	<u>Incinerators</u>
	<u>Landfills</u>
	<u>Lumber and planning mills when completely enclosed and when located in the interior of the district</u>
	<u>Major public utility structures such as water towers and water or sewage treatment plants</u>
	<u>Mini/self-storage facilities</u>
	<u>Storage facilities for building materials, sand, gravel, stone, lumber or storage of contractor's equipment and supplies</u>
	<u>Storage and transfer of electric and gas service buildings and yards. Public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations</u>

Light Industrial District, I-1	
Permitted Uses	Special Land Uses
	Telecommunication towers
	Trucking facilities
	
	<p>Minimum lot size = none</p> <p>Minimum width = none</p> <p>Maximum building height = 2 stories or 25 ft whichever is less.</p> <p>Maximum building lot coverage = 35%</p> <p>Minimum front yard setback = 30 ft</p> <p>Minimum side yard setback = 15 ft</p> <p>Minimum rear yard setback = 25 ft.</p>

Section 305 - Purpose

It is the purpose of the zoning ordinance to regulate the size, bulk, height and types of uses and structures in various districts to protect the general health, safety, and welfare of residents living or working within such districts. The following Schedule of Regulations stipulates the minimum

allowable areas for land and buildings in each district as defined in this Ordinance.

No structure shall be erected, nor shall an existing building be altered or enlarged unless it conforms with the minimum area and setback requirements and maximum building heights as established for each district of this Ordinance.

Schedule of Regulations

Zoning District	Minimum Lot Size		Maximum Building Height ⁽⁵⁾		Minimum Yard Setbacks In Feet				Minimum Floor Area/ DU in Sq. Ft. ⁽²⁾	Maximum Building Coverage of Lot
	Area	Width in Ft. ⁽¹⁾	Stories	Feet	Front	Minimum Side Each	Corner	Rear		
A-R Agricultural/ Rural Residential	1 acre	130	2	35	50	20	50	50	1,000	35%
R-1 Single-Family Residential	½ acre	100	2	25	40	10	40	50	1,000	30%
R-2 Single-Family/ Two-Family Residential	½ acre	100	2	25	25	10	25	35	950	35%
R-3 Multiple-Family Residential	1 acre	130	3	40	50	15	50	25	(3)	35%
R-4 Manufactured Home Park	⁽⁴⁾ 30,000 sq. ft.	80	2	25	25	10	25	35	1,000	35%
C-1 Neighborhood Commercial	--	--	2	25	45	15	25	25	--	35%
C-2 Highway Commercial	--	--	2	25	45	15	25	25	--	35%
I-1 Light Industrial	--	--	2	25	30	15	25	25	--	35%
Accessory Structures ⁽⁹⁾	NA	NA	Res. = (1) All others = max ht. of principle structure	Res. = (18') All others = max ht. of principle structure	Not permitted	5'	--	The lesser of 5' or 25% of require yard or 40% of total yard	May not exceed ground floor of principle building	NA

Section 306 - Footnotes to Schedule of Regulations

1. A maximum lot ratio of one to four (lot depth cannot exceed four times the lot width) shall be maintained for all new lots created. This ratio will not apply to existing lots. The depth of lot shall be measured within the boundaries of the lot from the abutting road right-of-way to the most remote boundary line point of the parcel from the point of commencement of the measurement.
2. The minimum floor area per dwelling unit shall not include areas of basements, utility rooms, breezeways, porches, or attached garages.
3. The minimum floor space per dwelling unit shall be:

Efficiency	350 sq. ft.
One-bedroom apartment	500 sq. ft.
Two-bedroom apartment	700 sq. ft.
Three-bedroom apartment	800 sq. ft.
Four-bedroom apartment	880 sq. ft.
4. A manufactured home park shall include a minimum of three dwelling units, minimum of 10,000 square feet lot size for each unit, for a minimum of 30,000 square feet for the park.
5. For structures located in the floodplain, the height regulations are measured from the Department of Environmental Quality approved finished floor elevation.
6. Height Exceptions: In the A-R district, wireless communication towers may be up to 60' in height. In the C-1, C-2 and I-1 district wireless communication towers and/or their facilities may be up to 60' in height.
7. Structures abutting naturally occurring body of water shall have setbacks of at least twenty-five (25') feet from the ordinary high water mark as determined by the Army Corp of

Engineers. The minimum setback determination shall be the line that extends beyond the median distance between two adjacent buildings.

8. Decks that do not impede the sight line to the water of adjacent neighbors are permitted to extend into the front yard and shall not be greater than sixteen (16") inches in height from ground level.
9. Accessory buildings, except as otherwise permitted in this chapter, shall be subject to the following regulations:
 - a. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this chapter applicable to the main building.
 - b. Accessory structures on property abutting a body of water greater than five acres in size shall be placed in the back yard only no closer than five (5') feet from the property line.
 - c. One accessory structure is permitted per parcel.
 - d. No detached building accessory to a residential building shall be located closer than 10 feet to any main building.
 - e. When a building accessory to a residential building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, such building shall not project beyond the front yard setback required on the lot in the rear of such corner lot. A building accessory to a residential building shall in no case be located nearer than ten feet to a street right-of-way line.

- f. Automobiles, buses, mobile homes, semi-tractor trailers, tents, truck bodies, or similar portable units shall not be used as accessory buildings.

Article IV ■ General Provisions

Section 400 - Introduction

Wherever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such ordinance shall govern.

Section 401 - Effect of Zoning

No building or structure, or part thereof, shall hereafter be erected, constructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this Ordinance.

Section 402 - Accessory Buildings

See the footnotes to the Schedule of Regulations. Section 306.

Section 403 - Corner Clearance

In all districts, no fence, wall, shrubbery, sign or other obstruction to vision above a height of 30 inches from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between such right-of-way lines at a distance along each line of 25 feet from their point of intersection.

Section 404 - Excavations or Holes

The construction, maintenance, or existence within the Township of any unprotected, unbarricaded, open or dangerous

excavations, holes, pits, or wells, which constitute or are reasonably likely to constitute a danger or menace to the public health, safety or welfare are hereby prohibited; provided, however, this section shall not prevent any excavation under a permit issued, pursuant to this Ordinance, by the Planning Commission by special use, which such excavations are properly protected and warning signs posted in such a manner as may be approved by the Building Inspector; and provided further, that this section shall not apply to streams, natural bodies of water or to ditches, streams, reservoirs, or other major bodies of water created or existing by authority of the State of Michigan, the County, the Township, or other governmental agency.

Section 405 - Exterior Lighting

All lighting for parking areas or for the external illumination of buildings and uses shall be directed from and shall be shielded from adjacent residential districts and shall also be so arranged as to not adversely affect driver visibility on adjacent thoroughfares.

Section 406 - Fences, Walls, and Hedges

Fences are permitted, or required subject to the following:

1. Fences on all lots of record in all residential districts which enclose property and/or are within a required side or rear yard, shall not exceed six (6) feet in height, measured from the surface of the ground, and shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard setback whichever is greater.

2. No wall or hedge planting shall exceed a height of three (3) feet within any residential front yard. Clear vision fences are permitted in front yards, but shall not exceed four (4) feet in height. On a corner lot or parcel, no fence, wall, or planting shall be allowed except as may be permitted by the Zoning Administrator who shall be reasonably assured that such fence, wall, or planting will not interfere with traffic visibility across a corner.
3. Fences in residential districts shall not contain barbed wire, razor wire, or be charged with electricity in any fashion.
4. Fences in commercial and industrial districts shall not exceed eight (8) feet in height measured from the surface of the ground. Provided, however, that upon application and good cause shown the Planning Commission may authorize suitable fencing of any height the Commission determines to be reasonable under the facts and circumstances presented by the applicant.
5. Fences used in public or institutional parks, playgrounds, or public landscape areas situated within an area developed with recorded lots shall not exceed eight (8) feet in height, measured from the surface of the ground and shall not obstruct vision to an extent greater than twenty-five (25%) percent of their total area.
6. A construction (fence) permit shall be secured prior to erection, construction, replacement or substantially repairing of any fence in any zoning district, other than on property used for agricultural purposes.
7. It shall be the obligation and sole responsibility of persons erecting fences in this Township to determine the location of property lines. The Zoning Administrator may require

proof that property lines have been established prior to issuance of a fence permit. The Township shall not determine property or lot lines, and the issuance of a construction permit to erect a fence shall in no way be construed as a determination of the correct, valid or legal location for the fence, or prejudice, in any way, the rights of adjacent or abutting property owners.

8. Sight Zones: Within the limits of sight zones, fences, and hedges shall not exceed two (2) feet in height above grade, except that such restrictions shall not apply to clear vision fences. Such sight zones shall be determined as follows:
 - a. Street/Road Corners: The triangle formed by legs measured twenty-five (25) feet on each side of a street/road corner, measured from the point of intersection of the right-of-way lines.
 - b. The right triangles formed on each side of driveways, measured ten (10) feet along the property line or right-of-way line for one leg, and the outside edge(s) of the driveway for the other leg.
9. Fence material shall be painted or stained with a uniform color on both sides and the finished side of the fence shall face out.
10. Where a lot borders a lake or stream, fences in the waterfront yard shall not exceed three (3) feet in height nor otherwise unreasonably restrict views of the water from adjacent properties.
11. The regulations set forth in this Section shall not apply to fences erected on lands in Agricultural districts, the primary use of which land is the operation of a farm as herein defined.

Section 407 - Garage, Estate, Rummage, Yard Sales and Flea Markets

Not more than three (3) garage or yard sales shall be conducted by a household of the Township during a calendar year. Said garage or yard sale shall not exceed three (3) days duration. Temporary signs for the sale shall be removed at the end of the sale.

Section 408 - General Exceptions to Area, Height, and Use

1. Essential Services

Essential Services, as defined in Article II, shall be permitted as authorized and regulated by law and other ordinances of the township. It is the intention of this article to exempt such essential services from the application of this Zoning Ordinance.

2. Voting Place

The provisions of this chapter shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

3. Height Limit

The height limitations of this chapter shall not apply for farm buildings, chimneys, church spires, flagpoles, public monuments or wireless transmission towers; provided, however, that the Board of Appeals may specify a height limit for any such structure when such structure requires authorization as a special use and a height limit is not specified.

4. Lots Adjoining Alleys

In calculating the area of a lot that adjoins an alley or lane, for the purpose of applying lot area requirements of this chapter, one-half

the width of such alley abutting the lot shall be considered as part of such lot.

5. Access Through Yards

For the purpose of this chapter, access drives may be placed in the required front or side yards so as to provide access to rear yards and/or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace or other pavement serving the like function, and not in excess of nine inches above the grade upon which placed, shall for the purpose of this chapter not be considered to be a structure, and shall be permitted in any required yards.

Section 409 - Hazardous Substances

All businesses or industries that store, use or generate hazardous substances as defined in this Ordinance, in quantities greater than 25 gallons or 220 pounds per month whichever is less, shall meet all state and federal requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of said hazardous substances. No discharge to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.

Section 410 - Keyhole Development (Funneling)

It is hereby found that keyhole development funneling, as hereinafter defined, is detrimental to the public health, safety, and welfare and constitutes an improper use of land and natural resources because it causes overcrowding of lakes, streams, and lands adjacent to them, contributes to the pollution and degradation of public waters, creates hazards to life and property by increasing the risks of riparian owners and the public, and adversely affects property values of shoreline properties locate near funnel developments.

It is the declared purpose of this Section to protect the health, safety, and general welfare of the citizens of Kawkawlin Township by prohibiting funneling, as hereinafter defined, on bodies of water and waterways in the Township. It is the intent of this Section to:

1. Prevent the overuse and misuse of water resources within the Township, particularly by boating traffic and similar impacts of inland waters.
2. Protect the quality of inland waters by limiting uses of the water that tend to pollute them.
3. Nothing in this Section shall be construed as depriving any riparian owner of any natural body of water or waterway of any riparian rights.
4. Funneling is prohibited in all areas of this ordinance jurisdiction. If any proposed uses involves funneling or proposed funneling, said use shall not be permitted.

Section 411- Landscaping

1. Purpose.

The purpose of this section is to promote the public health, safety and welfare by establishing minimum standards for the amount, design, installation and maintenance of landscaping.

Landscaping is considered by the Township to be an important element of land development which is a critical factor in maintaining an attractive community character and conserving the value of land and buildings in the Township. In addition to the enhancement of property values, landscaping serves a public purpose by:

- a. Acting as a buffer between adjacent land uses.

- b. Creating privacy between neighboring lots.
- c. Reducing noise pollution, air pollution, and glare.
- d. Reducing flooding by increased floodwater retention.

The landscape standards of this section are considered the minimum necessary to achieve the objectives noted above. In several instances, the standards are intentionally flexible to encourage creative design. Applicants are encouraged to provide additional landscaping to improve the function, appearance and value of their property.

2. Applicability

The standards contained in this section shall be applicable to all development which requires a site plan or special use permit subject to the following limitations:

- a. These regulations shall not apply to single-family and two-family dwellings.
- b. Expansion or renovation of existing uses that require site plan approval shall adhere to the landscaping requirements of this section insofar as practical. The Planning Commission shall have the authority to increase, decrease or otherwise modify the landscaping requirements of this section.

3. General Landscaping Requirements

A minimum of ten percent (10%) of the parcel shall be landscaped open space. Open space areas shall be landscaped with a minimum of one (1) evergreen tree or shrub for every 1,000 square feet, plus a minimum of

one (1) deciduous tree for every 2,000 square feet. A minimum of 33% of the required open space shall be located between the front building line and the right-of-way line. Corner lots shall have 66% of the required open space between the front building line and right-of-way line.

The following additional landscaping requirements shall be met:

- a. No landscaped area shall be used for parking purposes.
- b. No synthetic plant materials such as artificial grass, shrubs, trees, or flowers shall be used to fulfill any landscaping requirements.
- c. Berms, whenever utilized, shall be designed and landscaped to minimize erosion. Berms adjacent to public right-of-way shall have a slope no greater than 3:1 unless designed as part of a retaining wall.
- d. All landscaping materials shall consist of healthy specimens compatible with local climate, soil characteristics, drainage, and water supply. All plant material shall be reasonably resistant to drought and disease.
- e. Grass or other living plants shall be primary ground cover in required landscaped areas. Both sod planting and seeding are acceptable.
- f. Landscaping plans shall be submitted as part of the site plan review process.

4. Parking Lot Landscaping

All off-street parking areas except those serving a four family dwelling or less, shall be landscaped according

to the following minimum requirements:

- a. Landscape islands within parking lots should generally be at least one (1) parking space in size, with no landscape island less than fifty (50) square feet in area.
- b. Landscape islands shall be no less than five (5) feet wide.
- c. The square footage of landscaped islands within a parking lot shall equal a total of at least sixteen (16) square feet per parking space.
- d. There shall be a minimum of one (1) tree planted in the parking area for every ten (10) parking spaces within parking lots with more than twenty (20) spaces.
- e. Within parking lots, landscape islands should be located to define parking areas and assist in clarifying appropriate circulation patterns.
- f. A landscape island shall be located at the terminus of all parking rows, and shall contain at least one tree.
- g. All landscape islands shall be protected by monolithic curbs or wheel stops and remain free of trash, litter, and car bumper overhangs.
- h. Perimeter landscaping around parking lots shall not be included in the landscaping requirements.

5. Greenbelts and Screening

The following districts require a greenbelt, wall, fence, or landscaped area on sides of properties whose lot lines abut or are adjacent to a residential property or district.

- a. C-1 and C-2 Districts. Four-foot high wall, fence or greenbelt/landscaped area

- pursuant to specifications of this section.
- b. I-1 District. Five-foot high wall, fence or greenbelt/landscaped area pursuant to specifications of this section.
6. The following are additional requirements concerning screening elements such as greenbelts, walls, fences, and landscaped areas.
- a. Required walls and fences shall be located on lot lines except where underground utilities interfere or where this chapter requires conformance with front yard setback lines in abutting residential districts.
 - b. Wall and fence requirements may be substituted with greenbelt/landscaping strips consisting of shrubbery, trees and other plant items designed to obscure the use from the abutting residential district. The Planning Commission shall determine the sufficiency of such greenbelt/landscaping screening matter pursuant to the guidelines of this chapter.
 - c. Such walls and screening barrier shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this chapter and except such openings as may be approved by the Planning Commission. All walls required in this section shall be constructed of materials approved by the Planning Commission to be durable, weather-resistant, rustproof and easily maintained; and wood or wood products shall be specifically excluded.
 - d. Masonry walls shall be erected on a concrete foundation which shall have a minimum depth of 42 inches below a grade approved by the Planning Commission, and shall be not less than four inches

wider than the wall to be erected. Masonry walls may be constructed with openings above 32 inches above the grade, provided such openings are not larger than 64 square inches, and provided that the openings shall be so spaced as to maintain the obscuring character required.

- e. The Planning Commission may waive or modify the requirements of this section where cause can be shown that no good purpose would be served, and provided that in no instance shall a required wall or greenbelt strip be permitted to be less than four feet in height.

7. Refuse Containers

Refuse containers for other than single-family and two-family uses shall be screened from view. Screening shall consist of a six (6) foot high opaque wall or fence.

Section 412 - Livestock and Domestic Animals

The keeping of cows, sheep, pigs, hogs, horses or other such livestock is allowed on any parcel greater than five (5) acres in size, provided the number of such animals shall not exceed one (1) animal per first five (5) acres, and one (1) animal per two and a half (2.5) acres thereafter. Domestic animals, such as cats, chickens, dogs and rabbits, may be kept on any nonfarm agriculturally zoned parcel, provided the number of such animals shall not exceed four (4) animals per each acre of land.

Section 413 - Lot Proportion

A maximum lot ratio of one to four (lot depth cannot exceed four times the lot width) shall be maintained for all new lots created after the effective date of this Ordinance.

Section 414 - Non-Conforming Uses**1. Intent**

The lawful use of any building or land at the time of the enactment of this Ordinance may be continued although such use does not conform with the provisions of this ordinance. It is the intent of this section to permit these nonconformities to continue until they are removed, but not to encourage their continuation. It is further the intent of this section that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. Non-conforming uses are declared by this section to be incompatible with permitted uses in the districts involved.

2. Non-conforming lots of record

In any district, a structure and accessory building may be erected on a lot which fails to meet the district requirements for bulk regulations, provided that said lot existed at the effective date of this Ordinance or any affecting amendment. However, the proposed structure and accessory building must still meet the yard dimensions and requirements for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Appeals.

If two or more vacant lots or combinations of vacant lots and portions of vacant lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of such parcel shall be used

or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Ordinance.

3. Non-conforming uses of land

Where at the time of passage of this Ordinance lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, the use may be continued so long as it remains otherwise lawful, provided:

- a. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.
- b. No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this chapter.
- c. If any such non-conforming use of land ceases for any reason for a period of more than one year, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
- d. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such non-conforming use of land.

4. Non-conforming structures

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of

this Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. No such non-conforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
 - b. Should such non-conforming structure or non-conforming portion of structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
 - c. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
5. Non-conforming uses of structures or of structures and premises in combination

If a lawful use of a structure, or of a structure and land in combination exists at the effective date of adoption or amendment of this Ordinance, that would not be allowed in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or

structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

- b. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- c. If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use, provided that the Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accord with the provisions of this Ordinance.
- d. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed.
- e. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for 12 consecutive months or for 18 months during any three-year period (except when government action impeded access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with

the regulations of the district in which it is located.

- f. When non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land. Destruction for the purpose of this subsection is defined as damage or dilapidation to an extent of more than 50 percent of the replacement cost at time of destruction.

6. Completion of the Construction of Non-conforming Uses

To avoid undue hardship, nothing in this section shall be deemed 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 the ordinance from which this section is derived and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

7. Repairs and maintenance

On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, to an extent not exceeding 20 percent of the current replacement cost of the non-conforming structure or non-conforming portion of the structure as

the case may be, provided that the cubic content existing when it became non-conforming shall not be increased.

If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

8. Change of Ownership

There may be a change of tenancy, ownership or management of any existing non-conforming uses of land, structures and premises, provided there is no change in the nature or character of such non-conforming uses.

Section 415 - Open Space Preservation

Land zoned for residential development may be developed as specified by [Public Act 177 of 2001](#) (Section 16h), referred to as Open Space Preservation Act or Cluster Zoning Act. This Act allows developers, at their choice, an option to cluster new homes on smaller lots surrounded by permanently preserved open space.

Section 416 - Performance Standards

No use otherwise allowed shall be permitted within any district which does not conform to the following standards of use, occupancy

and operation, which standards are hereby established as the minimum requirements to be maintained within such area:

1. Smoke

It shall be unlawful for any person to cause or permit to be discharged into the atmosphere from any single source of emission, smoke of a density equal to or darker than No. 2 of the Ringelmann chart except:

- a. Smoke of a density equal to but not darker than No. 2 on the Ringelmann chart may be emitted for not more than three minutes in any 30-minute period.
- b. Smoke of a density equal to but not darker than No. 3 of the Ringelmann chart may be emitted for not more than three minutes in any 60-minute period, but such emissions shall not be permitted on more than three occasions during any 24-hour period.

Method of Measurement. For the purpose of grading the density of smoke, the Ringelmann chart, as now published and used by the United States Bureau of Mines, which is hereby made a part of this chapter, shall be the standard. However, the umbrascope readings of smoke densities may be used when correlated with the Ringelmann chart.

2. Dust, Dirt and Fly Ash

No person shall operate or cause to be operated, maintained or cause to be maintained, any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating, while using such process or furnace or combustion device, recognized and approved equipment means, methods, devices or contrivance to reduce the quantity of gas borne or airborne

solids or fumes emitted into the open air, which is operated in conjunction with such process, furnace or combustion device so that the quantity of gas borne or airborne solids shall not exceed 0.20 grains per cubic foot of the carrying medium at a temperature of 500 degrees Fahrenheit.

Method of Measurement. For the purpose of determining the adequacy of such devices, these conditions are to be conformed to when the percentage of excess air in the stack does not exceed 50% at full load. The foregoing requirement shall be measured by the ASME Test Code for dust-separating apparatus. All other forms of dust, dirt, and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned. The building inspector may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt, and fly ash have been made.

3. Open Storage

The open storage of any industrial equipment, vehicles, and all materials, including wastes, shall be screened from public view, from a public street and from adjoining properties by an enclosure consisting of a wall not less than the height of the equipment, vehicles, and materials stored. Whenever such open storage is adjacent to a residential zone in either a front, side, or rear lot line relationship, whether immediately abutting or across a right-of-way from such zone, there shall be provided an obscuring masonry wall or wood fence of at least six feet in height.

4. Glare and radioactive materials

Glare from any process (such as or similar to arc welding, or acetylene

torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines. Radioactive materials and wastes, and including electromagnetic radiation such as X-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.

5. Fire and Explosive Hazards

The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with the state rules and regulations, as established by state law.

6. Noise

Objectionable sounds, including those of an intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.

7. Odors

Creation of offensive odors shall be prohibited.

Section 417 - Ponds

1. Except as provided in 417(3), ponds shall be permitted within the Township by permit issued by the Building Official consistent with the following standards

- a. Size. Ponds shall be no larger than one (1) acre or greater than five (5%) percent of the total ground surface area of the parcel where the pond is located, whichever is smaller. Ponds in the A-R District may exceed this standard if, in the opinion of the Building Official, additional size is needed for the intended use of the pond in relation to a genuine agricultural use of the property.

- b. Setbacks. Ponds shall be set back not less than one hundred (100) feet from any property line and shall not be located in any required yard area. (Nothing in this Ordinance shall be construed to prohibit the erection of any structure on the sole basis of its proximity to an existing pond.)
- c. Side Slopes. Ponds shall have stabilized side slopes not steeper than three (3) horizontal feet to one (1) vertical foot extending into the water to a depth of two (2) feet below the surface of the water at the lowest sustainable water level.
- d. Soil Removal. Earth excavated during construction of a pond may be removed from the parcel if the applicant had complied with all requirements to obtain a pond permit.
- e. Sanitary Conditions. A pond must be maintained so as to assure that unsanitary conditions or obnoxious odors will not be created by the growth of biological organisms.
- f. Accessory Use. A pond shall only be established as an accessory use after a principal use is established on a parcel except that a pond may be a principal agricultural use on a parcel located in the A-R District.
- g. Plans. A plan indicating the location of the pond on the parcel shall be submitted to the Township. The plan shall be drawn to scale to provide adequate detail for the following items:
 - i. Distance of the edge of the pond to all property lines, septic fields, dwellings or other structures within one hundred (100) feet of the edge of the pond;
 - ii. Required yard areas in the vicinity of the pond to demonstrate that the pond does not encroach in required yard areas;

- ii. All underground or above-ground utility service lines and easements in the vicinity of the pond;
 - iii. All drains, ditches, sewers and discharge pipes existing or proposed for installation with the pond;
 - iv. All natural rivers, streams, lakes, ponds and wetlands within one hundred (100) feet of the edge of the pond; and
 - v. Any other information reasonably available that the Building Official may determine is necessary to complete his review of the proposed pond.
- h. Time Limit. A permit issued in accordance with the provisions of this Section shall remain valid for six (6) months from the day of issuance. Prior to the permit expiration date, the time limit may be extended by the Building Official for an additional six (6) months if, in the opinion of the Building Official, the additional time is necessary to complete the approved improvements.
- i. Other Regulations. An applicant shall be required to comply with all other Township, Bay County, State of Michigan, and Federal requirements. (Private deed restrictions may limit the use of the land for private pond purposes.) It shall be the sole responsibility of the applicant, and in no circumstance the responsibility of the Township to determine the applicability of or compliance with all other Township, Bay County, State of Michigan, and Federal standards, e.g., wetlands or environmental quality matters.
2. Ponds in Commercial and Industrial Zones. Ponds proposed for the development in commercial and industrial zones, including ponds used for storage of storm water, shall be subject to site plan review requirements and other requirements applicable to

use which is serviced by the pond. Other requirements may include special use permit approval and planned unit development conditions.

3. Ponds Not Requiring Permits. Any pond approved as part of a site plan or during plat review shall be exempt from the requirements of obtaining a pond permit.

Section 418 - Private Roads

1. Residential: All residential driveway openings onto a public street shall be constructed to Bay County Road Commission standards. Copies of permits issued by the Road Commission shall be provided to the Building Inspector prior to issuance of building permit.
2. Nonresidential: All driveway openings for nonresidential uses permitted in the Residential Districts shall be reviewed and approved by the Planning Commission as part of site plan approval.
3. Private Roads: Private roads are permitted as a Special Use in all zoned districts, provided the following conditions and criteria are met:
 - a. Preliminary street plan, prepared by a registered professional engineer, must be submitted to and approved by the Planning Commission. The plan shall be at a scale of no less than one (1) inch = one hundred (100) feet and shall clearly indicate the location of the private street, the length of the private street, and all parcels that will be served by the private street. The plan shall also indicate any other facilities that will be located within the street right-of-way such as, but not limited to, storm drainage, sanitary sewers, water mains, natural gas lines, and underground electric and telephone lines.

- b. Proposed deed restrictions and/or deed conveyances must be submitted to and approved by the Planning Commission.
 - i. How permanent access for pedestrian and vehicular traffic will be assured for each parcel.
 - ii. The Township of Kawkawlin has a right to construct public or semi-public utility systems within the private street right-of-way.
 - iii. The Township of Kawkawlin and/or the Bay County Road Commission will not be responsible for maintaining, snowplowing, or for improving the private street, or for constructing public or semi-public utility systems serving the street and that a methodology for assessing and collecting the costs of such maintenance and/or improvements to the parcels and lots served by the private street be submitted to and approved by the Planning Commission.

In the event there are lots which abut the proposed private road which are not owned by the applicant and in the further event any of these owners are unwilling to agree to the requirements of this Section, the Planning Commission may waive such compliance provided that the costs under this Section attributable to these lots are satisfactorily provided for in the methodology and the waiver approved by the Township Board, and ownership of the entire road is satisfactorily provided for.

- iv. All lots served by the private street will own to the centerline of the proposed private street right-of-way. Further, the parcel of property subject to the private street right-of-way may not be

conveyed separate and apart from the individual lots serviced by the private street unless the private street right-of-way is dedicated to a public entity and made a public street. The deed restriction will also reserve the right to convey the private street right-of-way to a public entity and will show the methodology for effectuating this conveyance. (For example, but not by way of limitation, the private street may be dedicated to a public entity upon presentation of a petition signed by a majority of the owners of those lots serviced by the private street.)

- c. The Planning Commission will review the particular circumstances and facts applicable to each proposed private street in terms of general standards contained in paragraph iii of this Section and the following standards and requirements and will make a determination as to whether the proposed street to be developed on the subject parcel meets the following standards and requirements:
 - i. It must be consistent with and in accordance with the general objectives, intent, and purposes of this Zoning Ordinance.
 - ii. It must be designed, constructed, operated, maintained, and managed so as to be compatible with existing adjacent land uses and appropriate in appearance with the existing or intended character of the general vicinity.
 - iii. It must be served adequately by essential public facilities and services, including but not limited to highways, streets, police and fire protection, drainage structures, municipal sanitary sewer and water, refuse disposal, or that parties or

- agencies responsible for the establishment of the proposed use will be able to economically provide any such service, together with sufficient deed restrictions and/or easements to accomplish the purpose.
- iv. It must be consistent in assuring that the general public health, safety, and welfare will not be infringed upon
 - v. It must be in complete compliance with all general and specific standards and conditions imposed pursuant to this Zoning Ordinance, other applicable local ordinances, and other applicable state and federal requirements.
- d. Prior to the start of construction, engineering construction plans sealed by a registered professional engineer will be submitted to the Planning Commission for approval, if the Planning Commission determines that the plans are in accordance with the following private street standards, a construction permit may be issued by the Building Inspector.
- i. A minimum right-of-way of sixty-six (66) feet.
 - ii. A maximum length to the radius point of any turnaround of nine hundred (900) feet.
 - iii. A minimum street grade of three-tenths (.3) of a percent and a maximum street grade of five (5) percent.
 - iv. Horizontal curves will have a centerline radius of not less than two hundred fifty (250) feet.
 - v. A vertical street alignment which provides for a minimum of thirty (30) miles per hour and a stopping sight distance of at least two hundred (200) feet.
- vi. Utility plan showing electricity, gas, water, sewer, telephone, cablevision, street lighting, drainage, and fire hydrants. Further, all proposed traffic control devices will be shown and a statement made whether the applicant requests the traffic control devices be approved by the Township traffic control engineer for enforcement purposes.
 - vii. Provide that the street will be cleared and graded for the entire width of the roadway cross-section.
 - viii. The street cross-section and turn-around will conform to the drawing attached as Exhibit 1 or the minimum County Road Commission construction standards, or modifications thereof, which are approved by the Planning Commission. Drainage structures (such as culverts) will be provided to insure flow through any traversed drainage course as well as at driveways. End sections and/or grouted bag (riprap) headwalls will be constructed at the ends of all culverts. Drainage marker posts will be placed at the ends of all culverts forty-eight (48) inches in diameter or less. The minimum diameter of a driveway culvert will be twelve (12) inches.
 - ix. If any county drain is traversed, plans will be approved by the Bay County Drain Commissioner before construction.
 - x. The minimum road swale grade will be two (2) percent.
 - xi. Four (4) inches of topsoil with seed, fertilizer, and mulch, with Michigan Department of Transportation roadside mixture, will be applied to all disturbed areas. Ditches will be sodded for

grades greater than two and one-half (2½) percent of where the velocities in the ditch exceed three (3) feet per second.

- xii. Railroad crossings will have approval from the Michigan Public Service Commission for new crossings. Advance warning signs and crossbuck signs are required.
- xiii. All materials and construction methods will be in accordance with the latest edition of the Michigan Department of Transportation Standard Specifications for Construction.
- xiv. Public sanitary sewer and water will be connected to all lots serviced by the private street where they are available.

Section 419 - Required Area or Space

Neither lot nor lots in common ownership, nor yard, court, parking space or any other place shall be divided, altered or reduced to be less than the minimum allowable dimensions as defined in this Ordinance. If such areas are already less than the minimum allowable dimensions, they shall not be divided, altered or reduced further.

Section 420 - Site Condominium Projects

Site Condominium Projects, as defined by **Article II** of this Ordinance, may be permitted in any Zoning District for the uses permitted in that particular district.

Section 421 - Storage of Motor Vehicles

There shall be no outside storage of automobiles, trucks, semi-tractors, and similar vehicles that are abandoned, disabled, wrecked or unlicensed except in a lawful junk yard.

Section 422 - Substandard Dwelling Occupancy during the Construction of a Dwelling

For the express purpose of promoting the health, safety and general welfare of the inhabitants of the Township, and of reducing hazards to health, life and property, no basement-dwelling, cellar-dwelling, garage-house, tent, camper, travel trailer, recreational vehicle, mobile home not installed according the requirements of this Ordinance, or other substandard structure shall hereafter be erected or moved upon any premises and used for dwelling purposes except under the following applicable conditions:

1. The location shall conform to the provisions governing yard requirements of standard dwellings in the district where located.
2. The use shall be for the sole purpose of providing dwelling facilities for the owner of the premises during the period in which a dwelling conforming to the provisions of this Ordinance is in process of erection and completion, but not to exceed twelve (12) months. One (1) additional twelve (12) month extension may be obtained from the Zoning Administrator. The substandard dwelling shall be removed upon completion of construction of a dwelling complying with the requirements of this Ordinance.
3. Installation of septic system and water well shall be constructed and maintained in accordance with the standards of materials and installation recommended by District Health Department, and shall precede occupancy of the substandard dwelling.
4. Application for the erection and use of a substandard dwelling shall be made at the time of zoning permit application for the permanent dwelling. On approval and delivery of the zoning permit, the applicant shall certify in a space allotted

for that purpose, and on the copy retained for filing by the Township, that he/she has full knowledge of the limitations of the permit and the penalty pertaining thereto. No such permit shall be transferable to any other person.

5. No annexes or additions shall be added to temporary substandard dwellings.

Section 423 - Swimming Pools – Private

Swimming pools, spas, and hot tubs are permitted as an accessory use in all zoning districts subject to applicable setback regulations established for accessory uses, buildings and structures. Swimming pools, spas and hot tubs located out of doors, whether constructed in, on, or above the ground, shall be provided with a fence or other barrier that complies with all provisions of the Bay County Building Code applicable to swimming pools. Fences or other barriers must be approved by the Building Inspector before a swimming pool, spa, or hot tub will be approved for use or occupancy.

Section 424 - Temporary Use of Recreational Vehicles as Dwellings

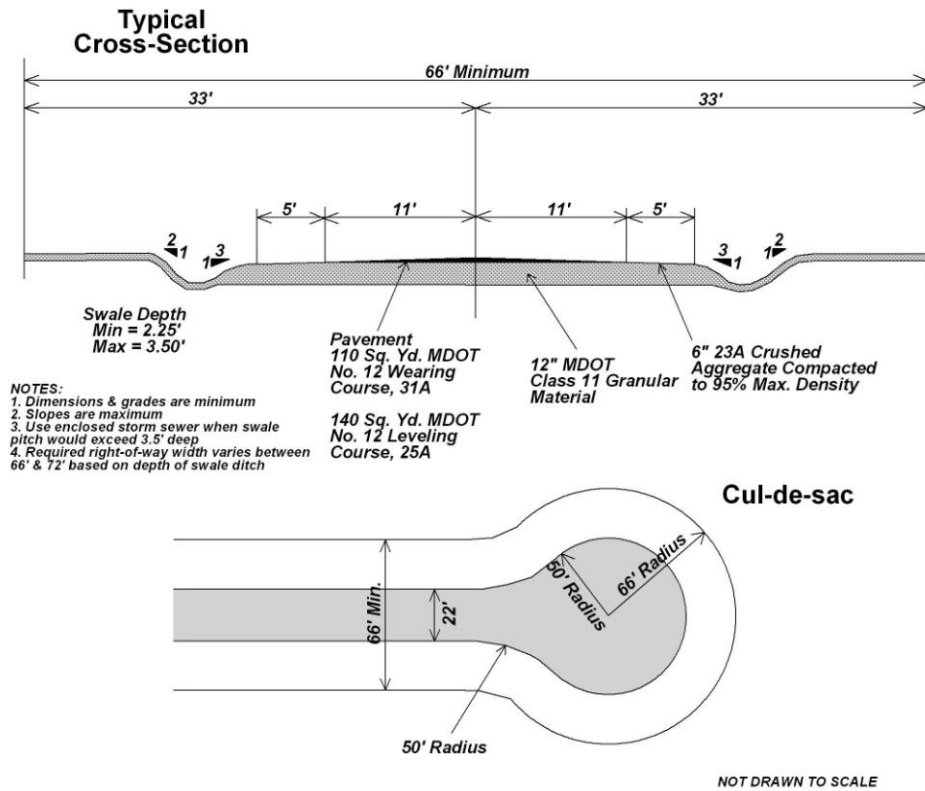
Travel trailers, motor homes and other similar recreational vehicles designed with sleeping accommodations shall not be

occupied for transient purposes for a continuous period exceeding thirty (30) days per each ninety (90) day period unless connected to electrical service and District Health Department approved sanitary facilities. Temporary occupancy of such vehicles connected to electrical and sanitary facilities shall not exceed ninety (90) days in any calendar year, except under the provisions of **Section 422**. Permits for temporary use shall be obtained from the Zoning Administrator.

Section 425 - Dwelling regulations

- a. Only one dwelling unit is permitted per legally defined parcel.
- b. A principal structure must be constructed on a parcel prior to or at the same time as an accessory structure. There shall be no accessory structures on a parcel without a principal structure on a residential parcel.

Figure 11
PRIVATE ROAD STANDARDS



Article V ■ Special Use Provisions

Section 500 - Intent, Purpose and Process

1. **INTENT.** The Special Uses that are designated for a particular Zoning District are generally complementary to the uses permitted by right. However, because of their unique characteristics or more intensive natures, these uses require special consideration of the welfare of adjacent properties and the community as a whole. It is the intent of this Ordinance to provide a set of procedures and standards for specific uses of land or structures that will allow practical latitude for land use and at the same time, promote the intent and purpose of this Zoning Ordinance, and insure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land uses.

The Planning Commission shall have the opportunity to impose conditions upon each use which are deemed necessary for the protection of the public welfare. Such conditions shall be based on standards in this Ordinance.

2. **PURPOSE.** This Chapter provides procedures and standards for regulating activities identified as uses by Special Use Permit for each Zoning District. Special Uses represent a middle range between uses that are clearly permitted and uses that are clearly denied in any Zoning District. The purpose of designating special uses is to allow practical latitude for a property owner or developer to use a parcel of land while maintaining protection of the health, safety, comfort, convenience and general welfare of neighbors and the community at large.

3. **STANDARDS.** The request for special land use approval must meet the following general standards, as well as the more specific requirements for the requested land use. The Planning Commission shall review each application for the purpose of determining that each use on its proposed location will:
 - a. Is harmonious with and in accordance with the general principals and objectives of the Master Plan of Kawkawlin Township.
 - b. Is designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the area in which it is proposed.
 - c. Is not hazardous or disturbing to existing or future uses in the same general vicinity and will be a substantial improvement to property in the immediate vicinity and to the community as a whole.
 - d. Is served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal water and sewage facilities and schools.
 - e. Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any person, property or general welfare as a result of producing excess traffic, noise, smoke, fumes, glare, odors.

- f. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this ordinance for the land use or activities under consideration; and be necessary to ensure compliance with those standards.

4. PROCESS

- a. **SUBMISSION OF APPLICATION.** The application package is to be submitted to the Township Zoning Administrator.
 - i. **CONTENTS.** The application package consists of a Special Use Permit Application form completed in full by the applicant, accompanied by a fee as established by the Township Board.
 - ii. **APPLICATION DEADLINE.** The complete application package must be submitted to the Zoning Administrator at least thirty (30) days before the Planning Commission meeting at which it will be considered.
- b. **CONSIDERATION OF REZONING AND SPECIAL USE PERMIT.** In the event that allowance of a desired use requires both a rezoning (change in Zoning District designation for the parcel) and a Special Use Permit, both requests may be submitted jointly and considered at a single meeting of the Planning Commission, subject to the following requirements.
 - i. **SEPARATE.** The rezoning shall be considered separately & prior to the Special Use Permit.
 - ii. **PROCEDURES.** The Ordinance procedures for each decision shall be followed as specified. Any Special Use Permit approval must be conditioned upon adoption of the rezoning by the Township Board, after submission to the County Planning Commission.

- iii. **STANDARDS.** All standards required by this Ordinance shall be observed for each action.
- iv. **PUBLIC HEARINGS.** The public shall be given the opportunity for input on both the rezoning and Special Use decisions. Thus, two (2) separate public hearings shall be held at the same meeting.
- c. **PLANNING COMMISSION REVIEW AND HEARING.** The Special Use Permit application package shall be the subject of both a Site Plan Review and a public hearing conducted by the Planning Commission. If the applicant wishes to have the Site Plan Review and Special Use Permit considered at a single Planning Commission meeting, the following process occurs:
 - i. **PUBLIC HEARING ON SPECIAL USE.** The Planning Commission shall hold a public hearing on the application as part of the meeting in which the Special Use Permit is considered.
 - a) **NOTICE.** A notice of public hearing shall be mailed to all parties specified in the Administration chapter and published in a newspaper of general circulation in the Township not less than fifteen (15) days before the date of such hearing.
 - b) **DELAY AT APPLICANT'S REQUEST.** If a site plan for a Special Use has been denied, the applicant may ask that the Special Use Permit, including the public hearing, be postponed. However, postponing the hearing prior to the hearing taking place, requires an additional notification of neighboring property owners and newspaper publication of another notice. Therefore, the

- applicant will be required to pay an additional application fee to offset the Commission's added cost.
- ii. **SITE PLAN REVIEW.** The Planning Commission shall conduct a Site Plan Review for the proposed use, using the procedure and standards presented in the Site Plan chapter and any specific standards identified for the Special Use by this Chapter. The Planning Commission may approve the site plan as presented, approve it with conditions, deny it, or table approval of it to a specific meeting date.
 - a) **PUBLIC INPUT.** The Site Plan Review may be completed before public input is heard on the question of granting the Special Use Permit. This is because the Site Plan Review process is intended to be an objective review of factual information to determine whether precise standards have been met. However, the Planning Commission may choose to accept public comments or questions relating only to design considerations of the site plan.
 - b) **IF THE SITE PLAN IS DENIED.** In the event the site plan is denied, consideration of the Special Use Permit shall still occur, including the public hearing. The Special Use Permit may still be approved with the condition that site plan approval must be obtained before the Special Use Permit is valid.
 - iii. **CONSIDERATION OF SPECIAL USE PERMIT.** Following the close of the public hearing, consideration of the Special Use permit shall take place.
 - a) **OPEN MEETING.** Note that the Open Meetings Act requires this vote to take place in an open public meeting.
 - b) **PROMPT DECISION.** In the interest of fairness and a timely response for all concerned parties, the Planning Commission shall render their decision on the Special Use Permit during the same meeting in which the public hearing is held, unless further information must be obtained before a decision can be made. In such cases, action upon the Special Use Permit may be tabled to a public meeting of the Planning Commission to be held on a specific date which is identified in the motion to table.
5. **REAPPLICATION.** An application for a Special Use Permit that has been denied may not be resubmitted until one (1) year after the date of denial has passed.
 6. **TERMS OF PERMIT.** A Special Use Permit consists of a permit that specifies the Special Use which is to be allowed and any conditions which were attached by the Planning Commission. If a use established under a Special Use Permit is discontinued for a period of one (1) year, the Special Use Permit shall expire. To reestablish the use after such expiration will require granting a new Special Use Permit, starting with a new application.
 7. **REVOCATION.** The privilege of a Special Use Permit is subject to all the conditions that have been attached to it during the process described above. The permit remains valid as long as all of those conditions are met and is transferable from owner to owner or "runs with the land." However, the Planning Commission shall revoke any Special Use Permit after it has been

proven that the permit conditions have been violated.

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

- e. **ENFORCEMENT OF ORDER.** Failure to comply with the order to cease an activity for which a Special Use Permit has been revoked is a violation of this Ordinance, subject to all penalties thereof.
- f. **ENFORCEMENT OF CONDITIONS.** The breach of any condition shall be cause for the Planning Commission to revoke a Special Use Permit.

Section 501 - Scope

The following uses, due to their special nature, require additional standards to ensure compatibility with the character of the district they are located in. For this reason, the following uses shall be controlled by the provisions of this Article, in addition to the provisions of the district they are listed under.

Section 502 - Adult Entertainment Businesses

1. No adult entertainment business shall be permitted in a location in which any principal or accessory structure, including signs, is within 1,500 feet of any principal or accessory structure of another adult entertainment business.
2. No adult entertainment business shall be established on a parcel that is within 500 feet of any parcel zoned A-R, R-1, R-2, R-3, or R-4.
3. No adult entertainment business shall be established on a parcel within 1,500 feet of any residence, park, school, childcare facility, or place of worship. The distance shall be measured in a straight line from the nearest property line upon which the proposed adult entertainment business is to be located to the nearest property line of the residence, school, childcare facility, or place of worship.
4. The proposed use shall conform to all specific density and setback regulations of the zoning district in

which it is located.

5. The proposed use must meet all applicable written and duly adopted standards of the Township and other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.
6. The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not be visible from neighboring properties or adjacent roadways.
7. Any sign or signs proposed for the adult entertainment business must comply with the provisions of this Ordinance, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.
8. Entrances to the proposed adult entertainment business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business. Lettering no less than two (2) inches in height shall state: 1) "Persons under the age of 18 are not permitted to enter the premises", and 2) "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
9. No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift shall be displayed so as to be visible from the nearest adjoining roadway or a neighboring property.
10. Hours of operation shall be limited to 10:00 a.m. to 12:00 midnight.
11. All off-street parking areas shall be illuminated during all hours of operation of the adult entertainment business, and until one hour after the

business closes.

12. Any booth, room or cubicle available in any adult entertainment business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:
 - a. Is handicap accessible to the extent required by the Americans with Disabilities Act;
 - b. Is unobstructed by any door, lock or other entrance and exit control device;
 - c. Has at least one side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
 - d. Is illuminated by a light bulb of wattage of no less than twenty-five (25) watts;
 - e. Has no holes or openings in any side or rear walls.

Section 503 - Airports and Aircraft Landing Fields

1. Privately owned and maintained non-commercial aircraft landing strips, more or less parallel to a public road, shall be set back from such road for a minimum distance of two hundred (200) feet. Where a privately owned landing strip is situated more or less perpendicular to a public road, such landing strip shall be separated from said road by a distance of at least four hundred (400) feet.
2. All privately owned and maintained aircraft landing strips shall be at least two hundred fifty (250) feet from the nearest residential dwelling unit and at least one thousand (1,000) feet from all other buildings not designed as accessory structures for said aircraft landing field.

3. All aircraft landing fields or airports must conform to applicable Federal and State regulations and be approved by appropriate Federal and State agencies prior to submittal of a site plan to the Planning Commission.

Section 504 - Automobile Wash Establishments

1. All washing activities must be carried on within a building.
2. Vacuuming activities may be carried out only in the rear yard and at least fifty (50) feet distant from any adjoining residential use.
3. The entrances and exits of the washing facility shall be from within the lot and not directly to or from an adjoining street or alley. A street or alley shall not be used as maneuvering or parking spaces for vehicles to be serviced by the subject facility.

Section 505 - Bed and Breakfast Facilities

1. Building Requirements

The structures in which the bed and breakfast operation is located must meet the following requirements:

- a. The building must meet the minimum size requirements for that particular zone.
- b. The building must have a minimum of two exits.
- c. Each bedroom used for the bed and breakfast operation should have a minimum of 100 square feet for two occupants and a minimum of 160 square feet for a family of two adults and two children.
- d. Each bedroom must be equipped with a smoke detector.

- e. Each bedroom must be located in the principal structure on the property. No bed and breakfast bedrooms are allowed in outbuildings.
- f. External changes or modifications to the building for the purpose of accommodating the bed and breakfast operation are prohibited.
- g. Bed and breakfast bedrooms shall not be located in basements or other below ground areas.
- h. Sleeping and bath areas rented to paying guests on an overnight basis shall not occupy greater than 30 percent of the usable floor area of the dwelling.
- i. Guests at bed and breakfast facilities must have access to indoor restroom facilities in the building.

2. Other Requirements

- a. Comply with the requirements as established in [Section 125.1504b, of Michigan Public Act 230 of 1972](#), as amended.
- b. No more than two adults and two children may occupy a bed and breakfast bedroom at any one time.
- c. The owner and paying guests of a bed and breakfast facility are prohibited from conducting parties, receptions, banquets and other activities.
- d. The maximum length of stay in a bed and breakfast facility shall not exceed 16 consecutive days per visit.
- e. A single, non-illuminated, non-animated sign which identifies the bed and breakfast facility of not more than four square feet in area may be erected on the front wall of the building. One freestanding, non-illuminated, non-animated

sign of not more than four square feet shall be permitted.

- f. The bed and breakfast facility must be the principal residence of the owner of the facility, and the owner must reside on the premises.
- g. A bed and breakfast facility may not have more than two outside employees.
- h. Each bed and breakfast facility must maintain a guest register.
- i. Bed and breakfast facilities may serve meals but only to registered guests.
- j. Bed and breakfast facilities must comply with state health department rules and requirements regarding food service.
- k. Bed and breakfast bedrooms shall not contain cooking facilities, and the house kitchen shall not be enlarged for the purpose of accommodating the bed and breakfast operation.

Section 506 - Campgrounds and Travel Trailer Parks

Minimum lot size shall be ten (10) acres. The lot shall provide direct vehicular access to a public street or road. The term "lot" shall mean the entire campground or travel trailer park. Each lot shall be provided with at least one (1) public telephone.

Section 507 - Child Care Organizations

All Child Care Organizations shall require State licensing, as specified in [Public Act 116 of 1973](#), as amended.

Section 508 - Convalescent or Nursing Homes or Senior Assisted Living Homes, Group Day Care Home, Clinics

Convalescent or nursing homes or senior assisted living homes shall be designed and constructed in accordance with State regulations.

Section 509 - Drive-Through Businesses

1. The main and accessory buildings shall be set back a minimum of forty (40) feet from any adjacent right-of-way line or residential property line.
2. A six (6) foot high obscuring wall shall be provided adjacent to any residential district.

Section 510 - Gasoline Service Stations, Auto Service Stations and Body Shops

1. The service area of any automobile service station shall consist of such capacity as to allow space for at least three (3) automobiles per gasoline pump.
2. Gasoline pumps shall be set back a minimum of twenty-five (25) feet from any street or right-of-way line.
3. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed within a building.
4. When adjoining residentially zoned property, a six (6) foot screening fence shall be erected and maintained along the connecting interior lot line, or if separated by an alley, then along the alley lot line. All masonry walls shall be protected by a fixed curb or similar barrier to prevent contact by vehicles.
5. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a six (6) foot screening fence and shall comply with requirements for location of accessory buildings. Outside storage or parking of disabled, wrecked, or partially dismantled vehicles shall not be

permitted for a period exceeding fourteen (14) days.

6. All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent properties.

Section 511 - Golf Courses, Country Clubs and Resorts

1. Minimum lot size shall be forty (40) acres.
2. The main and accessory buildings shall be set back at least seventy-five (75) feet from all property lines.

Section 512 - Gravel, Soil, Sand, Clay, Stone, or Similar Materials: Removal, Filling

1. STREET ACCESS. All such operations shall be located on a major road for ingress and egress thereto, or on a road which does not create traffic through an area developed primarily for residential purposes. Where necessary, the Planning Commission may require the applicant to construct and/or improve a road to accommodate the truck travel necessitated by the operations as a condition to such operations, and for the purpose of routing traffic around residential areas and preventing the breaking up of existing roads which are not "all weather" roads.
2. SETBACKS AND GRADE LEVELS
 - a. Sufficient setbacks shall be provided from all property lines and public rights-of-way to assure adequate lateral distances from adjacent public and private property. No such excavation operation shall be permitted closer than one hundred fifty (150') feet to interior boundary lines of the property but larger setbacks may be required by the Planning Commission to adequately protect adjoining properties.

- b. No such excavation operation shall be permitted within fifty (50') feet of adjoining public rights-of-way except for the lowering of land adjoining the rights-of-way to the grade level of the rights-of-way.
- c. The permanent processing plant and its accessory structures shall not be located closer than two hundred fifty (250') feet from the interior property lines and adjoining public rights-of-way and shall, where practicable, be located at a lower level than the surrounding terrain to lessen visual and noise impact. In addition, the foregoing shall apply to digging or excavating apparatus, to the stockpiling or loading of materials and to the location of transportation equipment.
- d. No such excavation operation shall be located within one hundred (100') feet of the banks of any stream or waterway unless previously approved, in writing, by the Michigan Water Resources Commission, or such other state commission having appropriate jurisdiction. No such mining operations shall be conducted to the detriment or damage of adjoining public or private properties.

3. SIGHT BARRIERS

- a. Sight barriers shall be provided along all boundaries of the site which lack natural screening conditions through existing contours or evergreen growth. Such barriers shall consist of one or more of the following:
- b. Earth berms constructed to a height of six (6') feet above the mean elevation of the centerline of the adjacent public roadway and/or six (6') feet above the general level of terrain along interior property lines. Such berms shall have slopes that are not in excess of one (1') foot

vertical to three (3') feet horizontal and shall be planted with grass, trees or shrubs.

- c. Plantings of evergreen trees or shrubbery in rows parallel to the boundaries of the property, not less than four (4') feet in height at the time of planting and which grow to not less than six (6') feet in height at maturity and sufficiently spaced to provide effective sight barriers when six (6') feet in height.

4. NUISANCE ABATEMENT

- a. **NOISE AND VIBRATIONS.** Noise and vibration shall be minimized in their effect upon adjacent properties by the utilization of modern equipment designed to accomplish such minimization and by the proper use of berms, walls, and natural planting screens. All equipment shall be maintained and operated in such a manner so as to eliminate, as far as practicable, excessive noise and vibrations which are not necessary in the operation of such equipment.
- b. **AIR POLLUTION.** Air pollution in the form of dust and dirt shall also be kept to a minimum by the use of modern equipment and methods of operation designed to avoid any excessive dust or dirt or other air pollution injurious or substantially annoying to adjoining property owners. Interior and adjoining roads used in the operations shall have their surface treated to minimize any such nuisance.
- c. **HOURS OF OPERATION.** The operation shall be restricted to the hours of seven (7:00 AM) o'clock a.m. until six (6:00 PM) o'clock p.m. Monday through Friday.
- d. **FENCING.** In addition to the sight barriers along the boundaries of the site all steep excavations, pits and pond areas, banks or slopes shall be

fenced and posted with signs around the perimeter thereof and maintained to prevent injury to children or others. Such excavation, pits, pond areas, banks and slopes upon termination of operations, shall be eliminated as expeditiously as possible.

5. RECLAMATION OF MINED AREAS

- a. **TIME PERIODS.** Reclamation and rehabilitation of mined areas shall be accomplished as soon as practical following the mining or excavation of an area. Rehabilitation and reclamation shall be commenced immediately upon the termination of the mining or excavation operations in any area consisting of one (1) acre or more. Substantial completion of reclamation and rehabilitation shall be effected within one (1) year after termination of mining or excavation activity. Inactivity for a twelve (12) month consecutive period shall constitute, for this purpose, termination of mining activity.
- b. **STANDARDS.**
 - i. All excavation shall be either to a water producing depth of not less than five (5) feet below the average summer level of water in the excavation, or shall be graded or backfilled with non-noxious, non-flammable, non-polluting and non-combustible solids to ensure:
 - ii. That the excavated area shall not collect stagnant water and not permit the same to remain; or,
 - iii. That the surface of such area which is not permanently submerged is graded or backfilled as necessary to produce a gently rolling surface that will minimize wind and water erosion, and which will be

- generally compatible with the adjoining land area.
- iv. The banks of all excavations shall be sloped to the waterline in a water-producing excavation, and to the pit floor in a dry operation at a slope which shall not be steeper than one (1) foot vertical to three (3) feet horizontal.
 - v. Top soil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches, or other planned improvements are to be completed within a one (1) year period. Where used, top soil shall be applied to a minimum depth of four (4") inches sufficient to support vegetation.
 - vi. Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface and to minimize erosion.
 - vii. Upon cessation of mining operations by abandonment or otherwise, the operating company, within a reasonable period of time not to exceed twelve (12) months thereafter, shall remove all plant structures, foundations, buildings, stockpiles and equipment, provided that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which they will be located under such plan may be retained.
6. PERFORMANCE BOND. A performance bond or cash shall be furnished the

Township Clerk ensuring the proper rehabilitation and reclamation of the mined and excavated areas prior to the commencement of any such mining or excavating operations. The amount of guarantee shall not be less than three thousand dollars (\$3,000) per acre proposed to be mined or excavated in the following twelve (12) month period and which has previously been mined or excavated during any preceding period and not reclaimed and rehabilitated in accordance with this Ordinance and the applicant's filed plan. Mined areas resulting in a water depth of five (5) feet or more shall be deemed to be reclaimed areas to within fifteen (15) feet of any vertical shoreline thereof and to the extent of the shoreline where the same has been sloped to a grade of not more than one (1) vertical to three (3) horizontal, for the purpose of this financial guarantee. Such financial guarantee shall be reviewed annually on or about the anniversary date of the excavation permit for adjustment and compliance with the foregoing requirements by the Zoning Administrator and the Planning Commission. In no event shall such financial guarantee be less than three thousand dollars (\$3,000) and the dollar amount of the guarantee shall be set by the Township Board.

7. SUBMISSION OF OPERATIONAL AND RECLAMATION PLANS

- a. PLAN CONTENTS. No earth removal, quarrying, gravel processing, mining and related mineral extraction businesses shall be allowed or commenced until a plan has been submitted to the Planning Commission disclosing compliance with all of the provisions of this Ordinance or the manner in which compliance will be secured by the applicant. Such plans shall include, among other things, the following:
 - b. A contour map of the tract of land involved in the operations, including

dimensions of the same, access thereto abutting public streets, and whether or not the same are "all weather" roads, additional roads, if any, to be constructed, and the location and nature of abutting improvements on adjoining property.

- c. The number of acres and the location of the same proposed to be operated upon within the following twelve (12) month period after commencement of operations.
- d. The type of mining or processing proposed to be conducted and the nature of the equipment to be used.
- e. The location of the principal processing plant and the distance of any proposed excavation or mining from the boundaries of the site.
- f. Soil boring tests shall be made around the perimeter of the excavation site in the event excavation or activities are to be conducted closer than one hundred fifty (150) feet from the boundaries of the site. The soil boring tests shall disclose conditions satisfactory for lateral support of adjacent premises as determined by a registered civil engineer. The written consent of the Planning Commission shall be required if mining operations shall be closer than specified in this Ordinance to the boundaries of the site.
- g. A map or plan disclosing the final grades and elevations to be established following the completion of the mining operations, including the proposed uses then contemplated for the land, future lakes and roads and such other matters as may evidence the bona fide nature of the reclamation and rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed mining activities.

8. **ADDITIONAL CONDITIONS.** In making any decision, the Planning Commission shall have the right and authority to impose such additional conditions and safeguards as it deems necessary for the protection of the health, safety and general welfare of the neighborhood and of the adjoining residents and property owners. It may also limit the length of time its special use permit is to be effective and may provide for a periodic review of the proposed operations to ascertain compliance with the conditions and limitations imposed upon such operations. It shall be empowered to renew or extend a special use permit where all standards and conditions are complied with and may revoke or refuse to renew the same where non-compliance exists. No revocation or failure to renew or extend a permit shall release the applicant from the duty of rehabilitation and reclamation of the mined or disturbed area. No permit shall be revoked or not renewed until the operator has been given written notice of any violation forming the basis of the revocation or denial of renewal and not less than thirty (30) days have elapsed to correct the stated violation. All permits shall be reviewed by the Planning Commission annually.

9. **INSPECTIONS AND CONFORMANCE.** Inspections shall be made of the mining site no less often than twice in each calendar year by the Zoning Administrator in order to ensure conformance with the requirements of the approved special use permits. An aerial photo or a DVD showing the entire property and/or operations thereon shall be taken prior to the start of operations and annually thereafter and presented to the Zoning Administrator for administrative and enforcement purposes.

10. **LIABILITY INSURANCE.** All operators shall be required to carry personal injury and property damage insurance while any unreclaimed or unrehabilitated area exists, in amount to be established by the

Township Board. The insurance shall cover injury or damage occurring upon the site of the operations as well as upon adjoining properties, as a result of conditions or activities existing upon the site. A copy of the policy shall be filed with the Township Clerk.

Section 513 - High Intensity Uses

Standards in this section shall apply to all of the following uses. These uses are: Auto Salvage yards, junkyards, lumber and planing mills, sawmills, gas and oil processing, storage and transfer of electric and gas, landfills and incinerators, major public utility.

1. **GENERAL.** All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less than those in applicable state statutes, the state requirements shall prevail. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property and individual, or to the community in general.
2. **CONTRACTUAL AGREEMENTS.** The provisions of this section are not intended to diminish or alter the enforceability or application of any separate contractual agreements between the Township and any individual or company which owns a landfill or is involved with landfill operations.
3. **TREE BUFFERS FOR LANDFILLS AND JUNKYARDS.** Buffers of tree cover shall be provided on the periphery of the property. The buffer shall be no less than fifty (50) feet in width, and may be natural vegetation or planted evergreens if the existing cover is destroyed.
4. **NO HAZARDOUS OR TOXIC WASTE.** No hazardous or toxic wastes, as defined by the Department of

Environmental Quality, may be deposited or stored by any use in this group.

5. **TRUCK ACCESS.** Routes for truck movement to and from the site shall be identified by the Bay Road Commission. Wear on public roads, traffic hazards, and encroachment of noise, dust, and other nuisances upon adjacent uses must be considered.
6. **ACTIVITY RESTRICTIONS.** No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing (other than landfill compaction operations), or packaging shall be conducted within a completely enclosed building.
7. **FENCE REQUIREMENTS:**
 - a. **AROUND LANDFILL OR INCINERATOR.** Berms and fences shall be constructed around any landfill or incinerator as required by the Regulations promulgated by solid waste laws of the State of Michigan. The berms and fences shall be placed on the interior of the vegetated buffers mentioned above and shall not decrease their width. Fences shall have a gate entrance which can be locked during hours when no operation is taking place.
 - b. **AROUND JUNK YARD OR RESOURCE RECOVERY.** The storage of junk should be screened by a solid fence or wall at least eight (8) feet in height. Such fence or wall shall be of sound construction, painted, or otherwise finished neatly and inconspicuously. All activities shall be confined within the fenced in area. There shall be no stacking of material above the height of the fence or wall, except that moveable equipment used on the site may exceed the wall or fence height. No equipment, material, signs, or lighting shall be used or stored

outside the fenced in area.

Aesthetic and structural qualities of fencing shall be regulated by the Planning Commission at the time of site plan review.

- c. **AROUND SEWAGE TREATMENT OR DISPOSAL FACILITY.** All operations shall be completely enclosed by a wire link fence not less than eight (8) feet high.
8. **RESTORATION OF LANDFILL SITES.** Grading or reseeding upon completion of operations in a portion of a landfill site is required. Each used portion of the site must be restored with topsoil, graded and revegetated to promote proper drainage. The restoration shall eliminate all hazards and be blended to the general surrounding ground form.
 - a. Minimum lot size shall be eighty (80) acres.
 - b. The setback from the front property line to the area upon which junk materials are stored shall be not less than fifty (50) feet and said area shall be screened from the roadway and from any adjoining residential or business uses by an obscuring fence six (6) feet in height. Said fence to be kept uniformly painted, neat in appearance, and shall not have any signs or symbols painted on it.
 - c. All structures and fencing and used material storage yards shall be set back not less than fifty (50) feet from any street or highway right-of-way.
 - d. All roads, driveways, parking lots, and loading and unloading areas within any junkyard shall be paved, oiled, watered, or chemically treated so as to limit for adjoining lots and public roads, the nuisance caused by wind-borne dust.

Section 514 - Home Occupations

While the Township recognizes that many residents feel the necessity to work at home, the Township also recognizes the rights of all residents to be free from actual or potential nuisance which may be caused by non-residential activities conducted in a residential zone. The intent of this section is to ensure that any home occupation is compatible with other permitted uses in residential districts and to maintain and preserve the residential character of the neighborhood.

1. The home occupation shall be clearly incidental and subordinate to the principal use of the premises for residential purposes. The exterior appearance of the structure shall not be altered or the occupation within the residence be conducted in a manner which would substantially alter the premises' residential character.
2. The home occupation is conducted by the person or persons occupying the premises as their principal residence. Non-resident persons shall not be employed. Such use shall not occupy more than twenty-five percent (25%) of the ground floor area of the dwelling unit. No accessory building shall be used in the home occupation.
3. The dwelling has no exterior evidence, other than one (1) non-illuminated sign not exceeding four (4) square feet to indicate that the dwelling is being utilized for a non-residential purpose, and such sign is in conformance with the requirements of this Ordinance.
4. No occupation shall be conducted upon or from the premises, which would constitute a nuisance or annoyance to adjoining residents by reason of noise, dust, glare, heat, smoke, fumes, odor, vibrations or electrical disturbance. There shall be no discharge of polluting materials,

fluids or gases into the ground or surface water, soil or atmosphere.

5. Vehicular and pedestrian traffic generated by the home occupation shall not exceed that which would normally be expected in a residential neighborhood, and the need for parking shall be met off street.
6. The home occupation shall not be open to the public earlier than 8:00 a.m. nor later than 8:00 p.m.
7. There shall be no open display of goods, materials or services in connection with a home occupation, no sale of pre-packaged products produced off premises, and no customer/patron off-street parking shall be permitted within the setback area.
8. Any such home occupation shall be subject to special approval by the Planning Commission and inspection by the Zoning Administrator. The permit for it may be terminated for failure to comply with the Zoning Ordinance.

Section 515 - Hospitals

1. Minimum lot area shall be ten (10) acres.
2. The lot location shall be such that at least one (1) property line abuts a paved County primary road. The ingress and egress for off-street parking facilities for guests and patients shall be directly from said County primary road.
1. Minimum main and accessory building setback shall be one hundred (100) feet.
2. Ambulance and emergency entrance areas shall be visually screened from the view or adjacent residential uses

by a structure or by a masonry wall of six (6) feet or more in height.

3. No power plant or laundry shall be located nearer than three hundred (300) feet to any adjacent residential use.

Section 516 - Institutions, Religious, Cemeteries

1. Direct ingress and egress shall be from a paved road unless determined to be unnecessary by the Planning Commission.
2. The buildings on the site shall be set back from abutting properties zoned and used for residential use not less than fifty (50) feet.
3. Buildings of greater than the maximum height allowed in the zoning district that a religious institution is located in may be allowed, provided that front, side and rear yards are increased above the minimum requirements by one (1) foot of building that exceeds the maximum height allowed.

Section 517 - Intensive Livestock Operations, Animal Sales Yards, Raising and keeping of Fur Bearing Animals

1. Area and Location Requirements
 - a. The property shall have a minimum lot area of 40 contiguous acres under common ownership.
 - b. The property shall have a minimum lot frontage of 660 feet.
 - c. All non-residential buildings, structures, enclosed areas (including land used for pasture or feedlot purposes), and equipment associated with the conducting of an intensive livestock operation, including animal shelter and waste storage areas, structures, excavations, shall be located at

least 100 feet from any property boundary.

- d. All buildings, structures, enclosed areas (including land used for pasture or feedlot purposes), and equipment associated with the conducting of an intensive livestock operation, including animal shelter and waste storage areas, structures, and excavations:

- i. shall be located at least 1,320 feet (one-quarter mile) from the boundaries of any property zoned other than "A-R" Agricultural/Rural Residential pursuant to the Township Zoning Ordinance/ Map, at the time application for the special use permit is made.

- ii. shall be located at least 2,640 feet (one-half mile) from the boundaries of any existing recorded residential plat in the Township.

- e. All buildings, structures, enclosed areas, and equipment associated with the conducting of an intensive livestock operation, including animal shelter and waste storage areas, structures and excavations, shall be located at least 100 feet from the right-of-way of any public roadway; provided, that lands used only for pasture purposes shall not be subject to this requirement.

2. Operational and Waste Management Requirements

An Intensive Livestock Operation shall be operated and maintained at all times in accordance with the recommendations set forth in the Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Production Facilities (GAAMPS) as adopted by the Michigan Agricultural Commission.

3. Groundwater Quality/Flow Evaluation

As a condition for issuance of a special use permit, the owner or operator of the proposed intensive livestock operation shall install 1 to 4 two-inch groundwater monitoring wells within 100 feet of each animal waste storage structure or area, with the exact number and location of such monitoring wells to be determined by the Planning Commission to facilitate the purposes of the water sampling requirements set forth in this subsection. Prior to approval, the owner or operator shall cause a sample of water from the upper groundwater aquifer to be extracted from each monitoring well and tested by a governmental agency or an independent private laboratory for background organic and inorganic chemical contamination and shall provide the results of such testing to the Township. In addition, as a condition of special-use approval, an intensive livestock operation shall submit to further periodic groundwater sampling and testing from the monitoring wells by an appropriate governmental agency or independent private laboratory at the request of the Township at reasonable intervals.

In coordination with the pre-approval water sampling requirements set forth in the preceding paragraph of this Ordinance, and to enable the Planning Commission to properly evaluate the suitability of a specific site for intensive livestock purposes, in the course of reviewing an application for an intensive livestock operation the Planning Commission shall require a report from an engineer disclosing the flow of groundwater beneath the site in question based on existing available hydrogeological data compiled by governmental agencies, educational institutions, or other public entities. In addition, the applicant shall submit to

the Planning Commission any hydrogeological study and supporting data obtained by the applicant, or prepared on behalf of the applicant, for the site in question.

4. Maximum Animal Unit Limitations

No intensive livestock operation shall have more than 2,000 animal units without a review of the permit by the Planning Commission.

Section 518 - Kennels, Commercial

1. All kennels shall be operated in conformance with all County and State regulations.
2. For dog kennels, the minimum lot size shall be five (5) acres for the first ten (10) dogs and an additional one (1) acre for each ten (10) additional animals.
3. Buildings wherein animals are kept, animal runs and/or exercise areas shall not be located nearer than five hundred (500) feet to any adjacent occupied dwelling or any adjacent building used by the public.

Section 519 - Mini storage

1. Minimum lot size shall be one (1) acre. Minimum lot width shall be one hundred (100') feet.
2. Storage buildings shall be of a consistent design and construction; storage buildings shall be separated by access aisles of a minimum width of fifteen (15') feet, as measured from building front to building front.
3. All items shall be stored inside an enclosed facility.
4. Lighting shall be provided and shall be located so as to illuminate access to each storage unit. Such lighting shall

be reflected away from any adjacent residential use.

5. All access aisles and entrances to the site shall be paved with asphalt or concrete with appropriate storm water drainage. Where possible, access to individual units shall face the interior of the site to avoid perimeter traffic.

Section 520 - Open-Air Businesses

This category includes Auto Sales, Circus and Carnival Lots, Boat Sales and Repair, Building Material sales, Farm Machinery Sales, Manufactured Home sales, Snowmobile sales and service, Trucking Facilities, Utility trailer display and storage.

1. Minimum lot area shall be one (1) acre.
2. Minimum lot width shall be two hundred (200) feet.
3. Lighting shall be installed in such a manner which will not create a traffic hazard on abutting streets or which will cause a glare or direct illumination to be cast onto adjacent properties, residential or otherwise.
4. In all cases of car sales lots:
 - a. All areas subject to vehicular use shall be paved with durable dust-free surfacing, with bumper guards to separate the sales area from the road right of way.
 - b. Lighted parking areas shall not shine on any residential lot.
 - c. No more than 75% of the lot may have cars offered for sale.
 - d. There shall be no storage of junk vehicles or parts outside.
5. In the case of a plant materials nursery:

- a. The storage or materials display areas shall meet all the yard setback requirements applicable to any building in the district.
- b. All loading activities and parking areas shall be provided on the same premises (off-street).
- c. The storage of soil, fertilizer or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.

Section 521 - Ponds

- 1. The regulations set forth in this section are designed to provide for the regulation of ponds and to specify the conditions and circumstances under which such ponds may be developed to protect the health, safety, and general welfare of the residents of the community, preserve ecologically important features, and to prohibit development which, unregulated, may have an adverse effect upon the existing aesthetic character of the township.
- 2. General provisions
 - a. It shall be unlawful for any person, firm, corporation, or partnership, or other organization or entity to construct a pond within the Township without first securing a construction permit from the Building Official.
 - b. Accessory Use. A pond shall only be established as an accessory use after a principal use is established on a parcel except that a pond may be a principal agricultural use on a parcel located in the A-R District.
 - c. A pond shall not be constructed on a lot or parcel of land which is less than five (5) acres in size.

- d. There shall be a distance of not less than one hundred (100) feet between the outside edge of the pond and any property line.
- e. There shall be a distance of not less than twenty five (25) feet between the outside edge of the pond and any building.
- f. There shall be a distance of not less than seventy-five (75) feet between the pond and any overhead transmission lines.
- g. Ponds shall have stabilized side slopes not steeper than six (6) feet horizontal to one (1) foot vertical, to a depth below water of six (6) feet.
- h. Water shall be maintained in all pond excavations.
- i. Earth excavated during construction of a pond may be removed from the parcel if the applicant has complied with all requirements to obtain a pond permit.
- j. A pond must be maintained so as to assure that unsanitary conditions or obnoxious odors will not be created by the growth of biological organisms.
- k. All areas disturbed during pond construction shall be seeded with grasses and maintained in good condition to prevent erosion.
- l. No pond shall be constructed or maintained which either causes or contributes to the erosion of any adjacent, abutting, or nearby lands.
- m. If the Planning Commission determines that the enclosure of the pond is necessary for protection of the general public, the Commission shall require that the pond be enclosed by a fence or other type of enclosure. The fence or other

enclosure shall be not less than four feet above the grade line and shall be designed so that a child cannot pass through except at a self-latching gate or door.

- n. The Planning Commission may require installation of warning signs, rescue facilities, safety ramps, a gated fence, or any other items necessary to secure the public safety in relation to the proposed pond. The Planning Commission may require, before or at any time after approval, installation of a filtration system, a maintenance program or other requirements to assure the pond is maintained in a sanitary condition and is free of noxious or obnoxious orders.
 - o. An applicant shall be required to comply with all other Township, Bay County, State of Michigan, and Federal requirements. (Private deed restrictions may limit the use of the land for private pond purposes.) It shall be the sole responsibility of the applicant, and in no circumstance the responsibility of the Township to determine the applicability of or compliance with all other Township, Bay County, State of Michigan, and Federal standards, e.g., wetlands or environmental quality matters.
3. Application and review procedures
- a. Application shall be made to the Township Building Official. Applications shall contain a site plan drawn to scale to provide adequate detail for the following items:
 - i. Distance of the edge of the pond to all property lines, septic fields, dwellings or other structures within one hundred (100) feet of the edge of the pond;
 - ii. Required yard areas in the vicinity of the pond to demonstrate that

the pond does not encroach in required yard areas;

- iii. All underground or above-ground utility service lines and easements in the vicinity of the pond;
 - iv. All drains, ditches, sewers and discharge pipes existing or proposed for installation with the pond;
 - v. All natural rivers, streams, lakes, ponds and wetlands within one hundred (100) feet of the edge of the pond; and,
 - vi. Any other information reasonably available that the Building Official or Planning Commission may determine is necessary to complete the review of the proposed pond, including evidence from a licensed excavator, civil engineer, or similar allied professional that water can be continuously maintained in the pond once it is constructed.
- b. Ponds shall be permitted by the Planning Commission as a Special Exception Use in accordance with the procedures and specifications of Article XVI of this Ordinance. All information described in (a) above must be supplied in plans prepared to accompany the application for a Special Exception Use. The Planning Commission shall consider at least the following factors for any application submitted for a pond:
- i. The size of the pond and its relationship to the parcel area;
 - ii. Proximity and use of neighboring parcels;
 - iii. Proximity of the proposed pond to nearby septic systems, storm drains and sewers, utility lines, and other features of the natural or development environment.

- iv. Design and method of construction proposed for the pond to assure protection of neighboring properties during construction and after completion of the proposed pond;
 - v. Proposed use of the pond; and,
 - vi. Method of disposal of earth excavated during pond construction.
- c. Ponds proposed for development in conjunction with a use requiring site plan or special exception use approval, including ponds used for the storage of storm water, shall be subject to the site plan review and/or special exception use process applicable to the primary use.
 - d. A permit issued in accordance with the provisions of this Section shall remain valid for six (6) months from the day of issuance. Prior to the permit expiration date, the time limit may be extended by the Building Official for an additional six (6) months if, in the opinion of the Building Official, the additional time is necessary to complete the approved improvements.

Section 522 - Racetracks

- 1. Minimum lot area shall be eighty (80) acres.
 - 2. No structure, racetrack or parking area shall be located closer than two hundred (200) feet to any property line.
 - 3. No structure, racetrack or parking area shall be located closer than three hundred (300) feet to any property line abutting an existing single-family home or residentially zoned property.
 - 4. All development features including the principal building shall be designed and arranged to minimize the possibility of any adverse effect upon adjacent property.
- 5. The entire boundary of the proposed area to be developed shall be suitably screened with plantings and/or landscape in order to prevent noise, dust, and glare from lights. Said screening plantings shall be a minimum of five feet in height at the time of planting measured from the proposed grade and kept in living condition and may be within the required setback area. An alternative means of screening may be used as approved by the Planning Commission.
 - 6. The Planning Commission may require additional landscape, including vegetated berms, to mitigate potential off-site impacts.
 - 7. The Planning Commission may specify the hours of operation to assure compatibility with adjacent uses.
 - 8. Ingress and egress to the proposed site shall be provided and located in such a manner so as to provide maximum safety to the public utilizing the facility. Said ingress and egress shall be directly onto a hard surfaced road.
 - 9. Related accessory commercial uses may be permitted in conjunction with the use when it is clearly incidental to the main recreational character of the use and such related accessory uses shall not include the sale, servicing, or repair of any vehicles or equipment used on the site except that owned by the proprietor.
 - 10. All lighting provided for the use shall be arranged to prevent annoyance or glare to the property owners surrounding the development.
 - 11. The development shall be provided with an approved water and sewage disposal system.
 - 12. All local, state and federal regulations shall be complied with.

Section 523 - Retail and Office uses

This section includes radio station, real estate offices, restaurants, publicly owned buildings, theaters, single family dwellings with C-2 uses, dry cleaners, Laundromats, hotels and motels.

Section 524 - Target Ranges

1. Safety Area. A buffer of a minimum of four hundred and fifty (450') feet must be provided along any county road or from any dwelling unit. This buffer is a distance requirement only and is intended to be an area where there is no shooting from within the buffer zone toward the perimeter of the property. No additional landscaping is required.
2. Posting. The entire perimeter of the site must be posted as required by the DNR license.
3. Noise and hours of operation. The hours of operation shall not exceed dawn to dusk, regardless of the season or hunting conditions.
4. Parking. Adequate parking shall be provided on site at a quantity determined by the planning commission on a case by case basis. Other parking regulations in this Ordinance do not apply.
5. Retail Sales. No retail sales to the public shall take place on the premises of any kind. Sales to participants in the shoot such as shot gun shells, hats, licenses, game birds, clothing, etc. is allowed.

Section 525 - Roadside Stands

1. The gross floor area of the temporary building shall be not less than thirty-two (32) square feet but not more than two hundred and fifty (250) square feet.

2. Suitable containers for rubbish shall be placed on the premises for public use.
3. The temporary building shall be located not less than twenty-five (25) feet from the public road right-of-way. Its height shall be no more than one (1) story.
4. Adequate off-street parking shall be provided.

Section 526 - Stables, Commercial

1. For breeding, rearing and housing of horses, mules and similar domestic animals, the minimum lot size, shall be ten (10) acres.
2. Structures used as a stable shall not be located nearer than sixty (60) feet to any property line and not nearer than one hundred fifty (150) feet to any dwelling.
3. Animals shall be confined in a suitable fenced area, or paddock, to preclude their approaching nearer than sixty (60) feet to any dwelling on adjacent premises.
4. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises.

Section 527 - Telecommunication Towers

1. Telecommunications Towers shall be located on lots no less than one (1) acre in size and shall have a minimum lot frontage of no less than sixty (60) feet.
2. The setbacks for each tower from adjacent right-of-way and/or property lines shall be not less than one time the height of each tower above the ground.

3. Unless specifically waived by the Planning Commission, an open weave wire fence six (6) feet in height shall be constructed on the boundary property lines.
4. Every application for a new telecommunication tower shall be required to submit a written documentation stating why an existing tower located within the Township cannot be used for sharing new facilities.

Section 528 - Wind Energy

Wind Power is permitted in the Agricultural district.

1. DEFINITIONS

Ambient: Ambient is defined as the sound pressure level exceeded 90% of the time or L90.

ANSI: American National Standards Institute.

dB(A): The sound pressure level in decibels. Refers to the “a” weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.

Decibel: The unit of measure used to express the magnitude of sound pressure and sound intensity.

IEC: International Electro technical Commission. The IEC is the leading global organization that prepares and publishes international standards for all electrical, electronic and related technologies.

ISO: International Organization for Standardization. ISO is a network of the national standards institutes of 156 countries.

On Site Use Wind Energy Systems: An On Site Use wind energy system is

intended to primarily serve the needs of the consumer.

Rotor: An element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

SCADA Tower: A freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system.

Shadow Flicker: Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as a window at a dwelling.

Sound Pressure: Average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.

Sound Pressure Level: The sound pressure mapped to a logarithmic scale and reported in decibels (dB).

Utility Grid Wind Energy Systems: A Utility Grid wind energy system is designed and built to provide electricity to the electric utility grid.

Wind Energy System: A wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the grid.

Wind Site Assessment: An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.

2. ON SITE USE WIND ENERGY SYSTEMS: An On Site Use wind

energy system is intended to primarily serve the needs of the consumer. An On Site Use wind energy system with a tower higher than 20 meters shall be considered a Special Land Use. On Site Use wind energy systems with no towers or towers 20 meters or less shall be a Permitted Use in all zoning classifications where structures of any sort are allowed subject to the following requirements. Anemometer towers more than 20 meters in height used to conduct a wind site assessment for possible installation of an On Site Use wind energy system shall also be a Special Land Use.

Prior to the installation of an On Site Use wind energy system with a tower higher than 20 meters, an application for a Special Land Use permit shall be filed with the local government that will include applicant identification, a site plan, documentation that sound pressure level, construction code, tower, interconnection (if applicable), and safety requirements have been met, and proof of the applicant's public liability insurance.

- a. **Property Set-back:** The distance between an On Site Use wind energy system and the owner's property lines shall be at least 1 ½ times the height of the wind energy system tower including the top of the blade in its vertical position. The distance between an anemometer tower and the owner's property lines shall be at least 1 ½ times the height of the tower. No part of the wind energy system structure, including guy wire anchors, may extend closer than ten feet to the owner's property lines.
- b. **Sound Pressure Level:** On Site Use wind energy systems shall not exceed 55 dB(A) at the property line closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe

wind storms. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).

- c. **Construction Codes, Towers, & Interconnection Standards:** On Site Use wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. On Site Use wind energy systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act ([Public Act 23 of 1950](#), MCL 259.431 et seq.), the Michigan Tall Structures Act ([Public Act 259 of 1959](#), MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations. An interconnected On Site Use wind energy system shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.
 - d. **Safety:** An On Site Use wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor.
3. **WIND SITE ASSESSMENT FOR UTILITY GRID WIND ENERGY SYSTEMS:** Prior to construction of a Utility Grid wind energy system, a wind site assessment is conducted to determine the wind speeds and the feasibility of using the site. Installation of anemometer towers also known as

meteorological or “Met” towers shall be considered a Special Land Use.

Prior to the installation of the tower, an application for a Special Land Use permit shall be filed with the local government that will include:

- a. applicant identification,
- b. a site plan,
- c. a copy of that portion of the applicant’s lease with the land owner granting authority to install the Met tower and requiring the applicant to remove all equipment and restore the site after completion of the wind site assessment, and
- d. proof of the applicant’s public liability insurance. The distance from the center of a Met tower and the property lines between the leased property and the non-leased property shall be at least the height of the Met tower. Leased property can include more than one piece of property and the requirement shall apply to the combined properties.

4. **UTILITY GRID WIND ENERGY SYSTEMS:** A Utility Grid wind energy system is designed and built to provide electricity to the electric utility grid. Utility Grid wind energy systems shall be considered a Special Land Use. Prior to the installation of a Utility Grid wind energy system, an application for a Special Land Use permit shall be filed with the local government and shall include the following:

- a. **Applicant Identification:** Applicant name, address, and contact information.
- b. **Project Description:** A general description of the proposed project including a legal description of the property or properties on which the project would be located and an anticipated construction schedule.

- c. **Site Plan:** The site plan shall include maps showing the physical features and land uses of the project area, both before and after construction of the proposed project.

The site plan shall include

- i. the project area boundaries,
- ii. the location, height, and dimensions of all existing and proposed structures and fencing,
- iii. the location, grades, and dimensions of all temporary and permanent on-site and access roads from the nearest county or state maintained road,
- iv. existing topography,
- v. water bodies, waterways, wetlands, and drainage channels, and
- vi. all new infrastructure above ground related to the project.
- d. **Insurance:** Proof of the applicant’s public liability insurance.
- e. **Consent Documents:** Copies of any written waivers from neighboring property owners.
- f. **Sound Pressure Level:** Copy of the modeling and analysis report.
- g. **Certifications:** Certification that applicant has complied or will comply with all applicable state and federal laws and regulations. Copies of all such permits and approvals that have been obtained or applied for at time of the application.
- h. **Visual Impact:** Visual simulations of how the completed project will look from four viewable angles.
- i. **Environmental Impact:** Copy of the Environmental Impact analysis.

- j. Avian and Wildlife Impact: Copy of the Avian and Wildlife Impact analysis.
- k. Shadow Flicker: Copy of the Shadow Flicker analysis.
- l. Manufacturers' Material Safety Data Sheet(s): Documentation shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.
- m. Decommissioning: Copy of the decommissioning plan.
- n. Complaint Resolution: Description of the complaint resolution process.
- o. An applicant shall remit an application fee in the amount specified in the fee schedule adopted by the local government. This schedule shall be based on the cost of the application review and may be adjusted from time to time.
- p. The Utility Grid wind energy system project shall meet the following standards and requirements:
 - i. Overlay Zone: If the site of the proposed project is subject to an overlay zone, the proposed project shall meet or exceed the applicable standards in the overlay zone.
 - ii. Property Set-Back: The distance between a Utility Grid wind energy system and the property lines of adjacent non-leased properties including public rights of way shall be at least the height of the wind energy system tower including the top of the blade in its vertical position. Where property is leased on both sides of a public right of way, a wind energy system may be placed no closer than one rotor radius from the closest edge of the right of way. Leased

property can include more than one piece of property and the requirement shall apply to the combined properties.

- iii. SCADA (supervisory control and data acquisition) or meteorological (Met) towers shall also comply with the property set-back requirement. The set-back shall be at least the height of the SCADA or Met tower. An Operations and Maintenance Office building, a sub-station, or ancillary equipment shall comply with any property set-back requirement that may be applicable to that type of building or equipment. Overhead transmission lines and power poles shall comply with the set-back requirements applicable to public utilities.
- iv. Sound Pressure Level: The sound pressure level generated by a Utility Grid wind energy system shall not exceed 55 dB(A) measured at the property lines between leased and non-leased property. This sound pressure level shall not be exceeded for more than 3 minutes in any hour of the day. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).

As part of the application and prior to installation, the applicant shall provide modeling and analysis that will confirm that the Utility Grid wind energy system will not exceed the maximum permitted sound pressure levels. Modeling and analysis shall conform to IEC 61400 and ISO 9613. After installation of the Utility Grid wind energy system, sound pressure level measurements shall be done by a third party, qualified

- professional according to the procedures in the most current version of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to the local government within 60 days of the commercial operation of the project.
- v. Construction Codes, Towers, and Interconnection Standards: Utility Grid wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. Utility Grid wind energy systems including towers shall comply with Federal Aviation Administration requirements, the [Michigan Airport Zoning Act \(Public Act 23 of 1950, MCL 259.431 et seq.\)](#), the Michigan Tall Structures Act ([Public Act 259 of 1959, MCL 259.481 et seq.](#)), and local jurisdiction 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.
- vi. Safety: All Utility Grid wind energy systems 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.
- vii. 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 comprehensive plan.
- viii. Environmental Impact: The applicant shall have a third party, qualified professional conduct an analysis to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems,

historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis.

The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts. The applicant shall comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act ([Act 451 of 1994](#), MCL 324.101 et seq.) including but not limited to Part 31 Water Resources Protection (MCL 324.3101 et seq.), Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.), Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.), Part 303 Wetlands (MCL 324.30301 et seq.), Part 323 Shoreland Protection and Management (MCL 324.32301 et seq.), Part 325 Great Lakes Submerged Lands (MCL 324.32501 et seq.), and Part 353 Sand Dunes Protection and Management (MCL 324.35301 et seq.). The applicant shall be responsible for making repairs to any public roads damaged by the construction of the Utility Grid wind energy system.

- ix. Avian and Wildlife Impact: The applicant shall have a third party, qualified professional conduct an analysis to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.

Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally and/or state listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors.

At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area.. Where appropriate, surveys for bats, raptors, and general avian use should be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law.

The analysis shall indicate whether a post construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted. 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 (APLIC, <http://www.aplic.org/>) published standards to prevent avian mortality.

- x. 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.
- xi. Shadow Flicker: The applicant shall conduct an analysis on potential shadow flicker at occupied structures. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sun-rise to sun-set over the course of a year. The analysis shall identify problem areas where shadow flicker may affect the occupants of the structures and describe measures that shall be taken to eliminate or mitigate the problems.
- xii. Decommissioning: The applicant shall submit a decommissioning plan. The plan shall include the anticipated life of the project, the estimated decommissioning costs net of salvage value in current dollars, 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.
5. Complaint Resolution: The applicant shall develop a process to resolve complaints from nearby residents concerning the construction or operation of the project. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude the local government from acting on a complaint. During construction the applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours.

Article VI ■ Parking

Section 600 - Purpose and Scope

The purpose of this chapter is to prescribe regulations for off-street parking of motor vehicles, recreational vehicles, trucks, and trailers in residential and non-residential zoning districts, to ensure by the provisions of these regulations that adequate parking and access is provided in a safe and convenient manner, and to afford reasonable protection to adjacent land uses from light, noise, air pollution, and other affects of parking areas.

Section 601 - General Parking Requirements

- a. At the time any building or structure is erected, enlarged, or increased in capacity, or uses established, off-street parking and loading spaces shall be provided in all zoning districts according to the requirements of this Ordinance.
- b. No parking or loading area or space which exists at the time of the adoption of this Ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance.
- c. Parking areas must be in the same zoning classification as the property it serves.

Section 602 - Off Street Parking Requirements

Off-street parking required in conjunction with all land and building uses shall be provided as prescribed in this section:

- a. For uses not specifically mentioned in this section, off-street parking requirements shall be determined from the requirements for similar uses, as determined by the Planning Commission.

- b. Any area once designated as required off-street parking shall never be changed to any other uses unless and until equal required facilities are provided elsewhere. Off-street parking existing at the effective date of the ordinance from which this chapter was derived in connection with the operation of an existing building, shall not be reduced to an amount less than would be required in this section for such building or use.
- c. Two or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately. However, in cases of dual functioning of off-street parking where operating hours do not overlap, the Planning Commission may modify the parking requirements at the time of site plan review.
- d. Required off-street parking shall be for the use of occupants, employees, visitors and patrons, and shall be limited in use to motor vehicles. The storage of merchandise, motor vehicles for sale or the repair of vehicles is prohibited. Off-street parking, whether public or private, for nonresidential uses shall be either on the same lot or within 300 feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot, without crossing any major street.
- e. When units or measurements determining the number of required parking spaces result in the requirements of a fractional space, any fraction up to and including one-half shall be disregarded, and fractions over

one-half shall require one parking space.

- f. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule (**Table B**).

Table B
Minimum Off-Street Parking Requirements

	Use	Parking Space	Per Unit of Measure
1.	<u>Residential:</u>		
	a. One-family, two-family	2	For each dwelling unit.
	b. Multiple-family	2	For each dwelling unit.
	c. Residential housing for the elderly	1	For each two units of resident housing, plus one space for each employee.
2.	<u>Institutional:</u>		
	a. Churches or temples	1	For each four seats or six feet of pews in the main unit of worship.
	b. Hospitals	1	For each one bed.
	c. Homes for the aged and convalescent homes	1	For each two beds.
	d. Elementary and junior high schools	1	For each employee, teacher or administrator; in addition to the requirements of the gymnasium.
	e. Senior high schools	1	For each teacher, employee, administrator, plus one for each ten students in addition to the requirements of the gymnasium.
	f. Private clubs, lodges	1	For each three persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.
	g. Private golf, tennis and sporting clubs	1	For each two member families or individual members.
	h. Golf courses open to the general public (except miniature or par-3 golf courses)	6	For each one golf hole, plus one for each one employee.
	i. Fraternity or sorority	1	For each five members or one for each two beds, whichever is greater.
	j. Stadiums, sports arenas, or similar place of outdoor assembly	1	For each three seats or six feet of benches.

	Use		Parking Space	Per Unit of Measure
	k.	Theaters, auditoriums	1	For each three seats, plus one for each two employees.
3.	<u>Business and Commercial:</u>			
	a.	Planned commercial or shopping center located in a C-2 district	1	For each 100 square feet of usable floor area.
	b.	Auto wash	1	For each one employee, in addition reservoir parking spaces equal in number to five times the maximum capacity of the auto wash for automobiles awaiting entrance to the auto wash shall be provided. Maximum capacity of the auto wash for the purpose of determining the required reservoir parking shall mean the greatest number possible of automobiles undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by 20.
	c.	Beauty parlor or barber shop	2	For each of the beauty or barber chairs.
	d.	Bowling alleys	5	For each one bowling lane.
	e.	Dancehalls, pool, billiard parlors, roller or skating rinks, exhibition halls, and assembly halls without seats	1	For each three persons allowed within the maximum occupancy load as established by local, county, state fire, building or health codes.
	f.	Restaurants	1	For each 100 square feet of usable floor space.
	g.	Furniture and appliance retail stores, household equipment, repair shops, showroom of a plumber, decorator, electrician, clothing and shoe repair, cleaners and laundry, and other similar trades	1	For each 800 square feet of usable floor area. For that floor area used in processing, one additional space shall be provided for each two persons employed therein.
	h.	Automobile service stations	2	For each lubrication stall, rack or pit; plus one for each gasoline pump.
	i.	Laundromat, and coin-operated dry cleaners	1	For each two machines.
	j.	Miniature and par-3 golf courses	3	For each one hole, plus one for each one employee.
	k.	Mortuary establishment	1	For each 50 square feet of usable assembly room floor space, parlors and slumber rooms.
	l.	Hotel or motel	1	For each one occupancy unit, plus one for each employee.
	m.	Automobile sales and repair	1	For each 200 square feet of usable floor space of sales room, plus one for each

	Use		Parking Space	Per Unit of Measure
				one auto service stall in the service room.
	n.	Retail stores	1	For each 150 square feet of usable floor space.
	o.	Banks	1	For each 100 square feet of usable floor space.
	p.	Business offices	1	For each 200 square feet of usable floor space.
	q.	Professional offices of doctors, dentists, or similar professions	1	For each 100 square feet of usable floor area in waiting rooms, and one for each examining room, dental chair or similar use area.
4.	<u>Industrial:</u>			
	a.	Industrial establishments	5	Plus one for every 1 1/2 employees in the largest working shift, or one for every 550 square feet of usable floor space, or whichever is determined to be greater. Space on site shall also be provided for all construction workers during periods of plant construction.
	b.	Wholesale establishments	5	Plus one for every one employee in the largest working shift, or one for every 1,700 square feet of usable floor space, whichever is greater.

Section 603 - Configuration Standards for Off-Street Parking

All off-street parking lots as required in this section shall be laid out, constructed and maintained in accordance with **Figure 10** and the following standards and regulations:

- a. No parking lot shall be constructed unless and until a permit therefore is issued by the Zoning Administrator. Application for a permit shall be submitted in such form as may be determined by the Zoning Administrator, and shall be accompanied with two sets of plans for the development and construction of the parking lot showing that the provisions of this section will be fully complied with.
- b. Plans for the layout of off-street parking facilities shall be in accord with the

following minimum dimensional requirements as shown in **Figure 10**.

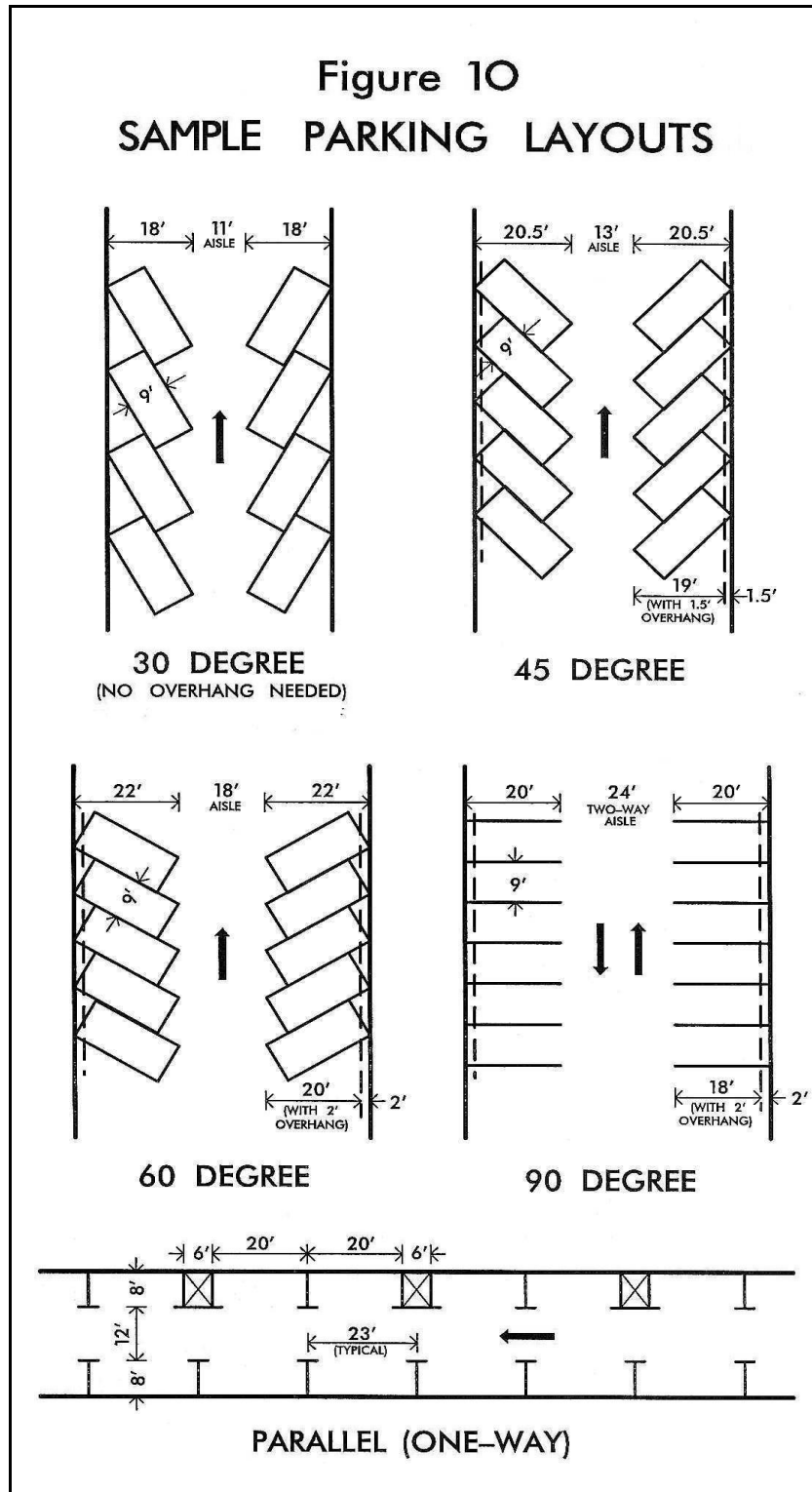
- c. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
- d. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned other than single-family residential use shall not be across land zoned for single-family residential use.
- e. All maneuvering lane widths shall permit one-way traffic movement, except that the 90-degree pattern may permit two-way movement.
- f. Each entrance and exit to an off-street parking lot in a non-residential zoned area shall be at least 25 feet distant

from any adjacent property located in any residential district.

- g. Parking lots in non-residential districts shall install a continuous chain link fence or greenbelt strip on all sides contiguous to the adjoining residential district. The greenbelt strip shall include landscape materials of shrubs and trees that will result in substantial screening of the parking lot and vehicles from the abutting residential districts.
- h. The entire parking area, including parking spaces and maneuvering lanes, required under this section shall be provided with asphaltic or concrete surfacing in accordance with specifications approved by the Planning Commission. The parking area shall be surfaced within one year of the date the permit is issued. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings, and plans shall meet the approval of the building inspector.

All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only.

- i. The Planning Commission, upon application of the property owner to the Zoning Administrator, may modify the fence or greenbelt requirements pursuant to this chapter where it is shown that under such unusual and unique circumstances, no good purpose would be served by such requirements.
- j. Off-street parking lots shall also conform to the parking lot landscaping standards as set forth in Section 411 of this Ordinance.



Section 604 - Loading and Unloading Standards for Off-Street Parking

On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated rights-of-way. Such space shall be provided in accordance with **Table C** and as follows:

- a. All spaces shall be laid out in the dimension of at least ten by 50 feet, or 500 square feet in area, with clearance of at least 14 feet in height. Loading dock approaches shall be provided with a pavement having an asphaltic or Portland cement binder so as to provide a permanent, durable and dustless surface. All spaces in the I-1 District shall be provided according to the loading and unloading standards as given in **Table C**.

Table C Loading and Unloading Standards

Gross Floor Area (in square feet)	Minimum Loading and Unloading Space Required
0--1,400	None
1,401--20,000	One space
20,001--100,000	One space, plus one space for each 20,000 square feet in excess of 20,001 square feet
100,001 and over	Five spaces

Article VII ■ Signs

Section 700 - Purpose

The purpose of this article is to regulate signs and outdoor advertising within the Township to protect public health, safety, and welfare; minimize abundance and size of signs to reduce motorist distraction and loss of sight distance; promote public convenience; preserve property values; and enhance the aesthetic appearance within the Township. These objectives are accomplished by establishing the minimum amount of regulations necessary concerning the size, placement, and other aspects of signs in the Township.

Section 701 - Sign –Definitions

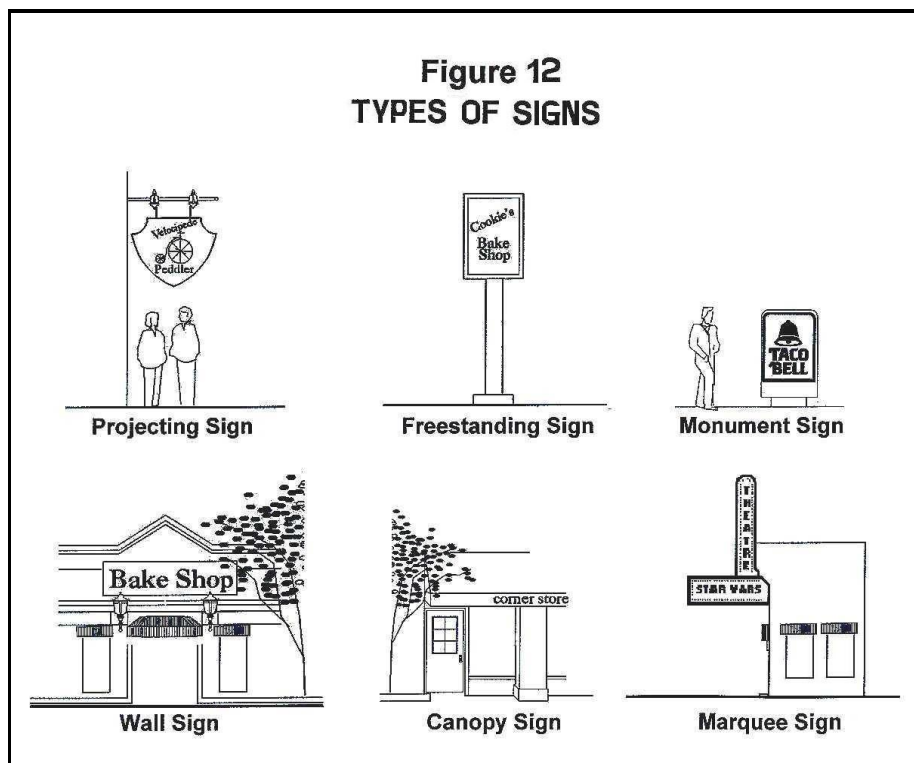
A name identification, description, display or illustration that is affixed to or represented directly or indirectly upon a building, structure or piece of land and which is intended to direct attention to an object, product, place, activity, person, institution, organization or business. However, a "sign" shall not include a sign located completely within an enclosed building.

For the purpose of this Ordinance, the following sign or sign related terms are here defined:

- a. **Area or surface area of sign:** Measurement of a sign includes the entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character,

together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. This excludes the necessary supports or uprights on which the sign is placed but includes any sign tower. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back-to-back and are at no point more than two (2') feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area. In the case of a sphere, the total area of the sphere shall be divided by four (4) to determine the maximum permitted sign area. The height of a sign shall be measured from the average grade of the lot at the setback line. If a sign includes a numeric address, the portion of the sign containing the address numbers shall not be counted toward the total square footage of the sign.

- b. **Abandoned Sign:** If a sign advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer being offered or conducted at that site for a period of (14) fourteen days, that sign shall be considered abandoned.
- c. **Banner:** Either a Temporary Sign or Portable Sign, depending on how it is used.



- d. **Canopy Sign:** Any sign attached to or constructed within or on a canopy or on an awning, or other fabric, plastic or structural protective cover over a door, entrance, window, or outdoor service area (Figure 12). A marquee is not a canopy and a protective roof over gasoline filling station areas shall not be considered a canopy for purposes of this article. Canopy signs shall not extend into a public right-of-way or encroach over abutting property lines and shall maintain an under clearance of eight (8) feet measured from the sidewalk surface.
- e. **Community Service Group Sign:** A sign which displays the name or logo of an agency, organization, or group whose primary purpose is to promote or provide community or public service including, but not limited to, the Rotary Club, Jaycee's, or Lion's Club.
- f. **Directional Sign:** A sign which gives directions, instructions, or

facility information for the movement of vehicles or pedestrians on the lot on which the sign is located, such as parking or exit and entrance signs, but not including a commercial message.

- g. **Electronic message board/LED:** Changeable copy/image signs in which the copy/image consists of an array of lights activated and deactivated.



Freestanding Sign

- h. **Freestanding Sign:** A sign, the bottom of which is more than

24 inches above the finished grade, and which is supported by a structure, poles, or braces which are less than 50% of the width of the sign (**Figure 12**).

- i. **Governmental Sign:** A sign erected or required to be erected by Kawkawlin Township, Bay County, or the state or federal government.
- j. **Illuminated sign:** A sign that provides artificial light directly or through any transparent or translucent material.
- k. **Integral sign:** Names of buildings or farm, date of erection, monumental citations, commemorative tablets and the like when made an integral part of the walls of the structure (or roof for farm buildings).
- l. **Joint sign:** A sign that gives direction and identification to a group of adjacent businesses whether or not under single management.
- m. **LED sign. See Electronic message board.**
- n. **Marquee Sign:** A business sign affixed to a marquee structure constructed and framed in steel or other durable material extending over the ground, sidewalk, or walkway (**Figure 12**). Marquee signs shall not extend into any public right-of-way more than seven (7) feet or one-half the width of the sidewalk. The minimum under clearance of such sign shall be eight (8) feet measured from the sidewalk surface.

Marquee Sign



- o. **Memorial Sign:** A non-illuminated sign, tablet, or plaque memorializing a person, event, structure, or site.
- p. **Monument Sign:** A sign, the bottom of which is less than 24 inches above the finished grade, and which is supported by a structure having a width of more than 50% of the width of the sign (**Figure 12**).



Monument Sign

- q. **Nondwelling use sign:** A sign located on a parcel that does not have a dwelling as its principal structure and is located in a residential district. Examples of the uses that may be associated with nondwellings in these districts include but are not limited to subdivisions, schools, religious institutions, public buildings, cemeteries and agricultural retail facilities.
- r. **Off Premise Sign:** Any sign, including billboards, relating to subject matter not conducted on the premises on which the sign is located.
- s. **On Premise Sign:** An advertising sign relating in its subject matter to the premises on which it is located, or to products, accommodations, service, or activities on the premises.
- t. **Portable sign:** Portable Signs are those signs that are designed to be transported. Examples of signs designed to be transported include, but are not limited to, signs on a trailer or trailer frame and designed

to be transported by means of wheels; signs converted to "A" or "T" frames that sit on the ground or lean against a permanent structure; menus and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in normal day-to-day operation of the business. Portable Signs may be a printed banner, changeable copy or portable LED messaging units. If a sign more accurately fits the definition of a Temporary Sign, it shall not be considered portable for the purposes of this Sign Ordinance.

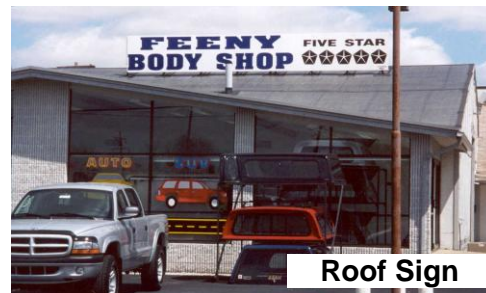
- u. **Projecting Sign:** A sign which is affixed to any building or structure other than a marquee, and any part of which extends beyond the building wall and the horizontal sign surface is not parallel to the building or structure (**Figure 12**). Projecting signs shall not project more than five (5) feet from the building, or one-third the sidewalk width, whichever is less.

Projecting Sign



- v. **Roof signs:** Signs placed on the roofs of buildings, supported by the roof and within the lines of exterior walls. If a wall extends above a roofline and supports a sign, it shall

be considered a Wall Sign and not a Roof Sign in this Ordinance.



Roof Sign

- w. **Temporary Sign:** A display sign, banner or other advertising device, with or without a structural frame, intended for a limited period of use. Signs are defined as temporary when they are attached to a permanent structure, including but not limited to a building, light pole, trees, bushes, or fences. If a sign more accurately fits the definition of a Portable Sign, it shall not be considered temporary for the purposes of this Sign Ordinance.
- x. **Wall Sign:** A sign painted or attached directly to and parallel to the exterior wall of a building (Figure 12). A wall sign shall extend no greater than 12 inches from the exterior face of a wall to which it is attached, shall not project beyond the wall to which it is attached, and shall not extend above the roof line of the building to which it is attached.
- y. **Window Sign:** Signs hung outside of a window and within the framework of any window of a business or residence.

Section 702- Permit Procedure

Prior to construction or establishment of any sign, except as otherwise specifically noted in this Ordinance, a land use shall be obtained from the Township Zoning Administrator. A land use permit shall become null and void if the work for which the permit was issued has not been completed within a period of 6 months after the date of the permit.

- a. Actions exempt from permitting. The following operations shall not be considered as creating a sign and therefore shall not require a land use permit.
 - 1. Replacing copy. The changing of the advertising copy of an approved painted or printed sign or on a theater marquee and similar approved signs which are specifically designed for the use of replaceable copy.
 - 2. Maintenance. Painting, repainting, cleaning, light bulb replacement, and other normal maintenance and repair of a sign or a sign structure unless a structural change is made.
- b. Applications. Application for a permit to construct or locate a permanent sign shall be obtained from the Township Zoning Administrator as part of the land use permit. Review of applications can be done through the site plan review process in instances where a site plan is required. The application shall include the following information.
 - 1. Name, address, telephone number of the landowner, developer, or petitioner.
 - 2. A map of the property at a scale of 1"=25' showing the location and type of existing structures on the site, property boundaries, location and type of structures or adjacent properties, road rights-of-way, entrances and exits onto the subject property and exact location of the proposed sign(s) with setback from all structures and property lines. The drawings submitted for sign permits must comply with all pertinent aspects of the approved site plan in instances where a site plan is required.
 - 3. An elevation drawing of the proposed sign(s) depicting its design, lettering, method of

illumination and other relevant information. The dimensions of the height and length, and width of the sign(s) and height between ground elevation and the bottom of the sign, shall be noted.

- 4. In the case of a wall sign, an elevation of the wall of the building on which the sign is to be placed, including a depiction of the wall sign at scale, shall be shown. The dimension of the building wall and the sign shall be depicted.
- 5. The proposed dates of construction and completion of the sign.
- 6. Structural information necessary to comply with all current building codes.
- 7. In the case of a portable sign, the length of time the proposed sign will be on the site.
- 8. A fee shall be paid to the Township for each sign permit. A schedule of fees shall be established and amended from time to time by the Township Board.
- c. Duration of permit for portable signs. All portable signs are subject to the restrictions outlined in the following Table of Special Purpose Sign Regulations and subject to the location restrictions for permanent signs in the applicable Zoning District. Each such sign shall require a permit if it is to be posted more than 3 days. Portable or temporary signs are permitted 4 times each year per parcel for a maximum of 30 days each time the sign is displayed. This time period may run consecutively.

Section 703 - Measurement of a Sign

Measurement of a sign includes the entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background

against which it is placed. This excludes the necessary supports or uprights on which the sign is placed but includes any sign tower. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area. In the case of a sphere, the total area of the sphere shall be divided by four (4) to determine the maximum permitted sign area. The height of a sign shall be measured from the average grade of the lot at the setback line.

Section 704 - Prohibited Signs

The following signs shall be prohibited throughout the Township:

- a. Commercial vehicles used as signs which are parked on a business premises or an industrial lot for a time period exceeding forty-eight (48) hours for the intended purpose of advertising a product or serving as a business sign.
- b. Exterior string lights used in connection with a commercial enterprise, other than holiday decorations.
- c. Off Premise Signs, as defined in this ordinance, for the purpose of advertising a product, event, person or subject, unless otherwise provided for in this ordinance.
- d. Signs having moving members or parts excluding barber poles and electronic time/temperature signs which do not contain business messages.
- e. Signs using high intensity lights or flashing lights, spinners, or animated devices.

- f. Signs which obstruct vision or impair the vision of motorists or nonmotorized travelers on any public right-of-way, driveway, or within a parking lot or loading area.
- g. Signs which may be confused with the lighting of emergency vehicles or any kind of traffic sign or signal.
- h. Signs which contain any words, lettering, photographs, silhouettes, drawings, or pictorial representations of a sexually explicit manner.

Section 705 - Exempt Signs

The following signs shall be exempt from the requirements of this Section.

- a. Directional signs two (2) square feet or less.
- b. Governmental signs.
- c. Nameplate signs two (2) square feet or less.
- d. Political signs used in connection with local, state, or national elections.
- e. Real estate signs provided they shall be removed within 30 days after completion of the sale or lease of the property.
- f. Temporary Special event signs calling attention to special events of interest to the general public which are sponsored by governmental agencies, schools, or other non-profit groups.
- g. Construction signs. These signs may be displayed during the construction period, commencing with the issuance of a building permit. The signs shall have a maximum area of thirty-two (32) square feet. The signs shall be confined to the site of the construction and shall be removed no more than four (4) days after the beginning of the intended use of the project.

- h. Small signs. In the Agricultural and Residential zoning districts, one (1) sign, no greater than six (6) sq. ft. or five (5') ft. in height is permitted without a permit, provided it is located within the required yard.
- i. Private traffic direction signs. Signs located on private property, necessary to promote vehicular and pedestrian safety are exempt from permitting. These may include directional signs, parking signs, and other related signs at the discretion of the owner.
- j. Addresses. Signs displaying the address of the property are exempt from permitting and do not count toward the total signage on the property.

Section 706 - Illumination

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

In the Agricultural and Residential districts, only nondwelling use signs may be illuminated.

Section 707 - Nonconforming Signs

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

Nonconforming signs:

- a. Shall not be changed in such a way to remain nonconforming.
- b. Shall not be altered structurally or so as to change the shape, size, type, or

design of the sign unless such change renders the sign conforming.

Section 708 - Construction and Maintenance

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

Section 709 - Violations and Removal

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

shall be readily visible from the nearest public thoroughfare.

- d. If the violating sign has not been removed or brought into compliance with this Article within thirty (30) days from the issuance of the order specified in B. above, the Zoning Administrator or his deputies shall provide notice to the person in possession of the premises upon which the violating sign is erected and to the owner of premises upon which the sign is erected. The owner may request an interpretation of the Ordinance or an administrative decision at the Zoning Board of Appeals. Notice shall be provided in the same manner as in B. and C. above.
- e. If the Zoning Board of Appeals determines that the sign involved is in violation of this Article they shall order the action necessary to bring the sign into compliance. Based upon competent evidence and testimony, the Zoning Board of Appeals shall also establish a reasonable time by which the requirements of the order shall commence and shall be completed.

- f. If the decision and order provided for in E. above are not complied with in the specified time, the Zoning Administrator may cause the violating sign to be removed and destroyed. The cost of removal, destruction, and disposal of the sign may be charged against the premises.
- g. Nothing in this Section shall prevent the Zoning Administrator or Township Building Inspector from ordering the complete removal of any sign presenting an immediate threat to the safety of the public.

Section 710 - Abandoned Signs

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

District	Type	# per street frontage	Maximum area sq. ft.	Height feet	Placement
Agricultural	Freestanding or Monument	1	12 16	8 5	Setback minimum of 5' from the front property line and 25' from all other property lines
	Wall	1	24	NA	
Residential R-1, R-2, R-3, R-4	Subdivision	1 ¹	16	5	
Commercial C-1	One sign, which is a canopy, marquee, monument or projecting sign is permitted <u>or</u> a combination of a wall and freestanding sign is permitted in the C-1 district.				Setback minimum of 5' from the front property line and 8' from all other property lines
	Canopy <i>or</i>	1	10% of building façade or 24 sq ft (whichever is less) ²	NA	
	Marquee <i>or</i>		10% of building facade	NA	
	Monument <i>or</i>		24	6	
	Projecting <i>or</i>		9	NA	
	Wall <i>and</i>	1	Wall: 10% of building façade or 30 sq ft (whichever is less)	NA	
	Freestanding	1	24	12	
Commercial C-2	Freestanding ³ or Monument	1	64 30	25' 6'	Setback a minimum of 5' from the front property line and 40' from all other property lines
Industrial I-1	Wall	1	40	NA	

¹One sign at each entrance road to a platted subdivision, multi-family development, or any other residential development is allowed.

²Only the copy area of the canopy shall be identified as the sign area used for sign area calculation purposes.

³Within the C-2 Highway Commercial District, a business within 1,000 feet of an expressway interchange may erect 1 additional freestanding sign not to exceed a height of 50' and a maximum area of 100 sq. ft.

Article VIII ■ Site Plan Review

Section 800 - Site Plans

A written application and site plan shall be submitted to the Zoning Administrator in the case of any:

Circumstances Requiring Site Plan Review:

1. All new uses except single and two-family dwellings.
2. Expansion or renovation of an existing use, which increases the existing floor space more than twenty-five percent (25%).
3. Changes from an existing use to another use permitted in the proposed district.
4. New development or redevelopment, including accessory buildings in the commercial, industrial and multifamily districts.
5. Rezoning request.
6. Variance request.
7. Request for a special use permit.

All site plans shall be produced and stamped by a Michigan licensed engineer, landscape architect, architect or surveyor and submitted in triplicate, drawn to scale, showing the following:

1. Legal description of the site.
2. A scale of not less than one inch equals 50 feet if the subject property is less than three acres and one inch equals 100 feet if three acres or more.
3. Date, north point and scale.
4. The dimensions of all lot and property lines showing the relationship of the subject property to abutting properties.
5. The location of all existing and proposed structures on the subject

property and all existing structures within 100 feet of the subject property.

6. The location of all existing and proposed drives and parking areas.
7. Landscaping plans.
8. Signs including locations and sizes.
9. The location and right-of-way widths of all abutting streets and alleys.
10. The names and addresses of the architect, planner, designer or engineer responsible for the preparation of the site plan.
11. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this chapter are being observed.

Section 801 - Site Plan Review

1. Review Procedure

All proper applications, fees, and site plans, required as stated within this Ordinance, shall be submitted by the petitioner (property owner or designated agent) to the office of Zoning Administrator in three (3) copies.

Upon determining that the proposed use complies with the ordinance, and all other pertinent codes and ordinances of the Township, the Zoning Administrator shall cause the request for approval to be put on the agenda of the next regularly scheduled Planning Commission meeting, provided that such meeting is scheduled to be held at least forty-eight (48) hours after the applicant has submitted the site plan to the Zoning Administrator's office. If the regularly scheduled Planning Commission meeting is to be held within forty-eight

(48) hours of such submittal by the applicant, the Zoning Administrator shall schedule the applicant's hearing for the next following regularly scheduled Planning Commission meeting.

The Planning Commission shall have the responsibility to approve, approve with specified changes and/or conditions, or disapprove the applicant's request, using the criteria for site plan review included in this Ordinance as a basis for its decision. Any conditions or changes stipulated by the Planning Commission shall be recorded in the minutes of the meeting and a copy of said conditions or changes given to the applicant and Zoning Administrator. An approved site plan request shall contain the signatures of the Chairman of the Planning Commission, Zoning Administrator and the developer or agent.

Of the three (3) copies of the site plan submitted by the applicant, one (1) copy shall be kept on file by the Planning Commission, one (1) copy retained in the Zoning Administrator's office and one (1) copy retained by the applicant.

2. Criteria for Site Plan Approval

The Planning Commission shall approve a site plan if it determines that:

- a. The proposed project complies with the requirements of this Ordinance.
- b. The proposed project promotes the intent and purposes of this Ordinance.
- c. The proposed project is compatible with adjacent land uses and the natural environment.
- d. The proposed project has no adverse impact on public services

and amenities including transportation and public utilities.

- e. The proposed project complies with all other applicable ordinances and state and federal statutes.

3. Performance Guarantee

To insure compliance with the provisions on this Ordinance and any conditions imposed thereunder, the Planning Commission or Township Board may require that a performance guarantee be deposited with the Township to insure faithful completion of improvements, in accordance with Section 16f of the Township Zoning [Act 110 of 2006](#), as amended.

"Improvements" means those features and actions associated with a project which are considered necessary by the Township to protect natural resources, or the health, safety, and welfare of the residents of the Townships or inhabitants of the proposed project, including roadways, lighting, utilities, sidewalks, screening, landscaping, and surface drainage.

4. Fees

Accompanying the request for approval of a site plan, a fee set by the Township Board shall be submitted. Said fee is for the purpose of defraying administrative costs in processing the request for approval. Such fee may be used for reimbursing another party retained by the Planning Commission for expert consultation relative to the application.

5. Revocation

If the Zoning Administrator shall find that the conditions and stipulations of an approved site plan are not being adhered to, the Planning Commission shall give notice to the applicant of its intent to revoke the prior approval

given to the site plan. Intent to revoke shall be made known to the applicant by a registered letter sent to the applicant and signed by the Chairman of the Planning Commission. Said letter shall be received by the applicant fourteen (14) days prior to the stated date of revocation and shall contain the reasons for revoking the site plan approval.

If the applicant notifies the Planning Commission within fourteen (14) days of the receipt of the letter of his/her intent to rectify the violation, the Planning Commission, through official act, may defer the revocation.

6. Appeal

The decision of the Planning Commission may be appealed by the property owner or his/her designated

agent to the Township Board of Appeals. Request for appeal shall be made by written letter from the applicant to the Chairman of the Board of Appeals within five (5) days of disapproval, approvals by modification, or revocation of the site plan by the Planning Commission.

7. Site Plan Amendments

An approved site plan may be submitted for minor amendment to the Zoning Administrator for review and signature by the Planning Commission Chair. If, in the judgment of either the Zoning Administrator or the Planning Commission Chair, the site plan amendment is major, the provisions of this section shall be followed.

Article IX ■ Board of Appeals

Section 900 - Authority

There is hereby established a Board of Appeals, the membership, powers and duties of which are described in Michigan, [Public Act 110 of 2006](#), as amended. The Board of Appeals shall be appointed by the Township Board of Trustees and perform its duties and exercise its powers as provided in the above Act in such a way that the objectives of this Ordinance shall be observed, the public health, safety and welfare assured and justice served.

Section 901 - Board Membership

The Kawkawlin Township Board of Appeals shall consist of not less than five (5) members in accordance with the following recommendations:

1. The first member shall be a member of the Planning Commission.
2. One (1) member may be a member of the Township Board of Trustees.
3. The remaining members of the Board of Appeals shall be selected from the electors of the Township.
4. An employee or contractor of the Township may not serve as a member or employee of the Board of Appeals.
5. An elected officer of the Township shall not serve as chairperson of the Board of Appeals.

Section 902 - Terms of Office

Terms shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board of Trustees, whose terms shall be limited to the time they are members of the Planning Commission or Township Board of Trustees, respectively,

and the period stated in the resolution appointing them. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.

Members of the Board of Appeals may be removed by the Township Board of Trustees for non-performance of duty or misconduct in office, upon written charges and after a public hearing. A member shall disqualify himself/herself from any vote in which he/she has a conflict of interest. Failure to do so shall constitute misconduct in office.

Section 903 - Rules and Regulations

The Board may adopt rules and regulations, copies of which shall be made available to the public at the office of the Board.

1. Meetings of the Board shall be held within a reasonable time following the presentation of matters to the Board for its consideration and at such other times as the Board may determine. The time and place of meetings shall be specified by the Board in its rules and regulations.
2. The presence of three (3) members, out of the five (5) total, shall constitute a quorum. At all times, a minimum of three (3) concurring votes, the simple majority of the five (5) members, shall be necessary to grant a variance, or to reverse an administrative decision.
3. The Board shall keep minutes of its proceedings which shall record all of the following:

- a. Any action or decision of the Board and the vote of each member.
 - b. The absence or failure of a member to vote.
 - c. Any other official action.
4. All records shall be filed promptly in the office of the Township Clerk and shall be a public record.
 5. The Board may call on any other officers or Boards of the Township for assistance in the performance of its duties.
 6. For a period of ninety (90) days following a decision by the Board, no reconsideration of that decision shall be given unless the Board, in its sole discretion, determines that there has been a material change in applicable facts and circumstances.

Section 904 - Jurisdiction

The Board of Appeals, in conformity with the provisions of this Ordinance and of [Act 110 of 2006](#), as amended, shall act upon all questions as they arise in the administration of this Zoning Ordinance including:

1. Interpretation of the Zoning Map.
2. Interpretation of the Zoning Text.
3. Appeals of any decision of an official or body charged with the administration of the Zoning Ordinance.
4. Issuance of a variance to deviate from the requirements of this Zoning Ordinance.

Section 905 - Granting of Variances

Except as otherwise specifically provided by this Ordinance, the Board of Appeals may grant a variance from such provisions of this Ordinance as, building setback requirements, height and bulk requirements,

parking requirements, landscaping requirements, and sign regulations. An issuance of a variance shall occur only if the Board finds from reasonable evidence that all of the following facts and conditions exist:

1. There are practical considerations regarding the property that will not allow the building/structure to be erected without causing an excessive burden to the development of the property.
2. The condition or situation of the property is unique and not shared by neighboring properties in the same zone and amending the ordinance text or rezoning is not a reasonable solution.
3. A variance would not be significantly detrimental to adjacent property and the surrounding neighborhood.
4. The practical difficulty was not created by an action of the applicant and either existed at the time of adoption of the requirement from which the variance is requested, or is necessary as the result of governmental action such as a road widening.
5. The variance is the minimum necessary to permit reasonable use of the land and buildings.

Section 906 - Procedure

The following procedure shall be followed for an ordinance interpretation, appeal of an administrative decision, or variance request:

1. An appeal from any ruling of the Zoning Administrator or other administrative officer or body administering any portion of this Ordinance may be requested by any person or any governmental department affected or aggrieved.

2. An application for a variance authorized by this Ordinance may be requested by any person or governmental department having any legal interest in the property concerned.
3. The Board of Appeals shall not consider any application or appeal without the payment by the applicant to the Township Treasurer of a fee, if any, as determined by resolution of the Township Board. Such application or appeal shall be filed with the Zoning Administrator who shall transmit the same, together with all plans, specifications and other papers pertaining to the application or appeal, to the Board of Appeals.
4. When an application or appeal has been filed in proper form and with the required data, the Secretary of the Board shall place the application or appeal upon the calendar for hearing and cause notices stating the time, place and object of the hearing to be served. Notices shall be sent seven (7) days prior to the hearing to all property owners within 300 feet of the property in question, as shown on the last tax assessment roll. Any interested party may appear at such hearings in person or by agent or by attorney.
5. At any public hearing, the Board may adjourn in order to permit the obtaining of additional information, or to send out additional notices to other property owners that it decides may be interested in the application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of the hearing unless the Board so decides.

Section 907 - Decision of the Board

The Board shall decide all applications and appeals within 30 days after the final hearing. A copy of the Board's decision shall be transmitted to the applicant, and to the Zoning Administrator. Such decision shall be binding upon the Zoning Administrator and be observed by him, and he shall incorporate the terms and conditions of the same in the permit to the applicant whenever a permit is authorized by the Board.

Section 908 - Stay of Proceedings

An appeal taken to the Board shall stay all proceedings in furtherance of the action appealed, unless the Zoning Administrator certifies to the Board of Appeals after notice of appeal that a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may, on due cause shown, be granted by the Board of Appeals or by the Circuit Court on application, after notice to the Zoning Administrator.

Section 909 - Final Action on Appeals

The decision of the Board of Appeals shall not be final, and any person aggrieved by any such decision shall have the right to petition to the Circuit Court on questions of law and fact.

Article X ■ Administration and Enforcement

Section 1000 - Enforcement of Chapter

The provisions of this Ordinance shall be administered and enforced by a Zoning Administrator, as designated by the Township Board, or by such deputies of his department as the Zoning Administrator may delegate to enforce the provisions of this chapter.

Section 1001 - Duties of the Zoning Administrator

1. The Zoning Administrator shall receive all applications for development or redevelopment pertaining to this Ordinance. The Zoning Administrator shall review all applications, site plans, and other material for new developments, special use permits, rezonings, and variances, to ensure that all the requirements of this Ordinance have been met. The Zoning Administrator shall then forward the necessary information to the bodies in charge of the requested action.
2. The Zoning Administrator shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as restrictive covenants or private agreements which may occur upon the granting of such permit.

Section 1002 - Building Permits

The issuance of building permits, certificates of occupancy, and conducting final inspections shall be the responsibility of the Township Building Inspector or a designee as appointed by the Township Board.

Section 1003 - Interpretation and Application of Ordinance Provisions

In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience or general welfare. It is not intended by this Ordinance to repeal, abrogate, annul or in any way to impair or interfere with any existing provision of law or ordinance other than the previous zoning ordinance, or with any rules, regulations or permits previously adopted or issued, or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this Ordinance imposes a greater restriction than is required by existing ordinances or by rules, regulations or permits; the provisions of this Ordinance shall control.

Section 1004 - Changes and Amendments

1. Procedure for Amendments

The Township Board is authorized and empowered to cause this Ordinance to be amended, supplemented, or changed. Proposals for amendments may be initiated by the Township Board, the Planning Commission, or by petition of one or more owners of property in Kawkawlin Township affected by such proposed amendment. The procedure for amending this Ordinance shall be as follows:

- a. Each petition shall be submitted to the Zoning Administrator, accompanied by a fee as established by the Township Board, and then referred to the

- Township Clerk to set a hearing date and publish notices.
- b. The Planning Commission shall conduct a public hearing, the notice of which shall be given by two (2) publications in a newspaper of general local circulation, the first not more than thirty (30) nor less than twenty (20) days and the second not more than eight (8) days prior to the date of said hearing.
 - c. If the property involved borders another local government, the Clerk of said municipality is also to be given notice of the public hearing and said municipality to be given an opportunity to comment on any coordinated action or review deemed necessary.
 - d. Notice of the public hearing shall be mailed to property owners, as reflected on the tax rolls, of property which lies within three hundred (300) feet of the affected property.
 - e. If the affected property is within five hundred (500) feet of a Municipal boundary, the Planning Commission, following the public hearing, shall transmit its recommendation to the Bay County Planning Commission which shall review and comment upon the request within thirty (30) days of its receipt. Following such review period, if applicable, the Township Board shall deny, approve, or approve with conditions such amendment.
 - f. The Township Board may hold additional hearings if it considers it necessary. Notice of such hearing shall be published not more than fifteen (15) days nor less than five (5) days before the hearing.
 - g. No petition for rezoning which has been disapproved shall be resubmitted for a period of one (1) year from the date of disapproval, except as may be permitted after learning of new and significant facts or conditions which might result in favorable action upon resubmittal.
2. Criteria for Rezoning
- In considering any petition for an amendment to the Official Zoning Map, the Planning Commission and Township Board shall consider the following criteria in making its findings, recommendations, and decision:
- a. Consistency with the goals, policies, and future land use map of the Kawkawlin Township Master Plan, including any subarea or corridor studies. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area;
 - b. Compatibility of the site's physical, geological, hydrological, and other environmental features with the host of uses permitted in the proposed zoning district;
 - c. Evidence the applicant cannot receive a reasonable return on investment through developing the property with one (1) of the uses permitted under the current zoning;
 - d. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence on property values;

- e. The capacity of Township infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the “health, safety, and welfare” of the Township;
- f. The apparent demand for the types of uses permitted in the requested zoning district in the Township in relation to the amount of land in the Township currently zoned to accommodate the demand;

Section 1005 - Violations and Penalty

1. Violations

Use of land, buildings, structures and recreational vehicles in violation of any provision of this Ordinance are hereby declared to be a civil infraction, enforceable according to the procedures contained in ordinance #2009-01.

2. Penalties

Any person, corporation or firm who violates, disobeys, omits, neglects or refuses to comply with any provisions of this Ordinance or any permit, license or use granted hereunder, or any lawful order of the Township Zoning Administrator, Zoning Board of Appeals, Planning Commission or the Township Board issued in pursuance of this Ordinance shall be guilty of a misdemeanor. Upon conviction thereof, before any court having jurisdiction, he or she shall be punishable by a fine not to exceed five hundred (500) dollars or by imprisonment not to exceed ninety (90) days, or both, at the discretion of the court. Each day during which a violation continues shall be deemed a separate offense. The imposition of any sentence shall not exempt an

offender from compliance with the provisions of this Ordinance. The forgoing penalties shall not prohibit the Township from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

Section 1006 - Public Nuisance Per Se

Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this chapter and in violation of any of the provisions of this chapter, is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

Section 1007 - Fines and Imprisonment

1. The owner of any building, structure or premises, or part thereof, where any condition in violation of this chapter shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and, upon conviction, shall be liable to the fines and imprisonment as established by the Township Board and the courts of law.
2. A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

Section 1008 - Rights and Remedies are Cumulative

The rights and remedies provided in this article are cumulative and in addition to any other remedies provided by law.

