

FREDERIC TOWNSHIP ZONING ORDINANCE 98-2

CRAWFORD COUNTY, MICHIGAN

AN ORDINANCE to repeal the October 1983 Zoning Ordinance and adopt a revised Zoning Ordinance which incorporates amendments adopted since 1983 and maintains zoning districts and provisions governing the unincorporated portions of Frederic Township, Crawford County, Michigan; enacted to promote the public health, safety and general welfare in accordance with the provisions of Act 184 of the Public Acts of Michigan, the Township Rural Zoning Act as amended; to provide for classes of and regulations governing nonconforming uses and structures; to provide for a Zoning Administrator; to provide for a Board of Zoning Appeals and its powers and duties; to provide for the powers and duties of the Township Planning Commission concerning zoning; for permits and the collection of fees; to provide penalties for the violation of this Ordinance; and to provide for coordination with other ordinances or regulations. The adoption of this zoning ordinance does not release any existing cases pending in the existing or preexisting Crawford county zoning ordinance(s) in which this zoning ordinance will supersede, nor does it Grandfather out any existing regulations unless specified in the new Frederic Township ordinance 98-2 and amendments to it thereafter.

THE TOWNSHIP BOARD OF FREDERIC IN CRAWFORD COUNTY, STATE OF MICHIGAN, HEREBY ORDAINS:

SECTION 1.0: PURPOSE

The primary purpose of this Ordinance is to promote the public health, safety, and general welfare of the inhabitants of the township, and to protect the lands and the resources of the Township, and an Ordinance enacted in compliance with all of the requirements of the Township Rural Zoning Act.

2.0 SECTION 2.0: SHORT TITLE

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

3.0 SECTION 3.0: DEFINITIONS

For the purpose of this Ordinance certain terms, or words used herein shall be interpreted as follows: All words used in the present tense shall include the future; all words in the singular number include the plural number and all words in the plural number include the singular number. The word “building” includes the word “structure”, and “dwelling” includes “residence”, the word “person” includes “corporation”, “co-partnership”, as well as an “individual”; the word “shall” is mandatory and not merely directory and the word “may” is permissive. Terms not herein defined shall have the meaning customarily assigned to them.

Abutting: Having property or district line in common.

Accessory Use: (Customary) A use naturally and normally incidental and subordinate to the permitted use of the premises.

Agriculture: The art and science of cultivating the ground for the purpose of raising crops (Including forestry) but not including the raising or keeping of livestock and/or farm or fowl.

Alterations: Any change, addition or modification to a structure or type of occupancy or use of structure or land or any change in the structural members of a building, such as walls or partitions, columns, beams or

grinders, the consummated act of which may be referred to herein as “altered” or “reconstructed” or “changed”.

B.O.C.A. Code: Refers to Michigan State Construction Code, P.A. 1972, No. 230, being MCL 125.1501

Buffer Strip: A strip of land located within a transitional yard, which is established to protect one type of land use from another with which it is incompatible. This strip is permanently landscaped and screened.

Building: A structure, whether site-built or pre-manufactured, enclosed, roofed, built, erected, and framed of component parts designed for the housing, shelter or enclosure of individuals, animals or property of any kind.

Building, Accessory: (Amend. 95-1-9-15-95) Accessory structure, a building, the occupancy of which is incidental to that of the main building, that is located on the same lot as the main building

Building, Height of: The elevation measured from the average finished lot grade at the front of the building to the highest point of the roof.

Building(s), Main: a) Any individual structure, on a lot or site, which contains one or more principle or conditional uses. b) The separate structures on a single site, in which one or more principle or conditional uses are located.

Building – Non-Conforming: Any structure, the construction of which was lawfully established prior to the passage of this ordinance (or any amendments thereto) which for any reason does not meet all of the applicable regulations contained in this ordinance (or its amendments).

Club: An organization catering exclusively to members and their guests on premises and buildings for recreational, artistic, political or social purposes which are not conducted primarily for financial gain and which do not provide merchandise, vending, or commercial activities, except as required incidentally for the membership and purpose of such club.

District: A portion of the Township within which certain regulations and requirements or various combinations thereof apply uniformly under the provisions of this ordinance.

Dwelling Unit: One or more rooms connected together but structurally divided from all other rooms in the same structure, constituting separate living quarters, designed for permanent residential occupancy by a single family. Individual bathrooms and complete kitchen facilities, permanently installed, shall always be included for each dwelling unit. This definition does not include travel trailers or tents.

Dwelling, Duplex: A building containing not more than two units designed for residential use, complying with the standard set forth in Section 20.0.

Dwelling, Multiple Family: A building containing three or more dwelling units designed for residential use and conforming in all other respects to the standards set forth in Section 20.0.

Dwelling, Single Family: A building containing not more than one dwelling unit designed for residential use, complying with the standards set forth in Section 20.0.

Essential Services: Means the erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of overhead, surface, or underground gas, electrical, steam, fuel, or water transmission or distribution systems; collection, communication, supply or disposal systems,

including towers, poles, wires, mains, drains, hydrants, and similar accessories in connection therewith, but not including buildings over (250) square feet in area necessary for the furnishing of such services.

Family: One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain over four persons, but further provided that domestic servants employed and housed on the premises shall not be counted as a family or families.

Farm: A tract of land, not less than five acres in size, substantially devoted to agriculture and/or the raising or keeping of livestock, farm animals or fowl.

Fence: A structure not to exceed six feet in height and of definitive location maintained to screen and/or separate a use from adjacent property.

Fence, Screening: A structure of definite height and location; maintained to allow (20) percent passage of light and to screen and separate a use from adjacent property. A screening fence shall be an obscuring fence not less than (4) feet in height.

Floor Area: The total gross area of all floors, as measured to the outside surfaces of exterior walls.

Garage: A detached accessory building or portion of the main building used for parking or storage of not more than (3) motor vehicles, in connection with the permitted use of the main building.

Grade Level: A reference plane representing the average of finished ground level adjoining the building at all exterior walls.

Home Occupation: An occupation or profession, carried on in a dwelling unit by members of the immediate family residing on the premises which are clearly incidental or secondary to the use of the dwelling purposes.

Kennels: Any lot or premises on which animals are either permanently or temporarily boarded as a commercial enterprise.

Lakes: Any large standing body of water primarily used for recreational and residential use.

Loading Space: An off-street space or designated on-street space on the same lot with a building, or group of buildings, for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

Lot: The word "lot" shall include a plot or parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area to provide such yards and other open spaces as are herein required. Such a lot shall have its front line abutting a public street or a private street meeting the standards of an approved PUD and may consist of: 1) A single lot of record; 2) A portion of a lot of record; 3) A combination of complete lots of record, complete lots of record and portions of lots of record, or of portions of lots of record; or 4) A parcel of land described by metes and bounds. "If a lot is located in more than one zoning district, structural characteristics such as height, size, and out buildings must conform to the requirements of the district in which the structure is located. Any use of the lot must conform to the requirements of the district in which the use shall be made. If either a structure on the lot or a use of the lot extends into more than one district such structures or uses must conform to the requirements of the district which are more restrictive." (Legal interpretation, D. Dosson, 7-25-88)

Lot, Corner: Any lot having frontage on two intersecting streets or upon two portions of a turning street where the angle of an intersection is less than 145 degrees.

Lot Depth: The horizontal distance between the front lot line and the rear lot line with the measurement taken along a line that is equal distance between the two side lot lines.

Lot, Interior: Any lot other than a corner lot.

Lot Lines: The line abounding a lot as defined herein: 1) Lot line, Front: That line separating the lot from the right-of-way, in case of a through lot, the lines separating the lot from each right-of-way; in the case of a corner lot one such front line may be designated as a side lot line. 2) Lot line, Rear: A lot line which is opposite the front lot line. In the case of a corner lot, the rear lot line shall be opposite either front lot line, but there shall only be one rear lot line. 3) Lot line, Side: Any lot line not a front lot line or not a rear lot line. Where the lot borders the water, the waterfront shall be considered the front lot line.

Lot, Non-Conforming: A lot, the size, width or other characteristic of which fails to meet requirements of the Zoning District in which it is located and which was conforming ("of record") prior to enactment of this ordinance.

Lot of Record: A lot which is part of a plat or a lot or parcel described by metes and bounds recorded in the office of the County Register of Deeds at the time of adoption of this ordinance.

Lot Width: The horizontal distance between the side lot lines, measured at the interior front yard lines that do not have a common corner. The Zoning Administrator may elect to take the average horizontal distance between the side lot lines measured at the interior front and rear yard lines in order to determine lot width.

Mixed Occupancy: A dwelling, located to the rear or attached to a commercial building, occupied by the commercial enterprise personnel only.

Major Street: Any street designated as a major street pursuant to Act 51 of the Public Acts of 1951.

Minor Street: Any street designated as a minor street pursuant to Act 51 of the Public Acts of 1951.

Mobile Home: Any vehicle or structure designed, used, or so constructed as to permit its being used as a conveyance upon the public streets or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons, but not meeting one or more of the requirements of a single family dwelling.

Mobile Home Park: A plot of land with designated rental spaces for individual mobile homes, as defined above.

Mobile Home Subdivision: A platted subdivision with privately owned lots for individual permanently located mobile home.

Motel: A series of rental units, each containing at least a bedroom and bathroom, provided for compensation to the traveling public for overnight lodging.

Motor Vehicle Sales: Open area used for the display, sale or rental of new or used motor vehicles or trailers in operable condition, and where repair work is incidental to the sales or rental enterprise.

Non-Conforming: Refer to buildings, non-conforming; lots, non-conforming; and uses, non-conforming. See, also, Section 25.0 for non-conforming uses and non-conforming structures. See Section 26.0 for non-conforming lots.

Occupancy: Being present in any manner or form. Includes the meaning of intent, design, or arrangement for the use, or inhabitation of.

Open Air Wall: A concrete structure of definite height and location maintained to allow (20) percent passage of light and air and to screen and separate a use from adjacent property. An open-air wall shall not be less than (6) feet in height.

Open Space: Any area of a site which is not covered by a structure, is not included in required parking area, and is available for use by residents and visitors.

Parking Lot: A hard-surface, dust-free area with well-defined entrances and exits and lanes for unencumbered access to individual parking spaces.

Parking Spaces: A defined area of at least (10) feet x (20) feet for the storage or parking of a single permitted vehicle. This area is to be exclusive of drives, driveways, isles or entrances giving access to the space for the public right-of-way.

Permit, Building: Authorization granted by the building official to erect, alter, enlarge, or relocate a structure.

Temporary Residence (Ordinance 98-2):

1. **PURPOSE:** To allow conditional temporary residence, which does not meet Frederic Township Zoning standards.
2. **SPECIAL PERMIT:** A “Temporary Residence Permit” is issued in conjunction with a “building permit” for the property.
3. **CONSTRUCTION:** Construction must begin immediately.
4. **TIME LIMIT:** These permits shall not exceed (12) months and shall not be renewable except in the interest of public health, safety or welfare.
5. **TEMPORARY RESIDENCE:** A temporary residence can be classed as follows, providing adequate sewage facilities exist:
 - a. Motor Home, Travel Trailer, manufactured campers, tents, and mobile homes.
6. **RESTRICTIONS:**
 - a. No accessory building shall be used as a temporary residence.
 - b. All existing Township regulations apply to the property.
 - c. When construction is complete all temporary residence permits cease and property must conform to Frederic Township Zoning rules.

Transitional Yard: A yard that must be provided on a lot where a more intensive land use is located adjacent to either an existing or planned use of a less intensive nature. Its intent is to act as a buffer zone, enabling adjacent uses to be developed so that they are compatible with one another.

Travel Trailer: A vehicle built on a chassis and designed to be used for temporary occupancy for travel, recreational or vacation use.

Travel Trailer Park: A plot of land with designed rental spaces for individual travel trailers.

Use, non-conforming: Any structure, use of a structure or land use which was lawfully established prior to the time of passage of this ordinance (or any amendments thereto) and which does not conform to all of the applicable regulations contained in the ordinance (or its amendments).

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

Yard: Required open space, on the same lot as a main building, unoccupied and unobstructed from the ground upward.

Yard, front: The minimum open space extending across the full width of the lot, the depth of which is the distance between the front lot line and the nearest point of the building.

Yard, rear: The minimum open space extending across the full width of the lot, the depth of which is the distance between the rear lot line and the permissible location for the rear wall of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage, but there shall only be one rear yard.

Yard, side: The minimum open space between the building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured from the nearest point of the side lot line toward the nearest part of the main building.

Zone: Refer to district.

Zoning Variance: A modification of the literal provisions of the Zoning Ordinance granted by the Board of Zoning Appeals when in its judgment the strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

SECTION 4.0: SEVERABILITY

This Ordinance and the various parts, sections, subsections, and the clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid as applied to a particular property, building, or other structure, it is hereby provided that the application of such portion of the Ordinance to other property, buildings, or structures shall not be affected thereby. Whenever any condition or limitation is concluded in an order authorizing a planned unit development or any conditional use permit, variance, zoning compliance permit, site plan approval or designation of Class A non-conformance, it shall be conclusively presumed that the authorizing officer or body considered such condition or limitation necessary to carry out the spirit and purpose of this Ordinance or the requirement of some provision thereof, and to protect the public health, safety, and welfare, and that the officer of the board would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was lawful.

SECTION 5.0: EFFECTIVE DATE AND REPEAL OF PRIOR ORDINANCE

THIS Zoning Ordinance, 98-2, which was adopted by the Township Board on the 7th day of April, 1998, published in the Crawford County Avalanche on the 23rd day of April, 1998, shall take effect of the 23rd day of May, 1998. The previous Zoning Ordinance, adopted by the Crawford Board of commissioners, is hereby repealed as of the effective date of this Ordinance. The repeal of the above Ordinance does not affect or impair any act done, offense committed, or right occurring, accrued or acquired, or liability penalty forfeiture or punishment incurred prior to the time enforced, prosecuted, or inflicted.

9.1 Boundaries

The boundaries of said districts are hereby established as shown on the Official Zoning Map.

9.2 Official Zoning Map

- A. The locations of the areas included in each said district are depicted upon the Zoning Map of Frederic Township, Crawford County, Michigan, which accompany this Ordinance, and which maps with all notations, references, and other information shown thereon, is incorporated herein, and is as much a part of the Ordinance as if full described and set forth herein.
 - 1. The Official Zoning Map shall be identified by the signature of the Supervisor and Township Clerk.
 - 2. The Official Zoning Map shall be kept in the office of the Zoning Administrator whose responsibility it shall be to enter on the map all amendments adopted by the Township Board.
- B. Unless otherwise shown the boundaries of said districts shall be interpreted as follows:
 - 1. Boundaries approximately following public, railroad, utility, or other rights-of-way, streams, rivers, canals, shall be construed to follow the centerlines of such features.
 - 2. Boundaries approximating platted lot lines, or the Township limits shall be construed as following these lines.
- C. Projections from the shoreline into unzoned water areas shall be subject to the regulations of the Zoning District of the land at the shoreline.

10.0 SECTION 10.0: (R-1) SINGLE FAMILY RESIDENTIAL DISTRICT

10.1 Intent.

To establish and preserve quiet desirable neighborhoods of detached single family dwellings with a low to medium density. This district shall be free from other uses except those that are compatible with the residents of the Single Family Residential District.

10.2 Permitted Principle Uses.

- A. Detached Single Family Dwelling Unit. (See Section 20.0)
- B. Customary Accessory Detached Uses and Structures. (See Section 20.1-B)
- C. Temporary Residence as defined herein.
- D. Storage of one temporary recreational structure on the rear of a lot containing a permanent dwelling with due regards to side and rear yard requirements for accessory buildings (Section 20.1, B-4).

10.3 Requirements for Principle Use.

- A. No more than one single-family dwelling unit may be located on a lot.

10.4 Conditional Uses. (Requires Planning Commission Approval.) (See Section 27.0)

- A. Schools, churches, cemeteries.
- B. Recreational facilities compatible with the intent of this district.
- C. Public utility substations.
- D. Home Occupations.
- E. Family day care, group day care.

11.0 SECTION 11.0: (R-2) GENERAL RESIDENTIAL DISTRICT

11.1 Intent.

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

11.2 Permitted Principle Uses.

- A. Detached Single Family Dwelling Unit. (See Section 20.0)
- B. Duplex Dwelling Units (2 family). (See Section 20.1-C)
- C. Churches.
- D. Customary Accessory Detached Uses and Structures. (See Section 20.1-B)
- E. Temporary Residence as defined herein.
- F. Storage of one temporary recreational structure on the rear of a lot containing a permanent dwelling with due regard to side and rear yard requirements for accessory buildings. (Section 20.1, B-4) On lots with a duplex dwelling, one recreational structure per unit would be allowed.

11.3 Requirements for Principle Uses.

- A. No more than one main building containing one or two family units may be located on a lot.

11.4 Conditional Uses. (Requires Planning Commission Approval.) (See Section 27.0)

- A. Schools, cemeteries.
- B. Recreational facilities compatible with the intent of this district.
- C. Public Utility Substations.
- D. Home occupations.
- E. Family day care, group day care.
- F. Multi-family units up to (35) feet in height.

11.5 Native Protection Strip.

Where those lands border a body of water, there shall be a strip parallel with the water's edge and (30) feet deep which shall be strictly maintained in its natural state, except trees or shrubs may be planted to protect the shoreline from eroding or to improve the aesthetics. Trees, shrubs, and undergrowth in a space (50) foot wide within this native strip may be trimmed and pruned for a view of the water and for locating a dock.

12.0 SECTION 12.0: (C-1) GENERAL COMMERCIAL DISTRICT

12.1 Intent.

To establish and preserve a general commercial zone containing uses which include the retail sale or combination retail/wholesale of commodities catering to the entire community and the needs of highway and tourist traffic.

12.2 Permitted Principle Uses. (See Section 20.0, also see Section 23.2)

- A. The retail sale or combination retail/wholesale of commodities such as: foods, florists shops, pharmaceutical allied products, clothing and dry goods, hardware, furniture and household appliances, shops and stores for conducting businesses such as: electrical supplies, fixtures and accessories, and for carrying on the trade of electricians, decorators, painters, photographers, plumbers, similar artisans and advertisement.
- B. The retail sale of petroleum products and the servicing of motor vehicles. (See Section 20.1-G)
- C. Professional services, such as: doctors, lawyers, dentists, engineers, architects and insurance and real estate sales offices.
- D. Personal service shops such as: beauty parlors, barbershops, tailor shops, shoe repair, and the like.
- E. Tourist facilities, such as: restaurants, delicatessens, other dispensaries of food products, motels and hotels, and recreational sales and service.
- F. Motor vehicle sales, service, and rental; construction and farm equipment sales, sales of mobile homes, campers, recreational vehicles, and boats.

12.3 Conditional Uses (Requires Planning Commission Approval.) (See Section 27.0)

- A. Establishments selling alcoholic beverages for consumption on the premises.
- B. Private for profit recreational facilities, such as: theaters, recreational amusement centers, bowling alleys, and billiard halls.
- C. Governmental, Civic Center.
- D. Customary accessory detached uses and structures.
- E. Auto & Truck repair facilities.
- F. Auto & Truck recycling facilities (Junkyards).
- G. Sexually Oriented businesses.
- H. Telecommunication towers.

13.0 SECTION 13.0: (C-2) LIGHT COMMERCIAL DISTRICT

13.1 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.

13.2 Permitted Principle Uses. (See Section 23.2)

- A. Mercantile establishments involved in the sale of all kinds of goods, wares, and merchandise at wholesale.
- B. Wholesale and storage uses, food packaging and bottle works, commercial printing and newspaper offices, contractor's yards and shops, laundry cleaning plants, warehousing, and the manufacture and sale of monuments.

13.3 Conditional Uses. (Requires Planning Commission Approval) (See Section 27.0)

- A. Auto & Truck recycling facilities (Junkyards).
- B. Sexually Oriented businesses.
- C. Telecommunication Towers.
- D. Auto, Light Truck & Heavy Truck repair facilities.

14.0 SECTION 14.0: (I) INDUSTRIAL DISTRICT

14.1 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.

14.2 Permitted Principle Uses. (See Section 20.0)

A. Manufacturing, extractive processing and other industrial uses.

14.3 Requirements for Principle Use.

A. Uses other than for storage within this district shall be conducted within a completely enclosed building.

14.4 Conditional Uses. (Requires Planning Commission Approval) (See Section 27.0)

A. Manufacturing, extractive processing, and other industrial uses that are conducted outside of an enclose structure, including salvage yards.

B. Major repair, maintenance, processing and packaging operations.

15.0 SECTION 15.0: (NRD) NATURAL RIVER DISTRICT
(Natural River Plan – AuSable River & Tributaries.

15.1 Goal.

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

15.2 Objectives.

- A. To maintain water quality consistent with the designated classification of the river and adhere to the concept of nondegradation of water quality.
- B. To prohibit development or activity which may damage the ecological, aesthetic or historic values of the river and adjacent lands.
- C. To ensure that any development which may occur shall be done in an orderly manner consistent with the natural environment and aesthetic qualities of the stream.
- D. To ensure that recreational uses which occur, be done in an orderly manner consistent with the natural environment and aesthetic qualities of the stream, and that a quality recreation experience is maintained.

15.3 Designation.

The following portions of the AuSable River are designated as a wild-scenic river under authority of Act 231, P.A. 1970.

- A. MAINSTREAM – from the confluence of Kolka and Bradford Creeks (T28N, R4W), downstream to Loud Dam (Iosco County).
- B. EAST BRANCH – from the out fall of Barnes Lake (T28N, R2W) to its confluence with the AuSable River, and including other flowing bodies of water that ultimately drain into the mainstream.

15.4 Natural River District (NRD).

The AuSable River Natural River District includes an area 400 feet wide on each side of and parallel to all channels of the mainstream and East Branch. This district establishes a definable area within which local zoning may guide future development and use. ESTABLISHMENT OF THIS DISTRICT IN NO WAY IMPLIES A “TAKING” OF THESE LANDS BY THE STATE OR OPENING THEM UP TO PUBLIC USE. PRIVATE LANDS REMAIN PRIVATE AND ARE SUBJECT TO THE RIGHTS OF PRIVATE OWNERSHIP.

15.5 Residential Housing.

- A. Unplatted lots and new subdivisions in the Natural River District shall accommodate the building set backs as set forth in Section 15.7, and shall have a minimum riverfront lot width of 200 feet on the mainstream, and be a minimum of 150 feet wide on the East Branch and other flowing bodies of water that ultimately drain into the mainstream.
- B. Lots or property of record that are non-conforming at the time of the effective date of these regulations because of lack of size to accommodate building set backs from the water’s edge shall be allowed to be built upon and variances shall be allowed for required set backs upon such reasonable terms as set forth by the Zoning Board, providing that structures be so placed as to best meet the objectives of the Natural River Act.
- C. One single-family dwelling will be permitted on each lot or parcel within the Natural River District subject to the building set backs as set forth in Section 15.7. A single-family dwelling is defined as a detached building or structure designed for or occupied exclusively by one (1) family and containing housekeeping facilities. (See Section 20.0)
- D. Accessory Buildings and Structures:

1. Whether or not any structure falling into this group is attached to a main building, it SHALL BE SUBJECT TO, AND MUST CONFORM WITH front yard regulations applicable to principle structures.
2. NO ACCESSORY BUILDING SHALL BE LOCATED BETWEEN THE MAIN STRUCTURE AND THE WATER'S EDGE.
3. In NO INSTANCE shall more than (2) accessory buildings be located on a single lot.
4. Accessory buildings may not occupy MORE THAN 25% of a required rear yard provided that, IN NO INSTANCE, shall the ground floor area of accessory building(s) exceed the ground floor area of the residence.
5. No detached accessory building shall be located closer than (15) feet to any main structure. An accessory structure shall not be located closer than (30) feet from a side or rear lot line, except corner lots, where the minimum side yard set back along the street is (50) fifty feet.
6. No detached accessory building shall exceed (15) fifteen feet in height, except a private garage, which, in no case, shall exceed (25) twenty-five feet in height.

15.6 Industrial & Commercial Uses and Structures.

- A. New industrial and/or commercial uses and structures or expansion of existing industrial and commercial uses are prohibited.
- B. New canoe liveries, expansion of existing liveries, or expansion of commercial launching or retrieval of watercraft in the designated portions of the river system shall be prohibited. In considering rezoning, special exception or variance requests, either within or outside the 400 foot Natural District, local units of government should examine closely the effects such use will have on the natural qualities of the AuSable River system, the needs for additional local governmental services and the safety and enjoyment of riparian landowners and other river users.
- C. Conditional Uses: In Home Occupations. (See Section 27.0)

15.7 Building Set Backs.

- A. On the AuSable River mainstream, new buildings and appurtenances will be required to be "set back" a minimum of 200 feet from the ordinary high water mark.¹ The "set back" may be decreased one (1) foot for every one (1) foot rise in bank height to a minimum of 150 feet from the ordinary high water mark.
 1. New buildings and appurtenances must be set back at least 25 feet from the top of a bluff,² on the non-cutting edge of the stream.
 2. New buildings and appurtenances must be set back at least 50 feet from the top of the bluff on the cutting³ edge of a stream.

¹ Ordinary high water mark means "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 surface of the soil and the vegetation. Where water returns to its natural level as the result of the permanent removal or abandonment of a dam, it means the natural ordinary high water mark." (This is the definition used for administration of the Inland Lakes and Streams Act, Act 346, P.A. 1972.)

² "Bluff" means the top of a steep bank rising sharply from the water's edge. Incline of at least 75 degrees and height of at least 40 feet.

³ "Cutting edge of a stream" means the outside edge of a river or stream where water velocity has increased to the point where it may cause soil or stream bank erosion.

3. No building shall take place on land that is subject to flooding.⁴
- B. On the East Branch and other flowing bodies of water that ultimately drain into the mainstream, new buildings and appurtenances will be required to set back a minimum of 100 feet from the ordinary high water mark of the tributary provided that no building shall take place on land that is subject to flooding. The set back may be decreased one foot for every one-foot rise in bank height to a minimum of 75 feet from the ordinary high water mark.

15.8 Building Design and Screening.

- A. Property owners are encouraged to use natural materials and natural unobtrusive colors in the construction of new or remodeling of existing buildings. Upon request to the Department of Natural Resources, individual property owners will receive technical advice on location and design of structures and management of their lands. Such requests and the Department's response should be channeled through the local zoning administrator.
- B. Property owners of new or existing buildings visible from the river are encouraged to screen them with native vegetation. The Department of Natural Resources Area Forester and Soil Conservation Service will advise on planting stock, etc., on request. When available at state nurseries, recommended planting materials will be supplied to property owners at cost.

15.9 Docks.

The construction of docks along the AuSable River system is discouraged. However, if necessary to provide safe and ecologically sound access for the riparian landowner, docks may be constructed not to exceed four feet in width nor more than 12 feet in length with no more than four feet of the dock extending over the water. Property owners located on the impoundments affected by fluctuating water levels will be allowed to construct a dock large enough to provide safe and reasonable access to the water. Docks require a permit from the Department of Natural Resources and must be constructed in accordance with rules of Act 346, P.A. 1972. The use of "natural" materials and camouflaging is encouraged. Property owners are encouraged to build "logsod covered" docks. Upon request from the property owner, the Department of Natural Resources will supply plans and specifications for this type of dock or assist in the siting and location of a dock so as to blend in with the natural surroundings and best meet the objectives of natural rivers designation.

15.10 On Site Sanitation Systems.

- A. All habitations within the Natural 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 Natural 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.

⁴ "Land that is subject to flooding" means that the area of land adjoining the designated portions of rivers and tributaries which:

1. Will be inundated by a flood which has a one percent chance of occurring or being exceeded in any given year (intermediate regional flood), as determined by detailed hydraulic studies which are acceptable to the Michigan Water Resources Commission; or
2. In the absence of such detailed flood plain studies, have a history of flooding or are delineated by approximate methods such as USGS flood prone area maps or HUD's special flood hazard boundary maps.

15.11 Signs.

- A. Only those signs necessary for (a) identification, (b) direction, (c) resource information, (d) regulation of use, and (e) related to permitted uses, shall be placed along the designated river and tributaries.
- B. Within the Natural River District, signs for the sale of products or services shall be prohibited. Signs within the Natural River District must be:
 - 1. Non illuminated.
 - 2. In conformance with the following standards:
 - a. Signs may not be larger than one square foot in area posted no more than one per 100 feet or one sign posted at upstream and downstream corner of lot. However, one temporary real estate "For Sale" sign per parcel of land not to exceed four square feet in area shall be allowed inside of the natural vegetation strip (as described in Section 15.19).
 - b. Signs posted by public agencies must be kept to a minimum, of rustic design, no larger than 10 square feet in area, not attached to any tree or shrub, and placed so as to best meet the objectives of the Natural River Act.

(Note: Signs by public agencies may need to be larger or within the 400 foot Natural River District to provide for public safety, such as warning of impending dangers of the river, or for an interpretive or historic sign.)

15.12 Soil Erosion and Sediment Control Measures.

- A. All earth changing activities, other than normal landscaping or maintenance, undertaken within 500 feet of a lake or stream, must be conducted in accordance with the requirements of Act 347 of the Public Acts of 1972, its administrative rules and those procedures established by the local enforcing agency.
- B. Development along the river involving earth moving shall provide for water disposal and/or protection of the soil surface during and after construction.
- C. Practical combinations of the following will provide effective erosion control when skillfully used in planning and construction:
 - 1. The development plan should be fitted to the soils and topography so as to create the least erosion potential. Local offices of the Soil Conservation Services can provide detailed information on the soil characteristics of a given site and on the suitability of such soils for various uses.
 - 2. Whenever feasible during construction, natural vegetation shall be retained and protected. Where adequate vegetation does not exist, temporary or permanent vegetation shall be established where possible.
 - 3. Where it is necessary to remove vegetation for construction, limit the exposed area to the smallest practical size at any one time.
 - 4. Limit the duration of exposure to the shortest practical time.
 - 5. Critical areas exposed during construction should be protected with temporary vegetation and/or mulching.
 - 6. Permanent vegetation and improvements, such as roads, storm sewers and other features of development capable of carrying storm runoff in a safe manner, shall be installed as early as possible.
 - 7. Provisions should be made to accommodate the increased runoff caused by changed soil and surface conditions during and after construction.
 - 8. Sediment basins to remove suspended soil particles from runoff water from land undergoing development should be constructed and maintained wherever erosive conditions indicate their need to prevent sediment damage to the river.
 - 9. Diversions, grassed waterways, grade stabilization structures, and similar mechanical measures required by the site shall be installed as early in the development as possible.

15.13 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.

15.14 Utilities and Transportation Systems.

Except on existing rights-of-way, new gas or oil pipelines, highways, roads, or electric transmission lines shall not be permitted in the Natural River District or to cross the designated river and tributaries without prior written consent of the Department of Natural Resources. Plans for these transmission lines which include crossing the river district or the river and designated tributaries shall be done in accordance with the rules entitled Utilities and Publicly Provided Facilities in Natural Rivers Areas. (Section 15 of Act 231)

New distribution lines shall not cross the designated portions of the river or housing set back zone unless they are placed underground, unless overhead lines are less disruptive to the environment. Plans for distribution lines which are to be placed under the river shall be approved by the Department of Natural Resources and all construction shall meet the requirements under the Soil Erosion and Sedimentation Control Act and the Inland Lakes and Streams Act. Local service lines to private dwellings shall originate from the landward side of the dwelling insofar as practical.

When replacing an existing bridge or culvert, or constructing a new road crossing over a designated natural river, a structure to accomplish the road crossing shall be designed to maximize the purpose and objectives of the Natural River Act. In reviewing an application, the Department shall consider the anticipated effects of the structure on any portion of the natural river area.

Management of trees, shrubs and other vegetation for maintenance of rights-of-way shall be done manually in the natural vegetation strip. However, hand application of herbicides to stumps of selectively cut trees will be allowed in the natural vegetation strip where it is the objective to establish and maintain a low growing shrub community in this zone. The Department may authorize application of selected pesticides to control insect or disease infestation.

15.15 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.

15.16 Disposal of Solid Wastes.

No unsightly or offensive material, including, but not limited to: trash, refuse, junk cars, junk appliances, or garbage, shall be dumped or stored within the Natural River District.

15.17 Stream Alteration.

To protect the natural character of the river and the natural flow of its waters, no damming, dredging, filling or channelization of the stream channel will be permitted in those portions of the AuSable River or tributaries designated under the Natural River Act unless approved by the Department of Natural Resources under authority of Act 346, P.A. 1972.

Natural materials should be used to construct stream bank stabilization projects to control erosion, or to enhance fisheries habitat. These structures should be camouflaged and the local Conservation Officer or District Fisheries Biologist contacted in order to protect existing fisheries habitat. Consideration should be given to maintaining reasonable watercraft passage on the river.

15.18 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.

15.19 Natural Vegetation Strip on Adjacent Shorelines.

Trees, shrubs and other vegetation types native to the area shall be maintained and enhanced on each side of the river to retain the river's natural values. The presence of the natural vegetation strip is to help in stabilizing the river banks, prevent erosion, provide shading which will help maintain cool water temperatures, absorb nutrients from surface water runoff, provide screening of man-made elements, enhance fisheries and wildlife habitat and maintain the aesthetic natural quality of the river.

A. Vegetation Strip:

1. Public Land. On all publicly owned land, one hundred and fifty (150) foot minimum restricted cutting strip shall apply on each side of the mainstream and designated tributaries.
2. Private Land. On privately owned land, a seventy-five (75) foot minimum restricted cutting strip shall apply on each side of the mainstream, and on the East Branch and other designated tributaries, a fifty (50) foot restricted cutting strip shall apply.
3. Distances of the natural vegetation strip are measured horizontally from the ordinary high water mark.

B. Restricted Cutting and Removal of Vegetation.

1. Restricted cutting of dead, diseased, unsafe or fallen trees is allowed. Removal of trees for access or woodlot improvement shall be allowed upon specific approval of the Department of Natural Resources or its representative.

C. Selected Cutting for Visual Access.

1. Trees and shrubs may be selectively trimmed over a 50-foot width for a filtered view of the river upon approval of the Department of Natural Resources or its representative. FILTERED VIEW OF THE RIVER MEANS MAINTENANCE OR ESTABLISHMENT OF WOODY VEGETATION OF SUFFICIENT DENSITY TO PARTIALLY SCREEN NEW DEVELOPMENTS FROM THE RIVER, PROVIDE FOR STREAMBANK STABILIZATION AND EROSION CONTROL AND TO SERVE AS AN AID TO INFILTRATION OF SURFACE RUNOFF AND PROVIDE COVER TO SHADE THE WATER. It need not be dense as to completely block the river view. IT MEANS NO CLEAR CUTTING!

D. Agriculture. (See Section 15.15)

E. Planting of Native Vegetation.

1. Planting of native species is encouraged in the vegetation strip to enhance and protect the river's edge. The Department of Natural Resources or the Soil Conservation Service may be consulted for selection of native plant species. For purposes of erosion control and/or screening of existing developments within the Natural River District, and where available at state nurseries, recommended planting materials will be supplied to property owners at cost from the Department of Natural Resources.

15.20 Recreation.

A. Campgrounds and Picnic Areas.

1. On public land, no new structures associated with a campground or picnic area, except those necessary to protect the riverbank, will be permitted within 300 feet of the designated mainstream or tributaries. Such structures shall be designated and constructed

in such a manner as to further the purposes of the Natural Rivers Act. It is also recommended that existing public campgrounds be relocated away from the river to meet the set back limits. Where possible, the recommended vegetation strip should be re-established and maintained.

2. On public lands adjacent to the river, camping will be permitted only at designated camping areas.
- B. Fishing, Hunting and Trapping.
1. Fishing, hunting and trapping will be permitted in the Natural River District in accord with current state, and local laws and regulations.
 2. IT IS EMPHASIZED THAT NATURAL RIVER DESIGNATION, OR ESTABLISHMENT OF A ZONING DISTRICT ALONG THE RIVER, DOES NOT OPEN PRIVATE LANDS TO THE PUBLIC.
 3. Fisheries management practices will be done in conformance with the character of the area and objectives of the natural river designation. Emphasis will be placed on maintaining the high quality trout fisheries of the AuSable River system.
- C. Lakes.
1. No lake shall be built within the Natural River District.
- D. Boating and Canoeing.
1. Boating and canoeing is permitted.
 2. If public safety or compatible use of state waters is threatened in the future, local governmental units may wish to regulate the use or size of motorized watercraft. Such controls should be done in accordance with Act 303, P.A. 1967, and the Marine Safety Act.
- E. Litter.
1. In view of the special status of the AuSable River and its unique beauty and character, the Department of Natural Resources shall encourage and cooperate with private interests as well as other public agencies that have programs for river cleanup.
- F. Recreational Controls.
1. It is recognized that recreational conflicts, misuse and overuse is occurring throughout the state, and particularly on the AuSable River. The limit of the statutory authority for controlling recreational uses of Michigan's waterways has not been clearly defined either through the judicial system or by the Michigan Legislature. If it is determined that the Department of Natural Resources has such authority, the Department shall initiate such controls as necessary over the numbers, timing, location and conduct of river users.
 2. The Department will make every effort to cooperate with local liveries, property owners, anglers and local governments in developing such guidelines and for the need for modification or relocation of existing public access sites.

15.21 Public Access Sites.

15.22 Motorized Vehicles.

- A. Operation of all motorized vehicles other than on designated public roads, access roads to permitted uses, will be prohibited within the Natural River District.
- B. Use of ORV's on publicly owned lands contiguous to the Natural River District shall be in conformance with guidelines and regulations of the agency administering such lands, and with state and federal noise level standards strictly enforced. (Muffler requirement of MVC – Section 707, Act 300, P.A. 1949, etc.)

15.23 Historic and Archaeological Sites.

- A. Identification, preservation and interpretation of historical and archaeological sites along the designated portions of the AuSable River and tributaries, by public agencies and local

historical societies, are strongly encouraged. It is illegal to disturb or dig in a designated site without prior written consent from the appropriate state and/or federal agency.

15.24 Federal Wild and Scenic Rivers Act.

- A. Section 14 of Michigan's Natural River Act states, in part, "Noting in this act shall preclude a component of the system from becoming a part of the National Wild and Scenic River System under the Federal Wild and Scenic Rivers Act, Public Law 90-542, approved October 2, 1968". While this provision does exist, the Department of Natural Resources feels that the state/local cooperative protection effort implemented through natural rivers' designation affords adequate protection of the AuSable River and its tributaries. The Department will affirmatively resist any attempt to incorporate the AuSable River under the Federal Wild and Scenic Rivers Act (P.L. 542, as amended), and other similar programs in the future, if local and/or state natural rivers zoning protection is in place and properly enforced.

15.25 Military Use.

- A. Generally, military use of any of the streams or land areas within the 400-foot Natural River District is not compatible with the goal and objectives of river protection. Unless specifically authorized in a written cooperative agreement between the departments of Natural Resources and Military Affairs approved by the Natural Resources Commission, military use shall not be authorized within the 400 foot Natural River District.

15.26 Administration.

- A. Land Use Guidelines.
 - 1. Under Act 231, zoning by local government units and/or the state shall be the chief means of protecting the AuSable River and its designated tributaries as a natural river.
 - a. Zoning shall be applied within the 400-foot Natural River District on both the designated mainstream and tributaries. Upon adoption of a local zoning ordinance, certified copies of maps and/or documents describing the Natural River District shall be filed with the local tax assessing officer and County Equalization Department. In establishing true cash value of property within the Natural River District, the assessing officer shall recognize the effect of use limits established by the ordinance (Section 12, Act 231, P.A. 1970).
 - b. Local government units are urged to adopt building set backs, vegetation management and septic system controls for other streams under their jurisdiction not within the natural rivers designation.
 - c. Any property owner with undeveloped river frontage on the designated portions of the AuSable River or its designated tributaries may sign an open space development rights easement with the state under Act 116, P.A. 1974, to obtain potential tax relief.
 - d. Appeals: under certain circumstances, strict adherence to this plan may create unreasonable hardships for the frontage owners. Such cases may be appealed to the appropriate local board for a variance. Applications for a variance shall be based on a site plan.⁵ The County Health Department, Soil Conservation Service, appropriate staff and field personnel of the Department of Natural Resources and other experts should be consulted to recommend to the appeals board a course of action which will have the least degrading impact on the character of the natural river. Final determination of the variance shall be made by the local appeals board.

⁵ Site Plan – means a surface view showing elevations or contours of the ground, including existing earth fills; generalized vegetative cover; size, location and spatial arrangement of all proposed and existing structures and uses on the site; location and elevations of streets, access roads, water supply and sanitary facilities.

- B. Other laws and programs reinforcing natural rivers management objectives should be utilized to the extent necessary to protect the river in implementing the management plan for the river and tributaries (See Appendix A).

15.27 Management of Areas beyond the Natural River Zone.

Land use and water resources are closely related. What happens on the lands beyond the Natural River District, but within the drainage area of the river, affects the river. Local units of government adjacent to the District, through their powers to influence the location, timing and nature of development, can have a positive effect on water resources.

It is recommended that local governmental units zone adjacent to the Natural River District to maintain the integrity of the AuSable River and designated tributaries as a wild-scenic river:

1. By limiting residential development to low density single family structures or medium density cluster developments. Medium density cluster developments are recommended because it is easier to provide services and control.
2. By providing districts where industry which may produce noise, smoke, fumes, odors, etc., will not affect the natural characteristics of the river area.
3. By providing districts for commerce where heavy traffic parking, automobile exhaust and noise will not create environmental intrusions.

Further, it is recommended that local units of government incorporate water resource protection and/or management measures into their plans, programs and decisions involving land use. Such measures are of particular importance when dealing with lands in the stream corridor as defined below.

A stream corridor essentially consists of lands contiguous to the stream, the alteration or development of which could potentially cause direct impacts on the stream and its environment. It is a composite of:

1. Soil types with severe limitations for development
2. Vegetation along creek banks
3. Wetlands
4. Slopes
5. Flood profiles when known

Sensitive areas involving one or more of the above factors may occur within the drainage area of the river but outside of the Natural River District itself. Modification or development within such areas may adversely affect water resource benefits within the district or create problems requiring costly public investment to rectify.

It is recommended that local units of government consider such measures as regulating changes in surface water runoff from specific locations through use of the site plan review process; and protecting sensitive areas outside of the Natural River District through use of conditional use permit procedures.

On private lands adjacent to and within one-quarter mile of the Natural River District, it is recommended that the local Soil Conservation Districts, local Soil Erosion and Sedimentation Control Agencies, Cooperative Extension Service and the Department of Natural Resources cooperate with landowners to ensure that timber harvest, agricultural practices, housing, road building or other land use activities are compatible with the wild-scenic designation of the river and with maintaining the water quality of the river.

16.0 SECTION 16.0: (R-F) RECREATIONAL-FOREST DISTRICT

16.1 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.

16.2 Permitted Principle Uses. (See Section 20.0)

- A. Detached single family dwelling.
- B. Duplex dwelling units (2-family).
- C. Churches.
- D. Customary accessory detached uses and structures. (See Section 20.1-B)
- E. Temporary Recreational Structures.
- F. Farms for both general and specialized farming together with residential dwellings, buildings, and other installations useful to such farms, provided that no livestock, farm animals or fowl shall be allowed within 150 feet of any lot line.
- G. Exceptions: Horses and ponies may be allowed under the following conditions:
 - 1. Minimum acreage: Three
One horse or pony will be allowed on three acres and one for each additional acre to a maximum of four horses or ponies. More than four horses or ponies requires more than six acres and Planning Commission or Zoning Administrator approval.
 - 2. All horses are required to have corral and stable constructed in accordance with Michigan State Construction Code as amended along with permit and site plan obtained from the Zoning Administrator. Said permit may be revoked by proof of excessive noise, unsanitary, unsafe conditions, obnoxious odor or behavior of horses or ponies.
 - 3. Stable for one horse or pony shall have a minimum square footage of 144-sq. ft. with an additional 48-sq. ft. for each additional horse or pony. Corral for one horse or pony shall be a minimum of 2500 sq. ft. (i.e., 50 x 50). Two-four horses shall have a minimum of 3750 sq. ft. (i.e., 75 x 50) corral area.
 - 4. Horse stable and corral shall maintain a 50-ft. setback from all lot lines.
 - 5. A buffer strip 50 feet deep on side and rear lot lines shall be maintained in its natural state. Additional planting of trees and shrubs is encouraged but not required.
 - 6. Large deposits or concentrations of manure must be a minimum of 75 ft. from lot lines and 150 ft. from all dwellings and further disposed of in a sanitary manner on at least a monthly basis.
 - 7. 150 ft. set back from NRD Zone, when applicable.
 - 8. 150 ft. set back from any lake, stream, watercourse or designated wetland.
 - 9. Corral and stable must be 150 ft. from neighboring dwellings.
 - 10. Corral construction: No slabwood or barbed wire. Constructed of standard building materials strong enough to contain the horses or ponies and aesthetically compatible with the intent of the zone.
 - 11. If adjoining property is vacant and new construction on the vacant property takes place the only set backs to be met are as in the R-F Zone.
 - 12. Horses and ponies must be kept and sheltered in a manner conforming to all state and local health codes.
 - 13. Horses and ponies, stable and corral shall be placed in the rear yard of the parcel.
- H. Temporary Residence as described herein.

16.3 Requirements for Principle Use.

- A. One single family or duplex dwelling unit may be located on a lot.
- B. One temporary recreational structure may be located on a lot subject to the following conditions:

1. Temporary recreational structure may not be placed on unimproved or otherwise vacant property for more than a twenty-one (21) day period of time per year with due regard to lot and yard regulations (See Section 20.0)
2. Sanitation facilities must be in accordance with the Michigan State Health Department.
3. Temporary recreational structures (vehicles) must have a current license plate.
4. All temporary recreational structures must obtain a permit from the Township.
5. In no case can open storage of a temporary recreational structure occur on vacant or unimproved property.
6. One temporary recreational structure is permitted to be stored in the rear of a lot containing a permanent dwelling with due regard to side and rear yard requirements for accessory buildings (Section 20.1, B-4). On lots with a duplex dwelling, one recreational structure per dwelling unit is permitted.

16.4 Conditional Uses. (Requires Planning Commission Approval.) (See Section 27.0)

- A. Community centers and facilities there in, owned and operated by a non-profit neighborhood group.
- B. Travel trailer parks and mobile home parks constructed in accordance with the Michigan Department of Health requirements.
- C. Extractive industries, such as: minerals, gravel and sand.
- D. Kennels for the boarding of not more than (15) animals.
- E. Recreational facilities compatible with the intent of this district such as: riding stables, golf courses and athletic fields.
- F. Archery and shooting ranges.
- G. Forest industries and production of forest products.
- H. Home Occupations.
- I. Multiple family units up to 35 ft. in height. (86-1 adopted 1-14-86)

16.5 Plat Requirements.

A registered plat shall have a minimum lot size of (60,000) square feet with a minimum lot width of (150) feet. The maximum depth of any lot in a registered plat shall not exceed (3) times the width of the lot. Lot and yard regulations of this district shall apply to any approved plats.

17.0 SECTION 17.0: (DD) DEFERRED DEVELOPMENT DISTRICT

17.1 Intent.

To reserve large undeveloped areas of the township for future development by prohibiting unplanned, scattered development which would tend to divide these areas into smaller, more difficult to develop parcels. It is also the intent of this district to delay intensive development until utilities and services can be provided.

17.2 Principle Uses. (See Section 20.0)

- A. Agriculture, (including forestry), restricted to agronomic growth, management, and cultivation, but not including the keeping of livestock, farm animals or fowl.
- B. Land, water, and wildlife conservation and education operations.

17.3 Conditional Uses. (Requires Planning Commission Approval.) (See Section 27.0)

17.4 Native Protection Strip.

Where those lands border a body of water, there shall be a strip parallel with the water's edge and based on the original zone which shall be strictly maintained in its natural state, except trees or shrubs may be planted to protect the banks from eroding or to improve the aesthetics. (See Section 28.0, O.)

18.0 SECTION 18.0: (PUD) PLANNED UNIT DEVELOPMENT DISTRICT

18.1 Intent.

To permit more flexibility and consequently encourage a greater imaginative and creative use and design of structures and land than is allowable under the other districts of this ordinance, where such modifications will not be contrary to the intent of this ordinance or significantly inconsistent with the Master Plan upon which it is based. It is further intended to promote more efficient and economical use of the land, while providing a harmonious variety of housing choices, a higher level of urban amenities, the preservation of natural scenic qualities of open space and to give the developer reasonable assurances of ultimate approval before expending complete design monies while providing township officials with assurances that the project will retain the character envisioned at the time of concurrence.

18.2 Regulations Establishing Permitted Uses.

- A. Permitted uses are restricted to the following standards:
 - 1. Residential Uses. Dwelling units in detached, semi-detached, attached, or multiple family dwellings or any combination thereof, along with customary accessory detached uses and structures are permitted in a PUD.
 - 1. Non-Residential Development. Commercial uses, limited to those set forth in the C-1 Districts of the Frederic Township Zoning Ordinance and specifically approved by the Planning Commission are permitted in the PUD, provided that such uses are designed to serve primarily the residents of the PUD and are compatible and harmoniously incorporated into the unitary design of the PUD. Commercial floor space in a PUD shall be limited to (3) percent of the total gross acreage of the tract.
- B. Other non-residential uses. Non-residential uses of a religious, cultural, or recreational character are permitted in a PUD provided that such uses are designed to serve primarily the residents of the PUD and are compatibly and harmoniously incorporated into the unitary design of the PUD.
- C. Development not associated with residential uses. A PUD may exclude residential development and allow other uses if the applicant can demonstrate that the proposed PUD is of such a scale, and is sufficiently well designed to accomplish the intent of this ordinance with respect to adjoining land uses both existing and anticipated.
- D. Permitted uses shall be in conformance with a specific and precise final development plan pursuant to the procedural and regulatory provisions hereinafter set forth.

18.3 Parcel Size.

The provisions of this district may be applied upon application of the owner to any lot (2-1/2) acres in size, or greater.

18.4 Lot and Yard Regulations.

- A. Minimum requirements set forth by the original district in which the proposed PUD is located shall act as general guideline for the lot and yard regulations. Consideration shall be given to lot and yard regulations in the following manner:
1. Front yard – Where the applicant provides privacy by reducing traffic flow through street layout such as cul-de-sacs, or by screening or planting, or by facing the structure toward open space or a pedestrian way, or through the room layout of front elevation, it is possible to reduce the front yard requirements. At a minimum, all buildings and structures shall be set back (50) feet from the centerline or (25) feet from the property line (whichever is greater) from any street within the PUD.
 2. Lot width and side yard – Where the design is such that light, air, and privacy can be provided, especially for living spaces and bedrooms, a narrower lot width and side yard regulations may be permitted.
 3. Rear yard – Except where it can be demonstrated to the Planning Commission that a lesser rear yard requirement is justified, the rear yard shall be equal to or greater than the rear yard requirement of the original district.
 4. Building spacing – Building spacing may be reduced when adequate privacy, light, and air are provided to each unit. At a minimum, spacing between the sides of buildings shall be at least (15) feet.

18.5 Open Space Requirements.

- A. Required open space shall comprise at least (40) percent of the total gross area.
- B. Not less than (50) percent of the net area of the property shall be open space devoted to planting, patios, walkways, and recreational areas, but excluding areas covered by dwelling units, garages, carports, parking areas, or driveways. Net area is defined as the site area less all land covered by buildings, streets, parking lots or stalls, driveways, and all other paved vehicular ways and facilities.
- C. At least (20) percent of the total area shall be devoted to such properly planned permanent usable open space. Common open space shall comprise at least (25) percent of the gross area of the planned unit development to be used for recreational, park, or environmental amenity for collective enjoyment by occupants of the development but shall not include public or private streets, driveways, or utility easements, provided however, that up to (50) percent of the required open space may be composed of open space on privately owned properties dedicated by easement to assure that the open space will be permanent.
- D. Recreation facilities or structures and their accessory uses located in common recreation areas shall be considered open spaces as long as total impervious surface (paving, roofs, etc.) constitute no more than (5) percent of the total open space.

18.6 Insuring Open Space Integrity.

All land shown on the final development plan as common open space must be conveyed under one of the following options:

- A. It may be conveyed to a public agency which will agree to maintain the common open space and any buildings, structures, or improvements which have been placed on it.
- B. It may be conveyed to trustees provided in an indenture establishing an association or similar organization for the maintenance of the planned development. The common open space must be conveyed to the trustees subject to covenants to be approved by the Planning Commission which restricts the common open space to the uses specified on the final development plan, and which provide for the maintenance of the common space in a manner which assures its continuing use for its intended purposes.

18.7 Open Space Restriction.

No common open space may be put to any use not specified in the final development plan unless the final development plan has been amended to permit that use under amendment procedures of this ordinance. However, no authorized change of use may be considered as a waiver of any of the covenants limiting the use of common open space areas.

18.8 Open Space Enforcement.

If the common open space is not conveyed to a public agency, either one of the following methods of enforcement shall be provided:

- A. The legal right to develop the common open space for the uses not specified in the final development plan must be conveyed to public agency.
- B. The restrictions governing the use, improvement, and maintenance of the common open space must be stated as conditions to the conveyance of the common open space, the fee title to the common open space to vest in a public agency in the event of a substantial default in the stated conditions.

18.9 Private Covenants Enforcement.

If the common open space is not conveyed to a public agency, the covenants governing the use, improvement, and maintenance of the common open space may authorize a public agency to enforce their provisions.

18.10 Homeowners' Associations.

If the common open space is deeded to Homeowners' Associations, the applicant shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application for the pre-application conference. The provisions shall include, but not be limited to the following:

- A. The Homeowners' Association must be established before the units are sold.
- B. Membership must be mandatory for each homebuyer and any successive buyer.
- C. The open space restrictions must be permanent, not just for a period of years.
- D. The Association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.

- E. Homeowners must pay their pro rata share of the cost; the assessment levied by the association can become a lien on the property.
- F. The Association must be able to adjust the assessment to meet changed needs.

18.11 Failure to Maintain Open Space.

In the event that the organization to own and maintain common open space, or any successor organization, shall at any time after establishment of the planned unit development fail to maintain the common open space in reasonable order and condition in accordance with the plan, the Planning Commission may serve written notice upon such organization or upon the residents of the planned unit development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be remedied within (30) days thereof, and shall state the date and place of a hearing thereon, which shall be held within (14) days of the notice. At such hearing the Planning Commission may modify the terms of the original notice as to the deficiencies and may give and extension of time within which they shall be remedied. If the deficiencies set forth in the original notice or in the modifications thereof shall not be remedied within said (30) days or any extension thereof, the township, in order to preserve the taxable values of the properties within the planned unit development and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of (1) year. Said entry and maintenance shall not vest in the public any right to use the common open space except when the same is voluntarily dedicated to the public by the owners. Before the expiration of the organization theretofore responsible for the maintenance of the common open space, a public hearing shall be scheduled upon notice to such organization or to the residents of the planned unit development, to be held by the Planning Commission at which hearing such organization or the residents of the planned unit development shall show cause why such maintenance by the township shall not, at the election of the Planning Commission continue for a succeeding year. If the Planning Commission shall determine that such organization is not ready or willing or able to maintain the common open space in a good, clean, and safe condition the Township Board, in its discretion, shall continue to maintain said space, subject to a similar hearing and determination in the next succeeding year thereafter.

The cost of such maintenance by the township shall be assessed proratably against the properties within the planned unit development that have a right of enjoyment of the common open space and shall become a tax lien on said properties. The township at the time of entering upon said common open space for the purposes of maintenance, shall file a notice of such lien in the office of the county recorder upon the properties affected by such lien within the planned unit development.

18.12 Environmental Standards.

- A. Environmental design criteria in PUD District shall include the following: the preservation of trees, groves, waterways, scenic points, historic spots, and other community assets and landmarks.

- B. The Township Zoning Administrator may require a “grading plan” which will confine excavation, earth moving procedures, and other changes to the landscape in order to insure preservation and prevent despoliation of the character of the area to be retained as common open space. All manufactured slopes, other than those constructed in rock, shall be of a character so as to cause the slope to bend with the surrounding terrain and development. The developer shall provide for maintenance of the planting until growth is established.
- C. Native Protection Strip – Where those lands border a body of water, there shall be a strip parallel with the water’s edge and based on the original zone which shall be strictly maintained in its natural state, except trees or shrubs may be planted to protect the shoreline from eroding or to improve the aesthetics. Trees, shrubs and undergrowth in a space (50) foot wide for every (300) feet of shoreline within this native strip may be trimmed and pruned for a view of the water and for locating a dock.

18.13 Traffic Circulation.

- A. Principle vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Minor streets within PUD’s shall not be connected to streets outside the development in such a way as to encourage their use by through traffic.

A part of every residential building shall not be farther than (60) feet from an access roadway or drive providing vehicular access from a public street, and not farther than (500) feet, measured along the route of vehicular access, from a public street.

All non-residential land uses within a PUD should have direct access to a collector or primary street, especially where large parking areas are included.
- B. The pedestrian circulation system and its related walkways should be insulated completely and as reasonably as possible from the vehicular street system in order to provide separation of pedestrian and vehicular movement. This shall include, when deemed to be necessary by the Planning Commission, pedestrian underpass or overpass or in the vicinity of schools, playgrounds, local shopping areas, and other neighborhood uses, which generate a considerable amount of pedestrian traffic.

18.14 Streets.

- A. Standards of design and construction for roadways, both public and private, within planned residential development may be modified as is deemed appropriate by the Planning Commission, especially where it is found that the plan for PUD provides for separation of vehicular and pedestrian circulation patterns and provides for adequate off-street parking facilities.

If the PUD owners in the future should convey the private streets to the county, the owners do fully agree that, before acceptance of such streets by the county, the owners will bear full expense of reconstruction or any other action necessary to make the streets meet county road standards, prior to

dedication and acceptance. Finally, the owners also agree that these streets shall be dedicated to public use without compensation to the owners and without the owners' expense in making such streets conform to the requirements applicable at that time for public streets if, at some future date, a local governing body so requests.

- B. The name of the PUD and new street names shall not duplicate or closely approximate phonetically the name of any other subdivision or street in Frederic Township.

18.15 Parking Standards.

The following is the parking criteria for PUD's:

- A. For each dwelling unit, there shall be (2) off-street parking spaces consisting of not less than (200) square feet each.
- B. Parking areas shall be arranged so as to prevent through traffic to other parking areas.
- C. Parking areas shall be screened from adjacent structures, roads, and traffic arteries with hedges, dense planting, earth berms, and changes in grade or walls.
- D. No more than (10) parking spaces shall be accommodated in any single residential parking area.
- E. All streets and any off-street loading area shall be paved, and the design thereof approved by the Planning Commission. All areas shall be marked so as to provide for orderly and safe loading, parking, storage.
- F. Parking for non-residential purposes shall be provided appropriate to the type of non-residential use and shall follow the guidelines for parking set forth by the commercial and industrial districts with changes made as deemed necessary by the Planning Commission.
- G. All parking areas shall be adequately lighted. All such lighting shall be so arranged as to direct the light away from adjoining residences.
- H. All parking areas and off-street loading areas shall be graded and drained so as to dispose of all surface water without erosion, flooding and other inconveniences.

18.16 PUD Transitional Regulations.

To ensure that there is an appropriate relationship to the surrounding area there must be a minimum (30) foot transitional yard along the perimeter of the PUD District. This buffer zone must be kept free of buildings or structures and must be landscaped, screened, or protected by natural features.

18.17 PUD Application Procedure.

- A. Ownership Requirements.
 - 1. An application for approval of a PUD may be filed by a person having an interest in the property to be included in the planned unit. The PUD application shall be filed in the name or names of the recorded owner or owners of property included in the development. However, the application may be filed by holder(s) of an equitable interest in such

property. Full ownership interest in the land – legal title of the execution of a binding sales agreement must be in evidence before the final approval of the plan. The PUD shall be in single ownership by the time the final development plan is approved.

B. Pre-Application Conference.

1. The applicant shall meet informally with the Zoning Administrator, the Township Supervisor and the Chairperson of the Planning Commission in connection with the preparation of the planned unit development application. It shall be the responsibility of the Zoning Administrator to contact and invite these township officials. The general outlines of the proposal, and sketch plans are to be offered by the applicant at this pre-application conference. Thereafter, the Zoning Administrator shall furnish the applicant with written comments regarding such conference, including appropriate recommendations to inform and assist the applicant prior to the preparation of the planned unit development application.
2. The applicant shall submit a Preliminary Development Plan with a petition for rezoning to PUD District. The following written and graphic documents shall be submitted:
 - a. A legal description of the total site proposed for development including the present and proposed ownership of all or parts of the development.
 - b. A written statement of the nature and character of the proposed development, and the methods to be used in achieving these goals.
 - c. A written schedule of the approximate date, or dates, if the development is to be divided into stages, when construction will begin and be completed.
 - d. Quantitative data for the following: total number and type of dwelling and non-residential units, the proposed floor area, ground coverage, outdoor livability and open space ratios, the proposed gross residential density of any separate stages, the number of parking spaces for each use proposed, and any feasibility studies the applicant wishes to submit in support of the plan.
 - e. A graphic plan at scale of 1:1200 (1 inch = 100 ft.) showing the existing site conditions, including contours, at an interval no greater than (5) feet, waterways or bodies of water, unique natural features, rock outcroppings and vegetative cover.
 - f. A preliminary plat meeting the requirement of the Subdivision Control Act (MCLA 560.1 – et. Seq.) if the land is to be platted.
 - g. A site plan or plans at a scale of 1:1200 showing the location and floor area and use of all existing and proposed buildings, structures, and improvements, including maximum heights, the location and size of all areas to be conveyed, dedicated, or reserved as outdoor livability space, recreation areas, school sites, and similar public or semipublic uses, the proposed circulation system, including private and public streets, parking and loading areas, pedestrian ways, and access to existing and planned streets outside of the development, the existing

and proposed utilities including sanitary and storm systems, and water, gas electric, telephone, and television cable lines and a preliminary landscape plan.

- h. A plan at an appropriate scale showing land areas adjacent to the proposed development, their uses, zoning and general character, and the effects of the proposed development on such land including the treatment of the perimeter areas of the PUD.
 - i. Such additional material as may be required by the Planning Commission.
- 3. Within (60) days following the submission of a Preliminary Development Plan, the Planning Commission shall hold a public hearing on the Plan, and vote to approve, approve with modifications or disapprove the Plan. If the Planning Commission action is for approval or approval subject to modifications, a recommendation for similar action shall be made to the Township Board, which shall then act within (30) days. Failure of either the Planning Commission or the Township Board to act within the specified time shall constitute disapproval of the Plan.
- 4. If the Preliminary Development Plan is approved, with or without modifications, by the Township Board, the official zoning map shall be changed to so signify. Such a change shall not constitute final approval of a plat, or authorization to issue building permits. The Township Board may approve the PDP, with or without modifications, notwithstanding the nature of approval given by the Planning Commission.

C. Final Development Plan.

- 1. Within (9) months following approval of the Preliminary Development Plan, the applicant shall submit to the Planning Commission a Final Development Plan containing in a final detailed form the information required in Section 30.0 site plans. At its discretion and for good cause the Planning Commission may extend for (6) months the period for filing the Final Development Plan.
- 2. If the developer fails to submit a Final Development Plan for any reason, within the time allowed, the tentative rezoning shall be revoked and all the area within the development for which final approval has not been given shall be subject to the original zoning.
- 3. If the Final Development Plan is in substantial compliance with the Preliminary Development Plan, it shall be approved by the Planning Commission within (30) days. Notice of such approval shall then be given to the Township Board which shall approve the Final Development Plan, and the plat or plats involved, if any, within (30) days; providing that such approval shall not be given until a performance bond of an amount equal to one-half the cost of the entire implementation and construction costs of the PUD be provided to the township. The Township Board may waive this last requirement.
- 4. If compliance with the Preliminary Development Plan is not established, submission of the Final Development Plan shall follow the procedure for

approval of a Preliminary Development Plan as specified in Section 18.17 before final approval may be given.

- a. If, subsequent to the start of construction, it becomes necessary to modify the Final Development Plan, the Zoning Administrator may do so at his or her discretion to the limits established in the PUD guidelines. If the developer requests greater modifications, they shall be subject to the approval by the Planning Commission which shall not act so as to substantially change the character or nature of the Final Development Plan.
- b. If construction has not started within (18) months of approval of the Final Development Plan, said approval shall lapse. The Planning Commission may extend this period by (6) months upon showing of good cause by the applicant. If the construction of the entire development or established stages is not significantly complete within the time limits imposed by the construction schedule, the Planning Commission shall review the PUD and may recommend to the Township Board that the time for completion be extended, that the final approval of the PUD be revoked, or that the Final Development Plan be amended. If final approval of all or portions of the development plan is withdrawn, that area of the PUD shall be subject to the original zoning.

19.0 SECTION 19.0: RESERVED FOR FUTURE USE

20.0 SECTION 20.0: SCHEDULE OF GENERAL REGULATIONS

- A. Scope of regulations to limit height, bulk, density, area and placement by district.
- B. Except as otherwise specifically provided in this ordinance, no building or structure or part thereof shall hereafter be erected, constructed, altered, placed or maintained, except in conformity with the provisions of this ordinance, including all requirements of the schedule of regulations shown below.

SCHEDULE OF REGULATIONS

(SEE ALSO Section 20.1-F—Schedule of District Boundary Transitional Yard Requirements and 20-G Energy Regulations)

SEE ATTACHED

20.1 Footnotes To Schedule of Regulations.

- A. Where a side yard abuts a street, and where there is a common rear yard, the minimum side yard shall be:

35 ft. for R-1	75 ft. for Industrial
30 ft. for R-2	
50 ft. for NRD	
50 ft. for FMRD	
50 ft. for R/F	
35 ft. for C-1 & C-2	

In the case a rear yard abutting the side yard of an adjacent lot, the side yard abutting the street shall not be less than the required front yard for that district.

- B. Accessory Building in the R-1, R-2, NRD, MFRD & R/F will be subject to the following regulations:
 - 1. Where the accessory building is structurally attached to the main building, it shall be subject to, and must conform to, all yard regulations applicable to principal structures.
 - 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. Any 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-1, R-2, NRD & FMRD accessory building(s) shall not exceed (100%) of the living square footage area of the primary residence.
 - 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.
4. No detached accessory building(s) shall be located closer than (15) feet of any main structure. An accessory building shall not be located closer than (10) feet to any side or rear lot line except on corner lots where the minimum side yard set back along the street is (35) feet.

C. The requirements for duplexes:

1. Duplex (two-family) units in the General Residential Districts (R-2) shall have a minimum lot width of (100) feet, and a minimum lot area of (15,000) sq. ft.

D. The depth of any lot in the Single Family and General Residential Districts, (R-1, R-2 and NRD) shall not exceed (3) times the width of the lot. The depth of any lot in the Recreational Forest District (R-F) shall not exceed (4) times the width of the lot.

E. There shall be no height restriction on chimneys, flag poles, public monuments, church spires, and wireless transmission wind mills or reception towers except when they occur within the boundary surrounding an airport as identified on the zoning map, or otherwise interfere with air traffic or are part of a conditional use. Exceptions to this may be granted by the Zoning Administrator whose decision shall conform to Michigan Aeronautics Commission rules and regulations of November, 1967 as amended and Part 77 of the Federal Aviation Regulations, and the Crawford County Airport Zoning Ordinance.

F.

1. To provide suitable transitional yards for the purpose of reducing the impact of the conflicts between incompatible land uses abutting non-residential district boundaries, the following transitional yards are required.
2. No structure, building, or part thereof located in any (C-1), (C-2), OR (I) District abutting the district boundaries and land uses of (R-1), (R-2), (NRD), (D-D), and (R-F) shall hereafter be erected, constructed, altered or maintained closer to the district boundary line than specified below:

BOUNDARY TRANSITIONAL YARD REQUIREMENTS						
District in Which						
Transitional Yard						
Is Required	R-1	R-2	NRD	D-D	PUD	R-F
C-1	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.
C-2	100 ft.	100 ft.	100 ft.	100 ft.	100 ft.	100 ft.
I	100 ft.	100 ft.	100 ft.	100 ft.	100 ft.	100 ft.

3. See Section 18.16 for additional PUD Transitional Yard Regulations.
- G. To provide for maximum efficiency and safety in the generation and distribution of energy; the following rules shall apply to all energy generation and distribution equipment.
 1. Natural gas shall not be stored above ground.
 2. Liquid propane storage tanks shall be located in the rear yard of a lot but not less than (10) feet from the property lines.
 3. Gasoline, diesel fuel and similar hydrocarbon fuels shall be stored underground and provided with suitable safety controls. Quantities of less than (300) gallons may be stored above ground provided the placement meets the requirements of the State Fire Marshall.
 - a. A minimum of (100) feet must be maintained between the dispensing of any flammable liquid and any such place as a school, church or public gathering place.
 4. Electric generating facilities using coal-fired steam or nuclear fuels shall not be constructed without the express consent of the Township Board.
 5. Electric distribution networks shall be underground whenever possible.
 - a. Substations shall be adequately fenced with a fence at least (8) feet high, set back from the property line (10) feet along any public way. No set back is required when abutting other property. Such equipment shall be exempt from height regulations and may be located in any zoning district except in the NRD.
 6. Telephone and other electronic communications shall be underground whenever possible
 7. Wind-powered energy generators and converters may be erected in any zoning district. Maximum height and set back requirements of the several districts are hereby waived for such equipment; however, such equipment shall be erected so that there is a minimum clearance between the blades and any adjacent structure equal to the radius of the circle of rotation calculated spherically. The blades shall not encroach on adjoining property during rotation. (See Section 20.1-E)
 8. Solar powered energy equipment may be located in any district without due regard to set back requirements.
- H. Open storage of any equipment, vehicles, automotive accessories and all materials, including wastes, shall be screened from the public view, public streets and from adjoining properties within a completely enclosed structure.

- I. Pumphouses will be permitted if no more than (9) square feet in an area and not more than (3) feet in height.
- J. River docks may be constructed not to exceed four feet in width nor more than 12 feet in length with no more than four feet of the dock extending over the water. Docks require a permit from the Department of Natural Resources and must be constructed in accordance with rules of Act 346, P.A. 1972. (See Section 15.9) Lake docks may be constructed not to exceed (8) feet in width or to extend more than 100 feet.
- K. Sanitary waste systems – Absorption systems and septic tanks shall not be less than (150) feet from the ordinary high water mark nor within land that is subject to flooding. (See Section 15.10 B)
Sub-soil drainage systems – 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. (See Section 15.10 B)
- L. Permanent storage and/or disposal of toxic or nuclear waste are strictly prohibited.
- M. Single Family Dwellings must comply with the following standards:
 - 1. (Amend. 6/8/98) It has a minimum first floor area 576 sq. ft. for one (1) story dwelling, 650 sq. ft. for a two (2) story dwelling, with a minimum sq. ft. for both stories.
 - 2. (Amend. 6/8/98) It complies in all respects with the Michigan State Construction Code (P.A. 1972, No. 230, being MCL 125.1501 et. Seq.) as it may be amended from time to time, adopted by this Township, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Michigan State Construction Code, then and in that event such federal or state standard or regulation shall apply.
 - 3. It is firmly attached to a permanent foundation constructed on the site in accordance with the Michigan State Construction Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall, in addition thereto, be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission.
 - 4. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have exposed towing mechanism, undercarriage or chassis.
 - 5. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department.
 - 6. The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, or in a separate or attached structure

of standard construction which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever shall be less.

7. The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment of the principal structure and construction of a foundation as required herein.
 8. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus, and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development being 24 CFR 3280.
- N. The requirements for churches and religious facilities are as follows:
1. Churches and religious facilities shall be located so that the site has direct ingress from and egress to a major street or a minor street no more than (400) feet from its intersection with a major street.
 2. No building for a church use shall be located closer than (30) feet to a lot line.
 3. Service entrances shall be screened from the view of adjacent residential property.
- O. In the zones in which Multi-Family Dwellings are permitted the following square footage requirements shall apply:
1. A one bedroom Multi-Family Dwelling Unit shall have a minimum total square foot floor area of 576 square feet.
 2. A two bedroom Multi-Family Dwelling Unit shall have a minimum total square foot floor area of 720 square feet.
 3. A three or more bedroom Multi-Family Dwelling Unit shall have a minimum total square foot floor area in compliance with current Single Family Dwelling square foot requirements.

20.0 SECTION 20.0 SCHEDULE OF GENERAL REGULATIONS

- A. Scope of regulations to limit height, bulk, density, area and placement by district.
- B. Except as otherwise specifically provided in this ordinance, no building or structure or part thereof shall hereafter be erected, constructed, altered, placed or maintained, except in conformity with the provisions of this ordinance, including all requirements of the schedule of regulations shown below.

SCHEDULE OF REGULATIONS

(SEE ALSO SECTION 20.1-F Schedule of District Boundary Transitional Yard Requirements and 20.0-G Energy Regulations)

DISTRICT	MINI. LOT SIZE	MINI. LOT WIDTH	MINIMUM SET BACK			MINIMUM SQUARE FOOTAGE	MINIMUM FIRST FLOOR	MAX HEIGHT
			Front	Rear	Sides			
R-1 SINGLE FAMILY	15,000 sq. ft	100 ft.	Ft 35 ft	R 50 ft	S 10ft	960 sq. ft.	700 sq. ft.	35 ft.
R-2 MULTI- FAMILY	20,000 sq. ft	100 ft.	35 ft	50 ft	10 ft	960 sq. ft.	700 sq. ft.	35 ft.
NATURAL RIVERS DISTRICT (NRD)	80,000 sq. ft	200 ft.	Road Side 50 ft	River side 200 ft	40 ft	960 sq. ft.	700 sq. ft.	35 ft.
(FMRD) Frederic Manistee River District	80,000 sq. ft	150 ft.	Road Side 50ft	River Side 150 ft	25 ft	960 sq. ft.	700 sq. ft.	35 ft.
R-F Residential Forestry	40,000 sq. ft	150 ft.	50 ft	50 ft	25 ft	960 sq. ft.	700 sq. ft.	35 ft.
C-1 General Commercial district	17,000 sq. ft	130 ft.	50 ft	50 ft	15ft	N/A	N/A	35 ft.
C-2 Light Commercial	26,000 sq. ft	175 ft.	50 ft	50 ft	25 ft	N/A	N/A	35 ft.
I- Industrial	5 acres	400 ft	50 ft	50 ft	25 ft	N/A	N/A	35 ft.
D-D Deferred Development	N/A	N/A	50 ft	50 ft	25 ft	N/A	N/A	35 ft.

- **ALL DWELLING STRUCTURES MUST BE CONSTRUCTED OR PLACED AND FIRMLY ATTACHED IN ACCORDANCE WITH MICHIGAN INTERNATIONAL CONSTRUCTION CODE TO A PERMANENT FULL OUTER WALL FOUNDATION INCLUDING MODULAR, PER-MANUFACTURED AND MOBILE HOMES.**
- **EXCEPTIONS: MOBILE AND MODULAR HOMES LOCATED IN MOBILE HOME PARKS, ARE NOT REQUIRED ON A FULL OUTER WALL FOUNDATION HOWEVER, MUST COMPLY WITH THE ANCHORING REGULATIONS REQUIRED OF THE MICHIGAN MOBILE HOME COMMISSION.**

21.0 SECTION 21.0: BUFFER STRIP REGULATIONS

Immediately upon occupancy or within (6) months, depending on seasonable conditions, and whenever premises in the (C-1, C-2, or I) Districts are subject to the transitional yard requirements, there shall be an area of land set aside for a buffer strip (See Section 20.1-F). This buffer strip shall be landscaped with plantings as well as with a fence or open air wall that will provide effective screening at all seasons of the year. All buffer strips shall be kept neat, in repair, and free from any use other than that specified in this section.

Twenty percent of any required transitional yard (in a shape running the length of said yard) shall be established and maintained as the Buffer Strip.

22.0 SECTION 22.0: FENCES

An Ordinance to regulate the location, size and type of construction as well as material in (C-1, C-2, and I) Districts.

- A. No single wire fences shall be allowed except for electrical fences.
- B. No fences shall be allowed for the storage of junk (junk) unless a legally licensed enterprise such as, a “Auto and truck recycling facilities” is located in which a fence is required.
- C. Fences located in (C-1, C-2, and I) district where the adjacent lot or parcel is (R-1, R-2, NRD, or R-F) are required to be of full privacy type, (that is having a non see-through capability of 90% or better) and no less than (6) feet tall except when a fence is to be located between two private residential lots or parcels.
- D. Sites located in (C-1, C-2, R-1, R-2, and I) where it is found that they contain or have objects that could injure, harm or be a danger to the general safety and welfare of the public must be completely removed, enclosed and/or fenced within 30 days of notification of township Zoning office.

Exceptions extra time to comply may be granted by zoning office if it can be shown honest effort is being made to correct the problem.

- E. Exceptions.
 - 1. This section does not apply to the necessary fencing required by law around public and private swimming pools, nor required temporary fencing around building or construction sites nor temporary seasonal snow fencing.
 - 2. Visibility at intersections. No fence, wall, hedge, screen, sign, structure, vegetation, or planting shall be higher than (3) feet above road grade on any corner lot or parcel.

23.0 SECTION 23.0: OFF-STREET PARKING AND LOADING ZONE REQUIREMENTS

23.1 Intent.

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.

23.2 Parking.

A. 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 service of food and drinks, except liquor	1 for each 100 square feet of useable floor space
d. Restaurants and similar establishments for sale and service of 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

B. Parking Regulations.

1. 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.
2. Where calculation of parking requirements with the foregoing list results in a fraction of a space, a full space shall be provided.
3. 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.
4. 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.
5. For residential uses, off-street parking shall be provided and maintained on the same lot with the principle structure.
6. 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.
7. These parking requirements must be met:
 - a. At the time of construction of any new building or structure or at the time of commencement of use of any land.
 - b. If any alterations are made in a building or structure which would require additional parking.
 - c. If the use of any building, structure, or land is altered.

C. 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:

1. 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 23.2-C, 2 through 14.
2. All spaces shall be laid out in the dimension of (10) feet x (20) feet, exclusive of maneuvering lanes.

3. An area equivalent to (10) percent of the required parking stall are shall be provided for snow storage. The snow storage area shall be landscaped and shall be located within any fence bounding the parking lot.
4. 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.

5. All spaces shall be provided adequate access by means of a maneuvering lane. Backing directly onto a street is prohibited.
 6. 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.
 7. 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.
 8. 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.
 9. 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.
 10. All parking spaces shall be clearly defined by use of car wheel or bumper stops and/or painted lines.
 11. An off-street parking lot abutting an R-1, R-2, NRD, D-D, 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.
 12. 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.
 13. 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.
 14. 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.
- D. Limitations on Use of all parking lots except for residential uses.
1. The repair of vehicles and the storage of merchandise, motor vehicles, or trucks is prohibited.
 2. No signs of any kind other than signs designating entrances, exits and conditions of use shall be erected within the parking lot.

23.3 Off-Street Loading Zones.

- A. On the same site with every building or structure in the commercial and industrial districts (C-1, C-2, 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.

24.0 SECTION 24.0: LANDSCAPING REGULATIONS

- A. Wherever in this ordinance a yard, or open area is created, such area shall be landscaped immediately or within (6) months, (depending upon seasonable conditions), from the date of occupancy and shall thereafter be reasonably maintained.
- B. Landscaping shall include ground-covering material, of sufficient density to prevent the washing, blowing or shifting of soil.
- C. The use of vegetative material is also encouraged in conjunction with required screening fences.

25.0 SECTION 25.0: NON-CONFORMING USES AND STRUCTURES

25.1 Definition and Classification of Non-Conforming Uses and Structures.

A. Non-conforming uses and structures are those which do not conform to a provision or requirement of this ordinance but were lawfully established prior to the time of this applicability. Class A non-conforming uses or structures are those which have been so designated by the Planning Commission after application by an interested person of the Zoning Administrator, upon finding that:

1. Continuance thereof would not be contrary to the public health, the safety, or welfare, or to the intent of this ordinance.
2. The use or structure does not and is not likely to significantly depress the value of nearby properties.
3. The use or structure was lawful at the time of inception.
4. No useful purpose would be served by strict application of the provisions or requirement set forth by this ordinance with which the use or structure does not conform.

All non-conforming uses and structures not designated as Class A are Class B non-conforming uses or structures.

25.2 Procedure for Obtaining Class A Designation, Conditions.

A written application shall be filed setting forth name and address of the applicant, giving a legal description of the property to which the application pertains, and including such other information as may be necessary to enable the Planning Commission to make a determination of the matter. The Planning Commission may require furnishing of such additional information as it considers necessary. The notice and hearing procedure before the Planning Commission shall be the same as in the case of application for a variance. The decision shall be in writing and shall set forth the findings and reasons on which it is based. Conditions shall be attached, including any time limit, where necessary to assure that the use or structure does not become contrary to the public health, safety, or welfare or the intent and purpose of this ordinance. No vested interest shall arise out of a Class A designation.

25.3 Revocation of Class A Designation.

A. Any Class A designation shall be revoked, following the same procedure required for designation, upon a finding that as a result of any change of conditions or circumstances the use or structure no longer qualifies for a Class A designation.

Regulations pertaining to Class A non-conforming uses and structures.

B. No Class A non-conforming use shall be resumed if it has been discontinued for a continuous period of at least (18) months or if it has been changed to a conforming use for any period. No Class A structure shall be used, altered, or enlarged in violation of any condition imposed in its designation.

Regulations pertaining to Class B non-conforming uses and structures.

1. It is a purpose of this ordinance to eliminate Class B non-conforming uses and structures as rapidly as is permitted by law without payment of compensation.
 - a. Exceptions. One and two family structures which are non-conforming on the basis of yard or height requirements may be maintained, repaired, altered, or added to as long as they remain otherwise conforming. Additions or alterations to the exterior of the structure shall conform to all requirements of this ordinance.
2. No Class B non-conforming use shall be resumed if it has been discontinued for a continuous period of at least (6) months or if it has been changed to conforming use for any period, or if the structure in which such use is conducted is damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds the assessed value of the structure as indicated on the current tax roll.

3. No Class B non-conforming use shall be changed to a substantially different non-conforming use nor enlarged so as to make use of more land area than used at the time of becoming non-conforming.
4. Non Class B non-conforming structure shall be enlarged or structurally altered, nor shall it be repaired or reconstructed if damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds the assessed value of the structure as indicated on the current tax roll. Any such repair or reconstruction shall conform to all requirements of this ordinance.
5. For the purposes of maintaining health and safety, Class B non-conforming structures and buildings, may be repaired and maintained. Such repair and maintenance shall not increase the non-conformity of the structure, building, or uses therein, nor shall such repair and maintenance total more than (20) percent of the current assessed value of the structure, and/or building in any (12) month period.
6. In the case of mineral removal operations, existing holes or shafts may be worked and enlarged on the land which constituted the site on which operations were conducted at the time of becoming non-conforming, but no new holes or shafts shall be established.
7. No Class B non-conforming use or structure shall be permitted to continue in existence if it was unlawful at the time of its inception.

26.0 SECTION 26.0: NON-CONFORMING LOTS (Refer to definition of Lot, non-conforming)

26.1 Description

- A. All lots or parcels of land created through division and/or combination with other lots or parcels of land shall conform to the requirements of this ordinance and the district in which they are located.
- B. A non-conforming lot may not be used except as permitted in Section 26.2.
 - 1. Contiguous, non-conforming lots simultaneously under the same ownership are considered, under the terms of this ordinance, to have been combined as necessary to eliminate the non-conformity. If all non-conformity cannot be eliminated, the non-conformity shall be reduced as much as possible.

26.2 Exceptions to Sections 26.1.

- A. Structures or uses which were lawful prior to the adoption of this ordinance existing on non-conforming lots, may be used for any of the permitted uses in the districts in which they are located providing all other requirements of this ordinance are met.

26.3 Exceptions and Exemptions.

- A. The location of railroad tracks and yards, and the location of essential services are exempt from regulation under this ordinance.

27.0 SECTION 27.0: CONDITIONAL USE PERMIT

27.1 Intent.

This section of the ordinance shall govern the permitting of conditional uses which may be located in specific districts when particular or unique problems and all objectionable facets of the use have been overcome and eliminated by consideration of proper planning techniques. It is the purpose of this section to maintain adequate provision for the security of the health, safety, and general welfare of the inhabitants and uses of the zoning district and adjoining districts.

27.2 Procedure.

No conditional use shall be established in any zoning district except upon permit issued by the Planning Commission. The Commission shall be guided in making a decision by the standards set forth in this ordinance in Section 27.3 and 27.4. The Commission shall hear and decide only such conditional uses as specifically authorized by district and by the terms of this ordinance.

- A. Any application for a conditional use permit shall be submitted to the Zoning Administrator and shall be accompanied by such fees as set by the Township Board.
- B. Any person seeking a conditional use permit shall provide the Planning Commission with all information required for site review (Section 28.0) and additional information as the Commission may reasonably require to determine whether the granting of the permit is consistent with the intent of this ordinance.
- C. A public hearing shall be held on all requests for a conditional use permit.
 - 1. Notice shall be given at least (10) days in advance of public hearing. The owner of the property in question and owners of property within (300) feet of the property shall be notified by mail. The current tax roll shall be used to determine ownership.
 - 2. Notice shall be posted in a newspaper of general circulation at least (10) days in advance of the public hearing.
 - 3. Any party may appear in person or by duly authorized agent or attorney to comment on any aspect of the conditional use. Written comments may be submitted prior to the hearing.
- D. The Commission shall hold the public hearing and consider all requests for a conditional use permit within (5) weeks of receipt of the application and all required materials. The Commission shall take final action within (3) months of the receipt of the required materials.
- E. In permitting a conditional use, the Commission shall make a finding that the conditional use will be in compliance with the general purpose of the ordinance and the intent of the district in which it is located and will not be injurious to the spirit of this ordinance and intent of the district, and will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety and welfare.
- F. In permitting any conditional use, the Commission may prescribe appropriate conditions and safeguards. Violation of any conditions or safeguards, made a part of the terms of the permit, shall be deemed a violation of this ordinance, and shall be punishable under Section 33.2 of this ordinance. Permits issued on the basis of false information shall be void and continuance of the use shall be deemed a violation of this ordinance.
- G. No conditional use may be commenced until all conditions have been met. A performance bond acceptable to the Zoning Administrator may be required by the Planning Commission.
- H. Any conditional use permit may be reviewed at the discretion of the Commission. A public hearing shall be held prior to alteration of conditions or revocation of a permit. The permit holder and adjacent property owners shall be notified of the public hearing as specified in Section 26.2.
- I. The Township Board may at its own initiative or on appeal, within (2) months of the Planning Commission's final determination and after a public hearing, overturn that decision by a majority vote of its membership.

27.3 General Guidelines.

- A. The Commission shall be guided by administrative standards in Section 28.0.
- B. The Commission shall require sufficient site area to prevent nuisance to neighboring uses and to allow for reasonable anticipated expansion of the use.

27.4 Required Conditions.

A. Residential Districts (R-1, R-2, NRD)

- 1. All lighting shall be directed away from residential uses.
- 2. Conditional uses in the (R-1) and (R-2) residential districts shall be permitted only on lots fronting on and with principle driveway access to a street with paving at least (24) feet in width, and so located and designed as to avoid undue traffic, noise, or other nuisances or dangers.
- 3. Home Occupations. The purpose of the home occupation conditional use provision is to permit the conduct of a part-time business for supplemental income purposes in the residential districts. Home occupations are limited to those uses which may be conducted within a residential dwelling without in any way changing the appearance or condition of the residence.

The following criteria shall be employed by the Planning Commission to determine a valid home occupation:

- a. Shall not employ more than one person who is not a member of the household.
 - b. The structures on the property shall show no external indication of such home occupation, nor any change in the appearance of the building or premises from a dwelling, except that a non-illuminated sign not exceeding (300) square inches in area may be attached flat on the front wall of the dwelling to advertise the activity.
 - c. Shall not be conducted in an accessory building.
 - d. Shall not constitute a retail store such as those permitted in the (C-1) and/or (C-2) Districts.
 - e. Shall not necessitate the use of heavy commercial vehicles.
 - f. The use shall not generate pedestrian or vehicular traffic beyond the normal to the residential district.
 - g. Not more than (6) square feet of space within the home may be utilized for storage of materials and supplies related to the home occupation. No outdoor storage permitted.
 - h. No more than (1) room in the dwelling shall be employed for the home occupation.
 - i. No space outside of the main building shall be used for home occupational purposes.
 - j. In no way shall the appearance of the structure be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, or the emission of sounds, noises or vibrations.
 - k. There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential purposes.
 - l. The display of goods produced or services performed on the premises shall not be evident from the outside. (See Section 27.4 (A) [3] (b).)
- 4. Group day care facilities shall be licensed as either a group day care home or a day care center by the Michigan Department of Social Services prior to commencement of the use.
 - 5. Adult foster homes shall be licensed by the State of Michigan or a state authorized agency prior to commencement of the use.
 - 6. Attached accessory building shall meet the yard requirements of the Schedule of General Regulations (Section 20.1).
Detached accessory buildings shall be located (10) feet from the side and rear property lines. No detached accessory use shall be located in a front yard.
 - 7. Outdoor swimming pools shall not be located closer than (10) to any building or lot line. The pool area shall be enclosed with a (6) foot fence approved by the Zoning Administrator. Access to the pool shall be regulated by a gate.

8. Colleges, universities and institutions of higher learning.
 - a. All ingress and egress from the site shall be onto a major street having a right-of-way of at least (66) feet.
 - b. No building or other use of land except landscaped passive areas or parking shall be situated within (30) feet of the lot line.
9. Cemeteries, convalescent homes and extended care facilities.
 - a. Shall be located so that the site has direct ingress from and egress to a major street or a minor street no more than (400) feet from its intersection with a major street.
 - b. No building shall be located closer than (30) feet to a lot line.
 - c. Service entrances shall be screened from the view of adjacent residential property.
10. Public recreational facilities.
 - a. Shall be located so that the site has direct ingress from and egress to a major street or a minor street no more than (400) feet from its intersection with a major street.
 - b. The Planning Commission may require additional safeguards to meet the intent of the district in which the proposed conditional use is located.
11. Schools.
 - a. A required yard of (30) feet shall be required for all buildings.
 - b. Off-street passenger loading zones shall be provided for school buses and private vehicles.
 - c. Parking other than in structures shall not occupy more than (40) percent of the lot area.
- B. Commercial Districts (C-1, C-2).
 1. Establishments selling alcoholic beverages for consumption on the premises shall maintain a transitional yard as stipulated in Section 21.0, and provide (1) parking space for every (75) sq. ft. of useable floor area and may be located no closer than (1,000) feet to a school or church. Establishments selling alcoholic beverages must be separated by at least (400) feet.
- C. Industrial District (I).
 1. All conditional uses.
 - a. Notice of intent to build or expand must be given to the Zoning Administrator at the same time application is made to federal or state agencies which may require permits.
 - b. Prior to final approval of a conditional use permit each applicant shall obtain the necessary state and federal permits, including permits or waiver of permits from the Michigan Air Pollution Control Commission and the Water Resources Commission. The applicant shall, upon Commission request, forward all reports and findings from the state and federal agencies to the Zoning Administrator, along with site plans as described in Section 30.0.
 - c. The Commission shall take action on the request for industrial conditional use permit within (4) weeks of receiving the required materials.
 - d. The Commission shall consider the employment potential, economic benefits, and environmental costs that may be created by the industry.
 - e. The Commission may require additional safeguards to meet the intent of the industrial district and to assure opportunity for additional industrial uses and for growth within each area of the township which is zoned industrial.
 - f. The open storage of equipment, vehicles and all materials, including wastes, shall be screened by a fence or open-air wall not less than (6) feet in height to obscure such stored material from public view.
- D. Recreational-Forest District (R-F).
 1. Land intensive recreational uses.
 - a. No loud speakers or public address systems shall be used except by approval of the Commission which shall determine that no public nuisance or disturbance will be established.

- b. No structures other than fencing shall be located closer than the yards specified in the Schedule of Regulations (Section 20.0). A landscaped buffer strip of at least (25) feet shall be located between any recreational use and any contiguous residential district.
 - c. All lighting shall be shielded from adjacent districts.
 - d. Customary accessory commercial uses shall be located on the same site as the main recreational use and shall be clearly secondary to the main use.
- 2. Extractive and forest industries and associated products.
 - a. Same requirements as in Section 27.4-C.
- 3. Kennels.
 - a. Kennels for the boarding of not more than (15) dogs and/or cats with not more than (3) outside exercise runs are permitted. The kennel and runs must be located a minimum of (35) feet from both side lot lines and (50) feet from an adjoining residence. There shall be a rear yard of at least (150) feet. A visual barrier between the kennel area and adjoining property must be maintained. The sale of pet supplies is allowed provided it is clearly incidental and subordinate to the kennel. One non-illuminated on-building sign not to exceed (18) inches by (36) inches in size is permitted. The kennel must be operated in conjunction with a single family dwelling occupied by the owner.
- 4. Home Occupations.
 - a. Same requirements as in Section 27.4-A, 3.
- 5. Stables.
 - a. Consideration shall be given to the lot area and availability of property for stable related use, as well as compatibility of that use to adjoining property.
- 6. Travel Trailer Parks.
 - a. Must be constructed in accordance with the Michigan Department of Health Requirements.

28.0 SECTION 28.0: ADMINISTRATIVE STANDARDS

For the purpose of administering this ordinance, the Zoning Administrator, the Planning Commission, the Board of Zoning Appeals and any other reviewing body or official shall consider each case as an individual case. Consideration shall be given to the location, size, and character of a use to determine if the use will be in harmony with the intent and appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of adjacent districts. Consideration shall be given to the following:

- A. Intent of the Zoning District.
- B. Current use of adjacent lands and neighborhoods.
- C. Physical appearance of existing or proposed structures (location, height, bulk of building as well as construction materials.
- D. The suitability of the proposed landscaping in providing ground cover, screening and decoration on the site.
- E. The nature and intensity of operations involved in or conducted in connection with the proposed use.
- F. The type of use, the physical and economic relationship of one type of use to another.
- G. Assembly of persons or employees, which may be hazardous to the neighborhood or incongruous or conflict with normal traffic in the vicinity.
- H. Vehicular and pedestrian traffic volumes and patterns, particularly of children, as well as vehicular turning movements in relation to traffic flows, intersections and site distances.
- I. The physical characteristics of the site such as: area, drainage, topography, open space, landscaping, and access to minor and/or major streets.
- J. Demands upon public services such as electricity, police, and fire protection, schools, and refuse disposal.
- K. The type and amount of litter, waste, noise, dust, traffic, fumes, glare and vibration, which may be generated by such use.
- L. Area requirements for the proposed use and potential for the use or its area requirements to expand.
- M. Other factors necessary to maintain property values in the neighborhood and guarantee safety, light, air and privacy to the principal uses in the district.
- N. Compliance with the Comprehensive Plan.
- O. If any property within a Deferred Development District (D-D) having a required native protection strip is petitioned for rezoning, there must as a condition for such rezoning, be required a native protection strip as described in Section 18.12(c).

29.0 SECTION 29.0: FEES

Fees for any appeal to the Board of Zoning Appeals or petitions for Planning Commission consideration of Zoning Ordinance amendments (rezonings), conditional use permits or planned unit development review, shall be established by resolution of the Township Board. No activity on such request or appeal shall commence until said fee has been paid. Said fees are waived for actions initiated by the Township Board or the Planning Commission.

30.0 SECTION 30.0: SITE PLANS

- A. Exclusions from Site Plan requirements. The erection, enlargement, or placement of one or two family dwellings or structures customarily accessory to such dwellings, on individual lots shall not require site plans other than those sufficient to meet building permit application requirements.
- B. Submission of Site Plans required. No person shall commence or change any use or erect or enlarge any structure without first obtaining the Zoning Administrator's approval of a site plan, and no use shall be carried on, no structure erected or enlarged and no other improvement or construction undertaken except as shown upon an approved site plan.
- C. Required form of and information on Site Plans.
 - 1. Site plans shall be submitted to the Zoning Administrator with a building permit application. If a building permit is not required to accomplish the commencement or change in use, structure, or building, the site plan may consist of the minimum information in Section 4 that the Zoning Administrator requires to determine compliance with this ordinance.
 - 2. Three identical copies of a site plan shall be submitted, each on a separate sheet of paper not exceeding (36) inches x (36) inches.
 - 3. Each site plan shall be drawn to a scale of not less than 1:480 (1 inch to 40 feet) and shall be certified by a registered land surveyor, registered professional engineer, or registered architect.
 - 4. The information shown on the site plan shall include:
 - a. The boundary lines of the area included in the site plan including angles, dimensions, and reference to a section corner, quarter corner, or point on a recorded plat, an arrow pointing north, and the lot area of the land included in the site plan.
 - b. Contour lines at intervals not exceeding (5) feet showing existing and proposed grades and drainage systems and structures.
 - c. The shape, size, use, location, height, floor area and exterior architectural design of all structures, the floor area and ground coverage ratios of residential structures and the finished ground and basement floor grades.
 - d. Natural features such as woodlots, streams, rivers, tributaries, lakes or ponds, rock outcrops, and manmade features such as existing roads and structures, with indication as to which are to be retained and which are to be removed or altered.
 - e. Proposed streets, driveways, parking spaces, loading spaces and sidewalks with indication of direction of travel for one-way streets and drives and inside radii of all curves. The width of streets, driveways and sidewalks and the total number of parking spaces shall be shown.
 - f. The size and location of all existing and proposed public and private utilities and all required and proposed landscaping.
 - g. A vicinity sketch showing the location of the site in relation to the surrounding street system.
 - h. A legal description of the land included in the site plan; the names, address, and telephone number of the owner, developer, and designer.
 - i. Any other information necessary to establish compliance with this and other ordinances.
 - 5. Site plans and building plans submitted with a building permit application may be used if these requirements are complied with.
- D. Review Procedure. Upon receipt of any site plan, the Zoning Administrator shall review it to determine whether it is in proper form, contains all of the required information, shows compliance with this ordinance. Upon demand by the applicant the Zoning Administrator shall, within (10) days, approve it in writing or deny approval in writing, setting forth in detail, the reasons, which shall be limited to any defect in form or required information, any violation of any provision of this ordinance, and any changes which would make the plan acceptable. In determining compliance with this ordinance, the Zoning Administrator shall take into consideration the administrative standards set forth in Section 28.0. In cases where compliance with these standards is not demonstrated, the

Zoning Administrator shall deny approval of the site plan. The applicant may appeal any denial to the Board of Zoning Appeals.

31.0 SECTION 31.0: THE ZONING ADMINISTRATOR

- A. Establishment. The office of Zoning Administrator is hereby established. The Zoning Administrator shall be appointed by the Township Board. He/she shall receive such compensation as the Township Board may determine.
- He/she may be provided with the assistance of such other persons as the Township Board may direct.
- B. Duties.
1. Administration of ordinance. He/she shall administer the provisions of this ordinance and shall have all administrative powers in connection therewith, which are not specifically assigned to some other officer or body. The Zoning Administrator shall be guided by the standards set forth in Section 27.0.
 2. Certificate of Zoning Compliance. The Zoning Administrator shall review all building permits and site plans for compliance with the provision of this ordinance, or any written order from the Board of Appeals or Planning Commission.
 - a. He/she shall have no power to vary or waive ordinance requirements, but will have discretion where provided.
 - b. The Zoning Administrator shall not issue a statement of Zoning Compliance where it appears that any land area required to conform to any provision of this ordinance is also required as a part of any adjoining property to keep the development or use thereof in conformity with this ordinance, or to keep it from becoming more non-conforming if such land area was, at anytime, subsequent to the commencement of development or use of such adjoining property, in common ownership with such adjoining property.
 3. Certificate of Occupancy. The Zoning Administrator or his designee shall determine that the certificate of zoning compliance has been complied with prior to the issuance of a certificate of occupancy. Said approval shall not be granted if compliance is not demonstrated. Approval may be waived by the Zoning Administrator for one or two family residences. The Zoning Administrator shall have (10) days to determine compliance. A temporary certificate for a period of no more than (180) days may be issued at the discretion of the Zoning Administrator.
 4. Special Zoning Orders Book and Map. The Zoning Administrator shall keep in his/her office, a book, to be known as the Special Zoning Orders Book in which he/she shall list with brief description, all variances, conditional use permits, authorizations for planned unit developments, designations of Class A non-conformance and terminations of any of them. Each item shall be assigned a number when entered. The Zoning Administrator shall also keep a map of the Township, to be known as the special zoning orders map, on which he/she shall record the numbers in the special zoning orders book to indicate the locations affected by the items in the book. The Special Zoning Orders Book and Map shall be open to public inspection.
 5. The Zoning Administrator shall keep records of all official actions, all of which shall be a public record.
 6. The Zoning Administrator shall maintain and make available for public inspection, the official zoning map.
 7. The Zoning Administrator shall have the power to make his/her inspection of buildings and premises necessary to carry out duties in the enforcement of this ordinance.
 8. If the Zoning Administrator shall find that any of the provisions of this ordinance are being violated he/she shall notify in writing the person responsible for such violation, indicating the nature and location of the violation, and ordering the action necessary to correct it. He/she shall order discontinuance of illegal additions, alterations, or structural changes; discontinuance of any illegal use; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of the provisions of this ordinance.
 9. Reports and Recommendations. The Zoning Administrator shall review all requests for administrative or legislative action. He/she shall forward an analysis of site factors and other

information pertaining to the request to the appropriate body. The analysis may include a recommendation for action.

32.0 SECTION 32.0: BOARD OF APPEALS

32.1 Intent.

It is the intent of this ordinance that all questions of interpretation and enforcement of this ordinance shall be first presented to the Zoning Administrator. Such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Administrator. Recourse from decisions of the Board of Appeals shall be to the courts as provided by law and particularly by Section 23a, Act 184 of 1943 as amended.

32.2 Establishment.

A Board of Appeals is hereby established, which shall consist of (3) members to be appointed by the Township Board each for a term of (3) years. Members of the Board of Appeals must meet eligibility requirements established by the Township Board. Members of the present Board of Appeals shall continue in office until the expiration of their terms. The Township Board shall appoint as necessary persons to fill vacant positions for varying terms so that not more than (3) terms expire in any given year. One member of the Board of Appeals shall be a member of the Planning Commission.

Members of the Board of Appeals may be removed from office by the Township Board for cause upon written charges and after a public hearing.

32.3 Procedure.

- A. Proceedings. The Board of Appeals shall adopt rules necessary to conduct of its affairs and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairperson and at such other times as the Board may determine. The chairperson, or in his/her absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.
The Board of Appeals shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations, all of which shall be a public record and be immediately filed in the office of the Zoning Administrator.
- B. Appeals. Appeals to the Board of Appeals concerning interpretation or administration of this ordinance may be filed by any person aggrieved or any officer or bureau of the governing body of the township affected by any decision of the Zoning Administrator. Such appeals shall be filed within a reasonable time, not to exceed (60) days or such lesser period as may be provided by the rules of the Board, by filing with the Zoning Administrator a written notice of appeal specifying the grounds thereof. The Zoning Administrator shall transmit to the Board all papers and records regarding the appeal. The Board of Appeals shall fix a reasonable time for the hearing of the appeal as specified in Section 32.4.
- C. Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Appeals after the notice of appeal is filed with him/her that by reason of facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the Zoning Administrator and on due cause shown.

32.4 Powers and Duties.

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

- A. Administrative Review. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this ordinance.
- B. Variances. Conditions Governing Application; Procedures. To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public

interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance from the terms of this ordinance shall not be granted by the Board of Appeals unless and until:

1. A written application for a variance is submitted demonstrating:
 - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other* lands, structures, or buildings in the same district;
 - b. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
 - c. That the special conditions and circumstances do not result from the actions of the applicant;
 - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district;
 - e. That no non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
2. All fees set by the Township Board, to cover the administrative costs of such application have been paid. Notice of public hearing shall be given as in Section 32.5.
3. The public hearing shall be held. Any party may appear in person, or by a duly authorized agent or by attorney.
4. The Board of Appeals shall make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
5. The Board of Appeals shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
6. In granting any variance, the Board of Appeals shall be guided by the Administrative Standards in Section 28.0. The Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of this ordinance punishable under Section 33.2 of this ordinance.
7. Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.
- C. Reversing Decision of Administrative Official. In exercising the above mentioned powers, the Board of Appeals may, so long as such action is in conformity with the terms of this ordinance, 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 the powers of the administrative official from whom the appeal is taken.
- D. The concurring majority vote of the members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant any matter upon which they are required to pass under the ordinance or to the effect any variation in the application of this ordinance. A decision of the Board shall take immediate effect.

32.5 Public Hearings

- A. A public hearing shall be held on each action that is brought before the Board of Appeals.

* "Majority" of other lands, not "any" other lands. Doug Dosson, 11-1-85

- B. Notice shall be given at least 10 days in advance of the public hearings. The owner of the property in question and owners of property within (300) feet of the property shall be notified by First class mail.

The current tax roll shall be used to determine ownership.

Notice shall be posted in a newspaper of general circulation at least (10) days prior to the public hearing.

33.0 SECTION 33.0: ENFORCEMENT

33.1 False Statements

Any zoning compliance statement based on any false statement in the application or supporting documents is absolutely null and void ab initio (from its inception) and shall be revoked. No zoning compliance statement shall remain valid if the use or structure it authorizes becomes non-conforming. The Zoning Administrator shall not refuse to issue a zoning compliance statement when conditions imposed by this and other township ordinance are complied with by the applicant despite agreements which may occur upon the granting of said permits.

33.2 Violations and Penalties

Any person who violates any provision of this ordinance or any amendment thereto, or who fails to perform any act required hereunder or does any prohibited act, shall be guilty of a civil infraction punishable with a fine of not more than (\$500.00). Each and every day on which any violation is committed or permitted to continue shall constitute as a separate offence and shall be punishable as such hereunder. Any violation of this ordinance is hereby declared to be public nuisance per se.

33.3 Procedures for Reporting Violations.

Apparent zoning violations may be reported to the Zoning Administrator or Zoning Board by a citizen.

34.0 SECTION 34.0: VESTED RIGHTS

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

SECTION 35.0: FREDERIC MANISTEE RIVER DISTRICT (FMRD) (Plan and Ordinance – Upper Manistee River and Tributaries)

A. SUMMARY of DEVELOPMENT STANDARDS*

Item	Standard	Intent	Page
0-Zoning District	Four hundred (400) ft. from ordinary high water mark (OHWM) on both sides of river or tributary	Limit encroachment on river system of non conforming, river-threatening development	2
1-Permitted Uses	[See listings of exempt, principal and special uses on page 2-3]	Restrict or control uses of riparian land that diminish surface water quality and flow	2
2-Vegetation Buffer	Seventy-five (75) ft. landward from OHWM on both sides of stream	Filter polluted runoff; insulate river; stabilize banks; provide wildlife habitat; screen views; ‘naturalize’ river corridor; conserve biodiversity	3
3-Land Alteration	Disallowed: dredging, filling, draining, etc. of wetland or floodplain; altering of bluff edges	Preserve wetland and floodplain capacity for storing floodwater and filtering runoff	4
4-Minimum Lot Size	Frontage width of 150 ft., 80,000 sq. ft. of area, one-half (1/2) acre minimum of buildable upland and sufficient depth to accommodate setbacks	Control density and size of sewage-disposal fields; preserve riparian aesthetics; enhance privacy; protect property value	4
5-Residences per Lot	One permanent single-family dwelling (720 first-floor sq. ft. minimum) and appurtenances, for year-round or seasonal use	Limit density and size of associated septic systems; control extent of impervious land cover; minimize negative visual impact	5
6-Movable Dwellings	One temporary vehicular structure (motor home, house trailer, or ‘fifth wheel’) per lot; disallowed: a stand alone ‘garage’ to house it (see p. 6)	Control associated sewage disposal; minimize obtrusiveness; protect value of adjacent parcels	6
7-Structure Setback	One hundred (100) ft., decreased by one ft. for every one ft. of bank rise to minimum of 80 ft.	Maximize streamside runoff-infiltration area; enhance privacy; lessen visual impact from river and opposite bank	7
8-Structure Height	Thirty-five (35) ft. or 2 ½ stories	Minimize obtrusiveness; optimize aesthetics	8
9-Septic Systems	Minimum setback of 100 ft., from OHWM, landward of dwellings, for septic vaults and fields	Minimize likelihood of sewage seeping directly into river system	8
10-Blight Control	Disallowed: landfills; spreading of sludge; dumping of garbage, tires, junked autos/appliances, etc.	Prevent system contamination by improperly treated wastes; preserve corridor aesthetics	8
11-Docks	Allowed under DEQ permit: structures no more than 12 by 4 ft. and 4 ft. over the water	Minimize hazards to navigability; limit contamination (from chemically treated materials)	9
12-Access Stairways	Allowed with zoning board approval: one over-the-bank stairway (with handrails) per residence	Prevent erosion by controlling foot access, especially on steep banks;	9
13-Signage	Allowed: signs that warn, direct or inform up to 2 sq. ft. in area; [See page 8 for details.]	Minimize negative visual impact in riparian corridor	9
14-Dams	Construction or replacement subject to DEQ permit; otherwise disallowed	Control placement of structures that could significantly impair system water quality and flow	9
15-Access Bridges	Disallowed: new bridges on mainstream; Allowed (with zoning board approval): new bridges or replacements on tributaries	Control placement of structures that could significantly impair system navigability as well as water quality and flow	9
16-New Commercial Uses	Allowed (with zoning board approval): rental cabins and campgrounds [See pages 11-13]	Limit commercial uses to those deemed most compatible with natural corridor ambience	10
17-New Industrial Uses	Disallowed: all	Restrict uses of corridor land to those deemed most consistent with objectives of district plan	12
18-Legal Nonconformance	[See pages 13-16 for details about legal nonconforming lots, structures and uses]	Accommodate interests of all who owned corridor property upon plan adoption	12

* Private property only

B. GOALS and OBJECTIVES of DISTRICT DESIGNATION

1. Goal

Designating the riparian corridor of the renowned Manistee River system as a separate zoning district – the *Frederic Manistee River District (FMRD)* – has as its goal the protection of system integrity and natural values for present and future generations, while preserving the rights as well as privileges of owning riparian property and ensuring the application of sound conservation practices in its development.

2. Objectives

By designating its Manistee River corridor as a zoning district, Frederic Township aims to:

- a. Sustain the high quality and stability of flow for which the river has long been noted.
- b. Prohibit development or activity in the district that would unduly impair ecological features or historic values of the river system and corridor.
- c. Ensure further that such development proceeds in a manner compatible with the natural environment and aesthetic qualities of the river system and corridor.
- d. Complement parallel measures to assure orderly use and coordinated stewardship of the river system and its aquatic resources.

C. DELINEATION of ZONING DISTRICT

The *Frederic Manistee River District (FMRD)* includes 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 its major lateral tributaries, 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.

D. DEVELOPMENT STANDARDS for PRIVATE LAND

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

1. 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 FMRD. The three types of permitted use – exempt, principal and special – are described as follows:

- a. **Exempt uses** are those allowed by right and DO NOT require an FMRD zoning permit. They include the following:
 - i. Private, non-commercial recreation such as camping, boating, fishing, hunting and other similar activities that do not require permanent structures;
 - ii. Reforestation and other accepted forest management practices, landward of a native vegetation buffer that do not require permanent structures;

- iii. 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];
 - iv. Operation of licensed motor vehicles on public or private roads designed to provide access to a permitted permanent or seasonal use;
 - v. Off-road operation of emergency and public utility vehicles;
 - vi. 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).
- b. **Principal uses** in the FMRD 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 plan:
- i. Permanent year-round or seasonal single-family residences and detached rental dwellings (other than short-term rental cabins), accessory buildings and appurtenances such as fences, bridges, satellite dishes, low-profile boardwalks and stream-access stairways;
 - ii. Temporary (movable) dwellings such as motor homes, house trailers and ‘fifth wheels’;
 - iii. Private docks;
 - iv. Private utility service lines;
 - v. Individual on-site wastewater treatment systems;
 - vi. Mineral exploration and extraction;
 - vii. Subdivision of property;
 - viii. In-home businesses;
 - ix. Limited land alteration;
 - x. Forest management in native vegetation buffers.
- c. **Special uses** in the FMRD are those approved by local zoning authority. They include the following, subject to all permit requirements and development standards outlined in this plan:
- i. Detached rental cabins;
 - ii. Campgrounds.

2. Vegetation Buffer

Native streamside vegetation serves a number of important purposes in maintaining the natural character of river system corridors. A buffer that includes native shrubs, trees and grasses filters polluted runoff and provides wildlife habitat. It also contributes to the stream channel large woody debris and leaf litter as important components of fish and aquatic invertebrate habitat, furnishes shade to prevent elevated water temperature and screens development from recreationists on or in the stream.

Most research related to vegetation buffers concludes that a 75- to 100-foot-wide buffer (or greenbelt) is necessary to minimally serve the functions noted above. [Maintained lawns perform none of these and owners of property from which streamside vegetation has been removed are encouraged to re-establish it.]

For the above reasons, a restrictive-cutting belt, or 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 FMRD, 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 of 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 FMRD 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 FMRD plan, or to establish an access footpath to the river or tributary that does not exceed four feet in width;
- f. 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;
- 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.

3. Land Alteration

Alteration of sensitive areas such as wetlands and floodplains can severely diminish the natural character of river corridors, drastically change flood storage capacity, reduce surface filtering capacity as well as destroy valuable wildlife and fish habitat. Accordingly, dredging, filling, draining or other land-alterations in the 100-year floodplain or wetlands within the FMRD are prohibited.

Disturbance of bluff edges can also have a negative visual impact and in some cases result in increased potential for erosion and subsequent sedimentation. Alteration of a bluff's natural contour, from crest to minimum setback line, is therefore prohibited in the FMRD. 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.

4. Minimum Lot Size

Controlling the density of structures in the riparian corridor yields many of the same benefits, as does the setback of structures from the edge of the river or tributary. Impervious surfaces are kept widely separated and to a minimum, thus allowing for greater infiltration of the runoff they deliver. Moreover, septic systems serving individual structures are fewer and more isolated from each other, thereby lessening the impact of effluent via underground seepage on the river system. Also, more native vegetation within and landward of the required vegetation buffer tends to be preserved.

A development approach that has gained favor in recent years is “clustering”. By aggregating buildings in a small area, the adverse effects of their placement are confined. In the process, larger areas are preserved as open space that might otherwise have been built on. Clustering opportunities are limited in the relatively small area embraced by the FMRD but allowed if provisions in Section 5, *Residences per Lot*, are followed.

- a. As important elements in meeting FMRD objectives, each new lot¹ on the Manistee River *mainstream* must:
 - Have at least 150 feet of river frontage (unless a riverfront “common area” subject to a conservation easement is established, or the parent parcel does not contain river frontage, in which case this specification will be measured at the point of the parcel closest to the river) and be at least 150 feet wide at the minimum building setback line, measured from side lot line to side lot line by a straight line perpendicular to at least one side lot line; and,
 - Have river frontage (unless the parent parcel from which the new lots are created does not have river frontage or unless a riverfront “common area” is established, in which case the “common area” will not be used in any calculations related to minimum lot area); and,
 - Contain at least one-half acre of existing contiguous upland (non-wetland, non-floodplain) buildable area landward of the minimum building setback line; and,
 - Contain at least 80,000 square feet of area within the FMRD; and,
 - Have sufficient depth to accommodate the required building setbacks.
- b. Likewise, each new lot on a Manistee River *tributary* must:
 - Have at least 150 feet of stream frontage (unless a streamfront “common area” subject to a conservation easement is established, or the parent parcel does not have stream frontage, in which case this dimension will be measured at the point of the parcel closest to the stream) and be at least 150 feet wide at the minimum building setback line, measured from side lot line to side lot line by a straight line perpendicular to at least one side lot line; and,
 - Have stream frontage (unless the parent parcel from which the new lots are created does not have stream frontage or unless a streamfront “common area” is established, in which case the “common area” will not be used in any calculations related to minimum lot area); and,
 - Contain at least one-half acre of existing contiguous upland (non-wetland, non-floodplain) buildable area landward of the minimum building setback line; and,
 - Contain at least 40,000 square feet of area within the FMRD; and,
 - Have sufficient depth to accommodate the required building setbacks.

[**Note:** If the parent parcel from which new lots are created does not have stream frontage, and the front (streamward) line of any new parcel is more than 150 feet from the stream’s edge at all points, then Parts iv, a and b, do not apply, and the minimum lot width will be measured at the front lot line.]

¹ A “new” lot is one with buildable area, accessible by public road or legal easement, which does not require construction of a permanent river (mainstream) crossing. New lots requiring a permanent river crossing are not allowed (See Section 14, *Access Bridges*).

5. Residences per Lot

In general, only one permanent single-family year-round or seasonal habitation² per parcel, including appurtenances such as garages, storage sheds, decks, etc., is permitted. However, so as to discourage fragmentation of large properties into smaller parcels, more than one single-family residence and outbuildings per parcel, 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

- The property owner develops a site plan for the original parcel showing theoretical property lines for individual lots based on FMRD development standards, and located thereon any additional residences and appurtenances as if the property were divided into those separate lots; or,
- 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,
- 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 these rules may be replaced, subject to provisions of Sec. 20.1-M, 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.]

6. Movable Dwellings

One temporary recreational structure for residential purposes – motor home, house trailer, ‘fifth wheel’ or the like – may be placed on a conforming or legal nonconforming lot in compliance with all other applicable FMRD standards (see **Note** in Section 5, above), provided that:

- It not occupy unimproved or otherwise vacant land for more than thirty (30) days in any year;
- Associated sanitation waste systems meet prevailing health department codes;
- Its registration and license plate are current; and
- It possesses a township permit.

² Like those on township land zoned ‘R-1 Residential’, FMRD residences must have minimum first-floor area of 720 square feet (See Section 20-A).

[**Note:** In no case is open, long-term storage of such vehicles permitted on vacant or unimproved lots in the FMRD. Otherwise, one such vehicle may be stored at the rear of any FMRD lot containing a permanent dwelling, with due regard to spacing requirements for accessory structures (see Sec. 20.1, B-4.)

7. Structure Setback

Placing buildings a reasonable distance from the water's edge helps keep river and tributary corridors in as natural a state as possible while still allowing construction of new residences and appurtenances.

Structural setbacks help to:

- Lessen the impacts of construction, thereby reducing the possibility of stream sedimentation;
- Keep impervious surfaces such as driveways, sidewalks and rooftops away from the river, thus providing more absorption space for runoff between structural "footprint" and stream. Precipitation entering the stream as groundwater rather than surface runoff does so at a slower rate, is cooler, contains fewer contaminants and hence is far less likely to impair water quality, the aquatic life so dependent on it and the stability of stream flow;
- Separate yard areas compacted by construction equipment and everyday activity farther from the stream, yielding the same benefits as noted above;
- Lessen the visual impact of new construction on passing river users;
- Reduce fragmentation of streamside wildlife habitat and migration routes.

To accomplish these purposes, setbacks in the FMRD for new construction and/or placement of temporary facilities like those described in Section 6 above are required as follows³:

- On the Manistee River **mainstream**, structures must be set back a minimum of 100 feet⁴ from the ordinary high water mark. This distance may be decreased one foot for every one-foot rise in bank height to a minimum distance of 80 feet from the ordinary high water mark. Also, structures in all cases must be set back at least 50 feet from the crest of a bluff⁵.
- On Manistee River **tributaries**, structures must be set back a minimum of 100 feet from the ordinary high water mark. This distance may be decreased one foot for every one-foot rise in bank height to a minimum distance of 75 feet from the ordinary high water mark. In all cases, structures must be set back at least 25 feet from the crest of a bluff.

³ Structures existing but not compliant with these rules and ordinances at the time of their adoption are not required to be moved.

⁴ In the interest of fire safety, the Forest Management Division of the Department of Natural Resources recommends for all residences and related outbuildings in forested areas a perimeter of at least 25 feet free of most higher vegetation, especially coniferous trees. Nothing in these rules precludes maintenance of such a protective buffer, but they do imply the exercise of good judgement. If in doubt, property owners should check with the zoning administrator.

⁵ For the purposes of this plan, a "bluff" is defined as a bank rising at a slope of 1:3 or greater from within 10 feet of the ordinary high water mark. The "crest" of a bluff is the first stream-facing area at least 100 feet long (approximately parallel to the stream) that breaks to a slope of less than 18 percent for a distance away from the water of at least 25 feet.

In addition, structures shall not be placed or erected in any wetland area or on lands that are within the system's 100-year floodplain (the area with a one-percent chance of flooding in any given year). It is further recognized that some riparian lands contain groups of small, nonconforming lots in both platted and nonplatted areas, many of which include structures that would not meet the new setback standards. As it is unreasonable to require that new buildings in such limited cases meet strictly the new standards advanced herein, the following building-setback provision will therefore apply in the FMRD:

- If: A vacant parcel lies between and adjacent to two parcels that contain otherwise legal structures that do not meet the setback standards set forth above, and, The adjacent nonconforming structures are within 400 feet of each other,
- Then: The minimum building setback for new structures applicable to the vacant parcel in question will be no less than the distance from the water's edge of the adjacent structure that is furthest from it, or the minimum required width of the native vegetation buffer, whichever is greater.

8. Structure Height

The height of streamside structures can impact significantly in a less-than-pleasing way the view of both adjacent property owners and the user public. New structures shall therefore be no more than 2 ½ stories or 35 feet high, whichever is less. Walkout or other basements are not included in the minimum story/height requirements.

9. Septic Systems

All individual on-site waste treatment systems require a permit from the local health department. Accepted as consistent with the purposes of this plan, Crawford County allows the installation of no system closer than 100 feet from the ordinary high water mark of surface water bodies. It is acknowledged that a setback of this distance is adequate for the effective containment and treatment of bacteria that pose a risk to human health.

For this reason, all new septic systems must be placed whenever possible to the landward side of permanent and temporary structures on the mainstream or tributary. If parcel configuration makes this impossible or impractical, however, a new system shall be constructed so that no part of the drain field is less than 100 feet from the ordinary high water mark, or from any surface or subsurface drain. The drain field or septic vault shall not be located in any 100-year floodplain, wetland or the native vegetation buffer. If it is feasible to install a system with innovative technology that will result in a higher level of waste treatment than attainable by conventional means, the setback from stream edge may be reduced to as little as 50 feet or the outer boundary of the vegetation buffer, whichever is greater, provided that no part of the system is located within the 100-year floodplain or in a wetland. The bottom of the drain field shall be at least 2 feet above the seasonal high groundwater level.

Drywells or earth privies are prohibited unless permitted by the local health department and site conditions do not allow proper installation of a septic vault/soil absorption system. If a drywell or privy is placed, it must be a minimum of 100 feet from stream edge, and the bottom of the pit must be four feet above the seasonal high groundwater level. If this is not feasible, a watertight vault to receive waste will be allowed.

10. Blight Control

No unsightly or offensive material, including trash, junk vehicles, discarded appliances, garbage, tires or other refuse shall be dumped, disposed of or stored in the FMRD. Landfills and disposal of any solid or liquid waste, other than subsurface disposal of effluent from individual waste treatment systems related to normal operation of these systems, are likewise prohibited, as is disposal of sludge from wastewater treatment facilities or individual on-site waste disposal systems.

11. Docks

Due to their negative visual impact, potential for trapping debris, likelihood of being damaged and dislocated by high water or ice and being a potential hazard to anglers and watercraft users, docks in the FMRD are strongly discouraged, especially where width and depth of stream already limit watercraft navigability. However, if necessary to provide safe and non-damaging access for the riparian landowner, docks under permit from the Department of Environmental Quality may be constructed not to exceed four feet in width nor more than 12 feet in length, 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.

12. Access Stairways

Stairways for stream access over a steep bank can prevent otherwise inevitable erosion and are permitted where no safe or feasible alternative exists. However, only one stairway per parcel will be allowed and it must be of low profile, no more than four feet wide and constructed without cutting into the streambank, slope or bluff – unless site as well as soil conditions dictate that a recessed structure would better meet FMRD objectives. Associated handrails and/or landings are also permissible for safe stairway use and to discourage lateral streambank foot traffic.

13. 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 need to be larger to warn of in-river hazards or for interpretive or historic reasons.

14. Dams

Construction or reconstruction of any dam in the FMRD requires a Department of Environmental Quality permit.

15. Access Bridges

Replacement of existing or construction of new bridges requires a Department of Environmental Quality permit. The following restrictions otherwise apply:

- a. On **mainstream** segments in the FMRD, no new bridges are allowed. Moreover, all replacement bridges must span the base flow channel, clear the water surface by a minimum of five feet (between ordinary high water mark and bottom of bridge deck or deck supports other than abutments) and not possess a bottom member, i.e., be of pipe, box or arch culvert design. Vehicle bridges may not replace those originally meant for pedestrian use only.
- b. On **tributaries** in the FMRD, new and replacement bridges are permitted provided that the same party (or parties, in the case of joint ownership) owns the parcels of land being connected. Permanent and temporary vehicle bridges, also connecting parcels in same-party ownership, are subject to special use permits adjudged appropriate by the zoning administrator.

16. New Commercial Uses

Commercial development such as gas stations, motels, convenience stores, etc. almost always results in high-impact use that entails the creation of large areas of impermeable surface (parking lots and rooftops), from which storm water and snowmelt need to be rapidly removed. Hence in sensitive riparian areas these types of use are usually incompatible with corridor-protection goals and objectives like those of the FMRD. To best maintain the Manistee corridor's natural character, the plan generally restricts development to residential use. Certain commercial uses may be compatible, however, if they don't conflict unreasonably with FMRD intent. Accordingly, a commercial use may be permitted if the property owner can argue compellingly for it. For instance, the absence of contiguous, non-district land under the same ownership that might better accommodate such use would be a good argument. Commercial uses that may therefore be allowed in the FMRD include:

- a. **Rental cabins**, subject to the following conditions:
 - i. 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 above in Section 4, *Minimum Lot Size*, will be restricted by deed in perpetuity from development.
 - ii. Each cabin shall not exceed 864 square feet of floor space and one story in height, and not accommodate more than eight persons.
 - iii. 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 FMRD.
 - iv. Temporary recreational facilities, including tents, camper trailers, and recreational vehicles shall be located outside the FMRD.
 - v. Each cabin shall be a minimum of 75 feet from any line of adjacent streamfront property.
 - vi. 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.

- vii. 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** may be allowed in the FMRD, 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 four-foot by 12-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** and associated activity, if practiced close to rivers or their major tributaries while not separated by an adequate vegetation buffer, can result in degradation of surface water quality, loss of critical streamside vegetation and stream sedimentation. However, with proper undertaking of such enterprise in the riparian corridor, most related concerns can be alleviated. Accordingly, both general and specialized farming are permitted in the FMRD but, as of the effective date of these rules, new agricultural activity such as growing crops and grazing cattle is disallowed in the native vegetation buffer. Associated structures do, however, require a permit and must meet the minimum setback and height standards.

The resumption of nonconforming but legal agricultural practice in the native vegetation buffer is permitted, provided it ceased:

- Within five (5) years of resumption; or,
- Due to implementation of a corridor-management plan effective before the adoption of rules/ordinances implementing this one; or,
- As a result of written agreements with a government agency (or agencies) entered into prior to adoption of rules/ordinances implementing this plan; or,
- As a result of written agreements with a government agency (or agencies) entered into after adoption of rules/ordinances implementing this plan, wherein the term of cessation of use specified in the agreement is for ten (10) years or less; or,
- Because of a requirement imposed by a government agency (or agencies).

- d. **In-home businesses** such as beauty shops, real estate, law, consultant and insurance offices, etc. are permitted in the FMRD, subject to the following conditions:

- Use of the dwelling or related structure for in-home business purposes is clearly incidental and subordinate to its use for residential purposes;
- Equipment, supplies or operations are not employed to serve enterprise purposes if they create noise, vibration, fumes, odors or electrical interference detectable off premises.

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** in a riparian corridor can exact significant toll in the form of terrestrial and aquatic habitat impairment, surface and ground water contamination and stream sedimentation. Accordingly, new development, exploration or productions of oil, gas, brine, limestone, sand, gravel, and other minerals that entail surface disturbance are not permitted in the FMRD 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 allowed in the FMRD landward of the native vegetation buffer. Any within the buffer are subject to the standards indicated in Section 2 of this plan.

- g. **Prohibited commercial uses** in the FMRD include:

- New golf courses or expansion of existing ones;
- New watercraft liveries, expansion of existing ones or the expanded launch-retrieve operation of commercial watercraft in general;
- New or expanded diversions of water from FMRD surface sources for commercial purposes, if such diversion poses a threat to the aquatic environment or to other riparian property owners.
- All other new (commercial) uses.

17. New Industrial Uses

New industrial uses and the expansion of existing ones are prohibited in the FMRD.

18. Legal Nonconformance

Nonconforming lots, structures and uses are those that were legal in the area now covered by, but before creation of, the FMRD, and that will remain so upon adoption of this plan and related ordinances. Commonly referred to as “grandfathered”, they generally comprise a minority of properties (and land uses) in the typical zoning district. It is the

long-term intent of any zoning ordinance to reduce their number or mitigate their effect, thereby advancing the goals and objectives of zoning districts and plans. Accordingly, the following provisions become effective upon FMRD creation:

- a. **Legal nonconforming lots** are those that were legally established before the adoption of rules and ordinances implementing this plan, and do not now meet one or more of the new dimensional standards such as minimum width or area. They are subject to the following restrictions:
 - i. When the combination of two or more contiguous nonconforming lots owned by the same party results in greater conformance with the dimensional requirements of the FMRD, that party must combine the lots prior to erecting any structure thereon. This requirement does not apply to lots in a plat established prior to the adoption of the rules and ordinances implementing this plan if more than half of the lots in the plat already contain a residential structure. A property owner may sell any legally established nonconforming lot that has not been combined with another lot.
 - ii. Establishment of a principal use (such as a single-family residence) on a legal nonconforming lot of record will be permitted without need of a variance, provided that:
 - The principal use meets all development standards except the minimum lot width and/or area requirements;
 - The owner of the nonconforming lot does not also own other contiguous property that, if combined with the nonconforming lot, would result in increasing lot conformity, as described in Part a, above.
 - iii. If a legal nonconforming vacant lot lies between and adjacent to two parcels that contain otherwise legal structures that do not meet established building setbacks (Section 3, above), and if the adjacent nonconforming structures are within 400 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. Establishment of such a principal use will be permitted without a variance.
 - iv. Establishment of a principal use that does not comply with the provisions of Parts i and ii, above, will not be permitted on a nonconforming lot of record without a variance from the FMRD authority.
- b. **Legal nonconforming uses** such as industrial or heavy commercial enterprises are those that existed in the FMRD when the rules and ordinances implementing this plan became effective, but are not now permitted. Such legal nonconformance may continue, subject to the following provisions:
 - The nonconforming use may not be enlarged without a variance to occupy more land than was occupied upon the effective date of these rules and ordinances. This restriction does not apply, however, to uses allowed by special permit, in which case the use in question may be

expanded if such expansion is in compliance with the special-use standards outlined above.

- Structures associated with a legal nonconforming use may not be moved to another part of the lot or parcel accommodating that use unless the move would result in greater conformity with applicable development standards.
- If the legal nonconforming use of a parcel of land ceases for any reason for a period of twelve (12) months, any subsequent use of that land must conform to then-current FMRD development standards.

c. **Legal nonconforming structures** are those built prior to adoption of the rules and ordinances implementing the FMRD plan but do not now meet one or more of its dimensional standards. They are subject to the following provisions:

- 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, be in compliance with all setback and other building requirements.
- Expansion of a nonconforming structure may be permitted by the zoning administrator without a variance if:
 - a. When any part of the expansion is located within the native vegetation buffer, said expansion is less than one-half the ground floor area and to the rear of the existing structure; or,
 - b. When the expansion is located completely outside of the native vegetation buffer, said expansion is less than one-half the ground floor area and no closer to the river system's ordinary high water mark than the closest point of the existing structure.
- All other expansions of a legal nonconforming structure that do not meet the criteria set forth in Part b. above shall be treated as a variance.
- If a nonconforming structure is destroyed by any means and to an extent greater than one-half its replacement cost, restoration thereof shall be treated as a variance. Restoration of such nonconforming structures will always be approved if all the following conditions are met:
 - a. The building or structure is not located on land subject to flooding (i.e., in the 100-year floodplain);
 - b. The presence of the nonconforming structure will not lead to accelerated streambank erosion or other material degradation of the river system, and restoration of the structure is approved by local erosion and sedimentation control authorities;

- c. The structure conforms to county or district health codes and is approved by the local health department;
 - d. The structure conforms to local building codes and is approved by the local building inspector;
 - e. The rebuilt structure occupies the same “footprint” and contains the same square footage as the original structure;
 - f. Application for permission to restore a damaged structure is made within twelve (12) months of its damage. [An extension may be granted if the property is held in probate, an insurance settlement associated with the damage is in dispute or a criminal investigation related to the damage is in progress.]
- A nonconforming structure may not be moved, in whole or in part, to any other portion of the lot or parcel that is occupied by the structure unless the move would result in greater conformity with prevailing zoning standards. Moving a nonconforming structure requires a zoning permit and perhaps a variance as well.
 - A nonconforming structure in poor condition may be totally removed and still retain its “grandfathered” status providing replacement starts within one year of demolition.

E. MANAGEMENT of PUBLIC LAND

Public land consists of all other (non-private) property deeded to and managed by federal, state, county or township governments. It includes, for instance, transportation and utility corridors, forestland, military installations and seats or units of government. Also classified as public property are navigable surface waters, like the Manistee River and its major tributaries.

A large amount of public property occupies Frederic Township, mostly as state forestland. A fair portion of this domain contains or borders the Manistee River system and, accordingly, parts of the FMRD. As delineated herein, the FMRD focuses exclusively on managing the use of private (as opposed to public) land in the Manistee’s riparian corridor. In this way, the township joins other entities as a major contributor to long-term protection of an outstanding public asset. It consequently takes the position that relevant public agencies will continue, through applicable policy and statute as well as for reasons and by means consistent with township objectives, their respective oversight of public property in the FMRD.

In particular, the township fully expects the Department of Natural Resources and Environmental Quality as well as Crawford County to sustain their obligations to maintain on public (state/county) land in the FMRD streamside native vegetation buffers, roads and trails, designated campgrounds and access sites, as well as to ensure in the case of ground and surface waters the maintenance of their quality. It also anticipates being routinely invited by these agencies to consult and cooperate on all matters relating to land and stream alteration, land acquisition and disposal, mineral extraction, water quality monitoring and commercial uses proposed for state or county property in the FMRD.

SECTION 36.0-50.0: RESERVED FOR FUTURE USE