

Frederic Township

Crawford County

ZONING ORDINANCE

2006

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With Planning Assistance provided by:

M. C. Planning & Design
504 Liberty St., Petoskey, MI 49770
(231) 487-0745 mcampbell@mcplanningdesign.com

Frederic Township Zoning Ordinance

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PREAMBLE

An Ordinance to provide for the establishment of Zoning Districts to encourage and regulate the use of land and proper location of buildings and structures for residence, trade, industry, or other purposes; to regulate dimensions of yards, and other spaces; to provide for the administration, enforcement, penalties for violation, and amendment of this ordinance.

The Township of Frederic ordains:

ARTICLE I: SHORT TITLE AND PURPOSE

Section 1.01 – Title

This Ordinance shall be known and may be cited as the "*Frederic Township Zoning Ordinance*", and within the following text, it may be referred to as the "Ordinance" or the "Zoning Ordinance"

Section 1.02 – Purpose

The purposes of this ordinance are as follows:

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

Section 1.03 – Authority

This Ordinance is ordained and enacted into law pursuant to the provisions and in accordance with the State of Michigan, Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, as amended.

Section 1.04 – Validity

This Ordinance and various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby. The Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause thereof irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

Section 1.05 – Limitation of Zoning Ordinance

The provisions of this Ordinance shall not impact the continued use of any dwelling, building or structure or any land or premises, which was lawful and existing on the adoption date of this Ordinance.

ARTICLE II: RULES OF CONSTRUCTION AND DEFINITIONS

Section 2.01 – Rules of Construction

In order to clarify the intent of the provisions of this Ordinance, the following rules shall apply, except when clearly indicated otherwise.

1. The particular shall control the general.
2. The word "shall" is always mandatory and never discretionary. The word "may" is permissive.
3. Words used in the present tense shall include the future; words in the singular number shall also denote the plural and the plural shall also denote the singular.
4. A "building" or "structure" includes any part thereof.
5. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for" and "occupied for".
6. Unless the context clearly indicates otherwise, where a regulation involves two (2) or more items, conditions, provisions, or events, the terms "and", "or", "either...or", such conjunction shall be interpreted as follows:
 - A. "And" denotes that all the connected items, conditions, provisions, or events apply in combination.
 - B. "Or" indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.
7. "Township" shall refer specifically to Frederic Township.
8. The term "person" shall mean an individual, firm, corporation, association, partnership, limited liability company or other legal entity, or their agents.
9. Terms not defined shall be assumed to have the meaning customarily assigned them.
10. The Frederic Township Zoning Board of Appeals shall define any necessary interpretation of this Ordinance.

Section 2.02 – Definitions

Accessory Structure: Any building or structure that is customarily incidental and subordinate to the use of the principal building or structure.

Accessory Use: A use naturally and normally incidental and subordinate to the main use of the land or building.

Adult Arcade: Any place to which the public is permitted or invited wherein coin-operated or slug-operated 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 of Specified Sexual Activities or Specified Anatomical Areas.

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:

1. 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
2. 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 occupies 25% or more of the floor area or visible inventory within the establishment.

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

1. Persons who appear in a state of nudity;
2. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;
3. 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
4. Persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

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

1. 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;
2. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or

3. 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.

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.

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.

Agriculture: The act or business of cultivating or using land and soils for the production of crops for the use of animals or humans and includes, but is not limited to, purposes related to agriculture, farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry. Flower, vegetable or other gardens maintained only for the property owner(s) use and/or enjoyment are not considered agricultural.

Alterations: Any change, addition or modification in construction or type of use or 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 herein as "altered" or "reconstructed".

Alternative Tower Structure: Man-made trees, clock towers, bell steeples, light poles and other similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Antenna: Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio signals or other communication signals.

Appearance Ticket: see Municipal Civil Infraction Citation.

Architectural Features: Architectural features of a building shall include cornices, eaves, gutters, courses, sills, lintels, bay windows, chimneys and decorative ornaments.

Automobile Repair: See vehicle repair garage.

Automobile Sales Area: Any space used for display, sale or rental of motor vehicles, in new or used and operable condition.

Average: For the purpose of this Ordinance, the term, "average" will be an arithmetic mean.

Basement: That portion of a building which is 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.

Bed and Breakfast Establishment: Any family occupied dwelling used or designed in such a manner that certain rooms in excess of those used by the family are rented to the transient public for compensation.

Bedroom: A dwelling room used or intended to be used by human beings for sleeping purposes.

Board of Appeals: As used in this Ordinance, this term means the Frederic Township Zoning Board of Appeals.

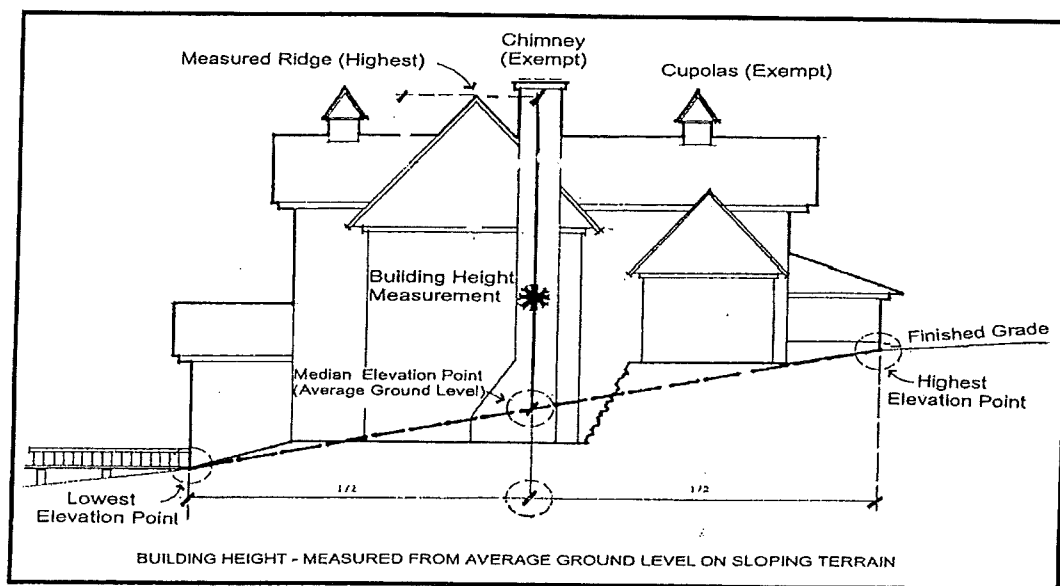
Boat and/or Canoe Livery and Boat Yard: A place where boats and/or canoes are stored, rented, sold, repaired, docked and serviced.

Buffer Strip: A strip of land not less than ten (10) feet in width for the planting of shrubs and/or trees to serve as an obscuring screen to carry out the requirements of this Ordinance.

Buildable Area: That portion of a lot remaining after the minimum setback and open space requirements of this Ordinance have been complied with.

Buildable Land(s): All areas of a Master Parcel not defined as Unbuildable Land(s)

Building Height: The vertical distance measured from the lowest exposed portion of the structure to the highest part of the roof. In the case of an exposed basement story, the height will be averaged between finished grade level of the four corners and the highest part of the roof. (see diagram below)



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

Building: Any structure having a roof supported by columns, or walls for the shelter or enclosure of persons, animals, or property of any kind.

Bulk Station: A place where crude petroleum, gasoline, naptha, benzel, kerosene, benzene, or any other liquid except such as will stand a test of 150 degrees Fahrenheit, closed-up-testers, are stored for wholesale purpose where the aggregate capacity of all storage tanks is more than six thousand (6,000) gallons.

Cabin: Any building which is built, maintained and used for sleeping quarters for seasonal or temporary recreational quarters, such as a hunting cabin, which may not maintain necessities of a "Dwelling" such as electricity, indoor plumbing and the like.

Campgrounds: Any parcel or tract of land, under the control of any person wherein 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.

Car Wash Facilities: A building, or portions thereof, the primary purpose of which is that of washing motor vehicles.

Church: See Place of Worship.

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 therein overnight.

Club: Buildings and facilities owned or operated by a corporation, association, person or persons, for social, educational, or recreational purposes.

Condominium Unit: That portion of a condominium project designed and intended for occupancy and use by the unit owner consistent with the provisions of the master deed.

Cottage Industry: See Home Business, Cottage Industry.

Dock: A temporary or permanent structure, built on or over the water, supported by pillars, pilings, or other supporting devices.

Drive-Thru Business: Any restaurant, bank or business with an auto service window.

Dwelling Unit: A building or portion of a building, either site-built or pre-manufactured which has sleeping, living, cooking and sanitary facilities and can accommodate one family, either permanently or transiently. In the case of buildings, which 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 a travel trailer, truck, bus, motor home, tent or other such portable structures be considered a dwelling unit.

Dwelling, Accessory: A dwelling unit accessory to a single-family residence or commercial use, located either in the principal structure or an accessory building. An accessory dwelling commonly has its own kitchen, bath, living area, sleeping area, and usually a separate entrance.

Dwelling, Single-Family: A detached building containing not more than one dwelling unit designed for residential use.

Dwelling, Manufactured: A building or portion of a building designed for long-term residential use and characterized by all of the following:

1. The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended, and

2. The structure is designed to be transported to the site in nearly complete form, where it is placed on a foundation and connected to utilities; and
3. The structure is designed to be used as either an independent dwelling or as a module to be combined with other elements to form a complete dwelling on the site.

Dwelling, Mobile: A factory-built, single-family structure that is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, which does not have wheels or axles permanently attached to its body or frame, and which is constructed according to the National Mobile Home Construction and Safety Standards Act of 1974, as amended.

Dwelling, Multiple-Family: A building containing two or more dwelling units designed for residential use.

Dwelling, Two-Family: A building containing not more than two separate dwelling units designed for residential use and conforming in all other respects to the standards set forth in Dwelling Unit.

Efficiency Unit: A dwelling unit consisting of one room, exclusive of bathroom, hallway, closets, and the like providing not less than three hundred and fifty (350) square feet of usable floor area.

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 which are not required for a building or structure, shall not be considered to fall within this definition.

Escort: A person who, for consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort Agency: A person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

Essential Services: The phrase "essential services" means the erection, construction, alteration, or maintenance by public utilities or municipal department or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, 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 or 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, wireless communication antenna, and wind turbine generators are not included within this definition.

Excavating: Excavating shall be the removal of sand, stone, gravel, or dirt.

Family: An individual, or two (2) or more persons related by blood, marriage or adoption, or a group of not to exceed four (4) persons not related by blood or marriage, occupying the premises and living as a single non-profit housekeeping unit, in a non-transitory manner, with single culinary facilities, as distinguished from a group occupying a boarding house, lodging house, hotel, club, fraternity or similar dwelling for group use.

Farm: The use of contiguous, neighboring, or associated land operated as a single unit by the owner-operator, manager, or tenant farmer by his own labor or with the assistance of members of his household or hired employees for the purpose of an agricultural use.

Fence: Any permanent or temporary means, partition, structure or gate erected as a dividing structure, or barrier and not part of a structure requiring a building permit.

Floor Area: The square footage of floor space measured from exterior to exterior wall for all floors, but not including enclosed and unenclosed porches, breezeways, garages, attic, basement and cellar area.

Garage-Private: An accessory building used primarily for the storage of vehicles for the use of the occupants of a lot on which such building is located.

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.

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 Supervisor of Wells, Department of Natural Resources or Public Service Commission; not including industrial facilities such as cracking plants, large oil storage facilities and heavy industrial operations and facilities.

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 doors, or fenders, or painting motor vehicles.

Grade, Finished: The elevation of the ground upon the completion of construction and improvements.

Grade, Natural: The elevation of the ground surface in its natural state, before human alterations.

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

Home Business: A profession, occupation, or trade that is accessory to a principal residential use conducted within a dwelling, residential accessory building or associated yard. Home businesses fall into one of two classifications defined below:

Home Occupation: A profession, occupation, activity or use conducted within a dwelling or the attached garage, which is clearly incidental and secondary to the use of

the lot and dwelling for residential purposes, and which does not alter the exterior of the property or affect the residential character of the neighborhood. Home occupations are regulated by **Section 7.11.1.**

Cottage Industry: An occupation or trade conducted within a detached residential accessory structure and/or associated yard which is clearly incidental and secondary to the use of the lot and dwelling for residential purposes. Cottage industries are regulated by **Section 7.11.2.**

Hotel: A building occupied or used as a predominantly temporary abiding place by individuals or groups of individuals, with or without meals, and in which building there are more than five (5) sleeping rooms.

Impervious Surface: Any surface or structure incapable or highly resistant to penetration by water including, but not limited to, roofs of any type, concrete, asphalt or bituminous paving, compacted gravel, flagstone or brick patios, and driveways.

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 surroundings among compatible neighbors.

Industry: A use engaged in manufacturing, fabricating, and/or assembly activities.

Junkyard: An open area where waste, used or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled including, but not limited to scrap or other metals, paper, rags, rubber tires and bottles. A "Junkyard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings. Also, any premises upon which three or more unlicensed used motor vehicles which cannot be operated under their own power are kept or stored for a period of fifteen (15) days or more.

Kennel: Any lot or premises on which four (4) or more dogs, cats, or other household pets of the same species four (4) months of age or older are kept temporarily or permanently. Kennel shall also include any lot or premise where household pets are bred or sold.

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

Lot: A parcel of land or site condominium unit 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.

Lot, Corner: 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.

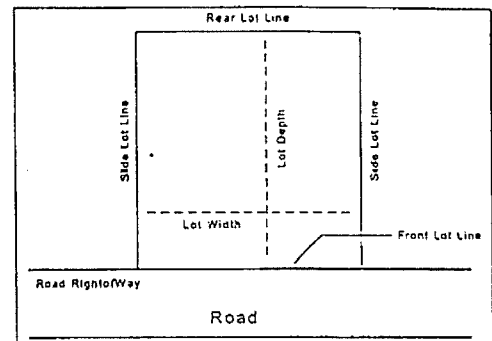
Lot Coverage: The part or percent of the lot occupied by impervious surfaces, buildings or structures, including accessory buildings or structures. This shall be deemed to include but not be limited to all buildings, porches, arbors, breezeways, patio roofs, and the like, whether open box type and/or lathe roofs or, fully roofed, but shall not include walls or swimming pools.

Lot Depth: The horizontal distance between front and rear lot lines, measured along the median between side lot lines.

Lot, Double Frontage: A lot other than a corner lot having frontage on two (2) more or less parallel streets. 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.

Lot, Interior: A lot other than a corner lot with only one (1) lot line fronting on a street.

Lot Line, Front: In the case of an interior lot abutting upon one public or private street, the front lot line shall mean the line separating such lot from such street right-of-way. In the case of a corner or double frontage or a through lot, the front lot line shall be that line separating said lot from the street on the side of the lot that has the narrowest street frontage, or if the two lot lines have an equal amount of frontage, the front lot shall be on the most improved or best rated road. (See *Lot, Double Frontage*) In the case of a lot having frontage upon a lake, river, or stream, the water frontage shall be considered the front lot line.



Lot Line, Rear: 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 twenty (20) feet long lying farthest from the front lot line and wholly within the lot.

Lot Line, Side: Any property line bounding a lot that is not a front lot line or a rear lot line.

Lot of Record: A lot or site condominium unit established by a master deed defined by a legal description and recorded in the office of the Crawford County Register of Deeds on or before the effective date of this Ordinance.

Lot, Waterfront: A lot having frontage directly upon a lake, river, or stream. The portion adjacent to the water is considered the water frontage.

Lot Width: The horizontal distance between the side lot lines, measured at the two (2) points where the building line, or setback line, intersects the side lot lines. Where side lot lines are essentially parallel, but are not radial or perpendicular to the street line, the lot width shall be measured along a line drawn perpendicular from the side lot line.

Manufactured Home: see Dwelling, Manufactured.

Master 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.

Mobile Home: see Dwelling, Mobile.

Mobile Home Park: A parcel of land which has been planned and improved for the placement of three (3) or more mobile or manufactured homes for residential dwelling use.

Mobile Home Site: A plot of ground within a mobile home park designed for the accommodation of one mobile or manufactured home.

Motel or Motor Court: A series of attached, semi-detached or detached rental units providing overnight lodging for transients, open to the traveling public for compensation.

Municipal Civil Infraction Citation: A written complaint or notice prepared by an authorized Township official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

Nonconforming Lot of Record: A lot of record that legally existed on or before the effective date of this ordinance or any amendment to this ordinance which does not meet dimensional requirements of this ordinance or amendment.

Nonconforming Structure: A building, structure, or portion thereof that lawfully existed before the effective date of this ordinance or any amendment to this ordinance which does not meet the floor area, setback, parking or other dimensional regulations for the zoning district in which such building or structure is located.

Nonconforming 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.

Nude Model Studio: Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.

Nudity or a State of Nudity: Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:

1. A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
2. Material as defined in section 2 of Act No. 343 of the Public Acts of 1984, being section 752.362 of the Michigan Compiled Laws.
3. Sexually explicit visual material as defined in section 3 of Act No. 33 of Public Acts of 1978, being section 722.673 of the Michigan Compiled Laws.

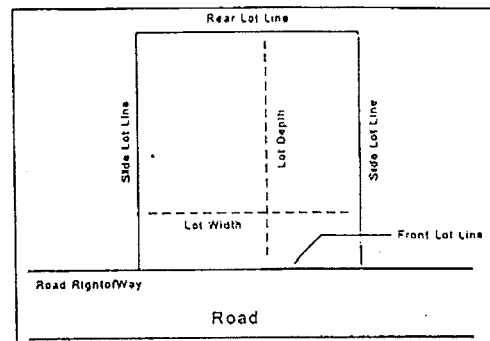
Lot Coverage: The part or percent of the lot occupied by impervious surfaces, buildings or structures, including accessory buildings or structures. This shall be deemed to include but not be limited to all buildings, porches, arbors, breezeways, patio roofs, and the like, whether open box type and/or lathe roofs or, fully roofed, but shall not include walls or swimming pools.

Lot Depth: The horizontal distance between front and rear lot lines, measured along the median between side lot lines.

Lot, Double Frontage: A lot other than a corner lot having frontage on two (2) more or less parallel streets. 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.

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Lot Width: The horizontal distance between the side lot lines, measured at the two (2) points where the building line, or setback line, intersects the side lot lines. Where side lot lines are essentially parallel, but are not radial or perpendicular to the street line, the lot width shall be measured along a line drawn perpendicular from the side lot line.

Manufactured Home: see Dwelling, Manufactured.

Master 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

Nuisance: 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 of reasonable sensibility, or the generation of an excessive or concentrated movement of people or things, such as noise; dust; heat; electronic radiation; objectionable effluent; noise or congregation of people, particularly at night.

Nursery, Plant Materials: A space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for retail sale on the premises, including products used for gardening or landscaping. The definition of nursery *does not include* space used for the sale of fruits or vegetables.

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 ingress and egress to at least two (2) vehicles.

Open Air Business: Includes uses operated for profit, substantially in the open air, including:

1. Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sale, repair or rental services.
2. Outdoor display and sale of garages, motor homes, mobile home, snowmobiles, farm implements, swimming pools and similar activities.
3. Retail sale of trees, fruit, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
4. Miniature golf, golf driving ranges, children's amusement park or similar recreation uses operated for profit.

Open Space: Land upon which no structures, parking, rights-of-way, easements, sewage disposal systems (including backup areas for sewage disposal) or other improvements have or will be made that commit land for future use other than outdoor recreational use. Land proposed for outdoor recreational usage that would result in the development of impervious surfaces shall not be included as open space.

Ordinary High Water Mark: 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.

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.

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.

Place of Worship: 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.

Planning Commission: For the purpose of this Ordinance the term Planning Commission is deemed to mean the Frederic Township Planning Commission.

Planned Unit Development (PUD): A type of 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.

Pick-up Camper: See Recreational Vehicle.

Porch, Enclosed: A covered entrance to a building or structure which is totally enclosed, 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.

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.

Principal Use: The main use to which the premises are devoted and the primary purpose for which the premises exists.

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

Public Sewer Systems: 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.

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.

Recreational Unit: Means a unit primarily designed for temporary living quarters for recreational camping or travel use, which is either self propelled, mounted on a vehicle which is self propelled or is drawn by another vehicle which is self propelled. Recreational unit includes, but is not limited, to terms of common reference such as; travel trailer, recreational vehicle (RV), truck camper, pop-up camper, slide in camper or chassis mount camper. A recreational unit does not include a mobile or manufactured home which meets definitions and standards as defined under this ordinance, or regulations under Michigan's Mobile Home Commission Act

being P.A. 1987, No. 96, as amended, as well as standards provided by the Department of Housing and Urban Development (HUD), as promulgated or amended.

Recreational Vehicle: See Recreational Unit

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.

Retail and Retail Stores: Any building or structure in which goods, wares, or merchandise are sold to the ultimate consumer for direct consumption and not for resale.

Road, Private: Any road which is privately constructed and has not been accepted for maintenance by the County Road Commission, State of Michigan or the federal government, but which must meet the requirements of the Frederic Township Zoning Ordinance.

Road, Public: Any road or portion of road which has been dedicated to and accepted for maintenance by the County Road Commission, State of Michigan or federal government.

Roadside Stand: An accessory and temporary farm structure operated for the purpose of selling agricultural products grown or produced on premises or on other properties under same ownership or management.

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.

Seasonal Use: Any use or activity that can not be conducted or should not be conducted each month of the year.

Setback: The minimum required horizontal distance from the applicable right-of-way line, easement, or property line of a lot within which no buildings or structures may be placed.

Sexual Encounter Center: A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity.

Sexually Oriented Business: A business or commercial enterprise engaging in any of the following: (1) adult arcade; (2) adult bookstore or adult video store; (3) adult cabaret; (4) adult motel; (5) adult motion picture theater; (6) adult theater; (7) escort agency; (8) nude model studio; and (9) sexual encounter center.

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.

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 sign so described may be either mobile or non-mobile.

Site 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.

Site Plan: The drawings and documents depicting and explaining all salient features of a proposed development so that it may be evaluated according to the procedures set forth in this ordinance, to determine if the proposed development meets the requirements of this Zoning Ordinance.

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

Specified Anatomical Areas: are defined as:

1. 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
2. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

Specified Sexual Activities: means and includes any of the following:

1. the fondling or other erotic touching of human genitals, pubic regions, buttocks or female breast;
2. sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
3. masturbation, actual or simulated; or
4. excretory functions as part of or in connection with any of the activities set forth in (1) through (3) above.

Stable: A building or structure used to house horses, either for the property owner's private use or for hire.

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. A "mezzanine" floor shall be deemed a full story only when it covers more than fifty (50%) percent 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.

Structural Change or Alteration: See Alterations.

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having permanent location on the ground. Driveways, septic systems and tanks are excluded from this definition.

Towers and Antennae Facilities - 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.

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.

Trail Coach: See Recreational Unit definition.

Travel Trailer: See Recreational Unit definition.

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.

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

Vehicle Repair Garage: 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.

Wind Turbine Generator: A tower, pylon, or other structure, including all accessory facilities, upon which any, all, or some combination of the following are mounted:

1. A wind vane, blade, or series of wind vanes or blades, or other devices mounted on a rotor for the purpose of converting wind into electrical or mechanical energy.
2. A shaft, gear, belt, or coupling device used to connect the rotor to a generator, alternator, or other electrical or mechanical energy-producing device.
3. A generator, alternator, or other device used to convert the energy created by the rotation of the rotor into electrical or mechanical energy.

Wind Turbine Generator, Commercial: A wind turbine generator designed and used primarily to generate electricity by or for sale to utility companies.

Wind Turbine Generator, Noncommercial: A wind turbine generator designed and used primarily to generate electricity or produce mechanical energy for use on the property where located.

Wind Turbine Generator Tower Height:

The distance between the ground and the highest point of the wind turbine generator, plus the length by which the rotor blades, in the full upright position, exceeds the height of the wind turbine generator.

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

Yard, Front: A yard across the full width of the lot extending from the front line of the principal building to the front lot line.

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

Yard, Side: A yard between the side lot line and the nearest side of the principal building, extending between the front yard and rear yard.

Zoning Permit: A zoning permit is written authority as issued by the Zoning Administrator on behalf of the Township permitting the construction, moving, exterior alteration or use of a building in conformity with the provisions of this Ordinance.

ARTICLE III: ZONING DISTRICTS AND MAP

Section 3.01 – Classification of Zoning Districts

For the purpose of this Ordinance, the following Zoning Districts shall be established in Frederic Township:

R	General Residential District
MU	Mixed Use District
C	Commercial District
I	Industrial District
R-F	Recreational-Forest District
DD	Deferred Development District
ARD	AuSable River District
MRD	Manistee River District

Section 3.02 – Zoning Map

The areas assigned to each Zoning District and the boundaries thereof shown on the map entitled "Frederic Township Zoning Map, Crawford County, Michigan" are hereby established, and said map, all proper notations and other information shown thereon are hereby made a part of this Zoning Ordinance.

Section 3.03 – Boundaries of Districts

Unless otherwise specified, the boundary lines of the Zoning Districts shall be interpreted as following along section lines, or customary subdivisions of sections, or centerlines of highways or streets, or the shoreline of waterways, or property lines of legal record at the office of the Crawford County Register of Deeds on the date of the enactment of the Zoning Ordinance. The official Zoning Map shall be the final authority in any dispute concerning district boundaries. The official map shall be kept up to date, with any amendments to the Ordinance involving changes to the official map noted and portrayed on said map. The official zoning map, including legally adopted amendments, shall be designated as such by the signature of the Township Clerk and kept/maintained by the Clerk. Where the application of the above rules leave a reasonable doubt as to the exact location of a district boundary, the provisions of the more restrictive district shall govern the entire parcel in question, unless determined otherwise by the Zoning Board of Appeals.

Section 3.04 – Zoning of Vacated Areas

Whenever any street, alley, highway, or other public right-of-way within the Township have been abandoned by official government action, such right-of-way property shall automatically acquire and be subject to the provisions of the Zoning District of the abutting property. In the case of an abandoned right-of-way which also serves as the district boundary, the centerline of the right-of-way shall be the district boundary.

Section 3.05 – Zoning of Filled Areas

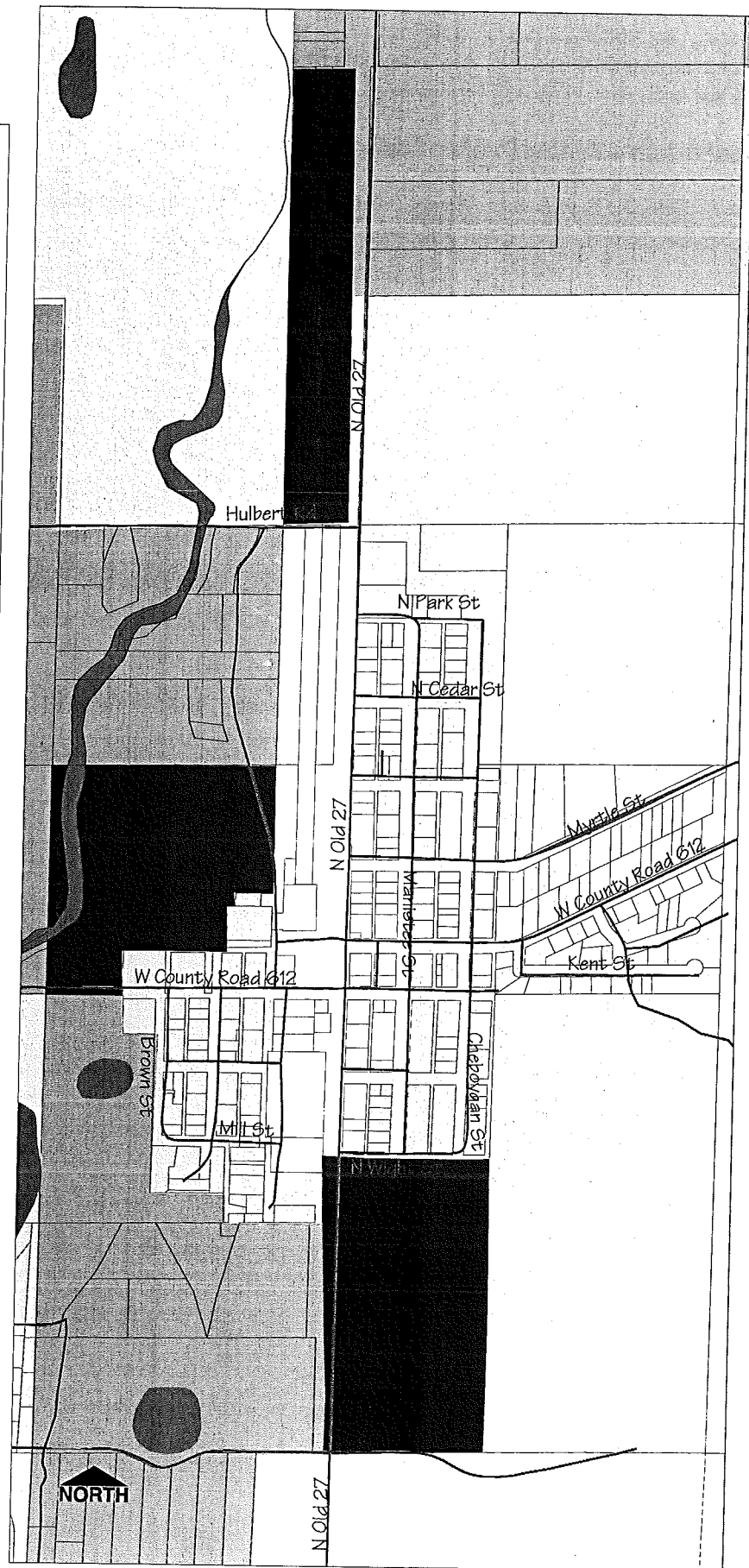
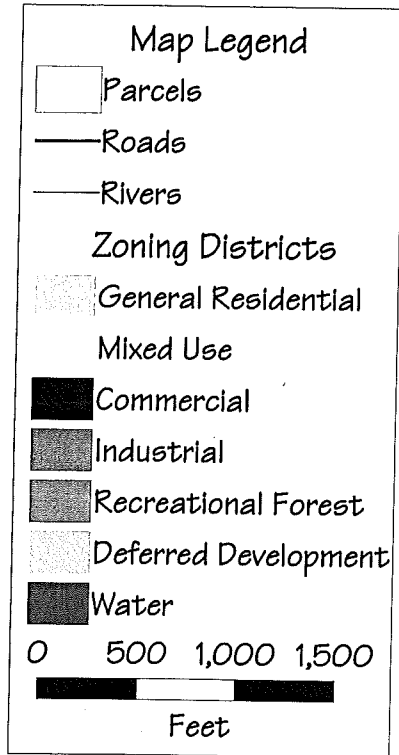
Whenever, after appropriate permits are obtained, any fill material is placed in any lake, stream, or wetland so as to create a usable or buildable space, such fill area shall take on the Zoning District and accompanying provisions of the land abutting said fill area. No use on any lake or stream shall

be allowed which does not conform to the Ordinance provisions on the property from which said property emanates. No fill material shall be placed in any lake or stream within the Township unless appropriate permits are obtained from the Michigan Department of Environmental Quality and the U.S. Army Corps of Engineers, if necessary.

Section 3.06 – Zoning District Changes

When district boundaries change, any non-conforming use may continue subject to all other applicable provisions of this Ordinance.

Frederic Township Zoning Map--Downtown Enlargement



Section 4.09 Schedule of Regulations

Zoning District	District Name	Minimum Lot Area		Maximum Height of Structure	Minimum Yard Setbacks			Ground Floor Area per Dwelling Unit	Minimum Square Footage	Max % of Impervious Surface
		Area	Width		Feet	Front	Side	Rear		
R	General Residential	20,000 sf	100 ft	35 ft	35 ft	35 ft	10 ft ^(a)	50 ft	800 sf	
MU	Mixed Use	20,000 sf	100 ft	35 ft	35 ft	35 ft	10 ft ^(a)	50 ft	800 sf	
C	Commercial	26,000 sf	175 ft	35 ft ^(b)	50 ft	50 ft	25 ft ^(a)	50 ft	NA	
I	Industrial	5 acres	400 ft	35 ft ^(b)	50 ft	50 ft	25 ft ^(a)	50 ft	NA	
R-F	Recreational-Forest	40,000 sf	150 ft	35 ft	50 ft	50 ft	10 ft ^(a)	50 ft	800 sf	
DD	Deferred Development	20 acres	NA	35 ft	50 ft	50 ft	25 ft ^(a)	50 ft	NA	
ARD	AuSable River	50,000 sf	200 ft ^(c)	35 ft	Road Side 50 ft	50 ft	10 ft ^(a)	River Side 200 ft ^(c)	800 sf	
MRD	Manistee River	80,000 sf ^(d)	200 ft ^(c)	35 ft 2 1/2 stories	Road Side 50 ft	50 ft	10 ft ^(a)	River Side 100 ft ^(e)	800 sf	lots < 10,000 sf – 35% 10,000 – 40,000 sf – 25% 40,001 – 80,000 sf – 20% > 80,000 sf – 10%

- Note: (a) For corner lots, the side yard setback, on street side, shall be increased to equal the district front yard setback.
- (b) Exception to district height standards for telecommunication towers, wind turbine, and alternative tower structures.
- (c) Must have 200' River frontage and be at least 200' wide at the minimum building setback line
- (d) Of which at least ½ acre of contiguous buildable upland area must be located landward of the minimum building setback line. 100' measured from ordinary high water mark of main stream or designated tributaries. Additionally, structures must be located at least 50' from crest of the bluff and not less than 25' from crest of bluff for any tributary.
- (e) Lots located on designated tributaries other than AuSable river main stream, the north branch or the south branch shall have a minimum width of 150 feet.
- (f) The river setback shall be reduced to 100 feet on all designated tributaries.

ARTICLE IV: DISTRICT REGULATIONS

Section 4.01 General Residential District (R)

The following provisions shall apply to the General Residential District (R).

Section 4.01.1 Intent

To establish and preserve medium density residential neighborhoods, free from other uses except those which are compatible to the residents of this district.

Section 4.01.2 Permitted Uses

Except as otherwise provided by **Section 1.05 Limitations of Zoning Ordinance**, the use of all lands and premises, and the erection and use of all buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses.

1. Single family dwellings.
2. Two family dwellings.
3. Child or adult daycare facilities serving six (6) or fewer clients.
4. Public parks, playgrounds or recreation facilities.
5. Places of Worship and related religious buildings.
6. Home occupations subject to the provisions of **Section 7.11.1 Home Business**.
7. Accessory buildings and uses customarily incidental to the above permitted uses.

Section 4.01.3 Uses Subject to Special Use Permit

Special approval use of lands and premises, and the erection and use of buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses and shall be subject to the provisions of **Article VI Uses Subject to Special Use Permit**.

1. Multi-family dwellings.
2. Bed and breakfast establishments.
3. Child or adult daycare facilities serving more than six (6) clients.
4. Cemeteries.
5. Public Utility Substations.
6. Planned Unit Development.
7. Cottage industries subject to the provisions of **Section 7.11.2 Home Business**.
8. Accessory buildings and uses customarily incidental to the above special uses.

Section 4.01.4 Dimensional Regulations

Structures and uses in the General Residential District are subject to the area, height, bulk and placement requirements in **Section 4.09 Schedule of Regulations**.

Section 4.02 Mixed Use District (MU)

The following provisions shall apply to the Mixed Use District (MU).

Section 4.02.1 Intent

To provide a compatible mix of commercial and residential uses. The requirements are intended to protect and stabilize the basic qualities of the District, and to provide suitable and safe conditions for family living and small commercial businesses.

Section 4.02.2 Permitted Uses

Except as otherwise provided by **Section 1.05 Limitations of Zoning Ordinance**, the use of all lands and premises, and the erection and use of all buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses.

1. Single family dwellings.
2. Two family dwellings.
3. Child or adult daycare facilities serving six (6) or fewer clients.
4. Public parks, playgrounds or recreation facilities.
5. Places of Worship and related religious buildings.
6. Retail businesses within an enclosed building, without outside sales or outside storage.
7. Business and professional services.
8. Banks and financial institutions.
9. Restaurants and bars.
10. Civic, social or fraternal organizations.
11. Home occupations subject to the provisions of **Section 7.11.1 Home Business**.
12. Accessory buildings and uses customarily incidental to the above permitted uses.

Section 4.02.3 Uses Subject to Special Use Permit

Special approval use of lands and premises, and the erection and use of buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses and shall be subject to the provisions of **Article VI Uses Subject to Special Use Permit**.

1. Public utility buildings, without storage yards.
2. Child or adult daycare facilities serving more than six (6) clients.
3. Group foster care facilities.
4. Nursing homes, and assisted living facilities.
5. Multi-family dwellings.
6. Accessory dwelling.
7. Bed and breakfast establishments.
8. Public buildings and facilities.
9. Gasoline/service station.
10. Kennel or veterinary clinics/hospital.
11. Planned Unit Developments.
12. Cottage industries subject to the provisions of **Section 7.11.2 Home Business**.
13. Accessory buildings and uses customarily incidental to the above special uses.
14. Motels and Hotels (Amended effective 12/2/2010)

Section 4.02.4 Dimensional Regulations

Structures and uses in the Mixed Use District are subject to the area, height, bulk and placement requirements in **Section 4.09** *Schedule of Regulations*.

Section 4.03 Commercial District (C)

The following provisions shall apply to the Commercial District (C).

Section 4.03.1 Intent

To establish and preserve a district for light commercial use along with those industrial uses which are more compatible with light commercial than with other industrial uses.

Section 4.03.2 Permitted Uses

Except as otherwise provided by **Section 1.05** *Limitations of Zoning Ordinance*, the use of all lands and premises, and the erection and use of all buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses.

1. Retail businesses within an enclosed building, without outside sales or outside storage, and without a drive-through window.
2. Wholesale uses.
3. Warehouses and storage buildings, but not including commercial bulk storage of flammable liquids and gases.
4. Outdoor storage facilities, including self-storage facilities.
5. Contractor facilities.
6. Construction trades office and showroom.
7. Laundry and dry cleaning facilities.
8. Accessory dwelling.
9. Accessory buildings and uses customarily incidental to the above permitted uses.
10. Motels and Hotels (Amended effective 12/2/2010)

Section 4.03.3 Uses Subject to Special Use Permit

Special approval use of lands and premises, and the erection and use of buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses and shall be subject to the provisions of **Article VI** *Uses Subject to Special Use Permit*.

1. Production, processing, assembly, manufacturing or packaging of goods or materials which, do not emanate noise, smoke, odors, dust, dirt, noxious gases, glare, heat, vibration or any similar nuisances. Such facilities may include testing, repair, storage, distribution, and sale of such product.
2. Building material sales.
3. Carpentry, plumbing and electrical sales, services and contracting offices.
4. Gasoline/service station.
5. Vehicle repair garage
6. Vehicle salvage and recycling facilities.
7. Junkyards.
8. Planned Unit Developments.
9. Race track.
10. Accessory buildings and uses customarily incidental to the above special uses.
11. Single Family Dwellings (Amended June 29, 2012)

Section 4.03.4 Dimensional Regulations

Structures and uses in the Commercial District are subject to the area, height, bulk and placement requirements in **Section 4.09** *Schedule of Regulations*.

Section 4.04 Industrial (I)

The following provisions shall apply to the Industrial District (I).

Section 4.04.1 Intent

To establish and preserve a zone for necessary industrial and related uses to serve the general industrial needs of the community provided that the industry will be isolated from other types of land uses and not causing undesirable emissions and/or offensive odors. All uses in the industrial district are subject to special use permit.

Section 4.04.2 Uses Subject to Special Use Permit

Special approval use of lands and premises, and the erection and use of buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses and shall be subject to the provisions of **Article VI** *Uses Subject to Special Use Permit*.

1. Production, processing, assembly, manufacturing or packaging of goods or materials which, do not emanate noise, smoke, odors, dust, dirt, noxious gases, glare, heat, vibration or any similar nuisances. Such facilities may include testing, repair, storage, distribution, and sale of such product.
2. Machine shop.
3. Warehouse and storage buildings, but not including commercial bulk storage of flammable liquids and gases.
4. Sand and gravel extraction.
5. Wholesale uses.
6. Vehicle repair garage.
7. Vehicle salvage and recycling facilities.
8. Junk and salvage material.
9. Sexually oriented businesses.
10. Towers and Antennae facilities.
11. Accessory buildings and uses customarily incidental to the above special uses.

Section 4.04.3 Dimensional Regulations

Structures and uses in the Industrial District are subject to the area, height, bulk and placement requirements in **Section 4.09** *Schedule of Regulations*.

Section 4.05 Recreational – Forest District (R-F)

The following provisions shall apply to the Recreational - Forest District (R-F).

Section 4.05.1 Intent

To establish and promote the proper use, enjoyment and conservation of the forest, water and land particularly adapted for agricultural, recreational, low density, single family residential and other specialized rural uses requiring large tracts of land, which are compatible to the residents.

Section 4.05.2 Permitted Uses

Except as otherwise provided by **Section 1.05** *Limitations of Zoning Ordinance*, the use of all lands and premises, and the erection and use of all buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses.

1. Single family dwellings.
2. Two family dwellings.
3. Places of Worship and related religious buildings.
4. Farms for both general and specialized farming.
5. Accessory buildings and uses customarily incidental to the above permitted uses.

Section 4.05.3 Uses Subject to Special Use Permit

Special approval use of lands and premises, and the erection and use of buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses and shall be subject to the provisions of **Article VI** *Uses Subject to Special Use Permit*.

1. Multiple family dwellings.
2. Public parks, playgrounds and recreation facilities.
3. Campgrounds.
4. Manufactured housing developments.
5. Sand and gravel extraction.
6. Kennels or veterinary clinic/hospital.
7. Commercial stables.
8. Golf courses.
9. Archery and shooting ranges.
10. Forest products processing.
11. Sawmills and other mills.
12. Planned Unit Development.
13. Race track.
14. Cottage industries conducted outside the residence in the yard, garage or accessory structure, subject to the provisions of **Section 7.11.2** *Home Business*.
15. Accessory buildings and uses customarily incidental to the above special uses.
16. Accessory Dwelling

Section 4.05.4 Dimensional Regulations

Structures and uses in the Recreational - Forest District are subject to the area, height, bulk and placement requirements in **Section 4.09** *Schedule of Regulations*.

Section 4.06 Deferred Development District (DD)

The following provisions shall apply to the Deferred Development District (DD).

Section 4.06.1 Intent

To reserve or protect the large undeveloped areas, currently under public ownership, by limiting development which would tend to divide these areas into smaller, more difficult to develop parcels. It is also the intent of this district to limit intensive development until utilities and services can be provided.

Section 4.06.2 Permitted Uses

Except as otherwise provided by **Section 1.05 Limitations of Zoning Ordinance**, the use of all lands and premises, and the erection and use of all buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses.

1. Agriculture, including both general and specialized farming, tree farms and forestry.
2. Land, water, and wildlife conservation and education operations.
3. Accessory buildings and uses customarily incidental to the above permitted uses.

Section 4.06.3 Uses Subject to Special Use Permit

Special approval use of lands and premises, and the erection and use of buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses and shall be subject to the provisions of **Article VI Uses Subject to Special Use Permit**.

1. Public parks, playgrounds or recreation facilities.
2. Campgrounds.
3. Sand and gravel extraction.
4. Accessory buildings and uses customarily incidental to the above special uses.

Section 4.06.4 Dimensional Regulations

Structures and uses in the Deferred Development are subject to the area, height, bulk and placement requirements in **Section 4.09 Schedule of Regulations**.

Section 4.07 AuSable River District (ARD)

The following provisions shall apply to the AuSable River District (ARD).

Section 4.07.1 Intent

To preserve, protect and enhance the river environment in a natural state for the use and enjoyment of present and future generations.

Section 4.07.2 Delineation of AuSable River District (ARD).

The AuSable River Natural River District includes an area 400 feet wide on each side of and parallel to all channels of the mainstream, Kolka Creek, and Bradford Creek.

Section 4.07.3 Permitted Uses

Uses of riparian land are critical determinants in efforts to protect the natural values of a river system. Those that result in high human and vehicular traffic, dense development, large non-residential structures with extensive and impermeable parking areas, application and/or storage of chemicals and other activities incompatible with the system corridor's environment will not be permitted in the ARD. The three types of permitted use – exempt, principal and special – are described as follows:

1. Exempt uses are those allowed by right and DO NOT require an ARD zoning permit. They include the following:
 - A. Private, non-commercial recreation which does not involve permanent structures, equipment, or other devices, but which includes camping, boating, fishing, hunting, and other similar activities.
 - B. Reforestation and other accepted forest management practices.
 - C. Agricultural, including general and specialized farming, unless the bureau of environmental protection of the Michigan department of natural resources determines that such use will significantly contribute to stream degradation.
 - D. Operation of licensed motor vehicles on dedicated public or private roads designed to provide access to a permitted use.
 - E. Off-road operation of emergency and public utility maintenance vehicles.
 - F. Private footpaths.
 - G. Signs.
2. Principal uses in the ARD are those allowed by right but DO require a zoning permit. They include the following, subject to all permit requirements and development standards outlined in this ordinance:
 - A. Single family dwellings.
 - B. One private boat dock per parcel.
 - C. Utility lines to service private, single-family dwellings.
 - D. Disposal fields.
 - E. Mining and extracting industries.
 - F. Land alterations.
 - G. Home occupations.
 - H. Accessory buildings and uses customarily incidental to the above permitted uses.
3. Special uses in the ARD are those approved by local zoning authority. They include the following, subject to all permit requirements and development standards outlined in this ordinance:
 - A. Detached rental cabins

- B. Campgrounds
- C. Canoe, boat and other watercraft liveries

Section 4.07.4 Additional Development Standards

The following standards apply to all privately owned parcels (or any parts thereof) that lie within the AuSable River District (ARD):

1. Native Vegetation Buffer

A Native vegetation buffer that includes the AuSable River's mainstream and tributaries as well as all corridor land within 75 feet of the ordinary high water mark for the mainstream, Kolka Creek, and Bradford Creek of the AuSable River and 50 feet for all other designated tributaries shall be maintained, subject to the following conditions:

- A. Trees and shrubs may be pruned for a filtered view of the river or tributary, but clear-cutting of this native vegetation buffer is prohibited;
- B. Dead, diseased, unsafe and fallen trees and noxious plants and shrubs including poison ivy and poison sumac may be removed;
- C. The selected removal of trimming or trees for forest management practices or disease and insect control, and clearing of vegetation to the minimum width necessary to accommodate (primary) utility distribution and service lines for permitted uses, is permitted upon approval of the zoning administrator in consultation with the local county conservation district forester, provided the activity is in keeping with the ARD plan;
- D. Camping is not permitted in the native vegetation buffer;
- E. Mowing is prohibited in the native vegetation buffer except in areas that had been maintained in a mowed condition prior to adoption of rules or ordinances implementing the ARD plan, or to establish an access footpath to the river or tributary that does not exceed four feet in width;
- F. In the AuSable River, mainstream vegetation may be selectively pruned to allow for safe navigation and to alleviate flooding that threatens a dwelling. This may include pruning of a maximum 8-foot wide section of vegetation. Portions of trees, logs, and other natural material imbedded in the stream channel may not be disturbed.
- G. All mainstream and tributary islands are subject to the native vegetation buffer standards;
- H. A wider native vegetation buffer may be required for certain commercial uses.

2. Land Alteration.

Cutting or filling for building, including appurtenances, on the flood plain and filling for buildings on the upland within 400 feet of the river's edge where the highest groundwater table is within four feet of the surface, shall be prohibited. Dredging or filling for the construction of fish or wildlife ponds within 500 feet of the river requires a permit under Act 346, P.A. 1972 and Act 347, P.A. 1972.

3. Agriculture

- A. Grazing within the natural vegetation strip shall be prohibited. Livestock must be fenced out to protect the riverbanks. Cattle crossings and watering areas shall be constructed according to accepted methods, after the landowner has consulted with the local Soil Conservation Service, County Extension Service, and/or Department of Natural Resources.

- B. Water withdrawal for irrigation will not be affected by natural river designation, but will continue to be permitted in accordance with the riparian doctrine of reasonable use.
- 4. Docks
 - Private boat docks shall be in conformance with all of the following requirements:
 - A. Docks shall not be more than 4 feet in width and 12 feet in length, with not more than 4 feet of the dock extending over the edge of the river.
 - B. Docks shall be designed, constructed, and maintained to blend with natural surroundings. The use of natural, native materials is encouraged.
 - C. Unless provided within this Ordinance, only 1 dock shall be constructed per lot.
 - D. Where regulations permit multiple docks, such docks may be placed side by side.
- 5. Signs
 - Residential identification signs
 - A. Signs shall serve to identify the name of dwelling occupants only and not to advertise a business or service.
 - B. One sign shall be permitted per lot or parcel, which shall not be more than 1 square foot in area.
 - 1) Real estate signs: if all of the following provisions are complied with:
 - a) A sign shall be of a temporary nature and shall not be more than 4 square feet.
 - b) One sign shall be allowed per parcel, which shall not be located in the natural vegetation strip.
 - c) A sign shall be removed within 14 days of the sale of the advertised parcel.
 - 2) "No Trespassing" signs if such signs are not more than 1 square foot in area and are spaced a minimum of 100 feet apart.
- 6. On Site Sanitation Systems.
 - A. All habitations within the AuSable River District must contain sanitary waste disposal facilities conforming in type to those required by health specifications of the State of Michigan and the county or district health department having legal jurisdiction. The facilities provided may be for either water borne waste disposal by the septic tank-absorption tile field method or for non-water borne disposal by the use of a health department approved or other state approved sanitary system.
 - B. New septic tanks and absorption tile fields or other approved sanitary systems within the AuSable River District shall be located not less than 150 feet from the ordinary high water mark nor within land that is subject to flooding. The absorption field shall be located in a well-drained area and the bottom of the field shall be at least four feet above the known high groundwater table. No absorption field shall be closer than 100 feet from any surface or subsurface drainage system, including sump pumps discharging into the river or its tributaries.
 - C. The bottom of the pit associated with an earth privy shall not be less than 4 feet above the known groundwater table.
- 7. Disposal of Solid Wastes
 - See **Section 7.14** – Dumping of Material

8. Minerals

New development, exploration or production of oil, gas, salt brine, sand and gravel or other minerals except groundwater are not permitted within 300 feet of the designated river or tributaries (Section 10, Natural River Act). On new leases on state land, Natural Resources Commission policy prohibits drilling for gas or oil within ¼ mile of any major stream.

9. Rental Cabins

- A. Cabins shall not be operated as motels, but may offer light housekeeping services.
- B. The number of cabins permitted shall be based on the rate of one (1) per 200 feet of river frontage. Clustering of rental cabins is encouraged; however, the ratio of 1 cabin per 200 feet of river frontage shall not be exceeded.
- C. Each cabin and all associated buildings, structures, or other related devices shall be set back a minimum of 40 feet from all property lines and 200 feet from the ordinary high water mark.
- D. Parking for the cabins shall be limited to 2 spaces per cabin and the spaces shall be located to the rear (landward side) of the building.
- E. The exterior of a cabin shall be constructed of natural materials with natural or earth tone colors to blend with the surrounding environment.
- F. Cabins or grounds shall not contain signage within the district, except for directional signage that is not more than one square foot in area per sign. Directional signage shall be for the purposes of directing vehicular and pedestrian traffic to cabins and facilities and for the identifying of individual cabins. Signage shall not be visible from the river.
- G. Boat docks may be erected for the private use of occupants of the rental cabins and their guests. Docks shall be in compliance with the requirements this ordinance and both of the following two provisions:
 - 1) Docks may be constructed at the rate of 1 dock for each permitted rental cabin.
 - 2) Access to a dock or docks shall be along a single designated footpath to minimize disruption of the natural vegetation strip.

10. Campgrounds

Campgrounds including tents, travel trailers, campers, and motor homes, with associated noncommercial buildings, cement pads, and utility hook-ups, if all of the following provisions are complied with:

- A. Campgrounds shall be constructed and maintained in accordance with all applicable regulations.
- B. Campgrounds shall be a minimum of 10 acres.
- C. A commercial enterprise shall not be permitted to operate in the campground, except that a convenience goods shopping building that is not more than 1,500 square feet may be provided in campgrounds that have more than 140 sites. The exterior of such buildings shall be constructed of natural material. The building shall not be more than 1 story in height.
- D. Each site and all associated buildings, structures, and other related devices shall be set back a minimum of 50 feet from all property lines and 300 feet from the ordinary high water mark.
- E. Fences and greenbelts may be required by the planning commission for campgrounds that are adjacent to existing residential uses. Fencing shall be

- constructed of natural material. Greenbelts shall consist of plant material indigenous to the area or as approved by the planning commission.
- F. Vehicular parking shall be limited to 2 spaces per individual camping site.
 - G. A campground shall not have more than 4 sites per acre.
 - H. A campground shall not contain signage within the district, except for directional signage that is not more than 1 square foot in area per sign. Directional signage shall be for the purposes of directing vehicular and pedestrian traffic to camping sites and facilities and for identifying individual campsites. Signage shall not be visible from the river.
 - I. Boat docks may be erected for the private use of the occupants of the campsites and their guests if both of the following provisions are complied with:
 - 1) The total number of docks shall not be more than 1 dock per each 200 feet of river frontage.
 - 2) Access to the dock or docks shall be along a single designated footpath to minimize disruption of the natural vegetation strip.
11. Canoe, boat or other watercraft liveries
Canoe, boat or other watercraft liveries shall comply with the following provisions:
- A. Parked vehicles and off-season canoe and boat storage areas shall not be visible from the river.
 - B. Boat docks may be erected at the ratio of 1 dock per 200 feet of river frontage.
 - C. Other than the rental of canoes and boats, other commercial enterprises shall not be permitted to operate.
 - D. A rental office which is associated with the operation of the livery and which does not have more than 225 square feet may be constructed. The exterior of the building shall be constructed of natural material. The building shall not be more than 1 story in height.
 - E. Access to the dock or docks or place of the river entry from the canoe or boat rental office shall be along a single designated footpath to minimize disruption of the natural vegetation strip.
 - F. The livery shall not contain signage within the district, except for directional signage that is not more than 1 square foot in area per sign. Directional signage shall be for the purpose of directing patrons to the parking areas and launch sites. Signage shall not be visible from the river.

Section 4.07.5 Legal Nonconformance

See **Section 7.02**, with the following modifications and/or additional requirements applying only to the ARD.

- A. A legal nonconforming structure may not be enlarged or altered in any way that increases its nonconformity, such as expanding it toward the river system's ordinary high water mark or increasing its height above the allowable standard. However, the ground floor area of any legal nonconforming structure may be enlarged by up to one-half of the (ground floor) area existing on the date of nonconformance, or to the extent compliant with local standards for minimum ground floor area, whichever is greater, through alterations, repairs and additions, provided that the enlargement does not increase structure nonconformity. Any enlargement of a legal nonconforming structure must, to the extent possible, comply with all setback and other building requirements.

Section 4.07.6 Dimensional Regulations

Structures and uses in the AuSable River District are subject to the area, height, bulk and placement requirements in **Section 4.09** *Schedule of Regulations*.

Section 4.08 Manistee River District (MRD)

Section 4.08.1 Intent

To promote the public health, safety, and general welfare; to prevent economic and ecological damage due to misuse, unwise development patterns, overcrowding and overuse within the Manistee River District; and to preserve the natural resources and habitat of the Manistee River District (MRD) for the benefit of present and future generations.

Section 4.08.2 Delineation of Zoning District

The Manistee River District (MRD) includes the river and all township land lying within 400 feet of the river system's ordinary high water mark (OHWM) on both sides of its corridor. The district, as defined by the mainstream and including the Lost Lake outlet, an unnamed stream in section 30, T28N R4W and Goose Creek, which extends across western Frederic Township in Crawford County from its boundary with Otsego County (Hayes Township) on the north, to that with Kalkaska County (Bear Lake Township) on the south. Of special note, the Manistee River system in Frederic Township courses through highly permeable but very fragile soils and is therefore critically vulnerable to contamination and sedimentation. The enduring challenge to district residents and visitors is to minimize the effects of these major sources of system impairment.

Section 4.08.3 Permitted Uses

Uses of riparian land are critical determinants in efforts to protect the natural values of a river system. Those that result in high human and vehicular traffic, dense development, and large non-residential structures with extensive and impermeable parking areas, application and/or storage of chemicals and other activities incompatible with the system corridor's environment will not be permitted in the MRD. The three types of permitted use – exempt, principal and special – are described as follows:

1. Exempt uses are those allowed by right in MRD and DO NOT require a zoning permit. They include the following:
 - A. Private, non-commercial recreation such as camping, boating, fishing, hunting and other similar activities that do not require permanent structures;
 - B. Reforestation and other accepted forest management practices, landward of a native vegetation buffer that do not require permanent structures;
 - C. Agricultural activities, such as plowing, disking, and planting crops, including general and specialized farming such as that of Christmas trees, provided that all new activities occur landward of a native vegetation buffer. [Construction of related residential and utility buildings and appurtenances is subject, however, to zoning permit requirements]. New aquaculture and concentrated animal feeding operations and expansion of existing aquaculture facilities and concentrated animal feeding operations are not permitted within the MRD.
 - D. Operation of licensed motor vehicles on public or private roads designed to provide access to a permitted permanent or seasonal use;
 - E. Off-road operation of emergency and public utility vehicles;
 - F. Cutting of native vegetation in a required buffer to create a private footpath or to trim/prune vegetation for a filtered view of the river (See Section 2 below).
2. Principal uses in the MRD are those allowed by right but DO require a zoning permit. They include the following, subject to all permit requirements and development standards outlined in this ordinance:
 - A. Single family dwellings.
 - B. One private dock per parcel.

- C. One river access stairway per parcel.
 - D. Utility lines to service private, single-family dwellings.
 - E. Disposal fields.
 - F. Water supply.
 - G. Mining and extracting industries.
 - H. Land divisions.
 - I. Land alterations.
 - J. Bridges.
 - K. Forest management.
 - L. Boardwalks.
 - M. Home occupations.
 - N. Accessory buildings and uses customarily incidental to the above permitted uses.
3. Special uses in the MRD are those approved by local zoning authority. They include the following, subject to all permit requirements and development standards outlined in this ordinance:
- A. Detached rental cabins
 - B. Campgrounds
 - C. Permanent vehicle bridges on tributaries

Section 4.08.4 Additional Development Standards

The following standards apply to all privately owned parcels (or any parts thereof) that lie within the Manistee River District (MRD):

1. Vegetation Buffer
- A Native vegetation buffer that includes the Manistee River's mainstream and tributaries as well as all corridor land within 75 feet of the ordinary high water mark shall be maintained in the MRD, subject to the following conditions:
- A. Trees and shrubs may be pruned for a filtered view of the river or tributary, but clear-cutting of this native vegetation buffer is prohibited;
 - B. Unsafe trees and noxious plants and shrubs such as poison ivy and poison sumac may be removed;
 - C. The selected removal or trimming of trees for forest management practices or disease and insect control, and clearing of vegetation to the minimum width necessary to accommodate (primary) utility distribution and service lines for permitted uses, will require approval of the zoning administrator in consultation with the local county conservation district forester, provided the activity is in keeping with the MRD plan;
 - D. Camping other than low-impact tent camping is not permitted in the native vegetation buffer;
 - E. Mowing is prohibited in the native vegetation buffer except in areas that had been maintained in a mowed condition prior to adoption of rules or ordinances implementing the MRD plan, or to establish an access footpath to the river or tributary that does not exceed four feet in width;
 - F. In the Manistee River mainstream vegetation may be selectively pruned to allow for safe navigation and to alleviate flooding that threatens a dwelling. This may include pruning of a maximum 8-foot wide section of vegetation. Portions of trees, logs, and other natural material imbedded in the stream channel may not be disturbed.

- G. A boardwalk constructed in conjunction with the footpath in Part E, above, is permitted upon approval of the zoning administrator, provided it is placed only in areas that are generally too wet to be traversed without significant disturbance of the surface soil, the boardwalk and supports are constructed of wood, the boardwalk is no more than three feet wide and the top of the boardwalk lies no more than 12 inches above grade and does not include railings;
- H. All mainstream and tributary islands are subject to the native vegetation buffer standards;
- I. A wider native vegetation buffer may be required for certain commercial uses.

2. Land Alteration

Dredging, filling, draining or other land-alterations in the 100-year floodplain or wetlands within the MRD are prohibited. Ponds may be constructed, provided the pond is not constructed in a wetland or the 100-year floodplain, the pond meets the building setback established for the area, spoils are placed in a non-wetland, non-floodplain area landward of the native vegetation buffer and the pond is not connected to the river by any surface or subsurface drainage system.

Alteration of a bluff's natural contour, from crest to minimum setback line, is prohibited in the MRD. In some instances, however, reduction of the slope of an eroding bluff for erosion-control purposes may be necessary, subject to permission by zoning authority.

3. Minimum Lot Size

See **Section 4.09** *Schedule of Regulations*.

4. Residences per Lot

One permanent single-family year-round or seasonal dwelling unit per parcel is permitted. However, so as to discourage fragmentation of large properties into smaller parcels, more than one single-family residence including "site condominiums", may be allowed, provided the original parcel contains sufficient square footage, width and buildable area to meet the requirements for two or more individuals parcels, and

- A. The property owner develops a site plan for the original parcel showing theoretical property lines for individual lots based on MRD development standards, and located thereon any additional residences and appurtenances as if the property were divided into those separate lots; or,
- B. For each residential structure placed so that the requirements in Part A are not met, i.e., in a cluster-type setting a portion of the original parcel containing square footage, width, depth, and buildable area equal to a newly created separate legal parcel is made subject to a permanent conservation easement or deed restriction that prohibits erection of any structures on that portion of the parcel; or,
- C. For each residential structure placed so the requirements in Part A are not met, i.e., in a cluster-type setting the development rights to a portion of the original parcel containing square footage, width, depth and buildable area equal to a newly created separate legal parcel are sold, donated or otherwise conveyed in perpetuity to a unit of local government or the state. The agency acquiring the development rights must agree in writing to refrain from development of the land in perpetuity.

[Note: Placement of mobile homes for permanent or recreational residences is prohibited, as is any permanent stand-alone accessory-like structure (or garage) intended to shelter such a home as a permanent or intermittent residence, except that: (1) mobile homes existing upon adoption of this Ordinance may be replaced, subject to provisions of Schedule of Regulations and (2) if a construction permit has been acquired for a permanent residence, a mobile home may be used as temporary quarters but must be removed from the work site within 10 days of occupation of the new or remodeled structure.]

5. Movable Dwellings
 - A. See **Section 7.16** – Camping with a Recreational Unit(s) (Amended August 31, 2012)
6. Structure Setback and height
See **Section 4.09** Schedule of Regulations.
7. Septic Systems
See **Section 7.13** – Water Supply and Sewage Disposal Facilities.
8. Blight Control
See **Section 7.14** – Dumping of Material.
9. Docks
Docks under permit from the Department of Environmental Quality may be constructed not to exceed forty-eight (48) square feet, with no more than four feet of dock extending over the water. Natural materials (as opposed to treated dimensional lumber) are recommended. Where conditions allow, property owners are encouraged to substitute “log-sod” platforms as alternatives to conventional docks. Except where otherwise specifically provided for by this ordinance, only one (1) dock shall be constructed per lot.
10. Access Stairways
Private river access stairways are permitted upon approval of the zoning administrator if in compliance with all of the following requirements:
 - A. There is no other safe, feasible access to the river without a stairway.
 - B. The stairway is low-profile, not more than 4 feet wide and constructed without stairs being recessed into the ground surface unless site and soil conditions dictate that a recessed stairway is more appropriate.
 - C. There are no landings associated with the stairway unless required by building codes, in which case the landings shall be of the minimum number and size required by building codes.
 - D. Not more than 1 handrail is associated with the stairway.
 - E. Only 1 river access stairway is permitted per parcel.
 - F. The stairway is constructed using natural materials and is located and maintained to blend with the natural surroundings.
11. Signage
Non-illuminated signs that identify, direct, inform about resources or display resource-use rules are permitted. Those advertising products or services are prohibited, unless related to a permitted use, located on the site of the permitted use, not located in the native vegetation buffer and not visible from the river. Signs may be no more than two

square feet in area. Exceptions include one real estate sign no more than four square feet placed outside the vegetation buffer, and public agency signs no larger than 10 square feet, of rustic design and not attached to vegetation. Some public agency signs may be permitted to post a larger sign to warn of in-river hazards or for interpretive or historic reasons.

12. Dams

Construction of new dams is prohibited. Reconstruction of a failed dam is permitted with Michigan Department of Environmental Quality (MDEQ) approval and subject to any of the following conditions:

- A. Reconstruction of a dam destroyed by a catastrophic event such as flood may be reconstructed.
- B. Reconstruction of a dam that failed due to lack of maintenance or other negligence by the owner or operator is prohibited.
- C. Reconstruction of a dam that failed due to a catastrophic event shall comply with construction standards in effect at the time of application for replacement.
- D. Application for reconstruction shall be received within 1 year of destruction.
- E. A reconstructed dam shall be rebuilt with a height not greater than the original dam height.
- F. A bottom discharge and fish passage facilities shall be provided for a reconstructed dam where appropriate.
- G. A request for replacement of a dam destroyed by a catastrophic event shall be handled as a variance request for reconstruction of a destroyed, non-conforming structure.

13. Access Bridges

Bridges, including any structure of any span length designed to provide a pedestrian or vehicle stream crossing, subject to the following standards:

- A. All existing bridges that are destroyed by any means, whether on a tributary or mainstream segment, may be replaced. On mainstream segments, destroyed pedestrian bridges may not be replaced with vehicle bridges. Destroyed bridges shall be replaced within 18 months of destruction or the replacement bridge shall be considered to be a new bridge and will be subject to new bridge standards.
- B. New bridges are not permitted on any parcel that is created after the effective date of this Ordinance.
- C. New bridges of any type are prohibited on mainstream segments.
- D. All replacement bridges on mainstream segments shall span the bankfull channel, have a minimum clearance of five (5) feet between the ordinary high water mark and "low steel" (the bottom of the bridge deck and/or deck supports other than abutments), and be a structure with a natural bottom, for example, pipe, box, or arch culverts are not permitted.
- E. New pedestrian bridges are permitted on all tributaries provided the lands connected by a new bridge were, at the time of adoption of this Ordinance, and continue to be, collectively owned by a single person.

- F. New bridges linking properties in separate ownership shall not be permitted except in areas where construction of such a bridge to access a permitted building site will result in less resource damage than construction of another type of permitted access. The exception shall only apply to lots that were created before the effective date of this Ordinance.
- G. Only one bridge is permitted to access a portion of land that is otherwise inaccessible from the owner's contiguous property.
- H. Permanent new bridges on tributaries shall span the bankfull channel and be a structure with a natural bottom, for example, pipe, box or arch culverts are not permitted, and in the case of pedestrian bridges, be constructed such that use by any motorized vehicles, such as dirt bikes and ATVs, are excluded.
- I. Permanent bridges replacing bridges that have natural bottoms on tributaries shall span the bankfull channel and be a structure with a natural bottom, for example, pipe, box, or arch culverts, are not permitted, and in the case of pedestrian bridges, be constructed such that use by any motorized vehicles, such as dirt bikes and ATVs, are excluded.
- J. Permanent bridges replacing bridges without natural bottoms on tributaries shall span the bankfull channel, and, in the case of pedestrian bridges, be constructed such that use by any motorized vehicles, such as dirt bikes and ATVs, are excluded.
- K. Temporary vehicle bridges on tributaries for the purpose of access for timber harvest may be permitted provided they are constructed in a manner that minimizes disruption of the stream and are removed immediately after harvest activities. Disturbed areas in the native vegetation buffer shall be re-vegetated, any fill placed shall be removed and the land shall be returned to its original grade as soon as possible after removal of the bridge. Proper erosion/sedimentation control methods shall be used during placement and use of the bridge.
- L. New permanent vehicle bridges on tributaries may be allowed upon receipt of a special use permit.

14. New Commercial Uses

The following commercial uses that may be permitted by Special Use Approval in the MRD include:

- A. Rental cabins, subject to the following conditions:
 - 1) The number of cabins permitted shall be based on the ratio of one cabin per 200 feet of frontage. Clustering of rental cabins is encouraged but the indicated ratio will not be exceeded. For each cabin placed in a cluster setting, a portion of the original parcel containing square footage, width, depth and buildable area equal to a new separate legal parcel as described in **Section 4.09** Schedule of Regulations, will be restricted by deed in perpetuity from development.

- 2) Each cabin shall not exceed 900 square feet of floor space and one story in height, and not accommodate more than eight persons.
- 3) Each cabin shall be set back a minimum of 200 feet from the ordinary high water mark. All associated buildings shall be located outside the MRD.
- 4) Temporary recreational facilities, including tents, camper trailers, and recreational vehicles shall be located outside the MRD.
- 5) Each cabin shall be a minimum of 75 feet from any line of adjacent stream front property.
- 6) Establishment of vegetation buffers along side or back lot lines may be required for rental cabins adjacent to residential properties. Such buffers shall consist of indigenous plants in strips at least 20 feet wide composed of deciduous interspersed with coniferous trees spaced not more than 10 feet apart. Deciduous trees shall be at least eight feet and coniferous at least five feet high at the time of planting. The buffer shall also include dense shrubs placed not less than five feet apart and three feet in height when planted.
- 7) Permanent and seasonal docks may be constructed for the private use of rental cabin occupants but shall comply with the general standards for docks and access stairways, as well as be placed at the rate of no more than one per 1,000 feet of system frontage.

B. Campgrounds shall be allowed in the MRD, subject to special use permit, as a means of directing such use to specific locations in the river corridor and thereby alleviating the litter and erosion problems that often result from dispersed, uncontrolled camping. Commercial buildings associated with such ventures are prohibited and all related and permanent non-commercial buildings shall be at least 200 feet from the ordinary high water mark. No more than four campsites per acre of land, all located landward of a native vegetation buffer no less than 100 feet wide, shall be allowed. Campsites that accommodate wheeled motor vehicles must be at least 200 feet from the river's edge. Walk-in campsites must be landward of the vegetation buffer. Docks may be constructed, subject to DEQ permitting, at the rate of one forty-eight square foot structure per 200 feet of stream frontage. A single footpath no more than four feet wide may access each dock. Use of these footpaths by motorized vehicles is prohibited. Launching or retrieval of commercial watercraft at newly established campgrounds, other than by registered campers on site, will be disallowed.

C. Agriculture activities, such as plowing, disking and planting of crops, including general and specialized farming such as Christmas tree farms, provided that all new activities occur landward of the native vegetation buffer and provided such used will not significantly contribute to stream degradation. Construction of any residential and farm-related structures and appurtenances are classified as principal uses and are subject to zoning permit requirements. New aquaculture facilities and concentrated animal feeding operations, and expansion of existing aquaculture facilities and concentrated animal feeding operations, are not permitted with the MRD without a land use variance. Resumption of prior agricultural uses that were located within the native vegetation buffer but have been discontinued, such as crop fields that are rotated, may resume if 1 of the following criteria are met:

- 1) The cessation of use was within 10 years of resumption of use.

- 2) The cessation of use was due to implementation of a management plan written prior to adoption of this Ordinance.
- 3) The cessation of use was the result of written agreements with a governmental agency or agencies entered into prior to adoption of this Ordinance.
- 4) The cessation of use was the result of written agreements with a governmental agency or agencies entered into after adoption of this Ordinance or ordinances implementing this plan, where the term of cessation of use specified in the agreement is for 10 years or less.
- 5) The cessation of use was required or imposed by a governmental agency or agencies.

D. Home Occupation
See **Section 7.11.1**

Additional MRD Requirement--Other Businesses considered "home-based" occupations, i.e., the actual business is conducted off site but associated equipment (e.g., logging trucks or well-drilling rigs) are stored on site, are permitted. However, any such use that would diminish benefits of the native vegetation buffer is disallowed.

- E. Mineral extraction New development, exploration or productions of oil, gas, brine, limestone, sand, gravel, and other minerals that entail surface disturbance are not permitted in the MRD within 300 feet of the protected river or tributary. To minimize disruption of wildlife habitat, companies involved in such (state-permitted) activity are encouraged to coordinate exploration and extraction operations as well as location of access roads.
- F. Forest management activities are permitted in the MRD landward of the native vegetation buffer.
- G. New Industrial Uses
New industrial uses and the expansion of existing ones are prohibited in the MRD.
- H. Legal Nonconformance
See **Section 7.02**, with the following modifications and/or additional requirements applying only to the MRD.

Additional MRD requirements

- 1) If a legal nonconforming structure is destroyed by any means, except willful destruction by the property owner or his/her agent to an extent equal to the assessed evaluation, the structure may be repaired, remodeled or reconstructed with approval by the Zoning Administrator, provided the following conditions are met:
 - a) The structure is not located in the 100 year floodplain.
 - b) The structure will not accelerate bank erosion or other material degradation of the river and the construction of the structure is approved by the local soil erosion and sedimentation control enforcement agency.

- c) The structure will have the same building footprint as the original structure.
 - d) Application for the zoning permit to repair, remodel or reconstruct the damaged structure, is made within 12 months of the time of damage. A one-year extension may be granted if the property is held in probate, an insurance settlement related to the damage is in dispute, or a criminal investigation related to the damage is in progress.
 - e) If any of the provision a) through d) above can not be met, a variance shall be required.
- 2) If a legal nonconforming structure is willfully destroyed by the property owner or his/her agent to an extent equal to the assessed evaluation, the property owner shall be required to meet the setback requirements to the greatest extent possible when constructing any new or replacement structure.
- 3) If a legal nonconforming vacant lot lies between and adjacent to two parcels that contain otherwise legal single-family dwellings that do not meet established building setbacks, and if the adjacent nonconforming single-family dwellings are within 150 feet of each other, the building setback for a principal use applicable to the vacant legal nonconforming lot in question will be the distance from the river or tributary of the adjacent structure that is farthest from the ordinary high water mark. Only a single-family dwelling located closer than 100 feet to the river pursuant to this standard to be a legal non-conforming structure. Establishment of such a principal use will be permitted without a variance.
- 4) Where a lawful structure exists on the effective date of these rules or amendment of these rules that is made unlawful pursuant to the terms of these rules, the structure may be continued if it remains lawful, subject to all of the following provisions:
- a) The structure may not be expanded or altered in a way that increases its nonconformity, such as expanding toward the river's edge or increasing the height above the maximum height standard. However, the ground floor area, for example, "footprint," of any legal nonconforming single-family dwelling may be increased by up to 50%, or up to 75% if the expansion requires a minor variance, of the existing enclosed ground floor living area cumulative from the date of nonconformance, or to the minimum extent necessary to comply with local standards for minimum legal floor area for dwellings, whichever is greater, through alterations, repairs, and additions, if the increase does not increase the nonconformity of the dwelling. Any alteration of a legal nonconforming dwelling must, to the extent possible, be in compliance with all setback and other building requirements. Any expansion of a lawful, nonconforming dwelling, including addition of additional stories, shall be treated as a variance.
 - b) Expansion of a nonconforming single-family dwelling may be permitted by the zoning administrator, without the need for a variance, if either one of the following applies:
 - (i) When any part of the expansion is located within the native vegetation buffer, expansion of the dwelling is to the landward side of the existing structure and is less than a

50% increase in enclosed ground floor living area and the height of the expansion is not greater than the height of the original dwelling, and the expansion is not located in a wetland or the 100-year floodplain.

- (ii) When the expansion is located completely outside the native vegetation buffer, expansion of the dwelling is not closer to the river than the closest point of the existing dwelling and is less than a 50% increase in enclosed ground floor living area and the height of the expansion is not greater than the height of the original dwelling, and the expansion is not located in a wetland or the 100-year floodplain.

Section 4.08.5 Dimensional Regulations

Structures and uses in the Manistee River District are subject to the area, height, bulk and placement requirements in **Section 4.09** *Schedule of Regulations*.

ARTICLE V: SITE PLAN REVIEW

Section 5.01 – Purpose

The purpose of this article is to specify the documents and/or drawings required, to ensure that a proposed land use or development activity is in compliance with this ordinance, other local ordinances, and state and federal statutes and regulations. Furthermore, its purpose is to ensure that development taking place within the Township is properly designed, safe, efficient, environmentally sound, and designed in such manner as to protect adjacent properties from substantial adverse impacts.

Section 5.02 – Plot Plan

The Zoning Administrator shall require that all applications for Zoning Permits, which do not require a site plan, be accompanied by plans and specifications including a Plot Plan, drawn to scale, showing the following:

1. The shape, location and dimensions of the lot, drawn to scale. The scale shall be of such size as deemed adequate by the Zoning Administrator to make a judgment that the application meets the requirements of this ordinance. When deemed necessary by the Zoning Administrator, a survey may be required.
2. The location, shape and size of all buildings or other structures to be erected, altered or moved onto the lot and of any building or other structure already on the lot, drawn to scale. In addition, an elevation drawing of the proposed building(s) may be required by the Zoning Administrator in order to measure the height of the proposed structures.
3. The location and configuration of the lot access and driveway, drawn to scale.
4. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
5. Other information concerning the lot or adjoining lots that may be essential for determining whether the provisions of this Ordinance are being observed.

Section 5.03 – Site Plan Review (All Districts)

Required site plans give the Planning Commission an opportunity to review development proposals in a concise and consistent manner. The use of the site plan ensures that the physical changes in the property meet with local approval and that development actually occurs as it was planned and represented by the developer.

1. Circumstances Requiring a Site Plan: Site plans are required for the following uses:
 - A. All new uses and/or structures except one-family or two-family residential units and except associated accessory structures to one-family or two-family residential units.
 - B. Expansion or renovation of an existing use, other than one-family or two-family residential use, which increases the existing floor space more than twenty five (25) percent.

- C. Changes of use for an existing structure or lot.
- D. Any special use permit.
- E. Any use requiring off-street parking, as stated in the off-street parking schedule of this ordinance.
- F. Other uses as required by this Ordinance.

2. Pre-application Conference: The Zoning Administrator, Planning Commission Chair and/or Planning Commission shall have the authority to conduct a pre-application meeting with the applicant/developer to assist them in understanding the Site plan review process, and other ordinance requirements; and to provide insight as to what portions of their proposed development may be of special concern to the Planning Commission.

This conference shall not be mandatory, but is recommended of small and large projects alike. It is recommended for large projects that a pre-application conference be held several months in advance of the desired start of construction. Such an advance conference will allow the applicant/developer time to prepare the needed information for the Planning Commission to make a proper review.

3. Site Plan Data Required: Each site plan submitted shall contain the following information unless specifically waived, in whole or in part by the Township Planning Commission. The Planning Commission can waive any or all of the below site plan requirements, when it finds those requirements are not applicable to the proposed development.

- A. The name and address of the property owner.
- B. The date, north arrow, scale and name of the individual or firm responsible for preparing said plan. The scale must be at least one (1) inch = fifty (50) feet for parcels under three (3) acres and not less than one (1) inch = one hundred (100) feet for parcels three (3) acres or more.
- C. A certified survey of the property prepared and sealed by a professional licensed surveyor, showing at a minimum the boundary lines of the property, to include all dimensions and legal description.
- D. The location of all existing structures and all proposed uses or structures on the site, including proposed drives, walkways, signs, exterior lighting, adequate parking for the proposed uses (show the dimensions of a typical parking stall and parking lot), loading and unloading areas, if necessary, common use areas and recreational areas and facilities. An elevation drawing of the proposed building(s) shall be required in order to review the proposed building bulk and verify height.
- E. The location and width of all abutting rights-of-way, easements and utility lines within or bordering the subject project.
- F. The location of existing environmental features, such as watercourses, wetlands, shorelines, man-made drains, mature specimen trees, wooded areas or any other unusual environmental features.

- G. The location and identification of all existing structures, lighting, signs, ingress drives, roads, and parking within a two hundred (200) foot radius of the site, including road names.
- H. The existing zoning district in which the site is located and the zoning of adjacent parcels.
- I. The location of all existing and proposed landscaping as well as all existing and proposed fences or walls.
- J. The location, size and slope of all surface and subsurface drainage facilities.
- K. Summary tables, cross-sections and/or floor plans should be included with site plans for proposed structures, giving the following information:
 - 1) The number of units proposed, by type, including a typical floor plan for each unit.
 - 2) The area of the proposed units in square feet, as well as area dimensions of driveways and staging areas.
 - 3) Typical elevation drawings of the front and rear of each building.
- L. The topography of the existing and finished site shall be shown by contours or spot elevations. Where the existing slope on any part of the site is ten percent (10%) or greater, contours shall be shown at height intervals of two (2) feet or less.
- M. Generalized soil analysis data, which may include data prepared by the Crawford County Soil Conservation District regarding the soils and their adaptability to the use. More detailed information may be required where the Planning Commission determines that the site and use warrant a more critical review of soils.
- N. All site plans shall comply with the terms of the Crawford County Soil Erosion Sedimentation and Stormwater Runoff Control Ordinance. It shall be the applicant's responsibility to provide documentation of compliance of this county Ordinance.
- O. Anticipated hours of operation for proposed use. The Planning Commission may impose reasonable limits to hours of operation as a condition of site plan approval when warranted to assure compatibility with surrounding land uses.
- P. Impact Statement
The statement shall address itself to the following as applicable to the type of use:
 - 1) A complete description of the proposed development including: areas of the site, the number of lots or units; and the number and characteristics of the population impact such as density, elderly persons, school children, tourists, family size, income, and related information as applicable.
 - 2) Expected demands on community services, and how these services are to be provided, to specifically include: school classroom needs, volume of sewage for treatment, volume of water consumption related to ground water reserves or community system capacity, change in traffic volume on adjacent streets and other factors that may apply to the particular development.

- 3) Statements relative to the impact of the proposed development on soil erosion, shoreline protection, wildlife habitat, air pollution, water pollution (ground and surface), noise and the scale of development in terms of the surrounding environment.

4. Application Submittal Procedures:

- A. Ten (10) copies of the proposed site plan, including all required additional or related information, shall be presented to the Zoning Administrator's office by the petitioner or property owner or his designated agent at least thirty (30) days prior to the Planning Commission meeting at which the site plan will be considered. The Zoning Administrator shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting.
- B. The Planning Commission may distribute the site plan to the following agencies or any other agency deemed appropriate for comment prior to consideration for approval.
 - 1) The Crawford County Planning Department
 - 2) The Crawford County Soil Erosion and Sedimentation Control Officer
 - 3) The Crawford County Drain Commissioner
 - 4) The Crawford County Road Commission and, if appropriate, the Michigan Department of Transportation
 - 5) District Health Department
 - 6) Local fire and ambulance service providers
- C. Application fees as determined pursuant to **Section 10.05** of this Ordinance shall be paid when the application and site plan are submitted to cover the estimated review costs.
- D. Where the applicant is dependent upon the grant of any variances by the Zoning Board of Appeals, said favorable action by the Zoning Board of Appeals shall be necessary before the site plan approval can be granted, or the site plan may be approved subject to favorable action by the Zoning Board of Appeals.
- E. The applicant or his/her representative shall be present at each scheduled review or the matter shall be tabled for a maximum of two consecutive meetings due to lack of representation.

5. Standards for Granting Site Plan Approval:

- A. The Planning Commission shall approve, or approve with conditions, an application for a site plan only upon a finding that the proposed site plan complies with all applicable provisions of this Ordinance and the standards listed below, unless the Planning Commission waives a particular standard upon a finding that the standard is not applicable to the proposed development under consideration and the waiver of that standard will not be significantly detrimental to surrounding property or to the intent of the Ordinance. The Planning

Commission's decision shall be in writing and shall include findings of fact, based on evidence presented on each standard.

- B. All elements of the site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
- C. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas.
- D. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.
- E. The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
- F. All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.
- G. Every structure or dwelling unit shall have access to a public street, private road, walkway or other area dedicated to common use.
- H. There shall be provided a pedestrian circulation system, which is insulated as completely as reasonably possible from the vehicular circulation system.
- I. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened, by a vertical screen consisting of structural or plant materials no less than six feet in height.
- J. Exterior lighting shall be arranged as follows:
 - 1) It is deflected away from adjacent properties.
 - 2) It does not impede the vision of traffic along adjacent streets.
 - 3) It does not unnecessarily illuminate night skies.
- K. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width

appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that specified in the Master Plan.

- L. All streets shall be developed in accordance with the Township private road standards, or if a public road, the County Road Commission specifications.
 - M. Site plans shall conform to all applicable requirements of local, county, state and federal statutes and the Frederic Township Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits before the actual zoning permit authorizing the special land use is granted.
 - N. The Planning Commission shall seek the recommendations of the Fire Chief, the Crawford County Road Commission, the County Health Department, and the Michigan Department of Natural Resources, where applicable.
6. Approval Site Plan: If approved by the Planning Commission, three (3) copies of the site plan shall be signed and dated by both the applicant and Zoning Administrator or Planning Commission Chair. One signed and dated site plan shall be provided to the applicant; one shall be retained by the Zoning Administrator as part of the Township's permanent zoning file, and; one copy shall be made part of the Planning Commission's permanent record of proceedings on the site plan.
7. Conformity to Approved Site Plan Required. Following approval of a site plan by the Planning Commission, the applicant shall construct the site plan improvements in complete conformity with the approved site plan. Failure to do so shall be deemed a violation of this Ordinance.
8. Amendment of Approved Site Plan:
Amendment of an approved site plan shall be permitted only under the following circumstances:
- A. The owner of property for which a site plan has been approved shall notify the zoning administrator of any desired change to the approved site plan. Minor changes may be approved by the zoning administrator upon determining that the proposed revision(s) will not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
 - 1) Reduction of the size of any building and/or sign.
 - 2) Movement of buildings and/or signs by no more the ten (10) feet.
 - 3) Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
 - 4) Changes in floor plans that do not exceed five (5%) percent of the total floor area and which do not alter the character of the use or increase the amount of required parking.
 - 5) Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.

- 6) Changes related to item 1) through 5) above, required or requested by Frederic Township, Crawford County, or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval.
- 7) All amendments to a site plan approved by the zoning administrator shall be in writing. After approval by the zoning administrator, the Applicant shall prepare a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a place for the zoning administrator to sign and date all approved amendments.
- B. An amendment to an approved site plan that cannot be processed by the zoning administrator under subsection (A) above shall be processed in the same manner as the original site plan application.
- 9. Expiration of Site Plan:
 - A. The site plan shall expire unless construction of an approved site plan improvement has begun within 365 days of approval. Thirty days prior to expiration of an approved final site plan, an applicant may make application to the Planning Commission for a one year extension of the site plan at no fee. The Planning Commission shall grant the requested extension for an additional one year, if it finds good cause for the extension and that the zoning regulations governing the site plan approval have not changed since the approval.
 - B. Any subsequent re-submittal shall be processed as a new request with new fees.
- 10. Conditional Approvals. The Planning Commission may impose reasonable conditions with the approval of a final site plan, pursuant to **Section 10.03** of this Ordinance.
- 11. Performance Guarantee Required. The Planning Commission may require an applicant to provide a performance guarantee in connection with the approval of a final site plan, pursuant to **Section 10.06** of this Ordinance.
- 12. As-Built Site Plan. Upon completion of the installation of required improvements as shown on the approved final site plan, the property owner shall submit to the Zoning Administrator 2 copies of an "as built" site plan, certified by the engineer or surveyor, at least one week prior to the anticipated occupancy of any building. The Zoning Administrator shall circulate the as built plans among the appropriate persons for review to insure conformity with the approved final site plan and other Frederic Township requirements. Once those persons have approved the as built plans the Zoning Administrator may make the final inspection and issue the Occupancy Permit.

ARTICLE VI: USES SUBJECT TO SPECIAL USE PERMIT

Section 6.01 – General Requirements

Uses requiring special use permit shall be subject to the general provisions and supplemental site development standards of this Ordinance, the provisions of the zoning district where located in addition to applicable provisions of this Article to prevent conflict with or impairment of the other uses or uses permitted by right of the district. Each use shall be considered an individual case.

Section 6.02 – Uses Subject to Special Use Permit

1. Applications:

Application shall be submitted through the office of the Zoning Administrator, to the Planning Commission, on a special form provided for that purpose, and shall include the following:

- A. Site plan prepared under the requirements of **Section 5.03 – Site Plan Review (All Districts) - Site Plan Data Required.**
- B. Name and address of applicant and owner of the premises.
- C. Description of proposed use, including parking facilities, if required, and any exceptional traffic situation the use may occasion.
- D. A statement by applicant appraising the effect on the neighborhood.
- E. The application shall be accompanied by the fee established by the Township Board of Trustees.

2. Public Hearings:

A public hearing shall be held for all special use permit requests. Notice of the special use permit request and public hearing as required by the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006 shall be provided. The notice shall be given not less than 15 days before the date the application will be considered. The notice shall describe the nature of the special use permit request, indicate the subject property, state when and where the special use permit request will be considered, and when and where the written comments will be received concerning the request. Notices shall be provided as follows:

- A. One notice shall be published in a newspaper which circulates generally in the Township.
- B. Notice shall be sent by mail or personal delivery to the owners of the subject property.
- C. Notice shall be sent by mail or personal delivery to the owners of property within 300 feet of the boundary of the subject property.
- D. Notice shall be sent by mail or personal delivery to all the occupants of structures within 300 feet of the boundary of the subject property. If a structure contains more than one dwelling unit or spatial area, 1 occupant of each dwelling unit or spatial area shall receive notice. In the case of a structure containing more than 4 dwelling

units or other distinct spatial areas, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

3. Standards for granting Special use permit:

The Planning Commission shall approve, or approve with conditions an application for a special land use permit only upon finding that the proposed special land use complies with all the following standards:

A. Allowed Special Land Use

The property subject to the application is located in a zoning district in which the proposed special land use is allowed.

B. Compatibility with Adjacent Land Uses

- 1) The proposed use subject to a special use permit shall be designed, constructed, operated and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned.
- 2) The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on other conforming properties in the areas by reason of traffic, noise, smoke, fumes glare, odors, or the accumulation of scrap material that can be seen from any public road or seen from any adjacent land owned by another person.

C. Public Services

- 1) The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity.
- 2) The proposed special land uses will be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services.

D. Economic Well-Being of the Community

The proposed special land use shall not be detrimental to the economic well-being of the surrounding residents, businesses, landowners, and the community as a whole.

E. Compatibility with Natural Environment

The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the township or the natural environment as a whole.

F. Compliance with Specific Standards

The proposed special land use complies with all applicable specific standards required under this Ordinance.

4. Amendment of Approved Special Use Permits:

Amendment of an approved special use permit shall be permitted only under the following circumstances:

- A. The owner of property for which a special use permit has been approved shall notify the zoning administrator of any desired change to the approved special use. Minor

changes may be approved by the zoning administrator upon determining that the proposed revision(s) will not alter the basic design and character of the special land use, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:

- 1) Reduction of the size of any building and/or sign.
- 2) Movement of buildings and/or signs by no more than ten (10) feet.
- 3) Landscaping approved in the special use that is replaced by similar landscaping to an equal or greater extent.
- 4) Changes in floor plans that do not exceed five (5%) percent of the total floor area and which do not alter the character of the use or increase the amount of required parking.
- 5) Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
- 6) Changes related to item 1) through 5) above, required or requested by Frederic Township, Crawford County, or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the special land use, nor any specified conditions imposed as part of the original approval.
- 7) All amendments to a special land use approved by the zoning administrator shall be in writing. After approval by the zoning administrator, the Applicant shall prepare a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a place for the zoning administrator to sign and date all approved amendments.

- B. An amendment to an approved special use permit that cannot be processed by the zoning administrator under subsection (A) above shall be processed in the same manner as the original special land use application.

5. Inspection:

The Zoning Administrator shall have the right to inspect any special use permit use, to ensure continued compliance with the conditions of the special use permit.

ARTICLE VII: GENERAL PROVISIONS

Section 7.01 – The Effect of Zoning

1. In order to carry out the intent of this Ordinance, no use or activity on a piece of land shall be allowed or maintained, no building or structure or part thereof shall be allowed to be used, constructed, remodeled, altered, or moved upon any property unless it is in conformance with this Ordinance, and a zoning permit has been obtained, except in the case of lawful nonconforming uses.
2. If any activity, use, building, structure or part thereof is placed upon a piece of property in direct conflict with the intent and provisions of this Ordinance, such activity, use, building or structure shall be declared a nuisance and may be required to be vacated, dismantled, abated, or cease operations by any legal means necessary and such use, activity, building or structure shall not be allowed to function until it is brought into conformance with this Ordinance.
3. In the event that any lawful use, activity, building or structure which exists or has begun substantial construction at the time of the adoption of this Ordinance and is not in conformance with the provisions of the zoning district in which it is located, such use, activity, building or structure shall be considered a legal nonconforming use and be allowed to remain as such, including completion of construction.

Section 7.02 – Nonconformities

1. Nonconforming Lots of Record
 - A. In any district, principal structures and customary accessory buildings may be erected on any nonconforming lot of record, provided a permit for construction of a well and septic system is granted by the District Health Department and can meet district regulations.
 - B. If two (2) or more contiguous lots, parcels, or portions of lots or parcels are under the same ownership and do not individually meet the lot width, depth, and/or area requirements of this Ordinance, then those contiguous lots, parcels or portions of lots or parcels shall be considered an undivided lot or parcel for the purposes of this Ordinance, and no portion of such undivided lot or parcel shall be used or divided in a manner that diminishes compliance with the lot width, depth, and/or area requirements established by this Ordinance.
 - C. Any existing non-conforming lot may decrease the rear yard setback by up to 50% by review and approval by the Frederic Township Zoning Administrator.
2. Nonconforming Use of land and/or Structures
 - A. No nonconforming use of land shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date, except as otherwise provided for in this section.
 - B. No such nonconforming use of land or building shall be moved in whole or in part to any other portion of the lot or parcel occupied, unless the move would result in

a greater degree of conformity with this ordinance. Such a move requires a zoning permit and may require a variance.

- C. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity.
- D. If a nonconforming structure is damaged or destroyed by any means to the extent that the cost of necessary repairs will exceed forty percent (40%) of the replacement cost of the entire nonconforming structure before the damage or destruction as determined by the Township Assessor, or if a nonconforming structure, or any portion thereof, is removed by the owner to the extent that the replacement cost of the portion of the nonconforming structure removed will exceed forty percent (40%) of the replacement cost of the entire nonconforming structure before removal of any portion thereof as determined by the Township Assessor, then such nonconforming structure shall only be repaired, remodeled or reconstructed in complete conformity with the provisions of this Ordinance, unless the cost of such repair, remodeling, or reconstruction exceeds 150% of the replacement cost of the entire nonconforming structure before any damage, destruction, or removal as determined by the Township Assessor. If the cost of any repair, remodeling, or reconstruction exceeds 150% of the replacement cost of the entire nonconforming structure as specified above, then the Zoning Administrator shall require the nonconforming structure to be repaired, remodeled, or reconstructed in such a manner or in such location as to maximize conformity with the provisions of this Ordinance without exceeding 150% limitation specified above.
- E. Any nonconforming use may be carried on throughout any parts of a building that were manifestly arranged or designed for such use, but no such use shall be extended to occupy any land outside such building.
- F. Any nonconforming use of a structure, land or structure and land, may be changed to another nonconforming use provided that the proposed use is equally or more appropriate to the district than the existing nonconforming use. A determination of "equally or more appropriate" shall be made by the Zoning Board of Appeals.
- G. 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 in which such structure is located and the nonconforming use may not thereafter be resumed. Changes in tenancy and ownership of nonconforming premises are permissible.
- H. **Abandonment of Nonconforming Use or Structure**
If a property owner has an intent to abandon a nonconforming use or structure and in fact abandons this nonconforming use or structure for a period of one (1) year, then any subsequent use of the property or structure shall conform to the requirements of this Ordinance. When determining the intent of the property owners to abandon a nonconforming use or structure, the zoning administrator shall consider the following factors:
 - 1) Whether utilities, such as water, gas, and electricity to the property have

- 2) Whether the property, buildings, and grounds have fallen into disrepair.
 - 3) Whether signs or other indications of the existence of the nonconforming use have been removed.
 - 4) Whether equipment or fixtures necessary for the operations of the nonconforming use have been removed.
 - 5) Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use or structure.
- I. Removal or destruction of the use and/or structure shall eliminate the nonconforming status of the land (premises).
3. Creation of Nonconforming Lots or Parcels
- No lot area and no yard, court, parking areas or other required space shall be divided, altered, reduced or diminished as to make area or dimension less than the minimum required or more than the maximum allowed under this Ordinance, except where such reduction or expansion has been brought about by the expansion or acquisition of public right-of-ways for a street, road, or highway. If a required area is already less than the minimum required under this Ordinance, said area or dimension shall not be further divided or reduced.
4. Repairs and Maintenance
- 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.
5. Variance for Expansion or Enlargement
- Although it is the intent of this ordinance to restrict the expansion and perpetuation of nonconforming uses of land and/or buildings, the Board of Appeals, subject to a Hearing, may allow an expansion or enlargement, provided that it is conclusively shown that such extension or enlargement:
- A. Will not reduce the value or otherwise limit the lawful use of adjacent premises.
 - B. Will essentially retain the character and environment of abutting premises.
 - C. Will not cause, perpetuate or materially increase any nuisance aspects of the use upon adjacent uses (such as noise, glare, traffic congestion or land over-crowding).

Section 7.03 – Accessory Buildings

1. Where any accessory buildings is attached to a principal building, such accessory building shall be considered part of the principal building for purposes of determining yard dimensions.
2. In no instance shall more than two accessory buildings be located on one acre or less.

- A. A lot size greater than one acre, but less than three acres is allowed three accessory buildings.
 - B. A lot less than three acres cannot have an accessory building larger than 1600 square foot.
- 3. A detached accessory building shall be located no closer to a front, side or rear lot line than the permitted distance for the principal structure on the same lot.
- 4. An accessory structure must be a minimum of fifteen (15) feet from any other existing structures.
- 5. Accessory building(s) may not occupy more than (25%) of the required rear yard, plus twenty percent of any non-required rear yard provided.
 - A. In districts R, ARD & MRD accessory building(s) shall not exceed (150%) of the living square footage area of the primary residence or 1600 sf, whichever is greater.
 - B. In R/F district, accessory building(s) shall not exceed (200%) of the living square footage area of the primary residence.
Exceptions: in the R/F district where the accessory building(s) is primarily agriculture or livestock use, the building(s) may exceed the (200%) square footage limit. This exception must be confirmed with documentation presented to the Zoning Administrator.
- 6. Mobile homes shall not be used as an accessory building.
- 7. No accessory buildings shall be used for human occupancy.
- 8. Boathouses are permitted (with required State approvals) in addition to other accessory buildings, provided they comply with a side yard setback requirements shall be a minimum distance of twenty (20) feet back from the ordinary high water mark. In ARD and NRD districts boathouses are not allowed without a variance.
- 9. In the residential district, accessory structures may not be built nor a permit issued for such prior to receiving the inspection approval for a rough inspection for the principal structure.

Section 7.04 – Temporary Buildings

Temporary buildings for use incidental to construction work, all debris, and all construction related signs shall be removed within one hundred eighty (180) days after the completion, occupancy or abandonment of the work.

Section 7.05 – Razing of Buildings

No building over 200 square feet shall be razed until a permit has been obtained from the Frederic Township Building Inspector. Said permission shall be conditioned on the applicant completing the razing within such reasonable time period as shall be prescribed and complying with such regulations as to health and safety as the Building Inspector may prescribe including filling of excavations and proper termination of utility connections.

Section 7.06 – Restoration of Unsafe Building

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the Frederic Township Building Inspector.

Section 7.07 – Intersection Visibility

On any corner lot in any district requiring front and side yards, no fence, wall, screen, hedge, sign or other structure or planting shall obstruct vision between the heights of three (3) and ten (10) feet within the triangular area formed by the intersecting street right-of-way lines and a straight line intersecting them at points which are on said right-of-way lines and thirty (30) feet distant from their point of intersection. Such heights of clear vision areas shall be measured from the elevation of the street centerlines at the point of intersection. No vision shall be blocked from a driveway between the heights of three (3) feet and ten (10) feet, measured above the elevation of the street centerline, within ten (10) feet of any front property line.

Section 7.08 – Essential Services

The erection, construction, alteration, maintenance, and operation by utilities or municipal departments or commission, of overhead or underground gas, electrical, steam or water distribution, transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, hydrants, structures, towers, poles, electrical substations, gas regulator stations, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission, or for the public health or safety or general welfare, shall be permitted as authorized or regulated by any laws and the ordinances of the Township of Frederic in any Use District.

Telecommunications towers, alternative tower structures, antennas, wind turbine generators, and anemometer towers shall be regulated and permitted pursuant to this Ordinance and shall not be regulated or permitted as essential services, public utilities or private utilities.

Section 7.09 – Mobile Homes

Mobile homes sited on individual lots shall meet the standards for minimum lot size, yard setbacks, minimum floor area and minimum dwelling unit width for the district in which they are located and shall meet the following additional standards:

1. Mobile homes shall be attached to an approved permanent foundation or basement and shall be anchored using a system that meets the Michigan Mobile Home Commission requirements.
2. Mobile homes shall be installed according to manufacturer's set up requirements, and the construction of the unit shall comply with the National Mobile Home Construction and Safety Standards Act of 1974, as amended.
3. The wheels, axles and towing assembly shall be removed from a mobile home before the unit is attached to the foundation. Additionally, no mobile home shall have any exposed undercarriage or chassis.
4. Mobile homes shall not be used as an accessory building.

5. Mobile homes have a minimum HUD roof/unit seal for the appropriate Michigan Zone or greater as identified in the current Michigan International Building Code.

Section 7.10 – Landscape Buffer

A landscape buffer or buffer strip, as defined herein, shall be required for any commercial or industrial use that abuts a residential use or residential zone on either the side yard or rear yard. In all instances, this may be provided as part of the side or rear yard requirements.

Section 7.11 – Home Business

While Frederic 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 district. The intent of this section is to provide standards to ensure home occupations and cottage industries are compatible with other allowed uses in residential districts, and thus to maintain and preserve the residential character of the neighborhood.

1. Home Occupations

- A. Home occupations may be permitted in all zoning districts in which single-family dwellings are permitted, no zoning permit required.
- B. Home Occupations shall be operated in their entirety within the dwelling or within an attached garage.
- C. Home Occupations shall be conducted primarily by the person or persons occupying the premises as their principal residence. Not more than one (1) non-resident person shall be working at the given premises to assist with the business, including both non-resident employees and those working with the business on a contractual basis.
- D. Additions to a dwelling for the purpose of conducting a Home Occupation shall be of an architectural style that is compatible with the architecture of the dwelling and shall be designed so that the addition can be used for dwelling purposes if the home occupation is discontinued.
- E. Home Occupations shall be incidental and subordinate to the principal use of the dwelling for residential purposes and shall not detract from the residential character of the premises or neighborhood.
- F. Home Occupations shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and the Township as a whole. Any machinery, mechanical devices, or equipment employed in the conduct of a Home Occupation shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other condition not typically associated with the use of the dwelling for residential purposes.
- G. Traffic and delivery or pickup of goods shall not exceed that normally created by

residential uses.

- H. The outdoor storage of goods and/or materials of any kind is prohibited. No goods or materials shall be sold that are not produced through the conduct of the Home Occupation.
- I. No process, chemicals, or materials shall be used which are contrary to any applicable state or federal laws.

2. Cottage Industries

- A. Cottage industries shall be permitted in specified zoning districts, (see Article IV), subject to review and approval by the Planning Commission. Cottage industries shall be allowed on the basis of individual merit, a periodic review of each cottage industry may be performed to ensure the conditions of approval are adhered to. If a premise is sold, leased, or rented to a party other than the applicant, the permit shall be reviewed for compliance with the original permit by the Zoning Administrator. If any changes are necessary, the request will be reheard by the Planning Commission.
- B. Cottage industries shall be incidental and subordinate to the use of the premises for residential purposes and shall not detract from the residential character of the premises or neighborhood. There shall be no exterior evidence of such industry.
- C. A cottage industry shall occupy not more than one building. The floor area of such a building shall not exceed twelve hundred (1,200) square feet, unless approved by the Planning Commission based on Zoning District parcel size and adjacent uses.
- D. The outdoor storage of goods and/or materials of any kind is prohibited unless screened (by a tight-board wood fence, landscaped buffer, landscaped berm, etc.) from view from neighboring property and road rights-of-way. If required, the type of screening shall be determined at the discretion of the Planning Commission.
- E. Cottage industries shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and surrounding zoning district. Any machinery, mechanical devices or equipment employed in the conduct of a Cottage Industry shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other conditions not typically associated with the allowed uses of the premises in the given zoning district.
- F. Traffic and delivery or pickup of goods shall not exceed that normally created by typical uses permitted in the given zoning district.
- G. Cottage industries shall be conducted only by the person or persons residing on the premises. The Planning Commission may allow up to three (3) non-residents working at the given premises to assist with the business, including both non-resident employees and those working with the business on a contractual basis.
- H. To ensure that the cottage industry is compatible with surrounding residential

use, a "not-to-exceed" number of vehicles that may be parked at any given time during business operations shall be established by the Planning Commission during the review and approval process.

- I. Hours of operation shall be approved by the Planning Commission.

3. Termination, Extensions, Revisions, and Inspections

- A. Upon written application by the owner, the Planning Commission may, for just cause, grant a time extension for compliance with the conditions of this Section. The extension can be for no more than one (1) year.
- B. Any home business or cottage industry shall be subject to periodic review by the Zoning Administrator.
- C. If the Zoning Administrator has reason to believe the property owner is in violation of his or her permit or grounds for revocation exist, written notice of alleged violation(s) shall be sent to the operator of the home business. The operator shall be afforded the opportunity to appear at a public hearing before the Planning Commission to present his or her case. The Zoning Administrator (or citing official) will also be present at said hearing. The hearing notice procedures shall be the same as those for a special approval (see **Section 6.02 – Uses Subject to Special Use Permit**).
- D. Following the public hearing, the decision of the Planning Commission shall be made in writing and shall be based on the findings of fact. Reasonable conditions may be imposed to prevent conflicts with other property uses or to assure compatibility with the standards of this ordinance. The Planning Commission shall have the authority to order a limit on the hours of operation, impose conditions of operation or, if deemed necessary, order the complete termination of the activity.
- E. Proposed revisions or additions to a cottage industry shall constitute a change of use and shall be subject to approval by the Planning Commission.

Section 7.12 – Fences and Walls

Unless stricter requirements are provided in other specific provisions in this Ordinance, fences or walls may be permitted on any property in any District and further provided such fence or wall shall not obstruct sight distances needed for safe vehicular traffic, nor create a hazard to traffic or pedestrians. In ARD and NRD districts, fences and walls must meet the minimum set back requirements for structures from the river.

Where a lot borders a lake or stream, or has lake views, fencing shall not be constructed on the waterfront side within the required fifty (50) foot greenbelt. Fences shall not exceed four (4) feet in height, where they obstruct the views of the water from neighboring properties.

Section 7.13 – Water Supply and Sewage Disposal Facilities

All water supply and sanitary sewage disposal systems either public or private, for any building hereafter erected, altered or moved upon any premises shall be subject to compliance with

District Health Department sanitary code requirements. Plans must be submitted to and approved by the responsible agencies. The written approval of such facilities by District Health Department shall be filed with the application for a Zoning Permit.

Section 7.14 – Dumping of Materials

The natural terrain shall not be altered in any fashion to create safety and health hazards or substantially alter the character of the land so as to make it unsafe for the uses for which it was originally zoned or create olfactory or visual pollution.

1. Dumping or stockpiling of waste material or junk; the collection, accumulation, storage or disposal of waste material, used construction material, junk or refuse is prohibited, except under the following circumstances.
 - A. Such practices are a necessary accessory use to a permitted agricultural use.
 - B. Such practices occur in a junkyard authorized under this Ordinance, and are included in the approved site plan.
 - C. Such practices are a necessary accessory use to a commercial or industrial use authorized under this Ordinance, and are included in the approved site plan.
 - D. The dumping or stockpiling of natural materials such as stone or tree branches or stumps shall be exempt. However, for the purpose of this exception, processed lumber shall not be considered a natural material.
2. Dumping of soil, sand and clay materials: the material to be placed on the site shall be of such a composition as not to create potential contamination of the natural environment including groundwater, vegetation, soils and surface waters; no dumping of soil, sand, clay or similar material shall be undertaken that appreciably increases the surface runoff reaching adjacent or surrounding property. Surface runoff shall be dissipated by retention on the development parcel, percolation into the soil, evaporation, or by transport by natural drainage way or conduit to any appropriate point of discharge. Extensive dumping of material shall be construed to mean the placing of fill material on a lot or property so as to create a recognizable change in character of the natural terrain of such lot or property.
3. Dumping of toxic materials and/or nuclear wastes shall not be allowed in Frederic Township.

Section 7.15 – Temporary Dwellings

1. The Zoning Administrator may issue a zoning permit, pursuant to the procedures of this section, to allow a temporary dwelling within any zoning district on the same lot or parcel as a permanent dwelling under any of the following circumstances.
 - A. Where a permanent dwelling is destroyed or damaged by fire, wind, or other natural causes to the extent it is no longer habitable, a temporary dwelling may be placed on the same lot or parcel as the permanent dwelling during the time the permanent dwelling is repaired.

- B. A temporary dwelling may be placed on a lot or parcel while the property owner is constructing a permanent dwelling on the same lot or parcel.
 - C. A temporary dwelling may be placed on the same lot or parcel as a permanent dwelling when the property owner establishes by written documentation from the treating physician involved that the property owner or a person residing with or intending to reside with the property owner suffers from a medical condition that necessitates full-time residential care and a temporary dwelling is needed for the person with the medical condition, the care-giver, or their families.
2. When requesting a zoning permit for a temporary dwelling, the property owner shall file an application with the Zoning Administrator and pay the fee established by the township board pursuant to **Section 10.05** of this Ordinance. The application shall specify the grounds under **Section 7.15.1** for the temporary dwelling and shall include the information needed to allow the Zoning Administrator to make the findings required under **Section 7.15.3**.
3. Before issuing a zoning permit for a temporary dwelling, the Zoning Administrator shall find that the proposed temporary dwelling will meet all of the following standards:
- A. In the case of repairs to or construction of a permanent dwelling, the property owner shall possess a valid building permit for the contemplated repairs or construction issued by the Building Department.
 - B. The temporary dwelling shall meet all height and setback requirements for the zoning district in which it is located.
 - C. The temporary dwelling shall be connected to safe, sanitary, and effective systems for the supply of potable water and the disposal of sewage wastes.
 - D. Adequate off-street parking shall be provided for the occupants of the temporary dwelling.
4. The Zoning Administrator may attach reasonable conditions to a zoning permit for a temporary dwelling to ensure compliance with the above standards.
5. The use of a temporary dwelling shall be limited to one (1) year, or the completion of repairs to or construction of the permanent dwelling or the termination of the medical condition that gave rise to the need for the temporary dwelling under **Section 7.15.1**, whichever comes first. The Zoning Administrator shall grant annual extensions of the zoning permit for a temporary dwelling based on a medical condition upon the filing each year of a written statement by the property owner from the treating physician involved that the circumstances giving rise to the original need for the temporary dwelling continue to exist. The Zoning Administrator shall grant a one-time, one (1) year extension of the zoning permit for a temporary dwelling based on the repairs to or construction of a permanent dwelling upon the filing of a written statement by the property owner that the circumstances giving rise to the original need for the temporary dwelling continue to exist. If the property owner desires to continue the use of a temporary dwelling based on the repairs to or construction of a permanent dwelling beyond the time of the zoning permit extension, he or she shall file a request for a

temporary dwelling zoning permit, which shall then be processed by the Zoning Administrator in the same manner as a new application.

6. A temporary dwelling shall be removed from the lot or parcel on which it was placed within thirty (30) days after the expiration of the zoning permit for the temporary dwelling, and the lot or parcel shall be restored to its condition immediately prior to the placement of the temporary dwelling. Provided, however, this provision shall not require the removal of a travel trailer or recreational vehicle used as a temporary dwelling from the lot or parcel, but shall require that the travel trailer or recreational vehicle no longer be used as a temporary dwelling.

Section 7.16 – Camping with a Recreational Unit(s) (Section Amended August 31, 2012)

Camping on private property shall be allowed in all districts except industrial and commercial.

1. All Campers must meet all set back requirements (see section 4.09 Schedule of regulations).
2. Campers must be moveable and road legal (i.e. current plates; tires and tongues must be left on the recreational unit(s) at all times).
3. Wastewater and septic must be disposed of properly and must follow District Health Department regulations.
4. If any camper is found in disrepair, the owner will be notified to remove or repair the camper; if the camper is not removed or repaired within 30 days of notification a citation will be issued.

Section 7.17 – Antenna Co-location on an Existing Tower or Structure

1. No antenna or similar sending/receiving devices appended to the tower, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the tower thereby jeopardizing the tower's structural integrity.
2. The installation and/or operation of the above mentioned, antennas or facilities shall not interfere with normal radio/television reception in the area. In the event interference occurs, it shall be the sole responsibility of the owner to rectify the situation with the parties involved.
3. No antenna or similar sending and receiving devices appended to the tower or structure shall increase the overall height of the tower or structure by more than ten (10) feet.

Section 7.18 – Outdoor Lighting

All outdoor lighting, whether for illuminating sites, parking areas, buildings, signs and /or other structures shall be shielded, shaded, designed and/or directed away from all adjacent districts and uses; and further shall not glare upon or interfere with persons and vehicles using public streets. Lighting fixtures are to be of the full cut-off design with horizontally aligned flush mounted (non-protruding) lens, directing light on-site only, and no more than twenty (20) feet in height.

The Planning Commission may permit taller or require shorter fixtures only when the Commission determines that unique conditions exist and where a waiver would: reduce the number or size of light fixtures; not adversely impact neighboring properties and permit fixtures in proportion to height and bulk of nearby buildings and other fixtures. Site lighting shall not exceed twenty (20) foot candles as measured three (3) feet above the ground surface, directly under the fixture.

Section 7.19 – Signs

The purpose of this section is to preserve the desirable character of Frederic Township, as well as to recognize the need for and privilege of advertising, so that people unfamiliar with the area, such as tourists and transients, may avail themselves of the goods and services afforded by the local business places. At the same time, the Township recognizes right of residents to be free of advertising that could adversely affect property values and create an unpleasant or less than desirable atmosphere. The use and erection of all outdoor signs and media shall be subject to all state and local codes and statutes, in addition to the provisions of this ordinance.

1. Signs Not Requiring a Sign Permit: The following signs may be placed in any zoning district without a sign permit, provided such signs comply with any applicable federal or state law or regulation and are located so as not to cause a nuisance or safety hazard:
 - A. One (1) non-illuminated identification sign per use, not exceeding four (4) square feet of sign surface.
 - B. Street name signs, route markers and other traffic control signs erected or approved by state, or county agencies when necessary to give proper directions or to otherwise safeguard the public.
 - C. Non-advertising signs erected by any organization, person, firm or corporation that is needed to warn the public of dangerous conditions and unusual hazards including but not limited to: road hazards, high voltage, fire danger, explosives, severe visibility, etc.
 - D. Non-advertising signs exclusively devoted to controlling property access (no trespassing, private property, keep out, no hunting, hiking trail, day use only, and similar instructional messages), provided the sign surface does not exceed the maximum size of two (2) square feet.
 - E. Non-advertising signs marking an historically significant place, building or area when sanctioned by a national, state or local historic organization recognized by the planning commission, provided the sign surface does not exceed the maximum allowed size of sixteen (16) square feet or the max size allowed in the zoning district whichever is less.
 - F. Signs that have been approved in conjunction with a valid site plan or zoning permit for any principal or accessory use, and signs required by federal or state agencies in connection with federal or state grant programs.
 - G. Temporary real estate signs, not exceeding six (6) square feet, on individual lots

advertising a premise for sale or rent.

- H. Signs advertising sales such as garage, estate, auction, moving, and yard sales, may be posted for no more than seven (7) consecutive days and removed within twenty-four (24) hours of the end of the sale, provided the sign surface does not exceed the maximum size limitations of four (4) square feet.
 - I. Political and noncommercial signs, provided the sign surface does not exceed the maximum size limitations of subsection 2. below.
 - J. All real estate signs, both on-premise and off-premise, shall be removed within seven (7) days of the sale or rental of the property
2. The size of any publicly displayed sign, symbol or notice on a premises to indicate the name of the occupant, to advertise the business transacted there, to express non-commercial political views, or directing to some other locale, shall be regulated as follows:

Use District
R

Maximum Size of Sign per Side
Residential signs shall be permitted subject to review and approval of the size and location by the Zoning Administrator. (Amended June 1, 2012)

MU, C, F-R and DD

Fifty-six (56) square feet. (Amended June 1, 2012)

I
ARD and MRD

Fifty-six (56) square feet
Per district regulations

*Residential subdivisions and developments shall be limited to one (1) sign per entrance of not more than fifty six (56) square feet per sign.

3. In addition to the size limitations stated in **Subsection 7.19.2** above, the following conditions shall apply to all signs, including off-premises signs, erected in any use district:
- A. No sign, except non-illuminated residential name plates, shall be erected or altered until approved by the Zoning Administrator (ZA) or authorized by the Planning Commission (PC) as part of an approved site plan. After approval, the required sign permit shall be issued by the ZA.
 - B. No signs shall be located on any street corner which would obscure the vision of drivers using said streets, or conflict with traffic control signals at the intersection of any streets. No signs shall obstruct the vision of drivers at any driveway, parking lot or other route providing ingress or egress to any premises.
 - C. Signs containing flashing, intermittent or moving lights are prohibited.
 - D. Off-premises directory signs shall be permitted subject to review and approval of location by the Zoning Administrator. Not more than one (1) freestanding sign per three hundred (300) feet of road frontage or per lot may be allowed, except if

the signs are directional signs as provided by the Michigan Department of Transportation and approved by the Zoning Administrator. No off-premises sign shall be permitted in R Zoning Districts.

- E. Freestanding signs may be permitted in the front yard provided the sign is located at least ten (10) feet behind the front lot line. No freestanding sign shall exceed a maximum of ten (10) feet height, measured from the ground to the top of the sign, regardless of the zoning district.
- F. Both sides of any freestanding or overhanging sign may be used for display.
- G. All directional signs required for the purpose of orientation, when established by the Township, County, State, or Federal governments, shall be permitted in all districts.
- H. No sign shall project beyond or overhang the wall, roof or any architectural feature by more than five (5) feet and shall be no less than fourteen (14) feet above the right-of-way. However, prior to the erection or overhanging of a sign in a public right-of-way, the sponsor of such sign shall receive the approval of the proper governmental agency having jurisdiction over such right-of-way.
- I. Roof position signs are specifically prohibited, when projecting above the high point of the roof.
- J. The number of signs allowed will be decided by the Planning Commission at the time of site plan review. Factors considered will include building size, location and length of street frontage and lot size, and the cumulative total sign area for on-site signs shall not exceed that allowed in the district as per **Section 7.19.2**.
- K. Advertising devices such as banners, balloons, flags, pennants, pinwheels or other devices with similar characteristics are prohibited, except when used temporarily for period not to exceed thirty (30) days to announce the opening of a new type of business or new owner.
- L. In the case of non-commercial special events, advertising devices such as banners, balloons, flags, pennants, pinwheels or other devices with similar characteristics, are permitted, for a period of not more than fourteen (14) days prior to the event and shall be removed within one (1) day of the completion of the event.
- M. Non-business related signs shall be permitted.
- N. Political signs shall be removed within five days after the election or ballot issue.
- O. The use of any lawful outdoor business or informational sign erected prior to this ordinance and in use at the date this ordinance is enacted, which does not meet these standards may be continued. Such signs shall be designated as "Nonconforming signs. The maintenance, reconstruction, alteration, discontinuation and change in the nonconforming nature of a Nonconforming sign shall be governed by **Section 7.02 – Nonconformities** of this ordinance.

Section 7.20 – Permitted Uses (Towers)

1. Telecommunication towers and alternative tower structures located on property owned, leased, or otherwise controlled by Frederic Township shall be permitted provided a license or lease authorizing such telecommunication tower or alternative tower structure has been approved by Frederic Township.
2. Antenna co-located on telecommunication towers and alternative tower structures which have received a special approval use permit under **Article VI** of this Ordinance.

Section 7.21 – Non-Commercial Wind Turbine Generators

1. Non-commercial wind turbine generators (WTG) and anemometer towers erected prior to a non-commercial wind turbine generator may be located in any district, provided the WTG or anemometer tower is setback from the property line a distance at least equal to the total height.
2. The minimum site area for a non-commercial wind turbine generator or anemometer tower shall be three (3) acres.

Section 7.22 – Animals

The following shall apply to the keeping of animals and livestock:

The keeping of large livestock, such as hogs, horses or cattle is allowed in the Recreational-Forest district on any parcel of land two (2) or more acres in size for the first animal and one additional acre required for each additional large livestock animal. Such animals or animal waste shall not be kept closer than seventy-five (75) feet from a neighboring residential structure. In all districts, such animals shall be fenced, managed, and the animal waste shall be managed in accordance with Generally Accepted Agricultural Management Practice Standards (GAAMPS), so as not to be a nuisance.

Section 7.23 – Principal Uses

No lot may contain more than one (1) principal structure or use, except that upon determination by the Planning Commission, groups of apartment buildings, offices, retail business buildings, agricultural structures, or other similar groups of buildings may be considered principal structures or uses.

Section 7.24 – Parking

It is hereby determined that the provision of off-street parking spaces is necessary to reduce traffic hazards and the congestion of streets. It is also determined that regulation of location, design, maintenance, and other features of off-street parking lots is in the interest of public safety and welfare.

1. **Required Parking.** In all districts off-street parking space with adequate access to all such spaces shall be provided and maintained on the same lot as the principle structure at the time of erection or enlargement of any structure for the parking of vehicles in proportions no less than shown in the following table:

<u>Parking Requirements</u>	<u>Minimum # of Spaces per unit</u>
1. Residential	
a. Single family, two family, and multiple family units	2 spaces per dwelling unit
b. Hotels, motels	1 space per rental unit
c. Housing for the elderly	1 for each three units
2. Educational and Religious	
a.	Public and private schools 1 for each employee plus 1 for every 10 driving age students
b. Churches	1 for each 3 seats in the main unit of worship
3. Cultural and Recreational	
a. Places of public gatherings, recreational facilities	1 for every 3 capacity occupants
b. Libraries, museums, art galleries	4 per 100 square feet of floor area
c. Private clubs, lodges, and/or dance halls	1 for each 100 square feet of useable floor area
4. Health Facilities	
a. Medical and dental clinics, doctors and dentist's offices	1 for each 100 square feet of useable floor area and not less than 4 spaces, whichever is greater
b. Convalescent and nursing homes for the aged and hospitals	1 for each 4 beds, and 1 for each 2 employees/staff members
5. Industrial	
a. Production or processing of materials goods, or products	1 for every 3 employees
b. Testing, repairing, cleaning or servicing of materials, goods or products.	3 spaces plus 1 for every 3 employees
c. Warehousing and wholesaling	1 for every 100 square feet of floor area plus 1 for every square foot of outdoor storage or sales area
6. Professional Services	
a. Banks, business offices of architects, engineers, lawyers and similar professions	1 for each 400 square feet of useable space
7. Personal Services	
a. Barber and Beauty shops	2 spaces for each beauty or barber shop chair
b. Laundromats	2 spaces for every 100 square feet of useable floor space

- | | |
|--|---|
| c. Restaurants and similar establishments for sale and serving of food and drinks, except liquor | 1 for each 100 square feet of useable floor space |
| d. Restaurants and similar establishments for sale and serving food and drinks, with liquor | 1 for each 75 square feet of useable floor space |
| 8. Retail and Commercial | |
| a. Stores, selling retail goods | 1 for each 150 square feet of useable floor space |
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2. Parking Regulations.

- A. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Zoning Administrator considers as similar in type.
- B. Where calculation of parking requirements with the foregoing list results in a fraction of a space, a full space shall be provided.
- 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. In the instance of dual function of off-street parking spaces where operating hours of the buildings or uses do not overlap, the Board of Appeals may grant exception to the number of parking spaces required.
- D. Any area once designated as a required off-street parking lot shall not be changed to another use unless and until equal facilities are provided elsewhere subject to the Zoning Administrator's recommendation and Planning Commission approval.
- E. For residential uses, off-street parking shall be provided and maintained on the same lot with the principle structure.
- F. For non-residential uses, off-street parking space with adequate access to all such spaces shall be provided and maintained on the same lot as the principle structure at the time of erection or enlargement of any structure for the parking, loading and unloading of vehicles.
- G. These parking requirements must be met:
 - 1) At the time of construction of any new building or structure or at the time of commencement of use of any land.
 - 2) If any alterations are made in a building or structure which would require additional parking.
 - 3) If the use of any building, structure, or land is altered.

3. Parking layout, design, construction and maintenance. All off-street parking lots shall be laid out, constructed and maintained according to the following standards and regulations:

- A. Required parking spaces for one and two family residential uses shall be in the dimension of (10) feet x (20) feet, shall be on a hard surfaced driveway or in a garage, shall not be located in a required front yard, and shall not be closer than two feet from a side lot line and shall be adequately drained to eliminate water accumulation and to prohibit run-off on adjacent or abutting property. Said residential spaces shall be exempt from the following standards and regulations, stated in **Section 7.24.3 A-N**.
- B. All spaces shall be laid out in the dimension of (10) feet x (20) feet, exclusive of maneuvering lanes.
- C. An area equivalent to (10) percent of the required parking stall area shall be provided for snow storage. The snow storage area shall be landscaped and shall be located within any fence bounding the parking lot.
- D. Plans for the layout of the parking lot shall show the dimensions of the total lot, and show the location and dimension of all parking spaces, maneuvering lanes, entrances, exits, and yards. One of the following various patterns shall be used:

PARKING ANGLE	STALL WIDTH	MANEUVERING LANES	PARKING STALL LENGTH
0° to 15°	10 ft.	12 ft.	23 ft.
16° to 37°	10 ft.	12 ft.	20 ft.
38° to 57°	10 ft.	15 ft.	20 ft.
58° to 74°	10 ft.	18 ft.	20 ft.
75° to 90°	10 ft.	24 ft.	20 ft.

- E. All spaces shall be provided adequate access by means of a maneuvering lane. Backing directly onto a street is prohibited.
- F. All maneuvering lane widths, with the exception of the (75) to (90) degree pattern, shall be for one-way traffic movement. These widths shall be increased to (24) feet to permit two-way movement of traffic.
- G. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. There shall be a minimum of (50) feet between curb cuts or cuts and intersections.
- H. Each exit and entrance to and from any off-street parking lot located in an area zoned for other than single family and general residential (R-1 and R-2) shall be at least (25) feet from any adjacent property located in a single family or general residential district.
- I. The entire parking lot including parking spaces and maneuvering lanes required under this section, shall be provided with a paved surface, and shall be adequately drained to eliminate water accumulation and prohibit run-off on adjacent or abutting property.

- J. All parking spaces shall be clearly defined by use of car wheel or bumper stops and/or painted lines.
 - K. An off-street parking lot abutting an MU, ARD, D-D, MRD, or R-F District shall be provided with a continuous and screening fence. This screening fence shall be provided on all sides where the abutting zoning district is designated as a residential district.
 - L. All lighting used to illuminate any off-street parking area shall be confined within and directed onto the parking lot only. In no case may the source of light exceed (20) feet in overall height above ground level.
 - M. Maintenance. The off-street parking lot required borders and landscaped areas shall be maintained in a litter free condition. All plantings shall be in a healthy growing condition neat and orderly in appearance. Snow shall be removed as necessary to permit use of all required parking spaces.
 - N. A (2) foot border shall be created between a parking lot, and the adjacent buildings and/or property lines. This border shall be landscaped or paved, and may be included in the required snow storage area.
4. Limitations on Use of all parking lots except for residential uses.
- A. The repair of vehicles and the storage of merchandise, motor vehicles, or trucks is prohibited.
 - B. No signs of any kind other than signs designating entrances, exits and conditions of use shall be erected within the parking lot.

Section 7.25 – Off Street Loading and Unloading

On the same site with every building or structure in the commercial, mixed use (for commercial uses only) or industrial districts (C, MU, and I) there shall be provided and maintained a minimum of one space for standing, loading and unloading of delivery vehicles in order to prevent interference with public use of a dedicated right-of-way.

- 1. Two or more adjacent buildings or structures may jointly share off-street loading facilities provided that adequate access to the individual uses is provided.
- 2. Loading dock approaches shall be provided with a pavement having an asphalt or cement binder so as to provide a permanent, durable and dust free surface.

ARTICLE VIII: SUPPLEMENTAL SITE DEVELOPMENT STANDARDS

Section 8.01 Supplemental Site Development Standards

Those permitted uses and uses allowed by Special use permit enumerated in any zoning district, if included below, shall be subject to the following conditions and requirements.

1. Bed and Breakfast Establishments:

Bed and breakfast establishments shall be subject to the following regulations:

- A. **Bed and Breakfast Establishments an Accessory Use:** The bed and breakfast establishments shall be clearly incidental to the principal residence on the site. Accordingly, the bed and breakfast operations shall be confined to the single-family dwelling unit which is the principal dwelling on the site. Not more than thirty percent (30%) of the total floor area of the dwelling unit is used for bed and breakfast sleeping rooms.
- B. **Maximum Number of Units:** No more than five (5) bed and breakfast units shall be established in dwelling units located on lots up to 2.5 acres in size. Where lot size exceeds 2.5 acres, the number of bed and breakfast units permitted shall be based on good design principles, subject to Planning Commission review.
- C. **Principal Residence:** The dwelling unit shall be the principal residence of the operator, and the operator shall live in the dwelling unit when the bed and breakfast facility is in operation.
- D. **Kitchen Facilities:** There shall be no separate cooking facilities for the bed and breakfast establishment, other than those which serve the principal residence. Food may be served only to those persons who rent a room in the bed and breakfast facility.
- E. **Building Requirements:** A building used for a bed and breakfast establishment shall comply with the following minimum requirements:
 - 1) There shall be at least two (2) exits to the outdoors.
 - 2) Rooms used for sleeping shall have a minimum size of one hundred (100) square feet for two (2) occupants, plus and additional thirty (30) square feet for each additional occupant. Rooms shall be designed to accommodate no more than four (4) occupants.
 - 3) Each sleeping room shall be equipped with a smoke detector.
- F. **Parking:** Adequate off-street parking shall be provided for bed and breakfast patrons, in accordance with **Section 7.24**. Off-street parking in the front yard is prohibited.

2. Campgrounds:

- A. A minimum lot size shall be ten (10) acres, and not less than six hundred (600) feet wide.

- B. 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.
- C. Each lot shall be provided with at least one (1) public phone.
- D. All sanitary stations, privies, or any sanitary facilities shall be located at least one hundred (100) feet from property lines.
- E. Campground perimeter shall be completely screened by natural terrain, neatly finished and well-maintained wooden fence or masonry wall, or by well maintained live evergreens.
- F. Campsites shall be located at least fifty (50) feet from property lines.
- G. All campgrounds and trailer courts shall comply with State of Michigan and Health Department requirements.
- H. No person shall occupy any travel trailer, tent or house car unit for more than six (6) months in any one year.

3. **Car Wash Facilities:**

- A. Layout: All washing activities shall be carried on within an enclosed building. Vacuuming activities shall be permitted in the rear yard only, provided such activities are located at least fifty (50) feet from adjacent residentially zoned or used property.
- B. Entrances and Exits: Sufficient space shall be provided on the lot so that vehicles do not enter or exit the wash building directly from an adjacent street or alley. Entrances and exits shall not face abutting residentially zoned or used property. All maneuvering areas, stacking lanes, and exit aprons shall be located on the car wash parcel itself and subject to the standards listed in **Section 7.24 – Parking**. Streets and alleys shall not be used for maneuvering or parking by vehicles to be serviced by the automobile wash.

4. **Cemeteries:**

- A. Location: No portion of any cemetery that is located in a wetland shall be developed or platted for grave sites.
- B. Accessory Buildings: A crematorium, mausoleum, columbarium, or other accessory building may be permitted within a cemetery provided that any such building shall be designed and located in accordance with a cemetery master plan, which shall be subject to Planning Commission Approval.
- C. Setbacks: No building or structures containing bodies or remains, other than subterranean graves, shall be located closer than fifty (50) feet to the boundary line of any residential or commercial district.

5. **Commercial Outdoor Recreational Facilities:**

Commercially used outdoor recreational space, such as but not limited to, that used for children's amusement parks, carnivals, rebound tumbling facilities, miniature golf, and driving ranges, shall be subject to the following requirements:

- A. Children's amusement facilities must be fenced on all sides with a minimum four foot and six inch (4' 6") protective wall or fence.
- B. All manufacturers' specifications for safety are complied with as well as any additional safety measures that may be prescribed by the Planning Commission.
- C. The noise level shall be no more than fifty (50) decibels as measured on the dB(A) scale at the property lines of the site.

When discontinued or abandoned, the site shall be left in a reusable condition, free of hazards related to dangerous structures, pits, pools, excavations, electric circuits and similar features.

6. **Funeral Home or Mortuary:**

Funeral Home or Mortuary property shall have direct vehicular access to a public road or street. Funeral home or mortuary property shall be at least one hundred fifty (150) feet of lot width. All uses, off-street parking areas, and loading areas are within the accommodations on site, without encroachment into the setback areas. The service entrance to the building shall be screened from view of adjoining residential properties, or contained within the confines of the building.

7. **Gasoline / Service Station:**

- A. Minimum lot size shall be fifteen thousand (15,000) square feet for a Service station or repair garage and twelve thousand (12,000) square feet for a filling station.
- B. Minimum lot width shall be one hundred twenty (120) feet for a service station or repair garage and one hundred (100) feet for a filling station.
- C. An automobile service station building, repair garage or main building for a filling station shall be located not less than forty (40) feet from the street right-of-way or less than twenty-five (25) feet from the side or rear lot line of any adjoining residential property or less than ten (10) feet from the side or rear lot line of adjoining commercial or industrial property.
- D. No ingress or egress to an automobile service station, public garage or filling station, shall be closer than twenty-five (25) feet from any intersection or residential property line abutting the property on which such facility is located.
- E. The entire lot, excluding those areas occupied by a building or landscaped areas, shall be hard-surfaced with concrete or a plant mixed bituminous material.
- F. All lubrication equipment, hydraulic hoists and pits shall be completely enclosed within a building. All gasoline pumps shall be located not less than twenty-five (25)

feet from any lot line and shall be arranged so that motor vehicles may be provided easy egress and ingress to and from the adjoining street, and so that no portion of the vehicle while it is stopped for service, shall overhang onto a sidewalk, curb, street or public right-of-way.

- G. When adjoining residential property, a masonry wall at least five (5) feet in height shall be constructed parallel to the property line of such residential property. All masonry walls shall be protected by a fixed curb or other barrier to prevent vehicular contact.
- H. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a masonry wall at least five (5) feet in height. Outside storage or parking of disabled, wrecked or partially dismantled vehicles shall be allowed for a period not to exceed thirty (30) days.
- I. The sale or rental of used or new vehicles, including trailers or recreational vehicles on the premises, is allowed in designated areas, subject to site plan approval by the Planning Commission.
- J. The property on which the automobile service station, repair garage or filling station is located shall be no closer than five hundred (500) feet from a vehicular entrance or exit to a hospital, library, museum, public or private school, playground, church or park.
- K. All exterior lighting shall comply with **Section 7.18– Outdoor Lighting** of this Ordinance.
- L. On a corner lot, both street frontage sides shall conform to all applicable front yard regulations of this ordinance.
- M. Parking and stacking spaces shall be provided subject to the **Section 7.24 – Parking**.

8. Home Improvement Centers and Lumber Yards:

Facilities dealing primarily in pre-planed, dimensional, or finished lumber for wholesale or retail markets, and including building materials, accessory hardware, plumbing, and electrical supplies and/or equipment, provided:

- A. The site is of a configuration as to be compatible with adjoining uses, having at least two hundred (200) feet of frontage on a public road, or part of a planned development having two hundred (200) feet of frontage.
- B. Accessory outdoor storage shall be effectively obscured from public view by fences, greenbelts, structures, and/or other devices as approved by the Planning Commission.
- C. Storage uses, buildings, parking lots, and sidewalks, shall provide a minimum setback of ten (10) feet from one side yard and forty (40) feet from the side property line to afford transition space for storm water, snow storage, and/or landscaped buffers.

- D. The outdoor display of model homes, trusses, garages, storage sheds, etc. shall only be allowable upon Planning Commission approval of specific location on the site, and may be prohibited where site characteristics and adjoining uses would be incompatible with such a display. Such outdoor sales areas all also subject to the provisions of **Section 8.01.17 – Outdoor Sales Facilities**.
- E. Building material centers associated with the lumberyard may include incidental operations involving fabrication and processing, but only within limits set forth on an approved Site Plan.

9. **Nursing Homes, and Assisted Living Facilities:**

Nursing and convalescent homes, medical care facilities and similar uses shall meet the following requirements.

- A. The minimum lot size for such facilities shall be five (5) acres.
- B. Such uses shall front onto a paved County primary road and the main means of access for residents or patients, visitors, and employees shall be via the paved road. In no case shall access to a nursing home, convalescent home, or rest home be off of a residential street.
- C. Any such facility shall provide a minimum of fifteen hundred (1,500) square feet of outdoor open space for every room used or intended to be used. The open space shall be landscaped and shall include places for walking and sitting. Off-street parking areas, driveways, and accessory uses or areas shall not be counted as required open space.
- D. Nursing homes, convalescent homes, rest homes, orphanages, and half-way houses shall be constructed, maintained, and operated in conformance with applicable state and federal laws.

10. **Junk Storage:**

Junk storage and salvage materials when located within a completely enclosed building. Any open storage yards or areas shall be entirely enclosed by an obscuring eight (8) foot wall, fence or greenbelt, and no salvage yard facilities shall be nearer to the exterior boundary of the Industrial District than one-hundred (100) feet.

11. **Kennels or Veterinary Clinic/Hospital:**

- A. All kennels shall be operated in conformance with County and State regulations and shall be on sites of at least five (5) acres. Veterinary clinics or hospitals shall be located on sites of at least one (1) acre in size.
- B. Animals shall be confined in a fenced area to preclude their approaching nearer than five hundred (500) feet to any dwelling on adjacent premises or nearer than fifty (50) feet from the property line, which ever is greater.

- C. Any fenced areas shall be screened from adjacent properties and/or roads with an opaque fence or a vegetated evergreen buffer at least five (5) feet in height.
- D. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises.
- E. Animals shall be kept in a soundproof building between the hours of 10 p.m. and 8 a.m.
- F. All principal use activities shall occur within an enclosed main building.

12. **Manufactured Home Developments:**

Manufactured home developments shall be subject to the following conditions:

- A. Manufactured home developments shall be developed and licensed pursuant to the requirements of the Michigan Manufactured Housing Commission, Public Act 96 of 1987 and any rules promulgated pursuant to this Act, as amended. This includes but is not necessarily limited to compliance with Michigan Manufactured Housing Commission regulations concerning internal roads, parking requirements, fencing, screening, unit spacing and recreational and open spaces.
- B. To the extent permitted by the Michigan Manufactured Housing Commission, this ordinance shall require all mobile homes in mobile home parks to be anchored to the ground in accordance with the standards and specifications of the manufacturer and any applicable state and federal statutes and rules.
- C. To the extent permitted by the Michigan Manufactured Housing Commission, this ordinance shall require the underside or chassis of all mobile homes in mobile home parks to be fully skirted or enclosed with durable, weather-resistant materials, as specified by the manufacturer or as specifically manufactured for use as home skirting, and all such skirting shall be maintained in place as designed.

13. **Mobile Homes and Trailers, Other Uses:**

Mobile homes, travel trailers and motor homes may be used as follows:

- A. Mobile homes may be used as temporary dwellings until the owner or occupant thereof completes the construction or erection of a conventional housing unit for which a Building Permit has been issued, subject to the conditions of this Ordinance. The temporary dwelling shall be included on the Building Permit, and maintained as long as diligent progress is being made on the main property use, and shall be removed upon issuance of an Occupancy Permit for the main use.
- B. Mobile homes may be used as a temporary contractors office and/or equipment shed in any district when in connection with a construction project and authorized by the Zoning Administrator.
- C. The unoccupied storage of a motor home or travel trailer, not a mobile home, on any residential property by the owner thereof shall be allowable as a permitted

accessory use of the premises where there is a main use, provided such storage is confined to the rear yard when the rear yard is accessible. If the rear yard is not accessible, then storage in the side yard is permissible, if no nuisances, hazards, or blocking of views are created for the adjoining property.

14. **Motels and Hotels:**

- A. Motels and Hotels shall have direct access to a County Primary or State Trunk line Highway, as opposed to a County local road as defined by the County Road Commission.
- B. Motels and Hotels shall have a minimum lot width of one hundred fifty (150) feet at the road line.
- C. There shall be at least eight hundred (800) square feet of lot area per guest room.
- D. Each unit shall contain at least a bedroom and bath and a minimum gross floor area of two hundred fifty (250) square feet.
- E. Motels shall provide customary motel services, such as maid service, linen service, telephone and/or desk service, and the use of furniture.

15. **Non-public Recreational Areas and Facilities:**

Private, semi-private, and other non-public recreation lands and/or facilities, subject to findings that the uses are compatible with the surrounding residential area, the uses respect the environmental qualities of the site, noise levels do not exceed those of typical residential areas and no inordinate obstructions to scenic views are established. Recreational uses permitted herein include parks, playgrounds, and common access sites. No such facilities shall have a commercial appearance or be of a commercial character.

16. **Offices and Showrooms:**

Offices and show rooms of plumbers, electricians, decorators or similar trades. The ground floor premises facing upon and visible from any abutting street shall be used only for entrances, offices or display. All storage of materials or any incidental repair shall be within the confines of enclosed buildings or otherwise obscured from view.

17. **Outdoor Sales Facilities:**

Outdoor sales and rental lots for automobile, trucks, motorcycles, all terrain vehicles, boats and marine craft, recreation vehicles, trailers, mobile homes, farm implements, contractors equipment/vehicles, and similar units, for sale or rental of new and/or used units, subject to the following:

- A. No display shall be permitted in the right-of-way of any abutting road or highway.
- B. Existing roadside trees and shrubs, shall be retained in a healthy growing condition to an extent determined by the Planning Commission to offer aesthetic value, contribute to shade, while offering reasonable visual access to the display lot.
- C. The use of racks, berms, platforms, or similar devices intended for the elevated display of units regulated herein shall be limited to not more than two, or one (1) per one hundred fifty (150) feet of display lot road frontage, whichever is greater and are subject to Planning Commission approval. No such display device shall elevate the under frame of a vehicle more than five (5) feet above the ground.
- D. Display lot lighting shall comply with terms of **Section 7.18** which shall apply whether or not the lighting is projected from buildings, private poles, or from utility company poles, i.e. as yard lights.
- E. The display of units regulated herein shall only be in areas indicated or designated on the site plan, and areas shall be differentiated as to the display of new, used and/or inoperable units.
- F. Parking area shall be provided in the side or rear yard of the site so as to prevent on-street parking.
- G. The front setback line of the vehicle display area shall be marked by a permanent curb of sufficient height and stability to serve as a tire stop.

18. **Planned Unit Development (PUD)**

A. **Intent and Purpose**

As used in this section, "planned unit development" (or PUD) means cluster zoning, planned development, community unit plan, planned residential development, and other planned development. The purposes of a PUD are:

- 1) To accomplish the objectives of the zoning ordinance through a land development project review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.
- 2) To permit flexibility in the regulation of land development.
- 3) To encourage innovation in land use in variety and design, layout, and type of structures constructed.
- 4) To achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities.
- 5) To encourage useful open space and provide better housing, employment, and shopping opportunities particularly suited to the needs of the residents of the township.

B. **Use and Area Regulations**

- 1) ***Permitted Uses.*** Planned unit developments shall be permitted in any

zoning district according to the following:

- (a) **Residential Districts** - Except as noted, PUD uses shall be limited to the range of uses provided for within the underlying zoning district classification. Such uses may be placed either singularly or in combination. Institutional and commercial uses determined by the Planning Commission to be compatible with the character of the PUD and surrounding neighborhood may also be permitted, provided the total area devoted to institutional and commercial uses shall not exceed twenty (20) percent of the PUD site area.
- (b) **Mixed Use and Commercial District** - Except as noted, PUD uses may include any of the range of uses provided for within the underlying zoning district classification. Such uses may be placed either singularly or in combination. Residential uses determined by the Planning Commission to be compatible with the character of the PUD and surrounding neighborhood may also be permitted provided the total area devoted to residential uses shall not exceed forty (40) percent of the PUD site area.
- (c) **Industrial District** - Except as noted, PUD uses shall be limited to the range of uses provided for within the underlying zoning district classification. Such uses may be placed either singularly or in combination. Commercial uses determined by the Planning Commission to be compatible with the character of the PUD and surrounding area may also be permitted provided the total area devoted to commercial uses shall not exceed twenty (20) percent of the PUD site area.

In approving a PUD with mixed uses, the Planning Commission may stipulate the sequence in which said uses, or portions thereof, are constructed.

- 2) *Area Regulations.* Except to the extent that a PUD or a portion of a PUD is subject to area regulations mandated by a state agency, a PUD shall meet the following area regulations.
- 3) *Perimeter Setbacks.* The setback maintained along the perimeter of the PUD shall equal or exceed the required setback of the underlying zoning district, provided:
 - (a) Any portion of a commercial or industrial use shall maintain a perimeter setback of not less than fifty (50) feet from any adjoining or abutting property which is in a residential zoning district.
 - (b) With the exception of access drives, parking areas, lighting, sidewalks and curbing, the perimeter setback shall be landscaped.
- 4) *Open Space.* A PUD project shall have open space of no less than twenty-five (25%) percent of the entire project area. This required open

space shall be dedicated to the public or set aside for the common use of the owners and users within the PUD. Dedicated open space does not include parking lots, roads, and public rights-of-way, but may include flood plain areas and wetlands up to a maximum of twenty-five (25%) percent of the required open space and landscape area devoted to perimeter setbacks.

- 5) *Height Regulations.* The height of all buildings and structures within a PUD project shall not exceed the height limit of the underlying zoning district; provided, however, the Planning Commission may authorize an increase in height upon a finding that the proposed increase will not be detrimental to the public health, safety, or welfare of the PUD occupants, the area surrounding the PUD project site, and the township as a whole. This increase, however, shall not exceed fifty (50) percent of the underlying zoning district height limit. In authorizing an increase in height, the Planning Commission may require increased building setbacks and/or other conditions determined necessary to secure the public health, safety, or welfare and to ensure compatibility of the project with the surrounding area. In no case shall an increase in height be permitted if the increase will result in conditions beyond the service capability of the township pursuant to emergency fire suppression and other emergency services.

For purposes of this subsection, the height of a building or structure shall be measured from the average grade of the property at the base of the building or structure to the highest point of the building or structure.

- 6) *Other Dimensional Regulations.* To promote creativity and flexibility in site design, the Planning Commission may, subject to the following limitations, reduce the other dimensional regulations, as required by the underlying zoning district, including but not limited to minimum lot size, density, and setbacks within the PUD project, upon a finding that the proposed dimensional regulations will not be detrimental to the public health, safety, or welfare of future occupants of the PUD, the surrounding neighborhood, or the township as a whole.

Any reductions by the Planning Commission shall be limited as follows:

- (a) Residential density shall not be reduced by more than thirty (30) percent of the underlying zoning district standard.
- (b) Setbacks shall not be reduced by more than fifty (50) percent of the underlying zoning district requirements. Perimeter setbacks as required by the PUD regulations may not be reduced.
- (c) Required parking shall not be reduced by more than sixty (60) percent of the parking normally required of the proposed use. In no case shall a single-family home, mobile or modular home, or other such detached single-family dwelling have less than two (2) on-site (off-street) parking spaces. In reducing the required parking, the Planning Commission may require the reservation of a portion of the PUD site for future parking.

Prior to approving a reduction in dimensional regulations, the planning commission may require the applicant to demonstrate through bonafide documentation, including but not limited to traffic impact studies, environmental impact studies, market needs assessments, and infrastructure impact studies, that the reduction will not result in significant impacts to the PUD project and PUD occupants, the surrounding area, and the Township as a whole.

C. *Planned Unit Development Eligibility Requirements.* To be eligible for a planned unit development, a parcel shall meet all of the following:

- 1) The parcel shall be two (2) contiguous acres or more in area. Provided, however, if the proposed PUD will contain a mixture of residential and non-residential uses, the parcel shall be ten (10) acres or more in area. For purposes of this subsection, recreational amenities, such as health clubs and facilities providing swimming pools or tennis courts, and commercial activities customarily incidental to a residential use shall not be considered non-residential uses.
- 2) The parcel on which the proposed PUD will be located shall be served by public water and sanitary sewer facilities, if available.
- 3) The parcel on which the proposed PUD will be located shall be under single ownership, or the PUD application shall be filed jointly by all property owners.
- 4) The proposed uses within the PUD shall be consistent with the Frederic Township Master Plan for the subject parcel.

D. *Pre-application Conference.*

- 1) A pre-application conference shall be held with the Planning Commission or its representative, unless waived by the applicant, for the purpose of determining the eligibility of the proposed PUD application and to review the procedures and standards for PUD approval. The goals of the pre-application conference are to acquaint the Planning Commission, or its representative, with the applicant's proposed development, assist the applicant in understanding new or additional information which the Planning Commission will need to effectively consider the application, confirm that the application and all supporting documentation is ready for a public hearing, and to acquaint the applicant with the Planning Commission's initial, but unofficial reaction to the application. In no case shall any representations made by the Planning Commission, or its representative, at the pre-application conference be construed as an endorsement or approval of the PUD.
- 2) A request for a pre-application conference shall be made to the zoning administrator who shall schedule a date and time for the pre-application conference. As part of the pre-application conference, the applicant shall

submit five (5) copies of a conceptual plan which shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation, and land use for the entire site.

E. *PUD Application Requirements.* An applicant seeking approval of a PUD shall submit a complete application to the zoning administrator. The zoning administrator shall then forward the application to the Planning Commission for its review under the procedures of this section. The application shall include all of the following:

- 1) A completed application form, supplied by the zoning administrator.
- 2) Payment of a fee as established by resolution of the Township Board.
- 3) A narrative statement describing:
 - (a) The objectives of the proposed PUD and how they relate to the intent of the zoning ordinance as described in subsection (1), above.
 - (b) The relationship of the proposed PUD to the Frederic Township Master Plan.
 - (c) Phases of development, if any, and the approximate time frame for the start and completion of construction of each phase.
 - (d) Proposed master deed, deed restrictions, covenants or similar legal instruments to be used within the PUD.
 - (e) Anticipated dates for the start and completion of the PUD construction.
 - (f) The location, type, and size of areas to be dedicated for common open space.

F. The PUD application shall include all information required by **Sections 5.03** and **Section 6.02**, and the following:

- 1) Required setbacks of the zoning districts.
- 2) Area of subject property to be covered by buildings.
- 3) Percentage of the total site devoted to open space and the proposed uses of that open space.
- 4) Such other information regarding the development area that may be required to determine conformance with this Ordinance.

G. *Public Hearing on PUD Request; Notice.*
See **Section 6.02.2.**

H. *Planning Commission Review of PUD.* Following the public hearing the Planning Commission shall review the PUD application and shall approve, deny, or approve with conditions the PUD application based on the standards for PUD approval contained in subsection (I.) below. The Planning Commission's decision shall be in writing and shall include findings of fact, based on the evidence

presented at the public hearing, on each standard.

I. *Standards for PUD Approval; Conditions; Waiver of PUD Standards.*

- 1) *General Standards.* The Planning Commission shall approve, or approve with conditions, a PUD application if the Planning Commission finds that the proposed PUD meets the standards of **Section 5.03.5** and **Section 6.02.3** and all of the following:
 - (a) The planned unit development shall be consistent with the Frederic Township Master Plan.
 - (b) The planned unit development shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area. Landscaping shall ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property and will be consistent with outdoor pedestrian movement. Vegetation proposed by the developer or required by the Planning Commission shall be maintained in a healthy living condition and such vegetation if dead shall be replaced.
 - (c) The planned unit development shall not change the essential character of the surrounding area, unless such change is consistent with the township's current master plan.
 - (d) The planned unit development shall be designed to preserve public vistas and existing important natural, historical, and architectural features of significance within the development.
 - (e) The planned unit development shall be designed so that its pedestrian, non-motorized and automobile circulation systems are safely and conveniently integrated with those of abutting property and any linear trail or park systems intersecting or abutting such development.
 - (f) The planned unit development shall provide that vehicular and pedestrian traffic within the site shall be safe and convenient and that parking layout will not adversely interfere with the flow of traffic within the site or to and from the adjacent streets. Safe and adequate access for emergency vehicles to or within the development and adequate space for turning around at street ends shall be provided.
 - (g) The planned unit development shall not result in any greater storm water runoff to adjacent property after development, than before. The open space shall be provided with ground cover suitable to control erosion, and vegetation which no longer provides erosion control shall be replaced.
 - (h) The design of the planned unit development shall exhibit a reasonably harmonious relationship between the location of buildings on the site relative to buildings on lands in the

surrounding area; and there shall be a reasonable architectural and functional compatibility between all structures on the site and structures within the surrounding area. It is not intended that contrasts in architectural design and use of facade materials is to be discouraged, but care shall be taken so that any such contrasts will not be so out of character with existing building designs and facade materials so as to create an adverse effect on the stability and value of the surrounding area.

- (i) The planned unit development shall be designed such that phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility services, and drainage or erosion control.
- 2) *Conditions.* The Planning Commission may impose reasonable conditions with the approval of a final site plan, pursuant to **Section 10.03** of this Ordinance.
- 3) *Waiver of PUD Standards.* The Planning Commission may waive any of the standards for a PUD contained in subsection (I.) above where all of the following findings are documented along with the rationale for the decision:
 - (a) No good public purpose will be achieved by requiring conformance with the standards sought by the applicant to be waived.
 - (b) The spirit and intent of the PUD provisions will still be achieved.
 - (c) No nuisance will be created.
- J. *Planned Unit Development Permit.* Following final approval of a PUD application, a permit may be obtained from the zoning administrator. The issuance of this permit, however, shall not relieve the applicant from complying with applicable county, state, and federal permit requirements. The failure of the applicant to obtain any required county, state, or federal permit shall render the PUD permit issued under this subsection void.
- K. *Continuing Adherence to Approved PUD Application.* Any property owner who fails to develop and maintain an approved PUD according to the approved PUD application and conditions, if any, shall be deemed in violation of the provisions of this Ordinance and shall be subject to the penalties provided in this Ordinance.
- L. *Recording of Action.* The applicant shall record an affidavit acceptable to the township attorney with the Crawford County Register of Deeds that contains the full legal description of the project site, specifies the date of final township approval, specifies the description or identification number which the township has assigned to the PUD project, and declares that all improvements will be carried out in accordance with the approved PUD application. If the Planning Commission approves an amendment to the PUD, the applicant shall record an amended affidavit acceptable to the township attorney that contains all of the

information described above, describes the amendment, specifies the date the Planning Commission approved the amendment, and declares that the improvements will be carried out in accordance with the approved PUD, as amended. Finally, all deed restrictions and easements shall be duly filed with the Crawford County Register of Deeds and copies of recorded documents filed with the zoning administrator.

M. *Amendment of an Approved Planned Unit Development.* Amendments to an approved PUD shall be permitted only under the following circumstances:

- 1) The owner of property for which a PUD has been approved shall notify the zoning administrator of any desired change to the approved PUD. Minor changes may be approved by the zoning administrator upon determining that the proposed revision(s) will not alter the basic design and character of the PUD, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
 - (a) Reduction of the size of any building and/or sign.
 - (b) Movement of buildings and/or signs by no more than ten (10) feet.
 - (c) Landscaping approved in the PUD plan that is replaced by similar landscaping to an equal or greater extent.
 - (d) Changes in floor plans that do not exceed five (5%) percent of the total floor area and which do not alter the character of the use or increase the amount of required parking.
 - (e) Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 - (f) Changes related to items (a) through (e) above, required or requested by Frederic Township, Crawford County, or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the PUD, nor any specified conditions imposed as part of the original approval.
- 2) All amendments to a PUD approved by the zoning administrator shall be in writing. After approval by the zoning administrator, the applicant shall prepare a revised development plan showing the approved amendment. The revised development plan shall contain a list of all approved amendments and a place for the zoning administrator to sign and date all approved amendments.
- 3) An amendment to an approved PUD that cannot be processed by the zoning administrator under subsection 1) above shall be processed in the same manner as the original PUD application.

N. *Expiration of Approved PUD; Extension.*

- 1) An approved PUD shall expire one (1) year following final approval by the Planning Commission, unless substantial construction has begun on the

PUD project prior to that time or the property owner applies to the Planning Commission for an extension prior to the expiration of the PUD. The Planning Commission may grant one (1) extension of an approved PUD for an additional one (1) year period if it finds:

- (a) The property owner presents reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the property owner; and
 - (b) The PUD requirements and standards that are reasonably related to the development have not changed.
- 2) If the PUD approval expires pursuant to subsection 1) above, no work pursuant to the PUD plan may be undertaken on the project until a new PUD approval is obtained from the planning commission following the procedures for a new PUD application. In addition, if the PUD approval expires, the property shall again be subject to the zoning classification of the property which existed prior to the PUD approval as if no PUD approval had ever been granted.

O. *Performance Guarantee.*
See **Section 10.06.**

19. **Public Buildings, Institutions and Places of Worship:**

Public buildings (except public works garages and storage yards), places of worship, public schools, private schools and their local supporting service uses, provided:

- A. The arrangement of property uses shall consider the impact on scenic views, and if feasible, the site design shall endeavor to mitigate negative impacts related to building size, noise, lighting and traffic.
- B. No such use shall locate on or have vehicle access from a subdivision street unless the subdivision (or similar type of development) contains dedicated sites for such uses.

Any uses of church structures or properties for such other purposes as recreation, day care centers, group housing, and the like, shall be separately considered as part of the conditions to granting or denying a special permit in residential districts.

20. **Race Tracks (including midget auto and cart tracks):**

Because race tracks develop a concentration of vehicular traffic and cause noise levels which project beyond the property, race tracks shall be permitted only in the Recreational-Forest R-F and General Commercial (C) Districts subject to the following conditions and such other controls as the Planning Commission, after holding a Hearing, deems necessary to promote health, safety and general welfare in the Township:

- A. All parking shall be provided as off-street parking within the boundaries of the development.

- B. All access to the parking areas shall be provided from major traveled roads. Approval of ingress and egress points by the police or sheriff authority having jurisdiction in the community.
- C. All sides of the development except access points shall be provided with a twenty (20) foot wide greenbelt planting so as to screen from view all activities within the development.
- D. The hours of operation shall be between 10 a.m. and 8 p.m.
- E. The noise level shall be no more than fifty (50) decibels as measured on the dB(A) scale at the property lines of the site.

21. **Recreation Camps:**

Recreation camps, recreation lodges and resorts for either profit or non-profit shall be subject to the following conditions:

- A. The use is established on a minimum site of twenty (20) acres.
- B. All outdoor activity areas, parking lots, main buildings and accessory buildings are located at least 100 feet from all property lines. The resulting 100 foot yard shall be maintained as a buffer area wherein all natural tree/shrub cover is retained in a healthful growing condition. Planted greenbelts may be required by the Planning Commission as deemed necessary.
- C. The use does not locate within the confines of a platted subdivision intended for single residential occupancy or parcels which are deemed by the Planning Commission to be logical extension of such a platted area.

22. **Salvage Yards, metal recycling, and scrap:**

A. **Salvage Yard Classifications**

Salvage yards shall be defined and regulated by type or class depending on the scope of its intended operation. These are:

Type I

A full service metal salvage center intended for the collection, storing and/or processing of scrap metals of all kinds, and other materials defined as junk in Article II of this Ordinance.

Type II

A limited salvage facility with open storage on less than ten thousand (10,000) square feet of land and where the materials are not stacked. This facility is not a vehicle repair or sales use except as an incidental function to the salvage operation.

Type III

A site used for short periods of time for community vehicle collection programs. This facility does not include continuous processing or repairing, and is intended for annual clean-up programs to collect sufficient materials to warrant a visit by vehicle crusher, shredder, or similar processor.

In approving Special Use Permits for salvage operations the Planning Commission shall classify the facility as being Type I, Type II, and/or Type III, and shall weigh the type of a facility in requests to modify any siting standards.

B. Requirements

Metal recycling centers or yards, or facilities, including salvage yards or scrap yards, and which uses include the storage, dismantling, sorting, cutting, crushing, and/or other processing activities primarily associated with metal goods, may be permitted provided:

- 1) All activity and uses are within a defined and confined space as opposed to being dispersed over the site. Only that area designated on the site for these uses shall be permitted to be so used.
- 2) No oils, lubricants, or other liquids from vehicles, machinery, or equipment or other materials, shall be disposed of on-site, unless State of Michigan approved facilities are properly in place and properly functioning. No burial of wastes shall be permitted on the property under this ordinance section.

The applicant shall state in writing and/or illustrate how potentially hazardous liquids are to be prevented from entering the groundwater, and present a written plan for handling and disposal of such hazardous liquids.

The applicant may be required to provide a written contingency plan for hazardous/toxic spills. The Planning Commission may require a roofed work area with an impervious floor with floor drain collection system.

- 3) The proposed site shall have a minimum of six (6) feet of vertical isolation from groundwater, and be at least one thousand (1,000) feet from an identified body of surface water.
- 4) Screening devices to include but not necessarily be limited to fences, greenbelts, berms or natural features shall be employed provide maximum visual obscurity of the use. No such device shall be constructed without approval of the structural details and type of materials to be used, and shall adhere to a stated installation schedule.
- 5) Entrance/exit points shall give due consideration to minimizing conflicts with adjacent properties, and the views from adjacent properties and/or public roads shall be a major consideration in positioning the use on the property.
- 6) Activity that generates continuous and persistent noises or vibrations that are perceptible from off the site shall not be permitted before the hour of 8:00 a.m. and after 6:00 p.m. and no such activity shall operate on Sundays.
- 7) Open burning shall not be permitted, except by State Permit, and it shall comply with this subsection.

- 8) Once approved, no other portion of the property shall be used for activities regulated herein without an amended site plan and Special Use Permit, and there shall be no presumption that any usage beyond that in the original permit would be approved.
- 9) The minimum site size to consider for uses permitted herein shall be thirty-five (35) acres or more by description and have at least 900 feet of width and depth throughout. All salvage yard uses shall be at least:
 - a) Two hundred (200) feet from a property line
 - b) Three hundred (300) feet from an off premises residence
 - c) Five hundred (500) feet from a Residential District Boundary
- 10) The height of stacked metals and/or materials shall be regulated by screening and the physical characteristics of the site, but shall in no instance be higher than twenty (20) feet.

The Planning Commission may modify the terms of this section where it can be demonstrated that no good or practical purposes would be served by strict compliance, and for temporary collection sites to be used for less than 12 months.

C. Reasons for Denial

The Planning Commission may refuse to grant a permit for any salvage uses regulated herein, because of one or more of the following:

- 1) The topography is such that the use has wide visual exposure to surrounding properties and public roads, and/or land conditions are such that screening plans would be ineffective or impractical.
- 2) There are conflicts with natural water courses and/or there are undesirable impacts on wetlands, farmlands, and forest lands.
- 3) It is determined by the Planning Commission that the proposed use on the proposed site is inappropriate for the area, and not in accord with the principles of land use expressed or implied, and in the interpretation of appropriate use shall also consider, but not necessarily be limited to: recognized scenic resources, recreation lands, neighborhoods, historic sites, tourist attractions, and similar uses that would be adversely affected, and not be in the best interests of public welfare.
- 4) Failure to show an ability to comply with the standards listed in this Ordinance Section.

D. Violations Not Nonconforming

Any salvage yard or junk storage use determined to have been established in violation of the terms of the Frederic Township Zoning Ordinance shall not be accorded the status of "nonconforming" as defined in this ordinance, but shall be pursued as ordinance violations. Such uses, however, shall have the right to hearings and procedures to qualify for a legal Special Use Permit as prescribed in this **Section 6.0**.

23. Sawmills and other Mills:

Sawmills, planning mills, veneer mills and accessory or incidental mill operations involving logs, "unprocessed timber" and/or rough sawn lumber, provided:

- A. The use involves the processing of raw timber and/or rough lumber and shall not include retail lumberyard businesses or hardware supplies, paints, and the like. Log and lumber storage uses are permissible accessory uses.
- B. The land area of the mill site shall be at least ten (10) acres with a minimum lot width of six hundred and sixty (660) feet.
- C. Structures housing mechanical wood cutting devices (head saws, cut-off saws, planers, lathers, etc.), shall not be located closer to an off-premises residence than five hundred (500) feet, unless the owner of the residence signs a statement agreeing to a lesser setback.
- D. Log storage and sawn timber or lumber shall not be located nearer than five hundred (500) feet from an off-premises residence unless the owner signs a statement agreeing to a lesser setback.
- E. The location of a proposed mill is determined by the Planning Commission to be compatible with other uses in the general vicinity taking into account traffic flow, noise, scenic values, residential environments where applicable, and any Township or Community Land Use Plans for the area. The mill location shall be determined to be good land use.

In considering applications for forest industries the Planning Commission may permit modifications to the standards in items A through E, where owing to natural or man-made conditions, no good purpose would be served by requiring strict compliance. Such conditions may include, but need not be limited to, steep topography, intensely wooded areas, other natural barriers, existing uses, and the like.

Nothing in this Ordinance shall be interpreted to exclude temporary and itinerant sawmill operations on property where the timber harvesting involves only those resources found on the same property. No permit shall be required where the operation involves a period of less than six (6) months on the same property or zoning lot.

24. Sexually Oriented Business

The purpose and intent of the Sections of this Ordinance pertaining to the regulation of sexually oriented businesses is to regulate the location and operation of, but not to exclude, sexually oriented businesses within the Township, and to minimize their negative secondary effects. It is recognized that sexually oriented businesses, because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, educational, religious, and other similar public and private uses. The regulation of sexually oriented businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting and downgrading of surrounding areas and will not negatively impact the health, safety, and general welfare of Township residents. The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adults access to sexually oriented businesses and their products, or to deny sexually oriented businesses access to their intended market. Neither is it the intent of this Ordinance to legitimize activities which are prohibited by Township ordinance, state or federal law. If any portion of this Ordinance relating to the

regulation of sexually oriented businesses or referenced in those sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the Township intends said portion to be disregarded, reduced, and/or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of any portion of this Ordinance relating to regulation of sexually oriented businesses following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

- A. No sexually oriented business shall be permitted in a location in which any principal or accessory structure, including signs, is within one thousand (1,000) feet of any principal or accessory structure of another sexually oriented business.
- B. No sexually oriented business shall be established on a parcel which is within one thousand (1,000) feet of any parcel zoned R (residential district).
- C. No sexually oriented business shall be established on a parcel within five hundred (500) feet of any residence.
- D. The proposed use shall conform to all specific density and setback regulations, etc. of the zoning district in which it is located.
- E. The proposed use must meet all applicable written and duly promulgated standards of Frederic 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.
- F. The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or adjacent roadways.
- G. Any sign or signs proposed for the sexually oriented 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.
- H. Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that: 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."
- I. No product or service for sale or gift, or any picture or other representation of any product or service or gift, shall be displayed so as to be visible from the nearest adjoining roadway or a neighboring property.
- J. Hours of operation shall be limited to 8:00 AM to 12:00 AM.

- K. All off-street parking areas shall be illuminated during all hours of operation of the sexually oriented business, and until one hour after the business closes.
- L. Any booth, room, or cubicle available in any sexually oriented 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:
- 1) Shall be handicap accessible to the extent required by the Americans With Disabilities Act;
 - 2) Shall be unobstructed by any door, lock, or other entrance and exit control device;
 - 3) 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;
 - 4) Is illuminated by a light bulb of wattage of no less than 25 watts;
 - 5) Has no holes or openings in any side or rear walls.
- M. Review Procedures for Sexually Oriented Businesses
The Planning Commission shall adhere to the following procedures when reviewing a special use permit application for a sexually oriented business.
- 1) If the Planning Commission determines that a special use permit application for a sexually oriented business is not complete when it is first presented to the Planning Commission, it shall provide written notice by first class mail within three (3) business days of said determination detailing the items required to complete the application. Upon payment of a new filing fee, the applicant may resubmit the amended application for review by the Planning Commission for completeness.
 - 2) If the Planning Commission determines that the application is complete, it shall within sixty (60) days of said determination make and adopt specific findings with respect to whether the proposed sexually oriented business is in compliance with the standards designated in **Section 24 (A-L)**. If the Planning Commission has not made and adopted findings of fact with respect to a proposed sexually oriented business and either approved or denied the issuance of a special use permit for the same within sixty (60) days of its determination that a completed application has been filed, then the special use permit shall be deemed to have been approved.
 - 3) Prompt judicial review of adverse determination: If the Planning Commission denies a special use permit application for a sexually oriented business pursuant to the above paragraphs, then the applicant shall be entitled to prompt judicial review by submitting a written request to the Zoning Administrator. The Township shall have within three (3) business days of the receipt of such written notice to do the following:
 - a) File a petition in the Circuit Court for the County of seeking a judicial determination with respect to the validity of such denial, and in conjunction therewith, apply for a preliminary and permanent injunction restraining the applicant from operating the sexually oriented business in violation of the Township Zoning Ordinance;
 - b) Request that the application for issuance of a preliminary injunction be set for a show-cause hearing within five (5) business

days or as soon thereafter as is possible after the filing of such petition. In the event the applicant appears at or before the time of such show-cause hearing, waives the notice otherwise provided by Michigan Court Rules, and requests that at the time set for such hearing the Court proceed to hear the case under applicable rules of civil procedure for the issuance of such permanent injunction on its merits, the Township shall be required to waive its application for preliminary injunction and shall join in such request.

In the event that the applicant does not waive notice and/or does not request any early hearing on the Township's application for permanent injunction, it shall never the less be the duty of the Township to seek the earliest possible hearing date under Michigan law and the Michigan Court Rules.

The filing of written notice of intent to contest the Planning Commission's denial of a special use permit shall not in any way affect the validity of such denial, but such denial shall be deemed invalid and the special use permit application automatically approved if, within fifteen (15) business days of the filing of the Township's petition, a show-cause hearing has not been scheduled.

25. Stables, Commercial:

- A. Commercial stables shall be on sites of at least ten (10) acres in size.
- B. Commercial facilities for horseback riding shall be subject to the review and approval of the Planning Commission, who shall find that animal housing facilities are located at least three hundred (300) feet from any off-premises residential structure.

26. Storage Facilities:

- A. Storage uses as allowed in Industrial District (I) and General Commercial (C), including mini-storage, shall meet the following regulations:
 - 1) All proposed storage buildings nearest to the primary access road shall be site planned to be perpendicular to the road; landscape screening may be required by the Planning Commission per subparagraph C) of this section.
 - 2) Proposed storage buildings are positioned to the rear of other approved non-storage or non-warehousing buildings, e.g., retail or office uses, or, the storage buildings are set back at least one hundred (100) feet from public road right-of-way lines.
 - 3) Effective year-round landscape screening is required to shield storage buildings from bordering public roads upon installation of proposed plant materials.
 - 4) Nothing in this section shall prohibit or inhibit storage space as a necessary accessory use to any principal commercial use of the property,

and these standards do not apply to internal roads within a planned industrial or commercial park.

- 5) Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies, provided such is enclosed within a building or within an obscuring wall or fence on those sides abutting all Residential Districts and on any yard abutting a public thoroughfare.

B. Storage uses as allowed in the Recreational - Forest District (R-F), shall meet the following regulations:

- 1) All structures shall be neutral in color.
- 2) There shall be no outside storage of items.
- 3) Maintenance activities shall be limited to those which are incidental to the storage of items.
- 4) Storage buildings up to 2,000 square feet in area are allowed up to 2 doors under 24 square feet in area, and 2 doors over 24 square feet in area. For each additional 1,000 square feet of building area, 1 additional door of each size shall be allowed.

27. **Towers and Antennae Facilities**

Antenna towers and masts for cellular phone and other personal or business communications services authorized as a special use by the Planning Commission. Antenna towers and masts erected and operated as a residential accessory use, and not more than fifty (50) feet in height as measured between the tower's base at grade and its highest point erected, are exempt from the provisions of this Section. In considering such authorization, the Planning Commission shall apply the standards of **Article V Site Plan Review**, and the following standards:

- A. The Applicant shall provide documentation to the Planning Commission that clearly establishes the legal ownership of the tower. The applicant, its agents, successors, and assigns shall report to the Planning Commission any changes in the legal ownership of the tower within thirty (30) days of the effective date of the change.
- B. The application for special use approval for the tower shall include a visual impact analysis, prepared by the applicant, which includes graphic depictions of the anticipated visual appearance of the tower from important vantage points in the surrounding area. Methods used in preparing the analysis shall be reviewed and approved by the Zoning Administrator.
- C. A cellular phone or other personal and business communications services antenna tower shall be exempt from building height limits established by zoning district regulations, provided that the tower height shall not exceed the minimum height necessary to serve its intended functions.
- D. Whether or not it is not feasible to provide equivalent service by locating the antenna on an existing tower or other existing structure in the Township, or on an existing tower or other existing structure located in neighboring communities.

- E. The tower and any ancillary building housing equipment needed for operation of the tower shall not exceed the floor area and height minimally necessary for such equipment, and shall be of a size, type, color, and exterior materials which are aesthetically and architecturally compatible with the surrounding area, and as minimally obtrusive as possible. Landscape screening may be required by the Planning Commission to accomplish screening of ancillary equipment buildings.
- F. The applicant shall provide documentation of any lighting to be installed on the tower. If tower lighting is required or proposed, the tower may not be approved unless the Planning Commission determines that it will not have a significant adverse impact on properties and residents of the surrounding area.
- G. Towers shall be painted so as to be as unobtrusive as possible. The painting of towers less than five hundred (500) feet in height in alternate bands of orange and white shall be permitted only if specifically required by Federal Communications Commission (FCC) or Federal Aviation Administration (FAA) regulations. If alternate band painting is required by FCC or FAA regulations, the applicant shall provide documentation of such requirements and regulations.
- H. The applicant shall provide documentation of conformance with any Federal Communications Commission and Federal Aviation Administration regulations.
- I. The owner/operator of the tower shall agree to permit use of the tower by other personal or business communications services providers, including local government agencies, on reasonable terms, so long as such use does not interfere with the owner/operator's reasonable use of the tower.
- J. As a condition of approval, the Planning Commission may require an owner to deposit funds in escrow with the Township, or provide an insurance bond satisfactory to the Township's Attorney to assure the removal of towers and masts as prescribed in this Section. If required, such escrow deposit or insurance bond shall be in an amount equal to one and one-quarter (1.25) times the estimated cost of removal of the tower at the time of approval. Such escrow deposit or bond shall be maintained by successor owners.
- K. If the tower ceases operation for its original use or is abandoned for any reason, the Township may order its removal from the site by the owner of the tower within three (3) months of notification by the Township.
- L. If the height required for the tower to serve its intended function decreases from the installed height due to technological advancement, additional tower installations at other locations, or other factors, the Township may order that the tower be lowered to such decreased minimum height.
- M. The tower and any supporting or appurtenant structures shall be no closer to any dwelling than the distance equal to the height of the tower measured from its base at grade to its highest point of elevation.
- N. The Zoning Board of Appeals shall have no jurisdiction over a decision made by the Planning Commission to approve, approve with conditions, or deny an

application for special use approval to erect and maintain cellular phone and other personal and business communications antenna towers.

28. **Wholesale Uses:**

Wholesale uses with accessory storage space, but not warehousing, provided:

- A. All incident or accessory storage is within the confines of an enclosed building. Wholesale uses shall also include space for administrative offices, customer service, and interior display.
- B. Any loading docks or semi-trailer sized overhead doors shall not face upon a public road, or if no practical option is demonstrated, loading doors shall be setback at least seventy (70) feet from the front line or be structurally obscured from view.
- C. Wholesale uses shall not occupy property bordering lakes, or rivers as defined by Act 451 of 1994, the Natural Resources and Environmental Protection Act.
- D. Sites proposed for wholesale uses may be rejected by the Planning Commission based on a determination that the use is improper or out of character with adjoining uses by reason of:
 - 1) Breaking the continuity of a planned retail shopping center.
 - 2) Having direct visual exposure to tourist lodging facilities or other uses serving tourist markets.
 - 3) Sharing common road frontage with residential uses.

29. **Wind Turbine Generators and Anemometer Towers**

Unless otherwise provided, wind turbine generators and anemometer towers shall comply with all of the following standards:

- A. **Sufficient Wind Resources**
The proposed site shall have documented annual wind resources sufficient for the operation of the proposed wind turbine generator; provided, however, this standard shall not apply to an anemometer tower. No wind turbine generator shall be approved without submission of a wind resource study documenting wind resources on the site over a minimum of one year. Said study shall indicate the long term commercial economic viability of the project. The Township may retain the services of an independent, recognized expert to review the results of the wind resource study prior to acting on the application for special use permit.
- B. **Minimum Site Area**
The minimum site area for a wind turbine generator or an anemometer tower erected prior to a wind turbine generator shall be as necessary to meet required setbacks and any other standards of this ordinance.
- C. **Setbacks**
Each proposed wind turbine generator or anemometer tower shall meet the following applicable setback requirements:

- 1) Each wind turbine generator shall be set back from any adjoining lot line a distance equal to one and one half (1.5) times the total height of the WTG. The Planning Commission may reduce this setback to no less than 100 feet, provided the adjoining property is owned by the applicant or an easement is obtained. The amount of setback relief approved by the Planning Commission will be based on data provided by the applicant and prepared by a qualified professional. Such data shall satisfy the Planning Commission that any potential blade and ice throw will not cross the property line and that sound levels will not exceed 50 decibels on the dB(A) scale at the property line from the proposed setback. Data provided shall be specific to the proposed tower in the proposed location taking into consideration prevailing winds, topography, existing vegetation, and other relevant factors.
- 2) In addition to the above, a wind turbine generator shall, in all cases, be set back from a public or private road right-of-way or existing easement a minimum distance equal to one and one half (1.5) times the height of the wind turbine generator tower as defined in the Ordinance.
- 3) For any newly proposed wind turbine generator or anemometer tower, a "wind access buffer" equal to a minimum of five (5) rotor diameters shall be observed from any existing off-site wind turbine generator tower, based on the average rotor diameter between the existing and proposed WTG.

D. Maximum Height

- 1) The maximum wind turbine generator height or the height of an anemometer tower erected prior to the wind turbine generator shall be 300 feet, inclusive of blade at the maximum vertical position.
- 2) The Planning Commission may approve an increased height for a wind turbine generator tower or an anemometer tower if all of the following conditions are met:
 - a) The increased height will result in the preservation of a substantial stand of trees, existing land forms or structures that would otherwise be removed to increase wind velocity.
 - b) The increased height is the minimum necessary to achieve a reasonable rate of return on the operation of the wind turbine generator given the documented wind speeds and other site conditions. A reasonable rate of return is not equivalent to maximizing economic return to the operator, as determined by the Planning Commission or a qualified professional hired by the Township. The Planning Commission shall not grant the increased height if economic return is not met due to the use of inefficient equipment that does not utilize current commercial technologies.
 - c) The increased height will not result in increased intensity on lighting of the tower due to FAA or MAC requirements.

- E. Minimum Rotor Wind Vane or Blade Clearance. The lowest point of the arc created by rotating wind vanes or blades on a wind turbine generator shall be no less than fifteen (15) feet.

- F. Maximum Noise Levels. Any proposed wind turbine generator shall result in the production of cumulative sound levels that are no more than fifty (50) decibels as measured on the dB(A) scale at the property lines of the site in question.
- G. Maximum Vibrations. Any proposed wind turbine generator shall not produce vibrations through the ground humanly perceptible beyond the property on which it is located.
- H. Interference with Residential Reception. Any wind turbine generators shall be constructed and operated so that they do not interfere with television, microwave, navigational or radio reception to neighboring areas.
- I. Landscaping. Each proposed wind turbine generator shall meet the following landscaping requirements; provided, however, the Planning Commission may reduce or waive such requirements if it finds that because of the remote location of the site, or other factors, the visual impact of the wind turbine generator would be minimal.
- 1) The base of the wind turbine generator shall be landscaped with a buffer of plant materials that effectively screens the view of the bases of these facilities from adjacent property used for residential purposes. The standard buffer shall consist of a landscaped strip at least four feet (4') wide outside the perimeter of the facilities.
 - 2) Existing natural land forms on the site which effectively screen the base of the wind turbine generator or anemometer tower erected prior to a wind turbine generator from adjacent property used for residential purposes shall be preserved to the maximum extent possible.
 - a) Landscaping shall be designed to counter the effects of "shadow flicker" on any neighboring residences or roadways caused by the rotor rotation in the sunlight.
 - b) To ensure compliance with these landscaping standards, the Planning Commission may require additional landscaping on the site after the installation of the wind turbine generator.
- J. State or Federal Requirements. Any proposed wind turbine generator anemometer tower shall meet or exceed any standards and regulations of the Federal Aviation Administration (FAA), Michigan Aeronautics Commission (MAC), the Michigan Public Service Commission, National Electric Safety Code, and any other agency of the state or federal government with the authority to regulate wind turbine generators or other tall structures in effect at the time the special use permit is approved.
- K. Soil Conditions. A proposal for any wind turbine generator or anemometer tower shall be accompanied by a report of the soils present on the site based on soil borings, and a description of the proposed foundation size, materials, and depth. The top of such a foundation shall be installed to a depth of five (5) feet below grade, to allow for feasible future reuse of the land unless the applicant provides a financial assurance that the foundation will be removed in the event that the tower is removed.

- L. Aesthetics and Lighting. Any proposed wind turbine generator or anemometer tower shall meet the following requirements:
- 1) Each wind turbine generator or anemometer tower shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA and MAC, be painted a neutral color so as to reduce visual obtrusiveness.
 - 2) Each wind turbine generator, including all accessory structures or anemometer tower shall, to the extent possible, use materials, and colors that will blend them into the natural setting and surrounding buildings. A medium grey shade is the preferred color for any wind generator or anemometer tower; however, the Planning Commission may approve an alternate color if the facility is suspected to be located within an avian migratory route or if an alternate color would otherwise benefit the community.
 - 3) Each wind turbine generator or anemometer tower shall not be artificially lighted, unless required by the FAA, MAC or other applicable governmental authority. If lighting is required, the lighting alternatives and design chosen:
 - a) Shall be the intensity required under FAA or MAC regulations.
 - b) Shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by the FAA or MAC. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to the FAA or MAC.
 - c) May be a red top light that does not pulsate or blink.
 - d) All tower lighting required by the FAA or MAC shall be shielded to the extent possible and acceptable to the FAA or MAC to reduce glare and visibility from the ground.
 - 4) Each wind turbine generator or anemometer tower shall be sited on the property in a location that reduces to the maximum extent possible any adverse impacts on significant view corridors from adjacent properties, while at the same time maintaining contact with economically viable wind resources.
 - 5) Each wind turbine generator or anemometer tower shall be a monopole or monotube style construction (as distinguished from a lattice-style tower) and shall not utilize guy wires.
- M. Sign. A sign no more than four (4) square feet in area displaying an address and telephone number for emergency calls and informational inquiries shall be posted at the proposed wind turbine generator or anemometer tower erected prior to a wind turbine generator. No wind turbine generator tower or anemometer tower or site shall include any advertising sign.
- N. Hazard Planning. An application for a wind turbine generator shall be accompanied by a hazard prevention plan. Such plan shall address the following at a minimum:
- 1) Certification that the electrical wiring between turbines, and between turbines and the utility right-of-way does not pose a fire hazard.
 - 2) The landscape plan accompanying the application shall be designed to avoid spread of fire from any source on the turbine; such preventative

measures may address the types and locations of vegetation below the turbine and on the site.

3) The following shall be submitted with the application for a special use permit for a wind turbine generator:

- a) A listing of any hazardous fluids that may be used on site shall be provided, including Material Data Safety Sheets (MDSS).
- b) Certification that the turbine has been designed to contain any hazardous fluids shall be provided.
- c) A statement certifying that the turbine shall be routinely inspected to ensure that no fluids are released from the turbine.
- d) A Hazardous Materials Waste Plan shall be provided.

O. Approvals. All required approvals from other local, regional, state or federal agencies must be obtained prior to submittal of a site plan, and such approvals shall be submitted as part of the required site plan for Planning Commission consideration.

P. Removal of Abandoned Wind Turbine Generators or Anemometer Towers.

- 1) Wind production summary reports by month shall be provided annually for each WTG to the Township Planning Commission and the Township Clerk, by January 31st each year, for the preceding year.
- 2) Any wind turbine generator or anemometer tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such wind turbine generator or anemometer tower shall remove the same within one hundred eighty (180) days of receipt of notice from the Township of such abandonment. In addition to removing the wind turbine generator, or anemometer tower, the owner shall restore the site of the wind turbine generator or anemometer tower to its original condition prior to location of the wind turbine generator or anemometer tower, subject to reasonable wear and tear. Any foundation associated with a wind generator or anemometer tower shall be removed to a minimum depth of five (5) feet below the final grade and site vegetation shall be restored. Failure to remove an abandoned wind turbine generator or anemometer tower within the one hundred eighty (180) day period provided in this subsection shall be grounds for the Township to remove the wind turbine generator or anemometer tower at the owner's expense. The Planning Commission shall require the applicant to file a irrevocable bond equal to the reasonable cost (including adjustment for inflation) of removing the wind turbine generator or anemometer tower and attendant accessory structures as a condition of a special use permit given pursuant to this section.

ARTICLE IX: ZONING BOARD OF APPEALS

Section 9.01 – Zoning Board of Appeals

1. Creation and Membership:

The Zoning Board of Appeals (ZBA) shall perform its duties and exercise its powers as provided in the Michigan Zoning Enabling Act, Act 110, of Public Acts 2006 and in such a way that the objectives of this Ordinance shall be observed, public safety secured, and justice done. The Board shall consist of three (3) members.

- A. The first member shall be a member of the Township Planning Commission for the terms of his/her office.
- B. The remaining members must be selected from the electors of the Township residing outside of incorporated cities and villages and shall be representative of the population distribution and of the various interests present in the Township. One (1) member may be a member of the Township Board.
- C. An elected officer of the Township shall not serve as chairman. An employee or contractor of the Township Board may not serve as a member or an employee of the Board of Appeals.
- D. The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called to sit as a regular member of the Zoning Board of Appeals in the absence of a regular member if a regular member is absent from or unable to attend two (2) or more consecutive meetings of the Zoning Board of Appeals or for a period of more than thirty (30) consecutive days. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

2. Meetings:

Meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as such Board may determine or specify in its rules or procedure. All hearings conducted by said Board shall be open to the public. The Board of Appeals shall adopt its own rules of procedure and keep a record of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating said fact; and shall file a record of its proceedings in the office of the Township Clerk, and shall be a public record. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance or to effect any variation of this Ordinance.

The Board of Appeals shall not conduct business unless a majority of those Board of Appeals members qualified to sit for a particular matter are present to constitute a quorum, regardless of whether the members are regular members or alternate members.

3. Jurisdiction:

- A. An appeal concerning the administration of the provisions of this Ordinance may be taken to the Board of Appeals within the timeframe defined in the general rules and procedures adopted by the Zoning Board of Appeals. If such a timeframe is not specified, appeals shall be filed within thirty (30) days of the decision of the Zoning Administrator from which the appellant seeks relief.
- B. The ZBA may hear appeals made by any person who alleges he or she has been aggrieved by a decision of the Zoning Administrator.
- C. The ZBA may grant variances as provided for in **Section 9.01.6 –Variances**.
- D. The ZBA may also interpret the location of zoning district boundaries and may interpret the provisions of this Ordinance.
- E. An appeal may be made by any person, firm or corporation, or by any Officer, Department or Board of the Township. The appellant shall file with the Board of Appeals, on blanks or forms to be furnished by the Zoning Administrator, a notice of appeal specifying the grounds for the appeal.
- F. The Zoning Administrator shall transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken. The final decision of such appeal shall be in the form of a resolution either reversing, modifying or affirming, wholly or partly, the decision or determination appealed from. Reasons for the decision must be stated.
- G. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney.
- H. The ZBA has no jurisdiction to hear appeals from Planning Commission decisions concerning site plan review, special land uses and planned unit developments.

4. Exercising Power:

In exercising the above powers, the Board of Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator from whom the appeal is taken.

5. Stay:

An administrative appeal to the Zoning Board of Appeals and an appeal of a decision by the Zoning Board of Appeals to circuit court stays all proceedings of the action appealed from, including the effectiveness of any zoning permit issued, unless the Zoning Administrator certifies to the Zoning Board of Appeals after such appeal has been filed that a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed, unless ordered stayed by the Zoning Board of Appeals or the circuit court.

6. Variances:

A. Dimensional Variances: The ZBA may grant dimensional variances when the applicant demonstrates in the official record of the hearing that the strict enforcement of this Ordinance would result in practical difficulty. To establish practical difficulty, the applicant must establish all of the following:

- 1) The need for the requested variance is due to unique circumstances or physical conditions of the property involved that do not apply generally to other properties in the surrounding area, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant's personal or economic hardship.
- 2) The need for the requested variance is not the result of action of the property owner or previous property owners (self-created).
- 3) That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.
- 4) Whether granting the requested variance would do substantial justice to the applicant as well as to other property owners in the district, or whether granting a lesser variance than requested would give a substantial relief to the property owner and be more consistent with justice to other property owners.
- 5) That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

B. Minor Dimensional Variances for ARD and MRD only:

- 1) For the purposes of these rules, the required hearing and review of a variance request by the zoning board of appeals shall be waived for certain minor dimensional variances of principal uses, including legal nonconforming uses. Such variances shall be handled by the zoning administrator, who shall consider the provisions of sub rule (D) of this rule in making a determination. The zoning administrator shall prepare a written finding of fact that details the reasons for approval or denial of the minor variance request. Minor variances are defined as reductions in setbacks for uses on any lawful lot that are not more than 25% of the normal dimensional requirements. Such uses shall include principal or accessory buildings or structures, including decks, porches, and steps.
- 2) The zoning board of appeals or zoning administrator shall consider all of the following factors in determining if there are practical difficulties in complying with these rules:
 - (1) How substantial the variance is in relation to the zoning requirements.

- (2) Whether a substantial change will be effected in the character of the area or a substantial detriment created for adjoining properties.
- (3) Whether the difficulty can be overcome by some feasible method other than a variance.
- (4) Whether, in view of the manner in which the difficulty arose, the interests of justice shall be served by allowing the variance.
- (5) Whether the plight of the landowner is due to circumstances which are unique to his or her property and which are not created by the landowner.
- (6) Whether the variance may result in a material adverse effect on the environment.

7. Application requirements:

The applicant shall submit four (4) copies of a completed application, with associated fee, surveys, plans and data as required under **Article VI: Site Plan Review**, or other information deemed reasonably necessary for making any informed decision on his or her appeal, not less than 31 days prior to the date of the hearing.

8. Conditions of Approval:

The ZBA may impose such conditions or limitations in granting a variance as deemed necessary to protect the character of the area, as provided for in **Section 10.03 – Conditions**.

9. Notice of Hearing:

Following receipt of a written request concerning an appeal of an administrative decision, a request for an interpretation of the zoning ordinance or a request for a variance, the Zoning Board of Appeals shall hold a public hearing, after giving the following applicable notice:

- A. For an appeal of an administrative decision, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the township and shall be sent to the person filing the appeal and to the zoning administrator or other administrative agency or official whose decision is being appealed no less than fifteen (15) days before the public hearing.
- B. For a request seeking an interpretation of the zoning ordinance, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the township and shall be sent to the person requesting the interpretation no less than fifteen (15) days before the public hearing.
- C. For a variance request, a notice stating the nature of the variance being requested and the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the township and shall be sent to the person requesting the variance no less than fifteen (15) days before the public hearing.
- D. In addition to the above notice requirements, when the matter before the Zoning Board of Appeals involves a specific parcel, a notice stating the nature of the

appeal, interpretation request, or variance being requested and the time, date, and place of the public hearing shall be sent by first class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the boundary of the property in question.

10. Expiration of ZBA Approvals:

No order of the Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than one (1) years, unless a building permit for such erection or alteration is obtained within such period and substantial construction has occurred.

11. Reapplication:

No application for a variance, interpretation, or appeal which has been decided, in whole or in part, by the Zoning Board of Appeals shall be re-submitted for a period of one (1) year from the date of such decision, unless a rehearing is granted pursuant to **Section 10.04** of this Ordinance.

ARTICLE X: ADMINISTRATION AND ENFORCEMENT OF ORDINANCE

Section 10.01 – Zoning Administrator

The provisions of this Ordinance shall be administered and enforced by a Township Zoning Administrator, appointed by the Township Board of Trustees for such term and subject to such conditions and at such rate of compensation as said Board shall determine as reasonable.

The Zoning Administrator shall have the power to grant Zoning Permits and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Administrator to approve any plans or issue any Permits for the excavation or construction until such plans have been inspected in detail and found to conform to this Ordinance.

The Zoning Administrator shall under no circumstances be permitted to make changes to this Ordinance or to vary the terms of this Ordinance in carrying out the duties of Zoning Administrator.

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 covenants or private agreements that may occur upon the granting of said Permit.

Section 10.02 – Zoning Permit

1. No building or structure subject to the provisions of this Ordinance shall hereafter be erected, structurally altered, reconstructed, used, or moved, nor shall any excavation, tree removal or filling of land commence until a Zoning Permit application has been filed with the Township Zoning Administrator and a Zoning Permit has been issued by the Zoning Administrator, except as otherwise provided for in this ordinance. No Zoning Permit shall be required for any lawful use of any building or structure in existence as of the adoption date of this Ordinance. No Zoning permit shall be required for an accessory structure less than 200 sf in size.
2. The application shall be signed by the owner of the premises or his agent and shall certify that all provisions of this Ordinance and other applicable laws and requirements are to be complied with. Any application requiring approval from the Planning Commission must be submitted not less than thirty (30) days prior to a scheduled meeting for consideration at that Planning Commission meeting. The application shall be accompanied by:
 - A. A site plan, if required, or a sketch in duplicate, in a scale sufficient to clearly detail—as determined by the Zoning Administrator, the location and dimensions of the premises including the boundary lines of all parcels of land under separate ownership contained therein; the size, dimensions, location on the premises, and height of all buildings, structures or other impervious surfaces in existence, to be erected and/or altered; the width and alignment of all abutting streets, highways, alleys, utility locations, easements and public open spaces; the front yard dimensions of the nearest building on both sides of the proposed building or structure; the location and dimensions of sewage disposal facilities both on adjoining land or lots and those to be erected on the lot under consideration; and the location of all wells on adjoining lands or lots and those to be erected on the lot under

consideration.

- B. Properties under two (2) acres in size may be required to submit a legal survey, sealed by a professional surveyor (not a mortgage survey). The Zoning Administrator shall have the authority to require such a survey in the cases where there may be encroachment on the setbacks by the proposed structures or when the exact locations of lot lines are not known.
 - C. Copies of permits or waivers of permits by other agencies as may be required by statute and/or by the Zoning Administrator of this Ordinance.
 - D. Such other information as may be required to determine compliance with the Ordinance.
- 3. A Zoning Permit shall not be issued until all other necessary permits required by statute have been obtained or waived with exception of those permits issued by the Frederic Township Building Department.
 - 4. The location of the property boundaries and all structures shall be staked on the ground for Zoning Administrator approval prior to the issuance of the Zoning Permit.
 - 5. Any Zoning Permit under which no construction has occurred or no substantial construction has been done in the furtherance of the zoning permit, the zoning permit will expire after twelve (12) months from date of issuance.
 - 6. The Zoning Administrator shall have the power to revoke or cancel any Zoning Permit in case of failure or neglect to comply with the provisions of the Ordinance, or in the case of a false statement or misrepresentation made in the application. The owner shall be notified of such revocation in writing.
 - 7. No Zoning Permit shall be valid until the required fees have been paid. Except for an accessory building or structure less than 200 square feet in size, which does not require a zoning permit pursuant to **Section 10.02.1** of this Ordinance, no separate fee shall be required for accessory buildings or structures when application thereof is made at the same time as the principal building or structure. Applications and petitions filed pursuant to the provisions of this Ordinance shall be accompanied by the filing fees as specified by the Township Board of Trustees.
 - 8. Upon issuance of the Zoning permit, a copy of the permit and the application, including any drawings shall be transmitted to the Township Assessor.

Section 10.03 – Conditions

The Planning Commission and Zoning Board of Appeals may attach reasonable conditions on discretionary zoning decisions under their jurisdiction. These conditions may include those necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and

economically desirable manner. Any conditions imposed, however, shall meet all of the following requirements:

1. Be designed to protect natural resources, the health, safety, and welfare and social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

Section 10.04 – Rehearing Process

1. Final Decisions: Except as provided in this section, a decision of the Planning Commission or Zoning Board of Appeals shall be final. The Planning Commission or Zoning Board of Appeals may grant a rehearing under exceptional circumstances for any decision made by it. Exceptional circumstances shall mean any of the following:
 - A. The applicant who brought the matter before the Planning Commission or Zoning Board of Appeals made misrepresentations concerning a material issue, which was relied upon by the Planning Commission or Zoning Board of Appeals in reaching its decision.
 - B. There has been a material change in circumstances regarding the Planning Commission or Zoning Board of Appeals' findings of fact, which occurred after the public hearing.
 - C. The Township attorney by written opinion states that in the attorney's professional opinion the decision made by the Planning Commission or Zoning Board of Appeals or the procedure used in the matter was clearly erroneous.
2. Rehearing Procedure: A rehearing may be requested by the applicant or by the Zoning Administrator, or a rehearing may be granted by the Planning Commission or Zoning Board of Appeals on its own motion.
 - A. A request for a rehearing which is made by an applicant must be made within twenty-one (21) days from the date of approval of the Planning Commission's or Zoning Board of Appeals' minutes regarding the decision for which the rehearing is being requested.
 - B. A request for a rehearing made by the Zoning Administrator or a rehearing granted by the Planning Commission or Zoning Board of Appeals on its own motion may be granted at any time as long as the applicant has not been prejudiced by any delay.
 - C. Whenever the Planning Commission or Zoning Board of Appeals considers

granting a rehearing, it shall provide written notice to the applicant that a rehearing will be considered. The notice may be served upon the applicant by first class mail at the applicants' last known address, or may be served personally on the applicant. The notice must be served at least nine (9) days before the time set for the hearing if served by mail, or at least seven (7) days before the time set for the hearing if served by personal service. Service by mail shall be complete upon mailing. In addition to serving the above notice on the applicant, all other notice requirements for the type of decision being heard shall be completed before the Planning Commission or Zoning Board of Appeals holds a hearing at which it considers whether to grant a rehearing.

- D. If the Planning Commission or Zoning Board of Appeals grants a rehearing, then the rehearing shall not be held until all notice requirements for the type of decision being reheard have been satisfied.

Section 10.05 – Fees

1. To assist in defraying the costs of investigating, reviewing and administering zoning applications, appeals, rezoning requests from individual property owners, and other types of decisions which result in extra costs to the Township, the Township Board may from time to time adopt by resolution a fee schedule establishing basic zoning fees, such as those fees related to the following:
 - A. Zoning permits
 - B. Special land use permits
 - C. Ordinance interpretations by the Zoning Board of Appeals: appeals of administrative interpretation or request for interpretation. Appeals and requests for interpretation initiated by the Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
 - D. Classification of unlisted property uses.
 - E. Requests to change a non-conforming use to another non-conforming use.
 - F. Requests for variances from the Zoning Board of Appeals.
 - G. Requests for rezoning of property by individual property owners or amendments to the zoning ordinance text. Rezoning of property or text amendments initiated by the Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
 - H. Site plan reviews.
 - I. Requests for a planned unit development (PUD).
 - J. Any other discretionary decisions by the Planning Commission or Zoning Board of Appeals.

The amount of these zoning fees shall cover the costs associated with the review of the application or appeal, including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by zoning staff, and time spent by the members of the Planning Commission and/or Zoning Board of Appeals. The basic zoning fees shall be paid before any application required under this Ordinance is processed. The basic zoning fees are non-refundable, even when an application or appeal is withdrawn by the applicant.

2. If the Planning Commission or Zoning Board of Appeals determines that the basic zoning fees will not cover the actual costs of the application review or appeal, or if the Planning Commission or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary or advisable, then the applicant shall deposit with the Township Treasurer such additional zoning fees in an amount determined by the Planning Commission or Zoning Board of Appeals equal to the estimated additional costs. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Planning Commission or Zoning Board of Appeals may require the applicant to deposit additional fees into escrow in an amount determined by the Planning Commission or Zoning Board of Appeals to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective thereby justifying the denial of the application or the dismissal of the appeal. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the Township in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or the release of a final decision on an appeal.

Section 10.06 – Performance Guarantee

In connection with the construction of improvements through site plan approval, special use permits, or a PUD project the Planning Commission may require the applicant to furnish the township with a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the township in an amount equal to the estimated costs associated with the construction of public and site improvements. Public improvements mean by way of example and not limitation roads, parking lots, and water and sewer systems which are located within the development or which the applicant has agreed to construct even though located outside the development. Site improvements mean landscaping, buffering, and the completion of conditions imposed by the Planning Commission which are located within the development. For purposes of this section, the costs covered by the performance guarantee shall include all of the following: (1) the purchase, construction, and/or installation of the improvements, (2) architectural and engineering design and testing fees and related professional costs, and (3) an amount for contingencies consistent with generally accepted engineering and/or planning practice. The performance guarantee shall be deposited with the township clerk at or before the time the township issues the permit authorizing the development, or if the development has been approved in phases, then the performance

guarantee shall be deposited with the township clerk prior to the commencement of construction of a new phase. The performance guarantee shall ensure completion of the public and site improvements in accordance with the plans approved by the Planning Commission. Any cash deposit or certified funds shall be refunded for the development or each phase of a multi-phase development in the following manner:

1. One-third of the cash deposit after completion of one-third of the public and site improvements;
2. Two-thirds of the cash deposit after completion of two-thirds of the public and site improvements; and
3. The balance at the completion of the public and site improvements.

Any irrevocable bank letter of credit or surety bond shall be returned to the applicant upon completion of the public improvements. If a development is to be completed in phases, then the Planning Commission may require the applicant to furnish a performance guarantee as provided in this section for each phase of the development. If an applicant has contracted with a third-party to construct the public and site improvements and the third-party has provided a bond meeting the requirements described above and the bond also names the township as a third-party beneficiary of the bond, then the Planning Commission may accept that bond as meeting all or a portion of the performance guarantee required by this section.

Section 10.07 – Violations and Penalties

Section 10.07.1 – Nuisance per se

Any land, dwellings, buildings or structures, including tents and trailer coaches, used, erected, altered, razed or converted in violation of this Ordinance or in violation of any regulations, conditions, permits or other rights granted, adopted or issued pursuant to this Ordinance are hereby declared to be a nuisance per se.

Section 10.07.2 – Inspection

The Zoning Administrator shall have the duty to investigate each alleged violation and shall have the right to inspect any property for which a zoning permit has been issued to ensure compliance with the plans and conditions of the zoning permit or approved site plan.

Section 10.07.3 – Penalties

1. Any person, partnership, limited liability company, corporation, association or other entity who creates or maintains a nuisance per se or who violates or fails to comply with this Ordinance or any permit issued pursuant to this Ordinance shall be responsible for a municipal civil infraction and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Every day that such violation continues may constitute a separate and distinct offense under the provisions of this Ordinance. Nothing in this section shall exempt the offender from compliance with provisions of this Ordinance or prohibit the Township from seeking additional and/or equitable relief from any court to ensure compliance with the provisions of this ordinance.

2. The Township Zoning Administrator, Zoning Enforcement Officer and others so specified and designated as the authorized Township officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court. The Township Board may also designate from time to time other officials to issue municipal infraction citations on behalf of the Township in connection with alleged violations of this ordinance.
3. In addition to or in lieu of enforcing this Ordinance, as a municipal civil infraction, the Township may initiate proceedings in the any court of competent jurisdiction to abate, eliminate, or enjoin the nuisance per se or any other violation of this Ordinance.

Section 10.07.4 – Stop Work Order

If construction or land uses are being undertaken contrary to a zoning permit, the zoning enabling act, or this ordinance, the zoning administrator or deputy of the zoning administrator or any other official authorized by the Township Board is authorized to post a stop work order on the property at a suitable location, such as at an entrance, in order to prevent the work or activity from proceeding in violation of the ordinance.

A person shall not continue, or cause or allow to be continued, construction or uses in a violation of a stop work order, except with permission of the enforcing agency to abate a dangerous condition or remove the violation, or except by court order. If an order to stop work is not obeyed, the enforcing agency may apply to the circuit court for an order enjoining the violation of the stop work order. This remedy is in addition to, and not in limitation of, any other remedy provided by law or ordinance, and does not prevent criminal or civil prosecution for failure to obey the order.

Section 10.08 – Conflicting Regulations

In the interpretation of this Ordinance, this Ordinance shall control unless there exists a conflict with any other township ordinances, in which case the more stringent regulations will control.

ARTICLE XI: ADOPTION AND AMENDMENTS

Section 11.01 – Amendment to this Ordinance

1. The Township Board is authorized and empowered to cause this Ordinance to be amended, supplemented, or changed, pursuant to the authority and according to the procedures set forth in the Michigan Zoning Enabling Act, Act 110, of Public Acts 2006, as amended.
 - A. The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Frederic Township Zoning Map maybe amended, supplemented or changed by action of the Township Board following a recommendation from the Township Planning Commission.
 - B. Proposals for amendments, supplements or changes may be initiated by the Township Board on its own motion, by the Township Planning Commission or by petition of one (1) or more owners of property to be affected by the proposed amendment.
 - C. The procedure to be followed for initiating and processing an amendment shall be as follows:
 - 1) Each petition by one (1) or more persons for an amendment shall be submitted by application to the Zoning Administrator on a standard form provided and shall be accompanied by the fee as prescribed by the Township Board. No part of such fee shall be returnable to a petitioner if the public hearing is held.
 - 2) The Zoning Administrator shall notify, in writing, the Township Clerk and Chair of the Planning Commission at or before the time s/he transmits the amendment request to the Planning Commission.
 - 3) The Planning Commission shall consider each proposal for amendment on particular factors related to the individual proposal and in terms of the likely effect on the community's physical development. The Planning Commission may recommend any additions or modifications to the original proposal.
 - 4) Before ruling on any proposal the Planning Commission shall conduct at least one (1) public hearing, notice of the time and place of which shall be given in a newspaper of general circulation in the Township, not less than fifteen (15) days before the date of such hearing and by notifying all property owners within three hundred (300) feet of any land proposed for rezoning and all occupants of single and two-family dwellings within three hundred feet not less than fifteen (15) days prior to the public hearing. Not less than 15 days' notice of the time and place of the hearing shall also be given by mail to each electric, gas, pipeline, and telephone public utility company, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the township zoning commission for the purpose of receiving the notice. The notices shall include the places and times at which the tentative text and any

map of the Zoning Ordinance may be examined and shall be verified by an affidavit of mailing or personal service.

- 5) The Planning Commission shall review and apply the following standards and factors in the consideration of any re-zoning request.
 - a) Is the proposed rezoning consistent with the Frederic Township Master Plan?
 - b) Is the proposed rezoning reasonably consistent with surrounding uses?
 - c) Will there be an adverse physical impact on surrounding properties?
 - d) Will there be an adverse effect on property values in the adjacent area?
 - e) Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?
 - f) Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations?
 - g) Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?
 - h) Are there substantial reasons why the property cannot be used in accordance with its present zoning classifications?
 - i) Is the rezoning in conflict with the planned use for the property as reflected in the master plan?
 - j) Is the site served by adequate public facilities or is the petitioner able to provide them?
 - k) Are there sites nearby already properly zoned that can be used for the intended purposes?
 - l) The community should evaluate whether other local remedies are available.
- 6) Following the public hearing the Planning Commission shall submit the proposed amendment including any zoning map changes to the County Planning Commission. If the recommendation of the County Planning Commission has not been received within 30 days after the receipt of the Ordinance by the County, it shall be conclusively presumed that the County has waived its right for review.
- 7) The Planning Commission shall submit a final report/recommendation to the Township Board along with a summary of the comments received at the public hearing.
- 8) The Township Board may hold additional public hearings if they decide it is necessary. Notice of such hearing shall be published in a newspaper, which circulates in the Township not less than fifteen (15) days before the hearing. The Township Board may adopt or reject any proposed

amendment, or refer back to the Planning Commission for further review as prescribed in the Michigan Zoning Enabling Act, Act 110, of Public Acts 2006, as amended.

- 9) Once adopted by the Township Board, amendments to this Ordinance shall be filed with the Township Clerk, and one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. Any amendments to this Ordinance shall take effect eight (8) days after publication or at a later date as may be specified by the Township Board at the time of adoption.
- 10) No application for a rezoning which has been denied by the Township shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Township Planning Commission to be valid.

Section 11.02 – Repeal and Savings Clause

1. This Ordinance repeals and replaces any previous Frederic Township Zoning Ordinance in its entirety.
2. The repeal of the Frederic Township Zoning Ordinance 1998-2, as provided, shall not affect any rights acquired, fines, penalties, forfeitures, liabilities incurred there under, or actions involving any of the provisions of said ordinance or parts thereof. Said ordinance or ordinance sections repealed is hereby continued in force and effect after the passage, approval and publication of this Ordinance for the purpose of such rights, fines, penalties, forfeitures, liabilities and actions therefore.

Section 11.03 – Enactment and Effective Date

1. This Ordinance was adopted on September 11, 2006 by the Frederic Township Board of Trustees and will be effective October 2, 2006. The foregoing Zoning Ordinance and Zoning Map were presented at public hearings before the Planning Commission on August 7, 2006 and then the Township Board on September 11, 2006.
2. Amendments or revision to this Ordinance or Map of Zoning Districts shall become effective eight (8) days after publication, or a specified later date, of a notice of adoption of said amendments or revisions within fifteen (15) days of adoption in accordance with the Michigan Zoning Enabling Act, Act 110, of Public Acts 2006.

