

Frederic Township ZONING ORDINANCE

DRAFT

Frederic Township
Crawford County
Michigan

Adopted:

Effective:

Prepared with the Assistance of:
Northeast Michigan Council of Governments
www.discovernortheastmichigan.org

1 Purpose &
Authority

2 Definitions

3 General
Provisions

4 District
Regulations

5 Site Plans &
Plot Plans

6 Special
Land Uses

7 Supplemental
Regulations

8 Zoning Board
of Appeals

9 Administration
& Enforcement

10 Adoption &
Amendments

FREDERIC TOWNSHIP

DRAFT ZONING MAP



ZONING DISTRICTS

-  R - General Residential
-  MU - Mixed Use
-  R-F - Recreational Forest
-  C - Commercial
-  I - Industrial
-  Village Overlay District

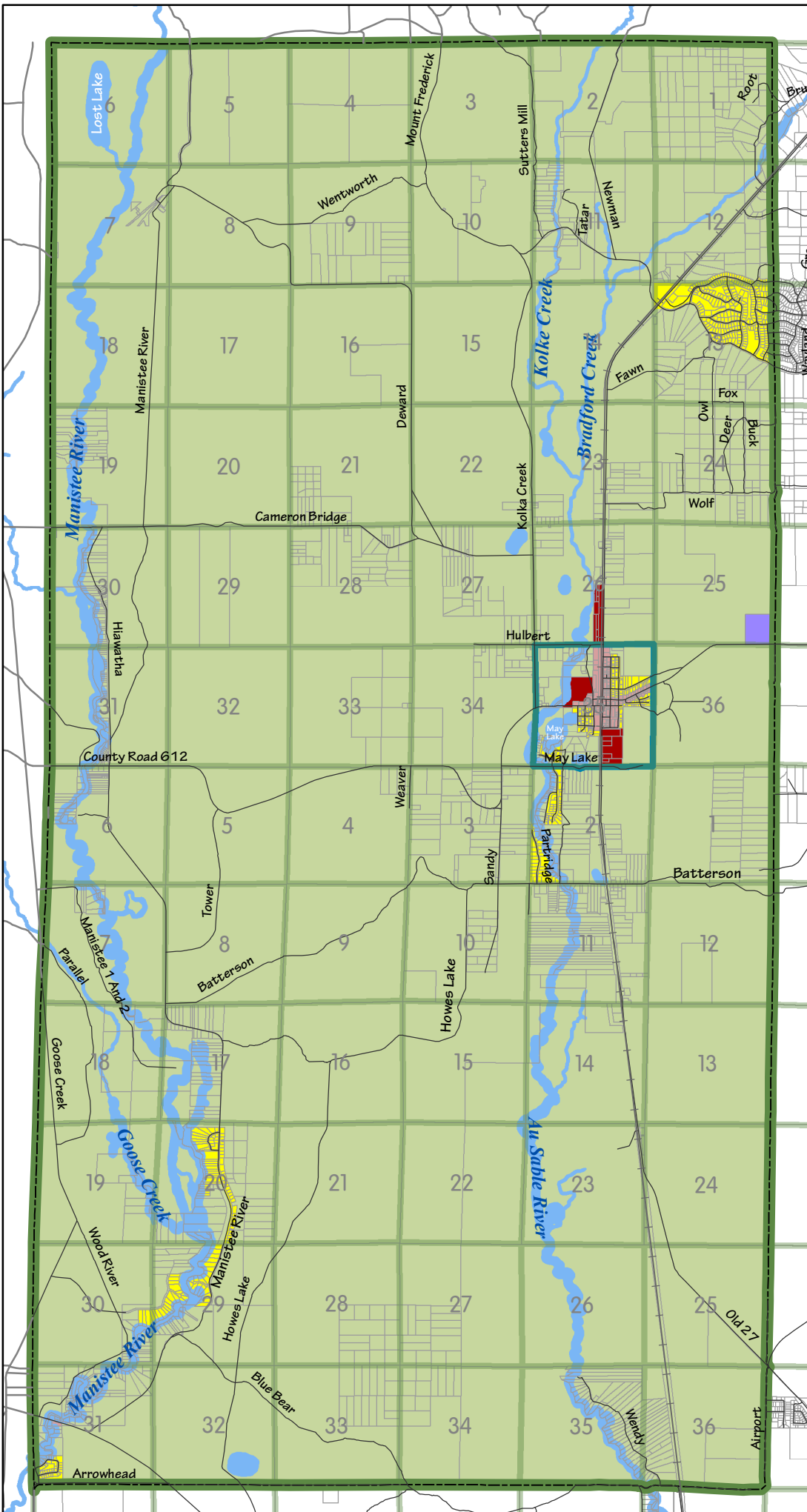
-  Section Lines
-  Parcels

0 0.5 1 1.5 2
Miles

ADOPTED: EFFECTIVE:

DISCOVER
Northeast Michigan
EAST OF EXPECTED

Map Prepared By:
Northeast Michigan Council of Governments
www.nemcog.org



FREDERIC TOWNSHIP DOWNTOWN

DRAFT ZONING MAP



ZONING DISTRICTS

- R - General Residential
- MU - Mixed Use
- R-F - Recreational Forest
- C - Commercial
- I - Industrial
- Village Overlay District

Parcels

0 500 1,000
 Feet

ADOPTED: EFFECTIVE:

DISCOVER
Northeast Michigan
EAST OF EXPECTED

Map Prepared By:
Northeast Michigan Council of Governments
www.nemcog.org

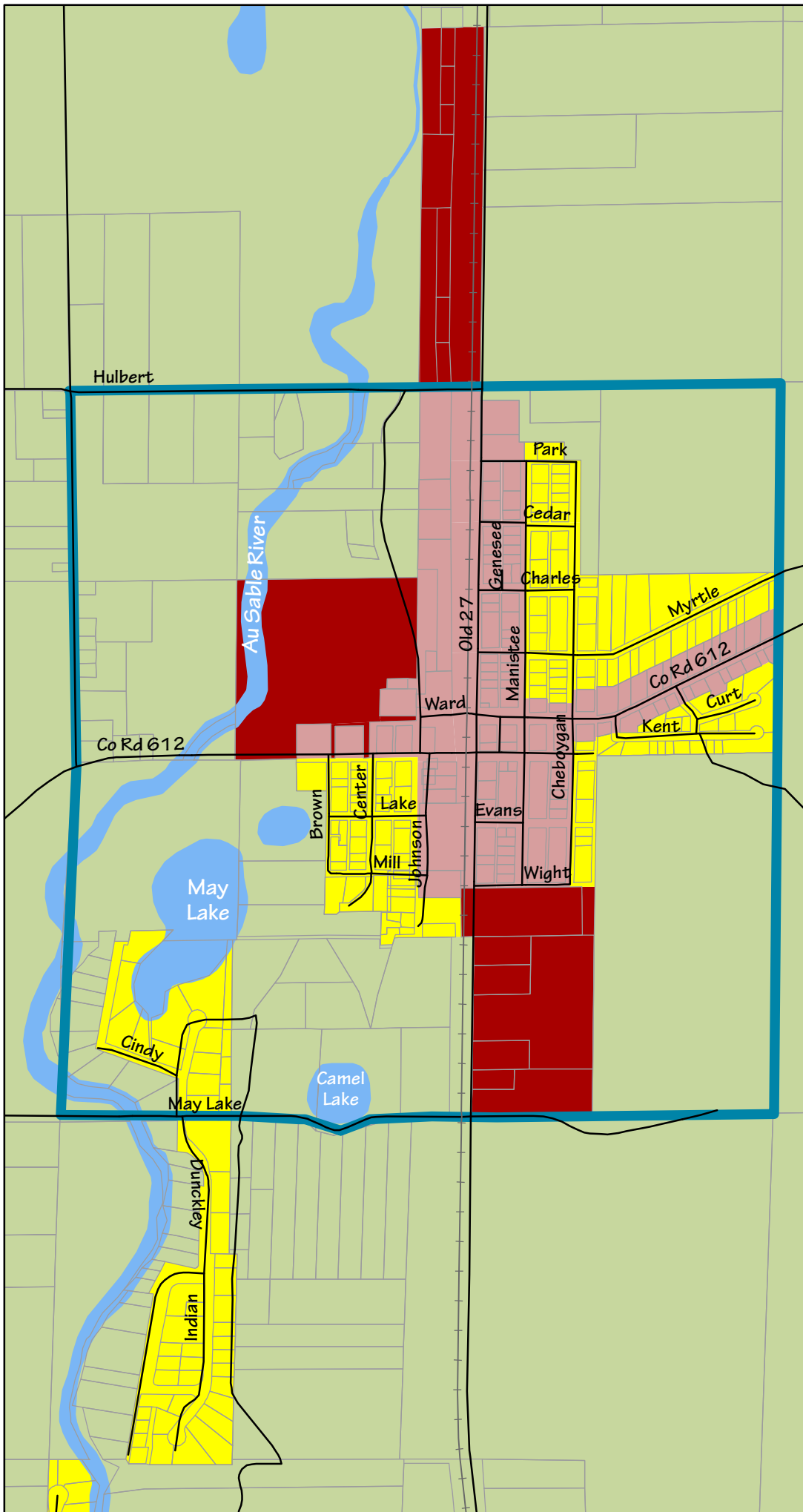


Table of Contents

Article		Pg
1	Purpose & Authority	
Section 1.01	Title	1-1
Section 1.02	Purpose	1-1
Section 1.03	Authority	1-1
Section 1.04	Validity/Severability	1-1
Section 1.05	Limitations and Conflicting Regulations	1-2
2	Definitions	
Section 2.01	Rules of Construction	2-1
Section 2.02	Definitions	2-2
	A	2-2
	B	2-6
	C	2-8
	D	2-10
	E	2-11
	F	2-12
	G	2-13
	H	2-14
	I	2-14
	J	2-15
	K	2-15
	L	2-15
	M	2-17
	N	2-19
	O	2-19
	P	2-20
	R	2-22
	S	2-23
	T	2-30
	U	2-32
	V	2-32
	W	2-32
	Y	2-34
	Z	2-34

1 Purpose & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Site Plans & Plot Plans

6 Special Land Uses

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Adoption & Amendments

3 General Provisions

Section 3.01	The Effect of Zoning	3-1
Section 3.02	Zoning Lots & Lot/Building Relationship	3-2
Section 3.03	Illegal Dwellings	3-3
Section 3.04	Water Supply & Sanitary Facilities	3-3
Section 3.05	Restoration of Unsafe Buildings	3-3
Section 3.06	Barrier-Free Modification	3-3
Section 3.07	Access	3-3
Section 3.08	Essential Services	3-4
Section 3.09	Razing of Buildings	3-4
Section 3.10	Corner & Driveway Visibility	3-4
Section 3.11	Entranceway Structures	3-5
Section 3.12	Temporary Buildings & Construction Debris	3-6
Section 3.13	Accessory Buildings	3-8
Section 3.14	Camping with Recreational Unit(s)	3-10
Section 3.15	Nonconformities	3-11
Section 3.16	Animals & Livestock on Domestic Farms	3-13
Section 3.17	Grades, Drainage & Stormwater	3-14
Section 3.18	Dumping of Materials	3-15
Section 3.19	Hazardous Substances	3-15
Section 3.20	Performance Standards	3-16
Section 3.21	Manufactured Home Dwelling Standards	3-18
Section 3.22	Fences/Walls & Required Screening	3-18
Section 3.23	Vegetative Buffer	3-22
Section 3.24	Outdoor Lighting	3-22
Section 3.25	General Exceptions	3-24
Section 3.26	Unlisted Uses	3-25
Section 3.27	Parking, Loading & Circulation	3-25
Section 3.28	Signs	3-29
Section 3.29	Yard, Garage & Rummage Sales	3-36
Section 3.30	Private Roads	3-36

4 District Regulations

Section 4.01	Classification of Zoning Districts	4-1
Section 4.02	Zoning Map	4-1
Section 4.03	Boundaries of Districts	4-1
Section 4.04	Zoning of Vacated Areas	4-2
Section 4.01	Zoning of Filled Areas	4-2
Section 4.06	Zoning District Changes	4-2
Section 4.07	Application of Regulations	4-2
Section 4.08	General Residential District (R)	4-5
Section 4.09	Mixed Use District (MU)	4-7
Section 4.10	Commercial District (C)	4-10
Section 4.11	Recreational-Forest District (R-F)	4-13
Section 4.12	Industrial District (I)	4-17
Section 4.13	Village Overlay District (VOD)	4-20
Section 4.14	Au Sable River District (ARD) & Manistee River District (MRD)	4-23
Section 4.15	Full Table of Permitted and Special Land Uses	4-38
Section 4.16	Schedule of Regulations	4-45

5 Plot Plan & Site Plan Review

Section 5.01	Purpose & Approval Summary Table	5-1
Section 5.02	Plot Plans	5-2
Section 5.03	Site Plans – Circumstances Requiring	5-3
Section 5.04	Site Plan Pre-Application Conference	5-3
Section 5.05	Site Plan Data Required	5-3
Section 5.06	Site Plan Review Procedures	5-5
Section 5.07	Site Plan Review Standards	5-8
Section 5.08	Amendment to an Approved Site Plan	5-10

6 Special Land Uses

Section 6.01	General Requirements	6-1
Section 6.02	Special Land Use Review Procedures	6-1
Section 6.03	Special Land Use Approval Standards	6-3
Section 6.04	Amendment of Approved Special Use Permits	6-4
Section 6.05	Inspection	6-4
Section 6.06	Expiration, Suspension or Revocation of a Special Land Use	6-4

7 Supplemental Regulations

Section 7.01	General	7-2
Section 7.02	Bed and Breakfast Establishments	7-2
Section 7.03	Accessory Dwelling Units (Guest Houses)	7-3
Section 7.04	Home Occupations & Cottage Industries	7-4
Section 7.05	Reserved	7-6
Section 7.06	Campgrounds	7-7
Section 7.07	Car Wash Facilities	7-7
Section 7.08	Commercial Outdoor Recreational Facilities	7-7
Section 7.09	Funeral Home or Mortuary	7-8
Section 7.10	Gasoline, Service Station & Vehicle Repair Garage	7-8
Section 7.11	Home Improvement Centers & Lumber Yards	7-9
Section 7.12	Nursing & Convalescent Homes	7-10
Section 7.13	Junk Storage	7-10
Section 7.14	Kennels & Veterinary Clinic/Hospital	7-10
Section 7.15	Manufactured Housing Developments	7-11
Section 7.16	Motels & Hotels	7-11
Section 7.17	Non-Public Recreational Areas & Facilities	7-11
Section 7.18	Offices & Showrooms	7-12
Section 7.19	Outdoor Sales Facilities	7-12
Section 7.20	Planned Unit Development (PUD)	7-13
Section 7.21	Public Buildings, Institutions & Places of Worship	7-20
Section 7.22	Race Tracks (including midget auto & cart tracks)	7-20
Section 7.23	Recreation Camps, Lodges & Resorts	7-20
Section 7.24	Salvage Yards, Metal Recycling, & Scrap Yards	7-21
Section 7.25	Sawmills & Other Mills	7-23
Section 7.26	Sexually Oriented Business	7-24
Section 7.27	Storage Facilities	7-27
Section 7.28	Towers & Antennae Facilities (Wireless Communications)	7-28
Section 7.29	Wind Energy Systems	7-33
Section 7.30	Medical Marijuana Growers, Processors, Provisioning Centers, Secure Transporters, and Safety Compliance Facilities	7-40
Section 7.31	Biofuel Production Facilities on Farms	7-40
Section 7.32	Mining/Resource Extraction	7-42
Section 7.33	Solar Energy Facilities (Utility Scale)	7-43
Section 7.34	Solar Energy Panels (Accessory)	7-44
Section 7.35	Site Condominium Development	7-45

1 Purpose & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Site Plans & Plot Plans

6 Special Land Uses

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Adoption & Amendments

8 Zoning Board of Appeals

Section 8.01	Authority	8-1
Section 8.02	Membership	8-1
Section 8.03	Meetings	8-2
Section 8.04	Procedures	8-3
Section 8.05	Jurisdiction	8-4
Section 8.06	Dimensional Variances	8-5
Section 8.07	Expiration of ZBA Decision	8-6
Section 8.08	Resubmittal	8-6

9 Administration & Enforcement

Section 9.01	Zoning Administrator & Enforcement Officer	9-1
Section 9.02	Zoning Permits	9-1
Section 9.03	Fees	9-3
Section 9.04	Performance Guarantee	9-4
Section 9.05	Public Notification	9-5
Section 9.06	Use of Consultants	9-7
Section 9.07	Conditions	9-7
Section 9.08	Rehearing Process	9-8
Section 9.09	Violations & Penalties	9-9
Section 9.10	Action Table	9-11

10 Adoption & Amendments

Section 10.01	Amendment to this Ordinance	10-1
Section 10.02	Amendment Procedures	10-1
Section 10.03	Conditional Rezoning	10-3
Section 10.04	Vested Right	10-7
Section 10.05	Repeal & Savings Clause	10-7
Section 10.06	Enactment & Effective Date	10-7

Article 1

Purpose & Authority

Sec	Name	Pg
1.01	Title	1-1
1.02	Purpose	1-1
1.03	Authority	1-1
1.04	Validity/Severability	1-1
1.05	Limitations and Conflicting Regulations	1-2

Section 1.01 Title

This Ordinance shall be known and may be cited as the “Frederic Township Zoning Ordinance”, and within the following text, it may be referred to as the “Ordinance” or the “Zoning Ordinance” or “this Ordinance”.

Section 1.02 Purpose

The purposes of this Ordinance are as follows:

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

Section 1.03 Authority

This Ordinance is ordained and enacted into law pursuant to the provisions and in accordance with the State of Michigan, **Michigan Zoning Enabling Act, 2006 PA 110**, as amended. Such enabling act is hereby made a part of this Ordinance just as if said Act were repeated word for word herein.

Section 1.04 Validity/Severability

This Ordinance and various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or

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

Section 1.05 Limitations and Conflicting Regulations

A. Continued Use of Building or Land.

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

B. Conflicting Regulations.

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other Township law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern. Wherever any provision in this Ordinance conflicts with the **Michigan Zoning Enabling Act, 2006 PA 110, MCL 125.3101, et seq**, the Michigan Zoning Enabling Act shall control. Where any provision of this Ordinance differs from any other provision of this Ordinance, the more restrictive requirement shall prevail.

C. Graphics, Tables and Text.

The graphics, tables and text used throughout this Ordinance are regulatory. In case of a conflict, text shall control over tables or graphics; tables shall control over graphics.

Article 2

Definitions

Sec	Name	Pg	Sec	Name	Pg
2.01	Rules of Construction	2-1		L	2-15
2.02	Definitions	2-2		M	2-17
	A	2-2		N	2-19
	B	2-6		O	2-19
	C	2-8		P	2-20
	D	2-10		R	2-22
	E	2-11		S	2-23
	F	2-12		T	2-30
	G	2-13		U	2-32
	H	2-14		V	2-32
	I	2-14		W	2-32
	J	2-15		Y	2-34
	K	2-15		Z	2-34

Section 2.01 Rules of Construction

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

- A. The particular shall control the general.
- B. The word "shall" is always mandatory and never discretionary. The word "may" is permissive.
- C. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- D. Words used in the present tense shall include the future; words in the singular number shall also denote the plural and the plural shall also denote the singular.
- E. A "building" or "structure" includes any part thereof.
- F. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for" and "occupied for".
- G. Unless the context clearly indicates otherwise, where a regulation involves two (2) or more items, conditions, provisions, or events, the terms "and", "or", "either...or", such conjunction shall be interpreted as follows:
 1. "And" denotes that all the connected items, conditions, provisions, or events apply in combination.

2. "Or" indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.
 3. "Either . . . or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- H. "Township" shall refer specifically to Frederic Township.
- I. The term "person" shall mean an individual, firm, corporation, association, partnership, limited liability company or other legal entity, or their agents.
- J. Terms not defined shall be assumed to have the meaning customarily assigned them.
- K. The Frederic Township Zoning Board of Appeals shall define any necessary interpretation of this Ordinance.

Section 2.02 Definitions

For the purpose of this Ordinance, the following terms and words are defined as follows:

A

Abutting. Having property or district line in common.

Access. A way of approaching or entering a property. For purposes of this Ordinance, all lots of record shall have access to a public road or to a private road.

Accessory Building or Structure. Any building or structure that is customarily incidental and subordinate to the use of the principal building or structure. Fences and walls are not considered accessory structures.

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

Adjacent Property. All lands which adjoin any side or corner of a specific parcel of land including, but not limited to, those lands separated from the parcel by a road right-of-way, easements or public utility rights-of-way.

Adult Foster Care Facility.

- A. A governmental or non-governmental establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility **excludes** the following:

1. A nursing home licensed under Part 217 of the **Public Health Code, 1978 PA 368**, MCL 333.20101 to 333.22260.
2. A home for the aged licensed under Part 213 of the **Public Health Code, 1978 PA 368**, MCL 333.20101 to 333.22260.
3. A hospital licensed under Part 215 of the **Public Health Code, 1978 PA 368**, MCL 333.20101 to 333.22260.
4. A hospital for the mentally ill or a facility for the developmentally disabled operated by the department of community health under the **Mental Health Code, 1974 PA 258**, MCL 330.1001 to 330.2106.
5. A county infirmary operated by a county department of social services or family independence agency under Section 55 of the **Social Welfare Act, 1939 PA 280**, MCL 400.55.
6. A child caring institution, children's camp, foster family home, or foster family group home licensed or approved under **1973 PA 116**, MCL 722.111 to 722.128, if the number of residents who become 18 years of age while residing in the institution, camp, or home does not exceed the following:
 - a. Two (2), if the total number of residents is ten (10) or fewer.
 - b. Three (3), if the total number of residents is not less than eleven (11) and not more than fourteen (14).
 - c. Four (4), if the total number of residents is not less than fifteen (15) and not more than twenty (20).
 - d. Five, if the total number of residents is twenty-one (21) or more.
7. A foster family home licensed or approved under **1973 PA 116**, MCL 722.111 to 722.128, that has a person who is 18 years of age or older placed in the foster family home under section 5(7) of **1973 PA 116**, MCL 722.115.
8. An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.
9. A facility created by **1885 PA 152**, MCL 36.1 to 36.12.
10. An area excluded from the definition of adult foster care facility under Section 17(3) of the **Continuing Care Community Disclosure Act, 2014 PA 448**, MCL 554.917.
11. A private residence with the capacity to receive at least one (1) but not more than four (4) adults who all receive benefits from a community mental health services program if the local

community mental health services program monitors the services being delivered in the residential setting.

B. The following additional definitions shall apply in the application of this Ordinance.

1. **Adult Day Care Facility – Large Group.** A facility receiving more than twelve (12) adults for care for periods of less than twenty four (24) hours in a day, for more than two (2) weeks in any calendar year. Care for persons related by blood or marriage to a member of the family occupying the dwelling is excluded from this definition.
2. **Adult Day Care Facility – Small Group.** A facility in which care or supervision is provided for at least seven (7) but not more than twelve (12) adults for care of periods of less than twenty-four (24) hours in a day. Care for persons related by blood or marriage to a member of the family occupying the dwelling is excluded from this definition.
3. **Adult Foster Care Family Home.** A private residence with the approved capacity to receive six (6) or fewer adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
4. **Adult Foster Care Small Group Home.** An adult foster care facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.
5. **Adult Foster Care Large Group Home.** A facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.
6. **Adult Foster Care Congregate Facility.** An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.
7. **State-Licensed Residential Facility.** A structure constructed for residential purposes that is licensed by the state under the **Adult Foster Care Facility Licensing Act, 1979 PA 218**, MCL 400.701 to 400.737, or the **Child Care Organizations Act, 1973 PA 116**, MCL 722.111 to 722.128, and provides residential services for six (6) or fewer individuals under 24-hour supervision or care. The licensee is NOT a member of the household nor is an occupant of the residence.

Aggrieved Person. A person who has suffered a substantial damage from a zoning decision not in common to other property owners similarly situated, and who has actively opposed the decision in question.

Agriculture. See *Farm*.

Agricultural Tourism Business. Farms which engage in agriculturally-related tourism operations including but not limited to:

- A. Bakeries selling goods grown primarily on-site
- B. Educational tours, classes, lectures, and seminars
- C. Family-oriented animated barns (haunted houses)
- D. Gift shops for agriculturally-related products, crafts
- E. Historical agricultural exhibits
- F. Organized meeting space (weddings, birthdays, corporate picnics)
- G. Petting farms, animal display, and pony rides
- H. Picnic areas (including rest rooms)
- I. Playgrounds, wagon/sleigh rides, nature trails
- J. Restaurants related to the agricultural use of the site
- K. Seasonal outdoor mazes of agricultural origin
- L. Small-scale entertainment (concert, car show, art fair)

Alterations. Any change, addition or modification in construction or type of use or occupancy; any change in the supporting structural members of a building, such as walls, partitions, columns, beams, girders, or any change which may be referred to herein as "altered" or "reconstructed".

Apartment. A room or suite of rooms in a residential building or residential portion of a building which are arranged, designed, used, or intended for use as a complete, independent living facility which includes permanent provisions for living, sleeping, eating, cooking and sanitation.

Appurtenance. An ornamental, structural or mechanical element that is attached to and subordinate to a building or structure, but not including fences.

Appearance Ticket. See *Municipal Civil Infraction Citation*.

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

Assisted Living Home. A structure providing housing and limited services such as nursing, recreation, and meals to individuals who are partially able to provide services to themselves.

Attached. Connected to a main building in a substantial manner by walls and/or a roof.

Automobile Repair. See *Vehicle Repair Garage*.

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

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

B

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

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

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

Berm. A constructed mound of earth rising to an elevation above the adjacent ground level of the site where located and which contributes to the visual screening of the area behind the berm.

Biofuel Production Facilities (on Farms).

- A. **Biofuel.** Any renewable fuel product, whether solid, liquid, or gas, that is derived from recently living organisms or their metabolic by-products and meets applicable quality standards, including, but not limited to, ethanol and biodiesel. Biofuel does not include methane or any other fuel product from an anaerobic digester.
- B. **Ethanol.** A substance that meets the ASTM international standard in effect on the effective date of this section as the D-4806 specification for denatured fuel grade ethanol for blending with gasoline.
- C. **Farm.** The land, plants, animals, buildings, structures, including ponds used for agriculture or aquiculture activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.
- D. **Proof Gallon.** That term as defined in 27 CFR 19.907. A gallon of liquid at 60 degrees Fahrenheit which contains 50 percent by volume of ethyl alcohol having a specific gravity of 0.7939 at 60 degrees Fahrenheit referred to water at 60 degrees Fahrenheit as unity, or the alcoholic equivalent thereof.

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

Boarding House. See *Rooming House*.

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

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

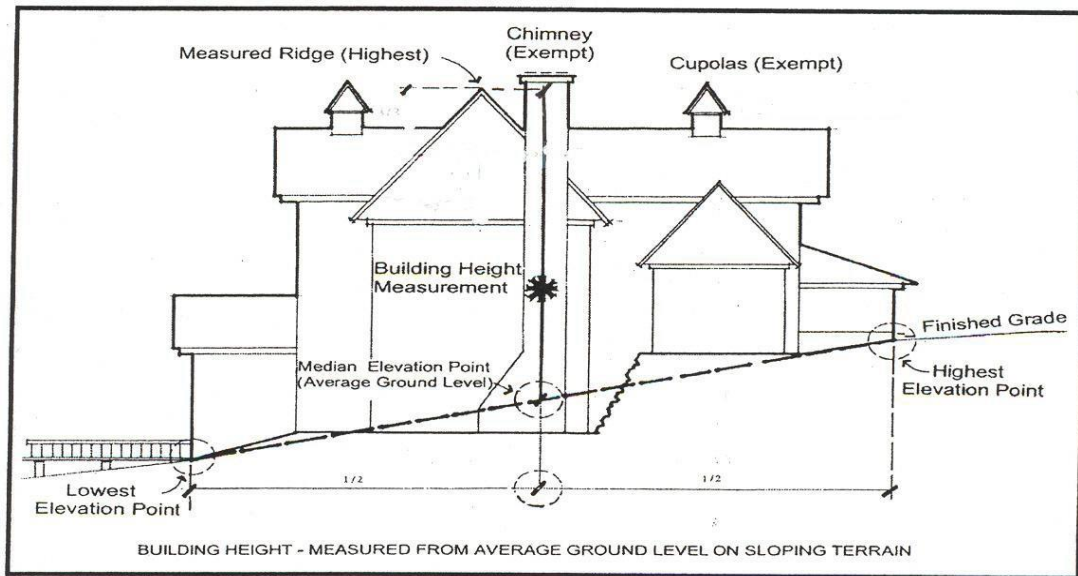
Buildable Area. That portion of a lot remaining after the minimum setback and open space

1	Purpose & Authority	2	Definitions	3	General Provisions	4	District Regulations	5	Site Plans & Plot Plans
6	Special Land Uses	7	Supplemental Regulations	8	Zoning Board of Appeals	9	Administration & Enforcement	10	Adoption & Amendments

requirements of this Ordinance have been complied with.

Buildable Land(s). The buildable area of a lot shall be a contiguous piece of land excluding land subject to flooding six (6) months of the year, poor drainage, steep slopes, rock outcrops and land encumbered by easements preventing the use of the land.

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



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

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

Building, Permanent. Any buildings which does not fall under the definition of Temporary Building.

Building, Principal. See **Principal Building**.

Buffer. Open space, landscaped areas, fences, walls, berms or any combination thereof to physically separate or screen one use or property from another so as to visually shield or block noise, lights or other nuisances. A greenbelt is considered a buffer.

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

Business Center. More than one (1) business on the same parcel.

C

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

Cabin Court. Two (2) or more cabins used for seasonal occupancy as dwellings or sleeping quarters for transients or tourists for a fee.

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

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

Cemetery. Property, including crematories, mausoleums, and/or columbariums, used or intended to be used for the perpetual interment of deceased human beings or household pets.

Child Care Facility. A facility for the care of children (persons under 18 years of age), as licensed and regulated by the state under **1973 PA 116, as amended (Child Care Organizations Act, being MCL §§ 722.111 - 722.128)**, and the associated rules promulgated by the **State Department of Health and Human Services**. Such organizations shall be further defined as follows.

- A. **Family Child Care Home.** A state-licensed, owner-occupied private residence in which one (1) but not more than six (6) minor children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.
- B. **Group Child Care Home.** A state-licensed, owner-occupied private residence in which seven (7) but not more than twelve (12) children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.
- C. **Child Care Center.** A state-licensed facility, other than a private residence, receiving one (1) or more children for care and supervision for periods less than twenty-four (24) hours, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center.

- D. ***Child Caring Institution.*** A child care facility that is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a 24-hour basis, in buildings maintained by the child caring institution for that purpose, and operates throughout the year. An educational program may be provided, but the educational program shall not be the primary purpose of the facility. Child caring institution includes a maternity home for the care of unmarried mothers who are minors and an agency group home, which is described as a small child caring institution, owned, leased, or rented by a licensed agency providing care for more than 4 but less than 13 minor children. Child caring institution also includes institutions for developmentally disabled or emotionally disturbed minor children. Child caring institution does not include a hospital, nursing home, or home for the aged licensed under Article 17 of the **Public Health Code, 1978 PA 368**, MCL 333.20101 to 333.22260, a boarding school licensed under Section 1335 of the **Revised School Code, 1976 PA 451**, MCL 380.1335, a hospital or facility operated by the state or licensed under the **Mental Health Code, 1974 PA 258**, MCL 330.1001 to 330.2106, or an adult foster care family home or an adult foster care small group home licensed under the **Adult Foster Care Facility Licensing Act, 1979 PA 218**, MCL 400.701 to 400.737, in which a child has been placed under section 5(6).

Church. See ***Religious Institution.***

Clinic. A building or group of buildings where human patients are admitted for examination and treatment by more than one professional, such as a physician, dentist, or the like, except that human patients are not lodged therein overnight.

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

Commission. Frederic Township Planning Commission.

Conditional Rezoning. A rezoning that is conditioned by a specific use and approved site plan voluntarily proposed by the applicant.

Condominium, Site. A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which located, in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, herein defined as a condominium unit, as described in the master deed. The following additional definitions are provided:

- A. ***Condominium Act.*** 1978 PA 59, as amended.
- B. ***Condominium Documents.*** The master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.
- C. ***Condominium Lot.*** The condominium unit and the contiguous limited common element surrounding the condominium unit, which shall be the counterpart of "lot" as used in connection with a project developed under the Land Division Act, 1967 PA 288, as amended.

- D. **Condominium Unit.** The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.
- E. **General Common Elements.** The common elements other than the limited common elements.
- F. **Limited Common Elements.** A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
- G. **Master Deed.** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project, and all other information required by Section 8 of the Condominium Act.

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

Convalescent or Nursing Home. A structure licensed under the applicable Michigan law, with sleeping rooms where lodging, meals, nursing, and limited medical care are provided for persons who are dependent upon others to provide services. Such an establishment shall not contain equipment for or provide care in maternity cases or for persons requiring psychiatric care nor for surgical or medical cases commonly treated in hospitals.

Convenience Store. A retail store that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). Convenience grocery stores are designed to attract a large volume of stop-and-go traffic.

Cottage Industry. See *Home Business, Cottage Industry*.

D

Deck. A horizontal structure of a single elevation or varying elevations, commonly used as a floor attached or adjacent to the main building. A deck may be open or partially or completely covered by a roof and wall structure.

Density. The number of dwelling units on, or to be developed upon, a net acre of land.

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

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

Driveway. A means of access for vehicles from a road across a lot or parcel to a parking or loading area, garage, dwelling or other structure or area on the same lot.

Dwelling Unit. A building or portion of a building, either site-built or pre-manufactured, which has sleeping, living, cooking and sanitary facilities and can accommodate one family, either permanently

or transiently. In the case of buildings which are occupied in part, the portion occupied shall be considered a dwelling unit provided it is in conformance with the definitions for dwellings. In no case shall a travel trailer, recreational vehicle, truck, bus, motor home, tent or other such portable structures be considered a dwelling unit.

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

Dwelling, Single-Family.

- A. ***Dwelling, Single-Family Detached.*** A building designed exclusively for and occupied exclusively by one (1) family that is separate and distinct from any other dwelling. A single family dwelling that does not share a common wall with any other dwelling is a detached single family dwelling.
- B. ***Dwelling, Single-Family Attached.*** A dwelling designed for occupancy by one (1) family in a row of at least (3) three such units in which each unit has its own access to the outside, no unit is located over another, and each unit is separated from any other unit by one or more vertical common fire-resistant walls (also known as a townhouse or rowhouse).

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

Dwelling, Multiple-Family. A building containing three or more dwelling units designed for residential use where each unit has access to a common hallway, stairs or elevator.

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

E

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

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

Essential Services. The erection, construction, alteration, or maintenance by public utilities or municipal department or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals,

hydrants, towers, poles, and other similar equipment, and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment. Telecommunication towers or facilities, alternative tower structures, wireless communication antenna, and wind turbine generators are not included within this definition.

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

F

Family.

- A. An individual, or two (2) or more persons related by blood, marriage or adoption together with foster children and servants of the principal occupants, with not more than one (1) additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit; or
- B. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single non-commercial housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period. Foster family homes and foster family group homes shall be considered a residential use of property for the purposes of zoning and shall be regulated similar to a single-family home.

Farm, Commercial. The land, plants, animals, buildings, structures, including ponds used for agricultural or aquaculture activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

Farm, Domestic. Land intended to be used for agricultural or aquaculture purposes on properties other than Commercial Farms. Domestic farming includes raising crops, keeping farm animals as pets, and raising animals for educational experience. Dogs, cats, and other household pets are not regulated as a Domestic Farm.

Farm Product. Those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquaculture products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan Commission of Agriculture.

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

Fence, Temporary. A fence that is erected for no longer than six (6) months.

Flag Lot. A lot not fronting entirely on or abutting a public road and where access to the road is a narrow, private right-of-way.

Flood Plain. The relatively flat area or lowlands contiguous to the channel of watercourse or a body of standing water, which has been or may be covered by flood water. The one-hundred (100) year flood plain consists of contiguous areas paralleling a river, stream or other body of water that constitute at their maximum edge the highest flood levels experienced in a period of 100 years. The one-hundred (100) year flood plains are identified on Floodway Maps produced by **FEMA (Federal Emergency Management Agency)**.

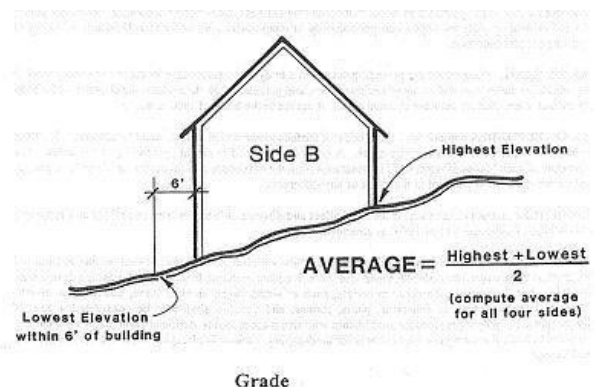
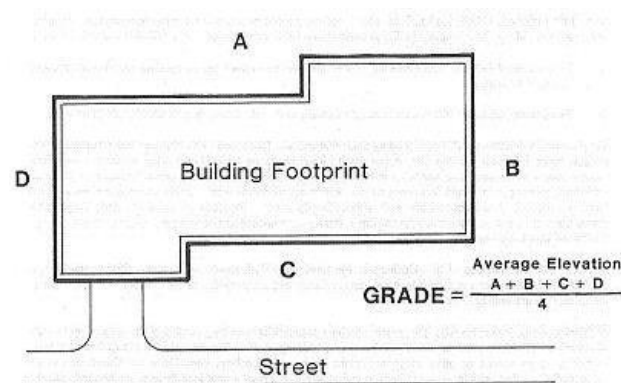
Floor Area. The square footage of floor space measured from exterior to exterior wall for all floors, but not including enclosed and unenclosed porches, breezeways, garages, attic, basement and cellar area.

G

Gas and Oil Processing Facilities. Any facility and/or structure used for, or in connection with, the production, processing or transmitting of natural gas, oil, or allied products or substances, and the injection of same into the ground for storage or disposal, not under the exclusive jurisdiction or control of the Michigan Department of Environment, Great Lakes, and Energy (or any subsequent department responsible for administration) or Public Service Commission; not including industrial facilities such as cracking plants, large oil storage facilities and heavy industrial operations and facilities.

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

Grade, Finished. The elevation of the ground upon the completion of construction and improvements. In the case of lots with a sloping terrain, the grade shall be the average elevation of the ground adjacent to the walls.



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

Greenbelt. See *Buffer*.

H

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

Height of a Building. See *Building Height*.

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

- A. **Home Occupation.** A profession, occupation, activity or use conducted within a dwelling or an accessory building, which is clearly incidental and secondary to the use of property and does not affect the residential character of the neighborhood. Home occupations are regulated by **Section 7.04**.
- B. **Cottage Industry.** A Home Occupation which, due to the nature of the investment or operation, includes one or more of the following aspects:
 1. requires regular visits by clients or customers;
 2. needs frequent delivery or shipment of goods;
 3. conducts regular operations or store materials outside of the residence;
 4. employs two or more individuals who reside off premises;
 5. and, has the potential to rapidly increase in size and intensity

Homeless Shelter. See *Residential Human Care Facility*.

Hotel, Motel, or Motor Court. A commercial building(s) or part of a commercial building in which sleeping rooms are offered primarily for transient occupancy to the traveling public, and in which one or more of the following services may be offered: maid service, furnishing of linen, telephone, secretarial, or desk service, and bellboy service. A hotel or motel may include a restaurant or cocktail lounge, public banquet halls, ballrooms or meeting rooms. Boarding houses, bed and breakfast establishments, tourist homes and multiple-family dwelling units are excluded.

I

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

Improvements. Buildings, structures, parking areas, landscaping, and similar features which add value

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

to a property and actions associated with a project which are considered necessary by the Township to protect natural resources or the health, safety and welfare of the residents of the Township, and future users or inhabitants of the proposed project or project area.

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

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

Ingress. Access or entry.

Inn. A residential structure occupied by the owner(s) or resident manager with sleeping rooms available for rent by guests on a short term basis and which offers meals to the public for compensation.

J

Junk. All rubbish, refuse, and debris including, but not limited to, the following: nonputrescible solid waste, ashes, glass, cans, bottles, rags, paper, bags, used metal, discarded or abandoned machinery, household appliances, industrial wastes, and discarded, inoperative, dismantled or partially dismantled motorized vehicles or parts thereof. This shall not preclude home or farm composting for on-site use.

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

K

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

L

Landscaping. Any combination of existing or planted trees, shrubs, vines, ground covers, flowers, lawns, fences, fountains, pools, artworks, screens, walls, berms, benches, walks, paths, steps, terraces, and garden structures and any surface and subsurface structures, grading or excavation included on a site plan.

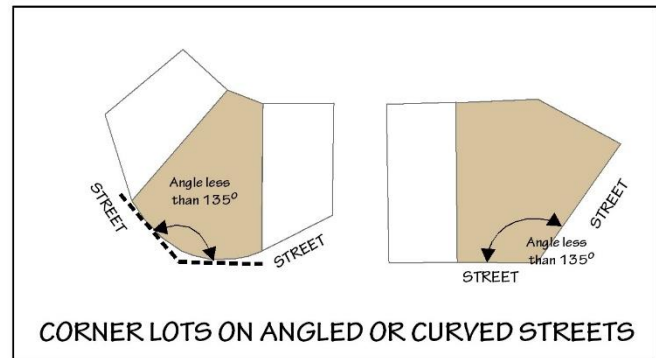
Loading Space. An off-street space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading or unloading merchandise or materials. Off-street

loading space is not to be included as an off-street parking space in computation of required off-street parking.

Lot. A parcel of land or site condominium unit occupied or to be occupied by a use or building and its accessory buildings or structures together with such open spaces, minimum area, and width required by this Ordinance for the district in which located, but not including any area within any abutting right-of-way or traffic lane.

Lot, Corner. A lot located at the intersection of two streets or a lot bounded on two sides by a curving street, any two (2) sides of which form an angle of one hundred thirty-five (135) degrees or less.

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



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

Lot, Double Frontage (Through Lot). A lot other than a corner lot having frontage on two (2) more or less parallel streets. If there are existing structures in the same block fronting on one (1) or both of the streets, the required front yard setback shall be observed on those streets where such structures presently front. In the case of double frontage lots which have no structures present on either street side, the front setback shall be observed on the street on which the property is addressed.

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

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

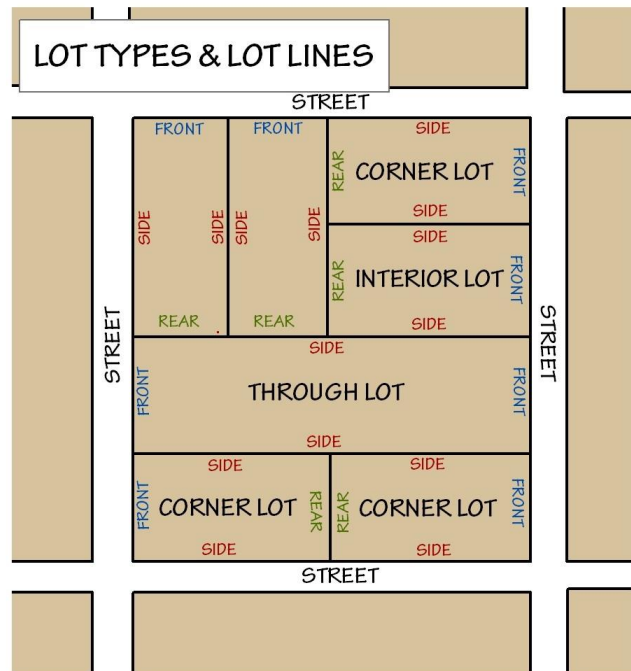
Lot Line, Rear. The lot line being opposite the front lot line. In the case of a lot irregularly shaped at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than twenty (20) feet long lying farthest from the front lot line and wholly within the lot.

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

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

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

Lot Width. The horizontal distance between the side lot lines, measured at the two (2) points where the building line, or setback line, intersects the side lot lines. Where side lot lines are essentially parallel, but are not radial or perpendicular to the street line, the lot width shall be measured along a line drawn perpendicular from the side lot line. In the case of side lot lines which are not parallel, it is at the discretion of the Zoning Administrator to measure as near to perpendicular to the side lot lines as possible.



M

Manufactured Home. See *Dwelling, Manufactured*.

Master Plan. The statement of policy by the Township Planning Commission relative to the agreed-upon desirable physical pattern of future community development. It consists of a series of maps, charts, and written material representing in summary form the community's conception of how it should grow in order to bring about the very best community living conditions.

Medical Marihuana. The following definitions are related to medical marihuana.

- A. **Commercial Marihuana Facility, Marihuana Facility or Facility.** An enterprise at a specific location at which a licensee is licensed to operate under the **Medical Marihuana Facilities Licensing Act**, MCL 333.27101 et seq., including a marihuana grower, marihuana provisioning center, marihuana secure transporter, or marihuana safety compliance facility. The term does not include or apply to a "primary caregiver" or "caregiver" as that term is defined in the **Michigan Medical Marihuana Act**, MCL 333.26421 et seq.
- B. **Grower.** A licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.

- C. **Licensee.** A person holding a state operating license under the **Medical Marihuana Facilities Licensing Act**, MCL 333.27101 et seq.
- D. **Marihuana** or **Marijuana**. That the term as defined in the **Public Health Code** MCL 333.1101 et seq.; the **Medical Marihuana Act** MCL 333.26421 et seq.; the **Medical Marihuana Facilities Licensing Act**, MCL 333.27101 et seq.; and the **Marihuana Tracking Act** MCL 333.27901 et seq. For the purpose of this Ordinance, the spellings are interchangeable.
- E. **Marihuana Plant.** Any plant of the species *Cannabis sativa* L.
- F. **Michigan Medical Marihuana Act.** The **Michigan Medical Marihuana Act, 2008 IL 1**, MCL 333.26421 to 333.26430.
- G. **Processor.** A licensee that is a commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center.
- H. **Provisioning Center.** A licensee that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patient's registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department's marihuana registration process in accordance with **Michigan Medical Marihuana Act**, 333.26421 et seq., is not a provisioning center for purposes of this act.
- I. **Safety Compliance Facility.** A licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.
- J. **Secure Transporter.** A licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.
- K. **State Operating License** or, unless the context requires a different meaning, **License.** A license that is issued under the **Medical Marihuana Facilities Licensing Act**, MCL 333.27101 et seq.

Mobile Home: see **Dwelling, Manufactured.**

Manufactured Housing Community. A parcel of land which has been planned and improved for the placement of three (3) or more mobile or manufactured homes for residential dwelling use.

Manufactured Housing Community Site. A plot of ground within a manufactured housing community designed for the accommodation of one (1) manufactured home.

Motel or Motor Court. See **Hotel, Motel, or Motor Court.**

Municipal Civil Infraction. A an act or omission that is prohibited by the Frederic Township Zoning Ordinance, but which is not a crime under this Ordinance or any other county ordinance, and for which civil sanctions, including fines, damages, expenses and costs, may be ordered, as authorized by Chapter 87 of the **Revised Judicature Act, 1961 PA 236, as amended**, MCL 600.8701 to 600.8735.

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

N

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

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

Nonconforming Use. A use which lawfully occupied a building or land at the effective date of this Ordinance or amendments thereto that does not conform to the use regulations of the zoning district in which it is located.

Nuisance. An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being of reasonable sensibility, or the generation of an excessive or concentrated movement of people or things, such as noise; dust; heat; electronic radiation; objectionable effluent; noise or congregation of people, particularly at night.

Nursing Home. See ***Convalescent or Nursing Home.***

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

O

Off-Street Parking Lot. A facility providing vehicular parking spaces, along with adequate drives and aisles. Adequate maneuvering space shall also be included to allow unrestricted ingress and egress to at least two (2) vehicles.

Office. A place where a business, executive, administrative or professional activity is carried on (wherein goods, wares or merchandise are not commercially treated, manufactured, fabricated, displayed, warehoused, exchanged or sold); Provided, however, this definition shall not preclude the

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

interior display of or sale made from samples of merchandise normally associated with certain business services such as but not limited to manufacturer's representatives.

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

Ordinary High Water Mark. The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the soil and the vegetation. On an inland lake which has had a level established by law, it means the high established level. On a river or stream, the ordinary high water mark shall be the ten year flood limit line.

Outdoor Commercial Recreational Facility. A commercial business that provides amusement facilities, such as miniature golf, carnival rides, and other similar attractions and open to the general public.

Outdoor Sales Facility. Includes uses operated for profit, substantially in the open air, including sales, rental or repair of the following: bicycles, utility trucks or trailers, motor vehicles, boats, home equipment, garages, recreation vehicles, recreational equipment, manufactured homes, snowmobiles, farm implements, swimming pools and similar items.

Outdoor Storage. A land area occupied and used for open storage of products, building materials, sand, gravel, stone, lumber, equipment and other supplies.

P

Parcel. See *Lot*.

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

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

Performance Guarantee. A cash deposit, certified check, irrevocable bank letter of credit or a performance or surety bond approved by Frederic Township.

Performance Standards. A set of criteria or limits relating to nuisance elements (noise, odor, vibration, toxic and hazardous materials, radiation, flooding, and other similar occurrences) that a particular use or process may not exceed.

Permitted Use. See *Use, Permitted*.

Person. An individual, firm, corporation, association, partnership, limited liability company or other legal entity, or their agents.

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

Planned Unit Development (PUD). A type of development to be planned and built as a unit and which permits upon review and approval, variations in many of the traditional controls related to density, land use, setbacks, open space and other design elements, and the timing and sequencing of the development.

Plot Plan. The drawings and documents depicting and explaining all salient features of a proposed development which requires a zoning permit but is not required to prepare a site plan, in order to evaluate compliance with Zoning Ordinance standards and requirements.

Pick-up Camper. See **Recreational Vehicle**.

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

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

Practical Difficulty. A situation whereby a property owner cannot establish a “minimum practical” legal use of a legal lot or parcel, meeting all of the dimensional standards of the zoning district within which the lot is located. Situations occurring due to the owner’s desire to establish a use greater than the “minimum practical” standard to enhance economic gain greater than associated with the minimum practical standard or created by an owner subsequent to the adoption of the Ordinance is not a Practical Difficulty. The Zoning Board of Appeals is responsible for determining “Practical Difficulty”.

Principal Building. A building in which is conducted the principal use of the premises on which it is situated.

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

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

Public Sewer Systems. A central or community sanitary sewage and collection system of pipes and structures including pipes, conduits, manholes, pumping stations, sewage and waste water treatment works, diversion and regulatory devices, and outfall structures, collectively or singularly, actually used or intended for use by the general public or a segment thereof, for the purpose of collecting, conveying, transporting, treating or otherwise handling sanitary sewage or industrial liquid waste of

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

such a nature as to be capable of adversely affecting the public health operated and maintained by the general public.

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

R

Recreational Equipment. Watercraft, boat trailers, snowmobiles and snowmobile trailers, horse trailers, dune buggies, tents and other similar equipment.

Recreational Unit. Means a unit primarily designed for temporary living quarters for recreational camping or travel use, which is either self-propelled, mounted on a vehicle which is self-propelled or is drawn by another vehicle which is self-propelled. Recreational unit includes, but is not limited, to terms of common reference such as; travel trailer, recreational vehicle (RV), truck camper, pop-up camper, slide-in camper or chassis mount camper. A recreational unit does not include a mobile or manufactured home which meets definitions and standards as defined under this Ordinance, or regulations under Michigan's Mobile Home Commission Act being P.A. 1987, No. 96, as amended, as well as standards provided by the Department of Housing and Urban Development (HUD), as promulgated or amended.

Recreational Vehicle. See **Recreational Unit**.

Religious Institution. A building wherein people regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such principal purpose.

Residential Human Care Facility. A facility (not within a private residence) providing:

- A. Emergency shelter and services for battered individuals and their children in a residential structure;
- B. Shelter and services for individuals receiving care, counseling, crisis support and similar activities including court-directed services.
- C. Emergency shelter for individuals who are homeless.
- D. Services, programs and shelter for residents who are undergoing alcohol or substance abuse rehabilitation

Recycling Center. See **Resource Recovery Facility**.

Resort. A recreational lodge, camp or facility operated for gain, and which provides overnight lodging and one or more of the following: golf, skiing, dude ranching, recreational farming, snowmobiling, pack trains, bike trails, boating, swimming, hunting and fishing and related or similar uses normally

associated with recreational resorts. Resorts may or may not contain a small commercial facility such as sporting goods and/or a restaurant.

Resource Recovery Facility. Machinery, equipment, structures, or any parts or accessories of machinery, equipment, or structures, installed or acquired for the primary purpose of recovering materials or energy from the waste stream. Also called a recycling facility or center.

Restaurant. A business located in a building where, in consideration for the payment of money, meals are habitually prepared, sold and served to persons for consumption on or off the premises, having suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of goods that may be required for ordinary meals, and deriving the major portion of its receipts from the sale of food and complying with state and federal health regulations.

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

Right-of-Way. A street, alley or other roadway or easement permanently established for passage of persons or vehicles.

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

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

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

Rooming House. An owner-occupied, single-family dwelling unit where more than two (2) rooms are provided for lodging for definite periods of time for compensation either directly or indirectly. A rooming house is not intended to provide short-term transient lodging for the general, traveling public.

S

Salvage Yard. A place where waste or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packaged, disassembled, cleaned, or handled, including house and vehicle wrecking yards, used lumber yards, and places or yards for use of salvaged house and vehicle parts, and structural steel materials and equipment. **Salvage Yard** shall not include uses conducted entirely within a completely enclosed building; pawn shops and establishments for the sale, purchase, or storage of used cars in operable condition, salvaged machinery, used furniture and household equipment; and the processing of used, discarded or salvaged materials as part of manufacturing operations.

School. A public or private educational institution offering students a conventional academic

curriculum, including kindergartens, elementary schools, middle schools, and high schools. Such term shall also include all adjacent properties owned by and used by such schools for educational, research, and recreational purposes.

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

Seasonal Use Sales. Sales establishments which exist on a temporary basis based on seasonal events such as Christmas tree sales, seasonal produce, and fireworks.

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

Sexually Oriented Business. A business or commercial enterprise engaging in any of the following: (1) adult arcade; (2) adult bookstore or adult video store; (3) adult cabaret; (4) adult motel; (5) adult motion picture theater; (6) adult theater; (7) escort agency; (8) nude model studio; (9) sexual encounter center; and (10) similar establishments.

- A. **Adult Arcade.** Any place to which the public is permitted or invited wherein coin-operated or slug-operated electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.
- B. **Adult Bookstore or Adult Video Store.** A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration one or more of the following:
1. Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or
 2. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it occupies twenty-five (25%) percent or more of the floor area or visible inventory within the establishment.

- C. **Adult Cabaret.** A nightclub, bar, restaurant, or similar commercial establishment that regularly features any of the following:
1. Persons who appear in a state of nudity;

2. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;
 3. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or
 4. Persons who engage in lewd, lascivious, or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.
- D. **Adult Motel.** A hotel, motel or similar commercial establishment that.
1. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right of way that advertises the availability of any of the above;
 2. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
 3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.
- E. **Adult Motion Picture Theater.** A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media that are characterized by depiction or description of Specified Sexual Activities or Specified Anatomical Areas.
- F. **Adult Theater.** A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.
- G. **Escort.** A person who, for consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- H. **Escort Agency.** A person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
- I. **Human.** Besides the customary meaning, the term “human” shall also include non-living anthropomorphic devices, both physical and digital.
- J. **Nude Model Studio.** Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.

- K. ***Nudity or a State Of Nudity.*** Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:
1. A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
 2. Material as defined in Section 2 of **Obscene Material, 1984 PA 343**, as amended. MCL 752.362.
 3. Sexually explicit visual material as defined in Section 3 of **Disseminating, Exhibiting, or Displaying Sexually Explicit Matter to Minors, 1978 PA 33, as amended**, MCL 722.673.
- L. ***Sexual Encounter Center.*** A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:
1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity.
- M. ***Specified Anatomical Areas.*** Defined as:
1. Less than completely and opaquely covered human genitals, pubic regions, buttocks, anus and female breast below a point immediately above the top of the areola; and
 2. Human male genitals in a discernibly turgid state even if completely and opaquely covered.
- N. ***Specified Sexual Activities.*** Means and includes any of the following:
1. the fondling or other erotic touching of human genitals, pubic regions, buttocks or female breast;
 2. sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
 3. masturbation, actual or simulated; or
 4. excretory functions as part of or in connection with any of the activities set forth in (1) through (3) above.

Shopping Center. A group of commercial establishments, planned, developed, owned, and managed as a unit, with off-street parking provided on the property, and related in its location, size and type of shops to the trade area which the unit serves.

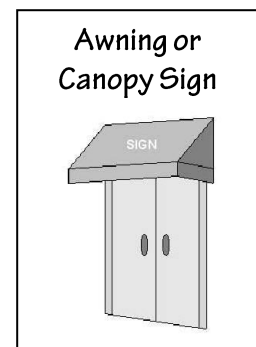
Sign. A sign so described may be either mobile or non-mobile.

A. **Abandoned Sign.** A sign to which any of the following applies:

- a. The sign is located on a property on which the use has been abandoned.
- b. The sign has remained blank over a period of one (1) year.
- c. The sign's message becomes illegible in whole or substantial part.
- d. The sign which has fallen into disrepair.

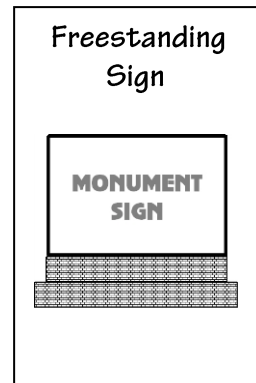
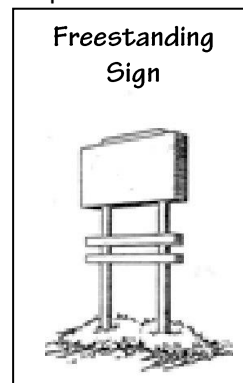
B. **A-Frame Sign.** Self-supporting temporary sign consisting of two panels hinged at the top providing advertising on each panel and can be readily moved within a property or to another property. Also called "sandwich board".

C. **Awning or Canopy Sign.** A sign painted on, printed on, or attached flat against the surface of an awning or canopy.



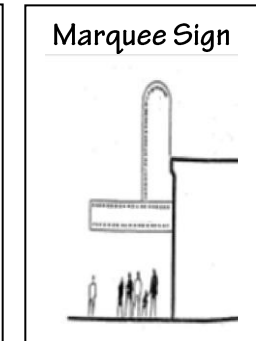
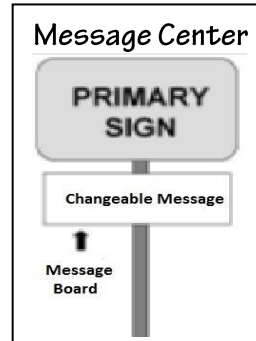
D. **Cluster Sign.** An on-premises sign which identifies a complex of establishments on one parcel and contains multiple signs on one structure including one for each establishment and one for the complex as a whole

E. **Freestanding Sign.** A sign which is attached to or part of a completely self-supporting structure. The supporting structure shall be placed in or below the ground surface and not attached to any building or any other structure whether portable or stationary. Freestanding signs include monument-style signs.



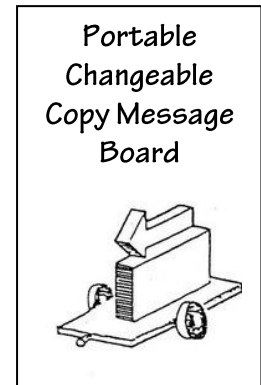
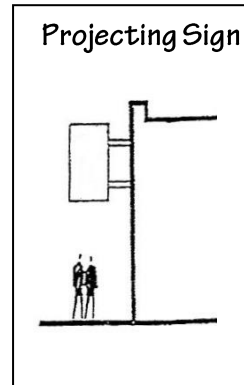
F. **Marquee Sign.** Any sign attached to or supported by a marquee structure.

G. **Message Center, Static.** A sign with a changeable display/message consisting of alphabetic, pictographic, or symbolic informational content that must be changed manually by non-electronic means.



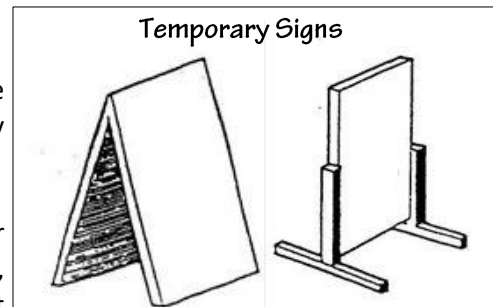
H. **Message Center, Electronic.** A sign with a changeable display/message consisting of alphabetic, pictographic, or symbolic informational content that is composed of a series of lights that may be changed through electronic means.

- I. **Off-Premise Advertising Sign.** A sign which contains a message unrelated to a business or profession conducted or to a commodity, service, or activity sold or offered other than upon the premises where such sign is located.
- J. **Projecting Sign.** A sign other than a wall sign, which is perpendicularly attached to, and projects from a structure or building wall not specifically designed to support the sign.



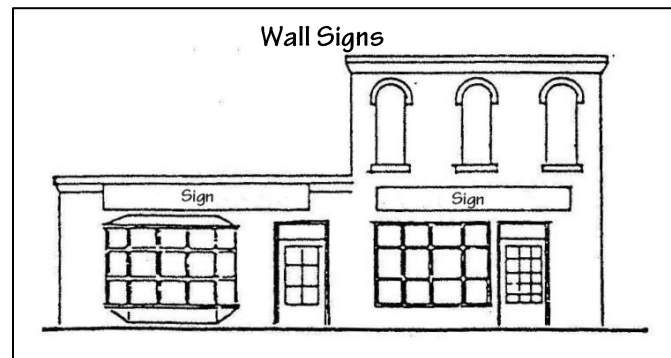
- K. **Roof Sign.** Any sign wholly erected to, constructed/or maintained on the roof structure of any building.

- L. **Portable Changeable Copy Message Board:** Any changeable copy sign not permanently attached to the ground or a building and is designed to be transported by some means such as a trailer or wheels.



- M. **Temporary Sign.** A display sign, banner, or other advertising device constructed of cloth, canvas, fabric, plastic, or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display, but not including decorative displays for holidays or public demonstration. A temporary sign shall not be used as a substitute for a permanent on-premise advertising sign, except as permitted within this Ordinance. A temporary sign is one that is not affixed to the ground permanently and can be easily moved.

- N. **Wall Sign.** Any sign that shall be affixed parallel to the wall or printed or painted on the wall of any building; provided, however, said wall sign shall not project above the top of the wall or beyond the end of the building. For the purpose of this Ordinance, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign.



Sign Area.

- A. The sign face area shall be computed by including the entire area within a single, continuous perimeter of not more than eight (8) straight lines or a circle or an ellipse enclosing the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the back drop or structure against which it is placed, but not including any supporting framework

or bracing that is clearly incidental to the display itself.

- B. If the sign consists of more than one (1) section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign face area.
- C. With respect to two-sided, multi-sided, or three dimensional signs, the sign face area shall be computed by including the total of all sides designed to attract attention or communicate information that can be seen at any one time by a person from one vantage point, without otherwise limiting the generality of the foregoing.
- D. The sign face of a double-faced, back-to-back sign shall be calculated by using the area of only one side of such sign, so long as the distance between the backs of such signs does not exceed three (3) feet.
- E. The sign face area of a double-faced sign constructed in the form of a "V" shall be calculated by using the area of only one side of such sign (the larger side if there is a size difference) so long as the interior angle of the "V" does not exceed thirty (30) degrees and at no point does the distance between the backs of such sides exceed five (5) feet.

Sign Height. The vertical distance measured from the ground immediately beneath the sign to the highest point of the sign or its projecting structure.

Sign Surface. That part of the sign upon, against, or through which the message is displayed or illustrated.

Short Term Rental. A dwelling which is unoccupied by the owner and which furnishes transient accommodations for periods of less than thirty (30) days.

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

Small-Scale Craft Making. Encompasses the production and sale of hand-made items including furniture, clothing, art, jewelry, toys, candles, collectibles and similar items on a scale that does not require a manufacturing plant and a large amount of specialized equipment and chemicals. No more than 50% of the structure is devoted to making crafts while the remainder of the structure is devoted to sales.

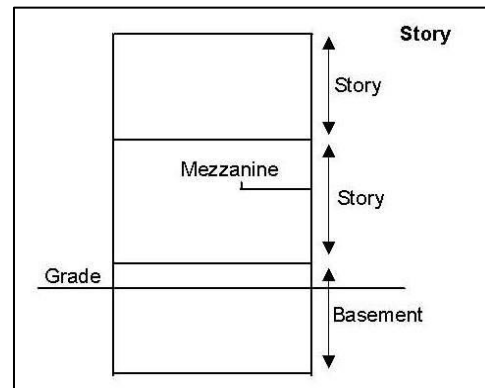
Solar Energy Facility (Utility Scale). A facility designed to capture and utilize the energy of the sun to generate electrical power. A solar energy collection facility consists of an array of solar collection devices used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected.

Special Land Use. A use, permitted within certain Zoning Districts, that is generally compatible with permitted uses but which possesses characteristics that could impact adjacent properties and which requires individual review and public hearing to ensure compatibility with the character of the surrounding area, adjacent properties, and public services and facilities. Special land uses are subject

to conditions stated in this Ordinance and to any special conditions imposed by the Planning Commission to protect the use by right of other properties in the Township.

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

Story. That portion of a building, other than a basement or mezzanine, included between the surface of any floor and the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. A "mezzanine" floor shall be deemed a full story only when it covers more than fifty (50%) percent of the area of the story underneath said mezzanine, or if the vertical distance from the floor next below it to the next above it is twenty- four (24) feet or more. A basement shall be considered a full story only if fifty (50%) percent or more of the vertical distance between the basement floor and the basement ceiling is above the ground level from which the height of the building is measured.



Story, One-Half. A story under the gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story and the floor area shall not exceed two-thirds (2/3) of the area of the floor below.

Structural Change or Alteration. See *Alterations*.

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

T

Temporary Building and Use. A structure or use permitted by this Zoning Ordinance to exist during periods of construction of the main building or for special events. Temporary buildings are regulated by **Section 3.12**.

Tourist Home. See *Bed & Breakfast Establishment or Tourist Home*.

Towers and Antennae Facilities. All structures and accessory facilities, including Alternative Tower Structures, relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals; including, but not limited to, radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial mobile radio service facilities, personal communication services towers (PCS), and cellular telephone towers. Not included in this definition are: citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; satellite dishes; federally licensed amateur (HAM) radio facilities; and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

- A. **Alternative Tower Structure.** Man-made trees, clock towers, bell steeples, light poles and other similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
- B. **Antenna.** Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio signals or other communication signals.
- C. **Co-Location.** The location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the objective of reducing the overall number of structures required to support wireless communication antennas within the community.
- D. **FTA. Federal Telecommunications Act of 1996, as amended.**
- E. **Height.** When referring to a Wireless Communication Facility, height shall mean the distance measured from ground level to the highest point on the Wireless Communication Facility, including the Antenna Array.
- F. **Setback.** Setback shall mean the required distance from the property line of the parcel on which the Wireless Communication Facility is located or residential district to the base of the Support Structure.
- G. **Small Cell Wireless Facility.** A wireless facility that meets both of the following requirements:
1. Each antenna is located inside an enclosure of not more than six (6) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements would fit within an imaginary enclosure of not more than six (6) cubic feet.
 2. All other wireless equipment associated with the facility is cumulatively not more than twenty-five (25) cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.
- H. **Wireless Communications.** Wireless communications shall mean television and radio towers, as well as any personal wireless service as defined in the Telecommunications Act of 1996, as amended, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist.
- I. **Wireless Communications Equipment.** The set of equipment and network components used in the provision of wireless communications services, including, but not limited to antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators,

power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.

- J. **Wireless Communication Facility.** A Wireless Communication Facility is any facility for the transmission and/or reception of wireless communications services, usually consisting of an Antenna Array, connection cables, an Equipment Facility and a Support Structure. A Wireless Communication Facility also includes an Antenna Array attached to an existing building or structure.
- K. **Wireless Communications Support Structure.** Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

Travel Trailer. See **Recreational Unit** definition.

U

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

Use, Permitted. A use by right, which is specifically authorized in a particular zoning district.

V

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

Variance, Non-Use. A dimensional variation of Ordinance standards such as yard requirements, building height, lot coverage, living space dimensions and similar requirements. Non-Use Variances are granted based on the showing of a practical difficulty.

Vehicle Repair Garage. Any major activity involving the general repair, rebuilding, or reconditioning of motor vehicles or engines; collision repair, such as body, frame, or fender straightening and repair; overall painting and vehicle rust-proofing; refinishing or steam cleaning.

W

Wind Energy Definitions:

- A. **Ambient.** Ambient is defined as the sound pressure level exceeded ninety (90) percent of the time.
- B. **Anemometer.** A device used to measure wind speed.
- C. **dB(A).** The sound pressure levels in decibels. Refers to the “a” weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.

- D. **Decibel.** The unit of measure used to express the magnitude of sound pressure and sound intensity.
- E. **Horizontal Axis Wind Turbine:** A wind turbine generator in which the rotor(s) rotate around a horizontal shaft.
- F. **Shadow Flicker.** Alternating changes in light intensity caused by the moving blade of a wind turbine casting shadows on the ground and stationary objects, such as the window of a dwelling.
- G. **Vertical Axis Wind Turbine:** A wind turbine generator in which the rotor rotates around a vertical shaft.
- H. **Wind Turbine Generator.** A tower, pylon, or other structure, including all accessory facilities, upon which any, all, or some combination of the following are mounted:
1. A wind vane, blade, or series of wind vanes or blades, or other devices mounted on a rotor for the purpose of converting wind into electrical or mechanical energy.
 2. A shaft, gear, belt, or coupling device used to connect the rotor to a generator, alternator, or other electrical or mechanical energy-producing device.
 3. A generator, alternator, or other device used to convert the energy created by the rotation of the rotor into electrical or mechanical energy.
- I. **Wind Turbine Generator, Commercial.** A wind turbine generator designed and used primarily to generate electricity by or for sale to utility companies.
- J. **Wind Turbine Generator, Noncommercial.** A wind turbine generator designed and used primarily to generate electricity or produce mechanical energy for use on the property where located.
- K. **Wind Turbine Generator Tower Height.** The distance between the ground and the highest point of the wind turbine generator, plus the length by which the rotor blades, in the full upright position, exceeds the height of the wind turbine generator.

Wireless Communications. See *Towers and Antennae Facilities* definition.

Y

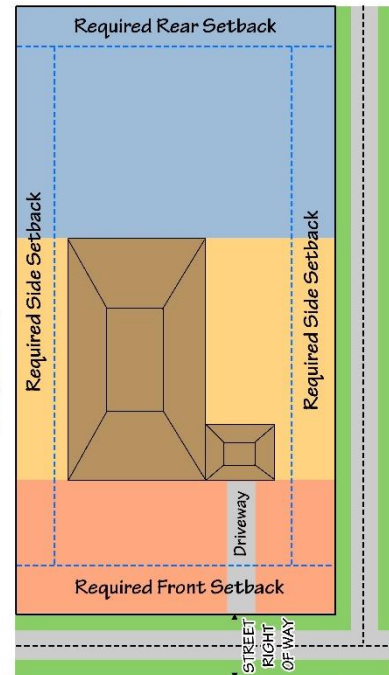
Yard. A space open to the sky between a building and the lot lines of the parcel of land on which located, unoccupied or unobstructed by an encroachment or structure except as otherwise provided by this Ordinance.

Yard, Front. A yard across the full width of the lot extending from the front line of the principal building to the front lot line. On waterfront lots, the waterfront yard is considered the front yard.

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

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

Rear Yard
Side Yard
Front Yard



Z

Zoning Administrator. The administrator of this Ordinance, appointed by the Township Board.

Zoning Board of Appeals. The Frederic Township Zoning Board of Appeals, whose duties and powers are detailed in Article 8.

Zoning District. A portion of Frederic Township within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.

Zoning Enforcement Officer. The person, appointed by the Township Board, tasked with the enforcement of this Ordinance.

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

Article 3

General Provisions

Sec	Name	Pg	Sec	Name	Pg
3.01	The Effect of Zoning	3-1	3.16	Animals & Livestock on Domestic Farms	3-13
3.02	Zoning Lots & Lot/Building Relationship	3-2	3.17	Grades, Drainage & Stormwater	3-14
3.03	Illegal Dwellings	3-3	3.18	Dumping of Materials	3-15
3.04	Water Supply & Sanitary Facilities	3-3	3.19	Hazardous Substances	3-15
3.05	Restoration of Unsafe Buildings	3-3	3.20	Performance Standards	3-16
3.06	Barrier-Free Modification	3-3	3.21	Manufactured Home Dwelling Standards	3-18
3.07	Access	3-3	3.22	Fences/Walls & Required Screening	3-18
3.08	Essential Services	3-4	3.23	Vegetative Buffer	3-22
3.09	Razing of Buildings	3-4	3.24	Outdoor Lighting	3-22
3.10	Corner & Driveway Visibility	3-4	3.25	General Exceptions	3-24
3.11	Entranceway Structures	3-5	3.26	Unlisted Uses	3-25
3.12	Temporary Buildings & Construction Debris	3-6	3.27	Parking, Loading & Circulation	3-25
3.13	Accessory Buildings	3-8	3.28	Signs	3-30
3.14	Camping with Recreational Unit(s)	3-10	3.29	Yard, Garage, & Rummage Sales	3-36
3.15	Nonconformities	3-11	3.30	Private Roads	3-36

Section 3.01 The Effect of Zoning

A. Conformance to Ordinance Required.

1. In order to carry out the intent of this Ordinance, no use or activity on a piece of land shall be allowed or maintained, no building or structure or part thereof shall be allowed to be used, constructed, remodeled, altered, or moved upon any property unless it is in conformance with this Ordinance, and a zoning permit has been obtained, except in the case of lawful nonconforming uses.
2. If any activity, use, building, structure or part thereof is placed upon a piece of property in direct conflict with the intent and provisions of this Ordinance, such activity, use, building or structure shall be declared a nuisance and may be required to be vacated, dismantled, abated, or cease operations by any legal means necessary and such use, activity, building or structure shall not be allowed to function until it is brought into conformance with this Ordinance.
3. Zoning affects every structure and use, and extends vertically from the ground up.

B. Uses, Activities, and Construction Already Begun.

In the event that any lawful use, activity, building or structure which exists or has begun substantial construction at the time of the adoption of this Ordinance and is not in conformance with the provisions of the zoning district in which it is located, such use, activity, building or structure shall be

considered a legal nonconforming use and be allowed to remain as such, including completion of construction.

C. Minimum Lots and Yards Required.

1. No lot area and no yard, court, parking area or other required space shall be divided, altered, reduced or diminished so as to make said area or dimension less than the minimum required under this Ordinance, except where such reduction has been brought about by expansion or acquisition of public rights-of-way for streets, roads or highways. If a required area is already less than the minimum required under this Ordinance, said area or dimension shall not be further divided or reduced.
2. The maintenance of yards, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision areas, parking and loading spaces, and all other requirements, including the proper maintenance and repair of screening arrangements, for a building or use specified within this Ordinance shall be a continuing obligation of the owner of such building or property on which such building or property or use is located.

D. Moving of Buildings.

The moving of a building to a different location shall be considered the same as erection of a new building, and all provisions, regulations or requirements relative to the erection of a new building shall be applicable thereto.

Section 3.02 Zoning Lots & Lot/Building Relationship

A. Zoning Lots.

1. **New Lots to be Buildable.** All newly created lots shall have buildable area. The net buildable area of a lot shall be a contiguous piece of land excluding land subject to flooding six (6) months of the year, poor drainage, steep slopes, rock outcrops and land encumbered by easements preventing the use of the land.
2. **Minimum Lot Size.** No new lots shall be created which do not meet the minimum lot size regulations of this Ordinance with the exception of parcels described and designated as "outlots" in a recorded plat which are so arranged or subdivided as to provide for one or more principal buildings with a land area allocated to each building which is equal to or greater than the lot area required in the district, and the building and land complies with all other requirements of the district in which it is located.

B. Lot/Building Relationship.

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

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Planning Commission may allow more than one residence per parcel through the issuance of a Special Land Use permit pursuant to **Article 6**.

Section 3.03 Illegal Dwellings

The use of any portion of a basement or partially completed structure for permanent dwelling purposes shall not be permitted unless a temporary zoning permit has been issued. Garages, accessory buildings, motor homes, travel trailers, trucks, buses, or other such portable structures shall not be occupied for dwelling purposes except as otherwise allowed in this Ordinance.

Section 3.04 Water Supply & Sanitary Facilities

Every building hereafter erected, altered or moved upon any premises and used in whole or in part as dwellings (year-round or seasonal), recreational, business, commercial or industrial purposes, including churches, schools and other buildings in which persons customarily congregate, shall be provided with a safe and sanitary water supply system and with means for collecting and disposing of all domestic, commercial, and industrial wastewater and other wastes that may adversely affect health conditions. All water supply and sanitary sewage disposal systems either public or private, for any building hereafter erected, altered or moved upon any premises shall be subject to compliance with District Health Department sanitary code requirements. Plans must be submitted to and approved by the responsible agencies. The written approval of such facilities by District Health Department shall be filed with the application for a Zoning Permit.

Section 3.05 Restoration of Unsafe Buildings

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

Section 3.06 Barrier-Free Modification

Nothing in this Ordinance shall prevent the modification of a non-residential building only as may be necessary to comply with barrier-free requirements and the Americans with Disabilities Act. Such modification shall not require a zoning permit but shall require a building permit. A variance may be required for modification as stated herein. The need for such a variance shall be determined by the Zoning Administrator.

Section 3.07 Access

A. Access Required.

Every principal building hereafter erected or moved after the effective date of this Ordinance, shall be located on a lot adjacent to a public street, easement which provides access to a public road, or with access to an approved private road, and all structures shall be located on lots as to provide safe and convenient access for servicing fire protection, and required off-street parking.

1	Purpose & Authority	2	Definitions	3	General Provisions	4	District Regulations	5	Site Plans & Plot Plans
6	Special Land Uses	7	Supplemental Regulations	8	Zoning Board of Appeals	9	Administration & Enforcement	10	Adoption & Amendments

B. Access through Yards.

Access drives may be placed in the required front or side yards so as to provide access to the rear yard and/or accessory or attached structures. Further, at-grade driveway and walkway materials such as pavement, concrete, crushed stone, gravel and similar materials shall not be considered structures and shall be allowed in any required yard.

Section 3.08 Essential Services

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

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

Section 3.09 Razing of Buildings

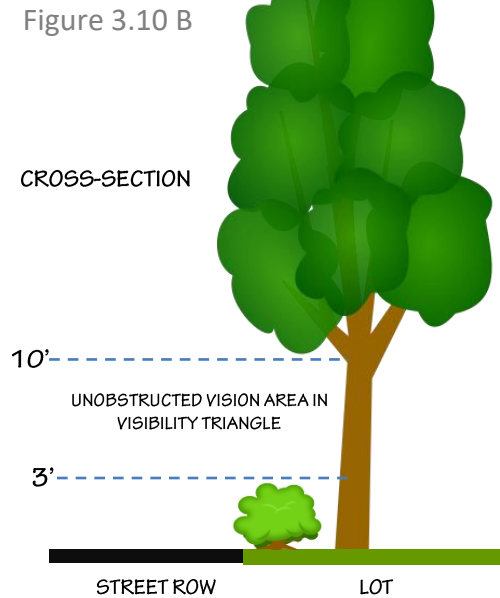
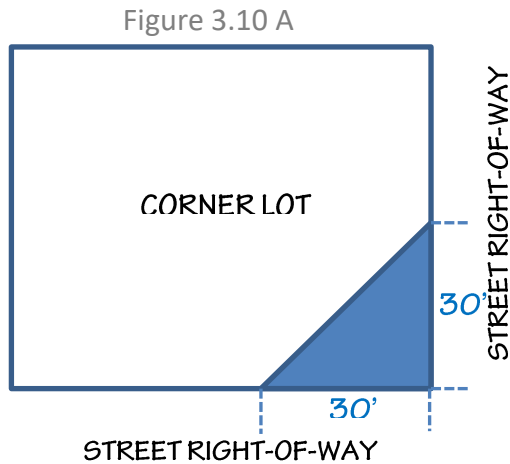
No building over two-hundred (200) square feet shall be razed until a permit has been obtained from the Frederic Township Building Inspector. Said permission shall be conditioned on the applicant completing the razing within such reasonable time period as shall be prescribed and complying with such regulations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

Section 3.10 Corner & Driveway Visibility

A. Corner Visibility.

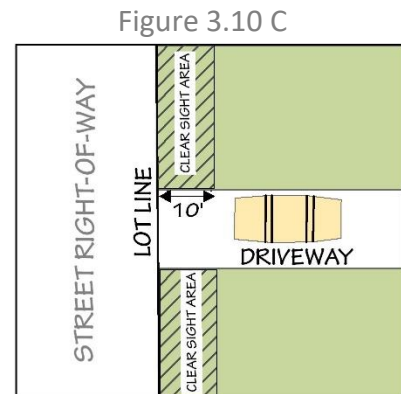
On any corner lot in any district requiring front and side yards, no fence, wall, screen, hedge, sign or other structure or planting shall obstruct vision between the heights of three (3) and ten (10) feet within the triangular area formed by the intersecting street right-of-way lines and a straight line intersecting them at points which are on said right-of-way lines and thirty (30) feet distant from their point of intersection (see **Figures 3.10 A and B**). Such heights of clear vision areas shall be measured from the elevation of the street centerlines at the point of intersection. A fence over three (3) but no more than four (4) feet shall be allowed if the fence has at least fifty (50%) percent open space.

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments



B. Driveway Visibility.

No vision shall be blocked from a driveway between the heights of three (3) feet and ten (10) feet, measured above the elevation of the street centerline, within ten (10) feet of any front property line (see Figure 3.10 C).



Section 3.11 Entranceway Structures

In all districts, entrance-way structures, including but not limited to, walls, columns and gates marking entrances to single family subdivisions, multiple-family housing projects, commercial developments, industrial developments, mixed-use developments, or similar uses may be permitted and may be located in a setback, except as provided in **Section 3.10**, provided that such entranceway structures shall be approved during the required Planning Commission review.

Section 3.12 Temporary Buildings & Construction Debris

A. Temporary Dwellings.

1. **Circumstances in which a Temporary Dwelling is Allowed.** The Zoning Administrator may issue a zoning permit, pursuant to the procedures of this section, to allow a temporary dwelling within any zoning district on the same lot or parcel as a permanent dwelling under any of the following circumstances.
 - a. Where a permanent dwelling is destroyed or damaged by fire, wind, other natural causes, or the public enemy to the extent it is no longer habitable, a temporary dwelling may be placed on the same lot or parcel as the permanent dwelling during the time the permanent dwelling is repaired.
 - b. A temporary dwelling may be placed on a lot or parcel while the property owner is constructing a permanent dwelling on the same lot or parcel.
 - c. A temporary dwelling may be placed on the same lot or parcel as a permanent dwelling when the property owner establishes by written documentation from the treating physician involved that the property owner or a person residing with or intending to reside with the property owner suffers from a medical condition that necessitates full-time residential care and a temporary dwelling is needed for the person with the medical condition, the care-giver, or their families. Such documentation shall be kept with the Zoning Permit application.
2. **Application Materials.** When requesting a zoning permit for a temporary dwelling, the property owner shall file an application with the Zoning Administrator and pay the fee established by the Township Board pursuant to **Section 9.03** of this Ordinance. The application shall specify the grounds under **subsection A.1** above for the temporary dwelling and shall include the information needed to allow the Zoning Administrator to make the findings required under **subsection A.3** below.
3. **Temporary Dwelling Standards.** Before issuing a zoning permit for a temporary dwelling, the Zoning Administrator shall find that the proposed temporary dwelling will meet all of the following standards:
 - a. In the case of repairs to or construction of a permanent dwelling, the property owner shall possess a valid building permit for the contemplated repairs or construction issued by the Building Department.
 - b. The temporary dwelling shall meet all height and setback requirements for the zoning district in which it is located.
 - c. The temporary dwelling shall be connected to safe, sanitary, and effective systems for the supply of potable water and the disposal of sewage wastes.

- d. Adequate off-street parking shall be provided for the occupants of the temporary dwelling.
4. **Conditions.** The Zoning Administrator may attach reasonable conditions to a zoning permit for a temporary dwelling to ensure compliance with the above standards.
5. **Time Limit of Temporary Dwellings.** The use of a temporary dwelling shall be limited to one (1) year, or the completion of repairs to or construction of the permanent dwelling or the termination of the medical condition that gave rise to the need for the temporary dwelling under **subsection A.1** above, whichever comes first. The Zoning Administrator shall grant annual extensions of the zoning permit for a temporary dwelling based on a medical condition upon the filing each year of a written statement by the property owner from the treating physician involved that the circumstances giving rise to the original need for the temporary dwelling continue to exist. The Zoning Administrator shall grant a one-time, one (1) year extension of the zoning permit for a temporary dwelling based on the repairs to or construction of a permanent dwelling upon the filing of a written statement by the property owner that the circumstances giving rise to the original need for the temporary dwelling continue to exist. If the property owner desires to continue the use of a temporary dwelling based on the repairs to or construction of a permanent dwelling beyond the time of the zoning permit extension, he or she shall file a request for a temporary dwelling zoning permit, which shall then be processed by the Zoning Administrator in the same manner as a new application.
6. **Removal of Temporary Dwellings.** A temporary dwelling shall be removed from the lot or parcel on which it was placed within thirty (30) days after the expiration of the zoning permit for the temporary dwelling, and the lot or parcel shall be restored to its condition immediately prior to the placement of the temporary dwelling. Provided, however, this provision shall not require the removal of a travel trailer or recreational vehicle used as a temporary dwelling from the lot or parcel, but shall require that the travel trailer or recreational vehicle no longer be used as a temporary dwelling.

B. Temporary Buildings for Construction Offices.

Temporary buildings may be utilized during construction for the storage of construction materials or for construction offices during a construction period as permitted herein.

C. Dwelling as Sales Office.

The Zoning Administrator may authorize a certification for a dwelling house to be used as a sales and management office for the sale of homes within a subdivision, provided all of the following requirements are complied with:

1. The house to be used as such office is built upon a lot approved as part of the approved subdivision or development and is of substantially similar design as those houses to be sold within the subdivision or development.

2. No retail sales or business other than that accessory to the management and sales of the land in the subdivision owned by the applicant shall be permitted.
3. Said dwelling house shall meet all other zoning restrictions of the zone in which it is located.

D. Removal of Temporary Buildings and Construction Debris.

Temporary buildings for use incidental to construction work, all debris, and all construction related signs shall be removed within thirty (30) days after the completion, occupancy or abandonment of the work.

Section 3.13 Accessory Buildings

The following regulations for accessory buildings shall apply:

A. Attached Accessory Buildings.

Where any accessory building is attached to a principal building, such accessory building shall be considered part of the principal building for purposes of determining yard dimensions.

B. Number Allowed.

1. In no instance shall more than two (2) accessory buildings be located on one (1) acre or less.
2. A lot size greater than one (1) acre, but less than three (3) acres is allowed three (3) accessory buildings.
3. On lots three (3) acres or greater, one (1) additional accessory building (beyond those allowed by subsection B.2 above) shall be allowed for each acre after three (3).

C. Size and Setbacks.

1. **Size.**
 - a. A lot less than three acres cannot have an accessory building larger than sixteen hundred (1,600) square feet per accessory building.
 - b. On lots three (3) acres or greater in districts R, ARD & MRD, each accessory building(s) shall not exceed one hundred fifty (150%) percent of the living square footage area of the primary residence or sixteen hundred (1,600) square feet, whichever is greater.
 - c. On lots three (3) acres or greater in R/F district, each accessory building(s) shall not exceed (200%) of the living square footage area of the primary residence.

- (1) 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.
2. **Setbacks.** A detached accessory building shall be located no closer to a front, side or rear lot line than the permitted distance for the principal building on the same lot. In the Village Overlay District, the rear setback for accessory buildings shall be ten (10) feet.
3. **Distance from Other Structures.** An accessory structure must be a minimum of fifteen (15) feet from any other existing structures.

D. Nontraditional Storage Facilities.

1. Truck bodies, school bus bodies, manufactured homes, travel trailers or other items built and intended for other uses shall not be used as permanent accessory buildings. Semi-trailers may be used as temporary storage for commercial and industrial uses in the commercial and industrial districts in the rear or side yard only.
2. **Shipping Containers.** Shipping containers shall be allowed to be used as accessory buildings for storage purposes only. Shipping containers shall not be utilized for any dwelling purposes. Shipping containers shall be either painted to blend in with the natural landscape or covered in a siding material that would typically be utilized for a main building. Shipping Containers shall be placed on a foundation or gravel surface with adequate drainage pursuant to **Section 3.17**.

E. Accessory Building as a Dwelling.

No accessory buildings shall be used for human occupancy unless otherwise permitted in this Ordinance.

F. Boathouses.

Boathouses are permitted (with required State approvals) in addition to other accessory buildings, provided they comply with a side yard setback requirements and shall be a minimum distance of twenty (20) feet back from the ordinary high water mark. In ARD and MRD districts boathouses are not allowed without a variance.

G. Permits.

All accessory buildings require zoning permits. A building housing a well shall not be counted as an accessory building.

H. Accessory Buildings without a Principal Building.

1. **R-1 District.** In the R-1 District, accessory buildings may not be built nor a permit issued for such prior to receiving the inspection approval for a rough inspection for the principal building unless a Special Use permit is obtained and the accessory building is proposed to be located adjacent to a lot with a principal building that is under the same ownership.
2. **All Other Districts.** In all other districts, an accessory building shall be allowed without a principal building.

Section 3.14 Camping with Recreational Unit(s)

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

- A. Two (2) recreational units are allowed on all lots for an unlimited period of time. More than two (2) recreational units on one (1) lot at one time shall be allowed for no more than thirty (30) consecutive days. A zoning permit is required for instances where more than two (2) recreational units will occupy a lot at one (1) time.
- B. Recreational units shall be allowed to be placed on a lot without a primary building.
- C. All recreational units must meet all set back requirements (see **Section 4.16 Schedule of Regulations**).
- D. Recreational units must be moveable and road legal (i.e. current plates; tires and tongues must be left on the recreational unit(s) at all times).
- E. Wastewater and septic must be disposed of properly and must follow District Health Department regulations.
- F. If any recreational unit is found in disrepair, the owner will be notified to remove or repair the recreational unit; if the recreational unit is not removed or repaired within 30 days of notification a citation will be issued.
- G. Recreational units are not to be used as permanent dwelling units.

Section 3.15 Nonconformities

It is recognized that there exist, within the districts established by this Ordinance and subsequent amendments, lots, structures and uses of land and structures which were lawful before this Ordinance was passed or amended which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendments. It is the intent of this Ordinance to permit legal nonconforming lots, structures or uses to continue until they are removed.

A. Nonconforming Lots of Record.

1. In any district, principal buildings and customary accessory buildings may be erected on any nonconforming lot of record, provided a permit for construction of a well and septic system is granted by the District Health Department and can meet district regulations. A zoning variance may be required.
2. If two (2) or more contiguous lots, parcels, or portions of lots or parcels are under the same ownership and do not individually meet the lot width, depth, and/or area requirements of this Ordinance, then those contiguous lots, parcels or portions of lots or parcels shall be considered an undivided lot or parcel for the purposes of this Ordinance, and no portion of such undivided lot or parcel shall be used or divided in a manner that diminishes compliance with the lot width, depth, and/or area requirements established by this Ordinance.
3. Any existing nonconforming lot may decrease the rear yard setback by up to 50% by review and approval by the Frederic Township Zoning Administrator.
4. **Creation of Nonconforming Lots or Parcels.** No lot area and no yard, court, parking areas or other required space shall be divided, altered, reduced or diminished as to make area or dimension less than the minimum required or more than the maximum allowed under this Ordinance, except where such reduction or expansion has been brought about by the expansion or acquisition of public right-of-ways for a street, road, or highway. If a required area is already less than the minimum required under this Ordinance, said area or dimension shall not be further divided or reduced.

B. Nonconforming Uses.

1. **Expansion of Nonconforming Use.** No nonconforming use of land shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date nor shall a nonconforming use be moved to an area of land not currently being used for said use, except as otherwise provided for in this **subsection B.1.a and B.1.b.**
 - a. **Expansion or Enlargement by Special Use Permit.** Although it is the intent of this Ordinance to restrict the expansion and perpetuation of nonconforming uses of land and/or buildings, the Planning Commission, by the issuance of a Special Use Permit may allow an expansion or enlargement, provided that it is conclusively shown that such extension or enlargement:

- (1) Will not reduce the value or otherwise limit the lawful use of adjacent premises.
- (2) Will essentially retain the character and environment of abutting premises.
- (3) Will not cause, perpetuate or materially increase any nuisance aspects of the use upon adjacent uses (such as noise, glare, traffic congestion or land overcrowding).

- b. **Expansion Throughout a Building.** Any nonconforming use may be carried on or extended throughout any parts of a *building* which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance.

2. **Change of Nonconforming Use.**

- a. Any nonconforming use may be changed to another nonconforming use provided that the proposed use is equally or more appropriate to the district than the existing nonconforming use. A determination of “equally or more appropriate” shall be made by the Planning Commission
- b. Any nonconforming use which is superseded by a permitted use shall thereafter conform to the regulations for the district in which such structure is located and the nonconforming use may not thereafter be resumed. Changes in tenancy and ownership of nonconforming premises are permissible.

3. **Restoration of Damage of Nonconforming Use.** Any lawful nonconforming use damaged by fire, explosion, or an act of God or by other causes may be restored, rebuilt, or repaired to its original use and configuration.

4. **Abandonment of Nonconforming Use** If a property owner has an intent to abandon a nonconforming use or structure and in fact abandons this nonconforming use or structure for a period of one (1) year, then any subsequent use of the property or structure shall conform to the requirements of this Ordinance. When determining the intent of the property owners to abandon a nonconforming use, the Zoning Administrator shall consider the following factors:

- a. Whether utilities, such as water, gas, and electricity to the property have been disconnected.
- b. Whether the property, buildings, and grounds have fallen into disrepair.
- c. Whether signs or other indications of the existence of the nonconforming use have been removed.
- d. Whether equipment or fixtures necessary for the operations of the nonconforming use have been removed.

- e. Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use or structure.

C. Nonconforming Structures.

1. **Alteration of Nonconforming Structures.** No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity.
2. **Damage or Destruction of Nonconforming Structure.** If a nonconforming structure is damaged or destroyed by any means, it shall be allowed to be rebuilt in the footprint of the nonconforming structure which existed immediately prior to the damage or destruction.
3. **Re-Location of a Nonconforming Structure.** Should such structure be moved for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

D. Repairs and Maintenance of Nonconforming Structures and Uses.

1. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
2. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Building Official or to comply with barrier-free requirements of the Americans with Disabilities Act. Nothing in this Ordinance shall prevent any alteration, improvement or repair as required by the Health Department as necessary to protect the public health, safety, and welfare.

E. Fences.

Fences which do not conform to this Ordinance shall not be considered nonconforming structures and, if removed, shall not be reconstructed except in conformance to this Ordinance.

Section 3.16 Animals & Livestock on Domestic Farms

The following shall apply to the keeping of animals and livestock on Domestic Farms (non-commercial):

A. Livestock.

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

Accepted Agricultural Management Practice Standards (GAAMPS), so as not to be a nuisance. A zoning permit shall be required.

B. Small Animals, Fowl, and Waterfowl.

1. The keeping of small animals (similar in size to rabbits), fowl, and waterfowl shall be permitted on all lots including those which are classified by the Michigan Department of Agriculture as Category 4 sites.
2. In platted subdivisions and on Category 4 sites, such small animals and fowl shall be within a fenced enclosure.
3. No nuisances shall be maintained to the detriment of neighboring owners. Swine, roosters, or other animals may be prohibited by the Zoning Administrator if determined to cause a nuisance.
4. Adequate space shall be provided for the clean and healthful keeping of such animals.
5. Such animals shall be kept so that manure piles shall not be offensive to nearby properties.
6. A zoning permit shall be required.

C. Planning Commission Review of Disputes and Interpretations.

In the case of disputes or needed interpretations, the Planning Commission may review and take action to continue, modify, or abate a domestic farm use in keeping with the spirit and intent of the Zoning District, and the level of management and care given the subject livestock.

Section 3.17 Grades, Drainage & Stormwater

- A. No premises shall be filled or graded so as to discharge surface runoff on abutting premises in such a manner that will cause inconvenience or damage to adjacent properties. When property is developed adjacent to existing properties previously developed, existing grades shall have priority.
- B. For non-residential uses, the property owner or developer is required to retain on site all stormwater drainage in excess of natural conditions. This provision may require stormwater retention ponds where appropriate. An exception can be made for water leaving the site via an existing stormwater pipe, or through other stormwater facilities which will be developed at the same time as the proposed new use. All stormwater facilities, including detention or retention ponds, shall be designed at minimum to handle a storm with the projected frequency of once every ten years (ten year design storm).

Section 3.18 Dumping of Materials

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

A. Dumping or Stockpiling of Waste Material or Junk.

The collection, accumulation, storage or disposal of waste material, used construction material, junk or refuse is prohibited, except under the following circumstances.

1. Such practices are a necessary accessory use to a permitted agricultural use.
2. Such practices occur in a junkyard authorized under this Ordinance, and are included in the approved site plan.
3. Such practices are a necessary accessory use to a commercial or industrial use authorized under this Ordinance, and are included in the approved site plan.
4. The dumping or stockpiling of natural materials such as stone or tree branches or stumps shall be exempt. However, for the purpose of this exception, processed lumber shall not be considered a natural material.

B. Dumping of Soil, Sand and Clay materials.

The material to be placed on the site shall be of such a composition as not to create potential contamination of the natural environment including groundwater, vegetation, soils and surface waters; no dumping of soil, sand, clay or similar material shall be undertaken that appreciably increases the surface runoff reaching adjacent or surrounding property. Surface runoff shall be dissipated by retention on the development parcel, percolation into the soil, evaporation, or by transport by natural drainage way or conduit to any appropriate point of discharge. Extensive dumping of material shall be construed to mean the placing of fill material on a lot or property so as to create a recognizable change in character of the natural terrain of such lot or property.

C. Dumping of Toxic Materials.

The dumping of toxic materials and/or nuclear wastes shall not be allowed in Frederic Township.

Section 3.19 Hazardous Substances

The following provisions apply to persons, businesses or entities that use, generate or store hazardous substances in quantities greater than twenty-five (25) gallons or two hundred twenty (220) pounds per month. All storage and containment facilities shall be designed in conformance with all current USEPA and/or Michigan Department of Environment, Great Lakes, and Energy (or any subsequent department responsible for administration) standards and applicable sections of the Michigan

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Building Code, as adopted. Stamped engineered drawings certifying that the facilities are in compliance with those standards shall be submitted to the Township as part of the site plan review process.

- A. Sites at which hazardous substances and polluting material are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, surface water and wetlands.
- B. Secondary containment for aboveground areas where hazardous substances and polluting materials are stored or used shall be provided and maintained. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
- C. General purpose floor drains shall be allowed only if they are connected to a public sanitary sewer system, an on-site holding tank, or a system authorized through a state groundwater discharge permit.
- D. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.

Section 3.20 Performance Standards

A. **Smoke and Air Contaminants.**

It shall be unlawful for any person, firm, or corporation to permit the emission of any smoke or air contaminant in violation of air quality standards adopted by Federal and/or State regulatory authorities.

B. **Drifted or Blown Material.**

Property owners shall take appropriate measures to ensure the prevention of drifting of airborne particles or debris beyond their lot lines. Any such activity shall be promptly abated upon notification by the Township. During times of stockpiling or removal, excavation or grading, those measures, necessary and practical (dampening, etc.), will be taken to minimize the blowing and drifting of material.

C. **Odors.**

Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped, or so modified as to remove the odor. The provisions of this Section are not intended to apply to farming activities.

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

1. For new facilities (commercial or industrial), the most recent technologies shall be utilized to reduce odors, as part of or in addition to any conditions included in State and/or Federal regulatory agency air/water quality permit(s). As part of the Zoning Permit review the applicant shall demonstrate that all measures technologically available and financially viable to mitigate the emission of noxious odors will be incorporated into the design of the facility.
2. For existing commercial and industrial facilities, odors resulting from the production process that are within the limits established by State and/or Federal regulatory agencies in approved permits shall not be considered in violation of this Ordinance. This does not exempt any business from the responsibility to take all necessary technologically feasible and financially viable measures to reduce such odors, and to comply to with any new standards required as part of a renewed or new State and/or Federal regulatory agency environmental permits.

D. Gases.

The escape or emission of any gas which is injurious or destructive, harmful to person or property, or explosive shall be unlawful and shall be abated.

E. Electrical Disturbance, Electromagnetic, or Radio Frequency Interference.

No use shall create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance, or cause, create, or contribute to the interference with electronic signals (including television and radio broadcasting transmission) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

F. Glare and Heat.

Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot line, except during the period of construction of the facilities to be used and occupied.

G. Noise.

Noise which violates the Frederic Township Noise Ordinance shall be muffled, attenuated, or otherwise controlled. In addition, objectionable sounds of an intermittent nature, or sounds characterized by high frequencies shall be so controlled so as not to become a nuisance to adjacent uses. Sirens and related apparatus used solely for public purposes are exempt from this requirement. Noise resulting from temporary construction activity shall also be exempt from this requirement.

H. Vibration.

All machinery shall be so mounted and operated that vibration from sound or noise at any lot line shall not be so intrusive as to interfere with normal daily activities in adjoining land uses. Vibrations resulting

from temporary construction activity shall be exempt from the requirements of this section.

Section 3.21 Manufactured Home Dwelling Standards

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

- A. Manufactured homes shall be attached to an approved permanent foundation or basement and shall be anchored using a system that meets the Michigan Manufactured Housing Commission requirements.
- B. Manufactured homes shall be installed according to manufacturer's set up requirements and the United States Department of Housing and Urban Development (HUD) regulations entitled "**Manufactured Home Installation Standards**," and the construction of the unit shall comply with the **National Mobile Home Construction and Safety Standards Act of 1974, as amended**.
- C. The wheels, axles and towing assembly shall be removed from a manufactured home before the unit is attached to the foundation. Additionally, no mobile home shall have any exposed undercarriage or chassis.
- D. Manufactured homes shall not be used as an accessory building.
- E. Manufactured homes must have a minimum HUD roof/unit seal for the appropriate Michigan Zone or greater as identified in the current Michigan Building Code.
- F. Manufactured homes shall not be attached to each other. Additions, new roofs and accessory buildings may be attached to a manufactured home.

Section 3.22 Fences/Walls & Required Screening

A. General.

- 1. **Permit Required.** Erection of any fence or wall in any district requires a permit and approval of the Zoning Administrator and the calling of MISS DIG by dialing 811. **Fence or wall construction may not begin until MISS DIG and the Building and Zoning Department have visited and/or approved the site.**
- 2. No fence shall be erected in the road right-of-way. Fences may be erected on the right-of-way line.
- 3. It shall be the responsibility of the property owner to locate the correct property line between lots. A survey by a licensed surveyor is strongly recommended. The Zoning Administrator may require a survey by a licensed surveyor prior to issuing a permit for a fence or wall.

4. **Materials.**

- a. Fences or walls may be constructed with approved fence wire, standard fence wood, vinyl, metal such as wrought iron, brick, stone, masonry block, or other materials commercially designed for fence or wall construction.
- b. A fence may not be constructed with scrap lumber, chicken wire, wood pallets, temporary snow fence, or other unapproved materials which are not commercially designed for fence or wall construction. No single-wire fences shall be allowed.
- c. All fences shall be maintained in a uniform color, style, type and construction.
- d. Fence posts and supports shall be installed on the side of the fence that faces the property owner (good side of the fence toward the neighbor).
- e. Fences using an electric current, razor wire or barbed wire shall not be allowed in any platted subdivision or site condominium development.
- f. Fences and walls shall be maintained to retain their original appearance, shape and configuration. Elements of a fence or wall that are missing, damaged, destroyed or deteriorated shall be replaced and repaired to maintain conformity with the original fence appearance and design.

5. **Snow Fencing.** "Snow Fence" is a temporary type of porous fencing that forces windblown, drifting snow to accumulate in a desired place rather than accumulating on roads, private drives and other property areas where the accumulation and drifts are not desirable. As used in this Ordinance, the term "snow fence" includes not only the fencing material but also all posts to which the fencing material is attached. Snow fences may be installed and maintained pursuant to a permit issued under this Ordinance from November 1st through April 1st. **Snow fences, including posts, may not be erected prior to November 1st and must be removed by April 1st.** Additionally, snow fences should not be erected in such a manner as to cause snow to accumulate on neighboring properties or on any roads or highways. Any violation of this Ordinance will subject the property owner where the snow fence is located to the penalties specified in **Section 9.09** of this Ordinance.

6. **Emergency Access.** All fences that enclose a rear, front, side or entire yard shall have a gate for emergency access to all sides of all structures. These enclosed area fences may be locked with a padlock or latch system and shall be at least three (3) feet in width when open. Signs shall be posted at gates to warn of any possible dangers or hazards (such as "Beware of Dog" sign).

7. **Hazards.** No fence shall be constructed which constitutes a fire hazard either itself or in connection with the existing structures in the vicinity, which will interfere with access by the Fire Department in case of fire to buildings in the vicinity or which will constitute a hazard to street traffic or pedestrians.

8. **Corner Clearance.** Fences, walls, or hedges installed, constructed, or planted in accordance with the provisions of this Ordinance shall not obstruct corner clearance areas as regulated in **Section 3.10.**
9. **Agricultural Fences.** Fences and walls for agricultural purposes on commercial farms are except from this Section.
10. Fences which do not conform to this Ordinance shall not be considered nonconforming structures and, if removed, shall not be reconstructed except in conformance to this Ordinance.

B. Standards.

Fences and walls shall comply with the following regulations:

Table 3.22 (A) Fences & Walls		
	Height	Setback
Front Yard	Fences and walls may be up to 4 feet high.	<ul style="list-style-type: none"> Fences and walls may be set on the right-of-way line
Rear Yard & Side Yard	<ul style="list-style-type: none"> Fences and walls on residential property may be up to 6 feet high. Fences and walls on non-residential property may be up to 8 feet high. Fences and walls over 4 feet high may not extend toward the front of the lot nearer than the front of the house. 	<ul style="list-style-type: none"> Fences and walls may be set on the property line (which is a shared invisible line between two adjoining properties) with a written agreement with neighboring property owners, if no written agreement exists, fences shall be set back a minimum of 2 feet. A fence or wall may not be built on neighboring property not belonging to the fence owner. If a property owner believes the neighbor's fence encroaches onto his/her property, they may initiate private legal action. Frederic Township does not arbitrate these disputes.
Waterfront Yard	<ul style="list-style-type: none"> Fences and walls shall not exceed four (4) feet in height, where they obstruct the views of the water from neighboring properties. 	<ul style="list-style-type: none"> ARD and MRD Districts. Fences and walls shall not be built within the required natural vegetation strip (see \$4.14.F.1) All other Districts. In districts other than ARD and MRD, where a lot borders a lake or stream, or has lake views, fences and walls shall not be constructed on the waterfront side within the waterfront setback.

C. Commercial, Institutional, and Industrial Fences & Walls Required for Screening Purposes.

For those districts and uses listed below, there shall be provided and maintained on those sides abutting or adjacent to a residential use of property or a residential district an obscuring fence or wall or a combination thereof as required below (except otherwise regulated by this Ordinance):

TABLE 3.22 (B): Screening Requirements

All off street parking areas	6' high fence or wall
Commercial District or Commercial Use	6' high fence or wall
Institutional Use	6' high fence or wall
Industrial District or Industrial Use	8' high wall or fence (Height shall provide open storage areas, loading/unloading areas, or service areas the most complete obscuring possible.)
Outdoor storage areas (commercial or industrial)	6' high fence or wall; 8' high fence or wall if in an industrial zone or if use is industrial
Utility buildings, stations, and substations	6' high fence or wall

1. **Screening Materials:** Screening shall consist of walls or privacy fences having an opacity of ninety (90%) percent. The Planning Commission may, in its review of site plans for specific uses, allow or require the provision of a vegetative buffer strip consisting of trees and shrubs alone or in addition to a fence or wall to serve as a screen where such screens are required under this Ordinance or where conditions are such that a more effective and harmonious development with abutting or neighboring land uses would result. Vegetative buffer strips shall be regulated under **Section 3.23**. The construction of a fence or wall in combination with a berm to achieve the required height standards for screening purposes may also be approved. The height of the berm in addition to the fence atop of the berm shall not exceed the total allowable fence height as permitted by district.
2. **Construction for Screening Purposes:**
 - a. All fences and walls herein required shall be constructed of materials approved by the Zoning Administrator to be durable, weather resistant, rustproof and shall be maintained by the commercial or industrial property owner or tenant at all times equal in condition to the completed structure at the time of initial installation. Wood or wood products, when utilized, shall be treated (wolmanized or equal) and maintained at all times.
 - b. Required walls shall be constructed of sound absorbing materials when, in the opinion of the Planning Commission or the Zoning Administrator, the use could result in noise of such frequency and/or magnitude as to pose a potential nuisance to abutting residents.
3. The requirement for an obscuring wall between off-street parking areas or outdoor storage areas and abutting residential districts or uses shall not be required when such areas are located more than two hundred (200') feet distant from such abutting residential use or district.
4. The Planning Commission may waive or modify the foregoing requirements where cause can be shown that no good purpose would be served with conformance to **subsection C**.

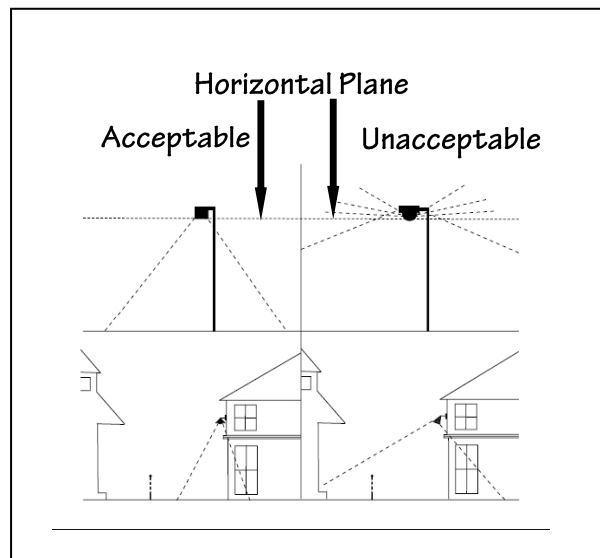
Section 3.23 Vegetative Buffer

A landscape buffer or buffer strip may be approved by the Planning Commission for screening purposes for any commercial, institutional, or industrial use that abuts a residential use or residential zone on either the side yard or rear yard. In all instances, this may be provided as part of the side or rear yard setbacks.

- A. The selection, spacing, size, and type of plant material shall be such as to create a horizontal obscuring effect for the entire length of the required screening area and a vertical obscuring effect of such height and width as is determined adequate by the Planning Commission for proper screening between land uses.
- B. The relationship between deciduous and evergreen plant materials shall insure that a maximum obscuring effect will be maintained throughout the various seasonal periods.
- C. Required screening may be interrupted to provide reasonable pedestrian, bicycle, or vehicular access to a property from a public right-of-way.
- D. The Planning Commission may require fences, walls and/or earth berms in those instances where a vegetative buffer strip or planting screen will not appropriately provide necessary screening to abutting properties.

Section 3.24 Outdoor Lighting

- A. All outdoor lighting, whether for illuminating sites, parking areas, buildings, signs and /or other structures shall be shielded, shaded, designed and/or directed away from all adjacent districts and uses; and further shall not glare upon or interfere with persons and vehicles using public streets. Lighting fixtures are to be of the full cut-off design with horizontally aligned flush mounted (non-protruding) lens, directing light on-site only, and no more than twenty (20) feet in height.
- B. The Planning Commission may permit taller or require shorter fixtures only when the Commission determines that unique conditions exist and where a waiver would: reduce the number or size of light fixtures; not adversely impact neighboring properties and permit fixtures in proportion to height and bulk of nearby buildings and other fixtures. Site lighting shall not exceed twenty (20) foot candles as measured three (3) feet above the ground surface, directly under the fixture.



C. Exempted Areas and Types.

The following types of outdoor lighting shall not be covered by this Ordinance:

1. Residential decorative lighting such as porch or entry lights, ground level lawn and driveway lights, and special seasonal lights such as Christmas decorations.
2. Lights located within the public right-of-way or easement.
3. Temporary lighting needed for emergency services or to perform nighttime road construction on major thoroughfares.
4. Temporary lighting for civic activities, fairs, or carnivals provided the lighting is temporary.
5. Lighting required by the Federal Communications Commission, Federal Aviation Administration, Federal Occupational Safety and Health Administrations, or other applicable Federal or State agencies.
6. Lighting for school recreational facilities.

D. Moving Lights.

All illumination of any outdoor feature shall not be of a flashing, moving or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use. Beacon, strobe and search lights are not permitted.

E. Interference with Traffic Control Devices.

No colored lights shall be used at any location where it may be confused with or construed as traffic control devices.

F. Gas Stations.

Ceiling lights in gas pump island canopies shall be recessed.

G. Lighting of Signs.

Regulations pertaining to the lighting of signs are found in **Section 3.28 (Signs)**.

Section 3.25 General Exceptions

A. Encroachment of Projections (Decks, Patios and Eaves).

1. **Decks and Patios.** The following applies to structures which are not covered by a roof or permanent canopy: Ground-level structures such as patios may project into a setback no closer than three (3) feet from the lot line. Structures which are raised (such as decks) may project into a setback no closer than four (4) feet from the lot line.
2. **Eaves.** Eaves may project two (2) feet into the setback.

B. Voting Place.

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

C. Driveways.

For the purpose of this Ordinance, driveways may be placed in the required front and/or side setbacks so as to provide access to rear yards, accessory structures, or attached structures. These drives shall not be considered as structural violations in front and side yards. Driveways require a zoning permit and are approved by the Planning Commission.

D. Exemption of Accessory Farm Buildings and Structures.

The provisions of this Ordinance shall not apply to the repair and maintenance of accessory farm buildings and structures when used for customary farming purposes.

E. Height Limit.

1. The district height limitations of this Ordinance shall not apply to any portion of a structure that could not be used for living or commercial space such as chimneys, church spires, flag poles, and public monuments; provided, however, the Planning Commission may specify a height limit for any such structure when such structure requires authorization as a Special Land Use.
2. The district height limitations of this Ordinance shall not apply to ground mounted amateur radio transmitting and receiving towers.
3. The district height limitations of this Ordinance do not apply to wind turbines, anemometer towers, radio and television towers, wireless communications support structures and related facilities which are regulated by **Article 7: Supplemental Regulations**.

F. Residential Uses of Property.

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

The following are considered residential uses of property and shall be allowed in all districts which allow residential uses and is not subject to procedures different than other dwellings of similar density in the same zone.

1. **State-Licensed Residential Facilities.** A structure constructed for residential purposes that is licensed by the State under the **Adult Foster Care Facility Licensing Act, 1979 PA 218**, MCL 400.701 to 400.737, or the **Child Care Organizations Act, 1973 PA 116**, MCL 722.111 to 722.128, and provides residential services for six (6) or fewer individuals under 24-hour supervision or care. The licensee is NOT a member of the household nor is an occupant of the residence.
2. A private residence with the capacity to receive at least one (1) but not more than four (4) adults who all receive benefits from a community mental health services program if the local community mental health services program monitors the services being delivered in the residential setting.

Section 3.26 Unlisted Uses

It is the intent and purpose of this Zoning Ordinance to limit the permitted and special land uses to those specifically listed in the respective Zoning Districts in **Article 4**. In the event that a use is unclassified, the Zoning Administrator shall classify the use according to a similar listed use. The Zoning Administrator may bring such classification to the Planning Commission for recommendation if he/she is unsure if the use in question is similar to a listed use. If no listed use is similar to the use in question, the use shall be added to a district only through the Zoning Amendment procedure, as required in **Article 10**.

Section 3.27 Parking, Loading & Circulation

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.

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:

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Parking Requirements

Residential

Bed and Breakfasts/Rooming houses/Tourist Home	1 for each sleeping room plus 2 for the owner/resident manager plus 1 for each employee.
Group day care homes	2 in addition to the 2 required for the residence
Home Occupations/Cottage Industry	2 spaces per dwelling plus additional to accommodate clients as determined by Zoning Administrator or Planning Commission
Housing for the elderly	1 for each 3 units
Manufactured Homes within Manufactured Housing Community	2 for each manufactured home site and 1 for each employee.
Rooming Houses/Boarding Houses	1 for each rental room plus 2 for the primary resident.
Single-family, two-family and multi-family dwelling units	2 for each dwelling unit
State-Licensed Residential Facilities (Adult Foster Care Homes 6 or less people)	4 for each establishment

Commercial/Office

Auto service station and repair	2 spaces for each service bay plus 1 space for each employee on largest shift.
Auto wash; auto reconditioning; auto cleaning	1 space per employee on the largest shift plus a minimum of 5 stacking spaces.
Bank	1 space for each 400 square feet of usable floor area
Beauty parlor or barber shop	2 per chair plus 1 for every 2 employees
Bowling alley	5 spaces per lane
Furniture and appliance, hardware, household equipment, repair shops, shoe repair, showroom of a plumber, decorator, electrician or similar trade and other similar use	One (1) for each eight hundred (800) square feet of gross floor area, plus one (1) for each two (2) employees
Funeral Home and mortuary	3 for each 100 square feet
Laundromats and coin operated dry cleaners	2 spaces for every 100 square feet
Motel, hotel, or other commercial lodging establishments	1 for each rental unit
Medical and dental offices or similar offices; veterinary clinics	1 for each 225 square feet of usable floor area
Mini-warehouses, self-storage establishments	1 per 10 storage units, equally distributed throughout the storage area
Funeral home; mortuary	1 per 3 persons based on maximum occupancy code plus one for each employee
Open air business	1 for each 600 square feet of lot area
Professional offices	1 space for each 400 square feet of usable floor area.
Research, medical or optical laboratory	1 space for each 400 square feet of usable floor area.
Restaurants and similar establishments for on premises sale and consumption of food, refreshments, and/or beverages (no liquor)	1 for each 100 square feet of usable floor area. Or 1 for every 2 persons of seating capacity plus 1 space per employee on the largest shift
Restaurants and similar establishments for on premises sale and consumption of food, refreshments, and/or beverages (serving liquor)	1 for each 75 square feet of usable floor area.
Restaurants with drive in, drive through, or take out	Use seating capacity standards as applicable for sit-down restaurants. A minimum of 5 stacking spaces shall be provided for each service window where a drive through operation is present.
Retail sales unless otherwise specified herein	1 space per 150 square feet of usable floor area
Planned commercial or shopping center by sq. ft. of floor area:	Spaces per square feet of gross floor area:
a. 1 to 15,000 sq. ft.	a. One (1) space per two hundred (200) square feet.
b. 15,001 to 45,000 sq. ft.	b. One (1) space per two hundred-fifty (250) square feet.
c. 45,001 sq. ft. and larger	c. One (1) space per three hundred (300) square feet.
Wineries, Distilleries, and Microbreweries	One (1) for each 300 square feet of gross floor area for tasting rooms. One (1) for each 300 square feet of gross floor area for office and administrative functions. One (1) space per fifteen hundred (1,500) square feet of promotional event parking.

1 Purpose & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Site Plans & Plot Plans

6 Special Land Uses

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Adoption & Amendments

Parking Requirements (continued)

Institutional

Churches, temples, or similar places of worship	1 space for each 3 seats in the main unit or 8 linear feet of benches in the main unit, plus 1 for every 2 employees. If no permanent seats are provided, then 1 space for each 35 square feet of gross floor area.
Convalescent Homes; Assisted Living Facilities; Nursing Homes; Hospitals	1 for each 4 beds, and 1 for each 2 employees/staff members
Public and Private Schools (elementary, high school and college)	1 for each employee plus 1 for every 10 driving age students plus 1 for every 6 seats in the main auditorium
Government offices; community center; libraries; museums	4 per 100 square feet of floor area. 1 for every 200 square feet
Jails	1 space for each staff member plus 1 space for every 5 cells in addition to off street loading spaces for delivery and transport vehicles.
Nursery schools, day nurseries, or child day care centers (non-residential)	1 for each employee plus 1 space for each 5 children of licensed authorized capacity or 1 space for every 10 children if adequate drop-off facilities are provided.
Places of public gatherings	1 for every 3 capacity occupants
Post offices	1 space per official vehicle plus 1 space per employee on the largest shift plus 1 space per 200 square feet
Private clubs, lodges, or dance halls	1 for each 100 square feet of usable floor area

Industrial

Production and processing of materials, goods or products	1 for every 3 employees
Testing, repairing, cleaning or servicing of materials, goods or products.	3 in addition to 1 for every 3 employees
Mineral extraction, borrow pit, top soil removal and storage	1 space per employee on the largest shift
Sanitary landfill or refuse dump; sewage, trash, garbage disposal or recycling plant	1 space per employee on the largest shift
Warehousing and wholesaling	1 for every 100 square feet of floor area plus 1 for every square foot of outdoor storage or sales area
Water treatment or wastewater facility	1 space per employee on the largest shift

Miscellaneous

Athletic clubs	1 per each 3 persons allowed within the maximum occupancy load plus 1 per each employee
Boat Launch Ramps; Marinas	1 per boat slip plus 20 for launch ramps
Cemetery	1 space per employee on the largest shift
Golf Courses	4 spaces per hole plus 1 for each employee
Mini Golf Courses	2 spaces per hole plus 1 for each employee
Tennis or racquetball facility	2 spaces per court plus 1 space per employee on the largest shift

B. Parking Regulations.

1. **Compliance Required.** Off-street parking and loading provisions of this section shall apply to the following:
 - 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 to accommodate a use requiring more parking.
2. **Permit Required.** A zoning permit shall be required to construct a parking lot.
3. **Uses not Listed.** For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accordance with a use which the Zoning Administrator considers as similar in type.
4. **Parking Lot Location.**
 - a. For residential uses, off-street parking shall be provided and maintained on the same lot with the principle structure.
 - b. For non-residential uses, off-street parking space with adequate access to all such spaces shall be provided and maintained within three hundred (300) feet of the principle building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot.
5. **Fractional Spaces.** Where calculation of parking requirements with the foregoing list results in a fraction of a space, a full space shall be provided.
6. **Collective and Shared Parking.** 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.
7. **Parking to Remain.** 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.
8. **Reduction of Parking Spaces.** For development in any zoning district, the Planning Commission or Zoning Administrator may approve a reduction of the required off-street parking spaces where it has been demonstrated by study of the proposed use(s) or the customary operation of the use(s) that adequate parking would be provided with a lesser amount than is listed in this Section.

C. **Parking Layout, Design, Construction and Maintenance.**

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

All off-street parking lots shall be laid out, constructed and maintained according to the following standards and regulations:

1. **Single- and Two Family Residential Parking Space Design.** 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 front setback, 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.
2. **All Other Uses (except C.1 above).** Off-street parking will be evaluated for adequacy during site plan review based on the site plan presented.
 - a. **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.
 - b. **Handicap-Accessible Spaces.** Off-street parking facilities shall provide spaces for the handicapped in accord with the provisions of the **Americans with Disabilities Act** or State of Michigan Building Code.

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.
3. Display of merchandise in parking lots is allowed.

E. Off Street Loading and Unloading.

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

1. Two or more adjacent buildings or structures may jointly share off-street loading facilities provided that adequate access to the individual uses is provided.

Section 3.28 Signs

The purpose of this section is to regulate outdoor signs designed to be visible to the public in a manner which does not restrict the content while recognizing the mass communications needs of businesses and other parties. The number and size of signs may be distracting to motorists and pedestrians and can create a traffic hazard. The number and size of signs can also reduce the effectiveness of signs needed to direct the public and may mar the appearance of the landscape. The provisions of this section are intended to apply the minimum amount of regulation in order to protect property values, preserve the desirable character of Frederic Township, and promote traffic and pedestrian safety. The use and erection of all outdoor signs and media shall be subject to all state and local codes and statutes, in addition to the provisions of this ordinance.

A. Signs Not Requiring a Sign Permit.

The following signs may be placed in any zoning district without a sign permit, provided such signs comply with any applicable federal or state law or regulation and are located so as not to cause a nuisance or safety hazard:

1. Permanent, non-illuminated accessory signs not exceeding four (4) square feet of sign surface.
2. Signs erected by an official governmental body, public utility, or historic agency.
3. Signs erected by any organization, firm or corporation which is charged with warning the public of dangerous conditions and unusual hazards including but not limited to: road hazards, high voltage, fire danger, explosives, severe visibility, etc.
4. Temporary signs less than two (2) square feet in size and located on the perimeter of a parcel boundary.
5. Signs that have been approved in conjunction with a valid site plan or zoning permit for any principal or accessory use, and signs required by federal or state agencies in connection with federal or state grant programs.
6. Information when cut into any masonry surface or plaques when constructed of non-ferrous metal and attached to a building.
7. Flags.
8. Signs when located on or below a canopy, awning, or marquee which do not exceed two (2) feet in area or extend below a minimum height of eight (8) feet from ground level.
9. Permanent accessory signs on accessory structures such as gas pumps or storage sheds.
10. Temporary signs.

11. Signs in windows.
12. Signs required by law.
13. Signs not readable by motorists or pedestrians on any road, alley, water body, public lands, or adjacent parcels.

B. The size of any publicly displayed sign shall be regulated as follows:

Signs Types and Sizes by Use		
Sign Type	Residential Uses	Non-Residential Uses
Primary Sign	Size: 56 sq ft Number Allowed: 1 (Residential subdivisions and developments shall be limited to one (1) sign per entrance.) Setback: 10 ft Height: 10 ft (measured from the ground to the top of the sign)	Size: 56 sq ft Number Allowed: 1 per road frontage Setback: 10 ft Height: 28 ft (measured from the ground to the top of the sign)
Wall Signs	No size or number restriction.	
Temporary Signs (no permit needed)	16 sq ft (all temporary signs in sum)	32 sq ft (all temporary signs in sum)
Portable Changeable Copy Message Boards	Size: 56 sq ft Number Allowed: 1 per parcel (does not count toward the total allowable square footage for temporary signage).	
Electronic or Static Message Center (see subsection E below)	Residential subdivisions: Size: 56 sq ft Number Allowed: 1 per entrance Setback: 10 ft Height: 10 ft (measured from the ground to the top of the sign) All other residential uses – message boards not allowed.	Size: 56 sq ft Number Allowed: 1 per road frontage Setback: 10 ft Height: 28 ft (measured from the ground to the top of the sign)
Cluster Signs	Sum of all signs on one structure shall total no greater than 56 sq ft.	
Projecting Signs	See C.6 below.	
Off-Premise (small)	Off-premise signs (small) shall not exceed 56 sq ft.	
Off-Premise (large)	Off-premise signs greater than 56 sq ft shall require a special use permit. See subsection D below. Off-premise signs (large) shall not be allowed in the Village Overlay District.	

C. General Sign Standards.

In addition to the size limitations stated in **Subsection B** above, the following conditions shall apply to all signs, including off-premises signs, erected in any use district:

1. **Signs Require a Permit.** No sign, except those signs listed in **subsection A** above shall be erected or altered until approved by the Zoning Administrator (ZA) or authorized by the Planning Commission (PC) as part of an approved site plan. After approval, the required sign permit shall be issued by the ZA.
2. **Intersection Visibility.** No signs shall be located on any street corner which would obscure the vision of drivers using said streets, or conflict with traffic control signals at the intersection of any streets. No signs shall obstruct the vision of drivers at any driveway, parking lot or other route providing ingress or egress to any premises. Signs shall adhere to **Section 3.10 (Corner and Driveway Visibility)**.
3. **Flashing Signs.** Signs containing flashing, intermittent or moving lights are prohibited.
4. **Sides Used for Display.** Both sides of any freestanding or overhanging sign may be used for display.
5. **Signs Erected by Governmental Agencies.** All signs established by the Township, County, State, or Federal governments, shall be permitted in all districts.
6. **Projecting Signs.** No sign shall project beyond or overhang the wall, roof or any architectural feature by more than five (5) feet and shall be no less than fourteen (14) feet above the right-of-way. However, prior to the erection or overhanging of a sign in a public right-of-way, the sponsor of such sign shall receive the approval of the proper governmental agency having jurisdiction over such right-of-way.
7. **Roof Signs.** Roof position signs are specifically prohibited, when projecting above the high point of the roof.
8. **Signs Not Secure, Obsolete.** Signs which are in need of repair, not securely affixed to a substantial structure, or obsolete are prohibited.
9. **Signs not to Constitute Traffic Hazard.** No outdoor advertising structure shall be erected where the position, size, movement, shape or color may interfere with the view of, or be confused with, any authorized official traffic sign or device.
10. **Obstructions to Doors, Windows and Fire Escapes.** No sign shall be erected or maintained so as to prevent free ingress or egress from any door, window or fire escape. No sign of any kind shall be attached to a stand pipe or fire escape.

11. **Obscene Material.** No sign shall contain statements, words, or pictures of an obscene nature which would appeal predominantly to a prurient interest in sexual conduct, depict or describe sexual conduct in a patently offensive way, and be offensive, rude, lewd or disgusting according to accepted moral standards.
12. **Substitution Clause.** Any sign that can be displayed under the provisions of this Ordinance may contain a non-commercial message.

D. **Off-Premise Signs (large).** (Also known as “Billboards.”)

1. **Special Use.** All billboards must be approved by the Planning Commission as a special use.
2. **Size.** The total area of a billboard shall not exceed three hundred (300) square feet. The Planning Commission may allow a billboard greater than three hundred (300) square feet on a case by case basis. The Planning Commission shall state the reasons for allowing this deviation in the motion.
3. **Spacing.** Where two (2) or more Large Off-Premise Signs are located along the frontage of a road or highway, they shall be not less than one thousand (1,000) feet apart. A double-face (back-to-back) or a V-type structure shall be considered a single sign, provided the interior angle of such signs does not exceed twenty (20) degrees.
4. **Height.** Billboards shall not exceed thirty (30) feet in height from ground level. The Planning Commission may allow a billboard higher than thirty (30) feet on a case by case basis. The Planning Commission shall state the reasons for allowing this deviation in the motion.
5. **Location.** No billboard shall be erected within fifty (50) feet of the center of any road, nor within 10-feet of any side lot line, nor within fifty (50) feet of any rear lot line.
6. **Illumination.** An off-premise sign may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, into the path of on-coming vehicles, or on any adjacent premises. In no event shall any off-premise sign have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
7. **Maintenance.** The site upon which the off-premise sign is placed shall be maintained by the owner thereof in clean, sanitary and inoffensive condition and free and clear of all noxious substances, rubbish, and weeds.
8. **Digital Off-Premise Signs.**
 - a. **Rate of Change.** The rate of change between static messages or images shall not exceed more than one (1) change per six (6) seconds. Each change shall be complete in one (1) second or less.

- b. **Luminance.** The maximum daylight sign luminance level shall not exceed 62,000 candelas per meter squared at 40,000 lux illumination beginning 1/2 hour after sunrise and continuing until 1/2 hour before sunset and does not exceed 375 candelas per meter squared at 4 lux illumination at all other times.
- c. Digital off-premise signs shall be configured to default to a static display in the event of mechanical failure.

E. Electronic Message Centers.

1. An electronic message center shall be allowed to have changing messages, scrolling message, and animation, but shall not be allowed to contain flashing elements.
2. The electronic elements shall be of an intensity that the brightness and motion shall not adversely affect surrounding or facing premises, nor adversely affect safe vision of pedestrians or operators of vehicles on public or private streets, driveways or parking areas.
3. An electronic message center shall contain a default mechanism that freezes the sign in one position if a malfunction occurs.
4. An electronic message center shall contain a mechanism to automatically adjust the intensity of its display according to natural ambient light conditions.
5. Instruments which use technology to display or project digital messages onto windows or walls of buildings shall be considered an electronic message center and shall be subject to all provisions of this Ordinance.

F. Nonconforming Signs.

Nonconforming signs are signs that do not comply with the regulations in this Ordinance, including the size regulations, of the zoning district in which located.

1. Nonconforming signs that were otherwise lawful on the effective date of this Zoning Ordinance may be continued.
2. No person shall increase the extent of nonconformity of a nonconforming sign. No nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition. No illumination may be added to any nonconforming sign.
3. If a nonconforming sign is either moved or replaced, it shall be brought into complete conformity with this Section.
4. If a nonconforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all provisions of this Zoning Ordinance. The remnants of the former sign structure not usable for a new conforming sign shall be

removed within sixty (60) days. For purposes of this section, a nonconforming sign is considered destroyed if it is damaged to an extent that the cost of repairing the sign to its former stature or replacing it with an equivalent sign equals or exceeds the value of the sign so damaged.

5. Subject to the other provisions of this section, nonconforming signs may be repaired, maintained, serviced or repainted if the framework and/or the size and/or shape of the sign remain unchanged. If such framework is altered or removed or the size and/or shape of the sign are altered, said sign must be changed to a conforming sign.

G. Abandoned Signs.

1. An abandoned sign is any sign to which any of the following applies:
 - a. The sign is located on a property on which the use has been abandoned.
 - b. The sign has remained blank over a period of one (1) year.
 - c. The sign's message becomes illegible in whole or substantial part.
 - d. The sign which has fallen into disrepair.
2. In the event that a sign is determined to be abandoned, the Zoning Administrator shall give notice in the form of a letter to the property owner that the sign has been determined to be abandoned. The property owner shall have ninety (90) days to remove said sign. Upon the expiration of ninety (90) days, the Zoning Administrator shall give a second notice in the form of a letter. If the sign has not been removed upon the expiration of thirty (30) days from the date of the second notice, the Zoning Administrator is authorized to cause removal of such sign and any expense incident thereto shall be paid by the owner or lessee of the sign or, if such person cannot be found, by the owner of the building or structure or property to which such sign or structure is affixed. If such expense is not paid, the Township shall have a lien on the property and such cost shall be added to the tax bill for the property.

H. Severance Clause for Signs.

Provisions of this Section shall be deemed to be severable, and should any section, subsection, paragraph or provision thereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Section as a whole or any other part thereof, other than the part so declared to be unconstitutional or invalid. If any court shall declare invalid the application of any provision of this Section to a particular parcel, lot use, building or structure, such ruling shall not affect the application of said provision to any other parcel, lot use, building or structure not specifically included in said ruling.

Section 3.29 Yard, Garage & Rummage Sales

Notwithstanding any other provisions of this Ordinance, yard, garage, and rummage sales shall be permitted in any district designated for single-family residential use. A zoning permit shall not be required for yard, garage, and rummage sales; however, allowable sales shall be limited to four (4) per year per residence for a maximum three (3) consecutive days duration each. Sale items shall be limited to general household goods and clothing.

Section 3.30 Private Roads

A. Purpose.

Frederic Township has hereby determined that, as tracts and parcels of land are divided, sold, transferred and/or developed, private access roads are being created to provide access the newly divided and developing properties which are not subject to regulation under the **Land Division Act, 1967 PA 288**, as amended, and other State Regulations. Frederic Township determines it is in the best interest of the public health, safety and welfare to regulate the construction, improvement, extension, relocation and use of private roads to ensure that:

1. Private roads are designed with width, surface and grade to ensure safe passage and maneuverability of private vehicles along with police, fire, ambulance and other safety and or commercial vehicles.
2. Private roads are constructed of suitable materials to ensure minimal maintenance and safe passage.
3. Private roads will be constructed so as to protect against and/or to minimize soil erosion to prevent damage to the lakes, streams, wetlands and natural environment of Frederic Township.
4. Private roads appropriately serve the properties and individuals they are intended to serve.

B. Definitions.

For the purposes of this Ordinance the following terms are defined as follows:

1. Access: The ability, right, or permission to approach, enter, speak with, ingress, egress or use admittance to a lot, parcel, site condominium unit and/or development of land whether a route is primary or auxiliary.
2. Applicant: A person, association, partnership, trust, limited liability company, cooperation, or other legal entity, or combination of any of them which may hold any interest in land, whether recorded or not, who is seeking approval for construction of a private road pursuant to this Ordinance.

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

3. Condominium Act: **1978 PA 59**, as amended.
4. Condominium Project: Any land developed under the provisions of the Condominium Act.
5. Irrevocable Letter of Credit: A financial instrument used by banks to guarantee a buyer's obligations to a seller. It is irrevocable because the letter of credit cannot be modified unless all parties agree to the modifications.
6. Planning Commission: The Planning Commission is an appointed body of citizens that serve within the local government, acting as an advisor group to the governing body on issues and policies related to planning, land use regulation and community development.
7. Private Road: An area of land which is not a public road that is intended for vehicular passage to and from more than one lot, parcel and/or site condominium unit.
8. Public Road: An open way of passage or travel under public ownership and/or maintenance.
9. Roadway: The part of a road or bridge used for vehicular travel.
10. Site Condominium Unit: A parcel of land and any corresponding building within a condominium project that is designed and intended for separate ownership, interest and use as described in the Master Deed for the Condominium Project.
11. Township Board: The Frederic Township Board of Trustees.

C. General Requirements and Application to Existing Private Roads.

1. The provisions of this Ordinance shall only apply to a private road which provides access to two (2) or more existing or proposed Lots or Site Condominium Units.
2. After the effective date of this Ordinance, a private road shall not be constructed, extended or relocated except in accordance with the minimum standards and requirements of this Ordinance. If an additional lot or site condominium is proposed to be served by an existing private road, the existing road shall be required to meet the requirements of this Ordinance. If an existing road is proposed to be extended, then the existing portion shall be improved to meet the standards of this Ordinance as well as the new portion of road.
3. Existing private roads may only be extended or altered if the entire private road is improved to the requirements of this Ordinance.

D. Minimum Standards for Private Roads.

1. All private roads constructed in Frederic Township shall be constructed in a good workable manner within a permanent right-of-way easement or an agreed upon location of all property owners involved.

2. Such an easement shall be a minimum of thirty-three (33) feet with a minimum roadway width of twenty-six (26) feet, unless additional right-of-way is required for adequate construction.
3. At any dead-end, turn around, or cul-de-sac, the easement shall widen to a minimum radius of one-hundred and fifty (150) feet with a cul-de-sac radius minimum of one-hundred (100) feet.
4. A private road shall be given a street name that is not the same or similar to any other street name in the county. All street names must be approved by the Crawford County Emergency Central Dispatch (911). A street sign bearing the street name, meeting Crawford County Road Commission standards as to design, location and maintenance, shall be erected and maintained by the applicant where such private road intersections meet. Except where public roads meet a private road, the street signs are the responsibility of the Crawford County Road Commission as per contract for street signs.
5. A private road shall be constructed in a manner to provide effective storm water drainage and to control storm water runoff and prevent soil erosion. Soil erosion and storm water runoff control measures shall comply with Crawford County Building and Zoning Department's Soil Erosion and Sedimentation Control requirements.
6. If a private road crosses a natural drainage course, stream, or other natural body of water, the method of crossing (by bridge, culvert, or other structure) must be certified by a professional that it complies with all applicable requirements of the Crawford County Road Commission, Crawford County Building and Zoning (Soil Erosion and Sediment Control), and the State of Michigan including the DNR and the DEQ.
7. Where a private road intersects or connects with a public road, the private road shall meet all requirements and obtain any necessary permits for such intersection or connection from the Crawford County Road Commission or the municipality having jurisdiction over the public road.

E. Procedure for Review of Private Roads.

1. An application to establish, extend, relocate or modify a private road shall be filed with the Frederic Township Building Department and the Frederic Township Fire Department along with a fee as set by the Township Board. The application shall contain or be accompanied by the following information:
 - a. The name(s) of the owners and any other parties having any legal interest in the private road and the properties across which it is to be constructed.
 - b. Permanent parcel number(s) or legal description(s) of the property over which the private road is to be constructed.

- c. A site location map drawn to scale which shows the location of the parcel containing the road to surrounding properties and roadways within one-half mile of the site.
- d. Three (3) drawings showing the location, route, dimensions, specifications and design of the private road and any proposed extensions of the road, existing or proposed curb cuts, the location and distance to any public street which the private road is to intersect and the alignments and sight distances for all intersections or connections of the private road with public roads or other private roads.
- e. A scaled drawing illustrating the existing and proposed lot divisions.
- f. A copy of the “driveway permit” application from the Crawford County Road Commission. (ONLY IF CONNECTED TO PUBLIC ROAD)
- g. A drainage plan for the proposed private road approved by the Crawford County Drain Commissioner where applicable.

2. Review of Permit Application.

- a. The permit application, drawings and other required information shall be reviewed by the Zoning Administrator to determine compliance with the standards for private roads.
- b. The Zoning Administrator and the Frederic Township Fire Department shall review the provided information and may consult with the Township Planning Commission, Frederic Fire Chief, local Fire Inspector, Attorney, Engineer and Planner as deemed necessary. A decision to approve or disapprove permit shall be completed within thirty (30) days of the date upon which a complete application is submitted to the Frederic Township Building and Zoning Department.
- c. If the Zoning Administrator finds that the application meets the requirements of this Ordinance, the department shall then approve the application and issue a permit for the construction of the private road. This permit shall consist of a stamp noting approved and containing the signature of the Zoning Board Administrator or the Zoning Enforcement Officer and the date of approval. Two (2) copies of the private road plans shall be stamped for approval: one (1) copy shall be kept by the applicant and the second copy shall remain with the Building and Zoning Department of Frederic Township. This construction permit is not a Private Road Permit and does not authorize the construction of any structures or dwelling units. The construction permit is valid for a period of one (1) year from the date of approval. If construction of the private road has not completed before this date, the permit shall expire. A new permit shall be required before construction resumes or begins.
- d. If the Frederic Township Building and Zoning Department denies the application, a copy of the submitted application containing the reasons for denial set forth in writing shall be returned to the applicant.

- e. **Final Compliance Requirements.** Upon completion of the construction of the private road, the applicant shall provide to the Frederic Township Building and Zoning Department a driveway permit for the private road from the Crawford County Road Commission if the private road connects to a public road.

BE ADVISED: If a private road is presented for final compliance consideration and the Frederic Township Building and Zoning Department, in their discretion, has concerns over whether the private road has actually been constructed in accordance with the approved private road plans, the township may have the private road inspected by an independent engineer. At that time, an estimate from the engineer will be obtained by the Township and the estimated cost will be collected from the applicant before such inspection is scheduled. If such engineer concludes, after inspection, that the private road fully complies with the approved private road plans, the cost of such independent inspection shall be the responsibility of the township and the cost of the inspection will fully be refunded to the applicant. However, if such engineer concludes, after inspection, that the private road does not fully comply with the approved road plans, the cost of such independent inspection shall be considered full responsibility of the private road applicant and no monies will be refunded.

- f. **Private Road Permit Issuance.** Upon approval of all items required for final compliance, the Frederic Township Building and Zoning Department shall issue a Private Road Permit.
- g. **Permits for Dwellings on Private Roads.** A building permit shall not be issued for any building or structure that derives its access from a private road that is subject to this Ordinance unless a Private Road Permit has been issued by the Frederic Township Building and Zoning Department and the road has been either completed in accordance with the approved permit or the applicant for the building permit or owner(s) of the private road right-of-way have provided the Township cash or irrevocable letter of credit in an amount determined by the Frederic Township Building and Zoning Department, to insure construction of the private road in accordance with the approved private road construction permit within one (1) year from the issuance of the building permit. The letter of credit shall contain a provision that the Township shall have the right to access the letter of credit if such letter is not renewed thirty (30) days before the expiration date of the letter.
- h. **Permits for Dwellings on Existing Private Roads and Existing Lots.** A private Road Permit shall not be required for the issuance of a building permit for a principal dwelling on an existing lot or site condominium unit which derives its access from a private road existing as of the effective date of this Ordinance, except as required by **subsection C**.

F. Township Liability.

The owner(s) of the private road agree, by applying for and securing a permit to construct the private road, that they shall indemnify and hold the Township harmless from all claims for personal injury and/or property damage arising out of the construction, maintenance, repair, replacement, modification, or use of the private road. Such wording shall appear on the application for the permit

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

and be signed by the applicant.

G. Appeals and Variances.

Appeals and variances for private roads shall be subject to **Article 8** (Zoning Board of Appeals).

H. Penalties.

Penalties for violations of this Section shall be pursuant to Section 9.09 (Violations and Penalties).

1	Purpose & Authority	2	Definitions	3	General Provisions	4	District Regulations	5	Site Plans & Plot Plans
6	Special Land Uses	7	Supplemental Regulations	8	Zoning Board of Appeals	9	Administration & Enforcement	10	Adoption & Amendments

Article 4 District Regulations

Sec	Name	Pg	Sec	Name	Pg
4.01	Classification of Zoning Districts	4-1	4.09	Mixed Use District (MU)	4-7
4.02	Zoning Map	4-1	4.10	Commercial District (C)	4-10
4.03	Boundaries of Districts	4-1	4.11	Recreational-Forest District (R-F)	4-13
4.04	Zoning of Vacated Areas	4-2	4.12	Industrial District (I)	4-17
4.05	Zoning of Filled Areas	4-2	4.13	Village Overlay District (VOD)	4-20
4.06	Zoning District Changes	4-2	4.14	Au Sable & Manistee River Districts (ARD & MRD)	4-23
4.07	Application of Regulations	4-2	4.15	Full Table of Permitted & Special Land Uses	4-38
4.08	General Residential District (R)	4-5	4.16	Schedule of Regulations	4-45

Section 4.01 Classification of Zoning Districts

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

R	General Residential District
MU	Mixed Use District
C	Commercial District
I	Industrial District
R-F	Recreational-Forest District
ARD	AuSable River District
MRD	Manistee River District
VOD	Village Overlay District

Section 4.02 Zoning Map

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

Section 4.03 Boundaries of Districts

Unless otherwise specified, the boundary lines of the Zoning Districts shall be interpreted as following along section lines, or customary subdivisions of sections, or centerlines of highways or streets, or the shoreline of waterways, or property lines of legal record at the office of the Crawford County Register of Deeds on the date of the enactment of the Zoning Ordinance. The official Zoning Map shall be the final authority in any dispute concerning district boundaries. The official map shall be kept up to date, with any amendments to the Ordinance involving changes to the official map noted and portrayed on said map. The official zoning map, including legally adopted amendments, shall be designated as such

by the signature of the Township Clerk and kept/maintained by the Clerk. Where the application of the above rules leave a reasonable doubt as to the exact location of a district boundary, the provisions of the more restrictive district shall govern the entire parcel in question, unless determined otherwise by the Zoning Board of Appeals.

Section 4.04 Zoning of Vacated Areas

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

Section 4.05 Zoning of Filled Areas

Whenever, after appropriate permits are obtained, any fill material is placed in any lake, stream, or wetland so as to create a usable or buildable space, such fill area shall take on the Zoning District and accompanying provisions of the land abutting said fill area. No use on any lake or stream shall be allowed which does not conform to the Ordinance provisions on the property from which said property emanates. No fill material shall be placed in any lake or stream within the Township unless appropriate permits are obtained from the Michigan Department of Environmental Quality and the U.S. Army Corps of Engineers, if necessary.

Section 4.06 Zoning District Changes

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

Section 4.07 Application of Regulations

No building shall hereafter be erected, altered, or moved, nor shall any building or premises hereafter be used for any purpose other than is permitted in the district in which said building or premises is located, except as herein described by this Ordinance. Except as hereinafter provided, district regulations shall be applied in the following manner.

A. Uses in Districts.

1. **Permitted Uses.** Permitted uses shall be permitted by right only if specifically listed as permitted uses in the zoning district or are similar to such listed uses, as determined by the Zoning Administrator.
2. **Special Uses.** Special uses are permitted after review and approval by the Planning Commission only if specifically listed or are similar to such listed uses, as determined by the Zoning Administrator.

B. Application of Area and Width Regulations.

1. The area or width of a lot shall not be reduced below the minimum requirements herein established for the district in which such lot is located.
2. Every parcel of land shall meet the minimum lot width requirements set forth in **Section 4.16 Schedule of Regulations**.
 - a. **Measuring Lot Width.** The horizontal distance between the side lot lines, measured at the two (2) points where the building line, or setback line, intersects the side lot lines. Where side lot lines are essentially parallel, but are not radial or perpendicular to the street line, the lot width shall be measured along a line drawn perpendicular from the side lot line. In the case of side lot lines which are not parallel, it is at the discretion of the Zoning Administrator to measure as near to perpendicular to the side lot lines as possible.

C. Application of Yard Regulations.

1. No part of a yard required for any building for the purposes of compliance with this Ordinance shall be included as a part of a yard or other open space similarly required for another building.
2. **Measuring Setbacks.** All setbacks shall be measured perpendicularly from the lot line to the nearest point of the base of the applicable building or structure. Eaves may project two (2) feet into the setback.
3. No building, structure, fence, or other permanent improvement shall be permitted to be erected or located within a public right-of-way.
4. **Corner Lots.** In the case of a corner lot, the front lot line shall be that line separating said lot from the street on the side of the lot that has the narrowest street frontage or, if the two lot lines have an equal amount of frontage, the front lot line shall be on the most improved or best rated road.
5. **Double Frontage Lots (Through Lots).** If there are existing structures in the same block fronting on one (1) or both of the streets, the required front yard setback shall be observed on those streets where such structures presently front. In the case of double frontage lots which have no structures present on either street side, the front setback shall be observed on the street on which the property is addressed.
6. **Water Frontage Lots.** In the case of a lot having frontage upon a lake, river or stream, the water frontage shall be considered the front lot line.

D. Application of Height Regulations.

No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except as otherwise provided in this Ordinance.

Exception to Height Regulations. Rooftop equipment, chimneys, flagpoles, towers (including wireless communications support structures), wind energy systems, and similar structures may be erected above the height restrictions listed in this Article.

E. Location and Number of Buildings on Lot of Record.

1. Every building erected, altered, or moved shall be located on a lot of record as defined herein.
2. Except where otherwise specified in this Ordinance, there shall be only one (1) single-family dwelling permitted per lot in the single-family zoning districts. Where there is more than one (1) single-family dwelling located on a lot of record at the time of adoption of this Ordinance, said dwelling shall not be divided from the lot except in conformity with the requirements of this Ordinance.

Section 4.08 General Residential District (R)

A. Intent.

R

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

B. Uses Permitted by Right and Special Uses.

Permitted and Special Land Uses shall be limited to those listed in this table and also in **Section 4.15** (Full Table of Permitted and Special Land Uses) and shall be subject to all applicable provisions of **Article 5: Site Plans and Plot Plans**, **Article 6: Special Land Uses**, and **Article 7: Supplemental Regulations**.

Table 4.08 A Permitted & Special Land Uses	
P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	R
Accommodation & Food Services	
Bed & Breakfasts & Tourist Homes (§7.02)	S
Rooming Houses/Boarding Houses (NO ZONING PERMIT REQUIRED)	P
Short Term Rental Homes	P
Arts, Entertainment & Recreation	
Disc Golf Courses (on public land)	P
Museums	S
Nature Parks/Nature Areas (Public)	P
Outdoor Performance Facilities	S
Private Clubs; Lodges	P
Public Parks, Playgrounds or Recreational Facilities (non-public: §7.17)	S
Educational Services & Religion	
Public, Charter or Private Schools (elementary through high school) (§7.21)	P
Religious Institutions & Customary Accessory Uses (§7.21)	P
Human Care & Social Assistance	
Adult Day Care Facility (6 or less adults)	P
Adult Day Care Facility (more than 6 adults)	S
Adult Foster Care Family Homes (6 or less adults)	P
Child Care Home, Family (6 or less)	P
Child Care Home, Group (7 -12)	S
Child Care Center /Nursery School (not in home)	P
State-Licensed Residential Facilities (Adult Foster Care 6 or less)	P
Communications	
Small Cell Wireless Facilities (non-exempt) (§7.28.E)	P

Mining & Waste Management	
Mining/Resource Extraction (incl sand, gravel, rock and mineral extraction) (§7.32)	S
Recycling facilities/Resource Recovery Facilities/Transfer Stations/Waste Collection	S
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Permitted Uses (§3.13)	P
Accessory Buildings & Uses Incidental to Principal Special Uses (§3.13)	S
Cemeteries including Columbaria & Mausoleums (human or pet)	S
Planned Unit Developments (§7.20)	S
Site Condominium Development (§7.35)	P
Public Facilities	
Community Centers & Auditoriums (public) (§7.21)	P
Correctional Facilities (§7.21)	S
Government Offices (§7.21)	P
Libraries (§7.21)	P
Police/Fire Stations/Jails (§7.21)	P
Residential Uses	
Accessory Dwelling Units/Guest Houses (§7.03)	P
Home Occupations (§7.04)	P
Cottage Industries (§7.04)	S
Single-Family Detached Dwelling	P
Single-Family Attached Dwelling (Townhouses; Condominiums)	S
Multiple-Family Dwelling Units (Apartments)	S
Two-Family Dwelling (duplex)	P
Utilities & Energy	
Solar Energy Panels (Accessory) (§7.34)	P
Telephone Exchange Buildings	P
Utility Substations	P
Wind Energy Systems (noncommercial/on-site) (§7.29)	S

1 Purpose & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Site Plans & Plot Plans

6 Special Land Uses

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Adoption & Amendments

C. Development Standards in the General Residential District.

Table 4.08 B

1. Lot & Structure Standards (Figure 4.08)

a. Lot Area (minimum)	20,000 sq ft	Any dwelling unit which is less than the minimum square footage or width shall be considered a Special Use.
b. Lot Width (minimum)	100 ft	
c. Building Height (maximum)	35 ft	
d. Ground Floor Square Footage per Dwelling Unit (minimum)	700 sq ft	
e. Total Structure Square Footage per Dwelling Unit (minimum)	800 sq ft	
f. Dwelling Unit Width (minimum)	14 ft	

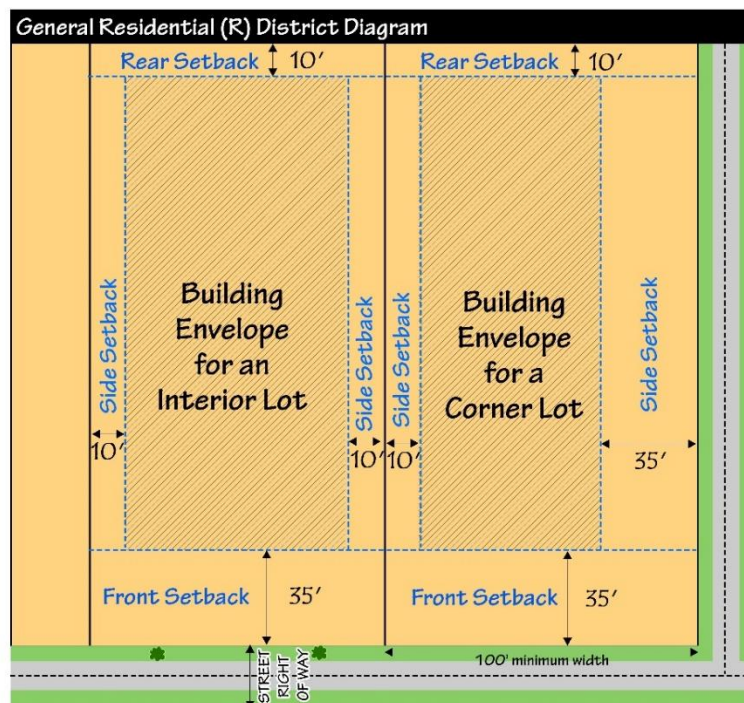
2. Setbacks (Figure 4.08)

a. Front (minimum)	35 ft
b. Rear (minimum)	10 ft
c. Side (minimum)	10 ft
d. Side - street side - corner lot (minimum)	35 ft

3. Additional Development Standards

a. Accessory Buildings	Regulated by §3.13.
b. Screening	When a non-residential use abuts a residential use or district, screening is required as per §3.22 (C).
c. Fences	Regulated by §3.22.

Figure 4.08



Section 4.09 Mixed Use District (MU)

A. Intent.

MU

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

B. Uses Permitted by Right and Special Uses.

Permitted and Special Land Uses shall be limited to those listed in this table and also in **Section 4.15** (Full Table of Permitted and Special Land Uses) and shall be subject to all applicable provisions of **Article 5: Site Plans and Plot Plans**, **Article 6: Special Land Uses**, and **Article 7: Supplemental Regulations**.

Table 4.09A Permitted & Special Land Uses	
P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	MU
Accommodation & Food Services	
Bakeries & Confectioneries	P
Bed & Breakfasts & Tourist Homes (§7.02)	S
Caterers/Food Service Contractors	P
Coffee Shops	P
Convention Centers, Conference Centers, Banquet Halls & Wedding Venues	S
Drinking Establishments/Taverns/Bars	S
Food Trucks	P
Hotels and Motels (attached or detached units) (§7.16)	S
Inns (Lodging Units within Other Commercial Establishment)	S
Microbreweries & Distilleries (serving directly to the public)	S
Resorts, Vacation Lodges & Vacation Farms (§7.23)	S
Restaurants without Drive-Through	S
Restaurants with Drive-Through, Drive-In, or Eat in Car	S
Rooming Houses/Boarding Houses (NO ZONING PERMIT REQUIRED)	P
Short Term Rental Homes	P
Agriculture & Forest Products	
Farm Product Sales (Fruit/Vegetable Market) – not grown on premises	P
Greenhouse, Nursery or Landscaping Businesses	P
Kennels (§7.14)	S
Veterinary Clinic/Animal Hospital (§7.14)	S
Veterinary Clinic/Animal Hospital with no outdoor animal area	P
Wineries & Cider Mills (including accessory uses such as tasting rooms)	S

Arts, Entertainment & Recreation	
Art Galleries	P
Art Studios	P
Bike Shops	P
Disc Golf Courses (on public land)	P
Museums	S
Nature Parks/Nature Areas (Public)	P
Outdoor Performance Facilities	S
Outdoor Commercial Recreational Facility (ex – go karts; miniature golf; disc golf) (§7.08)	S
Private Clubs; Lodges	P
Public Parks, Playgrounds or Recreational Facilities (non-public: §7.17)	S
Commercial, Services & Retail	
Retail, Business & Professional Services without outdoor sales or outdoor storage (that are not listed elsewhere in this Table of Permitted & Special Land Uses)	P
Automotive Oil Change (§7.10)	S
Auto Repair, Auto Body, Paint, Interior & Glass (§7.10)	S
Boat/RV/Recreational Equipment Repair & Storage	S
Car Washes (§7.07)	S
Funeral Home or Mortuary (§7.09)	P
Gasoline/Service Stations (§7.10)	S
Home Improvement Centers & Lumber Yards (§7.11)	P
Outdoor display of products/materials for retail sale or rental (accessory to a principle permitted retail use).	P
Outdoor Sales Facilities (§7.19)	P
Communications	
Small Cell Wireless Facilities (non-exempt) (§7.28.E)	P

1 Purpose & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Site Plans & Plot Plans

6 Special Land Uses

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Adoption & Amendments

MU

Table 4.09A Permitted & Special Land Uses	
P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	MU
Construction & Contractors	
Lumber/Building Material Sales and Storage Yards	P
Contractor facilities	P
Construction Trades, Carpentry, Plumbing and Electrical Sales, Services & Contracting Offices & Showrooms (§7.18)	P
Educational Services & Religion	
Colleges/Universities (§7.21)	P
Institutions of Specialized Learning & Trade Schools (§7.21)	P
Public, Charter or Private Schools (elementary through high school) (§7.21)	P
Religious Institutions & Customary Accessory Uses (§7.21)	P
Human Care & Social Assistance	
Adult Day Care Facility (6 or less adults)	P
Adult Day Care Facility (more than 6 adults)	S
Adult Foster Care Family Homes (6 or less adults)	P
Adult Foster Care Small Group Home (7-12 adults)	S
Adult Foster Care Large Group Home (13-20 adults)	S
Adult Foster Care Congregate Facilities (over 20 adults)	S
Assisted Living Home/Nursing Home/Convalescent Home (§7.12)	S
Child Care Home, Family (6 or less)	P
Child Care Home, Group (7 -12)	S
Child Care Center /Nursery School (not in home)	P
Health Care/Dental/Optical Clinics/Hospitals	P
State-Licensed Residential Facilities (Adult Foster Care 6 or less)	P
Manufacturing, Industrial, Waste Management & Medical Marihuana	
Production, processing, assembly, manufacturing or packaging of goods or materials which do not emanate noise, smoke, odors, dust, dirt, noxious gases, glare, heat, vibration or any similar nuisances. Such facilities may include testing, repair, storage, distribution, and sale of such product (that are not listed elsewhere in the Table of Permitted and Special Uses).	S
Medical Marihuana Facilities: (§7.30)	
Marihuana Grower	S
Marihuana Processor	S
Secure Transporter	S
Safety Compliance Facility	S
Provisioning Center	S

Manufacturing, Industrial, Waste Management & Medical Marihuana (continued)	
Mining/Resource Extraction (incl sand, gravel, rock and mineral extraction) (§7.32)	S
Recycling facilities/Resource Recovery Facilities/Transfer Stations/Waste Collection	S
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Permitted Uses (§3.13)	P
Accessory Buildings & Uses Incidental to Principal Special Uses (§3.13)	S
Planned Unit Developments (§7.20)	S
Site Condominium Development (§7.35)	P
Public Facilities	
Community Centers & Auditoriums (public) (§7.21)	S
Correctional Facilities (§7.21)	S
Government Offices (§7.21)	P
Libraries (§7.21)	P
Police/Fire Stations/Jails (§7.21)	P
Post Offices (§7.21)	P
Other Public Buildings & Facilities (not already listed) (§7.21)	S
Residential Uses	
Accessory Dwelling Units/Guest Houses (§7.03)	P
Dwelling Units above/to the rear of a Commercial Establishment	P
Home Occupations (§7.04)	P
Cottage Industries (§7.04)	S
Single-Family Detached Dwelling	P
Single-Family Attached Dwelling (Townhouses; Condominiums)	S
Multiple-Family Dwelling Units (Apartments)	S
Two-Family Dwelling (duplex)	P
Transportation, Wholesale & Storage	
Bus Garages	P
Utilities & Energy	
Public Utility Facilities (without storage yards)	S
Public Utility Facilities (with storage yards)	S
Solar Energy Panels (Accessory) (§7.34)	P
Telephone Exchange Buildings	P
Utility Substations	P
Wind Energy Systems (Noncommercial/On-Site) (§7.29)	S

C. Development Standards in the Mixed Use District.

MU

Table 4.09 B

1. Lot & Structure Standards (Figure 4.09)

a. Lot Area (minimum)	20,000 sq ft	Any dwelling unit which is less than the minimum square footage or width shall be considered a Special Use.
b. Lot Width (minimum)	100 ft	
c. Building Height (maximum)	35 ft	
d. Ground Floor Square Footage per Dwelling Unit (minimum)	700 sq ft	
e. Total Structure Square Footage per Dwelling Unit (minimum)	800 sq ft	
f. Dwelling Unit Width (minimum)	14 ft	

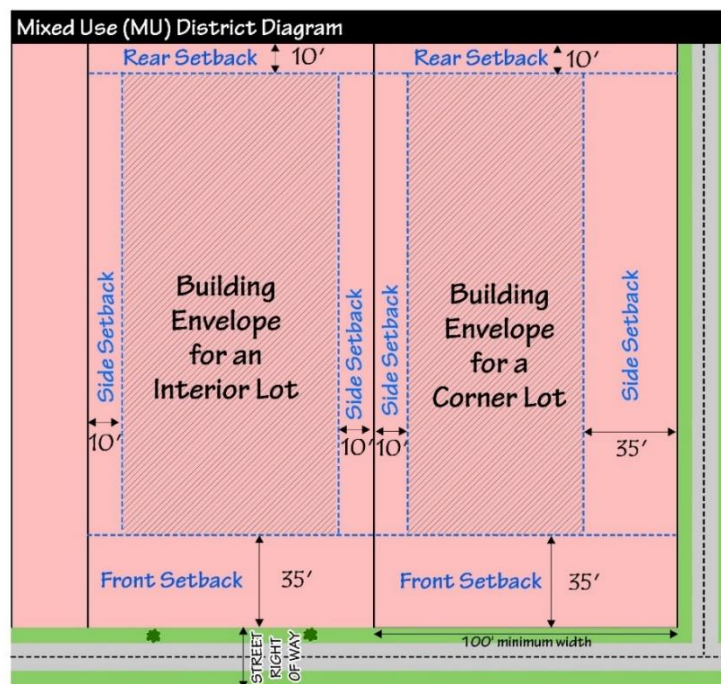
2. Setbacks (Figure 4.09)

a. Front (minimum)	35 ft
b. Rear (minimum)	10 ft
c. Side (minimum)	10 ft
d. Side - street side - corner lot (minimum)	35 ft

3. Additional Development Standards

a. Accessory Buildings	Regulated by §3.13.
b. Screening	When a non-residential use abuts a residential use or district, screening is required as per §3.22 (C).
c. Fences	Regulated by §3.22.

Figure 4.09



1 Purpose & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Site Plans & Plot Plans

6 Special Land Uses

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Adoption & Amendments

Section 4.10 Commercial District (C)

A. Intent.

C

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.

B. Uses Permitted by Right and Special Uses.

Permitted and Special Land Uses shall be limited to those listed in this table and also in **Section 4.15** (Full Table of Permitted and Special Land Uses) and shall be subject to all applicable provisions of **Article 5: Site Plans and Plot Plans**, **Article 6: Special Land Uses**, and **Article 7: Supplemental Regulations**.

Table 4.10A Permitted & Special Land Uses	
P = Permitted by right	C
S = Permitted with a Special Use Permit	
*Uses with Supplemental Regulations	
Accommodation & Food Services	
Bakeries & Confectioneries	P
Caterers/Food Service Contractors	P
Coffee Shops	P
Convention Centers, Conference Centers, Banquet Halls & Wedding Venues	P
Drinking Establishments/Taverns/Bars	P
Food Trucks	P
Hotels and Motels (attached or detached units) (§7.16)	P
Inns (Lodging Units within Other Commercial Establishment)	P
Microbreweries & Distilleries (serving directly to the public)	P
Resorts, Vacation Lodges, Vacation Farms (§7.23)	P
Restaurants without Drive-Through	P
Restaurants with Drive-Through, Drive-In, or Eat in Car	P
Agriculture & Forest Products	
Bulk seed, feed, fertilizer and nursery stock outlet and distribution centers (including wholesale)	P
Farm Product Sales (Fruit/Vegetable Market) – not grown on premises	P
Greenhouse, Nursery or Landscaping Businesses	P
Veterinary Clinic/Animal Hospital	S
Veterinary Clinic/Animal Hospital with no outdoor animal area	P
Wineries & Cider Mills (including accessory uses such as tasting rooms)	P

Arts, Entertainment & Recreation	
Amusement Arcades & Similar Indoor Recreation	P
Archery Ranges (& as accessory use), Indoor	P
Art Galleries	P
Art Studios	P
Bike Shops	P
Billiards Halls	P
Bowling Centers	P
Disc Golf Courses (on public land)	P
Equipment Rental, Non-Motorized (Outfitter)	P
Fitness & Recreational Sports (ex: health clubs, gym)	P
Museums	S
Nature Parks/Nature Areas (Public)	P
Outdoor Performance Facilities	S
Outdoor Commercial Recreational Facility (ex – go karts; miniature golf; disc golf) (§7.08)	S
Private Clubs; Lodges	P
Public Parks, Playgrounds or Recreational Facilities (non-public: §7.17)	P
Race Tracks (§7.22)	S
Skating Rinks, ice or non-ice (indoor)	P
Theaters/Performing Arts Facilities	P
Tours (Commercial Operations)	P
Zoos & Animal Tours	P
Commercial, Services & Retail	
Retail, Business & Professional Services without outdoor sales or outdoor storage (that are not listed elsewhere in this Table of Permitted & Special Land Uses)	P
Automotive Oil Change (§7.10)	S

Table 4.10A Permitted & Special Land Uses	
P = Permitted by right	C
S = Permitted with a Special Use Permit	
*Uses with Supplemental Regulations	
Commercial, Services & Retail (continued)	
Automotive Tire Sales & Installation (\$7.10)	S
Auto Repair, Auto Body, Paint, Interior & Glass (\$7.10)	S
Automobile Towing Businesses	S
Boat/RV/Recreational Equipment Repair & Storage	S
Car Washes (\$7.07)	S
Funeral Home or Mortuary (\$7.09)	P
Gasoline/Service Stations	S
Home Improvement Centers & Lumber Yards (\$7.11)	P
Outdoor display of products/materials for retail sale or rental (accessory to a principle permitted retail use).	P
Outdoor Sales Facilities (\$7.19)	P
Communications	
Small Cell Wireless Facilities (non-exempt) (\$7.28.E)	P
Construction & Contractors	
Lumber/Building Material Sales and Storage Yards	P
Contractor facilities	P
Construction Trades, Carpentry, Plumbing and Electrical Sales, Services & Contracting Offices & Showrooms (\$7.18)	P
Educational Services & Religion	
Colleges/Universities (\$7.21)	P
Institutions of Specialized Learning & Trade Schools (\$7.21)	P
Public, charter or private schools (elementary through high school) (\$7.21)	P
Religious Institutions & Customary Accessory Uses (\$7.21)	P
Human Care & Social Assistance	
Adult Day Care Facility (6 or less adults)	P
Adult Day Care Facility (more than 6 adults)	S
Child Care Center /Nursery School (not in home)	P
Health Care /Dental /Optical Clinics/Hospitals	P
Manufacturing, Industrial, Waste Management & Medical Marihuana	
Production, processing, assembly, manufacturing or packaging of goods or materials which do not emanate noise, smoke, odors, dust, dirt, noxious gases, glare, heat, vibration or any similar nuisances. Such facilities may include testing, repair, storage, distribution, and sale of such product (that are not listed elsewhere in the Table of Permitted and Special Uses).	S
Junkyards/salvage yards/scrap yards/motor vehicle impoundment and wrecking yards (\$7.24)	S
Machine Shops	S

Medical Marihuana Facilities: (§7.30)	
Marihuana Grower	S
Marihuana Processor	S
Secure Transporter	S
Safety Compliance Facility	S
Provisioning Center	S
Mining/Resource Extraction (incl sand, gravel, rock and mineral extraction) (§7.32)	S
Recycling facilities/Resource Recovery Facilities/Transfer Stations/Waste Collection	S
Research/Design/Experimental Product Development (within a completely enclosed building)	P
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Permitted Uses (§3.13)	P
Accessory Buildings & Uses Incidental to Principal Special Uses (§3.13)	S
Cemeteries incl Columbaria & Mausoleums (human or pet)	P
Planned Unit Developments (§7.20)	S
Public Facilities	
Community Centers & Auditoriums (public) (§7.21)	P
Correctional Facilities (§7.21)	S
Government Offices (§7.21)	P
Libraries (§7.21)	P
Police/Fire Stations/Jails (§7.21)	P
Post Office (§7.21)	P
Residential Uses	
Accessory Dwelling Units/Guest Houses (§7.03)	P
Dwelling Units above/to the rear of a Commercial Establishment	P
Home Occupations (§7.04)	P
Cottage Industries (§7.04)	S
Transportation, Wholesale & Storage	
Bus Garages	P
Couriers/Parcel Packing/Shipping/ Delivery Establishments/Mail Order Establishments	P
Outdoor Storage Facilities/Self-Storage Facilities (§7.27)	P
Warehousing & Storage Bldgs (but not incl commercial bulk storage of flammable liquids/gases) (§7.27)	P
Wholesale Businesses	P
Utilities & Energy	
Propane Distributor/Propane Supply Facilities	P
Public Utility Facilities (without storage yards)	P
Public Utility Facilities (with storage yards)	S
Solar Energy Panels (Accessory) (§7.34)	P
Telephone Exchange Buildings	P
Utility Substations	P
Wind Energy Systems (noncommercial/on-site)	S

C. Development Standards in the Commercial District.

C

Table 4.10 B

1. Lot & Structure Standards (Figure 4.10)

a. Lot Area (minimum)	26,000 sq ft
b. Lot Width (minimum)	175 ft
c. Building Height (maximum)	35 ft

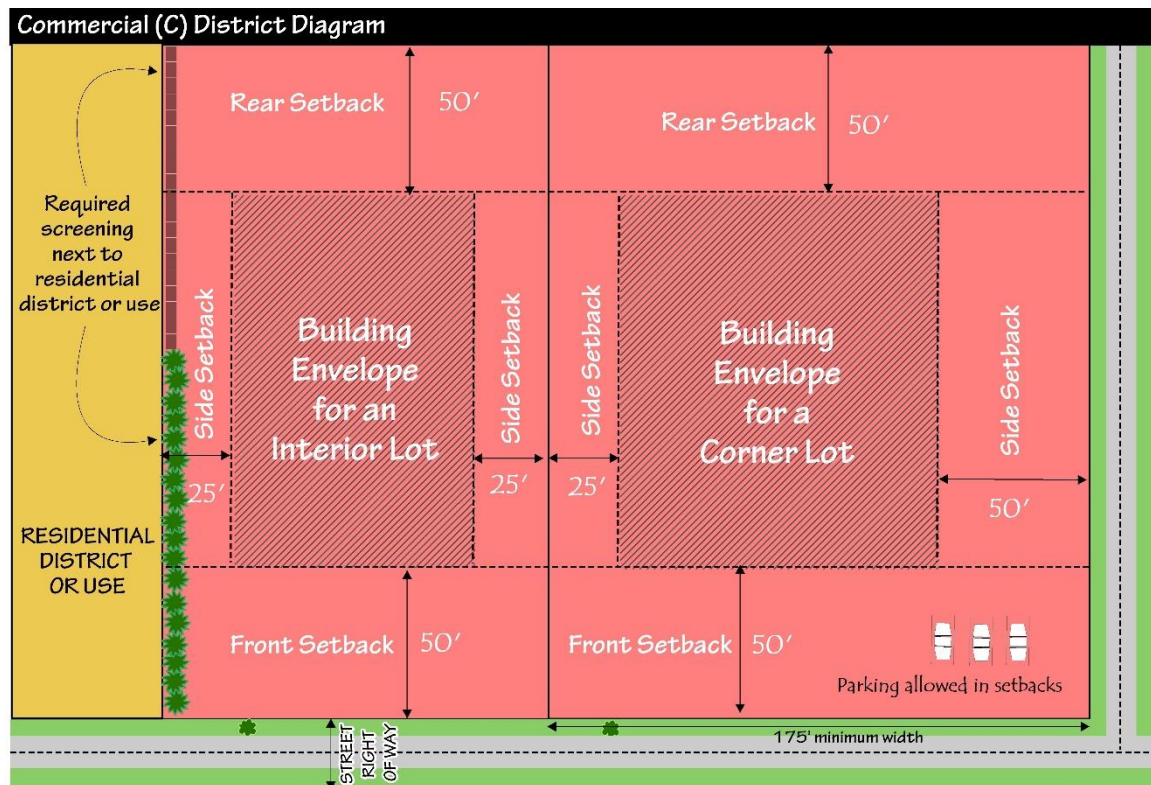
2. Setbacks (Figure 4.10)

a. Front (minimum)	50 ft
b. Rear (minimum)	50 ft
c. Side (minimum)	25 ft
d. Side - street side - corner lot (minimum)	50 ft

3. Additional Development Standards

a. Accessory Buildings	Regulated by §3.13.
b. Screening	When a non-residential use abuts a residential use or district, screening is required as per §3.22 (C).
c. Fences	Regulated by §3.22.

Figure 4.10



1 Purpose & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Site Plans & Plot Plans

6 Special Land Uses

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Adoption & Amendments

Section 4.11 Recreational-Forest District (R-F)

A. Intent.

R-F

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.

B. Uses Permitted by Right and Special Uses.

Permitted and Special Land Uses shall be limited to those listed in this table and also in **Section 4.15** (Full Table of Permitted and Special Land Uses) and shall be subject to all applicable provisions of **Article 5: Site Plans and Plot Plans**, **Article 6: Special Land Uses**, and **Article 7: Supplemental Regulations**.

Table 4.11A Permitted & Special Land Uses		
P = Permitted by right		
S = Permitted with a Special Use Permit		
*Uses with Supplemental Regulations		
Accommodation & Food Services		R-F
Bed & Breakfasts & Tourist Homes (§7.02)	S	
Cabin Courts (or Cabin Complex)	P	
Convention Centers/Conference Centers/Banquet Halls/Wedding Venues	S	
Drinking Establishments/Taverns/Bars	S	
Food Trucks	P	
Hotels and Motels (attached or detached units) (§7.16)	S	
Inns (Lodging Units within Other Commercial Establishment)	S	
Microbreweries & Distilleries (serving directly to the public)	S	
Resorts, Vacation Lodges & Vacation Farms (§7.23)	S	
Restaurants without Drive-Through	S	
Restaurants with Drive-Through, Drive-In, or Eat in Car	S	
Rooming Houses/Boarding Houses (NO ZONING PERMIT REQUIRED)	P	
Short Term Rental Homes	P	
Agriculture & Forest Products		
Agricultural Products Processing And Storage (excluding concentrated animal feeding operations)	P	
Animal Sales Yards/Auctions for Livestock	P	
Animal Shelter	S	
Agricultural Tourism Businesses (on Farms)	P	
Biofuel Production Facilities on Farms (§7.31)	PS	
Boarding Stables; Riding Arenas	P	
Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers (including wholesale)	P	
Farming, Domestic	P	
Farming, Commercial (including farm markets/roadside stands)	P	
Farm Product Sales (Fruit/Vegetable Market) – not grown on premises	P	
Firewood Sales (Large Scale) (does not include small bundles of firewood)		S
Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills & related operations) (§7.25)		S
Game Preserves/Hunting Preserves		S
Grain Elevators		P
Greenhouse; Nursery; Landscaping Businesses		P
Kennels (§7.14)		S
Land, Water & Wildlife Conservation & Education Operations		P
Veterinary Clinic/Animal Hospital (§7.14)		S
Veterinary Clinic/Animal Hospital with no outdoor animal area		P
Wineries & Cider Mills (including accessory uses such as tasting rooms)		S
Arts, Entertainment & Recreation		
Archery Ranges (& as accessory use), Outdoor		S
Archery Ranges (& as accessory use), Indoor		S
Art Galleries		S
Art Studios		S
Campgrounds (§7.06)		S
Camps/Recreation Camps (Summer Camps) (§7.23)		S
Canoe/Kayak Liveries		S
Clubs for Swimming & Court Games		S
Country Clubs		S
Disc Golf Courses (on public land)		P
Equipment Rental, Non-Motorized (Outfitter)		S
Fitness & Recreational Sports (ex: health clubs, gym)		S
Golf Courses		S
Golf Driving Ranges (§7.08)		S
Museums		S
Nature Parks/Nature Areas (Public)		P
Outdoor Performance Facilities		S

Table 4.11A Permitted & Special Land Us	
P = Permitted by right	R-F
S = Permitted with a Special Use Permit	
*Uses with Supplemental Regulations	
Arts, Entertainment & Recreation (continued)	
Outdoor Commercial Recreational Facility (ex – go karts; miniature golf; disc golf) (§7.08)	S
Private Clubs; Lodges	P
Public Parks, Playgrounds or Recreational Facilities (non-public: §7.17)	S
Race Tracks (§7.22)	S
RV Parks	S
Shooting Ranges/ Sportsmen’s Association	S
Tours (Commercial Operations)	P
Zoos & Animal Tours	P
Commercial, Services & Retail	
Retail, Business & Professional Services without outdoor sales or outdoor storage (that are not listed elsewhere in this Table of Permitted & Special Land Uses)	P
Automotive Oil Change	S
Boat/RV/Recreational Equipment Repair & Storage	S
Funeral Home or Mortuary (§7.09)	P
Home Improvement Centers & Lumber Yards (§7.11)	P
Outdoor Display of Products/Materials For Retail Sale or Rental (accessory to a principle permitted retail use).	P
Outdoor Sales Facilities (§7.19)	P
Communications	
Small Cell Wireless Facilities (non-exempt) (§7.28.E)	P
Television/Radio Broadcasting Stations (with tower)	S
Wireless Communications Support Structures (cell towers) (§7.28)	S
Construction & Contractors	
Lumber/Building Material Sales &Storage Yards	P
Contractor facilities	P
Construction Trades, Carpentry, Plumbing and Electrical Sales, Services & Contracting Offices & Showrooms (§7.18)	P
Educational Services & Religion	
Colleges/Universities (§7.21)	P
Institutions of Specialized Learning & Trade Schools (§7.21)	P
Public, charter or private schools (elementary through high school) (§7.21)	P
Religious Institutions & Customary Accessory Uses (§7.21)	P
Human Care & Social Assistance	
Adult Day Care Facility (6 or less adults)	P
Adult Day Care Facility (more than 6 adults)	S
Adult Foster Care Family Homes (6 or less adults)	P
Adult Foster Care Small Group Home (7-12 adults)	S
Adult Foster Care Large Group Home (13-20 adults)	S
Adult Foster Care Congregate Facilities (over 20 adults)	S
Assisted Living Home/Nursing Home/Convalescent Home (§7.12)	S
Child Care Home, Family (6 or less)	P
Child Care Home, Group (7 -12)	S
Child Care Center /Nursery School (not in home)	P
Child Caring Institution	S
Health Care /Dental /Optical Clinics/Hospitals	P
Juvenile Detention Centers	S
Residential Human Care and Treatment Facility (not in a residence)	S
State-Licensed Residential Facilities (Adult Foster Care 6 or less)	P
Manufacturing, Industrial, Waste Management & Medical Marihuana	
Production, processing, assembly, manufacturing or packaging of goods or materials which do not emanate noise, smoke, odors, dust, dirt, noxious gases, glare, heat, vibration or any similar nuisances. Such facilities may include testing, repair, storage, distribution, and sale of such product (that are not listed elsewhere in the Table of Permitted and Special Uses).	S
Medical Marihuana Facilities: (§7.30)	
Marihuana Grower	S
Marihuana Processor	S
Secure Transporter	S
Safety Compliance Facility	S
Provisioning Center	S
Mining/Resource Extraction (incl sand, gravel, rock and mineral extraction) (§7.32)	S
Recycling facilities/Resource Recovery Facilities/Transfer Stations/Waste Collection	S
Research/Design/Experimental Product Development (within a completely enclosed building)	P
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Permitted Uses (§3.13)	P
Accessory Buildings & Uses Incidental to Principal Special Uses (§3.13)	S
Cemeteries including Columbaria & Mausoleums (human or pet)	P
Planned Unit Developments (§7.20)	S
Site Condominium Development (§7.35)	P
Public Facilities	
Community Centers & Auditoriums (public) (§7.21)	P
Correctional Facilities (§7.21)	S
Government Offices (§7.21)	P
Libraries (§7.21)	P
Police/Fire Stations/Jails (§7.21)	P

R-F

Residential Uses	
Accessory Dwelling Units/Guest Houses (§7.03)	P
Dwelling Units above/to the rear of a Commercial Establishment	P
Home Occupations (§7.04)	P
Cottage Industries (§7.04)	S
Single-Family Detached Dwelling	P
Single-Family Attached Dwelling (Townhouses; Condominiums)	S
Manufactured Housing Community (with accessory uses such as laundry facilities, office building, and community building) (§7.15)	S
Multiple-Family Dwelling Units (Apartments)	S
Two-Family Dwelling (duplex)	P
Transportation, Wholesale & Storage	
Bus Garages	P
Couriers/Parcel Packing/Shipping/ Delivery Establishments/Mail Order Establishments	P
Drone (Unmanned Aerial) Centers (Development and Testing)	P
Freight Terminals/Trucking Facilities	P
Rail yards	P
Outdoor Storage Facilities/Self-Storage Facilities (§7.27)	P
Warehousing & Storage Buildings (but not including commercial bulk storage of flammable liquids and gases) (§7.27)	P
Wholesale Businesses	P

Utilities & Energy	
Gas Regulator Stations	S
Heating & Electric Power Generating Plants	S
Propane Distributor/Propane Supply Facilities	S
Public Utility Facilities (with or without storage yards)	P
Solar Energy Facility (Utility-Scale) (§7.33)	S
Solar Energy Panels (Accessory) (§7.34)	P
Telephone Exchange Buildings	P
Utility Substations	P
Wind Energy Systems (noncommercial/on-site) (§7.29)	S
Wind Energy Systems (commercial) (§7.29)	S

1 Purpose & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Site Plans & Plot Plans

6 Special Land Uses

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Adoption & Amendments

C. Development Standards in the Recreational Forest District.

Table 4.11 B

1. Lot & Structure Standards (Figure 4.11)

a. Lot Area (minimum)	40,000 sq ft	Any dwelling unit which is less than the minimum square footage or width shall be considered a Special Use.
b. Lot Width (minimum)	150 ft	
c. Building Height (maximum)	35 ft	
d. Ground Floor Square Footage per Dwelling Unit (minimum)	700 sq ft	
e. Total Structure Square Footage per Dwelling Unit (minimum)	800 sq ft	
f. Dwelling Unit Width (minimum)	14 ft	

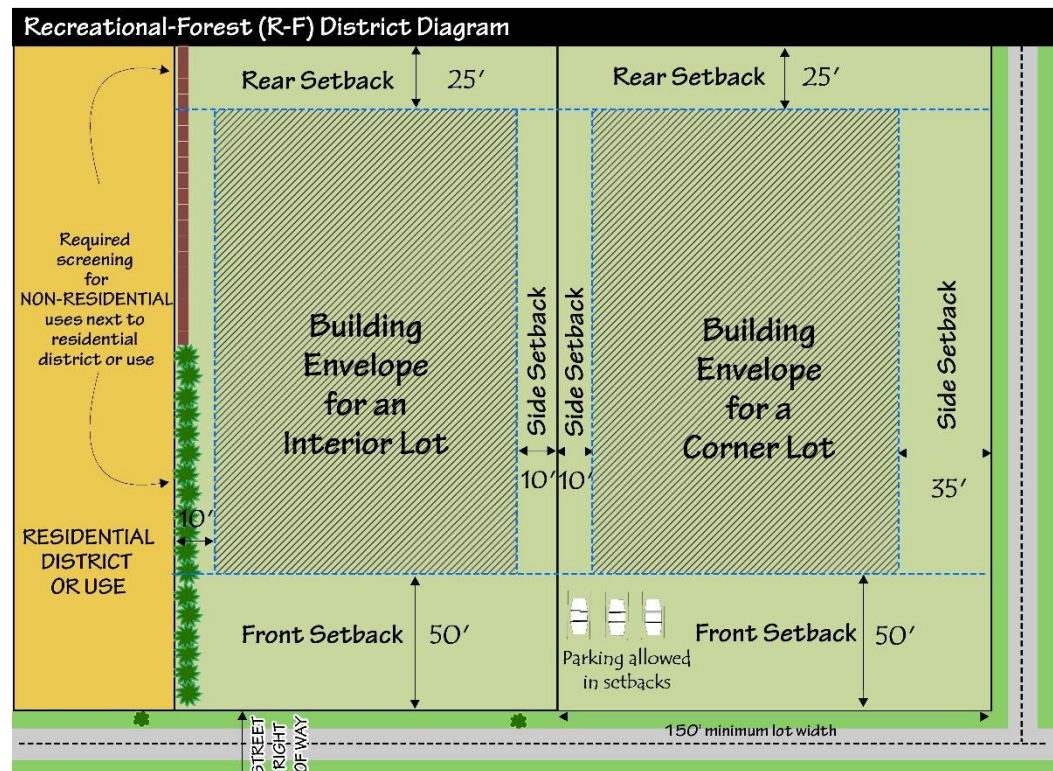
2. Setbacks (Figure 4.11)

a. Front (minimum)	50 ft
b. Rear (minimum)	25 ft
c. Side (minimum)	10 ft
d. Side - street side - corner lot (minimum)	35 ft

3. Additional Development Standards

a. Accessory Buildings	Regulated by §3.13 .
b. Screening	When a non-residential use abuts a residential use or district, screening is required as per §3.22 (C) .
c. Fences	Regulated by §3.22 .

Figure 4.11



Section 4.12 Industrial District (I)

A. Intent.

I

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

B. Uses Permitted by Right and Special Uses.

Permitted and Special Land Uses shall be limited to those listed in this table and also in **Section 4.15** (Full Table of Permitted and Special Land Uses) and shall be subject to all applicable provisions of **Article 5: Site Plans and Plot Plans**, **Article 6: Special Land Uses**, and **Article 7: Supplemental Regulations**.

Table 4.12A Permitted & Special Land Uses	
P = Permitted by right	I
S = Permitted with a Special Use Permit	
*Uses with Supplemental Regulations	
Accommodation & Food Services	
Food Trucks	P
Restaurants without Drive-Through	P
Restaurants with Drive-Through, Drive-In, or Eat in Car	P
Agriculture & Forest Products	
Agricultural products processing & storage (excluding concentrated animal feeding operations)	P
Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers (including wholesale)	P
Firewood Sales (Large Scale) (does not include small bundles of firewood)	P
Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills & related operations) (§7.25)	P
Grain Elevators	P
Greenhouse, Nursery or Landscaping Businesses	P
Arts, Entertainment & Recreation	
Disc Golf Courses (on public land)	P
Museums	S
Nature Parks/Nature Areas (Public)	P
Public Parks, Playgrounds or Recreational Facilities (non-public: §7.17)	P
Commercial, Services & Retail	
Auto Repair, Auto Body, Paint, Interior & Glass (§7.10)	S
Automobile Towing Businesses	S
Sexually Oriented Businesses (§7.26)	S
Communications	
Small Cell Wireless Facilities (non-exempt) (§7.28.E)	P
Wireless Communications Support Structures (cell towers) (§7.28)	S

Construction & Contractors	
Lumber/Building Material Sales and Storage Yards	P
Contractor facilities	P
Construction Trades, Carpentry, Plumbing and Electrical Sales, Services & Contracting Offices & Showrooms (§7.18)	P
Educational Services & Religion	
Colleges/Universities (§7.21)	P
Institutions of Specialized Learning & Trade Schools (§7.21)	P
Public, Charter or Private Schools (elementary through high school) (§7.21)	P
Manufacturing, Industrial, Waste Management & Medical Marijuana	
Production, processing, assembly, manufacturing or packaging of goods or materials which do not emanate noise, smoke, odors, dust, dirt, noxious gases, glare, heat, vibration or any similar nuisances. Such facilities may include testing, repair, storage, distribution, and sale of such product (that are not listed elsewhere in the Table of Permitted and Special Uses).	S
Blast Furnace, Steel Furnace, Blooming or Rolling Mill	S
Incinerator Plant (non-pyrolysis)	S
Incinerator Plant (pyrolysis type)/Gasification	S
Industrial Parks (planned)	S
Junkyards/Salvage Yards/Scrap Yards/Motor Vehicle Impoundment & Wrecking Yards (§7.24)	S
Machine Shops	S
Medical Marijuana Facilities: (§7.30)	
Marihuana Grower	S
Marihuana Processor	S
Secure Transporter	S
Safety Compliance Facility	S

1 Purpose & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Site Plans & Plot Plans

6 Special Land Uses

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Adoption & Amendments

I

Mining/Resource Extraction (incl sand, gravel, rock and mineral extraction) (§7.32)	S
Recycling facilities/Resource Recovery Facilities/Transfer Stations/Waste Collection	S
Research/Design/Experimental Product Development (within a completely enclosed building)	P
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Permitted Uses (§3.13)	P
Accessory Buildings & Uses Incidental to Principal Special Uses (§3.13)	S
Planned Unit Developments (§7.20)	S
Public Facilities	
Community Centers & Auditoriums (public) (§7.21)	P
Correctional Facilities (§7.21)	S
Police/Fire Stations/Jails (§7.21)	P

Transportation, Wholesale & Storage	
Bus Garages	P
Couriers/Parcel Packing/Shipping/ Delivery Establishments/Mail Order Establishments	P
Drone (Unmanned Aerial) Centers (Development and Testing)	P
Freight Terminals/Trucking Facilities	P
Rail yards	P
Outdoor Storage Facilities/Self-Storage Facilities (§7.27)	P
Truck Washes	P
Warehousing & Storage Buildings (but not including commercial bulk storage of flammable liquids and gases) (§7.27)	P
Wholesale Businesses	P
Utilities & Energy	
Heating & Electric Power Generating Plants	S
Propane Distributor/Propane Supply Facilities	P
Public Utility Facilities (with or w/o storage yards)	P
Solar Energy Facility (Utility-Scale) (§7.33)	S
Solar Energy Panels (Accessory) (§7.34)	P
Telephone Exchange Buildings	P
Utility Substations	P
Wind Energy Systems (on-site) (§7.29)	S

C. Development Standards in the Industrial District.

I

Table 4.12 B

1. Lot & Structure Standards (Figure 4.12)

a. Lot Area (minimum)	5 acres
b. Lot Width (minimum)	400 ft
c. Building Height (maximum)	35 ft

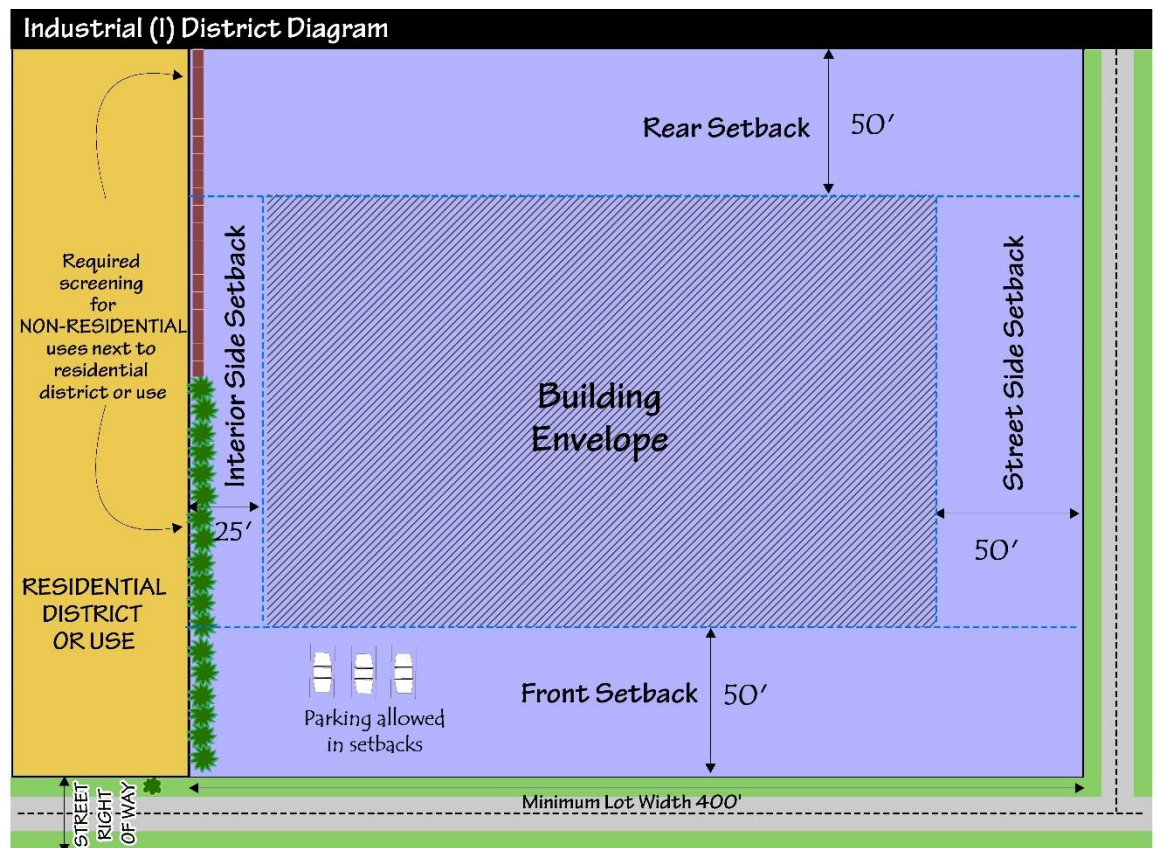
2. Setbacks (Figure 4.12)

a. Front (minimum)	50 ft
b. Rear (minimum)	50 ft
c. Side (minimum)	25 ft
d. Side - street side - corner lot (minimum)	50 ft

3. Additional Development Standards

a. Accessory Buildings	Regulated by §3.13.
b. Screening	When a non-residential use abuts a residential use or district, screening is required as per §3.22 (C).
c. Fences	Regulated by §3.22.

Figure 4.12



1 Purpose & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Site Plans & Plot Plans

6 Special Land Uses

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Adoption & Amendments

Section 4.13 Village Overlay District (VOD)

A. Intent.

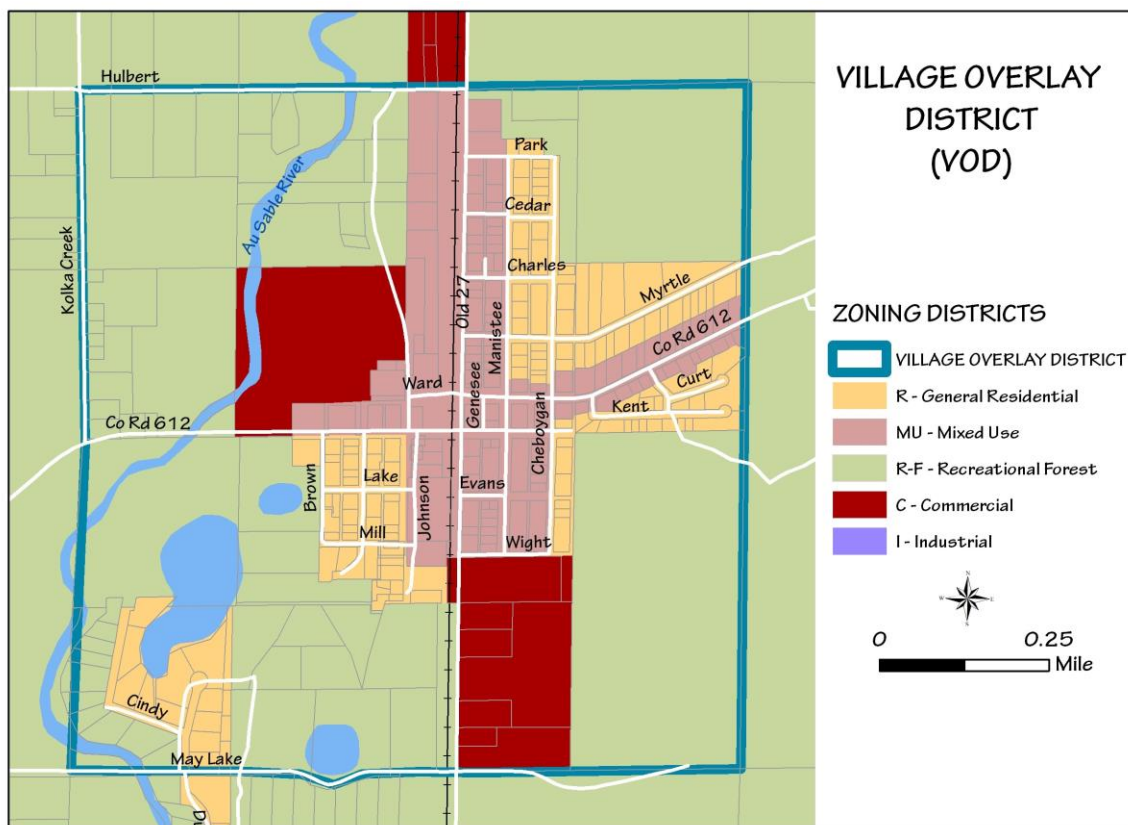
VOD

The intent of the Village Overlay District is to provide reduced setbacks and other standards within the community of Frederic in order to accommodate development on small lots and to encourage a more compact and appropriate development pattern. Unless modified by the Village Overlay District, the underlying zoning district regulations shall apply.

B. Area.

The following shall be considered as contained within the Village Overlay District (as shown on **Figure 4.13 (A)** below):

Figure 4.13 (A)



C. Uses Permitted by Right and Special Uses.

Permitted and Special Land Uses shall be limited to those listed in the underlying zoning districts and shall be subject to all applicable provisions of **Article 5: Site Plans and Plot Plans**, **Article 6: Special Land Uses**, and **Article 7: Supplemental Regulations**.

D. Development Standards in the Village Overlay District.

Table 4.13A

1. Lot & Structure Standards (Figure 4.16)

a. Lot Area (minimum)	Pursuant to underlying district.	
b. Lot Width (minimum)	Pursuant to underlying district.	
c. Building Height (maximum)	35 ft	
d. Ground Floor Square Footage per Dwelling Unit (minimum)	700 sq ft	Any dwelling unit which is less than the minimum square footage or width shall be considered a Special Use.
e. Total Structure Square Footage per Dwelling Unit (minimum)	800 sq ft	
f. Dwelling Unit Width (minimum)	14 ft	

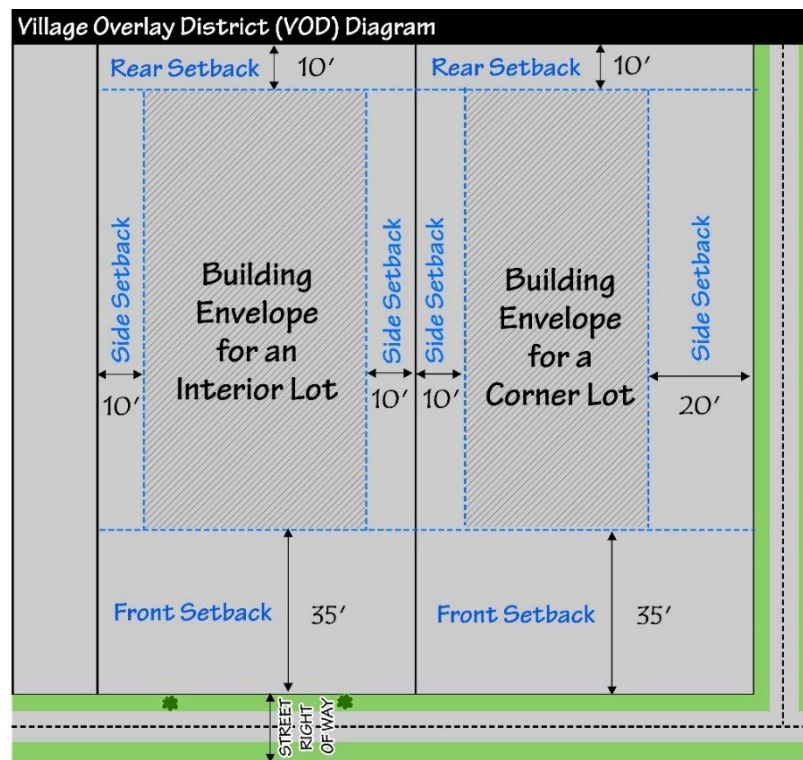
2. Setbacks (Figure 4.13)

a. Front (minimum)	35 ft
b. Rear (minimum)	10 ft
c. Side (minimum)	10 ft
d. Side - street side - corner lot (min.)	20 ft

3. Additional Development Standards

a. Accessory Bldgs	Regulated by §3.13 .
b. Screening	When a non-residential use abuts a residential use or district, screening is required as per §3.22 (C) .
c. Fences	Regulated by §3.22 .
d. Semi-Trailers	No semi-trailers may be used for storage in the Village Overlay District.
e. Fowl (chickens, roosters, etc)	Chickens shall be contained within a fenced enclosure.
f. Lawn Maintenance	Non-vacant property within the VOD shall be maintained such that any growth of grass, weeds, or other rank vegetation shall not be higher than 8 inches on an average. Property within the VOD shall be maintained such that poison ivy and any other poisonous, noxious or unhealthy growths are eliminated. The Township shall require mowing of lawns needed to maintain maximum allowed heights. An exception shall be made to this subsection in the case of endangered plant species

Figure 4.13



Section 4.14 Au Sable River District (ARD) & Manistee River District (MRD)

A. Intent.

ARD

MRD

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

B. Delineation of Districts.

- a. **Manistee River District (MRD).** The Manistee River District (MRD) includes the river and all township land lying within four hundred (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 includes the Lost Lake outlet in section 30, T28N R4W, an unnamed stream and Goose Creek, which extends across western Frederic Township.
- b. **Au Sable River District (ARD).** The Au Sable River District includes an area four hundred (400) feet wide on each side of and parallel to all channels of the mainstream, Kolka Creek, and Bradford Creek.

C. Exempt, Permitted, and Special Uses.

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

1. **Exempt Uses.** Exempt uses are those allowed by right in ARD and MRD and DO NOT require a zoning permit. They include the following:
 - a. **Recreation.** Private, non-commercial recreation such as camping, boating, fishing, hunting and other similar activities that do not require permanent structures. Camping, except for tent camping, is not permitted in the natural vegetation strip (see **subsection F.1**)
 - b. **Forestry.** Reforestation and other accepted forest management practices, landward of a native vegetation buffer, that do not require permanent structures. Land activities in the native vegetation buffer are regulated by **Section 4.14 (F.1)**.
 - c. **Agriculture.** Agricultural including general and specialized farming such as that of Christmas trees, provided that all new activities occur landward of a natural vegetation strip. (Construction of related residential and utility buildings and appurtenances is

1 Purpose & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Site Plans & Plot Plans

6 Special Land Uses

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Adoption & Amendments

subject, however, to zoning permit requirements). New aquaculture and concentrated animal feeding operations and expansion of existing aquaculture facilities and concentrated animal feeding operations are not permitted within the ARD and MRD. Resumption of a prior agricultural use previously located within the natural vegetation strip and discontinued, for example, rotation of crop fields, may resume if one (1) of the following criteria is met:

- (1) The cessation of use was within ten (10) years of resumption of use.
 - (2) The cessation of use was due to implementation of a management plan written before the effective date of this Ordinance.
 - (3) The cessation of use was the result of a written agreement with a governmental agency or agencies entered into before the effective date of this Ordinance.
 - (4) The cessation of use was the result of a written agreement with a governmental agency or agencies entered into after the effective date of this Ordinance, where the term of cessation of use specified in the agreement is for ten (10) years or less.
 - (5) The cessation of use was required or imposed by a governmental agency or agencies.
- d. **Footpaths.** Cutting of low growing vegetation and placement of wood chips on uplands in the natural vegetation strip to create a single footpath of not more than four (4) feet in width leading to a single point on the river's edge. A boardwalk or other artificial walkway is not exempt and requires a zoning permit.
- e. **Signs.** A sign for identification, direction, resource information, exclusion of trespassers, regulation of use and those related to permitted uses, subject to the following provisions:
- (1) A sign for the sale of a product or service is prohibited, unless related to a permitted use, located on the site of the permitted use, not located in the natural vegetation strip, and not visible from the river.
 - (2) An illuminated sign is prohibited.
 - (3) "No trespassing" sign shall be not larger than one (1) square foot in area and shall be spaced at least one hundred (100) feet apart. Other signs may be not larger than two (2) square feet in area, except one (1) real estate sign may be not larger than four (4) square feet in area if located outside the natural vegetation strip.
- f. **Maintenance and Repair.** Routine maintenance and repair of a legal use or structure within the existing foundation and structure. See **Section G.3** for regulations for legal nonconforming structures.
- g. **Satellite Dish.** A satellite dish not more than thirty-two (32) inches in diameter and located landward of the natural vegetation strip or attached to an existing single-family dwelling, short-term rental facility, or appurtenance.

- h. Removal of any dead, diseased, or unsafe tree, noxious plant or shrub, within the natural vegetation strip.
- 2. **Permitted Uses.** Permitted uses in the ARD and MRD are those allowed by right but DO require a zoning permit. They include the following, subject to all permit requirements and development standards outlined in this ordinance:
 - a. Single-family dwellings or short-term rental facility.
 - b. Accessory buildings and appurtenances.
 - c. Home occupations.
 - d. One private dock per parcel.
 - e. One private river access stairway per parcel.
 - f. Boardwalks.
 - g. Bridges. See **Rule 8 of State of Michigan Natural River Zoning Rules.**
 - h. Mining and extracting industries if all land disturbances, structures, and other activities related to the industry are located more than three hundred (300) feet from the ordinary high water mark.
 - i. Land divisions.
 - j. Utility lines to service private, single-family dwellings or short-term rental facilities.
 - k. Disposal field, septic tank, and outhouse meeting local health department standards.
 - l. Water supply.
 - m. Land alterations.
 - n. Forest management within the natural vegetation strip.
 - o. Bank stabilization and fisheries habitat improvement activities.
 - p. Small cell wireless facilities.
- 3. **Special Uses.** Special uses in the ARD and MRD are those approved by local zoning authority. They include the following, subject to all permit requirements and development standards outlined in this Ordinance.
 - a. Campgrounds.
 - b. Permanent vehicle bridges on tributaries.
 - c. **Bed and Breakfasts.**

D. Dimensional Regulations in the Au Sable River District.

Table 4.14 (A) Au Sable River District

1. Lot & Structure Standards (Figure 4.14 A)

	50,000 square feet	
	Any "common area" or any bottomlands shall not be used in any calculations of minimum lot area.	
a. Lot Area (minimum)	<p>If a parcel does not have river frontage, and the front line of the parcel is greater than 150 feet from the river's edge at all points, this subdivision does not apply, and the minimum parcel width will be measured at the front lot line.</p> <p>Parcel shall have sufficient depth and upland area to accommodate the required building setbacks.</p>	
b. Lot Width (minimum)	<p>Main stream: 200 ft of river frontage unless a riverfront "common area" subject to a conservation easement is established.</p> <p>For a parcel that does not have river frontage, this dimension shall be measured from the point of the parcel closest to the river and shall be at least 200' wide at the setback line.</p> <p>All other tributaries: 150 ft of river frontage on all other tributaries unless a riverfront "common area" subject to a conservation easement is established.</p> <p>For a parcel that does not have river frontage, this dimension shall be measured from the point of the parcel closest to the river and shall be at least 150' wide at the setback line.</p>	
c. Building Height (maximum)	35 ft	
d. Ground Floor Area per Dwelling Unit (min.)	700 sq ft per dwelling unit.	Any dwelling unit which is less than the minimum square footage or width shall be considered a Special Use.
e. Minimum Square Footage	800 sq ft	
f. Impervious Surface (maximum %)	lots < 10,000 sq ft – 35%; 10,000 – 40,000 sq ft – 25%; 40,001 – 80,000 sq ft – 20%; > 80,000 sq ft – 10%	

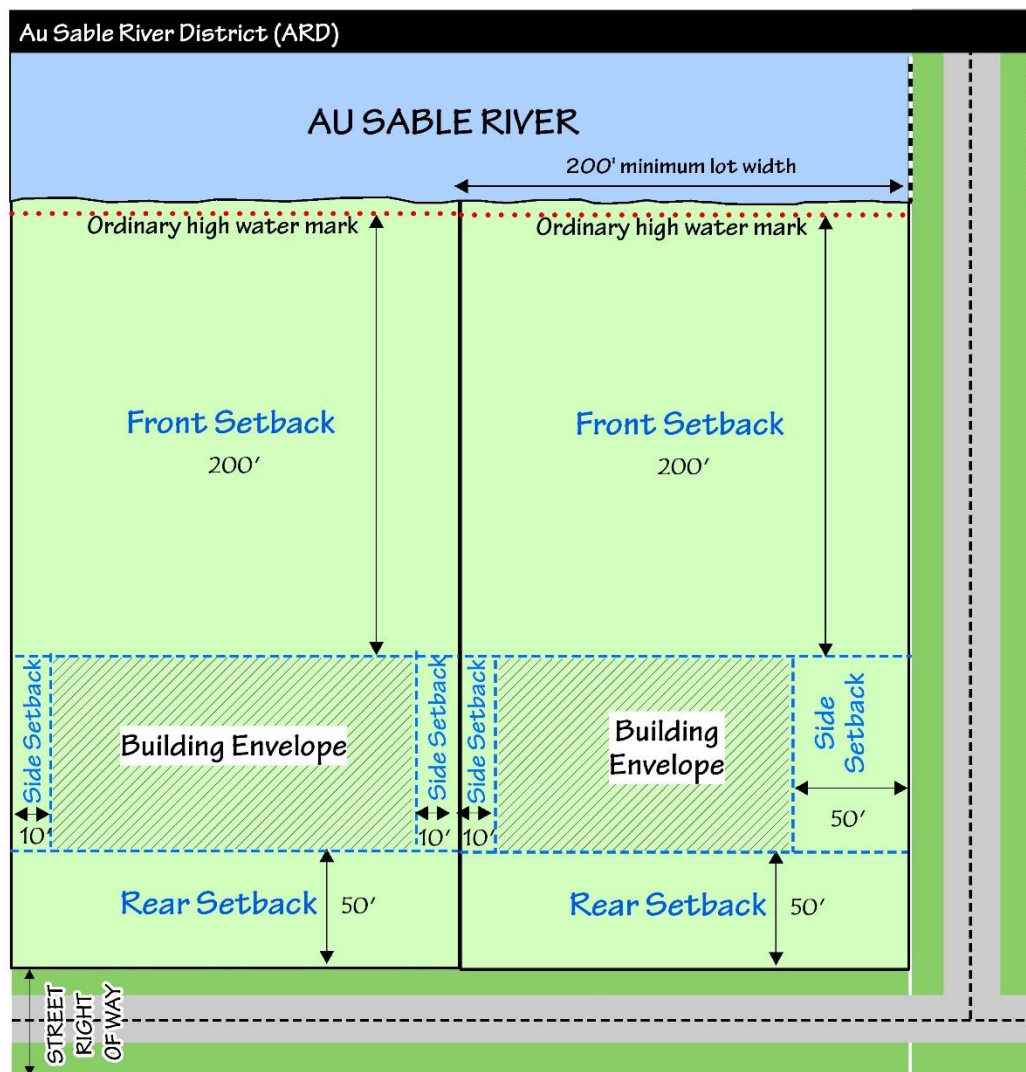
2. Setbacks (Figure 4.14 A)

	200 ft on Au Sable main stream	
	The river side setback shall be reduced to 100 feet on all designated tributaries.	
	The setback may be decreased 1 foot for every 1 foot rise in bank height to a minimum of 150 feet from the ordinary high-water mark on the mainstream and to a minimum of 75 feet from the ordinary high-water mark on all other designated tributaries.	
	A dwelling shall be set back not less than 25 feet from the top of a bluff on the noncutting edge of a stream and not less than 50 feet from the top of a bluff on the cutting edge of a stream.	
b. Rear (minimum) – road side	50 ft	
c. Side (minimum)	10 ft	
d. Side - street side - corner lot (minimum)	50 ft	

3. Additional Development Standards

a. Accessory Buildings	Accessory buildings and appurtenances shall meet the same setback and other development requirements as stated in subsection 2 above.
b. Fences	Regulated by §3.22. Fences shall be considered structures and shall not be constructed in the required natural vegetation strip.
c. Accessibility	Lot shall be accessible by a public road or legal easement on at least 1 side of the stream.
d. Building Activities	Building shall not take place on land that is subject to flooding or in any wetland area The natural contour of the face and crest of the bluff shall not be altered. The land between the crest of the bluff and the minimum building setback line shall not be altered except for minor landscaping activities.

Figure 4.14 (A)



E. Dimensional Regulations in the Manistee River District.

Table 4.14 B Manistee River District

1. Lot & Structure Standards (Figure 4.14 B)

a. Lot Area (minimum)	80,000 square feet	
	At least ½ acre of contiguous buildable upland area must be located landward of the minimum building setback line.	
	Any "common area" or any bottomlands shall not be used in any calculations of minimum lot area.	
	If a parcel does not have river frontage, and the front line of the parcel is greater than 150 feet from the river's edge at all points, this subdivision does not apply, and the minimum parcel width will be measured at the front lot line.	
b. Lot Width (minimum)	Parcel shall have sufficient depth and upland area to accommodate the required building setbacks.	
	200 ft of river frontage unless a riverfront "common area" subject to a conservation easement is established.	
c. Building Height (maximum)	For a parcel that does not have river frontage, this dimension shall be measured from the point of the parcel closest to the river and shall be at least 200' wide at the setback line.	
	35 ft (2 ½ stories)	
g. Ground Floor Area per Dwelling Unit (minimum)	700 sq ft per dwelling unit.	Any dwelling unit which is less than the minimum square footage or width shall be considered a Special Use.
h. Minimum Square Footage	800 sq ft	
i. Impervious Surface (maximum %)	lots < 10,000 sq ft – 35%; 10,000 – 40,000 sq ft – 25%; 40,001 – 80,000 sq ft – 20%; > 80,000 sq ft – 10%	

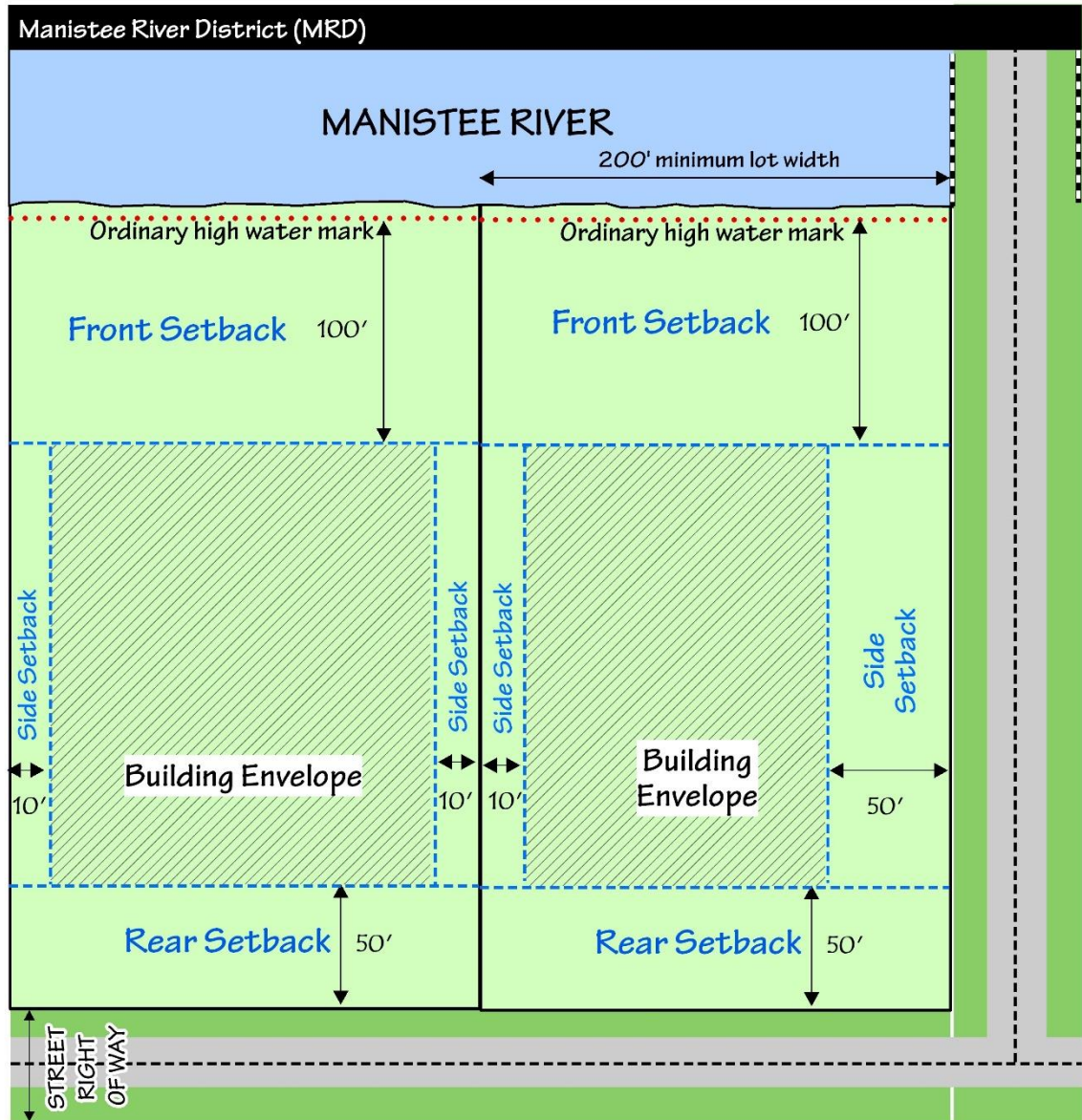
2. Setbacks (Figure 4.14 B)

a. Front (minimum) – river side	100 ft measured from ordinary high water mark of main stream or designated tributaries.	
	Additionally, structures must be located at least 50' from crest of the bluff of the main stream and not less than 25' from crest of bluff for any tributary.	
b. Rear (minimum) – road side	50 ft	
c. Side (minimum)	10 ft	
d. Side - street side - corner lot (minimum)	50 ft	

3. Additional Development Standards

a. Accessory Buildings	Accessory buildings and appurtenances shall meet the same setback and other development requirements as stated in subsection 2 above.	
b. Fences	Regulated by §3.22. Fences shall be considered structures and shall not be constructed in the required natural vegetation strip.	
c. Accessibility	Lot shall be accessible by a public road or legal easement on at least one (1) side of the stream.	
d. Building Activities	Building shall not take place on land that is subject to flooding or in any wetland area	
	The natural contour of the face and crest of the bluff shall not be altered.	
	The land between the crest of the bluff and the minimum building setback line shall not be altered except for minor landscaping activities.	

Figure 4.14 B



F. ARD and MRD Additional Development Standards.

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

1. Natural Vegetation Strip.

ARD. Within the Au Sable River District, a natural vegetation strip that includes the river and all lands within seventy-five (75) feet of the ordinary high-water mark shall be maintained on each side of the Au Sable river mainstream. A restrictive cutting belt that includes the river and all lands within fifty (50) feet of the ordinary high water mark shall be maintained on each side of all designated tributaries.

MRD. Within the Manistee River District, a natural vegetation strip that includes the river and all lands within seventy-five (75) feet of the ordinary high-water mark on each side of the Upper Manistee river mainstream and all designated tributaries.

Restrictive Cutting Belt. Trees and shrubs may be pruned over not more than a fifty (50) foot width for a filtered view of the river.

- a. Felling of a tree or removal of other vegetation in the natural vegetation strip is prohibited except for the following:
 1. An unsafe tree, noxious plant, or shrub, such as poison ivy and poison sumac, may be removed without a zoning permit.
 2. Select tree removal or trimming for forest management practices or disease and insect control, and clearing of vegetation to the minimum width required for public utility primary electric distribution lines and service lines for permitted uses is permitted upon approval of the Zoning Administrator in consultation with local conservation district staff, if the activity is in keeping with the goals and objectives of the natural river plan.
- b. Mowing is prohibited in the natural vegetation strip except in an area maintained in a mowed condition before August 15, 1990 for the Au Sable River and December 27, 2004 for the Upper Manistee River, or to establish a single footpath to the river not to exceed four (4) feet wide.
- c. Any island in any stream segment is subject to the natural vegetation strip standards as described in this Section.
- d. Camping, except for tent camping, is not permitted in the natural vegetation strip.
- e. A motorized vehicle shall not be operated off road in the natural vegetation strip.

2. **Land Alteration (including) Bank Stabilization.** Land alteration shall conform to all the following requirements:

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

- a. Land alteration shall not occur within the natural vegetation strip, except placement of wood chips for a foot path as provided in **subsection C.1.d**, on the face or crest of a bluff, in a wetland, in a floodplain, or below the ordinary high-water mark of the river unless associated with bank stabilization or fisheries habitat improvement activities.
 - b. Draining a wetland is prohibited.
 - c. A pond may be constructed if the pond meets the building setback established for the ARD and MRD, spoils are placed in a non-wetland, non-floodplain area landward of the natural vegetation strip, and the pond is not connected to the river by any surface or subsurface drainage system. A pond shall not be constructed in a wetland or the 100-year floodplain.
 - d. Bank stabilization or fisheries habitat activities shall comply with all of the following:
 - a. Bioengineering practices shall be the preferred alternative for bank stabilization. Bioengineering practices used to stabilize stream banks utilize a combination of native plantings and natural or biodegradable materials to engineer shoreline protection that mimic and or enhance the natural landscape.
 - b. Rock used for bank stabilization above the seasonal low-water level of the stream shall be rounded cobble (fieldstone).
 - c. An in-stream fisheries habitat structure, such as a lunger, an overhead cover platform or similar structure, shall be, upon completion, indistinguishable from the natural surrounding landscape.
 - d. A seawall, vertical bulkhead, gabion basket, concrete bag riprap, broken concrete, and other similar structures are prohibited.
 - e. The proposed project shall fulfill an identifiable need for erosion protection, bank stabilization, or fisheries habitat improvement.
3. **Residences.** Only one (1) single-family dwelling or short-term rental facility shall be permitted per lot unless one (1) of the following applies:
- a. The property owner submits a site plan for the lot showing theoretical property lines for individual lots that meet all natural river zoning standards, and locate any additional single-family dwelling or short-term rental facility and appurtenance as if the property were divided into those separate lots.
 - b. For each single-family dwelling or short-term rental facility placed in a cluster-type setting that does not meet the requirements in subsection (a), a portion of the lot containing an area equal to a newly created separate legal lot as described in this Ordinance will be made subject to a permanent conservation easement or deed restriction prohibiting construction of any structure within that portion of the lot. A conservation easement will

be sold, donated, or otherwise conveyed, in writing in perpetuity, to a land conservancy, local unit of government, or the state. The agency acquiring the conservation easement shall agree, in writing in perpetuity, to refrain from development of the land.

- c. If a proposed single-family dwelling or short-term rental facility is on a vacant, legal, nonconforming parcel that is between and adjacent to two (2) parcels that each contain a legal single-family dwelling or short-term rental facility that does not meet the minimum building setback standard, and the adjacent, existing single-family dwellings or short-term rental facilities are within one hundred fifty (150) feet of each other, a minor variance to the building setback standard may be granted that will result in the new single-family dwelling or short-term rental facility being located no closer to the river than the adjacent single-family dwelling or short-term rental facility that is farthest from the high-water mark or landward of the natural vegetation strip or seventy (75) feet from the high-water mark, whichever is greater, and the single-family dwelling or short-term rental facility shall not be placed on lands subject to flooding or in any wetland area. This does not apply to an appurtenance, accessory building, or other structure. Any development shall be in conformance with the bluff development standards established in **Tables 4.14 (A) and (B)** above.

4. **Home Occupations.** See **Section 7.04.**

5. **Campgrounds.** A campground, with associated noncommercial structures, impervious pads, and utility hookups, with all of the following provisions:

- a. Campground shall be constructed and maintained in accordance with all applicable state and local regulations.
- b. A commercial structure associated with the campground is prohibited in the ARD and MRD.
- c. A structure shall be at least two hundred (200) feet from the high-water mark.
- d. Not more than four (4) campsites per acre.
- e. A 100-foot wide natural vegetation strip along the river shall be maintained.
- f. A campsite that accommodates a wheeled motorized vehicle shall be at least two hundred (200) feet from the high-water mark.
- g. A walk-in campsite shall be landward of the 100-foot natural vegetation strip.
- h. A dock may be constructed at the rate of one (1) dock not larger than forty-eight (48) square feet for each two hundred (200) feet of river frontage, accessed by a single footpath not more than four (4) feet wide.
- i. Wheeled motorized vehicle access to the river is prohibited.

- j. Launch or retrieval of commercial watercraft at any campground by other than a registered camper is prohibited.
6. **Drinking Water Supply Well.** A drinking water supply well for a single-family dwelling or short-term rental facility shall not be located in the natural vegetation strip or closer to the river than the structure it serves. A drinking water supply well not meeting the requirements of this subsection requires a variance.
7. **Disposal Field, Septic Tanks, and Outhouses.**
- a. A septic tank and disposal field shall meet local health department standards.
 - b. A disposal field shall be located not less than (1) and (2) below from the ordinary high-water mark and any surface or subsurface drain that discharges into the Au Sable or Upper Manistee river or designated tributaries, and shall not be located within the 100-year floodplain, a wetland area, or the natural vegetation strip:
 - (1) Au Sable: 150 feet
 - (2) Upper Manistee: 100 feet
 - c. A septic tank shall not be closer to the river than the dwelling it serves and not located within a wetland area.
 - d. An outhouse constructed using a watertight waste containment system that allows waste to be pumped and hauled to an appropriate disposal site, shall be located not less than one hundred (100) feet from the ordinary high-water mark and any surface or subsurface drain that discharges into the Au Sable or Upper Manistee river or designated tributaries, and shall not be located within the 100-year floodplain, a wetland area, or the natural vegetation strip.
 - e. Drywells and earth privies are not permitted unless authorized by the local health department, shall be located a minimum of one hundred (100) feet from the ordinary high water mark, and the bottom of the pit or seepage bed shall be at least four (4) feet above the seasonal high groundwater table.
 - f. Upper Manistee: An alternative on-site treatment system that results in a higher level of treatment than a conventional system may be located not less than seventy (75) feet from the river's edge on designated tributaries, provided no part of the system is in a wetland or the 100-year floodplain.
- Au Sable: An alternative on-site treatment system that results in a higher level of treatment than a conventional system may be located not less than fifty (50) feet from the river's edge on designated tributaries provided no part of the system is in a wetland or the 100-year floodplain.

- g. Disposal of sludge from any wastewater treatment system is prohibited in the ARD and MRD.
- 8. **Docks.** Docks may be constructed not to exceed forty-eight (48) square feet, with no more than four (4) feet of dock extending over the water. A dock shall be designed, constructed, and maintained to blend with the natural surroundings. The use of natural, native materials is encouraged. Except where otherwise specifically provided for by this ordinance, only one (1) dock shall be constructed per lot.
- 9. **Stairways.** Private river access stairways are permitted upon approval of the Zoning Administrator if in compliance with all of the following requirements:
 - a. There is no other safe, feasible access to the river without a stairway.
 - b. The stairway is low-profile, not more than four (4) feet wide and constructed without stairs being recessed into the ground surface unless site and soil conditions dictate that a recessed stairway is more appropriate.
 - c. There are no landings associated with the stairway unless required by building codes, in which case the landings shall be of the minimum number and size required by building codes.
 - d. Not more than one (1) handrail is associated with the stairway.
 - e. Only one (1) river access stairway is permitted per parcel.
 - f. The stairway shall be constructed using natural materials and shall be located and maintained to blend with the natural surroundings.
 - g. Vegetation removal in the natural vegetation strip shall be minimized.
- 10. **Boardwalks.** Boardwalks associated with a footpath to the river's edge shall conform to all of the following:
 - a. A boardwalk shall be placed only in an area that is generally too wet to be traversed without significant disturbance of the soils.
 - b. A boardwalk and all supports shall be constructed of natural materials.
 - c. A boardwalk shall not be more than three (3) feet wide.
 - d. A boardwalk shall not include any railing.
 - e. The top of a boardwalk shall not be more than twelve (12) inches above grade.

G. Legal Nonconformities.

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

It is recognized that there exists, within the ARD and MRD, lots, structures, and uses of land and structures which were lawful before the adoption or amendment of this Ordinance and which would be prohibited, regulated, or restricted pursuant to this Ordinance. It is the intent of this Ordinance to permit legal nonconforming uses, structures, or lots to continue until they are brought into conformity and, in certain instances, to permit the limited expansion of certain legal nonconforming uses and structures.

1. **Nonconforming Lots.**

- a. **Adjacent Nonconforming Lots.** If the combination of two (2) or more contiguous nonconforming vacant lots owned by the same person results in an increase in conformance with the dimensional requirements of this Ordinance, the lots shall be combined for use unless the lots are within a plat established before the effective date of this Ordinance wherein more than 75% of the platted lots contain a single-family dwelling.
- b. The Zoning Administrator shall approve an application for a zoning permit for a principal use on a legal nonconforming lot of record subject to both of the following:
 - (1) The principal use complies with this Ordinance, except the minimum lot width and area requirements.
 - (2) If the non-conforming lot is vacant, the applicant or owner of the subject lot does not own other contiguous vacant properties which if combined with the nonconforming lot would result in increasing the conformity of the lot.
- b. An application for a zoning permit for a principal use on a legal nonconforming lot of record that is not in compliance with this section shall be treated as a variance pursuant to **Article 8**.

2. **Nonconforming Uses.** If, on the effective date of this Ordinance, a lawful use of land exists that is made unlawful under this Ordinance, the use may be continued if it remains otherwise lawful, subject to all of the following:

- a. The nonconforming use shall not be enlarged, increased, or extended without a variance.
- b. The nonconforming use and the structures associated with the nonconforming use shall not be moved, in whole or in part, to any other portion of the lot or parcel that is occupied by such use on the effective date of this Ordinance unless the move would result in a greater degree of conformity with this Ordinance.
- c. If the nonconforming use of land ceases for any reason for a period of twelve (12) months, any subsequent use of the land shall conform to the requirements specified by this Ordinance.

3. **Nonconforming Structures.** If a lawful structure exists on the effective date of this Ordinance that is made unlawful under this Ordinance, the structure may remain if otherwise lawful, subject to all of the following:

- a. The structure may not be altered in a way that increases its nonconformity, such as expanding toward the ordinary high-water mark or increasing the height above the maximum height standard. The ground floor area of any legal nonconforming single-family dwelling or short-term rental facility may be expanded by up to 50%, or up to 75% if a variance for not more than a 25% reduction in the building setback standard is granted, of the existing ground floor area cumulative from the date of nonconformance, or to the minimum extent necessary to comply with standards for minimum legal floor area for dwellings, whichever is greater, if the expansion does not increase the nonconformity of the dwelling. Any alteration of a legal nonconforming dwelling must, to the extent possible, be in compliance with all setback and other building requirements. Any expansion of a lawful, nonconforming dwelling, including construction of additional stories, shall be treated as a variance. Construction of a new legal nonconforming accessory building or expansion of the ground floor area of an existing legal nonconforming accessory building is considered to be an expansion of the ground floor area of an associated legal nonconforming single-family dwelling or short-term rental facility.
- b. Expansion of a legal nonconforming single-family dwelling or short-term rental facility may be permitted by the Zoning Administrator as a minor variance if any of the following apply:
 - (1) Part or all of the expansion is located within the natural vegetation strip, expansion of the dwelling is landward of the existing structure, the expansion is not more than a 50% increase in ground floor area cumulative from the date of nonconformance, the height of the expansion is not greater than the height of the original dwelling and the expansion is not located in a wetland or the 100-year floodplain.
 - (2) All of the expansion is located landward of the natural vegetation strip, expansion of the dwelling is not closer to the river than the closest point of the existing dwelling's foundation, the expansion is not more than a 50% increase in ground floor area (or 75% if the variance is not more than a 25% reduction in the building setback standard) cumulative from the date of nonconformance, the height of the expansion is not greater than the height of the original dwelling and the expansion is not located in a wetland or the 100-year floodplain.
 - (3) All of the expansion is in compliance with the minimum building setback standard, the expansion is not more than a 100% increase in the enclosed ground floor area of the dwelling cumulative from the date of nonconformance and the expansion is not located in a wetland or the 100-year floodplain.
- c. Any legal nonconforming structure, other than a dam, that is destroyed by any means except willful destruction by the property owner or his or her agent, to an extent that is more than 50% of its current appraised value, restoration of the structure shall be treated as a variance. The Zoning Administrator shall appoint a qualified individual to determine whether the structure has been destroyed to an extent that is more than 50% of its

current appraised value. Restoration of the structure may be permitted by the Zoning Administrator, as a minor variance if all of the following conditions exist:

- (1) The structure is not located within a floodplain or wetland.
 - (2) The presence of the nonconforming structure will not lead to accelerated bank erosion or other material degradation of the river.
 - (3) The restored structure has the identical exterior dimensions, configuration, and maximum height of the destroyed structure.
 - (4) Application for permit to restore a damaged structure is made within 12 months of the date of damage. An extension may be granted if the property is held in probate, an insurance settlement related to the damage is in dispute, or a criminal investigation related to the damage is in progress.
 - (5) A structure restored under the provisions of this subsection shall be considered a nonconforming structure.
 - (6) If any of the provisions of this rule cannot be met, restoration of a destroyed nonconforming structure shall require a variance.
- d. If a legal nonconforming structure has deteriorated or is willfully destroyed by the property owner or owner's agent to an extent that restoration costs are more than 50% of its current appraised value, the property owner shall meet all development standards in this Section to the greatest extent possible when constructing any replacement structure and shall require a variance. The Zoning Administrator shall appoint a qualified individual to determine whether the structure has been destroyed to an extent that is more than 50% of its current appraised value.
- e. If a variance is granted for a new single-family dwelling or short-term rental facility to replace a single-family dwelling or short-term rental facility that has been destroyed to an extent that is more than 50% of its current appraised value, a variance to construct a larger replacement structure shall be considered to be the same as a variance to expand the original structure for the purposes of determining maximum expansion of the original nonconforming structure.
- f. A variance shall not be granted for a new nonconforming structure to replace a destroyed nonconforming structure that would result in the new structure being more nonconforming than the destroyed structure, such as moving the structure closer to the ordinary high-water mark or increasing the height above the maximum height standard.
- g. The nonconforming structure shall not be moved, in whole or in part, to any other portion of the lot or parcel that is occupied by the structure on the effective date of this Ordinance, unless the move would result in a greater degree of conformity with this Ordinance. Moving a legal nonconforming structure requires a zoning permit and may require a variance.

Section 4.15 Full Table of Permitted and Special Land Uses

Frederic Township Zoning Districts	
R	General Residential District
MU	Mixed Use District
C	Commercial District
R-F	Recreational-Forest District
I	Industrial District
ARD	AuSable River District
MRD	Manistee River District

Land Use Categories	Pg
Accommodation & Food Services	4-39
Agriculture & Forest Products	4-40
Arts, Entertainment & Recreation	4-40
Commercial, Services & Retail	4-41
Communications	4-42
Construction & Contractors	4-42
Educational Services, Religion & Institutional	4-42
Human Care & Social Assistance	4-42
Manufacturing, Industrial, Waste Management & Medical Marihuana	4-43
Miscellaneous	4-43
Public Facilities	4-43
Residential Uses	4-44
Transportation, Wholesale & Storage	4-44
Utilities & Energy	4-44

Table of Permitted Uses & Special Land Uses							
<i>P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations</i>	R	MU	C	R-F	I	ARD	MRD
Accommodation & Food Services							
<i>Bakeries & Confectioneries</i>		P	P				
<i>Bed & Breakfasts & Tourist Homes (§7.02)</i>	S	S		S		S	S
<i>Cabin Courts (or Cabin Complex)</i>				P			
<i>Caterers/Food Service Contractors</i>		P	P				
<i>Coffee Shops</i>		P	P				
<i>Convention Centers, Conference Centers, Banquet Halls & Wedding Venues</i>		S	P	S			
<i>Drinking Establishments/Taverns/Bars</i>		S	P	S			
<i>Food Trucks</i>		P	P	P	P		
<i>Hotels & Motels (attached or detached units) (§7.16)</i>		S	P	S			
<i>Inns (Lodging Units within Other Commercial Establishment)</i>		S	P	S			
<i>Microbreweries & Distilleries (serving directly to the public)</i>		S	P	S			
<i>Resorts, Vacation Lodges & Vacation Farms (§7.23)</i>		S	P	S			
<i>Restaurants without Drive-Through</i>		S	P	S	P		
<i>Restaurants with Drive-Through, Drive-In, or Eat in Car</i>		S	P	S	P		
<i>Rooming Houses/Boarding Houses (NO ZONING PERMIT REQUIRED)</i>	P	P		P			
<i>Short Term Rental Homes</i>	P	P		P		P	P

Table of Permitted Uses & Special Land Uses							
<i>P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations</i>	R	MU	C	R-F	I	ARD	MRD
Agriculture & Forest Products							
Agricultural Products Processing and Storage				P	P		
Animal Sales Yards/Auctions for Livestock				P			
Animal Shelter				S			
Agricultural Tourism Businesses (on Farms)				P			
Biofuel Production Facilities on Farms (§7.31)				PS		PS	PS
Boarding Stables; Riding Arenas				P		P	P
Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers (including Wholesale)			P	P	P		
Farming, Domestic				P		P	P
Farming, Commercial (including Farm Markets/Roadside Stands)				P		P	P
Farm Product Sales (Fruit/Vegetable Market) – not grown on premises		P	P	P			
Firewood Sales (Large Scale) (does not include small bundles of firewood)				S	P		
Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills & related operations) (§7.25)				S	P		
Game Preserves/Hunting Preserves				S			
Grain Elevators				P	P		
Greenhouse, Nursery or Landscaping Businesses		P	P	P	P		
Kennels (§7.14)		S		S			
Land, Water & Wildlife Conservation & Education Operations				P			
Veterinary Clinic/Animal Hospital (§7.14)		S	S	S			
Veterinary Clinic/Animal Hospital with no outdoor animal area		P	P	P			
Wineries & Cider Mills (including accessory uses such as tasting rooms)		S	P	S			
Arts, Entertainment & Recreation							
Amusement Arcades & Similar Indoor Recreation			P				
Archery Ranges (& as accessory use), Outdoor				S			
Archery Ranges (& as accessory use), Indoor			P	S			
Art Galleries		P	P	S			
Art Studios		P	P	S			
Bike Shops		P	P				
Billiards Halls			P				
Bowling Centers			P				
Campgrounds (§7.06)				S		S	S
Camps/Recreation Camps (Summer Camps) (§7.23)				S			
Canoe/Kayak Liveries				S			
Clubs for Swimming & Court Games				S			
Country Clubs				S			
Disc Golf Courses (on public land)	P	P	P	P	P		
Equipment Rental, Non-Motorized (Outfitter)			P	S			
Fitness & Recreational Sports (ex: health clubs, gym)			P	S			

Table of Permitted Uses & Special Land Uses							
<i>P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations</i>	R	MU	C	R-F	I	ARD	MRD
Arts, Entertainment & Recreation (continued)							
Golf Courses				S			
Golf Driving Ranges (§7.08)				S			
Museums	S	S	S	S	S		
Nature Parks/Nature Areas (Public)	P	P	P	P	P		
Outdoor Performance Facilities	S	S	S	S			
Outdoor Commercial Recreational Facility (ex – Go Karts; Miniature Golf; Disc Golf; Amusement Parks) (§7.08)		S	S	S			
Private Clubs; Lodges	P	P	P	P			
Public Parks, Playgrounds or Recreational Facilities (non-public: §7.17)	S	S	P	S	P		
Race Tracks (§7.22)			S	S			
RV Parks				S			
Shooting Ranges/ Sportsmen's Association				S			
Skating Rinks, ice or non-ice (indoor)			P				
Theaters/Performing Arts Facilities			P				
Tours (Commercial Operations)			P	P			
Zoos & Animal Tours			P	P			

Table of Permitted Uses & Special Land Uses							
<i>P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations</i>	R	MU	C	R-F	I	ARD	MRD
Commercial, Services & Retail							
Retail, Business & Professional Services without outdoor sales or outdoor storage (that are not listed elsewhere in this Table of Permitted & Special Land Uses)		P	P	P			
Automotive Oil Change (§7.10)		S	S	S			
Automotive Tire Sales & Installation (§7.10)			S				
Auto Repair, Auto Body, Paint, Interior & Glass (§7.10)		S	S		S		
Automobile Towing Businesses			S		S		
Boat/RV/Recreational Equipment Repair & Storage		S	S	S			
Car Washes (§7.07)		S	S				
Funeral Home or Mortuary (§7.09)		P	P	P			
Gasoline/Service Stations (§7.10)		S	S				
Home Improvement Centers & Lumber Yards (§7.11)		P	P	P			
Outdoor Display Of Products/Materials for Retail Sale or Rental (accessory to a principle permitted retail use).		P	P	P			
Outdoor Sales Facilities (§7.19)		P	P	P			
Sexually Oriented Businesses (§7.26)					S		

Table of Permitted Uses & Special Land Uses							
<i>P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations</i>	R	MU	C	R-F	I	ARD	MRD
Communications							
Small Cell Wireless Facilities	P	P	P	P	P	P	P
Television & Radio Broadcasting Stations (with tower)				S			
Wireless Communications Support Structures (Cell Towers) (§7.28)				S	S		
Construction & Contractors							
Lumber/Building Material Sales & Storage Yards		P	P	P	P		
Contractor Facilities		P	P	P	P		
Construction Trades, Carpentry, Plumbing and Electrical Sales, Services & Contracting Offices & Showrooms (§7.18)		P	P	P	P		
Educational Services, Religion & Institutional							
Colleges/Universities (§7.21)		P	P	P	P		
Institutions of Specialized Learning & Trade Schools (§7.21)		P	P	P	P		
Public, Charter or Private Schools (elementary through high school) (§7.21)	P	P	P	P	P		
Religious Institutions & Customary Accessory Uses (§7.21)	P	P	P	P			
Human Care & Social Assistance							
Adult Day Care Facility (6 or less adults)	P	P	P	P			
Adult Day Care Facility (more than 6 adults)	S	S	S	S			
Adult Foster Care Family Homes (6 or less adults)	P	P		P		P	P
Adult Foster Care Small Group Home (7-12 adults)		S		S			
Adult Foster Care Large Group Home (13-20 adults)		S		S			
Adult Foster Care Congregate Facilities (over 20 adults)		S		S			
Assisted Living Home/Nursing Home/Convalescent Home (§7.12)		S		S			
Child Care Home, Family (6 or less)	P	P		P		P	P
Child Care Home, Group (7 -12)	S	S		S		S	S
Child Care Center/Nursery School (not in home)	P	P	P	P			
Child Caring Institution				S			
Health Care/Dental/Optical Clinics/Hospitals		P	P	P			
Juvenile Detention Centers				S			
Residential Human Care & Treatment Facility (not in a residence)				S			
State-Licensed Residential Facilities (Adult Foster Care 6 or less)	P	P		P		P	P

Table of Permitted Uses & Special Land Uses							
<i>P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations</i>	R	MU	C	R-F	I	ARD	MRD
Manufacturing, Industrial, Waste Management & Medical Marihuana							
Production, processing, assembly, manufacturing or packaging of goods or materials which do not emanate noise, smoke, odors, dust, dirt, noxious gases, glare, heat, vibration or any similar nuisances. Such facilities may include testing, repair, storage, distribution, and sale of such product (that are not listed elsewhere in the Table of Permitted and Special Uses).		S	S	S	S		
Blast Furnace, Steel Furnace, Blooming or Rolling Mill					S		
Incinerator Plant (non-pyrolysis)					S		
Incinerator Plant (pyrolysis type)/Gasification					S		
Industrial Parks (planned)					S		
Junkyards/Salvage Yards/Scrap Yards/Motor Vehicle Impoundment & Wrecking Yards (§7.24)			S		S		
Machine Shops			S		S		
Medical Marihuana Facilities: (§7.30)							
Marihuana Grower		S	S	S	S		
Marihuana Processor		S	S	S	S		
Secure Transporter		S	S	S	S		
Safety Compliance Facility		S	S	S	S		
Provisioning Center		S	S	S			
Mining/Resource Extraction (incl sand, gravel, rock and mineral extraction) (§7.32)	S	S	S	S	S	S	S
Recycling facilities/Resource Recovery Facilities/Transfer Stations/Waste Collection	S	S	S	S	S		
Research/Design/Experimental Product Development (within a completely enclosed building)			P	P	P		
Miscellaneous							
Accessory Buildings & Uses Incidental to Principal Permitted Uses (§3.13)	P	P	P	P	P	P	P
Accessory Buildings & Uses Incidental to Principal Special Uses (§3.13)	S	S	S	S	S	S	S
Cemeteries including Columbaria & Mausoleums (human or pet)	S		P	P			
Planned Unit Developments (§7.20)	S	S	S	S	S	S	S
Site Condominium Development (§7.35)	P	P		P		P	P
Public Facilities							
Community Centers & Auditoriums (public) (§7.21)	P	S	P	P	P		
Correctional Facilities (§7.21)	S	S	S	S	S		
Government Offices (§7.21)	P	P	P	P			
Libraries (§7.21)	P	P	P	P			
Police/Fire Stations/Jails (§7.21)	P	P	P	P	P		
Post Office (§7.21)		P	P				
Other Public Buildings & Facilities (not already listed) (§7.21)		S					

Table of Permitted Uses & Special Land Uses							
<i>P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations</i>	R	MU	C	R-F	I	ARD	MRD
Residential Uses							
Accessory Dwelling Units/Guest Houses (§7.03)	P	P	P	P		P	P
Dwelling Units above/to the rear of a Commercial Establishment		P	P	P			
Home Occupations (§7.04)	P	P	P	P		P	P
Cottage Industries (§7.04)	S	S	S	S		S	S
Single-Family Detached Dwelling	P	P		P		P	P
Single-Family Attached Dwelling (Townhouses; Condominiums)	S	S		S			
Manufactured Housing Community (with accessory uses such as laundry facilities, office building, and community building) (§7.15)				S			
Multiple-Family Dwelling Units (Apartments)	S	S		S			
Two-Family Dwelling (duplex)	P	P		P			
Transportation, Wholesale & Storage							
Bus Garages		P	P	P	P		
Couriers/Parcel Packing/Shipping/ Delivery Establishments/Mail Order Establishments			P	P	P		
Drone (Unmanned Aerial) Centers (Development and Testing)				P	P		
Freight Terminals/Trucking Facilities				P	P		
Rail yards				P	P		
Outdoor Storage Facilities/Self-Storage Facilities (§7.27)			P	P	P		
Truck Washes					P		
Warehousing & Storage Buildings (but not including commercial bulk storage of flammable liquids and gases) (§7.27)			P	P	P		
Wholesale Businesses			P	P	P		
Utilities & Energy							
Gas Regulator Stations				S			
Heating & Electric Power Generating Plants				S	S		
Propane Distributor/Propane Supply Facilities			P	S	P		
Public Utility Facilities (without storage yards)		S	P	P	P		
Public Utility Facilities (with storage yards)		S	S	P	P		
Solar Energy Facility (Utility-Scale) (§7.33)				S	S		
Solar Energy Panels (Accessory) (§7.34)	P	P	P	P	P	P	P
Telephone Exchange Buildings	P	P	P	P	P		
Utility Substations	P	P	P	P	P		
Wind Energy Systems (Noncommercial/On-Site) (§7.29)	S	S	S	S	S		
Wind Energy Systems (Commercial) (§7.29)				S			

Section 4.16 Schedule of Regulations

Zoning District	Minimum Lot Size		Maximum Building Height (C)	Setbacks				Minimum Ground Floor Area per Dwelling Unit (E)	Minimum Square Footage (total) per Dwelling Unit (E)	Minimum Dwelling Unit Width (E)	Maximum % Impervious Surface
	Area	Lot Width (ft)	ft	Front (Min ft)	Side (each) (Min ft)	Street Side (Min ft)	Rear (Min ft)	sq ft	sq ft	ft	n/a
R - Residential	20,000 sq ft	100	35	35	10	35	10	700	800	14	n/a
MU – Mixed Use	20,000 sq ft	100	35	35	10	35	10	700	800	14	n/a
C - Commercial	26,000 sq ft	175	35	50	25	50	50				n/a
I - Industrial	5 acres	400	35	50	25	50	50				n/a
RF - Recreational Forest	40,000 sq ft	150	35	50	10	35	25	700	800	14	n/a
VOD – Village Overlay District			35	35	10	20	10	700	800	14	n/a
ARD Au Sable River District (See Section 4.14 for full ARD regulations)	50,000 sq ft	Main Stream: 200	35	Main Stream: 200	10	50	50	700	800	14	n/a
		Tributaries other than main stream, North Branch or South Branch: 150 (D)		Designated Tributaries: 100							
MRD – Manistee River District (See Section 4.14 for full MRD regulations)	80,000 sq ft (A)	200 (B)	35	100 (C)	10	50	50	700	800	14	lots < 10,000 sf: 35% 10,000 – 40,000 sf: 25% 40,001 – 80,000 sf: 20% > 80,000 sf: 10%

- A. Of which at least ½ acre of contiguous buildable upland area must be located landward of the minimum building setback line.
- B. Must have 200' river frontage and be at least 200' wide at the minimum building setback line.
- C. Exception to district height standards for wireless communications facilities, wind turbines, and alternative tower structures.
- D. Lots located on designated tributaries other than AuSable river main stream, the north branch or the south branch shall have a minimum width of 150 feet unless a riverfront "common area" subject to a conservation easement is established.
- E. Any dwelling unit which is less than the minimum square footage or width shall be considered a Special Use.

Article 5

Site Plans and Plot Plans

Sec	Name	Pg	Sec	Name	Pg
5.01	Purpose & Approval Summary Table	5-1	5.05	Site Plan Data Required	5-3
5.02	Plot Plans	5-2	5.06	Site Plan Review Procedures	5-5
5.03	Site Plans – Circumstances Requiring	5-3	5.07	Site Plan Review Standards	5-8
5.04	Site Plan Pre-Application Conference	5-3	5.08	Amendment to an Approved Site Plan	5-10

Section 5.01 Purpose and Approval Summary Table

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

Table 5.01: Approval Summary Table

Type of Use	Required	Approving Body
1. Single-Family Detached Dwellings, Two-Family Dwellings	Plot Plan	Reviewed and approved by ZA
2. Attached Single-Family Dwellings (townhomes)	Site Plan	Reviewed and approved by PC
3. Home Occupations	n/a	No zoning permit required
4. Cottage Industries	Plot Plan	Reviewed and approved by PC as a Special Use
5. Accessory Dwelling Units	Plot Plan	Reviewed and approved by ZA
6. Dwelling Units above/to the rear of Commercial Establishments	Site Plan	Reviewed and approved by PC
7. Residential Special Uses (such as Group Child Care Home)	Plot Plan	Reviewed/approved by PC as Special Use
8. Special Uses	Site Plan	Reviewed/approved by PC as Special Use
9. Parking Lots	Site Plan	Reviewed and approved by ZA
10. Change of Use	n/a	File with ZA
11. Accessory Structures for all buildings (including agricultural)	Plot Plan	Reviewed and approved by ZA
12. Accessory Building w/o a Principal Building (R-1 District)	Plot Plan	Reviewed and approved by PC as a Special Use
13. Accessory Building w/o a Principal Building (all other districts)	Plot Plan	Reviewed and approved by ZA
14. Fences	Plot Plan	Reviewed and approved by ZA
15. Signs	Plot Plan	Reviewed and approved by ZA
16. New Commercial, Industrial, & Institutional Structures/Uses.	Site Plan	Reviewed and approved by PC
17. Any use requiring off-street parking	Site Plan	Reviewed and approved by PC
18. Expansion of an existing use, other than single-family and two-family dwellings, which increases the existing floor area more than 25%.	Site Plan	Reviewed and approved by PC
19. Multiple-family dwelling units	Site Plan	Reviewed and approved by PC
20. Planned Unit Developments	Site Plan	Reviewed/approved by PC as Special Use
21. Site Condominium Projects	Site Plan	Reviewed/approved by PC
22. Private Roads	Site Plan	Reviewed/approved by PC (Fire Department approval required prior to PC approval)
23. Food Trucks	Site Plan	Reviewed and approved by ZA
24. Small Cell Wireless Facilities	Site Plan	Reviewed and approved by ZA
PC = Planning Commission ZA = Zoning Administrator		

Section 5.02 Plots Plans

A . Plot Plan Requirements.

The Zoning Administrator shall require that all applications for Zoning Permits, which do not require a site plan, be accompanied by plans and specifications including a Plot Plan, drawn to scale, showing the items listed below. The Zoning Administrator may waive any of the plot plan requirements listed below when he/she finds that those requirements are not applicable or necessary. Nothing in this Section shall be construed as to prohibit a property owner or his agent from preparing his own plans and specifications, provided the same are clear and legible and that the information listed in **Table 5.02** is provided.

Table 5.02: Plot Plan Requirements

1. Address/Contact	Address or legal or tax description of the property where the proposed use will occur. Name, address, and telephone number of the property owner(s), developer(s), and designer(s), and their interest in said properties including evidence of ownership.
2. Lot Lines	The shape, location and dimensions of the lot, drawn to scale. The scale shall be of such size as deemed adequate by the Zoning Administrator to make a judgment that the application meets the requirements of this ordinance. When deemed necessary by the Zoning Administrator, a survey may be required.
3. Structures	The location, shape and size of all buildings or other structures to be erected, altered or moved onto the lot and of any building or other structure already on the lot, drawn to scale. In addition, an elevation drawing of the proposed building(s) may be required by the Zoning Administrator in order to measure the height of the proposed structures.
4. Access	The location and configuration of the lot access and driveway, drawn to scale.
5. Use	The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
6. Natural Features	Natural features such as forests, water bodies, wetlands, high risk erosion areas, slopes over 10%, drainage and other similar features, if determined by the Zoning Administrator to be applicable.
7. Other	Other information concerning the lot or adjoining lots that may be essential for determining whether the provisions of this Ordinance are being observed.

B . Plot Plan Administrative Procedure.

Plot plans are reviewed and approved according to the approval summary table in **Section 5.01** after an application has been submitted and applicable fees have been paid. The Zoning Administrator will issue a zoning permit pursuant to **Section 9.02** after determination that the application and proposed activity are in compliance with all applicable sections of this Ordinance.

Section 5.03 Site Plans – Circumstances Requiring

Required site plans give the Planning Commission an opportunity to review development proposals in a concise and consistent manner. The use of the site plan ensures that the physical changes in the property meet with local approval and that development actually occurs as it was planned and represented by the developer. Site plans are required as indicated in **Table 5.01**.

Section 5.04 Site Plan Pre-Application Conference

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

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

Section 5.05 Site Plan Data Required

Each site plan submitted shall contain the following information unless specifically waived, in whole or in part by the Zoning Administrator or the Planning Commission. The Zoning Administrator or the Planning Commission can waive any or all of the below site plan requirements, when it is found that those requirements are not applicable to the proposed development.

Table 5.05: Site Plan Requirements

A. General Information

1. Name and address of property owner and developer (including contact information).
2. Name and address of firm preparing the site plan (including contact information).
3. Certified survey of the property prepared and sealed by a professional licensed surveyor, showing at a minimum the boundary lines of the property, to include all dimensions and legal description.
4. The existing zoning district in which the site is located and the zoning of adjacent parcels. In the case of a request for a zoning change, the classification of the proposed new district must be shown.
5. Gross acreage of development and total usable floor area.
6. Proposed use.
7. Anticipated hours of operation for proposed use. The Planning Commission may impose reasonable limits to hours of operation as a condition of site plan approval when warranted to assure compatibility with surrounding land uses.
8. Other Information. Information as may be required by the Zoning Administrator or Planning Commission to assist in the consideration of the proposed development.

B. Map Information

1. Date, north arrow.
2. Scale at least 1" = 50' for property less than 3 acres and at least 1" = 100' for property 3 or more acres.

C. Development Features

1. **Proposed Features.** All proposed uses or structures on the site, including proposed drives, walkways, signs, and exterior lighting. An elevation drawing of the proposed building(s) shall be required in order to review the proposed building bulk and verify height.
2. **Existing Features on the Site.** The site plan shall show existing features such as structures; towers; excavations; bridges; culverts; and drains.
3. **Existing Features near the Site.** The location and identification of all existing structures, lighting, signs, ingress drives, roads, and parking within a two hundred (200) foot radius of the site, including road names.
4. **Rights-of-Way and Utilities.** The location and width of all abutting rights-of-way, easements and utility lines within or bordering the subject project.
5. **Drainage.** The location, size and slope of all surface and subsurface drainage facilities.
6. **Vehicular and Pedestrian Circulation.** Proposed streets, driveways, sidewalks, and other vehicular and pedestrian circulation features within and adjacent to the site.
7. **Parking.** The site plan shall show the location, size and number of parking spaces in the off street parking area, and the identification of service lanes and service parking.
8. **Loading and Unloading Areas.** The site plan shall show the proposed location and size of all loading and unloading areas.
9. **Landscaping/Fences/Walls.** The location of all existing and proposed landscaping as well as all existing and proposed fences or walls.
10. **Common Areas.** Common use areas and recreational areas and facilities.
11. **Waste.** The site plan shall show storage and disposal facilities for solid waste generated, including location of dumpsters.
12. **Storage.** Outdoor storage areas and snow storage areas.
13. **Hazardous Materials.** The site plan shall include information on the storage and use of hazardous materials and the disposal of hazardous waste, which must be in compliance with all State and Federal regulations.
14. Summary tables, cross-sections and/or floor plans should be included with site plans for proposed structures, giving the following information:
 - a. The number of units proposed, by type, including a typical floor plan for each unit.
 - b. The area of the proposed units in square feet, as well as area dimensions of driveways and staging areas.
 - c. Typical elevation drawings of the front and rear of each building.

D. Natural Features and Soils

1. The location of existing environmental features such as watercourses, wetlands, shorelines, man-made drains, mature specimen trees, wooded areas or any other unusual environmental features.

2. The topography of the existing and finished site shall be shown by contours or spot elevations. Where the existing slope on any part of the site is ten percent (10%) or greater, contours shall be shown at height intervals of two (2) feet or less.
3. Generalized soil analysis data, which may include data prepared by the Crawford County Soil Conservation District regarding the soils and their adaptability to the use. More detailed information may be required where the Planning Commission determines that the site and use warrant a more critical review of soils.
4. All site plans shall comply with the terms of the Crawford County Soil Erosion Sedimentation and Stormwater Runoff Control Ordinance. It shall be the applicant's responsibility to provide documentation of compliance of this County Ordinance.
5. Contact the Zoning Administrator for assistance in determining the location of floodplains.

E. Phased Construction

Where phases or staged construction is contemplated for the development of a project, the site plan submitted must show the interrelationship of the proposed project to the future stages, including the following:

1. Relationship and identification of future structures.
2. Pedestrian and vehicular circulation.
3. Time schedule for completion of the various phases of the proposed construction.
4. Temporary facilities or construction of same as required to facilitate the stated development

F. Impact Statement

The statement shall address itself to the following as applicable to the type of use:

1. A complete description of the proposed development including: areas of the site, the number of lots or units; and the number and characteristics of the population impact such as density, elderly persons, school children, tourists, family size, income, and related information, as applicable.
2. Expected demands on community services, and how these services are to be provided, to specifically include: school classroom needs, volume of sewage for treatment, volume of water consumption related to ground water reserves or community system capacity, change in traffic volume on adjacent streets and other factors that may apply to the particular development.
3. Statements relative to the impact of the proposed development on soil erosion, shoreline protection, wildlife habitat, air pollution, water pollution (ground and surface), noise and the scale of development in terms of the surrounding environment.

Section 5.06 Site Plan Review Procedures

A. Number of Copies and Timing.

Ten (10) copies of the proposed site plan, including all required additional or related information, shall be presented to the Zoning Administrator's office by the petitioner or property owner or his designated agent at least thirty (30) days prior to the Planning Commission meeting at which the site plan will be considered. The Zoning Administrator shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting.

B. Review for Completeness by the Zoning Administrator.

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

The Zoning Administrator will review the materials submitted to assure all information required by the Ordinance has been provided. If the application is incomplete the Zoning Administrator will send a notice with a detailed list of all deficiencies to the applicant. If the site plan, including all required additional or related information, is determined to be complete, it shall be placed on the agenda of the next Planning Commission meeting if the site plan was submitted at least thirty (30) days prior to the meeting. If the site plan was submitted less than thirty (30) days prior to the Planning Commission meeting, the site plan shall be placed on the agenda of the next available meeting.

C. Coordination with Other Agencies.

The Zoning Administrator may distribute the site plan to the following agencies or any other agency deemed appropriate for comment and recommendation prior to consideration for approval.

1. The Crawford County Building and Zoning Department
2. The Crawford County Soil Erosion and Sedimentation Control Officer
3. The Crawford County Drain Commissioner
4. The Crawford County Road Commission and, if appropriate, the Michigan Department of Transportation
5. District Health Department # 10
6. Michigan Department of Natural Resources
7. Local fire and ambulance service providers

D. Application Fees.

Application fees as determined pursuant to **Section 9.03** of this Ordinance shall be paid when the application and site plan are submitted to cover the estimated review costs.

E. Soil Erosion Permit.

A soil erosion permit shall be required prior to the issuance of a zoning permit.

F. Site Plans Requiring ZBA Action.

Where the applicant is dependent upon the grant of any variances by the Zoning Board of Appeals, said favorable action by the Zoning Board of Appeals shall be necessary before the site plan approval can be granted, or the site plan may be approved subject to favorable action by the Zoning Board of Appeals.

G. Representation at Meeting.

The applicant or his/her representative shall be present at each scheduled review or the matter shall be tabled for a maximum of two consecutive meetings due to lack of representation. After two (2) consecutive meetings with lack of representation of the applicant or his/her representative, the application shall be considered null and void.

H. Planning Commission Action.

1. The Planning Commission shall approve, or approve with conditions, an application for a site plan only upon a finding that the proposed site plan complies with all applicable provisions of this Ordinance and the standards listed in **Section 5.07**.
2. The Planning Commission's decision shall be in writing and shall include findings of fact, based on evidence presented on each standard.
3. Approval of a final site plan authorizes issuance of a zoning permit.
4. If the site plan is disapproved by the Planning Commission, notification of such disapproval shall be given to the applicant within ten (10) days after such Commission action by the Zoning Administrator.

I. Conditions.

The Planning Commission may impose reasonable conditions with the approval of a final site plan, pursuant to **Section 9.07** of this Ordinance.

J. Performance Guarantee.

The Planning Commission may require an applicant to provide a performance guarantee in connection with the approval of a final site plan, pursuant to **Section 9.04** of this Ordinance.

K. Signed Copies of Approved Site Plan.

If approved by the Planning Commission, three (3) copies of the site plan shall be signed and dated by both the applicant and Zoning Administrator or Planning Commission Chair. One signed and dated site plan shall be provided to the applicant; one shall be retained by the Zoning Administrator as part of the Township's permanent zoning file, and; one copy shall be made part of the Planning Commission's permanent record of proceedings on the site plan.

L. Conformity to Approved Site Plan Required.

Following approval of a site plan by the Planning Commission, the applicant shall construct the site plan improvements in complete conformity with the approved site plan. Failure to do so shall be deemed a violation of this Ordinance.

M. As-Built Site Plan.

Upon completion of the installation of required improvements as shown on the approved final site plan, the property owner shall submit to the Zoning Administrator two copies of an "as built" site plan, certified by the engineer or surveyor, at least one week prior to the anticipated occupancy of any building. The Zoning Administrator shall circulate the as built plans among the appropriate persons for review to insure conformity with the approved final site plan and other Frederic Township requirements. Once those persons have approved the as built plans the Zoning Administrator may make the final inspection and issue the Occupancy Permit.

Section 5.07 Site Plan Review Standards

In reviewing the site plan, the Planning Commission shall ascertain whether the proposed site plan is consistent with all regulations of this Ordinance. Further, in consideration of each site plan, the Planning Commission shall find that provisions of the zoning district in which said buildings, structures and uses as indicated in the proposed site plan have been satisfactorily demonstrated and met by the applicant. In addition, each site plan shall conform to the standards listed below unless the Planning Commission waives a particular standard upon a finding that the standard is not applicable to the proposed development under consideration, and the waiver of that standard will not be significantly detrimental to surrounding property or to the intent of the Ordinance.

A. **Harmonious with Adjacent Property.**

All elements of the site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.

B. **Landscape.**

The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas.

C. **Drainage.**

Stormwater/drainage shall not adversely affect neighboring properties and all water conveyances on land surfaces will transport stormwater at a non-erosive velocity. Adequate parking lot drainage shall be provided.

D. **Visual and Sound Privacy.**

The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.

E. Emergency Vehicle Access.

All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.

F. Access.

Every structure or dwelling unit shall have access to a public street, private road, walkway or other area dedicated to common use.

G. Loading, Storage Areas, and Snow Storage.

1. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened, by a vertical screen consisting of structural or plant materials no less than six feet in height.
2. Adequate snow removal measures shall be planned for and proper snow storage areas shall be provided so as to not obstruct vehicular and pedestrian visibility.

H. Lighting.

Exterior lighting shall be arranged to be compliant with **Section 3.24** (Outdoor Lighting).

I. Circulation.

1. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry.
2. Circulation systems shall be designed to promote safe and efficient traffic operations within the site, at ingress/egress points, and at intersections.
3. There shall be provided a pedestrian circulation system, which is insulated as completely as reasonably possible from the vehicular circulation system.
4. Vehicular and pedestrian circulation shall be well defined.

J. Design of Roads.

All streets shall be developed in accordance with the Township private road standards as per **Section 3.30**, or if a public road, the County Road Commission specifications.

K. Other Regulations and Master Plan.

Site plans shall conform to all applicable requirements of local, county, state and federal statutes and the Frederic Township Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits before the actual zoning permit authorizing the use is granted.

Section 5.08 Amendment to an Approved Site Plan

Amendment of an approved site plan shall be permitted only under the following circumstances:

- A. The owner of property for which a site plan has been approved shall notify the Zoning Administrator of any desired change to the approved site plan. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval. Even if determined to be a minor change, the Zoning Administrator may refer changes to the Planning Commission for their approval. Requested changes shall not violate the regulations contained within this Ordinance. Minor changes shall include the following:
1. Reduction of the size of any building.
 2. Movement of buildings by no more the ten (10) feet.
 3. Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
 4. Changes in floor plans that do not exceed five (5%) percent of the total floor area and which do not alter the character of the use or increase the amount of required parking.
 5. Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 6. Improvements to site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.
 7. Alterations to vertical elevations by up to twenty-five (25) percent.
 8. Changes of building materials to another of higher quality, as determined by the Zoning Administrator.
 9. Changes that will preserve the natural features of the site without changing the basic site layout.
 10. Change type and design of outdoor lighting fixtures provided an engineer or architect certifies there will be no change in the intensity of light at the property boundary.
 11. Changes related to item 1 through 10 above, required or requested by Frederic Township, Crawford County, or other state of federal regulatory agencies in order to conform with other

laws or regulations; provided the extent of such changes does not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval.

12. All amendments to a site plan approved by the Zoning Administrator shall be in writing. After approval by the Zoning Administrator, the Applicant shall prepare a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a place for the Zoning Administrator to sign and date all approved amendments. The Planning Commission must be informed of all amended site plans.
- B. An amendment to an approved site plan that cannot be processed by the Zoning Administrator under subsection (A) above shall be processed in the same manner as the original site plan application.

Article 6

Special Land Uses

Sec	Name	Pg
6.01	General Requirements	6-1
6.02	Special Land Use Review Procedures	6-1
6.03	Special Land Use Approval Standards	6-3
6.04	Amendment of Approved Special Use Permits	6-4
6.05	Inspection	6-4
6.06	Expiration, Suspension or Revocation of a Special Land Use	6-4

Section 6.01 General Requirements

Special Land Uses are those uses of land which are, with the additional regulations specified herein, compatible with the uses permitted in a zoning district but possess characteristics or location qualities which requires individual review and restrictions in order to ensure compatibility with the character of the surrounding area, public services and facilities and adjacent uses of land. The intent of this Article is to establish equitable procedures and criteria which shall be applied in the determination of requests to establish Special Land Uses. Uses requiring a Special Use Permit shall be subject to the general provisions and supplemental site development standards of this Ordinance, the provisions of the zoning district where located in addition to applicable provisions of this Article to prevent conflict with or impairment of the other uses or uses permitted by right of the district. Each use shall be considered an individual case.

Section 6.02 Special Land Use Review Procedures

A. Application Submittal.

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

1. Site plan prepared under the requirements of **Section 5.05** (Site Plan Data Required).
2. Name and address of applicant and owner of the premises.
3. Description of proposed use, including parking facilities, if required, and any exceptional traffic situation the use may occasion.
4. A statement by applicant appraising the effect on the neighborhood.
5. The application shall be accompanied by the fee established by the Township Board of Trustees.

B. Timing of Submittal.

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Special Land Use Applications shall be submitted at least forty-five (45) days prior to the Planning Commission meeting at which the site plan will be considered.

C. Review for Completeness: Zoning Administrator.

The Zoning Administrator will review the materials submitted to assure all information required by the Ordinance has been provided. If the application is incomplete the Zoning Administrator will send a notice with a detailed list of all deficiencies to the applicant. If the site plan, including all required additional or related information, is determined to be complete, it shall be placed on the agenda of the next Planning Commission meeting if the site plan was submitted at least forty-five (45) days prior to the meeting. If the site plan was submitted less than forty-five (45) days prior to the Planning Commission meeting, the site plan shall be placed on the agenda of the next available regular meeting.

D. Coordination with Other Agencies.

The Planning Commission may distribute the site plan to the following agencies or any other agency deemed appropriate for comment and recommendation prior to consideration for approval.

1. The Crawford County Building and Zoning Department
2. The Crawford County Soil Erosion and Sedimentation Control Officer
3. The Crawford County Drain Commissioner
4. The Crawford County Road Commission and, if appropriate, the Michigan Department of Transportation
5. District Health Department #10
6. Michigan Department of Natural Resources
7. Local fire and ambulance service providers

E. Public Hearing.

A public hearing shall be held for all special use permit requests. Notice of the special use permit request and public hearing shall be provided pursuant to **Section 9.05**.

F. Representation at Meeting.

The applicant or his/her representative shall be present at each scheduled review or the matter shall be tabled for a maximum of two consecutive meetings due to lack of representation.

G. Planning Commission Action.

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

1. The Planning Commission shall approve, or approve with conditions, an application for a Special Land Use only upon a finding that the proposed Special Land use complies with all applicable provisions of this Ordinance and the standards listed in **Section 6.03**.
2. The Planning Commission's decision shall be in writing and shall include findings of fact, based on evidence presented on each standard.
3. Approval, by the Planning Commission, of a Special Land Use authorizes issuance of a zoning permit.
4. If the Special Land Use is disapproved by the Planning Commission, notification of such disapproval shall be given to the applicant within ten (10) days after such Commission action by the Zoning Administrator.

H. Conditions.

The Planning Commission may impose reasonable conditions with the approval of a Special Land Use, pursuant to **Section 9.07** of this Ordinance.

I. Approved Site Plan.

The approved site plan for the Special Land Use shall be subject to **Section 5.06 (J – M)**.

Section 6.03 Special Land Use Approval Standards

A. Allowed Special Land Use.

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

B. Compatibility with Adjacent Land Uses.

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

C. Public Services.

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

D. Transportation System.

1. The location and design of the proposed Special Land Use shall minimize the negative impact on the street system in consideration of items such as vehicle trip generation (i.e. volume), types of traffic, access location and design, circulation and parking design, street and bridge capacity, traffic operations at proposed access points, and traffic operations at nearby intersections and access points.
2. The proposed Special Land Use shall not cause traffic congestion, conflict or movement in greater proportion to that normally prevailing for the use in the particular zoning district.

E. Economic Well-Being of the Community.

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

F. Compatibility with Natural Environment.

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

G. Compliance with Specific Standards.

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

Section 6.04 Amendment of Approved Special Use Permits

Minor amendments to a previously-approved Special Land Use may be approved by the Zoning Administrator with no public hearing or public hearing notice required. Minor amendments are listed in **Section 5.08**. Amendments which do not fall under **Section 5.08** shall be processed in the same manner as a new Special Land Use.

Section 6.05 Inspection

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

Section 6.06 Expiration, Suspension or Revocation of a Special Land Use

A. Expiration of Special Land Use Permit.

Any approved Special Land Use shall become invalid if the approved Special Land Use is not commenced within one (1) year after the zoning permit is issued. Thirty (30) days prior to expiration of an approved Special Land Use permit, an applicant may make application to the Zoning Administrator for a one (1) year extension of the Special Land Use permit at no fee. The Zoning Administrator shall grant the requested extension for an additional one year if he/she finds good cause for the extension and that the zoning regulations governing the site plan approval have not changed since the approval. Any additional requests for extension beyond the initial one (1) year extension may be granted by the Planning Commission. Application for an additional extension shall be made thirty (30) days prior to the expiration of the previous extension.

B. Special Land Use that has been Replaced or Superseded.

The Special Land Use permit shall expire if replaced or superseded by a subsequent permitted use (except in the case where the Special Land Use is an accessory use on the premises) or a subsequent Special Land Use permit or if the applicant requests the rescinding of the Special Land Use Permit.

C. Abandonment of Special Land Use.

The Special Land Use permit shall expire if the Special Land Use has been abandoned for a period of one (1) year or more. When determining the intent of the property owner to abandon a Special Land Use, the Zoning Administrator shall consider the following factors:

1. Whether utilities such as water, gas, and electricity to the property have been disconnected.
2. Whether the property, buildings, and grounds have fallen into disrepair.
3. Whether signs or other indications of the existence of the Special Land Use have been removed.
4. Whether equipment or fixtures necessary for the operation of the Special Land Use have been removed.
5. Other information or actions that evidence an intention on the part of the property owner to abandon the Special Land Use.

D. Special Land Use and Transfer or Sale of Property.

A Special land use does not expire on transfer or sale of the property unless the use has been determined by the Zoning Administrator to have been abandoned pursuant to **subsection C**.

E. Special Land Use Suspension or Revocation.

The Zoning Administrator may suspend or revoke a Special Land Use permit issued under the provisions of this Ordinance whenever the permit is issued erroneously on the basis of incorrect information supplied by the applicant or his agent and is in violation of any of the provisions of this Ordinance or of any other ordinances or regulations of the Township.

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Article 7

Supplemental Regulations

Sec	Name	Pg
7.01	General	7-2
7.02	Bed and Breakfast Establishments	7-2
7.03	Accessory Dwelling Units (Guest Houses)	7-3
7.04	Home Occupations & Cottage Industries	7-4
7.05	Reserved	7-6
7.06	Campgrounds	7-7
7.07	Car Wash Facilities	7-7
7.08	Commercial Outdoor Recreational Facilities	7-7
7.09	Funeral Home or Mortuary	7-8
7.10	Gasoline, Service Station & Vehicle Repair Garage	7-8
7.11	Home Improvement Centers & Lumber Yards	7-9
7.12	Nursing & Convalescent Homes	7-10
7.13	Junk Storage	7-10
7.14	Kennels & Veterinary Clinic/Hospital	7-10
7.15	Manufactured Housing Developments	7-11
7.16	Motels & Hotels	7-11
7.17	Non-Public Recreational Areas & Facilities	7-11
7.18	Offices & Showrooms	7-12
7.19	Outdoor Sales Facilities	7-12
7.20	Planned Unit Development (PUD)	7-13
7.21	Public Buildings, Institutions & Places of Worship	7-20
7.22	Race Tracks (including midget auto & cart tracks)	7-20
7.23	Recreation Camps, Lodges & Resorts	7-20
7.24	Salvage Yards, Metal Recycling, & Scrap Yards	7-21
7.25	Sawmills & other Mills	7-23
7.26	Sexually Oriented Business	7-24
7.27	Storage Facilities	7-27
7.28	Towers & Antennae Facilities (Wireless Communications)	7-28
7.29	Wind Energy Systems	7-33
7.30	Medical Marijuana Growers, Processors, Provisioning Centers, Secure Transporters, and Safety Compliance Facilities	7-40
7.31	Biofuel Production Facilities on Farms	7-40
7.32	Mining/Resource Extraction	7-42
7.33	Solar Energy Facilities (Utility Scale)	7-43
7.34	Solar Energy Panels (Accessory)	7-44
7.35	Site Condominium Development	7-45

Section 7.01 General

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

Section 7.02 Bed and Breakfast Establishments

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

A. Bed and Breakfast Establishments an Accessory Use.

The bed and breakfast establishments shall be clearly incidental to the principal residence on the site. Accordingly, the bed and breakfast operations shall be confined to the single-family dwelling unit which is the principal dwelling on the site. Not more than thirty percent (30%) of the total floor area of the dwelling unit shall be used for bed and breakfast sleeping rooms.

B. Maximum Number of Units.

The maximum number of bed and breakfast sleeping rooms permitted in a single-family dwelling shall be based on good design principles, subject to Planning Commission review.

C. Principal Residence.

The dwelling unit shall be the principal residence of the operator, and the operator shall live in the dwelling unit when the bed and breakfast facility is in operation.

D. Kitchen Facilities.

There shall be no separate cooking facilities for the bed and breakfast establishment, other than those which serve the principal residence. Food may be served only to those persons who rent a room in the bed and breakfast facility.

E. Building Requirements.

A building used for a bed and breakfast establishment shall comply with the following minimum requirements:

1. There shall be at least two (2) exits to the outdoors.
2. Rooms used for sleeping shall have a minimum size of one hundred (100) square feet for two (2) occupants, plus and additional thirty (30) square feet for each additional occupant. Rooms shall be designed to accommodate no more than four (4) occupants.

3. Each sleeping room shall be equipped with a smoke detector.

F. Parking.

Adequate off-street parking shall be provided for bed and breakfast patrons, in accordance with **Section 3.27**. Off-street parking in the front yard is prohibited.

Section 7.03 Accessory Dwelling Units (Guest Houses)

The purpose of this section is to allow a minor amount of space within a dwelling or upon a lot with a primary dwelling to be used, rented, or leased as separate living quarters for extended family or non-family members in residential neighborhoods within the Township. These provisions are further intended to provide reasonable control in recognition of the high percentage of owner-occupied single family homes in the Township. The purpose of these standards is also to prevent the undesirable proliferation of permanent two-family units which could, over time, disrupt the character of single-family neighborhoods. The following regulations shall apply:

- A. One (1) accessory dwelling unit is allowed per lot.
- B. The accessory dwelling unit shall not be utilized as a Tourist Home or Bed and Breakfast Facility.
- C. There shall be no minimum size of an accessory dwelling unit. Freestanding and detached accessory dwelling units shall not exceed fifty (50%) percent of the total floor area of the principal dwelling so that it remains an accessory use to the principal dwelling and does not result in the creation of a duplex or apartment building.
- D. If the accessory dwelling unit is a freestanding, detached unit or located within or attached to a principal dwelling, it shall meet the required principal dwelling unit setbacks.
- E. The accessory dwelling unit shall be provided electricity, plumbing, and heat.
- F. The accessory unit shall be a self-contained unit and shall be one of the following:
 1. Attached to or above an attached or detached garage.
 2. attached to the primary dwelling.
 3. totally within a primary dwelling.
 4. a freestanding, detached unit.
- G. The accessory unit shall have a separate exterior entrance.
- H. The residents of the primary structure shall maintain the accessory unit and shall ensure that no excessive noise, traffic, or blight occurs on the property.
- I. The accessory unit shall conform to current building code standards.
- J. One additional parking space shall be provided on-site for the accessory dwelling unit.

Section 7.04 Home Occupations & Cottage Industries

While Frederic Township recognizes that many residents feel the necessity to work at home, the Township also recognizes the rights of all residents to be free from actual or potential nuisance which may be caused by non-residential activities conducted in a residential district. The intent of this section is to provide standards to ensure home occupations and cottage industries are compatible with other allowed uses in residential districts, and thus to maintain and preserve the residential character of the neighborhood.

A. Home Occupations.

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

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

B. Cottage Industries.

1. Cottage industries shall be permitted in specified zoning districts, (see Article 4), subject to review and approval by the Planning Commission. Cottage industries shall be allowed on the basis of individual merit, a periodic review of each cottage industry may be performed to ensure the conditions of approval are adhered to. If a premise is sold, leased, or rented to a party other than the applicant, the permit shall be reviewed for compliance with the original permit by the Zoning Administrator. If any changes are necessary, the request will be reheard by the Planning Commission.
2. Cottage industries shall be incidental and subordinate to the use of the premises for residential purposes and shall not detract from the residential character of the premises or neighborhood. There shall be no exterior evidence of such industry except for signs allowed pursuant to **Section 3.28**.
3. A cottage industry shall occupy not more than one building. The floor area of such a building shall not exceed twelve hundred (1,200) square feet, unless approved by the Planning Commission based on Zoning District parcel size and adjacent uses.
4. The outdoor storage of goods and/or materials of any kind is prohibited unless screened (by a tight-board wood fence, landscaped buffer, landscaped berm, etc.) from view from neighboring property and road rights-of-way. If required, the type of screening shall be determined at the discretion of the Planning Commission.
5. Cottage industries shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and surrounding zoning district. Any machinery, mechanical devices or equipment employed in the conduct of a Cottage Industry shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other conditions not typically associated with the allowed uses of the premises in the given zoning district.
6. Traffic and delivery or pickup of goods shall not exceed that normally created by typical uses permitted in the given zoning district.
7. Cottage industries shall be conducted only by the person or persons residing on the premises. The Planning Commission may allow up to three (3) non-residents working at the given premises to assist with the business, including both non-resident employees and those working with the business on a contractual basis.
8. To ensure that the cottage industry is compatible with surrounding residential use, a "not-to-exceed" number of vehicles that may be parked at any given time during business operations shall be established by the Planning Commission during the review and approval process.
9. Hours of operation shall be approved by the Planning Commission.

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

C. Termination, Extensions, Revisions, and Inspections.

1. Upon written application by the owner, the Planning Commission may, for just cause, grant a time extension for compliance with the conditions of this Section. The extension can be for no more than one (1) year.
2. Any home occupation or cottage industry shall be subject to periodic review by the Zoning Administrator.
3. If the Zoning Administrator has reason to believe the property owner is in violation of this Ordinance or grounds for revocation exist, written notice of alleged violation(s) shall be sent to the operator of the home business. The operator shall be afforded the opportunity to appear at a public hearing before the Planning Commission to present his or her case. The Zoning Administrator (or citing official) will also be present at said hearing. The hearing notice procedures shall be the same as those for a special approval (see **Section 9.05**).
4. Following the public hearing, the decision of the Planning Commission shall be made in writing and shall be based on the findings of fact. Reasonable conditions may be imposed to prevent conflicts with other property uses or to assure compatibility with the standards of this ordinance. The Planning Commission shall have the authority to order a limit on the hours of operation, impose conditions of operation or, if deemed necessary, order the complete termination of the activity.
5. Proposed revisions or additions to a cottage industry shall constitute a change of use and shall be subject to approval by the Planning Commission.

Section 7.05 Reserved

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Section 7.06 Campgrounds

- A. A minimum lot size shall be ten (10) acres and not less than six hundred (600) feet wide.
- B. The lot shall provide direct vehicular access to a public street or road. The term "lot" shall mean the entire campground or travel trailer park.
- C. All sanitary stations, privies, or any sanitary facilities shall be located at least one hundred (100) feet from property lines.
- D. Campground perimeter shall be completely screened by natural terrain, neatly finished and well-maintained wooden fence or masonry wall, or by well-maintained live evergreens.
- E. Campsites shall be located at least fifty (50) feet from property lines.
- F. All campgrounds and trailer courts shall comply with State of Michigan and Health Department requirements.

Section 7.07 Car Wash Facilities

A. Layout.

All washing activities shall be carried on within a building. Vacuuming activities shall be located at least fifty (50) feet from adjacent residentially zoned or used property.

B. Entrances and Exits.

Sufficient space shall be provided on the lot so that vehicles do not enter or exit the wash building directly from an adjacent street or alley. Entrances and exits shall not face abutting residentially zoned or used property. All maneuvering areas, stacking lanes, and exit aprons shall be located on the car wash parcel itself and subject to the standards listed in **Section 3.27**. Streets and alleys shall not be used for maneuvering or parking by vehicles to be serviced by the automobile wash.

Section 7.08 Commercial Outdoor Recreational Facilities

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

- A. Children's amusement facilities must be fenced on all sides with a minimum four foot and six inch (4' 6") protective wall or fence.

- B. All manufacturers' specifications for safety are complied with as well as any additional safety measures that may be prescribed by the Planning Commission.
- C. When discontinued or abandoned, the site shall be left in a reusable condition, free of hazards related to dangerous structures, pits, pools, excavations, electric circuits and similar features.

Section 7.09 Funeral Home or Mortuary

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

Section 7.10 Gasoline, Service Station & Vehicle Repair Garage

- A. Minimum lot size shall be fifteen thousand (15,000) square feet for a service station or repair garage and twelve thousand (12,000) square feet for a filling station.
- B. Minimum lot width shall be one hundred twenty (120) feet for a service station or repair garage and one hundred (100) feet for a filling station.
- C. An automobile service station building, repair garage or main building for a filling station shall be located not less than forty (40) feet from the street right-of-way or less than twenty-five (25) feet from the side or rear lot line of any adjoining residential property or less than ten (10) feet from the side or rear lot line of adjoining commercial or industrial property.
- D. No ingress or egress to an automobile service station, public garage or filling station, shall be closer than twenty-five (25) feet from any intersection or residential property line abutting the property on which such facility is located.
- E. All lubrication equipment, hydraulic hoists and pits shall be completely enclosed within a building.
- F. All gasoline pumps shall be located not less than twenty-five (25) feet from any lot line and shall be arranged so that motor vehicles may be provided easy egress and ingress to and from the adjoining street, and so that no portion of the vehicle while it is stopped for service, shall overhang onto a sidewalk, curb, street or public right-of-way.

- G. When adjoining residential property, a masonry wall at least five (5) feet in height shall be constructed parallel to the property line of such residential property. All masonry walls shall be protected by a fixed curb or other barrier to prevent vehicular contact.
- H. All outside storage areas for trash, used tires, auto parts and similar items shall be screened from view from the public right-of-way by a solid wall or solid fence. Outside storage or parking of disabled, wrecked or partially dismantled vehicles shall be allowed for a period not to exceed ten (10) days.
- I. The sale or rental of used or new vehicles, including trailers or recreational vehicles on the premises, is allowed in designated areas, subject to site plan approval by the Planning Commission.
- J. The property on which the automobile service station, repair garage or filling station is located shall be no closer than five hundred (500) feet from a vehicular entrance or exit to a hospital, library, museum, public or private school, playground, church or park.
- K. All exterior lighting shall comply with **Section 3.24**.
- L. On a corner lot, both street frontage sides shall conform to all applicable front yard regulations of this ordinance.
- M. Parking and stacking spaces shall be provided subject to the **Section 3.27**.

Section 7.11 Home Improvement Centers & Lumber Yards

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

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

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

site characteristics and adjoining uses would be incompatible with such a display. Such outdoor sales areas all also subject to the provisions of **Section 7.19** – Outdoor Sales Facilities.

- E. Building material centers associated with the lumberyard may include incidental operations involving fabrication and processing, but only within limits set forth on an approved Site Plan.

Section 7.12 Nursing & Convalescent Homes

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

- A. The minimum lot size for such facilities shall be five (5) acres.
- B. Any such facility shall provide a minimum of one hundred fifty (150) square feet of outdoor open space for every room used or intended to be used. The open space shall be landscaped and shall include places for walking and sitting. Off- street parking areas, driveways, and accessory uses or areas shall not be counted as required open space.
- C. Nursing homes, convalescent homes, orphanages, and half-way houses shall be constructed, maintained, and operated in conformance with applicable state and federal laws.

Section 7.13 Junk Storage

Junk storage shall be pursuant to **Ordinance 2000-5, as amended**.

Section 7.14 Kennels & Veterinary Clinic/Hospital

- A. All kennels shall be operated in conformance with County and State regulations and shall be on sites of at least five (5) acres.
- B. Veterinary clinics or hospitals shall be located on sites of at least one (1) acre in size.
- C. Animals shall be confined in a fenced area to preclude their approaching nearer than five hundred (500) feet to any dwelling on adjacent premises or nearer than fifty (50) feet from the property line, whichever is greater.
- D. Any fenced areas shall be screened from adjacent properties and/or roads with an opaque fence or a vegetated evergreen buffer at least five (5) feet in height.
- E. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises.
- F. Animals shall be kept in a soundproof building between the hours of 10 p.m. and 8 a.m.
- G. All principal use activities shall occur within an enclosed main building.

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Section 7.15 Manufactured Housing Developments

Manufactured home developments shall be subject to the following conditions:

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

Section 7.16 Motels & Hotels

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

Section 7.17 Non-Public Recreational Areas & Facilities

- A. Private, semi-private, and other non-public recreation lands and/or facilities shall:
 - 1. be compatible with the surrounding residential area.
 - 2. contain uses which respect the environmental qualities of the site.

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

3. not exceed the noise levels of typical residential areas.
 4. not obstruct scenic views.
- B. Recreational uses permitted herein include parks, playgrounds, and common access sites. No such facilities shall have a commercial appearance or be of a commercial character.

Section 7.18 Offices & Showrooms (trades)

Offices and show rooms of plumbers, electricians, decorators or similar trades:

- A. The ground floor premises facing upon and visible from any abutting street shall be used only for entrances, offices or display.
- B. All storage of materials or any incidental repair activities shall be within the confines of enclosed buildings or otherwise obscured from view.

Section 7.19 Outdoor Sales Facilities

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

- A. No display shall be permitted in the right-of-way of any abutting road or highway.
- B. Existing roadside trees and shrubs shall be retained in a healthy growing condition to an extent determined by the Planning Commission to offer aesthetic value, contribute to shade, while offering reasonable visual access to the display lot.
- C. The use of racks, berms, platforms, or similar devices intended for the elevated display of units shall not obstruct visibility of or from the public right-of-way.
- D. Display lot lighting shall comply with terms of **Section 3.24** which shall apply whether or not the lighting is projected from buildings, private poles, or from utility company poles, i.e. as yard lights.
- E. The display of units regulated herein shall only be in areas indicated or designated on the site plan, and areas shall be differentiated as to the display of new, used and/or inoperable units.
- F. Parking area shall be provided in the side or rear yard of the site so as to prevent on-street parking.
- G. The front setback line of the vehicle display area shall be marked by a permanent curb of sufficient height and stability to serve as a tire stop.

Section 7.20 Planned Unit Development (PUD)

A. Intent and Purpose.

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

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

B. Use and Area Regulations.

1. **Permitted Uses.** Planned unit developments shall be permitted in any zoning district according to the following:
 - a. **Residential Districts.** Except as noted, PUD uses shall be limited to the range of uses provided for within the underlying zoning district classification. Such uses may be placed either singularly or in combination. Institutional and commercial uses determined by the Planning Commission to be compatible with the character of the PUD and surrounding neighborhood may also be permitted.
 - b. **Mixed Use and Commercial District.** Except as noted, PUD uses may include any of the range of uses provided for within the underlying zoning district classification. Such uses may be placed either singularly or in combination. Residential uses determined by the Planning Commission to be compatible with the character of the PUD and surrounding neighborhood may also be permitted.
 - c. **Industrial District.** Except as noted, PUD uses shall be limited to the range of uses provided for within the underlying zoning district classification. Such uses may be placed either singularly or in combination. Commercial uses determined by the Planning

Commission to be compatible with the character of the PUD and surrounding area may also be permitted.

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

C. Dimensional Regulations.

Except to the extent that a PUD or a portion of a PUD is subject to area regulations mandated by a state agency, a PUD shall meet the following area regulations.

1. **Perimeter Setbacks.** The setback maintained along the perimeter of the PUD shall equal or exceed the required setback of the underlying zoning district, provided:
 - a. Any portion of a commercial or industrial use shall maintain a perimeter setback of not less than fifty (50) feet from any adjoining or abutting property which is in a residential zoning district.
 - b. With the exception of access drives, parking areas, lighting, sidewalks and curbing, the perimeter setback shall be landscaped.
2. **Open Space.** A PUD project shall have open space of no less than twenty-five (25%) percent of the entire project area. This required open space shall be dedicated to the public or set aside for the common use of the owners and users within the PUD. Dedicated open space does not include parking lots, roads, and public rights-of-way, but may include flood plain areas and wetlands up to a maximum of twenty-five (25%) percent of the required open space and landscape area devoted to perimeter setbacks.
3. **Height Regulations.** The height of all buildings and structures within a PUD project shall not exceed the height limit of the underlying zoning district; provided, however, the Planning Commission may authorize an increase in height upon a finding that the proposed increase will not be detrimental to the public health, safety, or welfare of the PUD occupants, the area surrounding the PUD project site, and the Township as a whole. This increase, however, shall not exceed fifty (50) percent of the underlying zoning district height limit. In authorizing an increase in height, the Planning Commission may require increased building setbacks and/or other conditions determined necessary to secure the public health, safety, or welfare and to ensure compatibility of the project with the surrounding area. In no case shall an increase in height be permitted if the increase will result in conditions beyond the service capability of the Township pursuant to emergency fire suppression and other emergency services.

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

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

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

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

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

D. Planned Unit Development Eligibility Requirements.

To be eligible for a planned unit development, a parcel shall meet all of the following:

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

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

E. Pre-application Conference.

1. A pre-application conference shall be held with the Planning Commission or its representative, unless waived by the applicant, for the purpose of determining the eligibility of the proposed PUD application and to review the procedures and standards for PUD approval. The goals of the pre-application conference are to acquaint the Planning Commission, or its representative, with the applicant's proposed development, assist the applicant in understanding new or additional information which the Planning Commission will need to effectively consider the application, confirm that the application and all supporting documentation is ready for a public hearing, and to acquaint the applicant with the Planning Commission's initial, but unofficial reaction to the application. In no case shall any representations made by the Planning Commission, or its representative, at the pre-application conference be construed as an endorsement or approval of the PUD.
2. A request for a pre-application conference shall be made to the Zoning Administrator who shall schedule a date and time for the pre-application conference. As part of the pre-application conference, the applicant shall submit five (5) copies of a conceptual plan which shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation, and land use for the entire site.

F. PUD Application Requirements.

An applicant seeking approval of a PUD shall submit a complete application to the Zoning Administrator. The Zoning Administrator shall then forward the application to the Planning Commission for its review under the procedures of this section. The application shall include all of the following:

1. A completed application form, supplied by the Zoning Administrator.
2. Payment of a fee as established by resolution of the Township Board.
3. A narrative statement describing:
 - a. Phases of development, if any, and the approximate time frame for the start and completion of construction of each phase.
 - b. Proposed master deed, deed restrictions, covenants or similar legal instruments to be used within the PUD.
 - c. Anticipated dates for the start and completion of the PUD construction.
 - d. The location, type, and size of areas to be dedicated for common open space.
 - e. The PUD application shall include all information required by **Sections 5.05 and 6.02 (A)**.

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

G. Public Hearing on PUD Request; Notice.

A public hearing shall be held on the PUD request after the notice requirements have been fulfilled pursuant to **Section 9.05**.

H. Planning Commission Review of PUD.

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

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

1. **General Standards.** The Planning Commission shall approve, or approve with conditions, a PUD application if the Planning Commission finds that the proposed PUD meets the standards of **Section 5.07** and **Section 6.03** and all of the following:
 - a. The Planned Unit Development shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area. Landscaping shall ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property and will be consistent with outdoor pedestrian movement. Vegetation proposed by the developer or required by the Planning Commission shall be maintained in a healthy living condition and such vegetation if dead shall be replaced.
 - b. The Planned Unit Development shall not change the essential character of the surrounding area, unless such change is consistent with the Township's current master plan.
 - c. The Planned Unit Development shall be designed to preserve public vistas and existing important natural, historical, and architectural features of significance within the development.
 - d. The Planned Unit Development shall be designed so that its pedestrian, non-motorized and automobile circulation systems are safely and conveniently integrated with those of abutting property and any linear trail or park systems intersecting or abutting such development.
 - e. The Planned Unit Development shall provide that vehicular and pedestrian traffic within the site shall be safe and convenient and that parking layout will not adversely interfere with the flow of traffic within the site or to and from the adjacent streets. Safe and

adequate access for emergency vehicles to or within the development and adequate space for turning around at street ends shall be provided.

- f. The Planned Unit Development shall not result in any greater stormwater runoff to adjacent property after development, than before. The open space shall be provided with ground cover suitable to control erosion, and vegetation which no longer provides erosion control shall be replaced.
 - g. The design of the Planned Unit Development shall exhibit a reasonably harmonious relationship between the location of buildings on the site relative to buildings on lands in the surrounding area; and there shall be a reasonable architectural and functional compatibility between all structures on the site and structures within the surrounding area. It is not intended that contrasts in architectural design and use of facade materials is to be discouraged, but care shall be taken so that any such contrasts will not be so out of character with existing building designs and facade materials so as to create an adverse effect on the stability and value of the surrounding area.
 - h. The Planned Unit Development shall be designed such that phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility services, and drainage or erosion control.
2. **Conditions.** The Planning Commission may impose reasonable conditions with the approval of a final site plan, pursuant to **Section 9.07** of this Ordinance.
 3. **Waiver of PUD Standards.** The Planning Commission may waive any of the standards for a PUD contained in subsection (I.) above where all of the following findings are documented along with the rationale for the decision:
 - a. No good public purpose will be achieved by requiring conformance with the standards sought by the applicant to be waived.
 - b. The spirit and intent of the PUD provisions will still be achieved.
 - c. No nuisance will be created.

J. **Planned Unit Development Permit.**

Following final approval of a PUD application, a permit may be obtained from the Zoning Administrator. The issuance of this permit, however, shall not relieve the applicant from complying with applicable county, state, and federal permit requirements. The failure of the applicant to obtain any required county, state, or federal permit shall render the PUD permit issued under this subsection void.

K. **Continuing Adherence to Approved PUD Application.**

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Any property owner who fails to develop and maintain an approved PUD according to the approved PUD application and conditions, if any, shall be deemed in violation of the provisions of this Ordinance and shall be subject to the penalties provided in this Ordinance.

L. Recording of Action.

The applicant shall record an affidavit acceptable to the Township Attorney with the Crawford County Register of Deeds that contains the full legal description of the project site, specifies the date of final Township approval, specifies the description or identification number which the Township has assigned to the PUD project, and declares that all improvements will be carried out in accordance with the approved PUD application. If the Planning Commission approves an amendment to the PUD, the applicant shall record an amended affidavit acceptable to the Township Attorney that contains all of the information described above, describes the amendment, specifies the date the Zoning Administrator or Planning Commission approved the amendment, and declares that the improvements will be carried out in accordance with the approved PUD, as amended. Finally, all deed restrictions and easements shall be duly filed with the Crawford County Register of Deeds and copies of recorded documents filed with the Zoning Administrator.

M. Amendment of an Approved Planned Unit Development.

Amendment to an approved PUD shall be regulated by **Section 5.08**.

N. Expiration of Approved PUD; Extension.

1. An approved PUD shall expire one (1) year following final approval by the Planning Commission, unless substantial construction has begun on the PUD project prior to that time or the property owner applies to the Planning Commission for an extension prior to the expiration of the PUD. The Planning Commission may grant one (1) extension of an approved PUD for an additional one (1) year period if it finds:
 - a. The property owner presents reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the property owner; and
 - b. The PUD requirements and standards that are reasonably related to the development have not changed.
2. If the PUD approval expires pursuant to subsection 1 above, no work pursuant to the PUD plan may be undertaken on the project until a new PUD approval is obtained from the Planning Commission following the procedures for a new PUD application.

O. Performance Guarantee.

The Planning Commission may require a performance guarantee pursuant to **Section 9.04**.

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Section 7.21 Public Buildings, Institutions & Places of Worship

Public buildings (except public works garages and storage yards), places of worship, public schools, private schools and their local supporting service uses, shall be subject to the following conditions:

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

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

Section 7.22 Race Tracks (including midget auto & cart tracks)

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

- A. All parking shall be provided as off-street parking within the boundaries of the development.
- B. All access to the parking areas shall be provided from major traveled roads. Approval of ingress and egress points by the police or sheriff authority having jurisdiction in the community.
- C. All sides of the development, except access points, shall be provided with a twenty (20) foot wide greenbelt planting so as to screen from view all activities within the development.
- D. The hours of operation shall be between 10 a.m. and 8 p.m.

Section 7.23 Recreation Camps, Lodges & Resorts

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

- A. The use is established on a minimum site of twenty (20) acres.
- B. All outdoor activity areas, parking lots, main buildings and accessory buildings are located at least one hundred (100) feet from all property lines. The resulting one hundred (100)-foot yard shall be

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

maintained as a buffer area wherein all natural tree/shrub cover is retained in a healthful growing condition. Planted greenbelts may be required by the Planning Commission as deemed necessary.

- C. The use shall not locate within the confines of a platted subdivision intended for single residential occupancy or parcels which are deemed by the Planning Commission to be logical extension of such a platted area.

Section 7.24 Salvage Yards, Metal Recycling, & Scrap Yards

A. Salvage Yard Classifications.

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

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

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

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

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

B. Requirements.

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

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

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

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

3. The proposed site shall have a minimum of six (6) feet of vertical isolation from groundwater, and be at least one thousand (1,000) feet from an identified body of surface water.
4. Screening devices to include but not necessarily be limited to fences, greenbelts, berms or natural features shall be employed provide maximum visual obscurity of the use. No such device shall be constructed without approval of the structural details and type of materials to be used, and shall adhere to a stated installation schedule.
5. Entrance/exit points shall give due consideration to minimizing conflicts with adjacent properties, and the views from adjacent properties and/or public roads shall be a major consideration in positioning the use on the property.
6. Activity that generates continuous and persistent noises or vibrations that are perceptible from off the site shall not be permitted before the hour of 8:00 a.m. and after 6:00 p.m. and no such activity shall operate on Sundays.
7. Open burning shall not be permitted, except by State Permit, and it shall comply with this subsection.
8. Once approved, no other portion of the property shall be used for activities regulated herein without an amended site plan and Special Use Permit, and there shall be no presumption that any usage beyond that in the original permit would be approved.
9. The minimum site size to consider for uses permitted herein shall be thirty-five (35) acres or more by description and have at least nine hundred (900) feet of width and depth throughout. All salvage yard uses shall be at least:
 - a. Two hundred (200) feet from a property line.
 - b. Three hundred (300) feet from an off premises residence.
 - c. Five hundred (500) feet from a Residential District Boundary.
10. The height of stacked metals and/or materials shall be regulated by screening and the physical characteristics of the site, but shall in no instance be higher than twenty (20) feet.

The Planning Commission may modify the terms of this section where it can be demonstrated that no

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

good or practical purposes would be served by strict compliance, and for temporary collection sites to be used for less than 12 months.

C. Reasons for Denial.

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

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

D. Violations Not Nonconforming.

Any salvage yard or junk storage use determined to have been established in violation of the terms of the Frederic Township Zoning Ordinance shall not be accorded the status of "nonconforming" as defined in this Ordinance, but shall be enforced as ordinance violations. Such uses, however, shall have the right to hearings and procedures to qualify for a legal Special Use Permit as prescribed in this Article 6.

Section 7.25 Sawmills & Other Mills

Sawmills, planing mills, veneer mills and accessory or incidental mill operations involving logs, "unprocessed timber" and/or rough sawn lumber, shall be subject to the following conditions:

- A. The use involves the processing of raw timber and/or rough lumber and shall not include retail lumberyard businesses or hardware supplies, paints, and the like. Log and lumber storage uses are permissible accessory uses.
- B. The land area of the mill site shall be at least ten (10) acres with a minimum lot width of six hundred and sixty (660) feet.

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

- C. Structures housing mechanical wood cutting devices (head saws, cut-off saws, planers, lathers, etc.), shall not be located closer to an off-premises residence than five hundred (500) feet, unless the owner of the off-premise residence signs a statement agreeing to a lesser setback.
- D. Log storage and sawn timber or lumber shall not be located nearer than five hundred (500) feet from an off-premises residence unless the owner signs a statement agreeing to a lesser setback.
- E. The location of a proposed mill is determined by the Planning Commission to be compatible with other uses in the general vicinity taking into account traffic flow, noise, scenic values, residential environments where applicable, and any Township or Community Land Use Plans for the area. The mill location shall be determined to be good land use.

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

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

Section 7.26 Sexually Oriented Business

The purpose and intent of the sections of this Ordinance pertaining to the regulation of sexually oriented businesses is to regulate the location and operation of, but not to exclude, sexually oriented businesses within the Township, and to minimize their negative secondary effects. It is recognized that sexually oriented businesses, because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, educational, religious, and other similar public and private uses. The regulation of sexually oriented businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting and downgrading of surrounding areas and will not negatively impact the health, safety, and general welfare of Township residents. The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adults access to sexually oriented businesses and their products, or to deny sexually oriented businesses access to their intended market. Neither is it the intent of this Ordinance to legitimize activities which are prohibited by Township ordinance, state or federal law. If any portion of this Ordinance relating to the regulation of sexually oriented businesses or referenced in those sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the Township intends said portion to be disregarded, reduced, and/or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of any portion of this Ordinance relating to regulation of sexually oriented businesses following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

- A. No sexually oriented business shall be permitted in a location in which any principal or accessory structure, including signs, is within one thousand (1,000) feet of any principal or accessory structure of another sexually oriented business.
- B. No sexually oriented business shall be established on a parcel which is within one thousand (1,000) feet of any parcel zoned R (residential district).
- C. No sexually oriented business shall be established on a parcel within five hundred (500) feet of any residence.
- D. The proposed use shall conform to all specific density and setback regulations, etc. of the zoning district in which it is located.
- E. The proposed use must meet all applicable written and duly promulgated standards of Frederic Township and other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.
- F. The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or adjacent roadways.
- G. Any sign or signs proposed for the sexually oriented business must comply with the provisions of this Ordinance, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.
- H. Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that:
 - 1. "persons under the age of 18 are not permitted to enter the premises", and
 - 2. "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
- I. No product or service for sale or gift, or any picture or other representation of any product or service or gift, shall be displayed so as to be visible from the nearest adjoining roadway or a neighboring property.
- J. Hours of operation shall be limited to 8:00 AM to 12:00 AM.
- K. All off-street parking areas shall be illuminated during all hours of operation of the sexually oriented business, and until one hour after the business closes.

L. Any booth, room, or cubicle available in any sexually oriented business, except an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:

1. Shall be handicap accessible to the extent required by the Americans With Disabilities Act;
2. Shall be unobstructed by any door, lock, or other entrance and exit control device;
3. Has at least one side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
4. Is illuminated by a light bulb of wattage of no less than 25 watts;
5. Has no holes or openings in any side or rear walls.

M. Review Procedures for Sexually Oriented Businesses.

The Planning Commission shall adhere to the following procedures when reviewing a Special Use Permit application for a sexually oriented business.

1. If the Planning Commission determines that a Special Use Permit application for a sexually oriented business is not complete when it is first presented to the Planning Commission, it shall provide written notice by first class mail within three (3) business days of said determination detailing the items required to complete the application. Upon payment of a new filing fee, the applicant may resubmit the amended application for review by the Planning Commission for completeness.
2. If the Planning Commission determines that the application is complete, it shall within sixty (60) days of said determination make and adopt specific findings with respect to whether the proposed sexually oriented business is in compliance with the standards designated in Section **7.25 (A-L)**. If the Planning Commission has not made and adopted findings of fact with respect to a proposed sexually oriented business and either approved or denied the issuance of a Special Use Permit for the same within sixty (60) days of its determination that a completed application has been filed, then the Special Use Permit shall be deemed to have been approved.
3. **Prompt judicial review of adverse determination.** If the Planning Commission denies a Special Use Permit application for a sexually oriented business pursuant to the above paragraphs, then the applicant shall be entitled to prompt judicial review by submitting a written request to the Zoning Administrator. The Township shall have within three (3) business days of the receipt of such written notice to do the following:
 - a. File a petition in the Circuit Court for the County of seeking a judicial determination with respect to the validity of such denial, and in conjunction therewith, apply for a preliminary

and permanent injunction restraining the applicant from operating the sexually oriented business in violation of the Township Zoning Ordinance;

- b. Request that the application for issuance of a preliminary injunction be set for a show-cause hearing within five (5) business days or as soon thereafter as is possible after the filing of such petition. In the event the applicant appears at or before the time of such show-cause hearing, waives the notice otherwise provided by Michigan Court Rules, and requests that at the time set for such hearing the Court proceed to hear the case under applicable rules of civil procedure for the issuance of such permanent injunction on its merits, the Township shall be required to waive its application for preliminary injunction and shall join in such request.

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

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

Section 7.27 Storage Facilities

- A. Storage uses as allowed in Industrial District (I) and General Commercial (C), including mini-storage, shall meet the following regulations:
 1. All proposed storage buildings nearest to the primary access road shall be site planned to be perpendicular to the road; landscape screening may be required by the Planning Commission.
 2. Proposed storage buildings are positioned to the rear of other approved non-storage or non-warehousing buildings, e.g., retail or office uses, or, the storage buildings are set back at least one hundred (100) feet from public road right-of-way lines.
 3. If required, effective year-round landscape screening is required to shield storage buildings from bordering public roads upon installation of proposed plant materials.
 4. Nothing in this section shall prohibit or inhibit storage space as a necessary accessory use to any principal commercial use of the property, and these standards do not apply to internal roads within a planned industrial or commercial park.
 5. Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies, provided such is enclosed within a building or within an obscuring

wall or fence on those sides abutting all Residential Districts and on any yard abutting a public thoroughfare.

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

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

Section 7.28 Towers & Antennae Facilities (Wireless Communications)

A. **Antenna Co-Location on an Existing Tower or Support Structure.**

1. Antenna Co-Location on an existing support structure shall be a permitted use of property pursuant to **Section 3514 of 2006 PA 110**, as amended, if the following requirements are met.
 - a. The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
 - b. The existing wireless communications support structure or existing equipment compound is in compliance with this Ordinance or was approved by the Frederic Township Planning Commission.
 - c. The proposed co-location will not do any of the following:
 - (1) Increase the overall height of the wireless communications support structure by more than twenty (20) feet or ten (10%) percent of its original height, whichever is greater.
 - (2) Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.
 - (3) Increase the area of the existing equipment compound to greater than two thousand five hundred (2,500) square feet.
 - d. The proposed co-location complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the appropriate zoning body or official of the local unit of government.

2. Wireless communications equipment that meets the requirements of subsection A.1.a and A.1.b but does not meet the requirements of subsection A.1.c or A.1.d is a permitted use of property if it receives Special Land Use approval under **subsection C**.
3. No antenna or similar sending/receiving devices appended to the tower/support structure, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the tower/support structure thereby jeopardizing the tower's/support structure's structural integrity.
4. The installation and/or operation of the above mentioned, antennas or facilities shall not interfere with normal radio/television reception in the area. In the event interference occurs, it shall be the sole responsibility of the owner to rectify the situation with the parties involved.

B. New Support Structures.

1. **Exemptions.** Antenna towers and masts erected and operated as a residential accessory use, and not more than fifty (50) feet in height as measured between the tower's base at grade and its highest point erected and all Amateur Radio Antenna are exempt from the provisions of this Section.
2. **New Support Structures.** New wireless communications support structures may be authorized as a Special Use by the Planning Commission using the procedures listed in **subsection C** below.

C. Special Land Use Approval Procedure.

1. An application for Special Land Use approval of wireless communications support structures, hereafter known as a "tower" in this section, shall include all information required by **Section 5.05 (Site Plan Data Required)**.
2. After an application for a Special Land Use approval is filed, the Zoning Administrator shall determine whether the application is administratively complete. The application shall be considered to be administratively complete when the Zoning Administrator makes that determination or fourteen (14) business days after the Zoning Administrator receives the application, whichever is first.
3. If, before the expiration of the 14-day period under **subsection C.1**, the Zoning Administrator notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the 14-day period under **subsection C.1** is tolled until the applicant submits to the body or official the specified information or fee amount due. The notice shall be given in writing or by electronic notification.
4. The Planning Commission shall approve or deny the application not more than ninety (90) days after the application is considered to be administratively complete. If the Planning

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Commission fails to timely approve or deny the application, the application shall be considered approved and the Planning Commission shall be considered to have made the determination required for approval.

D. Support Structure Submittal Requirements and Approval Standards.

1. The Applicant shall provide documentation to the Planning Commission that clearly establishes the legal ownership of the tower.
2. The township may request a visual impact analysis, prepared by the applicant, which includes graphic depictions of the anticipated visual appearance of the tower from important vantage points in the surrounding area. Methods used in preparing the analysis shall be reviewed and approved by the Zoning Administrator.
3. A wireless communications support structure shall be exempt from building height limits established by zoning district regulations, provided that the tower height shall not exceed the minimum height necessary to serve its intended functions.
4. The applicant shall demonstrate whether or not it is not feasible to provide equivalent service by locating the antenna on an existing tower or other existing structure in the Township, or on an existing tower or other existing structure located in neighboring communities.
5. The tower and any ancillary building housing equipment needed for operation of the wireless communications equipment shall not exceed the floor area and height minimally necessary for such equipment, and shall be of a size, type, and exterior materials which are aesthetically and architecturally compatible with the surrounding area, and as minimally obtrusive as possible. Landscape screening may be required by the Planning Commission to accomplish screening of ancillary equipment buildings. The color of the tower shall be as unobtrusive as possible. The painting of towers less than five hundred (500) feet in height in alternate bands of orange and white shall be permitted only if specifically required by Federal Communications Commission (FCC) or Federal Aviation Administration (FAA) regulations. If alternate band painting is required by FCC or FAA regulations, the applicant shall provide documentation of such requirements and regulations.
6. The applicant shall provide documentation of any lighting to be installed on the tower. If tower lighting is required or proposed, the tower may not be approved unless the Planning Commission determines that it will not have a significant adverse impact on properties and residents of the surrounding area.
7. The applicant shall provide documentation of conformance with any Federal Communications Commission and Federal Aviation Administration regulations.
8. The owner/operator of the tower shall agree to permit use of the tower by other personal or business communications services providers, including local government agencies, on

reasonable terms, so long as such use does not interfere with the owner/operator's reasonable use of the tower.

9. As a condition of approval, the Planning Commission may require an owner to deposit funds in escrow with the Township, or provide an insurance bond satisfactory to the Township's Attorney to assure the removal of towers and masts as prescribed in this Section. If required, such escrow deposit or insurance bond shall be in an amount equal to one and one-quarter (1.25) times the estimated cost of removal of the tower at the time of approval. Such escrow deposit or bond shall be maintained by successor owners.
10. If the tower ceases operation for its original use or is abandoned for any reason, the Township may order its removal from the site by the owner of the tower within three (3) months of notification by the Township.
11. If the height required for the tower to serve its intended function decreases from the installed height due to technological advancement, additional tower installations at other locations, or other factors, the Township may order that the tower be lowered to such decreased minimum height.
12. The tower and any supporting or appurtenant structures shall be no closer to any dwelling than the distance equal to the height of the tower measured from its base at grade to its highest point of elevation.
13. The Zoning Board of Appeals shall have no jurisdiction over a decision made by the Planning Commission to approve, approve with conditions, or deny an application for special use approval to erect and maintain cellular phone and other personal and business communications antenna towers.

E. Small Cell Wireless Facilities.

1. **Exempt Small Cell Wireless Facilities.** The co-location of a small cell wireless facility and associated support structure within a public right of way (ROW) is not subject to zoning reviews or approvals under this Ordinance to the extent it is exempt from such reviews under the **Small Wireless Communications Deployment, 2018 PA 365, as amended**. In such case, a utility pole in the ROW may not exceed forty (40) feet above ground level without special land use approval and a small cell wireless facility in the ROW shall not extend more than five (5) feet above a utility pole or wireless support structure on which the small cell wireless facility is co-located.
2. **Administrative Approval for Non-Exempt Small Cell Wireless Facilities.** The modification of existing or installation of new small cell wireless facilities or the modification of existing or installation of new wireless support structures used for such small cell wireless facilities that are not exempt from zoning review in accordance with **2018 PA 365, as amended** shall be subject to review and approval by the Zoning Administrator in accordance with the following procedures and standards:

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

- a. The processing of an application is subject to all of the following requirements:
 - (1) Within thirty (30) days after receiving an application under this Section, the Zoning Administrator shall notify the applicant in writing whether the application is complete. The notice tolls the running of the 30-day period.
 - (2) The running of the time period tolled under subdivision (1) resumes when the applicant makes a supplemental submission in response to the Zoning Administrator's notice of incompleteness.
 - (3) The Zoning Administrator shall approve or deny the application and notify the applicant in writing within ninety (90) days after an application for a modification of a wireless support structure or installation of a small cell wireless facility is received or one hundred fifty (150) days after an application for a new wireless support structure is received. The time period for approval may be extended by mutual agreement between the applicant and Zoning Administrator.
- b. The Zoning Administrator shall base their review of the request on the standards contained in **Sections 5.07**; provided, however that a denial shall comply with all of the following:
 - (1) The denial is supported by substantial evidence contained in a written record that is publicly released contemporaneously.
 - (2) There is a reasonable basis for the denial.
 - (3) The denial would not discriminate against the applicant with respect to the placement of the facilities of other wireless providers.
- c. In addition to the provisions set forth in Section b, in the Zoning Administrator's review:
 - (1) An applicant's business decision on the type and location of small cell wireless facilities, wireless support structures, or technology to be used is presumed to be reasonable. This presumption does not apply with respect to the height of wireless facilities or wireless support structures.
 - (2) An applicant shall not be required to submit information about its business decisions with respect to any of the following:
 - (a) The need for a wireless support structure or small cell wireless facilities.
 - (b) The applicant's service, customer demand for the service, or the quality of service.

- (3) The Zoning Administrator may impose reasonable requirements regarding the appearance of facilities, including those relating to materials used or arranging, screening, or landscaping.
- (4) The Zoning Administrator may impose spacing, setback, and fall zone requirements substantially similar to spacing, setback, and fall zone requirements imposed on other types of commercial structures of a similar height in a similar location.
- d. Within one (1) year after a zoning approval is granted, a small cell wireless provider shall commence construction of the approved structure or facilities that are to be operational for use by a wireless services provider, unless the Zoning Administrator and the applicant agree to extend this period or the delay is caused by a lack of commercial power or communications facilities at the site. If the wireless provider fails to commence the construction of the approved structure or facilities within the time required the zoning approval is void.

Section 7.29 Wind Energy Systems

All wind energy systems require a zoning permit.

A. Purpose and Goals.

The purpose of this section is to establish guidelines for siting wind energy systems and wind energy facilities. This section's goals are as follows:

1. To promote the safe, effective, and efficient use of wind turbines and wind energy systems installed to reduce on-site consumption of electricity supplied by utility companies.
2. To lessen potential adverse impacts that wind turbines and wind energy facilities may have on residential areas and land uses through careful design, siting, noise limitations, and innovative camouflaging techniques.
3. To avoid potential damage to adjacent properties from turbine failure through proper siting of turbine structures.

B. Technological Advances and Design Standards Flexibility.

The Township recognizes the accelerated pace at which the technology of wind energy generation is constantly evolving, and the impact these technological changes may have on the use and placement of wind energy systems within the Township. Consequently, in order to effectively incorporate new technology that may outpace the regulations established herein, the Planning Commission may approve wind energy systems that do not fully comply with the strict development standards of these regulations, if in the opinion of the Commission they comply with the intent of the regulations and do

not create significant adverse impacts on the petitioned property, abutting properties or the immediate neighborhood.

C. Noncommercial (On-Site) Wind Energy Systems.

A wind energy conversion system which is intended to primarily serve the needs of the property upon which it is located shall comply with the following standards:

1. **Design & Installation.** All wind turbines (ground and roof-mounted) shall comply with building code. Wind turbines shall be installed by a licensed contractor and applications shall be accompanied by engineering drawings of the wind turbine structure including the tower, base, and footings. The installation of the wind turbine shall meet manufacturer's specifications.
2. **Plot Plan Submittal.** An application for the installation of a On-Site Wind Energy System shall include a plot plan including the following information:
 - a. Location of the proposed wind turbine.
 - b. Location of all structures on the property and adjacent properties and the distance from the wind turbine.
 - c. Distance from other wind turbines on adjacent lots, if applicable.
3. **Height.** The maximum height shall be determined on a case by case basis dependent upon the site and manufacturer's specifications and recommendations. Wind energy systems must be able to be contained on the property owner's lot in the event that it should fall.
4. **Number of Turbines (Horizontal or Vertical).** The number of turbines shall be determined by the spacing requirement of the manufacturer.
5. **Rotor Clearance.** A minimum fifteen (15) foot clearance from the ground shall be maintained for the vertical blade tip of a Horizontal Axis Wind Turbine and for the bottom of the rotating spire or helix of a Vertical Axis Wind Turbine.
6. **Guy Wires.** The use of guy wires shall be prohibited.
7. **Noise.** Small wind energy systems shall not cause a sound pressure level in excess of fifty-five (55) dB(A) or in excess of five (5) dBA above the background noise, whichever is greater, as measured at the nearest property line. This level may be exceeded during short-term events such as utility outages and severe wind storms.
8. **Vibration.** Small wind energy systems shall not cause vibrations through the ground which are perceptible beyond the property line of the parcel on which it is located.

9. **Spacing.** Minimum spacing between wind energy systems (on- and off-site) shall be per the manufacturers specifications).
10. **Reception Interference.** Small wind energy systems shall not cause interference with television, microwave, navigational or radio reception to neighboring areas.
11. **Shadow Flicker.** The property owner of a wind turbine shall make reasonable efforts to minimize shadow flicker to any occupied building on nearby properties.
12. **Potential Ice Throw.** Any potential ice throw or ice shedding from the wind turbine generator shall not cross the property lines of the site nor impinge on any right-of-way or overhead utility line.
13. **Visual Impact.** All visible components of a small on-site wind energy system shall be painted a non-reflective, non-obtrusive neutral color and maintained in good repair in accordance with industry standards.
14. **Safety.** A small on-site wind energy system shall have an automatic braking system to prevent uncontrolled rotation.
15. **Other Regulations.** On-site use of wind energy systems shall comply with all applicable State construction and electrical codes, Federal Aviation Administration requirements, Michigan Aeronautics Commission requirements, P.A. 259 of 1959, as amended, (Michigan Tall Structures Act, being MCL 259.481 et. seq.) and the Michigan Public Service Commission and Federal Energy Regulatory Commission standards.
16. **Roof-Mounted Wind Energy Systems.** Roof-mounted wind energy systems require a zoning permit and do not count toward the maximum building height allowed by this Ordinance.

D. Commercial Wind Energy Facilities and Anemometer Towers.

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

1. **Sufficient Wind Resources.** The proposed site shall have documented annual wind resources sufficient for the operation of the proposed wind turbine generator; provided, however, this standard shall not apply to an anemometer tower. No wind turbine generator shall be approved without submission of a wind resource study documenting wind resources on the site over a minimum of one year. Said study shall indicate the long term commercial economic viability of the project. The Township may retain the services of an independent, recognized expert to review the results of the wind resource study prior to acting on the application for Special Use Permit.

2. **Minimum Site Area.** The minimum site area for a wind turbine generator or an anemometer tower erected prior to a wind turbine generator shall be as necessary to meet required setbacks and any other standards of this ordinance.
3. **Setbacks.** Each proposed wind turbine generator or anemometer tower shall meet the following applicable setback requirements:
 - a. Each wind turbine generator shall be set back from any adjoining lot line a distance equal to one and one half (1.5) times the total height of the WTG. The Planning Commission may reduce this setback to no less than 100 feet, provided the adjoining property is owned by the applicant or an easement is obtained. The amount of setback relief approved by the Planning Commission will be based on data provided by the applicant and prepared by a qualified professional. Such data shall satisfy the Planning Commission that any potential blade and ice throw will not cross the property line and that sound levels will not exceed 50 decibels on the dB(A) scale at the property line from the proposed setback. Data provided shall be specific to the proposed tower in the proposed location taking into consideration prevailing winds, topography, existing vegetation, and other relevant factors.
 - b. In addition to the above, a wind turbine generator shall, in all cases, be set back from a public or private road right-of-way or existing easement a minimum distance equal to one and one half (1.5) times the height of the wind turbine generator tower as defined in the Ordinance.
 - c. For any newly proposed wind turbine generator or anemometer tower, a “wind access buffer” equal to a minimum of five (5) rotor diameters shall be observed from any existing off-site wind turbine generator tower, based on the average rotor diameter between the existing and proposed WTG.
4. **Maximum Height.**
 - a. The maximum wind turbine generator height or the height of an anemometer tower erected prior to the wind turbine generator shall be 300 feet, inclusive of blade at the maximum vertical position.
 - b. The Planning Commission may approve an increased height for a wind turbine generator tower or an anemometer tower if all of the following conditions are met:
 - (1) The increased height will result in the preservation of a substantial stand of trees, existing land forms or structures that would otherwise be removed to increase wind velocity.
 - (2) The increased height is the minimum necessary to achieve a reasonable rate of return on the operation of the wind turbine generator given the documented wind speeds and other site conditions. A reasonable rate of return is not equivalent to maximizing

economic return to the operator, as determined by the Planning Commission or a qualified professional hired by the Township. The Planning Commission shall not grant the increased height if economic return is not met due to the use of inefficient equipment that does not utilize current commercial technologies.

(3) The increased height will not result in increased intensity on lighting of the tower due to FAA or MAC requirements.

5. **Minimum Rotor Wind Vane or Blade Clearance.** The lowest point of the arc created by rotating wind vanes or blades on a wind turbine generator shall be no less than fifteen (15) feet.
6. **Maximum Noise Levels.** Any proposed wind turbine generator shall result in the production of cumulative sound levels that are no more than fifty (50) decibels as measured on the dB(A) scale at the property lines of the site in question.
7. **Maximum Vibrations.** Any proposed wind turbine generator shall not produce vibrations through the ground humanly perceptible beyond the property on which it is located.
8. **Interference with Residential Reception.** Any wind turbine generators shall be constructed and operated so that they do not interfere with television, microwave, navigational or radio reception to neighboring areas.
9. **Landscaping.** Each proposed wind turbine generator shall meet the following landscaping requirements; provided, however, the Planning Commission may reduce or waive such requirements if it finds that because of the remote location of the site, or other factors, the visual impact of the wind turbine generator would be minimal.
 - a. The base of the wind turbine generator shall be landscaped with a buffer of plant materials that effectively screens the view of the bases of these facilities from adjacent property used for residential purposes. The standard buffer shall consist of a landscaped strip at least four feet (4') wide outside the perimeter of the facilities.
 - b. Existing natural land forms on the site which effectively screen the base of the wind turbine generator or anemometer tower erected prior to a wind turbine generator from adjacent property used for residential purposes shall be preserved to the maximum extent possible.
 - c. Landscaping shall be designed to counter the effects of "shadow flicker" on any neighboring residences or roadways caused by the rotor rotation in the sunlight.
 - d. To ensure compliance with these landscaping standards, the Planning Commission may require additional landscaping on the site after the installation of the wind turbine generator.

10. **State or Federal Requirements.** Any proposed wind turbine generator anemometer tower shall meet or exceed any standards and regulations of the Federal Aviation Administration (FAA), Michigan Aeronautics Commission (MAC), the Michigan Public Service Commission, National Electric Safety Code, and any other agency of the state or federal government with the authority to regulate wind turbine generators or other tall structures in effect at the time the Special Use Permit is approved.
11. **Soil Conditions.** A proposal for any wind turbine generator or anemometer tower shall be accompanied by a report of the soils present on the site based on soil borings, and a description of the proposed foundation size, materials, and depth. The top of such a foundation shall be installed to a depth of five (5) feet below grade, to allow for feasible future reuse of the land unless the applicant provides a financial assurance that the foundation will be removed in the event that the tower is removed.
12. **Aesthetics and Lighting.** Any proposed wind turbine generator or anemometer tower shall meet the following requirements:
- a. Each wind turbine generator or anemometer tower shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA and MAC, be painted a neutral color so as to reduce visual obtrusiveness.
 - b. Each wind turbine generator, including all accessory structures or anemometer tower shall, to the extent possible, use materials, and colors that will blend them into the natural setting and surrounding buildings. A medium grey shade is the preferred color for any wind generator or anemometer tower; however, the Planning Commission may approve an alternate color if the facility is suspected to be located within an avian migratory route or if an alternate color would otherwise benefit the community.
 - c. Each wind turbine generator or anemometer tower shall not be artificially lighted, unless required by the FAA, MAC or other applicable governmental authority. If lighting is required, the lighting alternatives and design chosen:
 - (1) Shall be the intensity required under FAA or MAC regulations.
 - (2) Shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by the FAA or MAC. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to the FAA or MAC.
 - (3) May be a red top light that does not pulsate or blink.
 - (4) All tower lighting required by the FAA or MAC shall be shielded to the extent possible and acceptable to the FAA or MAC to reduce glare and visibility from the ground.
 - d. Each wind turbine generator or anemometer tower shall be sited on the property in a location that reduces to the maximum extent possible any adverse impacts on significant

view corridors from adjacent properties, while at the same time maintaining contact with economically viable wind resources.

- e. Each wind turbine generator or anemometer tower shall be a monopole or monotube style construction (as distinguished from a lattice-style tower) and shall not utilize guy wires.
13. **Sign.** A sign no more than four (4) square feet in area displaying an address and telephone number for emergency calls and informational inquires shall be posted at the proposed wind turbine generator or anemometer tower erected prior to a wind turbine generator. No wind turbine generator tower or anemometer tower or site shall include any advertising sign.
 14. **Hazard Planning.** An application for a wind turbine generator shall be accompanied by a hazard prevention plan. Such plan shall address the following at a minimum:
 - a. Certification that the electrical wiring between turbines, and between turbines and the utility right-of-way does not pose a fire hazard.
 - b. The landscape plan accompanying the application shall be designed to avoid spread of fire from any source on the turbine; such preventative measures may address the types and locations of vegetation below the turbine and on the site.
 - c. The following shall be submitted with the application for a special use permit for a wind turbine generator:
 - (1) A listing of any hazardous fluids that may be used on site shall be provided, including Material Data Safety Sheets (MDSS).
 - (2) Certification that the turbine has been designed to contain any hazardous fluids shall be provided.
 - (3) A statement certifying that the turbine shall be routinely inspected to ensure that no fluids are released from the turbine.
 - (4) A Hazardous Materials Waste Plan shall be provided.
 15. **Approvals.** All required approvals from other local, regional, state or federal agencies must be obtained prior to submittal of a site plan, and such approvals shall be submitted as part of the required site plan for Planning Commission consideration.
 16. **Removal of Abandoned Wind Turbine Generators or Anemometer Towers.**
 - a. Wind production summary reports by month shall be provided annually for each WTG to the Township Planning Commission and the Township Clerk, by January 31st each year, for the preceding year.

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

Section 7.30 Medical Marihuana Growers, Processors, Provisioning Centers, Secure Transporters, and Safety Compliance Facilities

Medical Marihuana facilities are regulated by Frederic Township Ordinance No. 2017-01.

Section 7.31 Biofuel Production Facilities on Farms

- A. In conformance to the Michigan Zoning Enabling Act, the following regulations shall apply to biofuel production facilities:
 1. A biofuel production facility with an annual production capacity of not more than 100,000 gallons of biofuel is a permitted use of property and is not subject to Special Land Use approval if all of the following requirements are met:
 - a. The biofuel production facility is located on a farm.
 - b. The biofuel production facility is located not less than one hundred (100) feet from the boundary of any contiguous property under different ownership than the property on which the biofuel production facility is located and meets all applicable setback requirements of the Zoning Ordinance.
 - c. On an annual basis, not less than seventy-five (75) percent of the feedstock for the biofuel production facility is produced on the farm where the biofuel production facility is located, and not less than seventy-five (75) percent of the biofuel or another product or by-product produced by the biofuel production facility is used on that farm.

2. Each of the following requires Special Land Use approval under Subsections (3) to (5):
 - a. A biofuel production facility with an annual production capacity of not more than 100,000 gallons of biofuel that meets the requirements of Subsection (1)(a) and (b) but that does not meet the requirements of Subsection (1)(c).
 - b. A biofuel production facility with an annual production capacity of more than 100,000 gallons but not more than 500,000 gallons of biofuel that meets the requirements of Subsection (1)(a) and (b).
3. An application for Special Land Use approval for a biofuel production facility described in Subsection 2 shall include all of the following:
 - a. A site plan including a map of the property and existing and proposed buildings and other facilities.
 - b. A description of the process to be used to produce biofuel.
 - c. The number of gallons of biofuel anticipated to be produced annually.
 - d. An emergency access and fire protection plan that has been reviewed and approved by the appropriate responding police and fire departments.
 - e. For an ethanol production facility that will produce more than 10,000 proof gallons annually, completed United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, forms 5000.29 (environmental information) and 5000.30 (supplemental information on water quality considerations under 33 USC 1341(a)), or successor forms, required to implement regulations under the **National Environmental Policy Act of 1969, 42 USC 4321 to 4347**, and the **Federal Water Pollution Control Act, 33 USC 1251 to 1387**.
 - f. Information that demonstrates that the biofuel production facility will comply with the requirements of Subsections (2) and (5).
 - g. Any additional information requested by the Planning Commission or Zoning Administrator.
4. The Township shall hold a hearing on an application for Special Land Use approval under Subsection (2) not more than 60 days after the application is filed.
5. Special Land Use approval of a biofuel production facility described in Subsection (2) shall be made expressly conditional on the facility's meeting all of the following requirements before the facility begins operation and no additional requirements:

- a. Buildings, facilities and equipment used in the production or storage of biofuel comply with local, State and Federal laws.
- b. The owner or operator of the biofuel production facility provides the Township with proof that all necessary approvals have been obtained from the Department of Environmental Quality and other State and Federal agencies that are involved in permitting any of the following aspects of biofuel production:
 - (1) Air pollution emissions.
 - (2) Transportation of biofuel or additional products resulting from biofuel production.
 - (3) Use or reuse of additional products resulting from biofuel production.
 - (4) Storage of raw materials, fuel or additional products used in, or resulting from, biofuel production.
 - (5) The biofuel production facility includes sufficient storage for both of the following:
 - (6) Raw materials and fuel.
 - (7) Additional products resulting from biofuel production or the capacity to dispose of additional products through land application, livestock consumption, sale or other legal use.
6. This Section does not authorize biofuel production facilities that are not located on farms.

Section 7.32 Mining/Resource Extraction

- A. Conformance to the **Michigan Zoning Enabling Act, 2006 PA 110, as amended**: the Township shall not prevent the extraction, by mining, of valuable natural resources from any property unless very serious consequences would result from the extraction of those natural resources.
 1. Natural resources shall be considered valuable if a person, by extracting the natural resources, can receive revenue and reasonably expect to operate at a profit.
 2. In determining whether very serious consequences would result from the extraction, by mining, of natural resources, the standards set forth in *Silva v Ada Township*, 416 Mich 153 (1982), shall be applied and all of the following factors may be considered, if applicable:
 - a. The relationship of extraction and associated activities with existing land uses.
 - b. The impact on existing land uses in the vicinity of the property.

- c. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
 - d. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
 - e. The impact on other identifiable health, safety, and welfare interests in the local unit of government.
 - f. The overall public interest in the extraction of the specific natural resources on the property.
- B. The Planning Commission may regulate hours of operation, blasting hours, noise levels, dust control measures, and traffic, not preempted by part 632 of the **Natural Resources And Environmental Protection Act, 1994 PA 451, MCL 324.63201 to 324.63223**. However, such regulation shall be reasonable in accommodating customary mining operations.
- C. If, in the opinion of the Planning Commission, any extractive use operation might present a dangerous condition if left unprotected, the area involved in the use shall be enclosed by a chain link or similar fence with a minimum height of five (5) feet.

Section 7.33 Solar Energy Facilities (Utility Scale)

A. Reflection/Glare.

Solar collection devices, or combination of devices, shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard. This may be accomplished by both the placement and angle of the collection devices as well as human-made or environmental barriers. Glare intensity is considered an issue if it measures more than 20% of the incident sun intensity. Plans to reduce glare may be required in the initial materials submitted.

B. Impervious Surface/Stormwater.

If more than 8,000 square feet of impervious surface will be located on the site, the application shall include a drainage plan prepared by a registered civil engineer showing how stormwater runoff will be managed. If detergents will be used to clean solar panels, details on the type of detergent, frequency and quantity of use, and stormwater quality protection measures shall be provided. Any necessary permits from outside agencies for off-site discharge shall be provided.

C. Screening.

Solar devices shall be screened from view from any residential district by use of a masonry screen wall, evergreen vegetation or other screening of a similar effectiveness and quality, as determined by the

D. Setbacks.

The setbacks of all solar collection devices and ancillary equipment shall be at least 50 feet from all property lines.

E. Abandonment.

Any freestanding solar collection site or device which is not used for six (6) months shall be deemed to be abandoned. The applicant/permit holder will be so notified in writing by the Township and requested to dismantle the site and return it to its original state. If there are mitigating circumstances as to why the site has not been used, the applicant/permit holder may contact the Township and request a three-month extension. If a site has been deemed abandoned and no request for an extension is received, the applicant/permit holder will again be notified to dismantle the site and return it to its original state. If the applicant/permit holder does not do this, the Township will have the removal and restoration done at the owner/applicant's expense. Removal shall include removing posts, equipment, panels, foundations and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.

Section 7.34 Solar Energy Panels (Accessory)

Solar energy panels shall be allowed as an accessory use in all zoning districts subject to the requirements below. A zoning permit is required.

A. Height.

1. Ground-Mounted or Pole-Mounted Accessory Solar Energy Panels shall not exceed twenty (20) feet in height when oriented at maximum tilt.
2. Building-Mounted or Roof-Mounted Accessory Solar Energy Systems shall not exceed the maximum allowed building height in any zoning district.

B. Setbacks.

1. Ground-Mounted or Pole-Mounted Accessory Solar Energy Panels shall be located in the rear or side yard and shall be setback a minimum of ten (10) feet from the interior side lot line and ten (10) feet from a rear lot line. The required setback of the corner side lot line shall be equal to the front setback for a principal building in the district.
2. Building-Mounted or Roof-Mounted Accessory Solar Energy Panels shall adhere to district setbacks for a principal building but may encroach into designated principal building setbacks by twelve (12) inches.

C. **Glare.**

Panels shall not result in glare onto adjoining properties or public rights of way.

D. **Coverage and Size.**

Roof-Mounted or Building-Mounted Accessory Solar Energy Panels shall allow for adequate roof access for fire-fighting purposes. Ground-Mounted or Pole-Mounted Accessory Solar Energy Panels shall not exceed fifty (50) percent of the building footprint for the principal structure.

Section 7.35 Site Condominium Development

A. **Intent.**

The purpose of this section is to regulate the creation and use of site condominiums within the Township and to promote and protect the health, safety, and general welfare of the public. These regulations and controls shall in no way repeal, annul, or in any way interfere with the provisions and standards of any other state and federal laws and regulations.

B. **General Requirements.**

1. **Compliance with Federal, State and Local Laws.** All site condominium projects, including manufactured home condominium developments, shall comply with all applicable federal, state, and local laws and ordinances.
2. **Zoning Requirements.** All site condominium projects shall be located within the zoning district that permits the proposed use, and shall comply with all zoning requirements of this Ordinance.
 - a. For the purposes of these regulations, each condominium unit in a site condominium shall be considered as a single zoning lot, and shall comply with all regulations of the zoning district in which it is located.
 - b. In a site condominium containing single-family detached dwelling units, not more than one (1) dwelling unit shall be located on a single site condominium unit nor shall a dwelling unit be located on a site condominium unit with any other principal structure or use.
 - c. Required yards shall be measured from the boundaries of the site condominium unit.
3. **Site Plan Review.** Prior to recording a plat or master deed, site condominiums shall undergo site plan review and approval by the Planning Commission in accordance with **Article 5** of this Ordinance. Approval under this Ordinance shall be required as a condition to the right to construct, expand, or convert a site condominium project in the Township.

a. **Application.**

- (1) An application for site plan approval shall be filed for review as per the requirements of **Article 5** of this Ordinance. All procedures and standards of **Article 5** shall apply to site condominium projects.
- (2) All condominium site plans shall include the information required in Section 66 of **1978 PA 59, as amended (Condominium Act, being MCL 559.166)**.
- (3) The application for site plan review shall also include a copy of the proposed deed restrictions and/or master deed and by-laws to be recorded with the County Register of Deeds for review and approval by the Planning Commission.
- (4) In the case of single-family detached dwelling units, the location and dimensions of site condominium common elements, limited common elements and building envelopes shall be shown on the site plan in addition to the items in **Section 5.05**.

b. **Deed Restrictions, Master Deed, By-Laws.**

- (1) The deed restrictions and/or master deed and by-laws shall be reviewed with respect to all matters subject to regulation by the Township, including but not limited to preservation and maintenance of drainage, retention ponds, wetlands and other natural areas, and maintenance of landscaping in common areas in the project.
- (2) Also, the deed restrictions and/or master deed and by-laws shall provide for the means by which any private road rights-of-way may be dedicated to the public entity having jurisdiction in the future should such dedication be later deemed appropriate.

c. **Performance Guarantees.** As a condition of approval of the site plan, the Planning Commission may require performance guarantees by the developer in accordance with the provisions of **Section 9.04**, to ensure completion of improvements shown upon the site plan. Upon fulfillment of all requirements, the developer shall apply to the Township for release of any remaining performance guarantees.

4. **Easements for Utilities.** Road rights-of-way shall be parcels separate from individual residential units or lots. The rights-of-way shall be for roadway purposes, and for the maintaining, repairing, altering, replacing, and/or removing of pipelines, wires, poles, mains, conduits, and other installations of a similar character, hereinafter collectively called “public structures” for the purpose of providing public utilities including electric, communications, water, drainage and sewers, and subject to easements to be dedicated to the Township.

5. **Additional Filings Required.** Subsequent to the recording of the deed restrictions and/or master deed and by-laws, and subsequent to the construction of improvements, the developer shall file the following information with the Township Clerk:

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

- a. Three (3) copies of the as-built site condominium plans.
- b. Two (2) copies of the recorded deed restrictions and/or master deed and by-laws with all pertinent attachments.
- c. Certification from the developer's engineer that improvements have been installed in conformance with the approved construction drawings and monuments.

Article 8

Zoning Board of Appeals

Sec	Name	Pg
8.01	Authority	8-1
8.02	Membership	8-1
8.03	Meetings	8-2
8.04	Procedures	8-3
8.05	Jurisdiction	8-4
8.06	Dimensional Variances	8-5
8.07	Expiration of ZBA Decision	8-6
8.08	Resubmittal	8-6

Section 8.01 Authority

There is hereby established a Zoning Board of Appeals (ZBA) which shall perform its duties and exercise its powers as provided in the **Michigan Zoning Enabling Act, 2006 PA 110, as amended**, and in such a way that the objectives of this Ordinance shall be observed, public safety secured, and justice done.

Section 8.02 Membership

A. Regular Members.

1. The Board shall consist of three (3) members.
2. The first member shall be a member of the Township Planning Commission for the terms of his/her office. A member of the Zoning Board of Appeals who is also a voting member of the Planning Commission shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission. However, the member may consider and vote on other unrelated matters involving the same property.
3. The remaining members must be selected from the electors of the Township residing outside of incorporated cities and villages and shall be representative of the population distribution and of the various interests present in the Township. One (1) member may be a member of the Township Board.
4. An employee or contractor of the Township Board may not serve as a member of the Board of Appeals.

B. Alternates.

The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called to sit as a

regular member of the Zoning Board of Appeals in the absence of a regular member if a regular member is absent from or unable to attend two (2) or more consecutive meetings of the Zoning Board of Appeals or for a period of more than thirty (30) consecutive days. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest or if the regular member has already voted on the case as a member of the Planning Commission. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

C. Officers.

The Chairperson of the Zoning Board of Appeals shall be elected from among any of its members each year at the first regular meeting held at the beginning of each calendar year. An elected officer of the Township shall not serve as chairman.

D. Terms of Office.

The terms of office for members of the Zoning Board of Appeals shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of the Planning Commission or Township Board. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms so that not more than one (1) term expires in any given year. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term in the same manner as the original appointment.

E. Removal of ZBA Member.

A member of the zoning board of appeals may be removed by the legislative body for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall ask to be disqualified from a vote in which the member has a conflict of interest. Failure of a member to ask to be disqualified from a vote in which the member has a conflict of interest constitutes malfeasance in office.

Section 8.03 Meetings

A. Open Meetings.

All decisions and deliberations of the Board shall take place at a meeting open to the public in compliance with the **Open Meetings Act, 1976 P.A. 267, as amended**.

B. Meeting Scheduling and Notice.

Meetings shall be held at the call of the Chairperson, in response to the receipt of a Request for Appeal, and at such other times as such Board may determine or specify in its rules or procedure. Public notice of the date, time, and place of a public meeting of the Board shall be given in the manner

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

prescribed in **Section 9.05**.

C. Quorum.

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

D. Rules of Procedure and Majority Vote.

1. The Board of Appeals shall adopt its own rules of procedure and keep a record of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating said fact; and shall file a record of its proceedings in the office of the Township Clerk, and shall be a public record.
2. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance or to effect any variation of this Ordinance.

Section 8.04 Procedures

A. Notice of Appeal.

1. An appeal may be made by any person, firm or corporation, or by any Officer, Department or Board of the Township. In addition, when acquisition of a portion of a parcel of property under **Section 4 of the Uniform Condemnation Procedures Act, 1980 PA 87, MCL 213.54** leaves a parcel in nonconformity with this Ordinance, a variance in the zoning ordinance may be applied for and granted.
2. **Stay.** An administrative appeal to the Zoning Board of Appeals and an appeal of a decision by the Zoning Board of Appeals to circuit court stays all proceedings of the action appealed from, including the effectiveness of any zoning permit issued, unless the Zoning Administrator certifies to the Zoning Board of Appeals after such appeal has been filed that a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed, unless ordered stayed by the Zoning Board of Appeals, after a majority vote, or the circuit court.

B. Documents Required.

1. The appellant shall file with the Board of Appeals, on blanks or forms to be furnished by the Zoning Administrator, a notice of appeal specifying the grounds for the appeal.
2. The applicant shall submit four (4) copies of a completed application, with associated fee, surveys, plans and data as required under **Article 5: Site Plan Review**, or other information

deemed reasonably necessary for making any informed decision on his or her appeal, not less than 31 days prior to the date of the hearing.

3. The Zoning Administrator shall transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken.

C. Hearing & Public Notice.

1. **Date, Time & Notice.** The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal. Upon determination of the date and time of the Public Hearing, the Zoning Administrator shall give public notice pursuant to **Section 9.05**.
2. **Appearance.** Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney. The Board of Appeals shall have the power to require the attendance of witness, administer oaths, compel testimony, and otherwise cause the production of books, papers, files, and other evidence pertaining to matters properly coming before the Board of Appeals.
3. The Board shall not decide an appeal until after a public hearing.

D. Decision.

1. **Final Decision.** The final decision of such appeal shall be in the form of a resolution either reversing, modifying or affirming, wholly or partly, the decision or determination appealed from. Reasons for the decision must be stated. A decision or variance granted by the Zoning Board of Appeals runs with the land and shall be valid after transfer of property ownership.
2. **Conditions.** The ZBA may impose such conditions or limitations in granting a variance as deemed necessary to protect the character of the area, as provided for in **Section 9.07 – Conditions**.
3. **Appeal to Circuit Court.** The decision of the Zoning Board of Appeals shall not be final, and any person having an interest affected by any this Ordinance shall have the right to appeal to the Circuit Court on questions of law and fact.

Section 8.05 Jurisdiction

- A. In exercising the powers listed in subsection B below, the Board of Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator or Planning Commission from whom the appeal is taken.
- B. The Zoning Board of Appeals shall have the following jurisdiction:

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

1. An appeal concerning the administration of the provisions of this Ordinance may be taken to the Board of Appeals within the timeframe defined in the general rules and procedures adopted by the Zoning Board of Appeals. If such a timeframe is not specified, appeals shall be filed within thirty (30) days of the decision of the Zoning Administrator from which the appellant seeks relief.
2. The ZBA may hear appeals made by any person who alleges he or she has been aggrieved by a decision of the Zoning Administrator or Planning Commission.
3. The ZBA may grant variances as provided for in **Section 8.06**.
4. The ZBA may also interpret the location of zoning district boundaries and may interpret the provisions of this Ordinance.
5. The ZBA has no jurisdiction to hear appeals from Planning Commission decisions concerning special land uses and planned unit developments.

Section 8.06 Dimensional Variances

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

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

Section 8.07 Expiration of ZBA Decision

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

Section 8.08 Resubmittal

No application for a variance, interpretation, or appeal which has been decided, in whole or in part, by the Zoning Board of Appeals shall be re-submitted for a period of one (1) year from the date of such decision, unless a rehearing is granted pursuant to **Section 9.08** of this Ordinance.

Article 9

Administration & Enforcement

Sec	Name	Pg
9.01	Zoning Administrator & Enforcement Officer	9-1
9.02	Zoning Permits	9-1
9.03	Fees	9-3
9.04	Performance Guarantee	9-4
9.05	Public Notification	9-5
9.06	Use of Consultants	9-7
9.07	Conditions	9-7
9.08	Rehearing Process	9-8
9.09	Violations & Penalties	9-9
9.10	Action Table	9-11

Section 9.01 Zoning Administrator & Enforcement Officer

- A. The provisions of this Ordinance shall be administered by a Township Zoning Administrator or Deputy Zoning Administrator and enforced by a Zoning Enforcement Officer both of which are appointed by the Township Board of Trustees for such term and subject to such conditions and at such rate of compensation as said Board shall determine as reasonable
- B. The Zoning Administrator shall have the power to grant Zoning Permits and, in addition to the Zoning Enforcement Officer, to make inspections of buildings or premises necessary to carry out his/her duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Administrator to approve any plans or issue any Permits for the excavation or construction until such plans have been inspected in detail and found to conform to this Ordinance.
- C. The Zoning Administrator shall assist the Planning Commission and the Zoning Board of Appeals in the processing and administering of all site plans, zoning appeals and variances, special use permits and amendments to the Zoning Ordinance.
- D. The Zoning Administrator shall under no circumstances be permitted to make changes to this Ordinance or to vary the terms of this Ordinance in carrying out the duties of Zoning Administrator.
- E. The Zoning Administrator shall not refuse to issue a Permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements that may occur upon the granting of said Permit.

Section 9.02 Zoning Permits

- A. **Zoning Permit Required.**

No building or structure subject to the provisions of this Ordinance shall hereafter be erected, structurally altered, reconstructed, used, or moved, nor shall any excavation, tree removal or filling of land commence until a Zoning Permit application has been filed with the Township Zoning Administrator and a Zoning Permit has been issued by the Zoning Administrator, except as otherwise provided for in this ordinance. No Zoning Permit shall be required for any lawful use of any building or structure in existence as of the adoption date of this Ordinance. No Zoning permit shall be required for an accessory structure less than two hundred (200) square feet in size.

B. Application.

The application shall be signed by the owner of the premises or his agent and shall certify that all provisions of this Ordinance and other applicable laws and requirements are to be complied with. Any application requiring approval from the Planning Commission must be submitted not less than thirty (30) days prior to a scheduled meeting for consideration at that Planning Commission meeting. The application shall be accompanied by:

1. A site plan or plot plan pursuant to **Article 5**.
2. Properties under two (2) acres in size may be required to submit a legal survey, sealed by a professional surveyor (not a mortgage survey). The Zoning Administrator shall have the authority to require such a survey in the cases where there may be encroachment on the setbacks by the proposed structures or when the exact locations of lot lines are not known.
3. Copies of permits or waivers of permits by other agencies as may be required by statute and/or by the Zoning Administrator of this Ordinance.
4. Such other information as may be required to determine compliance with the Ordinance.

C. Other Permits Required.

A Zoning Permit shall not be issued until all other necessary permits required by statute have been obtained or waived with exception of those permits issued by the Frederic Township Building Department.

D. Property Staked.

The location of the property boundaries and all structures shall be staked on the ground for Zoning Administrator approval prior to the issuance of the Zoning Permit.

E. Zoning Permit Expiration.

Any Zoning Permit under which no construction has occurred or no substantial construction has been done in the furtherance of the zoning permit, the zoning permit will expire after twelve (12) months from date of issuance.

F. Zoning Permit Revocation.

The Zoning Administrator shall have the power to revoke or cancel any Zoning Permit in case of failure or neglect to comply with the provisions of the Ordinance, or in the case of a false statement or misrepresentation made in the application. The owner shall be notified of such revocation in writing.

G. Fees.

No Zoning Permit shall be valid until the required fees have been paid. No separate fee shall be required for accessory buildings or structures when application thereof is made at the same time as the principal building or structure. Applications and petitions filed pursuant to the provisions of this Ordinance shall be accompanied by the filing fees as specified by the Township Board of Trustees.

H. Assessor.

Upon issuance of the Zoning permit, a copy of the permit and the application, including any drawings shall be transmitted to the Township Assessor.

Section 9.03 Fees

- A. To assist in defraying the costs of investigating, reviewing and administering zoning applications, appeals, rezoning requests from individual property owners, and other types of decisions which result in extra costs to the Township, the Township Board may from time to time adopt by resolution a fee schedule establishing basic zoning fees, such as those fees related but not limited to the following:
1. Zoning permits.
 2. Special land use permits.
 3. Ordinance interpretations by the Zoning Board of Appeals: appeals of administrative interpretation or request for interpretation. Appeals and requests for interpretation initiated by the Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
 4. Classification of unlisted property uses.
 5. Requests to change a non-conforming use to another non-conforming use.
 6. Requests for variances from the Zoning Board of Appeals.
 7. Requests for rezoning of property by individual property owners or amendments to the zoning ordinance text. Rezoning of property or text amendments initiated by the Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.

8. Site plan reviews.
 9. Requests for a planned unit development (PUD).
 10. Any other discretionary decisions by the Planning Commission or Zoning Board of Appeals.
- B. The amount of these zoning fees shall cover the costs associated with the review of the application or appeal, including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by zoning staff, and time spent by the members of the Planning Commission and/or Zoning Board of Appeals. The basic zoning fees shall be paid before any application required under this Ordinance is processed. The basic zoning fees are non-refundable, even when an application or appeal is withdrawn by the applicant.
- C. If the Planning Commission or Zoning Board of Appeals determines that the basic zoning fees will not cover the actual costs of the application review or appeal, or if the Planning Commission or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary or advisable, then the applicant shall deposit with the Township Treasurer such additional zoning fees in an amount determined by the Planning Commission or Zoning Board of Appeals equal to the estimated additional costs. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Planning Commission or Zoning Board of Appeals may require the applicant to deposit additional fees into escrow in an amount determined by the Planning Commission or Zoning Board of Appeals to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective thereby justifying the denial of the application or the dismissal of the appeal. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the Township in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or the release of a final decision on an appeal.

Section 9.04 Performance Guarantee

In connection with the construction of improvements through site plan approval, special use permits, or a PUD project the Planning Commission may require the applicant to furnish the Township with a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township in an amount equal to the estimated costs associated with the construction of public and site improvements. Public improvements mean, by way of example and not limitation, roads, parking lots, and water and sewer systems which are located within the development or which the applicant has agreed to construct even though located outside the development. Site improvements mean landscaping, buffering, and the completion of conditions imposed by the Planning Commission which are located within the development. For purposes of this

section, the costs covered by the performance guarantee shall include all of the following: (1) the purchase, construction, and/or installation of the improvements, (2) architectural and engineering design and testing fees and related professional costs, and (3) an amount for contingencies consistent with generally accepted engineering and/or planning practice. The performance guarantee shall be deposited with the Township Clerk at or before the time the Township issues the permit authorizing the development, or if the development has been approved in phases, then the performance guarantee shall be deposited with the Township Clerk prior to the commencement of construction of a new phase. The performance guarantee shall ensure completion of the public and site improvements in accordance with the plans approved by the Planning Commission. Any cash deposit or certified funds shall be refunded for the development or each phase of a multi-phase development in the following manner:

- A. One-third of the cash deposit after completion of one-third of the public and site improvements;
- B. An additional third of the cash deposit after completion of two-thirds of the public and site improvements; and
- C. The balance at the completion of the public and site improvements.

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

Section 9.05 Public Notification

All applications for development approval requiring a public hearing shall comply with the **Michigan Zoning Enabling Act, 2006 PA 110 as amended, MCL 125.3101 et. seq.** and the other provisions of this Section with regard to public notification.

A. Published Notice.

When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Zoning Administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Frederic Township and mailed or delivered as provided in this Section.

B. Content.

All mail, personal and newspaper notices for public hearings shall:

1. **Describe the nature of the request.** Identify whether the request is for a rezoning, text amendment, Special Land Use, planned unit development, variance, appeal, Ordinance interpretation or other purpose.
2. **Location.** Indicate the property that is subject to the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identification of the nearest cross street, or the inclusion of a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an Ordinance interpretation not involving a specific property.
3. **Date, Time, and Location.** When and where the request will be considered: indicate the date, time and place of the public hearing(s).
4. **Written comments.** Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.
5. **Disabled access.** Information concerning how disabled access will be accommodated if the meeting facility is not disabled accessible.

C. Notice.

1. Except as noted in **§9.05 (C)(2)** and **§9.05 (C)(3)** below, notices for all public hearings shall be given as follows:
 - a. Notice of the hearing shall be not less than fifteen (15) days before the date of the public hearing.
 - b. Notice of the hearing shall be published in a newspaper of general circulation.
 - c. Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered and the applicant, if different than the owner(s) of the property.
 - d. Notice shall also be sent by mail to all persons to whom real property is assessed within three hundred (300) feet of the property and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction.
- (1) If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.

- (2) Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
2. Newspaper publication as required in **§9.05 (C)(1)** above shall be the only notice required for an amendment to the Zoning Ordinance or the zoning map that affects eleven (11) or more properties.
3. For ordinance interpretations and appeals of administrative decisions by the Zoning Board of Appeals notice that does not affect a specific property shall be only to the applicant and by newspaper publication, as required in **§9.05 (C)(1)** above
4. **Notice Deemed Given.** Notice shall be deemed given when personally delivered or by its deposit in the United States mail, first class, properly addressed, and postage paid. The Zoning Administrator shall prepare and retain a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.
5. **Registration to Receive Notice by Mail.**
 - a. **General.** Any neighborhood organization, public utility company, railroad or any other person may register with the Township to receive written notice of all applications for development approval or written notice of all applications for development approval within the zoning district in which they are located. The Zoning Administrator shall maintain this registration and be responsible for providing this notification.
 - b. **Requirements.** The requesting party must provide the Zoning Administrator information to ensure notification can be made.

Section 9.06 Use of Consultants

From time to time, the Township Board, Planning Commission, and/or Zoning Board of Appeals may employ planning, engineering, legal, traffic or other special consultants to assist in the review of Special Land Use permits, site plans, re-zonings or other matters related to the planning and development of the Township.

Section 9.07 Conditions

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

the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all of the following requirements:

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

Section 9.08 Rehearing Process

A. Rehearing Performed by Planning Commission or ZBA.

The Planning Commission or Zoning Board of Appeals may grant a rehearing under exceptional circumstances for any decision made by it. Exceptional circumstances shall mean any of the following:

- 1. The applicant who brought the matter before the Planning Commission or Zoning Board of Appeals made misrepresentations concerning a material issue, which was relied upon by the Planning Commission or Zoning Board of Appeals in reaching its decision.
- 2. There has been a material change in circumstances regarding the Planning Commission or Zoning Board of Appeals' findings of fact, which occurred after the public hearing.
- 3. The Township attorney by written opinion states that in the attorney's professional opinion the decision made by the Planning Commission or Zoning Board of Appeals or the procedure used in the matter was clearly erroneous.

B. Rehearing Procedure.

A rehearing may be requested by the applicant or by the Zoning Administrator, or a rehearing may be granted by the Planning Commission or Zoning Board of Appeals on its own motion.

- 1. A request for a rehearing which is made by an applicant must be made within twenty-one (21) days from the date of approval of the Planning Commission's or Zoning Board of Appeals' minutes regarding the decision for which the rehearing is being requested.

2. A request for a rehearing made by the Zoning Administrator or a rehearing granted by the Planning Commission or Zoning Board of Appeals on its own motion may be granted at any time as long as the applicant has not been prejudiced by any delay.
3. Whenever the Planning Commission or Zoning Board of Appeals considers granting a rehearing, it shall provide written notice to the applicant that a rehearing will be considered. The notice may be served upon the applicant by first class mail at the applicants' last known address, or may be served personally on the applicant. The notice must be served at least nine (9) days before the time set for the hearing if served by mail, or at least seven (7) days before the time set for the hearing if served by personal service. Service by mail shall be complete upon mailing. In addition to serving the above notice on the applicant, all other notice requirements for the type of decision being heard shall be completed before the Planning Commission or Zoning Board of Appeals holds a hearing at which it considers whether to grant a rehearing.
4. If the Planning Commission or Zoning Board of Appeals grants a rehearing, then the rehearing shall not be held until all notice requirements for the type of decision being reheard have been satisfied.

Section 9.09 Violations & Penalties

A. Nuisance per se.

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

B. Inspection.

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

C. Penalties.

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

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

D. Stop Work Order.

If construction or land uses are being undertaken contrary to a zoning permit, the **Michigan Zoning Enabling Act, 2006 PA 110, as amended**, or this Ordinance, the Zoning Administrator, Deputy Zoning Administrator, Zoning Enforcement Officer, or any other official authorized by the Township Board is authorized to post a stop work order on the property at a suitable location, such as at an entrance, in order to prevent the work or activity from proceeding in violation of the ordinance.

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

A Stop Work Order shall be issued in a format and in a manner approved by the Township Board.

Section 9.10 Action Table

The following table is a summary of basic requirements for various administrative actions under this Zoning Ordinance. It supplements the preceding text, but is not a substitute for it.

Type of Action	Parties who may initiate action	Body making decision	Public hearing required	Published notice – number of days prior to hearing	Mailed notice to all property owners within 300 feet - days prior to hearing	Body to which applicant may appeal a denial
Single-family detached and two-family dwellings Accessory dwelling units Parking lots Accessory structures Fences and Signs	Applicant	ZA	No	n/a	n/a	ZBA
Site Plan Approval	Applicant	PC	No	n/a	n/a	ZBA
Special Use Permit/PUD	Applicant	PC	Yes	Not less than 15 days	Not less than 15 days	Circuit Court
Variance	Applicant	ZBA	Yes	Not less than 15 days	Not less than 15 days	Circuit Court
Interpretation	Applicant, PC, or ZA	ZBA	Yes	Not less than 15 days	Not less than 15 days	Circuit Court
Appeal from a decision	Any aggrieved party	ZBA	Yes	Not less than 15 days	Not less than 15 days	Circuit Court
Map Amendment (Rezoning) or Text Amendment	Applicant, PC	Step 1: PC recommends to TB	Yes	Not less than 15 days	Not less than 15 days	No action until after TB decision
		Step 2: Crawford County Planning Commission reviews amendment & provides comment (30 days)				
		Step 3: TB	No	n/a	n/a	n/a
		Step 4: TB publishes Notice of Adoption in newspaper (within 15 days after adoption). Amendment goes into effect on the 8th day after publication.				
Zoning Ordinance Enforcement	ZEO	n/a	n/a	n/a	n/a	ZBA
ZA = Zoning Administrator ZEO = Zoning Enforcement Officer PC = Planning Commission TB = Township Board ZBA = Zoning Board of Appeals						

Article 10

Adoption & Amendments

Sec	Name	Pg
10.01	Amendment to this Ordinance	10-1
10.02	Amendment Procedures	10-1
10.03	Conditional Rezoning	10-3
10.04	Vested Right	10-7
10.05	Repeal & Savings Clause	10-7
10.06	Enactment & Effective Date	10-7

Section 10.01 Amendment to this Ordinance

- A. The Township Board is authorized and empowered to cause this Ordinance to be amended, supplemented, or changed, pursuant to the authority and according to the procedures set forth in the **Michigan Zoning Enabling Act, 2006 PA 110, as amended**.
- B. The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Frederic Township Zoning Map maybe amended, supplemented or changed by action of the Township Board following a recommendation from the Township Planning Commission.
- C. Proposals for amendments, supplements or changes may be initiated by the Township Board on its own motion, by the Township Planning Commission, or by petition of one (1) or more owners of property to be affected by the proposed amendment.

Section 10.02 Amendment Procedures

The procedure to be followed for initiating and processing an amendment shall be as follows:

A. Filing of Amendment Application.

Each proposal, by one (1) or more persons, for an amendment shall be submitted by application to the Zoning Administrator on a standard form provided by the Township and shall be accompanied by the fee as prescribed by the Township Board. No part of such fee shall be returnable to an applicant if the public hearing is held. Such application shall be submitted at least forty-five (45) days prior to the Planning Commission meeting at which the public hearing will be held.

B. Planning Commission Action.

1. The Zoning Administrator shall notify, in writing, the Township Clerk and Chair of the Planning Commission at or before the time s/he transmits the amendment request to the Planning Commission.

2. The Planning Commission shall consider each proposal for amendment on particular factors related to the individual proposal and in terms of the likely effect on the community's physical development. The Planning Commission may recommend any additions or modifications to the original proposal.
3. **Public Hearing.** Before ruling on any proposal the Planning Commission shall conduct at least one (1) public hearing, notice of the time and place of which shall be given pursuant to **Section 9.05**.
4. **Rezoning Standards.** The Planning Commission shall review and apply the following standards and factors in the consideration of any rezoning request.
 - a. Is the proposed rezoning consistent with the Frederic Township Master Plan?
 - b. Is the proposed rezoning reasonably consistent with surrounding uses?
 - c. Will there be an adverse physical impact on surrounding properties?
 - d. Will there be an adverse effect on property values in the adjacent area?
 - e. Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?
 - f. Will rezoning create a deterrent to the improvement or development of adjacent property in accordance with existing regulations?
 - g. Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?
 - h. Is the site served by adequate public facilities or is the petitioner able to provide them?
5. **Submission to County Planning Commission.** Following the public hearing the Planning Commission shall submit the proposed amendment including any zoning map changes to the County Planning Commission. If the recommendation of the County Planning Commission has not been received within 30 days after the receipt of the proposed amendment by the County, it shall be conclusively presumed that the County has waived its right for review.
6. **Submission to Township Board.** The Planning Commission shall submit a final report/recommendation to the Township Board along with a summary of the comments received at the public hearing.

C. Township Board Action.

1. **Additional Public Hearing.** The Township Board may hold additional public hearings if they decide it is necessary. Notice of such hearing shall be published in a newspaper, which

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

circulates in the Township not less than fifteen (15) days before the hearing. The Township Board may adopt or reject any proposed amendment, or refer back to the Planning Commission for further review as prescribed in the **Michigan Zoning Enabling Act, 2006 PA 110, as amended**.

2. **Notice of Adoption.** Once adopted by the Township Board, amendments to this Ordinance shall be filed with the Township Clerk, and one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. Any amendments to this Ordinance shall take effect on the eighth day after publication or at a later date as may be specified by the Township Board at the time of adoption.

D. Resubmittal.

No application for a rezoning which has been denied by the Township shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Township Zoning Administrator Planning Commission to be valid.

Section 10.03 Conditional Rezoning

A. Intent.

It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with **Section 405 of the Michigan Zoning Enabling Act, 2006 PA 110, as amended**, by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

B. Application and Offer of Conditions.

1. An owner of land may voluntarily offer, in writing, conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
3. The owner's offer of conditions may not authorize uses or developments not permitted in the requested new zoning district.
4. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.

5. Any use or development proposed as part of an offer of conditions that would require a special use permit, variance, or site plan approval under the terms of this Ordinance may only be commenced if the special use permit, variance, or site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
6. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

C. Planning Commission Review.

The Planning Commission, after public hearing as set forth in **Section 9.05** of this Ordinance and consideration of the factors set forth in **Section 10.02.B.4 (except 10.02.B.4.g)** of this Ordinance, may recommend approval, approval with recommended changes, or denial of rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

D. County Planning Commission Review.

Following the public hearing before the Township Planning Commission, the conditional rezoning application shall be submitted to the Crawford County Planning Commission as specified in **Section 10.02.B.5** for not more than a thirty (30) day review period, according to the provisions of Section 307 of the **Michigan Zoning Enabling Act, 2006 PA 110**, as amended.

E. Township Board Review.

After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested conditional rezoning and may approve or deny the request. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board shall, in accordance with Section 401 of the **Michigan Zoning Enabling Act, 2006 PA 110**, as amended, refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board, and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

F. Approval.

1. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the Ordinance adopted by the Township Board to accomplish the requested rezoning.

2. The Statement of Conditions shall:

- a. Be in a form recordable with the Crawford County Register of Deeds, or as an alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
 - b. Contain the legal description and tax identification number of the land to which it pertains.
 - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - d. Incorporate by attachment or reference any diagram, plans, or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the County Register of Deeds.
 - f. Contain the notarized signatures of all owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the County Register of Deeds. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the timeframe within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.
5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

G. Compliance with Conditions.

1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a

violation of this Ordinance and be punishable accordingly.

2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

H. Time Period for Establishing Development or Use.

Unless another time period is specified in the Ordinance, the approved development and/or use of the land pursuant to building or other required permits must be commenced upon the land within two (2) years after the rezoning took effect and thereafter proceeded diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion, and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

I. Reversion of Zoning.

If the approved development and/or use of the rezoned land does not occur within the timeframe specified under **Subsection H** above, then the land shall automatically revert to its former zoning classification with no further action from the Township Board.

J. Subsequent Rezoning of Land.

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification, but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to **Subsection I** above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Township Clerk shall record with the County Register of Deeds that the Statement of Conditions is no longer in effect.

K. Amendment of Conditions.

1. During the time period for commencement of an approved development and/or use specified pursuant to **Subsection H** above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.
2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

L. Township Right to Rezone.

Nothing in the Statement of Conditions or in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the **Michigan Zoning Enabling Act, 2006 PA 110**, as amended.

M. Failure to Offer Conditions.

The Township shall not require any owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

Section 10.04 Vested Right

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

Section 10.05 Repeal & Savings Clause

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

Section 10.06 Enactment & Effective Date

- A. This Ordinance was adopted on _____ by the Frederic Township Board of Trustees and will be effective _____. The foregoing Zoning Ordinance and Zoning Map were presented at public hearings before the Planning Commission on _____ and then the Township Board on _____.
- B. Amendments or revision to this Ordinance or Map of Zoning Districts shall become effective eight (8) days after publication, or a specified later date, of a notice of adoption of said amendments or revisions published within fifteen (15) days of adoption in accordance with the **Michigan Zoning Enabling Act, 2006 PA 110, as amended.**

I hereby certify that the above Ordinance was adopted by the Frederic Township Board at a regular meeting held on _____, 2019.

Frederic Township Clerk

Published: _____

Effective Date: _____

Affidavit of Publication Required.

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Site Plans & Plot Plans
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments