

# Article I

## In General

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### Section 100 Title

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

### Section 101 Purpose

This chapter's provisions are established pursuant to the authority conferred by the Township Zoning Act, Act 184 of the Public Acts of 1943, as amended, and other Public Acts of the State of Michigan. As described in Public Act 184 of 1943, 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 Winterfield.

### **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**

The following Zoning Ordinance was approved by the Township Planning Commission on April 1, 2003, following a Public Hearing on March 12, 2003.

The following Zoning Ordinance was adopted by the Township Board of Trustees on July 1, 2003.

A notice of adoption of this Zoning Ordinance was published in a newspaper having general circulation in Winterfield Township on July 9, 2003, with an effective date of July 9, 2003.

A public hearing having been held, the provisions of this chapter are hereby given immediate effect, pursuant to the provisions of Act 184 of the Public Acts of Michigan of 1943, as amended.

## Article II

### Definitions

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1. **Accessory Building or Structure:** A supplemental 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 attached to a main building in a substantial manner, such as a common wall or roof, the accessory building shall be considered a part of the main building.
2. **Accessory Use:** A garage, carport, shed, pole barn, canopy or other similar use naturally and normally incidental and subordinate to the main use of the land or building.
3. **Adult Day Care Organization:** A facility for the care of persons over 18 years of age, as licensed and regulated by the State under Act No. 218 of the Public Acts of 1979 and the associated rules promulgated by the State Department of Social Services. Such facilities shall be further defined as follows:
  - a. **Adult Day Care Facility:** A facility which provides care for any part of a day but less than twenty-four (24) hour care for elderly and/or functionally impaired persons over 18 years of age, provided through a structured program of social and rehabilitative and/or maintenance services in a supportive group setting other than the client's home.
  - b. **Adult Foster Care Facility:** A governmental or nongovernmental establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, or a residential center for persons released from or assigned to a correctional facility.
- c. **Adult Foster Care Small Group Home:** A facility with the approved capacity to receive 12 or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation.
- d. **Adult Foster Care Large Group Home:** A facility with the approved capacity to receive at least 13 but not more than 20 adults to be provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks, for compensation.
- e. **Adult Foster Care Family Home:** A private residence with the approved capacity to receive 6 or fewer adults to be provided with foster care for 5 or more days a week and for 2 or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
4. **Adult Entertainment Business:** A business or commercial enterprise engaging in any of the following, provided all buildings and uses comply with all applicable local and state regulations:
  - 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;

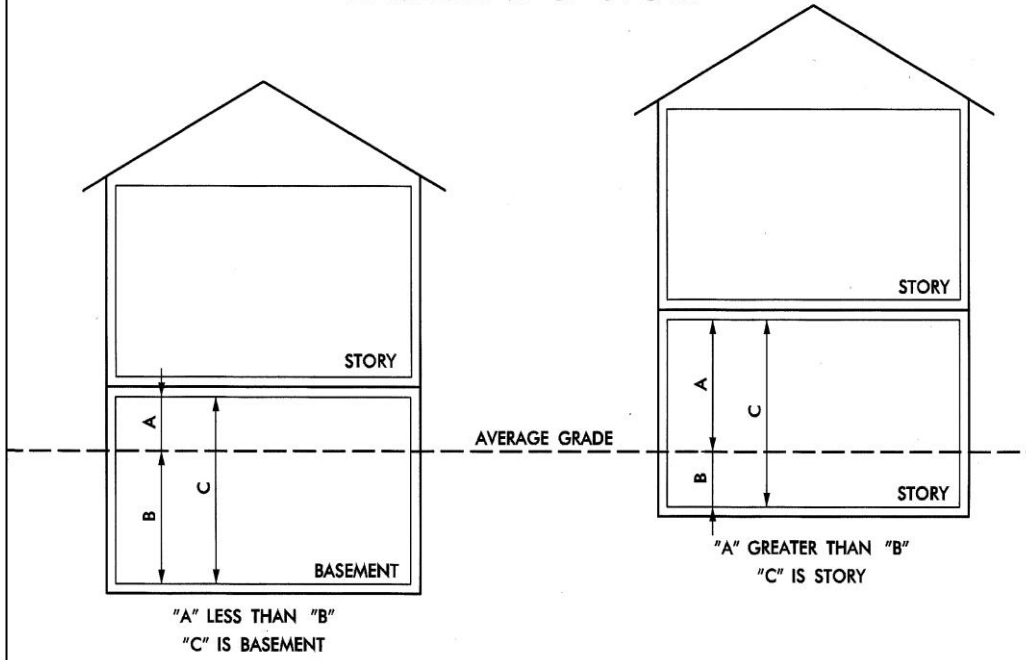
- iii. Masturbation, actual or simulated; or
  - iv. Excretory functions as part of or in connection with any of the activities set forth in (i) through (iii) above.
- 5. **Agriculture:** The use of land as a "Farm" or "Farm Operation" as defined in the Michigan Right to Farm Act, Public Act 93 of 1981, as amended.
  - 6. **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.
  - 7. **Alley:** A public way which affords a secondary means of access to abutting property but is not intended for general traffic circulation.
  - 8. **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."
  - 9. **Architectural Features:** Architectural features of a building may include cornices, eaves, gutters, courses, sills, lintels, bay windows, chimneys and decorative ornaments.
  - 10. **Automobile Demolition/ Salvage:** Any commercial activity involving the demolition and/or salvage of motor vehicles or engines.
  - 11. **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.

12. **Automobile Sales Area:** Any space used for display, sale or rental of motor vehicles, in new or used and operable condition.
13. **Automobile Wash Establishment:** A building, or portions thereof, the primary purpose of which is that of washing motor vehicles.
14. **Average:** For the purpose of this Ordinance, the term, "average" will be an arithmetic mean.
15. **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**).

16. **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.
17. **Bedroom:** A dwelling room used or intended to be used by human beings for sleeping purposes.
18. **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).
19. **Board of Appeals:** As used in this Ordinance, this term means the Winterfield Township Zoning Board of Appeals.
20. **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.

**Figure 1  
BASEMENT & STORY**



21. **Boat and/or Canoe Livery and Boat Yard:** A place where boats and/or canoes are stored, rented, sold, repaired, decked and serviced.
22. **Buffer Strip:** See Greenbelt definition.

23. **Building:** A structure, either temporary or permanent, having a roof supported by columns, or walls for the shelter, support, or enclosure of persons, or chattels, is a building. A structure that includes three connected walls regardless of roof including structures such as those used for silage containment, shall be deemed a building. When any portion thereof is completely separated from every other part thereof by division walls from the ground up, and without openings, each portion of such building shall be deemed a separate building.

24. **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.

25. **Buildable Width:** The width of a lot left for building after required side yards are provided.

26. **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**).

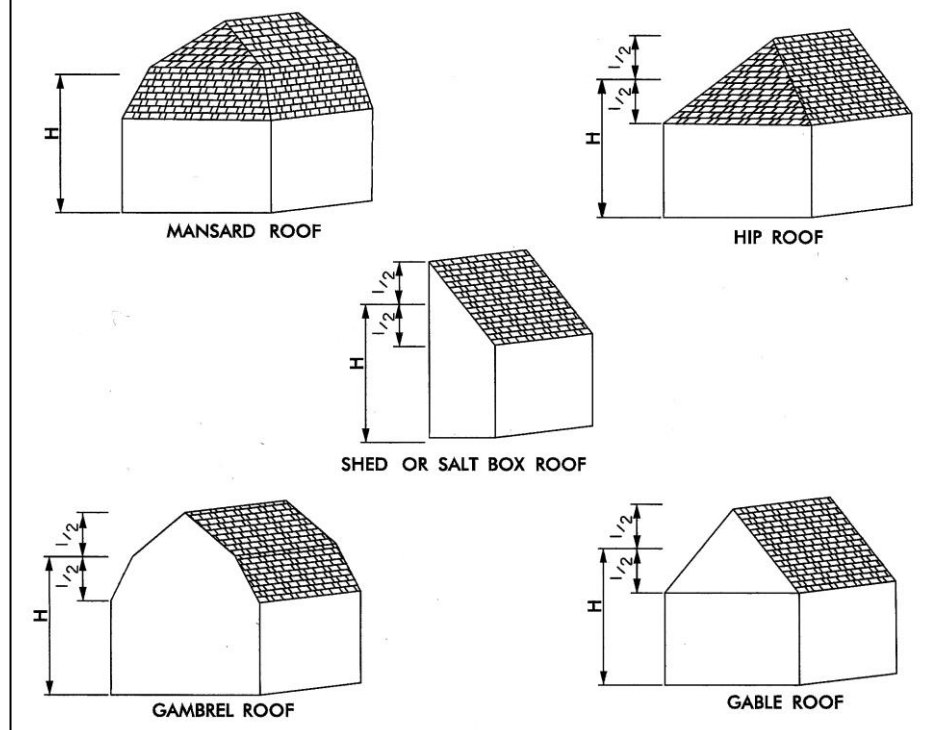
27. **Bulk Station:** A place where crude petroleum, gasoline, naphtha, benzyl, kerosene, benzene, or any other liquid are stored for

wholesale purpose, where the aggregate capacity of all storage tanks is more than six thousand (6,000) gallons.

28. **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.

29. **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:

**Figure 2  
BUILDING HEIGHT**



- a. **Child Day Care Center:** A facility other than a private residence, receiving more than six (6) preschool or school age children for group day care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. .

A child day care center does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

- b. **Family Day Care Home:** A private home in which two (2) but less than seven (7) minor children are received for care and supervision for periods less than twenty four (24) hours a day, unattended by a parent or guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.
- c. **Group Day Care Home:** A private home in which more than six (6) but not more than twelve (12) minor children are received for care and supervision for periods of less than twenty four (24) hours a day, unattended by a parent or 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 (4) weeks a calendar year.

- d. **Child Caring Institution:** A child care facility which is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a twenty four (24) hour basis, in a building maintained for that purpose, and operates throughout the year. It includes a maternity home for the care of unmarried mothers who are minors, an agency group home, and institutions for mentally retarded or emotionally disturbed minor children. It does not include hospitals, nursing homes, boarding schools, or an adult foster care facility in which a child has been placed.
- e. **Foster Family Home:** A private home in which at least one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for twenty four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- f. **Foster Family Group Home:** A private home in which more than four (4) but fewer than seven (7) minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for twenty four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

30. **Church:** 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. **Condominium Unit:** That portion of a condominium subdivision designed and intended for occupancy and use by the unit owner consistent with the provisions of the master deed. A condominium unit is not a lot or parcel as those terms are used in this Ordinance. All condominium units are created and recorded under the provisions of the Condominium Act, Public Act 59 of 1978, as amended. (See also Site Condominium)
34. **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.
35. **District:** A portion of the Township within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance.
36. **Drive-Through Business:** Any restaurant, bank or business with an auto service window.
37. **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 *fourteen (14)* 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.

38. **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.
39. **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.
40. **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.

41. **Excavating:** The removal of sand, stone, gravel, or soil.
42. **Family:** A group of two or more persons related by blood, marriage, legal guardianship, 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.
43. **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.

44. **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.
45. **Garage or Pole Barn-Private:** A building of 100 square feet or more in floor area used only for the storage of, but not limited to, vehicles, boats, and domestic animals for the use of the occupants of a lot on which such building is located and not to be used as a dwelling.
46. **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.
47. **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.
48. **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.
49. **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

50. **Greenbelt:** A strip of land of definite width and location reserved for the planting of live shrubs and/or trees to serve as an obscuring screen or buffer area in carrying out the requirements of this Ordinance.

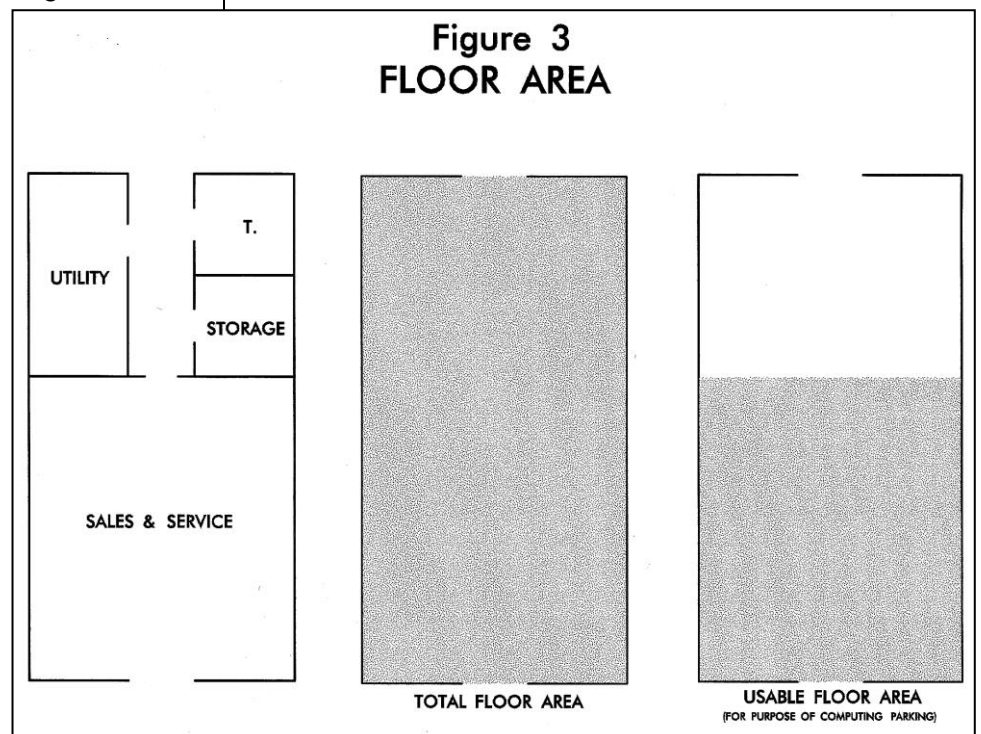
51. **Ground Floor Area:** The square footage of floor space measured from exterior to exterior wall, but not including enclosed and unenclosed porches, breezeways, garages, attic, and basement. (see **Figure 3**)

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

53. **Home Occupation:** An occupation, profession, activity, or

use that is clearly an incidental or secondary use of a residential property and which does not alter the exterior of the property or affect the residential character of the neighborhood.

54. **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.
55. **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.
56. **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.



57. **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

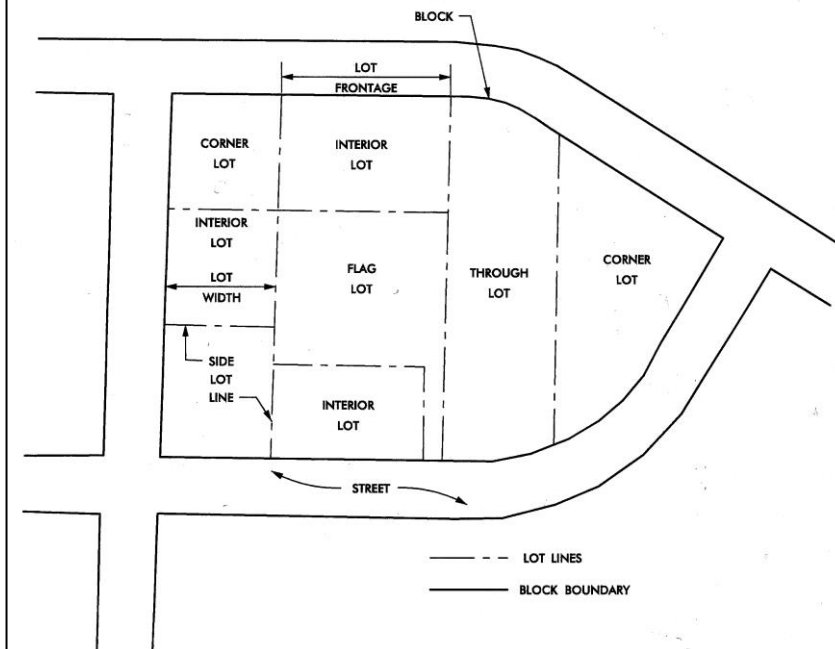
The equivalency for types of livestock not specifically listed above shall be stated as equivalency for the type of animal which is most similar in terms of characteristics of animal wastes, as determined, if necessary, by the Board of Appeals.

58. **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.

59. **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.
60. **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.
61. **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.
62. **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

**Figure 4  
TYPES OF LOTS**



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.

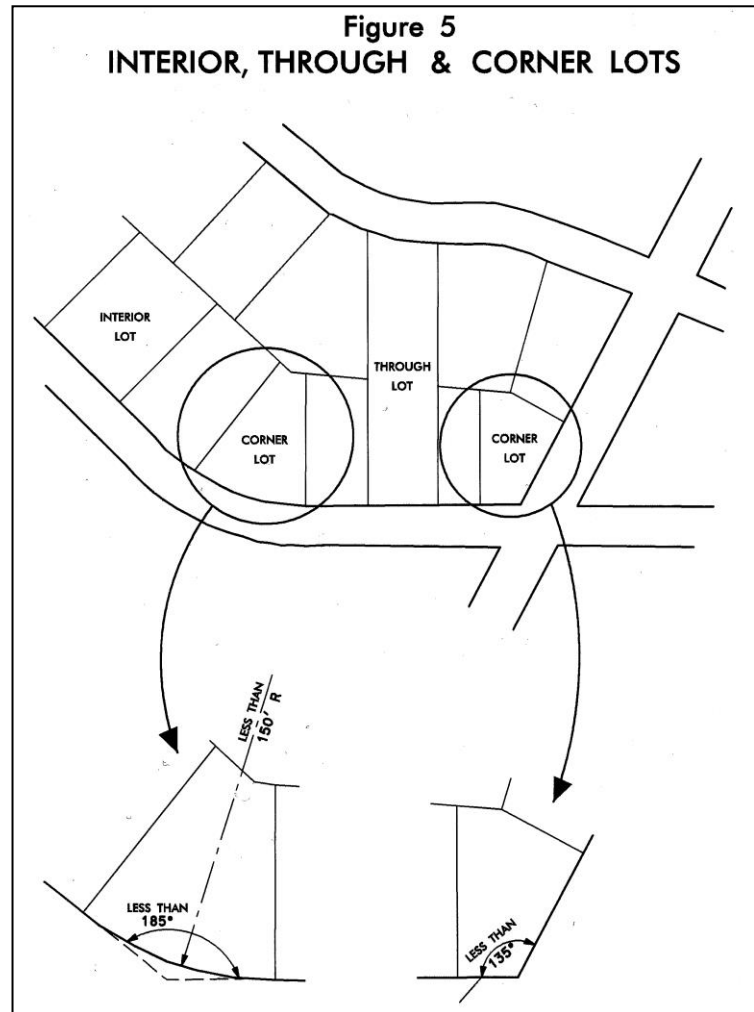
- g. **Lot of Record:** A parcel of land defined by a legal description and recorded in the office of the Clare County Register of Deeds on or before the effective date of this Ordinance.

- 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.

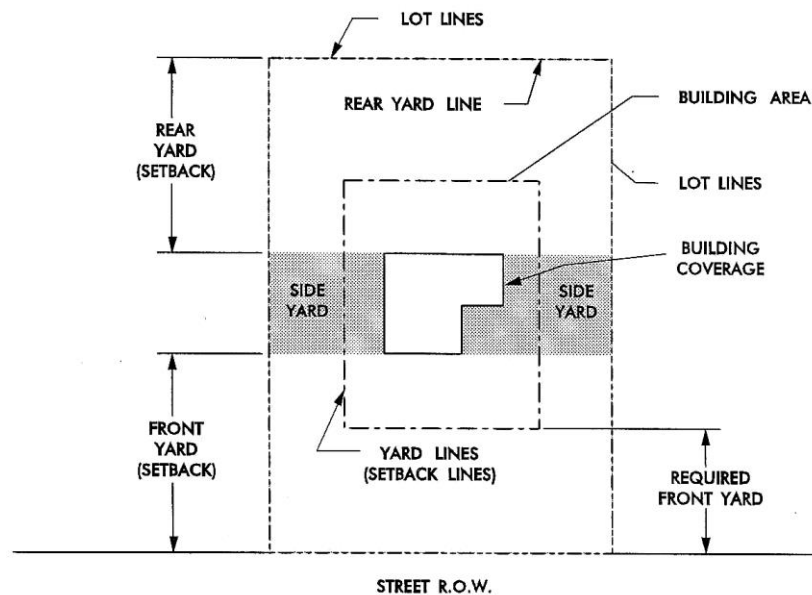
- m. **Zoning Lot:** A contiguous tract of land which at the time of filing for a zoning permit is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership.

63. **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.
64. **Massage Establishments:** 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, WMCA or YWCA operating a community center, swimming pool or other educational, cultural, recreational facilities for residents of the area.



65. **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.
66. **Migratory Labor:** Temporary or seasonal labor employed in planting, harvesting, or construction.
67. **Mobile Home:** See Manufactured Home definition.
68. **Motor Home:** See Recreational Vehicle definition.

**Figure 6  
LOT LINES & SETBACKS**



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.

69. **Native Vegetation Strip:** See Greenbelt definition.

70. **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.

71. **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.

72. **Nursery:** A space, building or structure, or combination thereof, for

73. **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.

74. **Open Air Business:** Includes any use operated for profit, substantially in the open air, including:

- a. Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sale, repair or rental services.
- b. Outdoor display and sale of garages, motor homes, mobile homes, snowmobiles, farm implements, swimming pools and similar activities.
- c. 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.
- d. Tennis courts, archery courts, shuffleboard, horseshoe courts, rifle ranges, miniature golf, golf driving ranges, children's amusement park or similar recreation uses.
- e. Flea markets, tool sales, or other outdoor sales (excluding yard sales as defined in **Section 1209**).

75. **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.

76. **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.
77. **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.
78. **Pick-up Camper:** See Recreational Vehicle definition.
79. **Place of Worship:** See Church definition.
80. **Planned Unit Development (PUD):** Land under unified control which allows a development to be planned and built as a unit and which permits upon review and approval, variations in many of the traditional controls related to density, land use, setbacks, open space and other design elements, and the timing and sequencing of the development.
81. **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.

82. **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.
83. **Principal Use:** The main use of land or structures, as distinguished from a secondary or accessory use.
84. **Private Road:** A private road is a drive/trail, easement, or other road way serving three (3) or more parcels of property. A private road is not maintained by the public. Maintenance, improvements, and snow removal are the responsibility of private property owners.
85. **Professional Office:** The office of a professional person such as a doctor, dentist, engineer, architect, attorney, insurance or real estate agent, and the like.
86. **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.



87. **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.
88. **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-eight (48) 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.
89. **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.
90. **Retail Store:** Any building or structure in which goods, wares, or merchandise are sold to the ultimate consumer for direct consumption and not for resale.
91. **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.
92. **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.
93. **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.
94. **Sexually Oriented Business:** See Adult Entertainment Business.
95. **Shopping Center:** A group of commercial establishments, planned, developed, owned, and managed as a unit, with off-street parking provided on the property, and related in its location, size and type of shops to the trade area which the unit serves.
96. **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.
- a. **Off Premise Sign:** Any sign, including billboards, relating to subject matter not conducted on the premises on which the sign is located.
- b. **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.
97. **Site Condominium:** A system of separate ownership of individual units or multi-unit projects according to Michigan Public Act 59 of 1978, as amended. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used

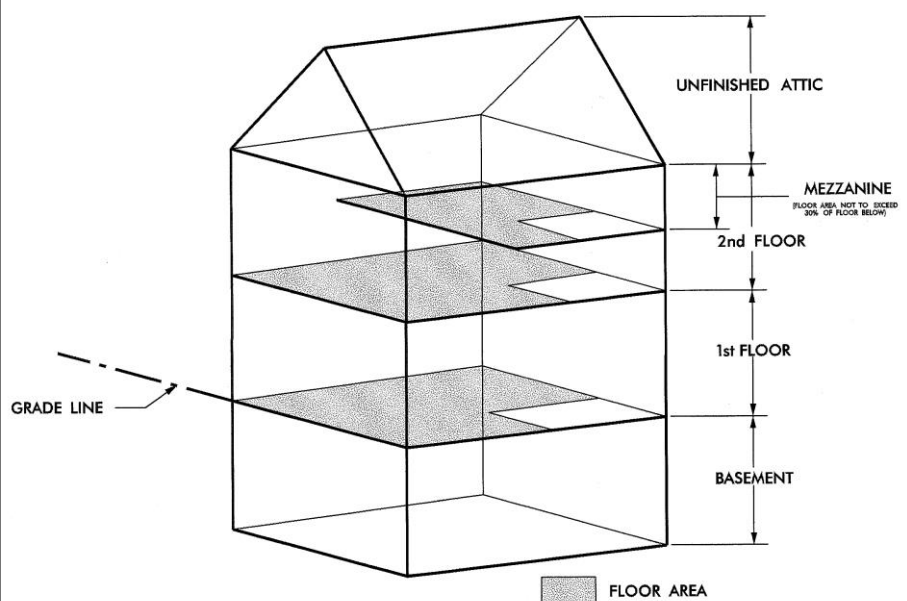
in common by all the unit owners. For the purposes of this Ordinance, condominium terms shall be defined as follows:

- a. **Common elements:** Portions of the condominium project other than the condominium units.
- b. **Condominium lot:** That portion of the land area of a site condominium project designed as the building envelope and intended to function similar to a platted subdivision lot for purposes of determining minimum yard setback requirements and other requirements set forth in the Schedule of Regulations of this Ordinance. Setbacks for the building envelope shall be measured beginning at a point perpendicular to the edge of the pavement of the access road, private road, or public road. The setback shall include a distance of fifteen (15) feet from the edge of the pavement plus the required setback as stated in the Schedule of Regulations of this Ordinance.
- c. **Condominium unit:** That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed for the condominium project
- d. **Master deed:** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan.

- e. **Site condominium project:** A condominium project designed to functions in a similar manner, or as an alternative to a platted subdivision.

- 98. **Special Exception:** Approval by the Township Planning Commission of a use of land in a district that is not antagonistic to other land uses in the district when such use is specified in this Ordinance for that district upon such approval.
- 99. **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.

**Figure 7  
BASIC STRUCTURAL TERMS**



100. **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").

101. **Street, Highway, Road:** A thoroughfare that affords the principal means of access to abutting property (see **Figure 8**).

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

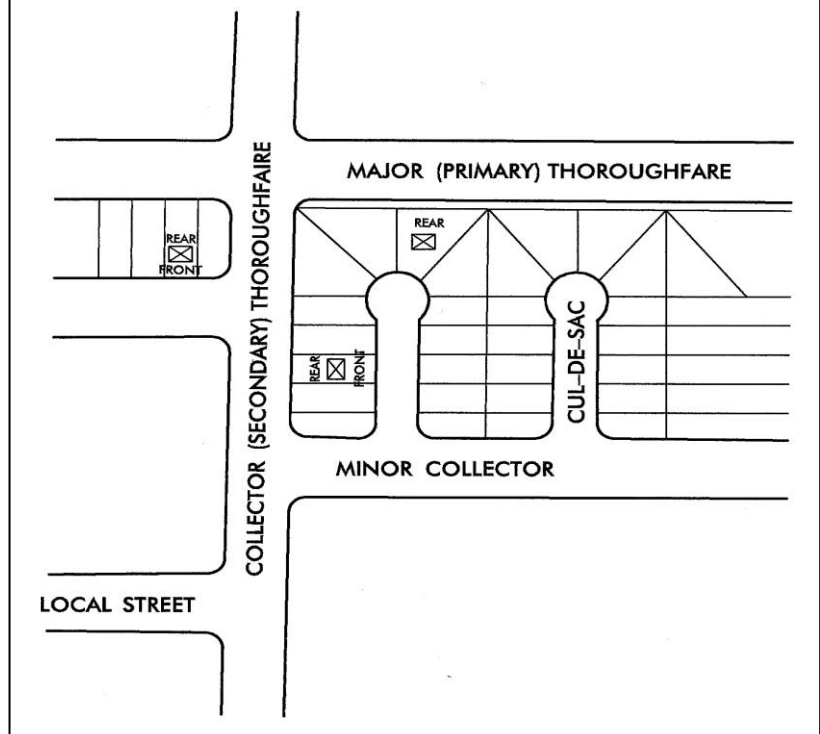
103. **Telecommunication Tower:** All structures and accessory facilities, including Alternative Tower Structures, relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio

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.

104. **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.

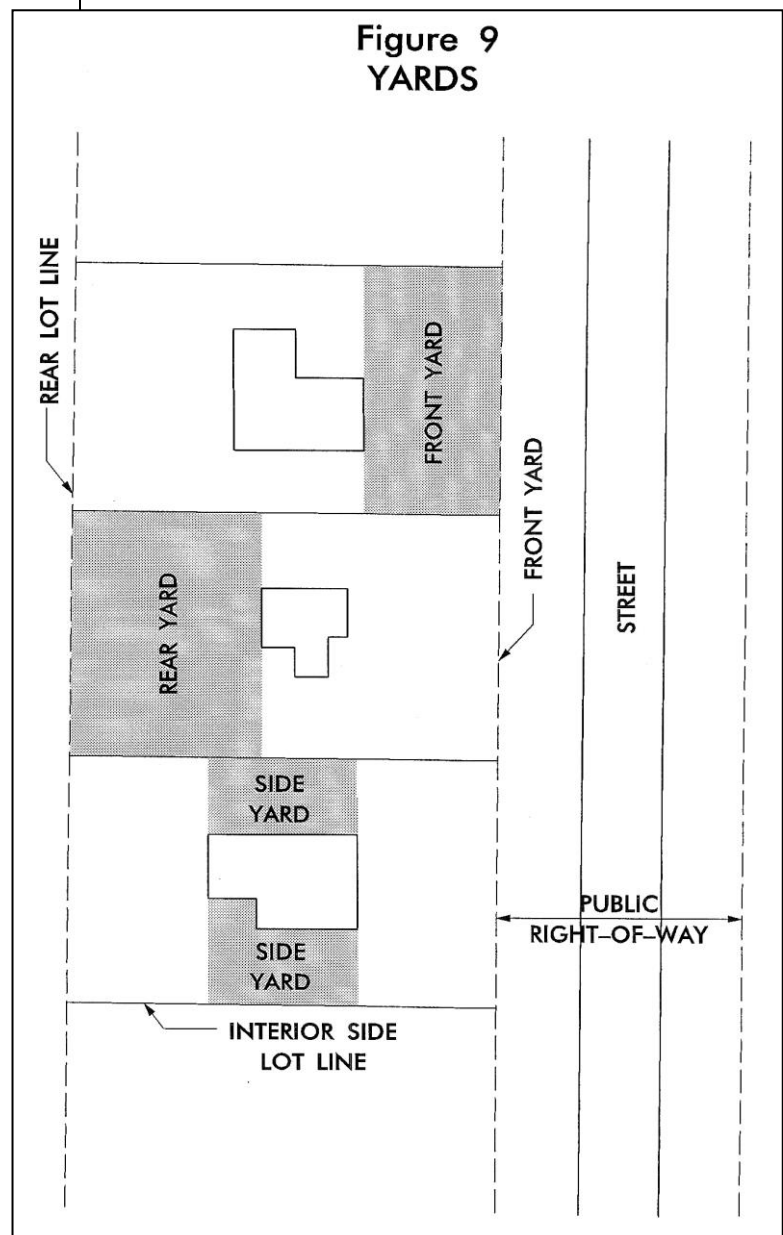
**Figure 8**  
**STREET HIERARCHY**



105. **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.
106. **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.
107. **Tourist Home:** See Bed and Breakfast definition.
108. **Trailer Coach:** See Recreational Vehicle definition.
109. **Travel Trailer:** See Recreational Vehicle definition.
110. **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.
111. **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.
112. **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.
113. **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.
- 114. **Zoning Administrator:** The official designated by the Winterfield Township Board of Trustees to administer and enforce the provisions of this Ordinance.
- 115. **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**

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#### **Section 300 Districts Enumerated**

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

1. Conservation District - CN
2. Agricultural / Rural Residential District – A-R
3. Single-Family Residential District – R-1
4. Multiple-Family Residential District – R-2
5. Manufactured Home Park District – R-3
6. Commercial District – C-1
7. Light Industrial District – M-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 XII** and **XIII** of this Ordinance.

## **Article IV**

### **CN - Conservation District**

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The following provisions shall apply to the CN Conservation District.

#### **Section 400 Intent**

The district is intended for the conservation of state and federal owned land in the Township through the prevention of destruction and loss of natural land and water features and natural historic sites, provision of habitats for wildlife, and conservation and preservation of outdoor recreation uses, including certain lands formerly used for farming.

#### **Section 401 Uses Permitted by Right**

1. Public natural resource and conservation areas.
2. Practice of forestry and sale of forest products.
3. Farms, including livestock and poultry raising, fruit farming, dairying, horticulture, farm forestry, sod farming, and other similar bona fide agricultural enterprise or use of land and structure.
4. Public and private parks, playgrounds, picnic areas, beaches, gun clubs, fish ponds and ski resorts.
5. Stables and riding academies.
6. Accessory uses, buildings and structures customarily incidental to the uses permitted by right.

#### **Section 402 Uses Permitted by Special Exception**

The following uses are permitted by special exception in accordance with the process outlined in **Section 1504** of this Ordinance.

1. Golf courses, provided the site ingress and egress directly into a county primary road.
2. Telecommunication towers, subject to provisions outlined in **Section 1224**.
3. Roadside produce stands for the sale of products.
4. Single-family dwellings, as accessory to principal uses.
5. Accessory uses, buildings and structures customarily incidental to the uses permitted by special exception.

#### **Section 403 Area and Bulk Regulations**

See **Article XI** of this Ordinance limiting the height and bulk of buildings, and providing the minimum size of lot permitted by land use and the maximum density permitted.



## **Article V**

### **A-R Agricultural/Rural Residential District**

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The following provisions shall apply to the A-R Agricultural/Rural Residential District.

#### **Section 500 Intent**

The district is 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. The district also provides for farming, ranching, and commercial gardening activities.

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.

#### **Section 501 Uses Permitted by Right**

1. Single-family dwellings
2. Churches and other places of worship
3. Forestry and wildlife preserves
4. Golf courses and country clubs
5. Publicly owned buildings and community facilities, including schools
6. Publicly owned and operated parks and playgrounds
7. Roadside stands
8. Farms, crop and livestock, including truck gardens, tree farms, and other specialty crops, but excluding the raising of fur bearing animals
9. Accessory uses, buildings and structures customarily incidental to the uses permitted by right.

#### **Section 502 Uses Permitted by Special Exception**

The following uses are permitted by special exception in accordance with the process outlined in **Section 1504** of this Zoning Ordinance.

1. Adult care organization
2. Airports and aircraft landing fields
3. Animal sales yards
4. Bed and breakfast facilities
5. Boat launching facilities
6. Campgrounds and travel trailer parks
7. Canoe liveries
8. Cemeteries, including columbarium, mausoleums and crematories
9. Child care organization
10. Circus and carnival lots
11. Clinics
12. Convalescent or nursing homes or senior assisted living homes
13. Fur bearing animals, raising of
14. Gas and oil processing facilities
15. Gravel pits
16. Home occupations
17. Hospitals
18. Intensive livestock operations
19. Kennels, commercial
20. Radio-TV stations, studios
21. Real estate offices (sales) in connection with a specific development for a period not more than that specified at the time special approval is granted
22. Resorts
23. Rifle Ranges

24. Sawmills-temporary use not to exceed one (1) year
25. Stables, commercial
26. Summer camps
27. *Telecommunication towers, subject to provisions outlined in **Section 1224**.*
28. Accessory uses, buildings and structures customarily incidental to the uses permitted by special exception.

### **Section 503 Area and Bulk Regulations**

See **Article XI** of this Ordinance limiting the height and bulk of buildings, and providing the minimum size of lot permitted by land use and the maximum density permitted.

## **Article VI**

### **R-1 Single-Family Residential District**

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The following provisions shall apply to the R-1 Single-Family Residential District.

#### **Section 600 Intent**

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.

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.

#### **Section 601 Uses Permitted by Right**

1. Single-family dwellings
2. Family day care home
3. Churches and other places of worship
4. Forestry and wildlife preserves
5. Roadside stands
6. Farms, crops and livestock, including truck gardens, tree farms, and other specialty crops, but excluding the raising of fur bearing animals
7. Accessory uses, buildings and structures customarily incidental to the uses permitted by right.

#### **Section 602 Uses Permitted by Special Exception**

The following uses are permitted by special exception in accordance with the process

outlined in **Section 1504** of this Zoning Ordinance.

1. Bed and breakfast facilities
2. Campgrounds
3. Golf courses and country clubs
4. Group day care home
5. Home occupations
6. Summer camps
7. Fur bearing animals, raising of
8. Accessory uses, buildings and structures customarily incidental to the uses permitted by special exception.

#### **Section 603 Area and Bulk Regulations**

See **Article XI** of this Ordinance limiting the height and bulk of buildings, and providing the minimum size of lot permitted by land use and the maximum density permitted.

## **Article VII**

### **R-2 Multiple-Family Residential District**

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The following provisions shall apply to the R-2 Multiple-Family Residential District.

#### **Section 700 Intent**

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.

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.

#### **Section 701 Uses Permitted by Right**

1. Single-family dwellings
2. Two-family dwellings
3. Multiple-family dwellings
4. Boarding, lodging or rooming houses
5. Churches and other places of worship
6. Family day care home
7. Publicly owned and operated parks and playgrounds
8. Accessory uses, buildings and structures customarily incidental to the uses permitted by right.

#### **Section 702 Uses Permitted by Special Exception**

The following uses are permitted by special exception in accordance with the process outlined in **Section 1504** of this Zoning Ordinance.

1. Adult care organization
2. Bed and breakfast facilities
3. Convalescent or nursing homes or senior assisted living homes
4. Group day care home
5. Home occupations
6. Publicly owned buildings and community facilities, including schools
7. Accessory uses, buildings and structures customarily incidental to the uses permitted by special exception.

#### **Section 703 Area and Bulk Regulations**

See **Article XI** of this Ordinance limiting the height and bulk of buildings, and providing the minimum size of lot permitted by land use and the maximum density permitted.

## **Article VIII**

### **R-3 Manufactured Home Park District**

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The following provisions shall apply to the R-4 Manufactured Home Park District

#### **Section 800 Intent**

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.

#### **Section 801 Uses Permitted by Right**

1. Manufactured home parks, subject to the requirements established by the Mobile Home Commission Act, Public Act 96 of 1987, as amended, and the National Mobile Home Construction and Safety Standards Act of 1974.
2. Accessory uses, buildings, or structures customarily incidental to Manufactured Home Parks such as, clubhouses, swimming pools, common playground areas, laundry facilities, storage or out buildings, and Manufactured Home Park offices.

#### **Section 802 Uses Permitted by Special Exception**

The following uses are permitted by special exception in accordance with the process outlined in **Section 1504** of this Zoning Ordinance.

1. Home occupations
2. Publicly owned buildings and community facilities, including schools
3. Accessory uses, buildings and structures customarily incidental to the uses permitted by special exception

#### **Section 803 Area and Bulk Regulations**

See **Article XI** of this Ordinance limiting the height and bulk of buildings, and providing the minimum size of lot permitted by land use and the maximum density permitted.

#### **Section 804 Other Regulations**

See **Section 1218** of this Ordinance which further regulates Manufactured Home Parks.

## **Article IX**

### **C-1 Commercial District**

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The following provisions shall apply to the C-1 Commercial District.

#### **Section 900 Intent**

The intent of this district is to provide for areas that are designed for the commercial needs that appeal to a wider community interest. The general character of this district comprises a broad range of retail and service uses, entertainment uses, community facilities, and general office uses.

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.

#### **Section 901 Uses Permitted by Right**

- |   |  |
|---|--|
| <ol style="list-style-type: none"><li>1. Administrative, executive, governmental, and professional offices</li><li>2. Antique shops</li><li>3. Appliance sales and service</li><li>4. Art galleries</li><li>5. Bakeries</li><li>6. Boarding, lodging, or rooming houses</li><li>7. Bowling alleys</li><li>8. Carpentry, plumbing, electrical sales, service and contracting offices</li><li>9. Clinics</li><li>10. Clubs</li><li>11. Curio stores</li></ol> | <ol style="list-style-type: none"><li>12. Florist shops</li><li>13. Furniture Stores</li><li>14. Golf driving range and miniature golf</li><li>15. Grocery stores</li><li>16. Hardware stores</li><li>17. Hotels or motels</li><li>18. Jewelry stores</li><li>19. Libraries</li><li>20. Malls/strip malls</li><li>21. Marinas</li><li>22. Museums</li><li>23. Music shops</li><li>24. Nurseries</li><li>25. Parking lots</li><li>26. Pet sales and supply</li><li>27. Printing, publishing, blueprint, photocopy shops</li><li>28. Radio and TV sales and service</li><li>29. Real estate offices</li><li>30. Restaurant, including drive-through</li><li>31. Second-hand stores, excluding outside sales or displays</li><li>32. Sporting goods shops</li><li>33. Swimming pools-public</li><li>34. Taverns and bars</li><li>35. Upholstering, interior decorating</li><li>36. Other similar retail businesses or service establishments which generally provide commodities or services for more than one neighborhood (as distinguished from those which primarily serve residents of the surrounding neighborhood) which are judged by the Planning Commission to be similar in character to those enumerated.</li></ol> |
|---|--|

37. Accessory uses, buildings and structures customarily incidental to the uses permitted by right.

### **Section 902 Uses Permitted by Special Exception**

The following uses are permitted by special exception in accordance with the process outlined in **Section 1504** of this Zoning Ordinance.

1. Automotive sales and service
2. Automobile wash establishments
3. Boat sales and services
4. Building material sales
5. Farm machinery sales and services
6. Flea markets, tool sales, and other outdoor sales (excluding yard sales as defined by **Section 1209**)
7. Gas and oil processing facilities
8. Gasoline service stations
9. Kennels, commercial
10. Laundromats, laundries and dry cleaning establishments
11. Manufactured and mobile home and travel trailer sales and service
12. Mini/self storage facilities
13. Single-family dwelling on same parcel as a business
14. Snowmobile sales and service
15. 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.
16. Accessory uses, buildings and structures customarily incidental to the uses permitted by special exception.

### **Section 903 Area and Bulk Regulations**

See **Article XI** of this Ordinance limiting the height and bulk of buildings, and providing the minimum size of lot permitted by land use and the maximum density permitted.

## **Article X**

### **M-1 Light Industrial District**

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The following provisions shall apply to the M-1 Light Industrial District.

#### **Section 1000 Intent**

The intent of this district is to provide areas that are appropriate for the industrial needs of the Township. The district may include a variety of mixed wholesale and warehousing activities, light manufacturing, processing and assembly plants, general offices, and research and development. Development in this district is to be restricted to clean industry that does not produce substantial air or water pollution and excessive noise or odor.

The district encourages industrial development to locate at a reasonable distance from heavily inhabited areas with access to major thoroughfares, highways, and railroads. The provisions of this district further intend to discourage residential development or any other development that would hinder or adversely affect the industrial character of the district.

#### **Section 1001 Uses Permitted by Right**

1. Farm machinery sales and service
2. Machine shops
3. Sawmills
4. Truck terminal maintenance and repair of trucks and trailers
5. Storage and warehousing, but not including commercial bulk storage of flammable liquids or gases
6. Accessory uses, buildings and structures customarily incidental to the uses permitted by right.

#### **Section 1002 Uses Permitted by Special Exception**

The following uses are permitted by special exception in accordance with the process outlined in **Section 1504** of this Zoning Ordinance.

1. Adult entertainment businesses.
2. Auto salvage and storage facilities
3. Foundries
4. Gravel pits
5. Junk yards
6. Kennels, commercial
7. Major public utility structures such as water towers, electric transmission towers, water or sewage treatment plants, and electric substations.
8. Manufacturing, processing, or sales of fertilizers, feeds and other farm supplies
9. Production, processing, assembly, manufacturing, or packaging of goods, or materials such as: recreational supplies, toys, etc., including testing, repair, storage distribution and sale of such products.
10. Production, processing, assembly, manufacturing or packaging of goods or material such as tanneries, rendering works, refineries, rubber processing, packing houses, etc., including testing, repair, storage distribution, and sale of such products.
11. Redi-mix concrete, asphalt plants
12. Reduction, conversion and disposal of waste material
13. Telecommunication towers
14. Accessory uses, buildings and structures customarily incidental to the uses permitted by special exception.



### **Section 1003 Area and Bulk Regulations**

See **Article XI** of this Ordinance limiting the height and bulk of buildings, and providing the minimum size of lot permitted by land use and the maximum density permitted.

## **Article XI**

### **Schedule of Regulations**

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#### **Section 1100 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 stipulate 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.

#### **Section 1101 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. The width of a parcel shall be measured within its boundaries from parcel boundary lines, which are perpendicular to the abutting road right-of-way.
2. Front setbacks shall be measured from the street right-of-way
3. The minimum floor area per dwelling unit shall not include areas of basements, utility rooms, breezeways, porches, or attached garages.

4. 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.

5. A manufactured home park shall comply with all requirements as established in the Mobile Home Commission Act, Public Act 96 of 1987, as amended.

**Table A**  
**Schedule of Regulations**

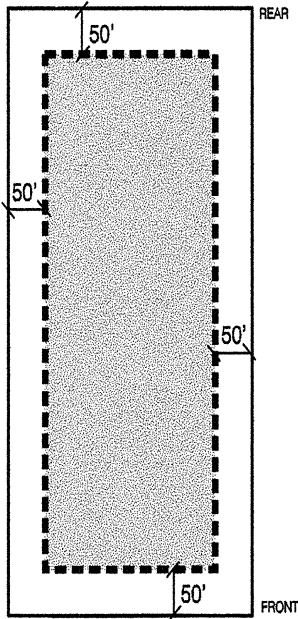
Zoning District	Minimum Lot Size		Maximum Building Height		Minimum Yard Setbacks In Feet			Minimum Floor Area per Dwelling Unit in Sq. Ft. (3)	Maximum Building Coverage of Lot
	Area	Width in Ft. (1)	Stories	Feet	Front (2)	Minimum Side Each	Rear		
CN Conservation District	5 Acres	330	3	40	50	50	50	720	25%
A-R Agricultural/Rural Residential District	3 Acres	200	2-1/2	35	50	20	25	720	25%
R-1 Single-Family Residential District	1 Acre	120	2-1/2	35	50	10	25	720	25%
R-2 Multiple-Family Residential District	12,000 Sq. Ft.	80	3	40	25	10	25	(4)	30%
R-3 Manufactured Home Park District (5)	--	--	--	--	--	--	--	--	--
C-1 Commercial District	10,000 Sq. Ft.	80	5	50	25	20	25	--	35%
M-1 Light Industrial District	1 Acre	120	5	50	50	25	25	--	25%

\* See **Section 1101** for footnotes  
See **Figure 10** for setback illustrations

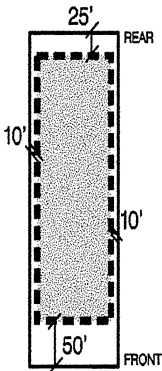
# Figure 10

## SETBACK ILLUSTRATIONS

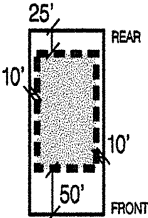
CN Conservation  
5 Acres Minimum  
330' Wide x 660' Deep



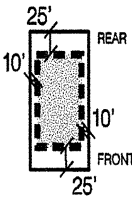
A-R Agricultural/Rural Residential  
1 Acre Minimum  
120' Wide x 363' Deep



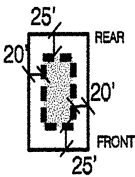
R-1 Single-Family  
20,000 Sq. Ft. Minimum  
100' Wide x 200' Deep



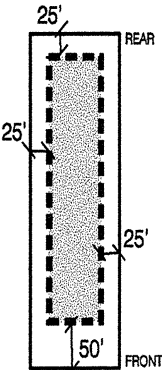
R-2 Multiple-Family  
12,000 Sq.Ft. Minimum  
80' Wide x 150' Deep



C-1 Commercial  
10,000 Sq. Ft. Minimum  
80' Wide x 125' Deep



M-1 Light Industrial  
1 Acre Minimum  
120' Wide x 363' Deep



## **Article XII**

### **Special Provisions**

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#### **Section 1200 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 1201 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 400 feet of any parcel zoned A-R, R-1, R-2, or R-3.
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 1202 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 other 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 1203 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 1204 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 must be located in the principal structure on the property. No bed and breakfast bedrooms are allowed in outbuildings.
- d. External changes or modifications for the purpose of accommodating the bed and breakfast operation are prohibited.
- e. Bed and breakfast bedrooms shall not be located in basements or other below ground areas.
- f. 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.

- g. Guests at bed and breakfast facilities must have access to indoor restroom facilities in the building.
- h. Minimum of one (1) parking space shall be required for each room rented out. No off-street parking shall be permitted in the setback area.

## 2. Other Requirements

- a. Comply with the requirements as established in Section 125.1504b, of Michigan Public Act 230 of 1972, as amended.
- b. A single, non-illuminated, non-animated sign which identifies the bed and breakfast facility of not more than sixteen (16) 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.
- c. The bed and breakfast facility must be the principal residence of the owner of the facility.
- d. Bed and breakfast facilities must comply with state health department rules and requirements regarding food service.

### **Section 1205 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 1206 Child Care Organizations**

All Child Care Organizations shall require State licensing, as specified in Public Act 116 of 1973, as amended.

### **Section 1207 Convalescent or Nursing Homes or Senior Assisted Living Homes**

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

### **Section 1208 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 1209 Garage or Yard Sales**

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. A garage sale shall not include sale of pre-packaged products produced off premises.

### **Section 1210 Gasoline Service Stations**

- 1. The service area of any automobile service station shall consist of such capacity as to allow access space for each gasoline pump for at least two vehicles to wait in line without spilling onto the highway.
- 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 thirty (30) days, or exceed two (2) vehicles per service bay.
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 1211 Golf Courses and Country Clubs**

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 1212 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.
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, and no customer/patron off-street parking shall be permitted within the setback area.
8. The home occupation shall allow sale of pre-packaged products produced off-premises provided the volume of such products does not exceed more than sixty-four (64) cubic feet of display area.
9. No outdoor storage of goods, equipment or machinery used in conjunction with home occupation shall be allowed.



10. Retail or personal services such as or similar to auto, engine or machinery repair, equipment rental, or open storage of junk, scrap or salvage, shall not be considered as a home occupation.
11. 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 1213 Intensive Livestock Operations**

### **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 exception 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.
- iii. shall be located at least 660 feet from any lake, river, stream, creek, or wetland.
- 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), enacted as Public Act 261 of 1999, and as adopted by the Michigan Commission of Agriculture in July 2001.

### **3. Groundwater Quality/Flow Evaluation**

As a condition for issuance of a special exception 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 exception 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 1214 Junk Yards**

1. No parcel shall be used for dumping or disposing of scrap, iron, junk, automobiles or parts of automobiles, garbage, rubbish, refuse, slag, or other industrial waste or byproducts unless appropriate licenses for a waste disposal facility have been obtained from the State of Michigan.
2. None of the materials mentioned in Section 1 hereof shall be dumped, deposited or buried on any parcel.
3. The provisions of Section 1 and Section 2 of this Article shall not apply with respect to scrap held for resale by a scrap dealer.
4. No parcel shall be used for the operation of a scrap yard unless such parcel shall have an area under one ownership of at least 20 acres.
5. The setback from the front property line to the area upon which junk materials are stored shall be not less than one hundred (100) feet and no less than fifty (50) feet from the side property lines, and said area shall be screened from the roadway and from any adjoining residential or business uses by an obscuring fence eight (8) feet in height. Said fence shall be kept uniformly painted, neat in appearance and shall not have any signs, posted bills, or advertising symbols painted on it.
6. All structures and fencing and used material storage yards shall be set back not less than one hundred (100) feet from any street or highway right-of-way.
7. The hours of outdoor operation of any junkyard or recycling facility shall be limited to between 6:00 a.m. and 6:00 p.m. weekdays and 9:00 a.m. and 5:00 p.m. weekends.
8. All junkyards shall comply with applicable state regulations and Clare County Solid Waste Management Plan.

### **Section 1215 Kennels, Commercial**

1. All kennels shall be operated in conformance with all applicable County and State regulations.
2. For dog kennels, the minimum lot size shall be five (5) acres for the first four (4) to ten (10) dogs and an additional one (1) acre for each ten (10) dogs.
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 1216 Keyhole Development (Funneling)**

It is hereby found that keyhole development funneling, as hereinafter defined, is inimical 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 located near funnel developments.

It is the declared purpose of this Section to protect the health, safety, and general welfare of the citizens of Surrey 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. The following are specifically prohibited:
  - a. More than one dock per lot or parcel containing one-hundred (100) feet frontage or less. Docks must also meet requirements of the State of Michigan.
  - b. Selling, leasing, assigning or otherwise conveying dock rights or riparian rights to third parties whose property does not front on the lake, river or stream; except that it shall be permissible for a riparian owner to allow one non-riparian owner access to the lake, river, or stream and to allow the one non-riparian to dock one boat. Nothing in this provision shall prohibit a riparian owner from allowing family, friends, guests and/or invitees to use their property.
  - c. Dedicating or conveying (by grant or easement) access and/or riparian use to three or more parcels or lots that otherwise would not have water access or riparian use.
  - d. Developing property (by land division, condominium, or subdivision) that would grant beach rights, waterfront access and/or riparian right to more than two otherwise non-riparian property owners per one hundred (100) feet of frontage on the lake, river, or stream.
5. 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 1217 Livestock and Domestic Animals**

The keeping of cows, sheep, pigs, hogs, horses or other such livestock is prohibited on any parcel of land less than three (3) acres in size. Domestic animals, such as cats, chickens, dogs and rabbits, may be kept on any parcel less than three (3) acres, provided the number of such animals shall not exceed four (4) animals per each acre of land.

### **Section 1218 Manufactured Home Parks**

Manufactured Home Parks as permitted in the R-3 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 and the National Mobile Home Construction and Safety Standards Act of 1974.
2. The layout of the manufactured housing development and included 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 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

### **Section 1219 Open-Air Businesses**

1. Minimum lot area shall be 30,000 square feet.
2. Minimum lot width shall be 100 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 appropriate bumper guards where needed.
  - b. Lighted parking areas shall not create a nuisance for nearby properties.
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.
6. All loading activities and parking areas shall be provided on the same premises (off-street).
  - a. The storage of soil, fertilizer or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.

### **Section 1220 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 new Act allows developers, at their choice, an option to cluster new homes on smaller lots and then to surround the home sites with permanently preserved open space. Development under this option must meet all the requirements of Act 177 and be approved by the Planning Commission.

### **Section 1221 Swimming Pools – Public/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 Clare 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 1222 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 1223 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 a building on any adjoining property.
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 1224 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.

## **Article XIII**

### **General Provisions**

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#### **Section 1300 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 1301 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 1302 Accessory Buildings**

Accessory buildings, except as otherwise permitted in this chapter, shall be subject to the following regulations:

1. 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.
2. Buildings accessory to residential buildings may occupy not more than 25 percent of a required rear yard, or 40 percent of the total rear yard, provided that in no instance shall the accessory building exceed the ground floor area of the main building.

3. No detached building accessory to a residential building shall be located closer than ten feet to any main building, nor shall be located closer than five feet to any side or rear lot line. In those instances where the rear lot line is coterminous with an alley right-of-way, dedicated easement or a public right-of-way, the accessory building shall not be closer than five feet to such rear lot line.
4. No detached accessory building in the A-R, R-1, R-2, or R-3 districts shall exceed one story or 14 feet to the top of the wall plate. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in such districts, subject to the Planning Commission review and approval.
5. 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.
6. Automobiles, buses, mobile homes, semi-tractor trailers, tents, truck bodies, or similar portable units shall not be used as accessory buildings.

#### **Section 1303 Buildings to be Moved**

No building shall be moved into or within the Township until Zoning Compliance and Building Permits have been issued by the Zoning Administrator and Clare County Building Inspector respectively.

### **Section 1304 Corner Clearance**

In all districts, no fence, wall, shrubbery, sign or other obstruction to vision above a height of 24 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 1305 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 1306 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 set back 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 it will not interfere with traffic visibility across a corner.

3. It shall be unlawful to erect a fence consisting or constructed of tires, vehicle or motor vehicle component parts, tree stumps, rotting lumber or any materials capable of providing habitat or harborage for pests and vermin. It shall also be unlawful to erect a fence constructed or consisting of rubbish or trash.
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 in which 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. 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.
7. 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.
8. Where a lot borders a lake or stream, fences in the waterfront yard shall not exceed three (3) feet in height.

### **Section 1307 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 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 exception use.

#### **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 1308 Gravel, Soil, Sand, Clay, Stone, or Similar Materials: Removal, Filling**

1. It shall be unlawful for any person, firm, corporation, partnership, or any other organization or entity to strip any top soil, sand, clay, gravel, stone, or similar material or to use lands for filling, or expand an existing operation in the CN, A-R, and M-1 districts without first submitting an application and securing approval and a permit from the Planning Commission.
2. No permits will be required for the following:
  - a. Excavations for building construction purposes, pursuant to a duly issued building permit.



- b. Minor or incidental grading or leveling of the above materials for the use or development provided no soil erosion conditions result.
- 3. Application: A separate permit shall be required for each separate site. No such excavations shall be permitted in the R-1, R-2, R-3, and C-1 districts. Each application for a permit shall be made in writing to the Zoning Administrator, and shall contain the following information as a condition precedent to the obligation to consider such request.
  - a. Names and addresses of parties involved.
  - b. Legal description of the premises.
  - c. Description of method of operation, machinery or equipment to be used, estimated period of time that such operation will cover, and hours of operation.
  - d. Statement as to the type of material to be excavated or deposited.
  - e. Proposed method of filling an excavation and/or other means to be used to allow for the reclamation of land to a usable purpose.
  - f. Any state or county permit, if applicable.
  - g. Such other information as may be reasonably required by the Planning Commission to base an opinion as to whether a permit should be issued or not.
- 4. The applicant shall present accurate plans, topography data, and/or other materials to clearly indicate the condition of the land prior to any excavation or fill, and how it is to appear after said excavation or fill is terminated. The intent of this requirement is to show before and after data on how the land will be

made reusable or otherwise returned to a usable condition.

- 5. If it is determined that there is a reasonable danger involved for persons and property, adequate fencing and other measures may be required to insure the protection of health, safety and general welfare.
- 6. Such excavation activities shall not occur in the floodplain of any lake, river, stream or body of water, and shall require a soil erosion and sediment control permit.
- 7. Permits: After reviewing all of the information submitted by the applicant and such other information as may be in the hands of the Planning Commission, said Commission shall determine whether or not a permit shall be issued.

### **Section 1309 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 1310 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 exception 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 twenty percent (20%) 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 landscape 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 District. Four-foot high wall, fence or greenbelt/landscaped area pursuant to specifications of this Section.
- b. M-1 District. Five-foot high wall, fence or greenbelt/landscaped area pursuant to specifications of this Section.

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.

## **6. 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 1311 Lot Proportion**

The width of any lot, parcel, or land division created after the effective date of this Ordinance shall not be less than twenty-five percent (25%) of the lot or parcel depth.

### **Section 1312 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 Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their continuation. It is further the intent of this Ordinance 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. Nonconforming uses are declared by this Section to be incompatible with permitted uses in the districts involved.

#### **2. Nonconforming 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.

Lots of record that existed before the effective date of this Ordinance that do not comply with the lot area or lot width requirements established by applicable zoning district regulation may be used, provided:

- a. The minimum lot width shall be sixty (60) feet
- b. Front yard setback requirements shall not be reduced
- c. No side yard setback shall be less than ten (10) feet

### 3. **Nonconforming 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 nonconforming 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 Ordinance.
- b. No such nonconforming 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 Ordinance.
- c. If any such nonconforming 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 nonconforming use of land.

### 4. **Nonconforming 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 nonconforming 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 nonconforming structure or nonconforming 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. **Nonconforming 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 nonconforming 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 nonconforming use of a structure,

or structure and premises, may as a special exception be changed to another nonconforming 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 nonconforming 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 nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
- e. When a nonconforming 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 nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming 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 Nonconforming Uses**

To avoid undue hardship, nothing in this Ordinance 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 nonconforming structure or portion of a structure containing a nonconforming 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 nonconforming structure or nonconforming portion of the structure as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased.

If a nonconforming structure or portion of a structure containing a nonconforming 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. Special Exception Uses are Conforming**

Any use which is permitted as a special exception in a district under the terms of this chapter shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

**9. Change of Ownership**

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

**Section 1313 Parking**

**1. 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.

**2. General Parking Requirements**

The following general provisions apply to parking:

- 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.

**3. 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 Board of Appeals may grant a special exception based on the peak hour demand.

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

**Table B**  
**Minimum Off-Street Parking Requirements (Continued)**

Use	Parking Space	Per Unit of Measure
<p>3. <u>Business and Commercial:</u></p> <p>a. Planned commercial or shopping center located in a C-2 district</p> <p>b. Auto wash</p> <p>c. Beauty parlor or barber shop</p> <p>d. Bowling alleys</p> <p>e. Dancehalls, pool, billiard parlors, roller or skating rinks, exhibition halls, and assembly halls without seats</p> <p>f. Restaurants</p> <p>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</p> <p>h. Automobile service stations</p> <p>i. Laundromat, and coin-operated dry cleaners</p>	<p>1</p> <p>1</p> <p>2</p> <p>5</p> <p>1</p> <p>1</p> <p>1</p> <p>2</p> <p>1</p>	<p>For each 100 square feet of usable floor area.</p> <p>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.</p> <p>For each of the beauty or barber chairs.</p> <p>For each one bowling lane.</p> <p>For each three persons allowed within the maximum occupancy load as established by local, county, state fire, building or health codes.</p> <p>For each 100 square feet of usable floor space.</p> <p>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.</p> <p>For each lubrication stall, rack or pit; plus one for each gasoline pump.</p> <p>For each two machines.</p>

**Table B**  
**Minimum Off-Street Parking Requirements (Continued)**

Use		Parking Space	Per Unit of Measure
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 service	1	For each 200 square feet of usable floor space of sales room, plus one for each 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.

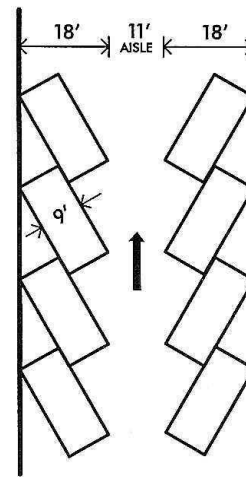
4. **Configuration Standards for Off-Street Parking**

All off-street parking lots as required in this Section shall be laid out, constructed and maintained in accordance with **Figure 11** and the following standards and regulations:

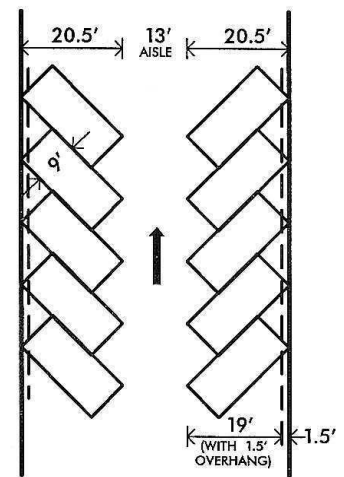
- No parking lot shall be constructed unless and until a permit therefor is issued by the Zoning Administrator. Application for a permit shall be submitted in such form as may be determined by the Zoning Administrator, and shall be accompanied with two sets of plans for the development and construction of the parking lot showing that the provisions of this Section will be fully complied with.
- Plans for the layout of off-street parking facilities shall be in accord with the following minimum dimensional requirements as shown in **Figure 11**.
- All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
- 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.

- All maneuvering lane widths shall permit one-way traffic movement,

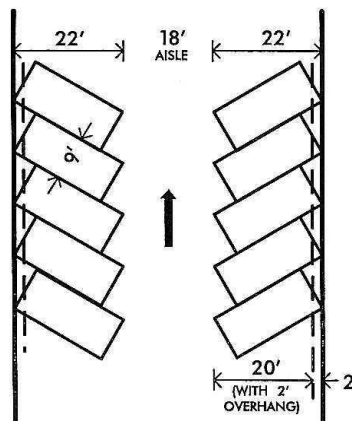
**Figure 11  
PARKING LAYOUTS**



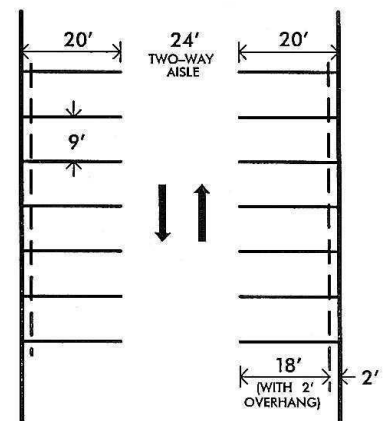
**30 DEGREE**  
(NO OVERHANG NEEDED)



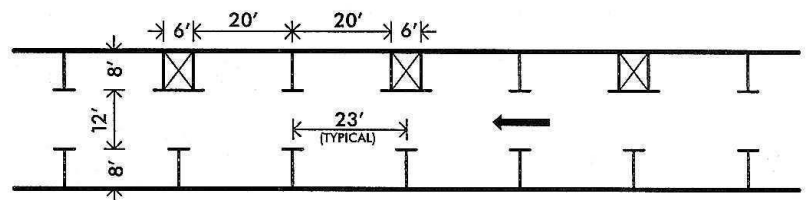
**45 DEGREE**



**60 DEGREE**



**90 DEGREE**



**PARALLEL (ONE-WAY)**

except that the 90-degree pattern may permit two-way movement.

- f. Each entrance and exit to and from any off-street parking lot, located in an area zoned for other than single-family residential use, shall be at least 25 feet distant from any adjacent property located in any Single-Family Residential District.
- g. Where the next zoning district is designated as a residential district, a continuous chain link fence or greenbelt strip shall be provided on all sides contiguous to the 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.
- i. 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.
- j. 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.

- k. Off-street parking lots shall also conform to the parking lot landscaping standards as set forth in **Section 1310** of this Ordinance.

#### 5. **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.

**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

### Section 1314 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

umbrascopes 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 1315 Private Roads**

### 1. **Purpose**

The purpose of this Section is to regulate the construction, maintenance, and use of private roads in the Township, and to promote and protect the public health, safety and welfare.

### 2. **Applicability**

The provisions of this Section shall apply to the creation, construction, extension and/or the alteration of all private roads in the Township.

### 3. **Fees**

- a. The Township Board shall establish by resolution a schedule of fees to be charged to proprietors with respect to the administration, review and inspection of private roads.
- b. Proprietors making application for the creation, construction, extension and/or the alteration of private roads, or providing a suitable condominium plan or subdivision plan establishing roads sufficient to serve the proposed development, shall be required to post either a performance or cash bond, or irrevocable letter of credit, in an amount deemed appropriate by the Township to be sufficient for completion of the road, said bond or irrevocable letter of credit to be discharged upon final approval of the private road and payment of all fees.

4. **Minimum Design Standards for Private Roads**

The design and construction of all private roads serving five or more parcels shall, at a minimum:

- a. Provide for a travel road surface at least eighteen (18) feet in width to permit passage of two vehicles.
- b. Provide gravel or other road surface reasonably sufficient to permanent year-around travel.
- c. Provide shoulders or ditches reasonably sufficient to allow for drainage and snow removal.
- d. Have an easement at least thirty-three (33) feet in width.
- e. If the private road provides direct access to a County road, approval of the road connection placement and design must be approved by the Clare County Road Commission prior to Township approval. If the private road provides direct access to a state highway then Michigan Department of Transportation (MDOT) approval must be obtained.
- f. Private roads with only one connection to a County road or state highway or another approved private road meeting the requirements of this Section shall not be longer than 2,640 feet.
- g. All private roads shall be designated by name, subject to approval of the Township and the Clare County Road Commission. The proprietor shall furnish and erect street name and stop signs at all intersections with both public and private roads. The design of the signs shall be the same as those used by the Clare County Road Commission for similar purposes. Signs marked "Private Road" shall be erected and maintained by the proprietor at the

entrance to all private roads of the development.

- h. All private cul-de-sacs shall have a maximum length of 1,000 feet, minimum street width of 18 feet, minimum right-of-way width of 40 feet, minimum turnaround radius of 40 feet, and minimum right-of-way radius of 48 feet.

5. **Non-Conforming Private Roads Standards**

Notwithstanding any other provisions of this Section, private roads, or easements which are contained in land divisions approved by the Township prior to the enactment of this Ordinance, shall continue to meet the specification approved at the time of application. Upon expansion, reconstruction, or alteration of an existing private road, new construction shall comply with the most recently published American Association of State Highway and Transportation Officials (AASHTO) standards for the criteria applicable to the private road. This provision shall be certified on the private road construction documents.

6. **Location**

- a. A plan of construction, maintenance, and continuing maintenance, including maintenance of road surface, ditches, drainage, repair of potholes, reconstruction, re-paving, snow removal and liability insurance shall be presented by the proprietor. This plan shall guarantee the maintenance in perpetuity of said road, without cost to the Township.
- b. A mandatory Homeowners Association defined as: "a private non-profit corporation, association or other non-profit legal entity established by the developer to manage and support the activities of a housing development, including road maintenance" shall also be established.



- c. All maintenance plans shall either be set forth in deed restrictions for each parcel of the development or placed in a master deed for the condominium development and shall run with the land in perpetuity. The deed restrictions or master deed shall, at a minimum, guarantee that the Township has no liability for drainage, ditches, and maintenance of the road, nor any liability arising out of the existence and/or condition of the road or the use of the road.
- d. The association shall be responsible for ownership, maintenance, liabilities and payment of taxes on all private roadways and all common areas, including open spaces, in perpetuity.
- e. A Special Assessment District may also be formed by the developer and Township to ensure that the Association's obligations are met without liability or expense on the part of the Township.
- f. A document describing the private road and the provisions for maintenance shall be recorded with the register of deeds and provided to all purchasers within the development. The maintenance provisions shall apportion the maintenance responsibilities among the benefiting and/or abutting property owners and shall run with the land. The proposed maintenance agreement shall be reviewed and approved by the Township Attorney prior to being recorded with the Township Clerk and the Clare County Register of Deeds providing for:
  - i. A method of initiating and financing of such road in order to keep the road up to properly engineered specifications and free of snow or debris.

- ii. A workable method of apportioning the costs of maintenance and improvements to current and future users.
- iii. A notice that no public funds of Surrey Township are to be used to build, repair, or maintain the private road.
- iv. The United States mail service and the local school district are not required to traverse this private improvement and may provide service only to the closest public access. (Maintenance of Private Roads Act, PA 139 of 1972, as amended.)
- v. All conditions and requirements concerning public roads shall be deemed the same for private roads, i.e., location on a public road, setbacks (front yard measured from the right-of-way or easement line), etc.

## 7. Review and Inspection

- a. The Zoning Administrator shall submit one (1) copy of the application and road plans to the Clare County Road Commission for approval of any approaches to public roads or to MDOT for any approaches to state highways and two (2) copies to the designated Township Engineer for review. There shall be an inspection of the sub-base and a final inspection and other inspections as required by the Township Engineer. All inspections and review costs shall be the responsibility of the applicant.
- b. Review of the plan shall include documentation to the Township that public services will serve the dwellings that use the road such as postal service, garbage service, school buses, fire, and ambulance with the standards established in this Ordinance.

## 8. Permits

- a. Issuance of Occupancy Permits. No final occupancy permit shall be issued for any parcel until the private road has been constructed and approved in accordance with the standards established in this Section.
- b. Issuance of Private Road Certificate of Compliance. A Private Road Certificate of Compliance shall be issued by the Zoning Administrator upon receiving certification from the engineer in charge of the project that construction has been completed in conformance with the standards set forth herein.
- c. A permit shall be obtained as to compliance with the Michigan Soil Erosion and Sedimentation Control Act prior to the commencement of private road construction.
- d. Permits shall be obtained from the County Road Commission or MDOT before entrances are constructed onto any county or state rights-of-way.
- e. A permit shall be obtained from the County Drain Commissioner, if necessary.

### Section 1316 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 1317 Signs

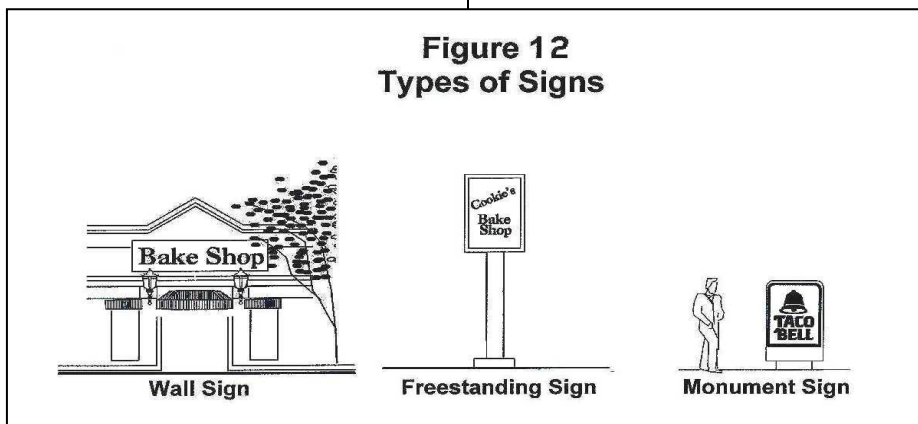
#### 1. Purpose

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.

#### 2. Sign Types

- a. **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.
- b. **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.

**Figure 12**  
**Types of Signs**



- c. **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**).
- d. **Governmental Sign:** A sign erected or required to be erected by Surrey Township, Clare County, or the state or federal government.
- e. **Memorial Sign:** A non-illuminated sign, tablet, or plaque memorializing a person, event, structure, or site.
- f. **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**).
- g. **Off Premise Sign:** Any sign including billboards, relating to subject matter not conducted on the premises on which the sign is located.
- h. **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.
- i. **Wall Sign:** A sign painted or attached directly to and parallel to the exterior wall of a building. 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 (**Figure 12**).

### 3. 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 or covered under the State Highway Act.
- 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 non-motorized 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 containing any words, lettering, photographs, silhouettes, drawings, or pictorial representations of a sexually explicit manner.

### 4. Exempt Signs

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

- a. Community service group signs four square feet or less.
- b. Directional signs two square feet or less.
- c. Governmental signs.
- d. Memorial signs.
- e. Nameplate signs two square feet or less.

- f. Political signs used in connection with local, state, or national elections.
- g. Real estate signs, provided they shall be removed within 30 days after completion of the sale or lease of the property.
- h. Signs for essential services two square feet or less.
- i. 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.

**5. Permitted Signs in the CN, A-R, R-1, R-2, and R-3 Districts.**

The following signs are permitted in the CN, A-R, R-1, R-2, and R-3 Districts. In addition to the requirements below, all signs shall be setback a minimum of five (5) feet from the road right-of-way line and twenty-five (25) feet from all other property lines.

- a. Wall Signs: One wall sign per street frontage is allowed for uses other than residential. Wall signs shall not exceed an area of twenty-four (24) square feet.
- b. Freestanding or Monument Signs: One freestanding or monument sign per street frontage is permitted for uses other than residential. Freestanding signs shall not exceed a height of eight (8) feet and an area of twelve (12) square feet. Monument signs shall not exceed a height of five (5) feet and an area of sixteen (16) square feet.
- c. Residential Subdivision Signs. One sign at each entrance road to a platted subdivision, multi-family development, or any other residential development is allowed. Such sign shall not exceed a height of five (5) feet and an area of sixteen (16) square feet.

**6. Permitted Signs in the C-1 and M-1 Districts.**

The following signs are permitted in the C-1 and M-1 Districts. In addition to the requirements below, all signs shall be setback a minimum of five (5) feet from the road right-of-way line and forty (40) feet from all other property lines.

- a. Wall Signs: One wall sign per street frontage is allowed for establishments. Wall signs shall not exceed an area of forty (40) square feet.
- b. Freestanding or Monument Signs: One freestanding or monument sign per street frontage is permitted. Freestanding signs shall not exceed a height of sixteen (16) feet and an area of one-hundred (100) square feet. Monument signs shall not exceed a height of six (6) feet and an area of thirty (30) square feet.

**Section 1318 Site Condominium**

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 1319 Standards Applicable to Dwellings**

The following standards and regulations shall apply to all dwellings that are erected in or moved into or within the Township, except those dwellings located in mobile home parks.

- a. All dwellings shall comply with the minimum floor area requirements of the zoning district in which they are located.
- b. All dwellings shall have a minimum width across all front, side or rear elevations of *fourteen (14)* feet.

- c. All dwellings shall be constructed or placed upon and anchored to a foundation that complies with applicable provisions of the Clare County Building Code. In the event the dwelling is a mobile home, it shall be installed and anchored pursuant to the manufactured setup instructions and applicable Michigan Mobile Home Commission rules.
- d. In the event a dwelling is a mobile home, it shall be installed and anchored with its wheels and other towing mechanism removed.
- e. All dwellings shall comply with all Clare County building and fire codes. Mobile homes shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development.
- f. Permanent steps or porches are required where there is a difference in elevation between a doorway and grade.
- g. Additions to existing dwellings shall be constructed of similar character and quality of workmanship as the original structure.
- h. All dwellings shall contain a storage area in a basement located under the dwelling, or in an attic area, or closet areas, or in a separate structure of standard construction similar to or of better quality than the dwelling, which storage area shall be equal to either ten (10) percent of the square footage of the dwelling, or one hundred (100) square feet, whichever is less.

### **Section 1320 Temporary Dwellings**

- 1. No person shall have any temporary dwelling or "trailer" as defined in this Ordinance as a principal or seasonal dwelling on any site, lot, field, parcel or tract of land, except for one of the following:

- a. As temporary dwelling quarter or job-site office or tool shed during the construction and installation of a structure conforming to this Ordinance and specifically to **Section 1319** of this Ordinance for dwellings when each of the following conditions are met:
  - 1) The location of the temporary dwelling or trailer shall comply with all setback requirements of this Ordinance.
  - 2) The use of the temporary dwelling or trailer shall not be contrary to the public health, safety, or welfare.
  - 3) The temporary dwelling or trailer is only on the land when there is an open permit for the construction of a structure or as part of the permit for the construction of the structure.
  - 4) The use of the temporary dwelling or trailer shall be limited to the duration of the building permit.
- b. As part of a campground licensed by the Michigan Department of Public Health.
- c. As temporary recreation on a non-commercial/no rental basis by tourists, campers, and sportsmen on public land where such activity is allowed by state or federal regulations.
- d. On one's own land which meets each of the following conditions:
  - 1) There shall not be more than one trailer or temporary dwelling on a parcel;
  - 2) The parcel on which the trailer is located contains no other structure or use and meets all other requirements established by this Ordinance, including minimum area and minimum width requirements for the land use district in which the parcel is located;

- 3) The trailer is located on the parcel in such a fashion that all minimum setback requirements for the land use district in which it is located are complied with;
  - 4) The trailer is not connected to any water supply, electrical supply, septic tank, or other permanent sanitary facility;
  - 5) The trailer is serviced by an adequate temporary sanitary system such as holding tanks or porta-potties;
  - 6) The trailer is currently licensed and registered through the Michigan Secretary of State's Office or the corresponding motor vehicle registration office of another State and such license and registration is displayed on the trailer in accordance with applicable law;
  - 7) Its use is restricted to temporary recreation on a non-commercial/no rental basis; and
2. Storage of temporary dwellings, recreational vehicles, trailers, etc. shall comply with each of the following conditions:
- a. Only be on a parcel on which exists a principal dwelling;
  - b. Inside a building or in the rear or side yard of the owner's dwelling;
  - c. Set back the required distance for the respective land use district, unless stored on a gravel or paved driveway;
  - d. Have a maximum of one temporary dwelling (for purposes of this subsection boats are not temporary dwellings); and
  - e. Unoccupied parking or storage of temporary dwellings on a road or front yard is prohibited.
3. If electric service is to be provided to the parcel, then anything else in this Section notwithstanding, the trailer or temporary dwelling shall be considered a permanent structure which shall comply with **Section 1319** of this Ordinance, or shall not be permitted on the parcel.
4. If a trailer or temporary dwelling is on a parcel on or before the effective date of this Ordinance, and has an onsite sewage system, water well, and electricity, the use of the temporary dwelling or trailer may continue, until replaced by a dwelling which complies with **Section 1319** of this Ordinance or removed from the parcel.

## **Article XIV**

### **Board of Appeals**

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#### **Section 1400 Authority**

There is hereby established a Board of Appeals, the membership, powers and duties of which are described in Michigan Public Act 184 of 1943, 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 1401 Board Membership**

The Winterfield Township Board of Appeals shall consist of three (3) regular 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 1402 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 1403 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 two (2) members, out of the three (3) total, shall constitute a quorum. At all times, a minimum of two (2) concurring votes, the simple majority of the three (3) 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 1404 Jurisdiction**

The Board of Appeals, in conformity with the provisions of this Ordinance and of Act 184 of 1943, 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 1405 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 1406 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 no less than 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 1407 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/her, and he/she shall incorporate the terms and conditions of the same in the permit to the

applicant whenever a permit is authorized by the Board.

### **Section 1408 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/her 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 1409 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 XV**

### **Administration and Enforcement**

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#### **Section 1500 Enforcement of Chapter**

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

#### **Section 1501 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 exception permits, rezonings, and variances, to ensure that all the requirements of this article 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 1502 Site Plans**

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

1. New development or redevelopment, including accessory buildings.
2. Rezoning request.
3. Variance request.

4. Request for a special exception use permit.

All site plans shall be produced 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 plan.
8. Signage plan.
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 1503 Site Plan Review**

1. **Circumstances Requiring Site Plan Review:**
  - a. All new uses, except one and two-family dwelling units, anywhere in the Township.

- b. Expansion or renovation of an existing use, which increases the existing floor space more than twenty-five percent (25%).
- c. Changes from an existing use to another use permitted in the proposed district.

## 2. **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.

## 3. **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.

## 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 fourteen (14) 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 article shall be followed.

### **Section 1504 Special Exception Use Permits**

#### 1. **Purpose**

Special exception uses are those uses of land which are essentially compatible with the uses permitted in a zoning district, but possess characteristics of locational qualities which require individual review and restriction in order to ensure compatibility with the character of the surrounding area, public services and facilities and adjacent uses of land. The intent of this Section is to establish equitable procedures and criteria, which shall be applied in the determination of requests to establish special exception uses. The criteria for decisions provided for under the provisions of this Section shall be in addition to this Ordinance, as well as all other regulations in this Ordinance which are applicable to the special exception use under consideration.

#### 2. **Procedure**

The following steps shall be taken by the applicant, zoning officials and review body when considering a proposed special exception use:

- a. All applications for special exception use permits shall be filed with the Township Zoning Administrator and shall include the required site plan, fee and any other pertinent information upon which the applicant intends to rely for a Special Exception Use Permit.
- b. The Zoning Administrator shall, after preliminary review, forward the complete application to the Planning Commission for review of the special exception use.
- c. The Township Planning Commission shall review the site plan according to the criteria in **Section 1503** of this article. In addition, the Planning Commission shall review the

proposed special exception use according to the criteria set forth in this Section.

- d. In the case that a discretionary decision must be made, the Planning Commission shall give public notice in a newspaper of general circulation of official receipt of an application for a special exception use permit, for which a scheduled public hearing will be held. This notice shall:
  - i. Describe the nature of the special exception use permit.
  - ii. Indicate the property in question.
  - iii. State the time and place where the special exception use request will be considered.
  - iv. Indicate when and where written comments will be received concerning the request.
- e. The public hearing notice shall also be mailed or delivered to property owners and occupants within three hundred (300) feet of the property in question. The public hearing notices shall be sent between five (5) and fifteen (15) days prior to the date of the public hearing. An affidavit of mailing or delivery of notice shall be maintained by the Township Clerk.
- f. After the hearing, the Planning Commission shall:
  - i. Approve special exception use permit application and final site plan. The Zoning Administrator shall then be directed to issue the special exception use permit.

-or-

- ii. Approve special exception permit application and final plan subject to conditions, which are imposed in order to insure the special land use,

complies with standards stated in this Ordinance. The Zoning Administrator shall be directed to issue the special exception use permit.

-or-

- iii. Disapprove application and final site plan.

- g. All decisions shall be accompanied with a concluding statement citing the reasons for decision and any conditions imposed.

### 3. **Criteria for Approval**

In addition to compliance with the specific district regulations and general regulations as outlined in this Ordinance, the following criteria shall be met in order for the Planning Commission approval of a special exception use:

- a. The special exception use will comply with the requirements, intent, and purposes of this Ordinance.
- b. The special exception use will comply with the intent and purposes of the district in which it is located.
- c. The special exception use will comply with the standards and purposes set forth in the Township Master Plan.
- d. The special exception use will be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by such special exception use.
- e. The special exception use will be consistent with the health, safety and welfare of the Township.

### 4. **Appeal**

The decision of the Planning Commission may be appealed by the property owner or his or her designated agent to the Board of Appeals.

## **Section 1505 Permits**

1. No land shall be occupied or used and no building or structure shall hereafter be erected, altered, or relocated under the provisions of this Ordinance until a permit authorizing same shall be issued by the Zoning Administrator.
2. A Zoning Permit shall be required prior to the issuance of a Michigan State Construction Code Permit, issued pursuant to P.A. 230 of 1972, as amended (being the State Construction Code Act, MLC 125, 1501 et. seq.)
3. The issuance of building permits, certificates of occupancy, and conducting final inspections shall be conducted by Clare County under contract by Winterfield Township.

## **Section 1506 Interpretation and Application of Ordinance Provisions**

In the interpretation and application, the provisions of this Zoning 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 1507 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 the 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 Clare 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 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;
- g. Where a rezoning is reasonable given the above criteria, a determination of the requested zoning district is more appropriate than another district or amending the list of permitted or special exception uses within a district.

## Section 1508 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 nuisance per se.

### 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 exception 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 1509 Public Nuisance Per Se**

Any material violation of this Ordinance is considered a 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 1510 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 this Township Ordinance and enforced by the courts of law.
2. A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

#### **Section 1511 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.



## Index

<u>Subject</u>	<u>Page No.</u>	<u>Subject</u>	<u>Page No.</u>
Adult Entertainment Businesses .....	3, 32, 37	Hardware Stores .....	30
Airports .....	5, 25, 38	Home Occupations .....	11, 25, 27, 28, 29, 40
Animal Sales Yards .....	25	Hospitals .....	11, 25, 58
Antique Shops .....	30	Hotels .....	11, 30, 60
Appliance Sales and Service .....	30	Intensive Livestock Operations .....	12, 25, 41
Art Galleries .....	30	Jewelry Stores .....	30
Automobile Wash		Junkyards .....	12, 32, 42
Establishments.....	6, 31, 38, 59	Kennels, Commercial .....	12, 25, 31, 32, 43
Automotive Sales and		Laundromats .....	31, 59
Service .....	6, 31, 59	Libraries .....	30
Bakeries .....	30	Machine Shops .....	32
Bed and Breakfast		Manufactured Home Parks .....	14, 29, 44
Facilities .....	6, 25, 27, 28, 38	Mini/self Storage Facilities .....	31, 32
Boarding, Lodging, or Rooming		Motels .....	11, 30, 60
Houses .....	6, 28, 30	Museums .....	30
Boat Sales and Services .....	31	Music Shops .....	30
Bowling Alleys .....	30, 59	Nurseries .....	15, 30
Building Material Sales .....	31	Offices .....	30, 60
Campgrounds .....	7, 25, 27, 39	Open Air Businesses .....	15, 44
Cemeteries .....	25	Parks .....	16, 24, 25, 28
Child Care Organizations .....	7, 25, 39	Pet Sales and Supply .....	30
Churches .....	8, 25, 27, 28, 58	Printing, Publishing, Blueprint,	
Clinics .....	9, 25, 30	Photocopy Shops .....	30
Clubs .....	9, 30	Public Utilities .....	17, 32
Community Facilities .....	25, 28, 29	Radio and TV Sales and Service .....	30
Convalescent Homes .....	25, 39, 58	Radio-TV Stations .....	25
Curio Stores .....	30	Real Estate Offices .....	25, 30
Drive-Through Businesses .....	9, 39	Resorts.....	17, 25
Family Day Care Homes .....	8, 27, 28	Restaurants .....	30, 59
Farms .....	10, 24, 25, 27	Retail Businesses .....	17, 30, 60
Farm Machinery Sales and Services ....	31, 32	Rifle Ranges .....	25
Florist Shops .....	30	Roadside Stands .....	17, 24, 25, 27, 45
Forestry Preserves .....	24, 25, 27	Sawmills .....	25, 32
Foundries .....	32	Schools .....	17, 24, 25, 28, 58
Furniture Stores .....	30	Sporting Goods .....	30
Gas and Oil Processing		Stables, Commercial .....	18, 24, 25, 45
Facilities .....	10, 25, 31		
Gasoline Service Stations .....	10, 31, 39		
Golf Courses .....	24, 25, 27, 40, 58		
Grocery Stores .....	30		
Group Day Care Homes .....	27, 28		

**Index**  
**(Continued)**

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<b><u>Subject</u></b>	<b><u>Page No.</u></b>
Storage and Warehousing .....	32
Summer Camps .....	25, 27
Swimming Pools-Public .....	30, 45
 Taverns and Bars .....	 30
Telecommunication	
Towers .....	19, 24, 25, 31, 32, 45
Theaters, Indoor/Outdoor .....	20, 58
Truck Terminals, Maintenance and Repair .....	 32
 Upholstering, Interior Decorating .....	 30
 Wildlife Preserves .....	 25