

**ZONING ORDINANCE**

**For**

**BEAVER CREEK TOWNSHIP**

Prepared for the:

Planning Commission of Beaver Creek Township  
State of Michigan

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**Article I - Title, Purpose Enabling Authority and Conditions of Enactment**

The Township of Beaver Creek, Michigan ordains:

**Section 1.01 - Title**

This Ordinance shall be known as the Beaver Creek Township Zoning Ordinance.

**Section 1.02 - Purpose of this Zoning Ordinance and Resolution of Intent**

An Ordinance for the purpose of protecting the public health, safety and general welfare of Beaver Creek Township; to regulate and restrict the use of land and buildings by dividing Beaver Creek Township into districts for the planned orderly growth and development of the Township within which the proper use of land and natural resources may be encouraged and regulated; within which each zoning district there may be adopted regulations and provisions designating the location of, the size of, the land and structural uses that may be permitted without or with special use conditions or planned use developments; to define certain terms used therein; to impose regulations, prohibitions, and restrictions governing the erection, construction, reconstruction or use of structures, buildings and lands to be used for the purposes of agriculture, residence, commerce, industry and other specified purposes; to provide for the orderly growth and development of the Township, including the wise and efficient use of public services to be provided to the residents and others within the Township; to provide for the conservation of the use of energy; to provide for the conservation of agricultural, forest and open space lands, wetlands and land areas containing natural or cultural resources or features necessary to the social and economic well-being of present and future generations; to regulate and limit the height and bulk of buildings and other structures; to regulate and limit lot occupancy and the size of yards and other open spaces; to establish the boundaries of districts; to create a Township Board of Appeals and define and limit the powers and duties of said Board; to set standards to guide actions of said Board and to provide the means of enforcing said Ordinance and establish penalties and allow injunctive relief for violation of said Ordinance.

**Section 1.03 - State Legislation Enabling Authority**

This Beaver Creek Township Zoning Ordinance is created and enacted under the authority of the Michigan Zoning Enabling Act, Act 110 of 2006 as amended. The Township Planning Commission, created pursuant to the Township Planning Act, Act 168 of 1959 as amended (MCL 125.321 through MCL 125.333), shall perform the functions of a Township Zoning Board pursuant to Section 11 of the Township Planning Act (MCL 124.331).

**Section 1.04 - Enactment Declaration**

BEAVER CREEK TOWNSHIP, CRAWFORD COUNTY, STATE OF MICHIGAN, ORDAINS:

## **Section 1.05 - Adoption of this Zoning Ordinance and Repeal of Present Zoning Ordinance**

The Zoning Ordinance of Crawford County as it regulates applies to Beaver Creek Township is hereby repealed. This Ordinance supersedes said Crawford County Zoning Ordinance on the effective date of this Ordinance; however, if this Township Zoning Ordinance as a whole shall subsequently be judicially determined to have been unlawfully adopted, such judicial determination, if final, shall then automatically reinstate the present Crawford County Zoning Ordinance and all of its amendments to its full effect, regulating Beaver Creek Township.

## **Article II - Definitions**

### **Section 2.01 - Rules Applying to Text**

All words used in the present tense shall include the future, all words in the singular number include the plural number, and all words in the plural number include the singular number; the word "building" includes the word "structure", and "dwelling" includes "residence"; the word "person" includes "corporation", "co-partnership", and "association" as well as an "individual"; the word "shall" is mandatory and directory. Terms not herein defined shall have the meaning assigned to them as determined by the Zoning Administrator or upon appeal by the Zoning Board of Appeals.

### **Section 2.02 - Definitions**

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

**Above-Ground/On-Ground Pool:** See "Swimming Pool".

**Accessory Building:** See "Building, Accessory".

**Accessory Use:** See "Use, Accessory".

**Adjacent Property:** Property, which adjoins any side or corner of a specific parcel of land.

**Agriculture:** Farms and general farming, including horticulture, floriculture, dairying, livestock and poultry raising, farm forestry, and other similar enterprises or uses, including animals that have been raised on the premises for the use and consumption of persons residing on the premises.

**Alterations:** The term "Alterations" shall mean any change, addition or modification in construction or type of occupancy, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed".

**Animal Hospital:** A self-enclosed building wherein animals including domestic household pets and farm animals are given medical or surgical treatment and use as a boarding place for such animals limited to short time boarding incidental to hospital use. Such hospitals include only those under direction of a licensed veterinarian registered in the State of Michigan. Such animal hospitals shall be

constructed in such a manner that noise and odor are not discernible beyond the property upon which it is located.

**Animal Shelter:** A building supported by a governmental unit or agency or by a nonprofit corporation where domestic pets or other animals are kept because of requirements of public health officials, loss by owner, neglect or violation of a public law or ordinance.

**Apartments:** The term "Apartments" shall mean the dwelling units in a multiple dwelling as defined herein:

**Efficiency Unit:** Is a dwelling unit consisting of not more than one (1) room, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density shall be considered as a one (1) room unit.

**One Bedroom Unit:** Is a dwelling unit consisting of not more than two (2) rooms, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density, shall be considered as a two (2) room unit.

**Two Bedroom Unit:** Is a dwelling unit consisting of not more than three (3) rooms, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density, shall be considered as a three (3) room unit.

**Three or More Bedroom Unit:** Is a dwelling unit wherein for each room in addition to the three (3) rooms permitted in a two (2) bedroom unit, and for the purpose of computing density, said three (3) bedroom unit shall be considered a four (4) room unit, and each increase in a bedroom over three (3) shall be an increase in the room count by one (1) over the four (4).

**Appeal:** See "Zoning Appeal".

**Automobile Car Wash:** A building, or portion thereof, where self-propelled motor vehicles are washed as a commercial enterprise.

**Automobile Repair:** A place where, with or without the sale of engine fuels, the following services may be carried-out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; or painting and undercoating of motor vehicles.

**Automobile Service:** A place where gasoline or any other automobile engine fuel (stored only in underground tanks), kerosene or motor oil and lubricants or grease (for operation of motor vehicles) are retailed directly to the public on premises; including sale of minor accessories and service for automobiles.

**Automobile or Trailer Sales Area:** Any enclosed building or area or open space used for display, sales, or rental of motor vehicles or trailers in new or used and operable condition.



**Automobile Storage, Damaged:** Any storage of inoperable vehicles intended to be repaired back to operable condition, but not including such vehicles which are incident or accessory to an automotive repair garage or a licensed salvage yard used as a depository for such vehicles.

**Barrier:** A fence, wall, building wall or combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool.

**Basement:** That portion of a building partly below grade, but so located that the vertical distance from the grade level to the basement floor is greater than the vertical distance from the grade level to the basement ceiling. A basement shall not be included as a story for height measurement, nor counted as floor area, unless the room has walkout capability. A walkout basement shall be defined as a room with at least one wall below grade, which provides barrier free access to the exterior of the structure and with at least fifty (50%) percent of one wall with no grade, and two (2) exits, which are fire escape routes.

**Bedroom:** A bedroom is a dwelling room used for or intended to be used safely for sleeping purposes by human beings.

**Black Water:** Sometimes called “sewer water” or “sewage water”. Waste water containing feces or urine from a toilet/bucket/makeshift toilet.

**Block:** The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating), or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or stream; or between any of the foregoing and any other barrier to the continuity of development.

**Board of Appeals:** See "Zoning Board of Appeals".

**Breezeway:** Any covered passageway with open sides between two buildings.

**Building:** An independent structure, either temporary or permanent, having a roof supported by columns or walls, which includes sheds, garages, stables, greenhouses, or other accessory structures. A detached building is one separated on all sides from adjacent buildings by open spaces from the ground up. When any portion thereof is completely separated from every other part thereof, by division walls from the ground up, and without openings, each portion of such structure shall be deemed a separate building.

**Building, Accessory:** An additional separate building, excluding sheds but including garages, car ports, etc., or a structure on the same lot or parcel of land as the main building, or buildings, but not to include any building used for dwelling, residential or lodging purposes, or sleeping quarters for human beings.

**Building Area:** The space remaining after the minimum open space requirements of this ordinance have been complied with.

**Building, Farm:** Any building or structure other than a dwelling, maintained, used or built on a farm which is essential and customarily used on farms for the pursuit of their agricultural activities, including the storage or housing of farm implements, produce or farm animals.

**Building Height:** The vertical distance from the established grade to the highest point of the roof surface for flat roofs, to the deck line of mansard roofs; and to the average height between eaves and ridge for gables, hip and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

**Building Inspector:** The Township official appointed by the Beaver Creek Township Board of Trustees to administer and enforce the standards of this Zoning Ordinance.

**Building Line:** A line formed by the face of the building, and for the purposes of this ordinance, a minimum building line is the same as the front setback line.

**Building, Main:** The building or structure in which the principal use or authority on a lot or parcel takes place.

**Building Permit:** A building permit is the written authority issued by the Building Inspector in conformity with the provisions of the Construction Code Ordinance.

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

**Building Setback Line:** The line formed by the outer surface of a structure or enclosure wall at or with the finished grade or surface of the ground; pertaining to defining those minimum (building) setback lines which are established, in general, parallel to the front road right-of-way and within which setback area no part of a building shall project or be located, except as otherwise provided for by this Ordinance.

**Building, Temporary:** See "Temporary Use or Building".

**Camper:** The term shall include but not limited to items commonly referred to as a camper trailer, travel trailer, motor home, fold down or pop-up trailer, fifth wheel, typically used as a sleeping place.

**Campground, State Licensed:** The uses and activities which take place on a lot or parcel of land for temporary short term, not to exceed four (4) weeks between December 1 and May 1, and not to exceed six (6) months between May 1 and December 1 at any one period of stay or reservation, resort or recreation purpose and the year-round storage of unoccupied and unused recreation vehicles and related campground equipment and supplies in accordance with Public Act 368 of 1978 as amended, MCL 333.12501-333.12516 and the Administrative Rules promulgated under P.A. 368, "The Campground Act", as administered by the County District or State Public Health Departments.

**Church, Temple or Synagogue:** A building wherein persons assemble regularly for religious worship, maintained and operated by an organized religious body. Accessory uses, buildings and

structures customarily associated with the church, are classified as part of the principal use as a church, temple or synagogue.

**Clinic, Animal:** A building or group of buildings and/or structure where domestic animals are admitted for examination, treatment and care by a licensed veterinarian or related paraprofessionals and technicians and where such animals may be provided with overnight housing.

**Clinic, Human:** A building or group of buildings where human patients are admitted for examination and treatment by more than one (1) professional; such as, a physician, dentist, or the like, except that such human patients are not lodged therein overnight.

**Club or Lodge:** An organization of persons for special purposes or for the promulgation of agriculture, sports, arts, science, literature, politics or the like, but not for profit, and open only to members and not the general public.

**College:** A place of higher learning providing facilities for teaching and research of a general, technical, or religious nature, either public or private, and which is operated on a nonprofit basis.

**Commercial:** A business operated primarily for profit, including those of retail trade and professional, personal, technical and mechanical services.

**Commercial District or Center:** A concentration of commercial uses or activities, on a specific area planned or zoned for commercial purposes.

**Commission:** Means the Township Planning and Zoning Commission.

**Common Areas, Uses and Services:** Land areas, improvements facilities and utilities, the use, enjoyment and maintenance of which are intended to be shared by the owners and occupants of individual building units in a subdivision or a planned development.

**Construction Code:** Means the Michigan State Construction Code or any Code established in accordance with its provisions.

**Convalescent or Nursing Home:** A structure with sleeping rooms where persons are housed or lodged and are furnished with meals, nursing and medical care.

**District:** See "Zoning District".

**Drive-in Establishment:** Any establishment which offers goods and services over the counter or in motor vehicles.

**Drive-in Restaurant:** A Drive-in Restaurant shall be deemed to be any restaurant designed to permit or facilitate the serving of meals, sandwiches, ice cream, beverages, or other food served directly to or permitted to be consumed by patrons in cars or other vehicles parked on the premises, or permitted to be consumed by patrons elsewhere on the site outside the main building.

**Dwelling:** A building designed in accordance with the Construction Code or used exclusively as a living quarters for one (1) or more families but not including automobile chassis, tents or portable buildings.

**Dwelling, Farm:** A dwelling used to house the principal family operating the farm, and which is accessory to the operation of the farm, which is the principal use of the land upon which it is located.

**Dwelling, Group:** (Group housing) Two (2) or more single or multiple family dwelling structures on a parcel of land under single ownership.

**Dwelling, Mobile Home:** A dwelling unit manufactured in one or more sections, designed for year-round dwelling purposes, capable of being transported upon its own or a separate wheeled chassis and not motorized or self-propelled, but which meets the minimum floor area requirements of this Zoning Ordinance and installed in accordance with all of the other requirements of this Ordinance and the Construction Code specified for dwellings, when located outside of a licensed mobile home park.

**Dwelling, Multiple Family:** A dwelling structure, or portion thereof, designed for occupancy by two (2) or more families living independently of each other.

**Dwelling, One Family:** A dwelling structure designed exclusively for occupancy by one (1) family.

**Dwelling, Two Family or Duplex:** A multiple family dwelling structure designed exclusively for occupancy by two (2) families independent of each other; such as, a duplex dwelling unit.

**Dwelling Unit:** A dwelling unit is any building or portion thereof or a mobile home having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanently or transiently. In cases of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to a dwelling.

**Entrance Ramp:** Automotive access to a highway.

**Erected:** The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and other similar construction, shall be considered a part of erection.

**Essential Services:** The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare.

**Excavation:** Any breaking of ground, except farm use, common household gardening and ground care.

**Exception:** See "Zoning Exception".

**Exit Ramp:** Automotive exit from a highway.

**Family:** One (1) or two (2) persons with or without their direct lineal descendants and adopted children (and including the domestic employees thereof), or not more than four (4) persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit shall be considered a separate family for the purpose of this ordinance except for state licensed foster care homes.

**Farm:** Real property used for agriculture or horticulture comprising at least twenty (20) contiguous acres and which may contain other contiguous or non-contiguous acres, all of which is operated by a single family, family corporation, individual or corporation.

**Farming:** See "Agriculture".

**Fence:** A permanent partition, structure or gate erected as a dividing marker, barrier or enclosure, and not a part of a principal building or structure or other accessory structure. An ornamental fence is one that is less than three (3) feet in height, and is normally used in setting off planting areas and gardens.

**Filling:** The depository or dumping of any matter into or onto the ground, except common household gardening and general care.

**Filling Station:** See "Automobile Service".

**Flood Plain:** That portion of land adjacent or connected to a water body or watercourse, which is subject to periodic inundation in accordance with the hundred (100) year flood cycle.

**Floor Area, Gross (GFA):** The sum of the gross horizontal areas of the several floors of the building measured from the exterior face of the exterior walls or from the centerline of walls separating two (2) dwelling units. The gross floor area of a building shall include the basement (see definition) floor area when more than one half (1/2) of the basement height is above the established curb level or finished lot grade and of interior finished construction similar to first or main floor. Any space devoted to off-street parking or loading shall not be included in gross floor area. Areas of dwelling basements, unfinished attics, utility rooms, breezeways, porches (enclosed or unenclosed) or attached garages are not included.

**Floor Area, Usable (UFA):** The measurement of usable floor area shall be that portion of floor area (measured from the interior face of the exterior walls) used for or intended to be used for services to the public as customers, patrons, clients, or patients; including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, but not including areas used or intended to be used principally for storage of merchandise, utility or mechanical equipment rooms, or sanitary facilities. In the case of a half story area, the usable floor area shall be considered to be only that portion having a clear height of more than ninety (90) inches of headroom.

**Foster Care Home:** A State licensed child or adult care facility, which is organized for the purpose of receiving children or adults for care, maintenance, and supervision in buildings supervised by the home for that purpose, and operated throughout the year. Foster Care Homes do not include hospitals; hospitals for the mentally ill or nursing and convalescent care centers.

**Frontage, Street -** See "Road Frontage".

**Garage, Commercial:** Any garage, other than a private garage available to the public, operated for gain, and used for storage, repair, rental, greasing, washing, sales, servicing, adjusting, or equipping of automobiles or other motor vehicles.

**Garage, Private:** An accessory building not to exceed the height of the principal structure used for parking of vehicles or storage as may be required in connection with the permitted use of the principal building.

**Gas Station:** See "Automobile Service".

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

**Gray Water:** Any water that has been used in sinks, showers, tubs, washers, etc. NOT toilet water.

**Greenbelt:** A buffer area consisting of an open space, except as specifically required in certain sections of this Ordinance, which shall be either level or a berm and landscaped with trees, shrubs, vines and ground covers. When a screen buffer is required, it shall consist of a dense evergreen planting or a solid fence or wall.

**Group Housing:** See "Dwelling, Group".

**Group Residential Homes:** See "Foster Care Homes".

**Highway:** Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the Michigan Department of Transportation. (Also see "Road")

**Historical Building, Site or Area:** Those parcels and/or uses of land and/or structures whose basic purpose is to (a) safeguard the heritage of the local unit by preserving or allowing a structure or use which reflects elements of the community's cultural, social, economic, political, or architectural history; (b) stabilize and improve property values in the area; (c) foster civic beauty; (d) strengthen the local economy; and (e) promote the use of such sites for the education, pleasure, and welfare of the local residents and of the general public.

**Home, Motor:** A motorized vehicular unit primarily designed for travel and/or recreational usage,

which may also contain facilities for overnight lodging. This term does not include mobile homes.

**Home Occupation:** Home occupations include any use except those involving the resale of new goods not produced by the home occupation, on the property, except for incidental retail sales related to the home occupation. The home occupation shall be conducted entirely within the dwelling or an accessory permitted structure and carried on by the inhabitants thereof, except as provided below. It cannot involve more than one (1) employee or regular worker who is not a member of the immediate family. The use must be clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. It cannot endanger the health, safety, and welfare of any other persons residing in that area by reasons of noise, noxious odor, unsanitary or unsightly conditions, fire hazards and the like, involved in or resulting from such occupation, profession or hobby. Such occupation shall not allow external alterations of construction features, outdoor storage, or signs not customarily in residential areas. See Section 14.21.

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

**Hotel:** A building, except a bed and breakfast facility, occupied or used as a more or less temporary abiding place of individuals with or without compensation and or groups of individuals with or without meals for compensation, and in which there are more than five (5) sleeping rooms, and in which no provisions are made for cooking in any individual room. (Also see "Motel")

**Hot Tub:** See "Swimming Pool".

**Industrial:** A business operated primarily for profit, including those of product manufacturing or conversion through assembly of new or used products or through the disposal or reclamation of salvaged material, and including those businesses and service activities that are a normal integral part of an industrial enterprise or 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 attractive surroundings among compatible neighbors.

**In-Ground Pool:** See "Swimming Pool".

**Institutional:** An organization having a social, educational or religious purpose established by law, custom, practice or a system to serve a public.

**Junk:** All rubbish, refuse, waste material, garbage, including, but not limited to, the following: waste composed of animal, fish, fowl, fruit or vegetable matter, dead animals, putrescible and nonputrescible solid waste (except body wastes), ashes, glass, cans, bottles, discarded or abandoned machinery, household appliances, industrial wastes, discarded, inoperative, dismantled, partially dismantled motorized vehicles, unlicensed motorized vehicles requiring a license for operation on public roads or parts thereof. This shall not preclude home or farm composting for on-site use.

**Junk Yard:** Any lot, parcel, field or tract of land on which there is an accumulation of junk, equipment or machinery, whether operated for profit or not for profit bases. The term "junk yard" includes automobile wrecking yards and salvage areas for the storage, keeping or abandonment of junk or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof, but does not include uses contained entirely within an enclosed building or structure.

**Kennel:** Any lot or premises on which four (4) or more dogs of more than six (6) months in age are kept or boarded temporarily or permanently, for the purpose of breeding, for sale, or otherwise. It shall also include any lot or premises on which other fur bearing, household, or domestic pets of like number are bred or sold.

**Laboratory:** A place in which the principal use is devoted to experimental, routine, or basic study such as testing and analytical operations.

**Lake:** A permanent natural or man-made body of surface water of at least five (5) acres in area.

**Landscaping:** any combination of existing or planted trees, shrubs, vines, ground covers, flowers, lawns, fences, fountains, pools, artworks, screens, walls, benches, walks, paths, steps, terraces and garden structures.

**Land Use Permit:** See "Zoning Permit".

**Lighting Source:** For purposes of this ordinance, the source of light shall refer to the light bulb or filament, which is exposed or visible through a clear material. Exposed mercury or sodium vapor lamps or neon lamps shall be considered a direct source of light.

**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 and/or unloading merchandise or materials.

**Lot:** A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. (Also see "Parcel" or "Plat"). A lot shall not include road easements or road right-of-ways.

**Lot Area:** The total horizontal area within the lot lines of a lot or parcel.

**Lot Corner:** A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) roads is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved road or roads shall be considered a corner lot for the purpose of this Ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve at the two (2) points where the lot lines meet the curve or the straight road line extended, form an interior angle of less than one hundred thirty-five (135) degrees.

**Lot Coverage:** That percentage of the lot or parcel covered by all buildings and structures located in



the lot or parcel.

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

**Lot, Double Frontage:** Any interior lot having frontages on two (2) more or less parallel roads as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to road shall be considered frontage and front yards shall be provided as required.

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

**Lot Lines:** The exterior perimeter boundary lines of a lot or parcel.

**Lot Line, Front:** In the case of an interior lot, that line separating said lot from the road. In the case of a corner lot, or double frontage lot, "front lot line" shall mean that line separating said lot from that road which is designated as the front road in the plat and in the application for a Zoning Permit.

**Lot Line, Rear:** That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line not less than ten (10) feet long farthest from the front lot line and wholly within the lot.

**Lot Line, Side:** Any lot line other than the front lot line or rear lot line. A side lot line separating lot from a road is a side road lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

**Lot of Record:** A lot existing prior to the adoption of this Ordinance and recorded in the office of the County Register of Deeds. For the purpose of this Ordinance, land contracts and purchase options not recorded in the County Register of Deeds' Office, but dated and executed prior to the effective date of this Ordinance shall also constitute a "lot of record". (Includes "Parcel of Record")

**Lot, Waterfront:** A lot having a frontage directly upon a lake, river or other reasonable sized impoundment of water. The portion adjacent to the water shall be designated as the lake frontage of the lot, and the opposite side shall be designated the road frontage of the lot.

**Lot Width:** The horizontal distance between the side lot lines, measured at the two (2) points where the building line and also the front lot line intersects the side lot lines; the average of these two (2) dimensions shall be the lot width.

**Major Thoroughfare:** A road, street or highway designated as such in the County Road Plan.

**Master Plan:** The basic plan approved by the Planning Commission under Public Act 168 of 1959 as amended (MCL 125.321-125.333. It shall include maps, plats, charts and descriptive, explanatory and other related matter as to the future development of the township. It shall include a land use plan and program providing for various uses of land, the general location of public works, facilities and improvements, recommendations for the improvement and extension of such public facilities, for

preserving and improving the general character of the township and recommendations for implementation of its proposals.

**Marginal Access Road:** A public or private road or driveway paralleling and adjacent to any one of the major roads and arterials as designated in the County Road Plan.

**Mobile Home:** A dwelling unit manufactured in one or more sections, designed for year-round, dwelling purposes, capable of being transported upon its own or a separate wheeled chassis and not motorized or self-propelled but, which does not meet the definition of single-family dwelling.

**Mobile Home Park:** For the purpose of this Ordinance a specifically designated parcel of land constructed and designed to accommodate three (3) or more mobile homes for residential dwelling use.

**Mobile Home Space or Pad:** Specified area of ground within a mobile home park designed for the accommodation of one (1) mobile home.

**Motel:** (Also See “Hotel”) - A motel or motor court is a business comprising a dwelling unit or a group of dwelling units, except a bed and breakfast facility, so arranged as to furnish temporary or transient lodging accommodations for the public for compensation.

**Motor Court:** See "Motel".

**Nonconforming Building or Structure:** A Nonconforming building is a building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and which does not conform to the provisions of the Ordinance in the zoning district in which it is located.

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

**Nuisance:** Is 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 beyond a property line, which can be perceived by or affects human beings.

**Nuisance Per Se:** Is a nuisance, which is subject to remedy as a matter of law and is a violation of this Zoning Ordinance.

**Nursing Home:** See “Convalescent Home”.

**Occupied:** A building, structure, or land area designed and used for the purpose of and occupied for a useful purpose permitted under the provisions of this Ordinance.

**Office:** An enclosed area which has as its primary use, rooms for professional or financial organizations, individuals, and labor unions, civic, social, fraternal and/or other related organizations or enterprises.

**Office Park:** District or area for office and office related accessory uses.

**Off-Street Parking:** See “Parking, Off-Street”.

**Off-Street Parking Lot:** See "Parking, Off-Street, Lot” **Off-Street Parking Space** - See "Parking”.

**Off-Street Parking Space:** See “Parking, Off- Street, Space”.

**Open Air Business Uses:** Are business uses operated for profit, substantially in the open air, usually without buildings or structures, including uses such as the following:

- a. Bicycle, utility truck or trailer, motor vehicle, boats or home equipment sale, repair, or rental services.
- b. Outdoor display and sales of garages, motor homes, mobile homes, snowmobiles, farm implements, swimming pools and similar products.
- c. Retail sale of trees, fruit, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer.
- d. Tennis courts, archery courts, shuffleboard, horseshoe courts, rifle ranges, miniature golf, golf driving range, children's amusement park or similar recreation uses (transient or permanent).

**Open Space:** Any land area suitable for growing vegetation, recreation, gardens or household service activities, such as, clothes drying, but not occupied by any buildings.

**Open Space Uses:** Any principal or accessory use of a lot or parcel not involving the use of buildings or structures, which are required to meet the Construction Code.

**Open Storage:** A land area occupied and used for outdoor storage of building materials, sand, gravel, stone, lumber, equipment and other supplies.

**Outdoor Advertising-Signs:** See "Signs, Outdoor Advertising”.

**Parcel:** See "Lot”.

**Parking, Off-street:** Vehicular parking provided on a lot or parcel, but not within a highway or road right-of-way.

**Parking, Off-street, Lot:** A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two (2) automobiles.

**Parking, Off-street, Space:** An area of definite length and width; said area shall be exclusive of drives, aisles, or entrances giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles on lots or parcels, but not within public highway or public or private road-of-way.

**Parking Space**: A land area of not less than nine (9) by twenty (20) feet, exclusive of driveways and aisles, and so prepared as to be useable for the parking of a motor vehicle and so located as to be readily accessible to a public road or alley.

**Pet**: Shall mean only such animals as may commonly be housed within domestic living quarters.

**Performance Guarantee**: Means a cash deposit, certified check, irrevocable bank letter of credit or a performance or surety bond approved by the Township Board of Trustees.

**Planned-Unit Development**: A planned residential, commercial, industrial, public or semi-public land use development consisting of two (2) or more principal uses located on a parcel of land of prescribed minimum area and approved after site plan review.

**Planning Commission**: The commission appointed by the Township Board of Trustees under the provisions of Public Act 168 of 1959.

**Plat**: A map or plan of the layout of the subdivision of a parcel of land which is in conformance with all of the provisions of The Subdivision Control Act (Public Act 288 of 1967 as amended) and now The Land Division Act (Public Act 591 of 1996 as amended), MCL 560.101-560.293.

**Pond**: A small body of surface water of less than five (5) acres in area which exists in a natural state or is established by either the damming of surface water or by excavation of soil to expose groundwater.

**Porch, Enclosed (includes patio)**: 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 (includes patio and deck)**: A covered entrance to a building or structure which is not enclosed 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 an integral roof with the principal building or structure to which it is attached.

**Practical Difficulties**: See "Zoning Variance".

**Preliminary Site Plan**: A scaled drawing or plot of a lot or parcel and the general plan or proposal to develop or change the lot or parcel.

**Private Road**: See "Road, Private".

**Public Utility**: Any person, firm, corporation, municipal department, board, or commission duly authorized to furnish under federal, state, or municipal regulations and furnishing to the public electricity, gas, steam, communications, telegraph, transportation, water, storm water collection or wastewater collection and treatment.

**Recreation Vehicle:** A vehicle primarily designed and used as temporary living quarters for recreational camping or a vehicle mounted on or drawn by another vehicle.

**Recreation Vehicle Park (RV Park):** A family recreation oriented facility for the overnight, short-term or seasonal, but not permanent or year-round, parking of travel trailers, recreation vehicles or tents. May also be known as a campground.

**Residential Structures:** Means any structure, excluding mobile homes, used as a dwelling for permanent year-round, seasonal, vacation or temporary housing by human families or individuals.

**Resource Development District:** A zoning district which has been established primarily to conserve and wisely use the natural resources contained within it, and to preserve as much of the natural character of it as is possible.

**Restaurant:** Is a building in which food or beverages are cooked or prepared and offered for sale, and where consumption is permitted on the premises whether or not entertainment is offered.

**Right-of-Way, Road:** See "Road Right-of-Way", includes "Highway and Street Right-of-Way".

**Road, Public:** Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the County Road Commission.

**Road Frontage:** The legal line that separates a dedicated road right-of-way or easement from abutting land.

**Road, Frontage Access:** A public or private road paralleling and providing ingress and egress to adjacent lots and parcels but connected to the major highway or road only at designated intersections or interchanges.

**Road, Hard Surface:** A highway or road built to the concrete or asphalt surface road building specifications of the County Road Commission or the Michigan Department of Transportation.

**Road, Private:** A non-public road which serves at least two (2) separately owned lots or parcels and which must meet the minimum County Road Commission standards for public roads.

**Road Right-of-Way Line:** The line which forms the outer limits of a road right-of-way or easement, and which forms the line from which all setbacks and front yards are measured, unless otherwise specified in this ordinance.

**Roadside Stand:** A temporary or permanent building or structure operated for the purpose of selling only produce raised or produced on the same premises including the immediate surrounding area, by the proprietor of the stand or his family; its use shall not make it a commercial district or land which would be otherwise classified as agricultural or residential, nor shall its use be deemed a commercial activity. The maximum floor area of a Roadside Stand shall not exceed 400 square feet.

**Salvage:** Means the same as junk. (See definition of “Junk”)

**Sanitary Landfill:** A private or public landfill (disposal area) that meets all of the requirements of The Natural Resources and Environmental Protection Act (Public Act 451 of 1994, as amended), MCL324.101-324.90106 and specifically “The Solid Waste Act” provisions therein as well as the rules promulgated under these Acts by the Michigan Department of Natural Resources.

**Setback, Road:** The distance between the right-of-way line and the nearest point of the foundation of the principal structure.

**Setback, Waterfront:** The distance between the shoreline and the nearest point of the foundation of the principal structure.

**Shed:** A structure not exceeding two hundred (200) square feet, built in compliance with the requirements of the State Construction Code and used solely for storage purposes, complying with location and setback requirements for buildings.

**Shoreline:** The line which separates land from a surface water feature may be (a) established as a matter of record as the mean level elevation of the surface water or (b) as determined by the legal establishment of the surface water level elevation by the Township or other public agency. For the purpose of this Ordinance the legally established surface water level elevation shall take precedence, if established, over the mean level elevation.

**Sign:** The use of any words, numerals, figures, devices, designs or trademarks by which anything is made known, such as to show an individual firm, profession, business, product or message and is visible to the general public.

**Sign, Lighted:** Any sign having a conspicuous, continuous or intermittent variation in the illumination of the physical position of any part of the sign.

**Sign, Outdoor Advertising:** (also Billboard) - Any construction or portion thereof upon which a sign or advertisement used as an outdoor display for the purpose of making anything known to the general public is affixed. The definition does not include any signs owned or placed by governmental or public entities or any bulletin boards used to display official court or public notices.

**Single Family Dwelling:** A building containing not more than one (1) dwelling unit designed for residential use, complying with the following standards:

1. It complies with the minimum square footage requirements of this Ordinance for the zone in which it is located.
2. It has a minimum width across any front, side, or rear elevation of twenty (20) feet and complies in all respects with the Michigan State Construction Code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those

imposed by the Michigan State Construction Code, then and in that event, such federal or state standard or regulation shall apply.

3. It is firmly attached to a permanent foundation constructed on site in accordance with the Michigan State Construction Code and shall have a wall of the same interior dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.
4. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
5. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department.
6. The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to ten (10%) percent of the square footage of the dwelling or one hundred (100) square feet, which ever shall be less.
7. The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity. The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Administrator upon review of the plans submitted for a particular dwelling, subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of fifteen (15) days from receipt of the notice of said Zoning Administrator's decision. Any determination of compatibility shall be based upon the standards set forth in this definition of "dwelling", as well as the character, design and appearance of one or more of the permitted residential dwellings located outside of mobile home parks throughout the township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or designed home.
8. The dwelling contains no additions or rooms or other areas, which are not, constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
9. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may have been amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

10. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park or mobile home plat except to the extent required by state or federal law or otherwise specifically required in the Ordinance of the Township pertaining to such parks.

11. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable State Construction Code provisions and requirements.

**Site Plan:** A legal plot or survey of a lot or parcel and the plan for all of the proposals to develop or change the existing character of the lot or parcel.

**Spa, Nonportable:** See "Swimming Pool".

**Spa, Portable:** A nonpermanent structure intended for recreational bathing in which all controls, water-heating and water-circulating equipment are an integral part of the product.

**Special Use:** A use, which is subject to approval by the Township. A special use may be granted when specified by this Ordinance. A permitted special use is not considered to be a Nonconforming use.

**Special Use Permit:** A permit issued by the Township Planning Commission to a person or persons intending to undertake the operation of an activity upon land or within a structure which is specifically mentioned in this Ordinance as a Special Use in the zoning classification and possesses a unique characteristic found to be not injurious to the health, safety, convenience and general welfare of the Township's inhabitants.

**Story:** That part of a building included between the surface of one (1) floor, and the surface of the next floor; or if there is no floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than fifty (50%) percent, by cubic content, is below the height level of the adjoining ground.

**Story, Half:** An uppermost story lying under a sloping roof, the usable floor area of which, at a height of four (4) feet or more above the floor does not exceed two-thirds (2/3) of the floor area in the story directly below.

**Story Height:** The vertical distance from the top surface of one (1) floor to the top surface of the next above. The height of the topmost story is the distance from the top surface of the floor to the ceiling above it.

**Street:** See "Road".

**Structure:** See "Building", and in addition any man-made surface feature or designed earth feature other than normal furnished grading for drainage purposes including drives, parking areas, garden houses, pole barns, sheds, pergolas, decks, porches, play houses and game courts.

**Structural Alterations:** Any change in the supporting members of a building such as bearing walls, columns, beams or girders or any substantial changes in the roof and exterior walls.



**Subdivision**: A group of separate parcels of land, including streets and roads, as shown on a plat and meeting the requirements of and having complied with the Subdivision Control Act (Act 288 of 1967) and the Land Division Act (Act 591 of 1996, as amended).

**Swimming Pool**: Any structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

**Swimming Pool, Indoor**: A swimming pool which is totally contained within a structure and surrounded on all four sides by the walls of the enclosing structure.

**Swimming Pool, Outdoor**: Any swimming pool which is not an indoor pool.

**Television Satellite Receiving Dish**: An outdoor structure used for the purpose of receiving television signals and programs from space satellites.

**Temporary Building**: See "Building, Temporary".

**Temporary Use**: See "Use, Temporary".

**Tent**: A portable shelter typically used as a sleeping place.

**Township**: Means Beaver Creek Township for whom this Zoning Ordinance is provided.

**Township Board**: Means the Beaver Creek Township Board of Trustees.

**Township Planning and Zoning Commission**: Means the same as Township Planning Commission, Zoning Board or Planning and Zoning Board.

**Travel Trailer**: A portable non-motorized vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for periodic overnight lodging. This term also includes folding campers and truck-mounted campers but does not include mobile homes.

**Unnecessary Hardship**: See "Zoning Variance".

**Use**: The lawful purpose for which land or premises or a structure or building thereon is designed, arranged, intended, or for which is occupied, maintained, let or leased for a use or activity.

**Use, Accessory**: A use or activity normally and naturally incidental to, subordinate to, and devoted exclusively to the principal use of the land or buildings, including all structures detached from the principal structure above and below ground; such as garages, sheds, barns, television satellite dishes, and designed surface structures and areas.

**Use, Agricultural**: Any use permitted in the RD and AR Agricultural Zone in this ordinance.

**Use, Commercial:** Any use permitted in the OSC, NSC, CSC and HSC Commercial and Planned Unit Development (PUD) Commercial Zones in this ordinance.

**Use, Industrial:** Any use permitted in the "I" Industrial and Planned Unit Development (PUD) Industrial Zone in this Ordinance.

**Use, Institutional:** Any of the public or private organizational uses permitted in this Ordinance.

**Use, Land:** The principal and accessory uses and activities being made of all land areas, buildings and structures located upon a lot or parcel.

**Use, Principal:** The primary or dominant use or activity to which a lot or parcel is put.

**Use, Public:** Any of the publicly owned or leased uses of land, buildings or structures administered and operated by a public agency or official.

**Use, Residential:** Any of the uses permitted in the Residential and Residential Planned Unit Development (PUD) Zones in this Ordinance.

**Use, Temporary:** A use, activity, or building permitted to exist during period of construction of the main building or use, or for special events.

**Variance:** See "Zoning Variance".

**Waste Water:** See definition for "gray water" and/or "black water".

**Yard:** The open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance and as defined herein.

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

**Yard, Front Roads and Waterfronts:** Are both defined as front yards or setbacks from road right-of-way lines and shorelines of water bodies.

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

**Yard, Side:** The open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the distance from the nearest point of the side lot to the nearest point of the main building.

**Zoning Administrator:** Means the person retained by the Township Board of Trustees to administer and enforce this Zoning Ordinance.

**Zoning Appeal:** An entreaty or demand for a hearing and/or review of facts and/or actions by the Zoning Board of Appeals.

**Zoning Board:** The Board appointed by the Township Board of Trustees in accordance with the provisions of The Township Zoning Act (Public Act 184 of 1943 as amended), which is commonly referred to as the Township Planning Commission.

**Zoning Board of Appeals:** As used in this ordinance, the term "Board of Appeals" means the Zoning Board of Appeals.

**Zoning District:** A portion of the unincorporated area of the Township to which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.

**Zoning Exception:** See "Zoning Interpretation" and "Zoning Variance".

**Zoning Interpretation:** A principal or accessory use permitted within the intent and purpose of this Ordinance only after review of an application by the Zoning Board of Appeals. Such review is necessary because the provisions of this Ordinance in respect to the listed permitted principal and accessory uses are not precise enough to all applications without interpretation, and such review of the provisions of this Ordinance is therefore required.

**Zoning Permit:** A permit for commencing construction issued in accordance with a site plan for construction that complies with all the provisions of this Zoning Ordinance.

**Zoning Variance:** The term "Variance" shall mean a modification of literal provisions of the Zoning Ordinance granted by the Zoning Board of Appeals when strict enforcement of the Zoning Ordinance would cause unnecessary hardship or practical difficulties due to circumstances unique to the individual property on which the variance is granted. The variance cannot be granted unless it would permit compatible development similar to the character of development permitted in a zoning district. The term Variance shall not mean to include granting variances for substantially larger buildings or additional uses other than those permitted in the respective zoning districts.

- A. **Practical Difficulties** - shall mean that dimensional zoning requirements cannot be met by an existing lot or parcel because of its unique or unusual shape and size due to its narrowness, shallowness, irregular shape or natural or existing development characteristics and such lots or parcels are different in the sense of these characteristics from other more typical lots located in the same zoning district.
- B. **Unnecessary Hardship** - Shall mean that the permitted zoning district uses are so limiting as to result in the impossibility of developing a lot or parcel for any such permitted use purpose because of unusual or unique characteristics of the lot or parcel in relation to other more typical lots or parcels in the same zoning district.

**Article III - General Provisions**

**Section 3.01 - Establishment of Zoning Districts**

The Township of Beaver Creek is hereby divided into the following zoning districts as shown on the Official Zoning Map, which together with all explanatory matter shown thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

- Article IV      RD - Resource Development District
- Article V      AR - Agricultural Residential District
- Article VI      LDR - Low Density Residential District
- Article VII     MDR - Medium Density Residential District
- Article VIII    CSC - Community Service Commercial District
- Article IX      HSC - Highway Service Commercial District
- Article X      I - Industrial District

**Section 3.02 - Provisions for Official Zoning Map**

These districts, so established, are bounded and defined as shown on the map entitled: "Zoning Map of Beaver Creek Township" adopted by the Beaver Creek Township Board of Trustees, and which with all notations, references and other information appearing thereon, is hereby declared to be a part of this ordinance and of the same force and effect as if the districts shown thereon were fully set forth herein.

**Section 3.03 - Changes to Official Zoning Map**

If, in accordance with the procedures of this Ordinance and of Public Act 184 of 1943, as amended, a change is made in a zoning district boundary, such change shall be made by the Township Clerk with the assistance of the Zoning Administrator promptly after the Ordinance authorizing such change shall have been adopted and published by the Township Board. Other changes in the Zoning Map may only be made as authorized by this Ordinance and such changes, as approved, shall also be promptly made by the Township Clerk.

**Section 3.04 - Authority of Official Zoning Map**

Regardless of the existence of other copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, which shall be located in the office of the Township Clerk or the Zoning Administrator, shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building or structure in the Township.

**Section 3.05 - Interpretation of Zoning Districts**

Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules for interpretation shall apply:

- A. A boundary indicated as approximately following the centerline of a highway, road, alley, railroad

or easement shall be construed as following such centerline.

- B. A boundary indicated as approximately following a recorded lot line, a boundary of a parcel, section line, quarter section line, or other survey line shall be construed as following such line.
- C. A boundary indicated as approximately following the corporate boundary line of the Township shall be construed as following such line.
- D. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in a shoreline shall be construed as following the actual shoreline.
- E. A boundary indicated as following the centerline of a stream, river, canal, lake or other body of water shall be construed as following such centerline.
- F. A boundary indicated as parallel to or an extension of a feature indicated in paragraphs A through E above shall be so construed.
- G. A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- H. All questions concerning the exact location of boundary lines of any zoning district not clearly shown on the Official Zoning Map shall be determined by the Zoning Board of Appeals consistent with the intent and purpose of this Ordinance.

**Section 3.06 - Application and Interpretation of Regulations**

The regulations established by this Ordinance within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall be uniform for each permitted or approved use of land or building, dwelling and structure throughout each district. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance, the Zoning Board of Appeals shall have power in passing upon appeals to vary or modify any rules, regulations or provisions of this Ordinance so that the spirit and purpose of this Ordinance shall be observed, public safety secured and substantial justice done, all in accordance with the provisions of Article XIX of this Ordinance and Section 23 of the Township Zoning Act (MCL 125.293).

**Section 3.07 - Scope of Regulations**

- A. Except as may otherwise be provided in Article XX, "Zoning Board of Appeals" every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of any existing building or structure occurring, and every enlargement of, or addition to an existing use, building and structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the zoning district in which such use, building, or structure shall be located.
- B. All buildings and structures, unless otherwise specified in this Ordinance, shall meet all the requirements of the Construction Code whenever applicable.

- C. Uses are permitted by right only if specifically listed as principal permitted uses in the various zoning districts. Accessory uses are permitted as listed in the various zoning districts and if such uses are clearly incidental to the permitted principal uses. Special uses are permitted as listed and if the required conditions are met.
- D. All uses, buildings, and structures shall conform to the area, placement, and height regulations of the district in which located, unless otherwise provided in this Ordinance.
- E. No part of a yard, or other open space, or off-street parking space or loading space required for, or in connection with, any use, building or structure, for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking lot or loading space similarly required for any other use, building or structure.
- F. No yard or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area less than the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein.
- G. No lot, out lot or other parcel of land in a recorded plat shall be further partitioned or divided unless in conformity with the Zoning and any Subdivision Control Ordinances and the provisions of The Subdivision Control Act (Public Act 288 of 1967 as amended) and the Land Division Act (Public Act 591 of 1996 as amended), MCL 560.101-560.293.

**Section 3.08 - Conformance to Other Public Laws, Rules and Regulations**

All uses of land, buildings or structures shall conform to all applicable local, county, state and federal laws, rules and regulations that have been promulgated and administered by the respective responsible public agency or official as well as the provisions of the Zoning Ordinance.

**Section 3.09 - Conflicting Regulations**

Whenever there is a difference between minimum or maximum standards, dimensions, or other provisions in this Ordinance, or those contained in lawfully adopted township, county, state, federal or other governmental agency rules, regulations, ordinances or laws, the most liberal interpretation of the most restrictive or the one imposing the most desirable standard shall prevail.

**Section 3.10 - Zoning - Not a Vested Right**

The fact that any portion of the written text or districting on the map of this Zoning Ordinance is a function of the lawful use of the police power and shall not 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 in this Ordinance, except those previously established as legally Nonconforming, and are subject to possible future change, amendment or modification as may be necessary to the present and future protection of the public health, safety and welfare of the Township.

**Section 3.11 - Site Plan Review Procedures**

For all uses permitted under the provisions or consequence of this Zoning Ordinance, applicants applying for a zoning permit, shall follow the requirements of Article XVIII, "Site Plan Review",

except that all farm dwellings, farm buildings and single family homes located on a single lot or parcel shall be exempt from Site Plan Review requirements.

### **Section 3.12 - Zoning Permits in Relation to Building Permits**

Prior to the issuance of any building permit in the Township, it shall be necessary for any applicant for a building permit to first apply for and obtain a zoning permit from the Zoning Administrator in accordance with the provisions of this Zoning Ordinance. All buildings including new or renovations for commercial, residential (including storage sheds or buildings) agricultural buildings, all accessory buildings and permanently affixed signs must obtain a zoning permit prior to starting construction. The County Building Department shall notify the Township Zoning Administrator before issuing a temporary electric service permit.

### **Section 3.13 - Permitted Zoning District Uses and Other Provision**

Each Zoning District and the uses it permits are designed to represent separate categories of compatible land uses. However, regulations controlling other Articles in this Zoning Ordinance may also appropriately apply, including those provisions included in Article XIV, "Supplemental Regulations;" Article XIII, "Nonconforming Land, Building and Structural Uses;" Article XVI, "Off-Street Parking, Loading and Unloading Requirements;" Article XII, "Sign Regulations;" and Article XIII, "Site Plan Review." Applicants for zoning permits should relate their requests to both the appropriate zoning district as to use and the above Articles for applicability.

### **Section 3.14 - Uses Not Specifically Listed in the Permitted or Special Use Sections of the Respective Zoning Districts**

It is the intent and purpose of this Zoning Ordinance to limit the permitted principal, special and accessory land uses and activities to those specifically included in the respective Zoning Districts. Any uses not listed shall be added only by the Zoning Amendment procedure as required in Article XXVII.

### **Section 3.15 - Continued Conformance with Regulations**

The maintenance of yards, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision areas, parking and loading spaces, signs and all other requirements 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 use is located.

### **Section 3.16 - Wetland Development**

All "Wetland Areas" located in the Township as designated by the Michigan Department of Natural Resources (DNR) shall be required to meet the provisions of this Ordinance and the provisions of the Natural Resources and Environmental Protection Act as it applies to wetlands (Public Act 451 of 1994, as amended), MCL 324.30301-324.30323 and any rules or regulations promulgated by the Department of Natural Resources or the Department of Environmental Quality.

### **Section 3.17 - Conformance of Lots and Parcels to the Subdivision Control Act**

All uses permitted in any district shall be located on lots or parcels of land subdivided in accordance with the provisions of the Subdivision Control Act (Public Act 288 of 1967, as amended), and the Land Division Act (Public Act 591 of 1996 as amended), MCL 560.101-560.293 and any Subdivision Regulations or Lot Split Ordinance requirements adopted and in effect at the time.

### **Section 3.18 - Condominium Subdivisions, including Site Condominiums**

It is recognized that Michigan statutes provide for the implementation of developments consisting of one-family detached residential dwelling units and sites through procedures other than those enabled by the Subdivision Control Act (Act 288 of 1967, as amended) including the Land Division Act (Act 591 of 1996, as amended). The intent of this section is to provide procedures and standards for the review and approval or denial of one-family residential subdivisions implemented under the provisions of the Condominium Act (Act 59 of 1978, as amended) and to ensure that such developments are consistent and compatible with conventional one-family platted subdivisions and promote the orderly development of adjacent areas. It is not intended to allow commercial or industrial condominium projects.

A. A condominium subdivision shall include any residential development within an agricultural or residential classification, complying with the provisions of the Michigan Condominium Act (Act 59 of 1978, as amended) consisting of two (2) or more detached single-family residential structures on a single parcel, with the exception that these provisions limiting condominium subdivisions to single family detached structures shall not apply to condominium developments which are viewed and approved through Article XII, Planned Unit Development District.

B. A Condominium Subdivision Plan shall be prepared to indicate specific parcel dimensions with front, rear and side lot lines allocated to each condominium dwelling unit, referred to as “condominium lots”. The description, size, location and arrangement of condominium lots shall conform to the requirements of a conventional platted subdivision. All condominium subdivision lots shall be deeded as limited common elements for exclusive use of the owners of the condominium subdivision units.

C. Each condominium dwelling unit shall be located within a condominium lot. The minimum size of each lot, maximum size of the building(s), minimum yard setbacks, minimum building size and maximum lot coverage shall comply with the regulations of the zoning district where it is located. Road setbacks shall be as required in the particular zoning district. Condominium units must front on a public road meeting the construction and maintenance requirements of the Crawford County Road Commission; if adjoining a primary county road, landscaping must be provided to minimize noise and to protect outdoor living areas.

D. All condominium developments shall comply with the fencing requirements of the zoning ordinance; however, fences of more than five (5) feet high shall not be allowed along or within ten (10) feet of condominium lot lines. Landscaping shall be provided in accordance with the approved plans, as set forth below.

E. All applicants for condominium developments, including so-called site condominiums, shall prepare and submit a Site Plan and are required to obtain Site Plan Approval as required by Article XVIII Site Plan Review Procedures.



## **Article IV - RD Resource Development District**

### **Section 4.01 - Purpose**

The purpose of this District is to provide for the arrangement of land uses that are compatible with the conservation and preservation of large tracts of land presently having a most desirable natural environment that should not be disturbed, except minimally, for natural habitat for wildlife, forests and other native flora, natural water features including extensive wetlands and high water table soils, - and other extensive land uses which retain the natural character of the area. Single-family homes on exceptionally large lots will be provided for if the spacing of such homes is great enough to adequately handle on-site septic tanks and wells. This area will normally remain unserved by public sewer and water systems.

### **Section 4.02 - Permitted Principal Uses**

- A. Existing types of forestry and farming and related forestry and agricultural uses may continue and the same types of forestry and farming may be established in new locations within the District on at least twenty (20) acres of contiguous land. However, only portable sawmills shall be allowed or used on the property to cut and dry logs obtained from the property; no permanent saw mills or saw mills cutting and drying logs received from other properties shall be allowed. Agricultural uses shall be developed in accordance with the relevant provisions of the “AR” District.
- B. Residential single family dwellings, on at least two (2) acres of contiguous land which can accommodate on-site septic tanks and wells which meet the approval of the County Health Department.
- C. Those uses permitted under the provisions of Public Act 451 of 1994 as amended, “The Natural Resources and Environmental Protection Act”.
- D. Public and private conservation areas, including necessary structures, to assure the preservation of water, soil, forest, wildlife, minerals, and open space, which are located on an area of at least twenty (20) contiguous acres of land.
- E. State licensed foster care facilities housing six (6) or fewer persons and located at least 1500 feet apart.
- F. Essential Services.

### **Section 4.03 - Permitted Principal Special Uses with Conditions**

The following special uses of land, buildings and structures are permitted, subject to the provisions of Article XVII, “Special Uses”:

- A. Public and private areas for nature study, forest preserves, hunting and fishing reservations, game refuges, fishing, boating, and other water related activity sites, non-intensive recreation facilities related to the natural environment, organized camping and campgrounds which are located on an area of at least twenty (20) contiguous acres of land.

- B. Public and private areas to preserve natural open space, natural vistas, geological features, archeological sites and other significant natural and historical features and sites which are located on an area of at least twenty (20) contiguous acres of land, or which are located on lots and parcels of record existing at the time of the adoption of this Ordinance.
- C. Public, or private cemeteries, which are located on an area of at least twenty (20) contiguous acres of land.
- D. Public and private areas for golf courses, parks, playgrounds, resorts, recreation Vehicle parks and swimming and court game clubs which are located on at least twenty (20) contiguous acres of land.
- E. Extraction of sand, gravel, rock and minerals which are located on at least twenty (20) contiguous acres of land planned, operated and maintained in accordance with Article XI "Special Uses" and specifically Section 11.15.
- F. Outdoor kennels for dogs in accordance with Section 5.03.A.
- G. Riding Stables.

**Section 4.04 - Permitted Accessory Uses**

- A. Buildings and structures customarily incidental to the operation of a principal use permitted in this District.
- B. Signs related to the permitted principal uses in this District, provided that all such signs shall conform to the requirements of Article XVII, "Sign Regulations".
- C. Home occupations normal and appropriate to the skills of the occupants of the principal use located on a lot or parcel in this District as conditioned by Section 14.21.
- D. Private residential pools as conditioned by Section 14.20 located on the same lot or parcel with the principal residential structure.
- E. Forest or farm vehicle and implement repair and maintenance in conjunction with forestry or farming or other principal forestry or agricultural use located on the same parcel.
- F. Herbicide, insecticide and fertilizer sales and application in conjunction with forestry or farming or other principal forestry or agricultural use located on the same parcel.
- G. Temporary storage of forestry or agricultural products in conjunction with forestry and farming existing and located on the same parcel.
- H. Sales of seed and other product sales in conjunction with forestry or farming or other principal forestry or agricultural use located on the same parcel.

#### **Section 4.05 - Permitted Accessory Uses with Conditions**

##### A. Roadside Stands.

In the “RD” District each forest or farm may have one (1) roadside stand for the purpose of selling produce or other products principally raised or produced from that forest or farm in the course of its permitted forestry or agricultural activity. The stand shall be located and constructed to meet the following requirements:

1. The structure shall not be more than one (1) story or ten (10) feet in height.
2. The floor area shall not be more than four hundred (400) square feet.
3. The stand shall be located no closer than ten (10) feet from the nearest road right-of-way.

#### **Section 4.06 - Dimensional Requirements**

A. Lot Area: A permitted parcel shall have a minimum of twenty (20) acres in area, except as otherwise may be provided in this Ordinance.

B. Lot Width: Minimum of two hundred (200) feet at the required building setback line.

C. Lot Coverage: Maximum of twenty (20%) percent.

D. First Floor Area: The minimum floor area of a one (1) story Single Family Dwelling or a two (2) story Single Family Dwelling shall be seven hundred twenty (720) square feet.

##### E. Yard and Setback Requirements:

1. Front Yard: Minimum of fifty (50) feet from the road right-of-way line.

2. Side Yards: Minimum of twenty-five (25) feet for each side yard, except where a side yard abuts a road right-of-way line, the minimum shall be fifty (50) feet.

3. Rear Yard: Minimum of fifty (50) feet.

F. Height Limitations: Maximum of thirty-five (35) feet for all dwellings and a maximum of twenty-five (25) feet for all buildings accessory to dwellings; maximum of forty-five (45) feet for all forest and agricultural buildings, except for grain elevators, silos, and windmills which shall not exceed one hundred twenty (120) feet in height and additional exceptions as provided in Section 14.17.

#### **Section 4.07 - Location and Site Development Requirements**

A. Access to the principle structure(s) shall require driveway access, which has fifteen (15) feet horizontal and twelve (12) feet vertical clearance of all obstacles and vegetation, except ground covers, a cleared and continually maintained in a drivable condition for the purpose of access by emergency vehicles (This section does not cover or require snow removal). A vehicle turn around

area shall be provided within one hundred (100) feet of the principle structure(s) capable of handling thirty (30) foot vehicles (Minimum T-type turn around 20' x 35') for police, fire, and ambulance, and be connected to a private or public road. Township cannot be held responsible for non-maintenance of access.

- B. Housing for all animals, except household pets, shall be located at least one hundred twenty-five (125) feet from a side or rear yard or a minimum midway calculated distance not less than sixty-five (65) feet for legal non-conforming parcels as determined by the Appeals Board. All deposits or concentrations of manure created by animals, resulting in an offensive odor, including household pets shall be disposed of in a sanitary manner daily.

## **Article V - AR Agricultural Residential District**

### **Section 5.01 - Purpose**

The purpose of this district is to provide for the compatible arrangement and development of parcels of land for residential building purposes in a pastoral, agricultural, forest or open land setting, which will remain unserved by public water distribution and wastewater disposal systems in the foreseeable future, but which are suitable for large lot residential purposes, which can accommodate healthful on-site water supply and wastewater disposal, but which reserves and conserves that land which is most adaptable for present and future agricultural, forest, natural resource and other extensive land uses.

### **Section 5.02 - Permitted Principal Uses**

- A. General forestry or farming, including temporary, portable saw mills for the sole purpose of curing and removing timber from the subject property.
- B. Trees and field crop, fruit, vegetable, horticultural, maple sugar production, Christmas tree, timber and lumber, and relate types of specialized forestry and farming.
- C. Greenhouses and nurseries for trees, shrubs and plants.
- D. Raising and keeping of cattle, horses, ponies, sheep, goats, swine and similar livestock.
- E. Raising and keeping of rabbits, poultry, fowl and similar small animals.
- F. On-site production and consumption of food for animals and animals for food.
- G. Apiaries.
- H. Hatcheries.
- I. Public and semi-public buildings for the housing of public facilities, utilities and services.
- J. Public and private conservation areas and structures for water, soil, forest, wildlife, minerals and open space. (See definition of "Open Space")

- K. Public and private areas for golf courses, golf driving ranges, country clubs, miniature golf courses, historical places, parks, playgrounds, beaches, resorts, swimming pool and court game clubs and organizational camping.
- L. Public areas for forest preserves, game refuges and similar uses.
- M. Cemeteries; public or private.
- N. Single-family dwellings on a lot or parcel of at least two (2) acres.
- O. State licensed residential foster care facilities housing six (6) or less persons and located at least one thousand five hundred (1500) feet apart.

**Section 5.03 - Permitted Principal Special Uses with Conditions**

The following special uses of land, buildings and structures are permitted, subject to the provisions of Article XVII, "Special Uses":

A. Outdoor Kennels for Dogs

1. All dog kennels shall be operated in conformance with all applicable county, state and federal regulations.
2. For dog kennels, the minimum lot size shall be twenty (20) acres for the first six (6) dogs and an additional one-sixth (1/6) acre for each one (1) additional dog.
3. Buildings wherein dogs are kept, dog runs, and/or exercise areas shall not be located nearer than two hundred fifty (250) feet to any occupied dwelling or any building on an adjacent parcel used by the public and shall not be located in any required front, rear or side yard setback area.
4. Such facilities shall be under the jurisdiction of the Zoning Board, and subject to other conditions and requirements of said body deemed necessary to insure against the occurrence of any possible nuisance by requiring necessary minimum distances, berms, fencing, a five (5) foot high solid fence or berm for soundproofing and sanitary requirements.

B. Agricultural Businesses

1. Permitted-Special Uses
  - a) Agricultural products and processing operations.
  - b) Agricultural products storage facilities.
  - c) Bulk seed, feed, fertilizer and nursery stock outlets and distribution centers.

- d) Farm machinery: sales, service, rental and repair.
- e) Grain elevators for storage, drying and sales.
- f) Grain and livestock truck and cartage facilities.
- g) Greenhouses and nurseries.
- h) Oil and gas related extraction facilities.
- i) Riding stables
- j) Veterinary hospitals, clinics and indoor kennels.

## 2. Conditions

A forest or agricultural business shall be buildings, structures, lots, parcels, or parts thereof, which provide services, goods, storage, transportation or other activities directly related to the production of forest or agricultural commodities and are permitted with the following conditions:

- a) Minimum lot or parcel area shall be ten (10) acres and minimum road frontage shall be six hundred (600) feet, except as otherwise required for specific uses listed.
- b) Located at least two hundred (250) feet from all residential structures located on adjacent properties.
- c) Shall meet the requirements of the State and County Health Departments for water supply, liquid and solid waste disposal and other applicable health and sanitation requirements.
- d) Meet the requirement of Article XI, "Special Uses".

## C. Permitted public and private institutions for human care, religion, education and other human social purposes.

1. The proposed site for any of the uses permitted herein which would attract persons from, or is intended to serve; areas beyond the immediate zoning district area shall have at least one (1) property line abutting a paved impermeable hard surface public road.
2. Front, side and rear yards shall be set back at least fifty (50) feet, and shall be landscaped in trees, shrubs, and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and screening or buffering from abutting residential lots and parcels.

D. Home Occupations

**Section 5.04 - Permitted Accessory Uses**

- A. Buildings and structures customarily incidental to the operation of a principal forestry and agricultural or other use permitted in the AR District.
- B. Building and structures customarily incidental to single-family dwellings.
- C. Signs related to permitted uses, provided that all such signs shall conform to the requirements of Article XVII.
- D. Customary home occupations and forestry and agricultural commercial enterprises, as conditioned by Section 14.21.
- E. Private residential pools as conditioned by Section 14.20.
- F. Forest and farm implement and vehicle repair and maintenance.
- G. Herbicide, insecticide and fertilizer sales and application.
- H. Greenhouses and nurseries.
- I. Storage facilities.

**Section 5.05 - Permitted Accessory Uses with Conditions**

- A. Roadside Stands: In the AR District each farm or forest may have one (1) roadside stand for the purpose of selling products principally raised or produced on that farm or forest in the course of its permitted agricultural and forestry activity. The stand shall be located and constructed to meet the following requirements:
  - 1. The structure shall not be more than one (1) story or twelve (12) feet in height.
  - 2. The floor area shall not be more than four hundred (400) square feet.
  - 3. The stand shall be located no closer than forty (40) feet from the nearest road right-of-way line. In no case, shall the stand occupy any part of the right-of-way.

**Section 5.06 - Dimensional Requirements:**

- A. Lot Area: A permitted parcel shall have a minimum of twenty (20) acres in area, except as otherwise provided in this ordinance.
- B. Lot Width: Minimum of six hundred (600) feet at the building required setback line except that for residential lots the minimum width at the required set back line shall be two hundred (200) feet.
- C. Lot Coverage: Maximum of twenty (20%) percent.

- D. First Floor Area: The minimum floor area of a one (1) story Single Family Dwelling or a two (2) story Single Family Dwelling shall be seven hundred twenty (720) square feet.
- E. Yard and Setback Requirements:
  - 1. Front Yard: Minimum of fifty (50) feet from the road right-of-way line.
  - 2. Side Yards: Minimum of twenty (20) feet for each side yard, except where a side yard abuts a road right-of-way line, the minimum shall be fifty (50) feet.
  - 3. Rear Yard: Minimum of fifty (50) feet.
- F. Height Limitations: Maximum of thirty-five (35) feet for all dwellings and a maximum of twenty-five (25) feet for all buildings accessory to dwellings; maximum of forty-five (45) feet for all agricultural buildings, except for grain elevators, silos, and windmills which shall not exceed one hundred twenty (120) feet in height and additional exceptions as provided in Section 20.17.

**Section 5.07 - Location and Site Development Requirements**

Developments in this District shall meet the requirements specified in Section 4.07.

**Article VI - LDR Low Density Residential District**

**Section 6.01 - Purpose**

The purpose of this Low Density Residential Zoning District is to provide for single family housing neighborhoods free from other uses, except those which are (1) normally accessory to and (2) compatible with, supportive of and convenient to the various types and compositions of families living within such residential land use areas. The size of lots and parcels should be planned to be of such area and width so that they can sustain healthful and sanitary on-site water supply and wastewater disposal.

**Section 6.02 - Permitted Principal Uses**

- A. Single family dwellings of conventional or manufactured construction on lots which meet the requirements of Section 6.06A or 6.06B, whichever is applicable.
- B. Existing types of agricultural land, building and structural uses, provided they meet the AR District requirements.
- C. State licensed residential foster care facilities housing six (6) or fewer persons, and located at least one thousand five hundred (1500) feet apart.
- D. Essential Services.

**Section 6.03 - Permitted Principal Special Uses with Conditions**

The following special uses of land, buildings and structures are permitted subject to the provisions of Article XI, "Special Uses":



A. Permitted special uses:

1. Public buildings on an area of at least five (5) acres.
2. Public recreational playgrounds on an area of at least ten (10) acres.
3. Non-profit recreation areas on an area of at least ten (10) acres.
4. Religious institutions on an area of at least five (5) acres.
5. Educational and social institutions on an area of at least five (5) acres.
6. Golf courses and country clubs on an area of at least forty (40) acres.
7. Childcare centers on an area of at least three (3) acres.
8. State licensed residential foster care facilities housing six (6) or less persons, and located at least one thousand five hundred (1500) feet apart.
9. Home Occupations.
10. Two (2) Family Dwellings.

B. Above permitted principal special uses is subject to the following requirements:

1. The proposed site for any of the uses permitted herein shall have at least one (1) property line abutting a road, and the site shall be so planned as to provide all access directly to said road.
2. Front, waterfront, side and rear yards shall be set back at least one hundred (100) feet, and shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to screen the use from abutting residential lots and parcels.
3. Shall meet off-street parking and all other applicable requirements of this Zoning Ordinance.

**Section 6.04 - Permitted Accessory Uses**

- A. Normal existing accessory uses to single family housing and existing agricultural and forestry uses.
- B. Normal accessory uses to permitted and approved "Special Uses".
- C. Customary home occupations, as conditioned by Section 14.21.

### **Section 6.05 - Permitted Accessory Uses with Conditions**

- A. Private pools for use as a part of single-family dwellings in conformance with the provisions of Section 14.20.

### **Section 6.06 Dimensional Requirements**

- A. Lot Area: Minimum of twenty thousand (20,000) square feet for a single-family residential lot with public or common sewer and water, except as otherwise provided in this ordinance for other uses.
- B. Lot Area: Minimum of one (1) acre, if lot or parcel does not have public sewer or water available and on-site water supply and wastewater disposal systems are both permitted and approved by the County Health Department, except as otherwise provided in the ordinance for other uses.
- C. Lot Width: Minimum of one hundred (100) feet for A. above and one hundred fifty (150) feet for B. above for residential lots at the building set back line.
- D. Lot Coverage: Maximum of thirty (30%) percent.
- E. First Floor Area: Minimum floor area of a one (1) story Single Family Dwelling or a two (2) story Single Family Dwelling shall be seven hundred twenty (720) square feet.
- F. Yard and Setback Requirements
  - 1. Front Yard: Minimum of fifty (50) feet from the road right-of-way line, and shoreline of any surface water features, except as otherwise required in Section 6.03(B) (2).
  - 2. Side Yards: Minimum of twenty (20) feet for each side yard, except where a side yard abuts a road right-of-way line, the minimum shall be fifty (50) feet, except as provided in Section 6.03(B)(2).
  - 3. Rear Yard: Minimum of fifty (50) feet, except as provided in Section 6.03(B) (2).
- G. Height Limitations: Maximum of thirty-five (35) feet for principal structures; a maximum of twenty-five (25) feet for all accessory structures, except as otherwise provided in Section 14.17.

## **Article VII A - MDR Medium Density Residential District**

### **Section 7.01A - Purpose**

It is the purpose of the Medium Density Residential District to provide for single-family residential uses at reasonable densities. It is further the purpose to require lot areas large enough to protect groundwater from pollution due to an over-concentration of septic tank systems, particularly in areas adjacent to surface water bodies and in inland areas where groundwater needs to be protected because of on or off-site human use.

**Section 7.02A - Permitted Principal Uses**

- A. Single family dwellings of conventional or manufactured construction on lots, which meet the requirements of Section 7.06(A) or 7.06(B), whichever is applicable.
- B. Existing types of agricultural and forestry land, building and structural uses, provided they meet the AR District requirements.
- C. State licensed residential foster care facilities housing six (6) or fewer persons and located at least one thousand five hundred (1500) feet apart.

**Section 7.03A - Permitted Principal Special Uses with Conditions**

The following special uses of land, buildings and structures are permitted subject to the provisions of Article XI, "Special Uses":

A. Permitted special uses:

- 1. Public buildings on an area of at least five (5) acres.
- 2. Public recreational playgrounds on an area of at least ten (10) acres.
- 3. Non-profit recreation areas on an area of at least ten (10) acres.
- 4. Religious institutions on an area of at least five (5) acres.
- 5. Educational and social institutions on an area of at least five (5) acres.
- 6. Golf courses and country clubs on an area of at least forty (40) acres.
- 7. Childcare centers on an area of at least three (3) acres.
- 8. Two (2) Family Dwellings.
- 9. Multiple Family Dwellings.
- 10. Home Occupations.

B. Above permitted principal special uses are subject to the following requirements:

- 1. The proposed site for any of the uses permitted herein shall have at least one (1) property line abutting a road, and the site shall be so planned as to provide all access directly to said road.
- 2. Front, waterfront, side and rear yards shall be set back at least one hundred (100) feet, and shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except

required entrance drives and those walls used to screen the use from abutting residential lots and parcels.

3. Shall meet all other applicable requirements of this Zoning ordinance.

**Section 7.04A - Permitted Accessory Uses**

- A. Normal existing accessory uses to single family housing and existing agricultural and forestry uses, and those additional normal waterfront accessory uses and activities, such as docks, decks, wharves, beaches, beach equipment and apparatus, boat houses, boat moorings, beach shelters, cabanas or small bathhouses and other existing or typical waterfront accessory uses, with the additional approval of the Michigan Department of Natural Resources or other public agency when required.
- B. Normal accessory uses to permitted and approved “Special Uses”, and those additional normal, typical and existing types of waterfront accessory uses and activities specific to approved “Special Uses”, with the additional approval of the Michigan Department of Natural Resources or other public agency when required.
- C. Customary home occupations, as conditioned by Section 20.21 required.

**Section 7.05A - Permitted Accessory Uses with Conditions**

- A. Private pools for use as a part of single-family dwellings in conformance with the provisions of Section 14.20.

**Section 7.06A - Dimensional Requirements:**

- A. Lot Area: Minimum of ten thousand (10,000) square feet with public or common sewer and water, except as otherwise provided in this Ordinance for other uses.
- B. Lot Area: Minimum of twenty thousand (20,000) square feet, if lot or parcel does not have public sewer or water available and on-site water supply and wastewater disposal systems are both permitted and approved by the County Health Department, except as otherwise provided in this Ordinance for other uses.
- C. Lot Width: Minimum of eighty (80) feet for A. above and one hundred (100) feet for B. above for residential lots at the building setback line.
- D. Lot Coverage: Maximum of thirty (30%) percent.
- E. First Floor Area: Minimum floor area of a one (1) story Single Family Dwelling or a two (2) story Single Family Dwelling shall be seven hundred twenty (720) square feet.
- F. Yard and Setback Requirements:
  1. Front Yard: Minimum of fifty (50) feet from the road right-of-way line, except as otherwise required in Section 7.03(B) (2).

2. Side Yards: Minimum of twenty (20) feet for each side yard, except where a side yard abuts a road right-of-way line, the minimum shall be fifty (50) feet, except as provided in Section 7.03(B)(2).
  3. Rear Yard: Minimum of fifty (50) feet, except as provided in Section 7.03(B) (2).
- G. Height Limitations: Maximum of thirty-five (35) feet for principal structures; a maximum of twenty-five (25) feet for all accessory structures, except as otherwise provided in Section 14.17.

## **Article VII B - MH Mobile Home Parks and Mobile Home Plats District**

### **Section 7.01B - Purpose**

The purpose of this District is to provide space for single-family dwellings, two (2) family dwellings, multiple dwellings, mobile home parks or mobile home plats, as well as associated uses.

### **Section 7.02B - Permitted Uses**

- A. Single family dwellings of conventional or manufactured construction on lots, which meet the requirements of Section 7.06A A or Section 7.06A B.
- B. Existing types of agricultural and forestry land, building and structural uses, providing that they meet the “AR” District requirements.
- C. Two (2) family dwellings.
- D. Multiple family dwellings.
- E. Mobile home parks, providing that they meet the requirements of Section 11.09.
- F. Mobile home plats, providing that they meet the requirements of Section 11.09 except that all roadways shall be public roads meeting the requirements of the Crawford County Road Commission. Such plats shall comply with the Michigan Subdivision Control Act as amended by the Michigan Land Division Act (Act 288 of 1967 and Act 591 of 1996, as amended).

### **Section 7.03B - Permitted Principal Special Uses with Conditions**

The following special uses of land, buildings and structures are permitted subject to the provisions of Article XI, “Special Uses”:

- A. Permitted special uses:
  1. Public buildings on at least five (5) acres.
  2. Public recreational playgrounds on an area of at least ten (10) acres.

3. Non-profit recreation areas on at least ten (10) acres.
4. Religious institutions on an area of at least five (5) acres.
5. Educational and social institutions on an area of at least five (5) acres.
6. Golf courses and country clubs on an area of at least forty (40) acres.
7. Child care centers on an area of at least one (1) acre.

B. Above principal special uses are subject to the following requirements:

1. The proposed site for any of the uses permitted herein shall have at least one (1) property line abutting a road and the site shall be so planned as to provide all access directly to said road.
2. Front, waterfront, side and rear yards shall be set back at least fifty (50) feet, and shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to screen the use from abutting residential lots and parcels.
3. Shall meet all other applicable requirements of this Zoning Ordinance.

**Section 7.04B - Permitted Accessory Uses**

See Section 7.04A for applicable provisions.

**Section 7.05B - Permitted Accessory Uses with Conditions**

Private pools for use as a part of residences, including mobile homes, in conformance with the provisions of Section 14.20.

**Section 7.06B - Dimensional Requirements**

See Section 7.06A for applicable provisions.

**Article VIII - CSC Community Services Commercial District**

**Section 8.01 - Purpose**

This district has the intent of providing areas wherein retail trade and service outlets can be located which are convenient to the residents of several neighborhoods and the owners, employees, guests and customers of office, other commercial, industrial, forestry and agricultural uses and activities.

**Section-8.02 - Permitted Principal Uses**

Antiques  
Art studios

Auto parts stores  
Automobile service stations  
Bakeries  
Barber, beauty shops  
Bicycle stores  
Boating equipment and supplies  
Book stores  
Bowling alleys, pool halls and mechanical amusement centers  
Building material stores  
Business service stores  
Clothing stores  
Camping supplies and equipment  
Car washes  
Commercial garages  
Commercial, private or business schools  
Convenience stores  
Drive-in businesses  
Drive-in restaurants  
Drug stores  
Dry Cleaning and laundries  
Dry goods stores  
Educational and social institutions  
Essential Services  
Farm implements and supply stores  
Fast food restaurants  
Financial institutions  
Fishing supplies and equipment  
Funeral homes and mortuaries  
Furniture stores  
Garden stores  
Gift shops  
Golf driving ranges  
Greenhouses and nurseries conducted indoors  
Grocery stores  
Hardware and paint stores  
Household appliance stores  
Hunting supplies and equipment  
Indoor kennels  
Insurance agencies  
Interior decorating shops  
Jewelry stores  
Medical and dental offices  
Miniature golf courses  
Mini-warehouses  
Motels and hotels

Music stores  
New and used automobiles  
New and used boats  
New and used campers, recreational vehicles and trailers  
New and used mobile homes  
New and used motorcycles  
Novelty shops  
Office supply stores  
Pet stores  
Pharmacies  
Photographic studios  
Printing and publishing establishments  
Professional offices  
Public buildings  
Public service and utility installation  
Real estate offices  
Religious institutions  
Restaurants  
Second-hand stores with no outside storage  
Service and repair shops  
Sporting goods stores  
Taylor and dressmaking shops  
Temporary and transient amusement enterprises  
Theaters, indoor  
Variety stores  
Veterinary clinics  
Veterinary hospitals  
Warehouses

**Section 8.03 - Permitted Principal Special Uses with Conditions**

Planned Shopping Centers in accordance with the provisions of Article XI, "Special Uses" for a collective grouping of two (2) or more of the principal uses permitted in this district.

**Section 8.04 - Permitted Accessory Uses**

- A. Normal accessory uses to all "Permitted Principal Uses".
- B. Normal accessory uses to all "Permitted Principal Special Uses".
- C. Customary home occupations in existing single family homes, as conditioned by Section 14.21.

**Section 8.05 - Dimensional Requirements, Except as otherwise Specified in this ordinance**

- A. Lot Area: Minimum of one (1) acre per principal use, except where a lot or parcel is served by a public or common water supply system and public wastewater sewerage and treatment system the lot or parcel may have a minimum area of ten thousand (10,000) square feet per principal use. Planned Shopping Centers and other Special Uses shall meet the requirements of Article XI,



"Special Uses".

- B. Lot Width: Minimum of one hundred (150) feet at the building setback line when on-site well water supply and septic tank wastewater disposal systems are used, or a minimum of eighty (80) feet at building setback line, when public or common water supply and wastewater sewerage and treatment systems are directly accessible to the lot or parcel.
- C. Lot Coverage: Maximum of fifty (50%) percent.
- D. Yard and Setback Requirements:
  - 1. Front Yard: Minimum of fifty (50) feet from all road or highway right-of-way lines.
  - 2. Side Yards: Minimum of ten (10) feet for one (1) side yard, but a minimum total of twenty-five (25) feet for both side yards.
  - 3. Rear Yard: Minimum of fifty (50) feet.
- E. Height Limitations: Maximum of thirty-five (35) feet, except that a detached accessory structure shall not exceed twenty (20) feet, except as otherwise provided in Section 14.17.

### **Section 8.06 - Location and Site Development Requirements**

- A. The site shall have at least one (1) property line abutting a major road or arterial highway, including County primary roads and State highways, upon which it fronts and from which it has its most direct vehicular access by means of a frontage access road(s), except as otherwise provided in Section 14.26.
- B. All vehicular ingress and egress shall be from acceleration and deceleration lane to a frontage access road located parallel and adjacent to the major road or arterial highway upon which it fronts and has its most direct vehicular access.
- C. The outdoor storage of goods, materials, trash or garbage is not permitted, except provided in Section 14.23.
- D. Wherever developments under this district abut a residential district or property, protective screening shall be required in accordance with section 14.30.

### **Article IX - HSC Highway Service Commercial District**

#### **Section 9.01 - Purpose**

The "HSC" Highway Service Commercial District is designed to provide for servicing the needs of highway traffic at the major interchange or intersection areas of public roads and highways facilities. The avoidance of undue congestion on public roads, the promotion of smooth traffic flow at major interchange and intersection areas and on the highways, and the protection of adjacent properties in

other districts from the adverse influences of traffic are prime considerations in the location of the district.

**Section 9.02 - Permitted Principal Uses**

The following uses are permitted as long as they are conducted completely within a building, except as otherwise provided for specific uses:

- A. Vehicle service and repair stations for automobiles, trucks, buses and trailers.
- B. Emergency facilities related to highway travelers.
- C. Parking garages.
- D. Parking areas, if enclosed by a four (4) foot high fence, wall or berm. All berms shall be completely planted with grass, ground covers, shrubs, vines and trees.
- E. Bus passenger stations.
- F. Retail and service establishments providing foods and services, which are directly needed by highway travelers.
- G. Transient lodging facilities, including motels and hotels.
- H. Essential Services.

**Section 9.03 - Permitted Principal Special Uses with Conditions**

The following uses are permitted as long as they are conducted completely within a building, except as otherwise provided for specific uses, and located in the District so as not to interfere with or interrupt the pattern of development of the "Permitted Principal Uses" in Section 9.02 and shall further meet the requirements of Article XI, "Special Uses":

- A. Recreation and sports buildings.
- B. Recreation and sports areas, if areas are completely enclosed with fences, walls or berms with controlled entrances and exits.
- C. Trucking transfer station, limited warehouse, feasibility as well as operational hours between 07:00 and 22:00, as determined by the Planning Commission or Zoning Board of Appeals. Factors include loading noises, harsh lighting, diesel and trailer air conditioning engines left running.

**Section 9.04 - Permitted Accessory Uses**

- A. Normal accessory uses to all "Permitted Principal Uses".
- B. Normal accessory uses to all "Permitted Principal Special Uses".

**Section 9.05 - Permitted Accessory Uses with Conditions**

Swimming Pools for use as a part of a Highway Service Commercial District. Use in conformance with the provisions of Section 14.20.

**Section 9.06 - Required Conditions of All District Uses**

All principal and accessory uses in this District shall be required to meet the following conditions, except as otherwise specified for specific uses:

- A. Barriers: All developments shall be physically separated from public streets by a curb and planting strip or other suitable barrier. Such barrier shall effectively prevent unchanneled vehicle ingress or egress except by approved access ways.
- B. Access ways: Each separate use, grouping of buildings or groupings of uses as a part of a single planned development shall not have more than two (2) access ways from a public street or highway. A frontage access street shall be provided parallel and adjacent to major roads and highways so as to provide connecting automotive access between adjacent properties.

**Section 9.07 - Dimensional Requirements, Except as Otherwise Specified in this Ordinance**

- A. Lot Area: A minimum of one (1) acre per principal use, except where a lot or parcel is served by a public or common water supply system and public wastewater sewerage and treatment system, the lot or parcel may have a minimum area of ten thousand (10,000) square feet per principal use. Planned Commercial Centers and Special Uses shall meet the requirements of Article XI "Special Uses".
- B. Lot Width: A minimum of one hundred fifty (150) feet at the building setback line when on-site well water supply and septic tank wastewater disposal systems are used, or a minimum of eighty (80) feet at building setback line when public or common water supply and wastewater sewerage and treatment systems are directly accessible to the lot or parcel.
- C. Lot Coverage: Maximum of seventy-five (75%) percent.
- D. Yard and Setback Requirements:
  - 1. Front Yard: Minimum of fifty (50) feet from all road right-of-way lines, including the area for the frontage access road.
  - 2. Side Yards: Minimum of ten (10) feet for one (1) side yard.
  - 3. Rear Yard: Minimum of fifty (50) feet.
- E. Height Limitations: Maximum of two (2) stories or thirty-five (35) feet, except that a detached accessory structure shall not exceed twenty (20) feet, except as otherwise provided in Section 14.17.

**Section 9.08 - Location and Site Developments Requirements:**

- A. The site shall have at least one (1) property line abutting a major road or highway, including County primary roads and State highways, upon which it fronts and from which it has the most direct vehicular access by means of a frontage access road in accordance with Section 14.26.
- B. All vehicular ingress and egress shall be from an acceleration and deceleration lane to a frontage access road located parallel and adjacent to the major road or arterial highway upon which it fronts and has its most direct vehicular access.
- C. The outdoor storage of goods, materials, trash, or garbage is not permitted, except as provided in Section 14.23.
- D. Wherever developments under this District about a Residential District or Residential Property protective screening shall be required in accordance with Section 14.30.

**Article X - I Industrial District**

**Section 10.01 - Purpose**

It is the intent of this district to provide for the development of sites for industrial plants in which the manufacture of goods in the form of finished or semi-finished products or the assembly, compounding, or treatment of product parts or ingredients in order to create finished or semi-finished goods for sale to other industrial manufacturers, or to bulk or wholesale commercial purchasers. It is the further intent of this district to permit only those industrial manufacturing uses having use, performance or activity characteristics which emit a minimum amount of discernible noise, vibration, smoke, dust, dirt, glare, toxic materials, offensive odors, gases, electromagnetic radiation or any other physically adverse effect to the extent that they are abnormally discernible beyond the lot lines of the parcel or site upon which the industrial manufacturing activity is located.

**Section 10.02 - Permitted Principal Uses**

The following uses are permitted as long as they are conducted completely within a building, structure or an area enclosed and screened from external visibility beyond the lot lines of the parcel upon which the use is located, except as otherwise provided in this Ordinance:

- Commercial garages
- Commercial freestanding towers
- Contractor's establishments
- Dry bulk blending plants
- Electrical and electronic equipment manufacturers
- Essential Services
- Fabricated metal products
- Fabricated wood products
- Gas product manufacturing
- Handling of liquid nitrogen and fertilizer Jobbing and machine shops
- Metal plating and finishing
- Monument and cut stone manufacturers oil product manufacturing outdoor storage
- Plastic products, forming and molding

Printing and publishing  
Processing of machine parts  
Public service and utility facilities  
Pulp and paper mills  
Research and development establishments  
Storage facilities for building materials - indoor and outdoor  
Storage or transfer warehouses  
Trade and industrial schools  
Truck and rail freight terminals  
Warehouse, including mini-warehousing  
Wholesale trade stores  
Wood products manufacturers

**Section 10.03 - Permitted Principal Special Uses with Conditions**

Facilities necessary to the operation of all existing methods of transportation, including those for highway, rail and air, including truck terminals, airports and railroad sidings.

Warehousing and related bulk handling facilities, equipment and support services, warehouse sales and distribution, mini-warehousing.

Bulk handling of commercial and industrial services and related facilities, equipment and support services.

Contractor buildings, structures and equipment and materials; storage yards for building and other types of construction.

Building material and supply establishments.

Truck and heavy equipment sales and service.

Bulk storage and distribution facilities for petroleum and gas products, paints and chemicals.  
Junkyards providing the junk areas are located on an area of at least twenty (20) acres and completely screened from public view and adjacent property.

Towers in accordance with the relevant requirements detailed in Article XIV “Supplemental Regulations”.

Outdoor storage of goods or materials and when properly screened.

Planned Industrial Parks in accordance with the provisions of Article XI, “Special Uses” for the collective grouping of two (2) or more of the principal uses permitted in this district.

**Section 10.04 - Permitted Accessory Uses**

The following uses are permitted when they are an integral part of the building or structure or are included as a part of the site development upon which the principal use is located:

Banking  
 Caretakers' quarters  
 Customary home occupations in existing single family homes, as conditioned by Section 14.21  
 Education, library and training facilities  
 Medical and health care facilities  
 Normal accessory uses to all Permitted Principal Uses  
 Office facilities  
 Recreation and physical fitness facilities  
 Research and experimentation facilities  
 Restaurants  
 Signs in accordance with the requirements detailed in Article XVII "Sign Requirements"  
 Sales display facilities and areas  
 Truck and equipment service, maintenance, repair and storage facilities  
 Warehouse and storage facilities  
 Work clothing sales and service facilities

**Section 10.05 - Requirements for All District Uses**

- A. Access Roads: All uses shall only have vehicular access via a hard surface paved road, including the County primary road system which connects it to the state and federal designated highway routes by means of a frontage access road(s), except as otherwise provided in Section 14.26.
- B. Barriers: All development for the permitted uses shall be physically separated from access roads by a curb and a planting strip or other suitable barrier. Such barrier shall effectively prevent unchanneled vehicle ingress or egress, except by approved access ways or driveways.
- C. Screening: When adjacent to or across the road from existing residential developments or zoning districts an industrial use of a lot or parcel shall provide a landscaped greenbelt or wall screen in accordance with Section 14.30.
- D. Sewage Disposal: Permitted industrial uses shall be served by a public sewer service or an approved sanitary treatment facility, approved by the County Health Department. All treatment facilities shall meet all other applicable federal, state, and local standards and regulations. The effluent from same shall be disposed of in a manner and method, which conforms to or exceeds the minimum standards of the State of Michigan Department of Environmental Quality and the County Health Department. The collection system used in conjunction with a packaged treatment facility shall be located and designed to readily connect into a future public sewer service system without the need for reconstruction of any main or lateral sewer links.
- E. Toxic Waste Disposal: All toxic wastes shall be disposed of in accordance with all state or federal laws, rules and regulations governing the disposal of specific toxic substances.

**Section 10.06 - Dimensional Requirements, Except as otherwise Specified in this Ordinance**

- A. Lot Area: Minimum of two (2) acres per principal use, except where a lot or parcel is served by a public or common water supply system and a public wastewater sewerage and treatment system, in

which use the lot or parcel may have a minimum area of forty thousand (40,000) square feet per principal use.

- B. Lot Width: Minimum of two hundred (200) feet at building setback line when on-site well water supply and septic tank wastewater disposal systems are used or a minimum of one hundred twenty (120) feet at building setback line when public or common water supply and wastewater sewerage and treatment systems are directly accessible to the lot or parcel.
- C. Lot Coverage: Maximum of fifty (50%) percent.
- D. Yard and Setback Requirements:
  - 1. Front Yard: Minimum of fifty (50) feet from all road or highway right-of-way lines.
  - 2. Side Yards: Minimum of twenty (20) feet for one (1) side yard, but a minimum total of fifty (50) feet for both side yards.
  - 3. Rear Yard: Minimum of fifty (50) feet.
- E. Height Limitations: Maximum of forty (40) feet, except that a detached accessory structure shall not exceed twenty (20) feet, except as otherwise provided in Section 20.17.

**Section 10.07 - Location and Site Development Requirements:**

- A. The site shall have at least one (1) property line abutting the major road or arterial highway, including County primary roads and State highways, upon which it fronts and from which it has the most direct vehicular access.
- B. All vehicular ingress and egress shall be from an acceleration and deceleration lane connected to a frontage access road located parallel and adjacent to the major road or arterial highway upon which the site fronts and from which the site has its most direct vehicular access.
- C. The outdoor storage of goods or materials provided the outdoor storage is screened in accordance with Section 14.30.
- D. Wherever developments under this District abut a Residential District or Residential Property protective screening shall be required in accordance with Section 14.30.

**Article XI - Special Uses**

**Section 11.01 - Purpose**

The formulation and enactment of this Zoning Ordinance is based upon the division of the Township into zoning districts, each of which include permitted uses, which are mutually compatible. In addition to such permitted uses in districts, however, it is recognized that there are certain specific or unique uses which may be necessary or desirable to allow in definable locations in certain districts; but, which on account of their actual or potential impact on neighboring uses or public facilities, need to be

carefully regulated with respect to their location, lot or parcel size, setbacks, yards and other requirements for the protection of the permitted uses in a district. Such uses, on account of their peculiar locational need or the nature of the service offered, may be established in a district in which they cannot be reasonably allowed as an unrestricted permitted use, providing that the particular use is designated as a Permitted Principal Special Use in the zoning classification.

#### **Section 11.02 - Authority to Grant Permits**

The Township Planning Commission shall have the authority to grant Special Use Permits subject to such conditions of design and operations, safeguards and time limitations as it may determine for all special uses conditionally allowed in the various district provisions of this Ordinance and in accordance with Section 3.15.

#### **Section 11.03 - Application and Fees**

Application for any special use permit allowed under the provisions of this Ordinance shall be made to the Township Zoning Administrator by filling in the official special use permit application form, submitting required data, exhibits and information, and depositing the necessary fee in accordance with the schedule of fees with the Zoning Administrator. No fee shall be required of any governmental body or agency. No part of such fee shall be returnable to an applicant.

#### **Section 11.04 - Data, Exhibits and Information Required in Applications**

An application for a special use permit shall contain (a) the applicant's name and address in full, (b) a notarized statement that the application is signed by all of the fee and other owners involved and the signature of the one(s) acting on the behalf of all of the owners, (c) the address of the property involved, (d) an accurate plot of survey and site plan of said property showing the existing and proposed location of all buildings and structures thereon, and types thereof, and their uses and (e) a statement and supporting data, exhibits, information and evidence regarding the required findings set forth in this Ordinance. Application submittals shall meet all of the appropriate requirements of Article XVIII, "Site Plan Review Procedures".

#### **Section 11.05 - Public Hearing**

The Township Planning Commission shall hold a public hearing or hearings, upon any application for a Special Use Permit, notice of which shall be given by one (1) publication in a newspaper of general circulation in the Township, to be printed not less than fifteen (15) days before the date of such hearing, and notices shall be sent to the owners and occupants of all properties located within three hundred (300) feet of the property upon which the Special Use is to be located. Notices shall also be posted as required by the Open Meetings Act. The notice shall describe the nature of the Special Use request, indicate the property, including the address, which is subject to the request, state the date, time and place of the hearing and state where written comments will be received before the hearing, as required by state law.

#### **Section 11.06 - Required Standards and Findings for Making Determinations**

The Township Planning Commission shall review the particular circumstances and facts of each proposed special use in terms of the following standards and required findings, and shall find and record adequate data, information and evidence showing the conclusions and decisions on such a special use on the proposed site, lot, or parcel:



- A. Will be harmonious with and in accordance with the general objectives, intent and purposes of this Ordinance.
- B. Will be designed, constructed, operated, maintained and managed so as to be harmonious and appropriate in appearance with the existing and intended character of the general vicinity.
- C. Will be served adequately by essential public facilities and services, such as highways, roads, police and fire protection, drainage structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed special use shall be able to provide adequately any such service.
- D. Will not be hazardous or disturbing to existing or future neighboring uses.
- E. Will not create excessive additional requirements at public cost for public facilities, utilities and services.
- F. Meets all requirements contained in this Zoning Ordinance for the Special Use in the particular zoning classification.

**Section 11.07 - Site Plan Review**

If a site plan is disapproved by the Township Planning Commission, the applicant is required to wait one (1) year before resubmittal of the same or similar site plan for review and approval consideration by the Planning Commission on the same or approximately the same lot or parcel of land. The applicant has the right to request the review of a disapproved site plan on matters of interpretation of the provisions of this Zoning Ordinance to the Zoning Board of Appeals.

**Section 11.08 - Junk Yards and Inoperative Vehicles**

In addition to and as an integral part of development, the following provisions shall apply:

- A. Junk yards may be established and maintained in accordance with all applicable Statutes of the State of Michigan, and are only permitted in the "HSC" and "I" Districts, and shall be located only in sites which are completely screened from adjacent properties and public view in accordance with Section 14.30. Inoperative vehicles are permitted only in enclosed structures or in outside areas that are completely screened from adjacent properties and public view.

**Section 11.09 - Mobile Home Parks**

All mobile home parks shall comply with the requirements of Public Act 96 of 1987, "The Mobile Home Commission Act" and the following additional regulations:

- A. Minimum site size for a mobile home park shall be twenty (20) acres.
- B. Open Space - An open area shall be provided on each mobile home lot to insure privacy, adequate natural light, ventilation, and a sufficient area for outdoor uses essential to each mobile home. Said open space shall equal at least forty (40%) percent of the area of each lot.

- C. Location and Access - Mobile home parks shall have frontage and direct access from a hard surfaced paved road.
- D. Mobile Home Lot Access - Convenient access to each mobile home lot apron shall be provided by means of a minimum twenty-five (25) foot wide access road or drive reserved for maneuvering mobile homes into positions and kept free of trees and other immovable obstructions.
- E. Roadways - There shall be provided a hard surfaced and adequately drained roadway of at least thirty (30) feet in width, which affords direct access to each mobile home lot and precludes through traffic. A mobile home park shall provide vehicle parking spaces as provided for in Article XVI. A sixteen (16) foot wide open way shall be maintained at all times on all roadways for the passage for fire apparatus or other emergency vehicles. Curvilinear street patterns are encouraged. In parks containing more than thirty (30) mobile home lots, a boulevard type entrance roadway with a planted median is required for traffic control and ingress and egress.
- F. Canopies and Skirting -
1. The skirting shall be of no less than twenty-six (26) gauge metal and connected with a rat-proof wall or slab, so constructed and attached to the mobile home as to prevent the entrance of rodents, flies, bugs, or other insects. One access door in the skirting shall be required and screen vents shall be installed along such skirting at intervals of twenty (20) feet so as to provide adequate cross-ventilation. Each mobile home must be skirted within seven (7) days upon locating a mobile home upon a pad or site in a mobile home park and prior to any occupancy of a mobile home.
  2. Each mobile home shall be jacked up in a uniform manner.
  3. Canopies and awnings may be attached to a mobile home. No canopy or awning shall exceed ten (10) feet in width nor the length or height of the mobile home.
- G. Fences - If fences are constructed on each mobile home site, they shall be uniform in design and character for all mobile home lots. Such fences shall not exceed thirty (30) inches in height and shall be constructed in such a manner as to permit access to all sides of each mobile home for firefighting purposes.
- H. Landscaping -
1. All mobile home park boundary line areas shall be maintained in a clean and presentable condition at all times. A grass lawn or other suitable ground cover shall be maintained as yard surfacing on each mobile home lot, except for those portions of the lot covered by the mobile home, structural additions, sheds, walks, concrete pads or planting beds.
  2. The retention of existing desirable trees on a site is encouraged.

- I. Outdoor Storage - No outdoor storage shall be permitted except in outdoor sheds or cabinets for the storage of tools or equipment and shall be limited to one (1) well-maintained structure, located at the rear of the mobile home lot, and not exceeding one hundred twenty (120) square feet in floor area or seven (7) feet in height. To the maximum extent possible, these facilities shall be uniform in design, location, and color throughout the mobile home park.
- J. Trash Disposal - Adequate facilities for the storage and disposal of trash, garbage and other waste materials shall be provided at conveniently located points within two hundred (200) feet of any given mobile home lot. All containers shall be situated on stands and shall be fly-tight, water-tight, rodent-proof, and shall be sufficient in number and capacity to properly store all the accumulated refuse. All containers shall be enclosed in accordance with Section 20.23 "Solid Waste Receptacle Areas".
- K. Television Antenna - One (1) or more master antenna facilities shall be installed with underground service connections to each mobile home lot.
- L. Roadway and Yard Lights - Roadway and yard lights shall be provided in sufficient number and intensity to permit the safe movement of vehicles and pedestrians and effectively diverting unnecessary illumination from the dwelling portions of each mobile home lot.
- M. Central Building - Central buildings for other than administrative or laundry facility usage are permitted. These may be used for indoor recreation, assembly halls, and for storm shelter. Such buildings should be conveniently located on the park site, may be combined structurally with the administrative and laundry facilities, and may include swimming pools or other clubhouse facilities in connection with on-site recreation facilities.
- N. Permit Requirement - It shall be unlawful for any person or corporation to construct, alter or extend any mobile home park unless they first obtain valid licenses and permits from the Director of the Michigan Department of Public Health, The Michigan Mobile Home Commission and the Township, in the name of said person or corporation. The application for permit shall be accompanied by a sketch plan showing:
  - 1. Area and dimensions of the tract of land.
  - 2. Number, location, and size of mobile home lots and common open space.
  - 3. Expected maximum size and type of mobile homes to be situated on each lot.
  - 4. Location and width of roadways, walkways and parking areas.
  - 5. Location and usage of service buildings.
  - 6. Location of utilities and service facilities.
- O. License and Certificate Requirements - It shall be unlawful for any person or corporation to

conduct or operate a mobile home park in the Township without a current, valid license issued by the Director of the Michigan Department of Public Health, The Michigan Mobile Home Commission and a Certificate of Occupancy and an annual Compliance Permit from the Township Zoning Administrator.

- P. **Periodic Inspection** - The Zoning Administrator and/or an authorized agent or agents are hereby granted the power and authority to enter upon the premises of a mobile home park at any time for the purpose of determining and/or enforcing any provision of this or any other Township Ordinance applicable to the construction and operation of a mobile home park.

**Section 11.10 - Mobile Homes Located Outside of a-Mobile Home Park, including Trailers, Motor Homes and Recreation Vehicles**

From and after the effective date of this Ordinance, it shall be unlawful for any person to move a mobile home which does not comply with definition of Single Family Dwelling, a travel trailer, motor home or recreation vehicle onto any lot, parcel or tract of land in the Township for any purpose, except as provided and permitted hereinafter in this section, or as specifically permitted elsewhere in this Ordinance.

- A. Travel trailers, motor homes, and recreation vehicles shall be permitted when located on a forest or farm having forty (40) acres or more for the occupancy of forest or farm workers. The forest or farm owner or lessee shall first make written application to the Zoning Administration, who shall issue the permit for one (1) or more travel trailer, motor home or recreation vehicle units if they meet the following conditions:
1. The location of each unit is not to be less than one hundred (100) feet from any public highway and/or boundary of adjoining property.
  2. An adequate pure water supply and sanitary facility is conveniently nearby and available to meet all public health and safety requirements of the occupants of each mobile home, travel trailer, motor home or recreation vehicle.
- B. Mobile homes not complying with the definition of Single Family Dwelling, travel trailers, motor homes or recreation vehicles shall be permitted for construction contractor purposes when located on a construction site approved by the Planning Commission. The applicant must furnish all pertinent data, including description of land to be used, number of such mobile home, travel trailer, motor home or recreation vehicle units involved, and the expected length of construction time. The Zoning Administrator must verify that (a) the location of units will be not less than one hundred (100) feet from any public highway and/or boundary of adjoining property, and (b) adequate fresh water supply and sanitary facilities are available on site. A "Temporary Permit" shall be issued covering the period of the specific construction job, not to exceed one (1) year; subject to an extension approved by the Zoning Board for good cause that shall not exceed one (1) year.
- C. For temporary occupancy of visitor-owned mobile homes and recreation vehicles refer to Section 20.31.

**Section 11.11 - Valid Nonconforming Use of Travel Trailers Motor Homes or Other Recreation Vehicles**

The use of any travel trailer, motor home or other recreation vehicle placed on a lot, parcel or tract of land in the Township prior to the effective date of this Ordinance, which use is not prohibited by this Ordinance, shall be a "Valid Nonconforming Use" that may be continued, subject to the provisions pertaining to "Nonconforming Uses" contained in Article XIII.

**Section 11.12 - Temporary Transient Amusement Enterprises**

The following provisions shall apply in addition to all applicable regulations in the district in which they are to allow being located:

- A. All "Temporary Transient Amusement" uses, meaning a use of property for sales or entertainment purposes not exceeding thirty (30) days in duration, shall be located on sites large enough so as not to occupy or cover more than fifty (50%) percent of the area of a lot or parcel upon which it is located.
- B. All fenced-in areas shall be set back at least one hundred (100) feet from any front road or property line.
- C. Side and rear yards shall be at least one hundred (100) feet in depth from all adjacent lots or parcels.
- D. All traffic ingress or egress shall be on public roads and all local traffic movements shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements onto or off from public roads. All points of entrance or exit for motor vehicles shall be located no closer than two hundred (200) feet from the intersection of any two (2) roads or highways.
- E. Temporary Transient Amusement uses are not permitted in any "LDR" or "MDR" Residential District.

**Section 11.13 - Gasoline Service Stations**

All gasoline service stations or filling stations shall conform to the following regulations in addition to all applicable regulations in effect in the district in which they are to be located.

- A. Frontage and Area - Every gasoline service station shall have a minimum frontage of two hundred (200) feet and a minimum area of thirty thousand (30,000) square feet.
- B. Setbacks - Every structure, including gasoline pumps and other equipment, erected or installed for use as a gasoline service station shall have a minimum setback from the road right-of-way as required by the regulations in the zone in which they are to be located, and a minimum setback from all property lines of fifty (50) feet.
- C. Construction Standards - All vehicle service areas shall be constructed to conform to the following standards:

1. Suitable separation shall be made between the pedestrian sidewalk and vehicular parking or moving area with the use of appropriate bumper, wheel guards or traffic islands.
2. The entire area used for vehicles service shall be paved with a hard surface, except for such unpaved area, as is landscaped and protected from vehicle use by a low barrier.
3. Hydraulic hoist, lubricating, greasing, washing, and repair equipment shall be entirely within a building. Tire and battery service and minor automobile repair, excluding automobile body repair and painting, are permitted if conducted entirely with a building.
4. The maximum widths of all driveways at the public sidewalk crossing curb line or roadway entrance shall be no more than twenty-four (24) feet.
5. Minimum angle or driveway intersection with the roadway from the curb line or roadway entrance to lot line shall be no less than sixty (60) degrees.
6. The minimum distance of any driveway from any property line shall be at least twenty (20) feet.
7. The minimum distance between roadway curb cuts shall be no less than forty (40) feet.

D. Lighting - All lighting shall be installed in a manner so that no illumination source is visible beyond all property lines.

E. Districts - Gasoline service stations are only permitted in CSC and HSC Districts.

**Section 11.14 - Sanitary Landfills**

Sanitary landfills shall: (1) only be located in the RD and AR Districts, (2) only if planned to be located in the Township in accordance with the County's Solid Waste Management Plan prepared in conformance with Public Act 186 of 1989 "The County Department of Solid Waste Management Act" or under the jurisdiction of the Michigan Department of Natural Resources in conformance with Public Act 451 of 1994 "The Natural Resources and Environmental Protection Act" and (3) with direct access only permitted from an impervious hard surface paved all-weather year-round road as defined by the County Road Commission or State Department of Transportation.

**Section 11.15 - Extraction of Natural Resources**

A. Permitted Uses - The following special uses shall be permitted only in the RD and AR District and when applicable, in conformance with Public Act 451 of 1994, " The Natural Resources and Environmental Protection Act":

1. The excavation or mining of sand and gravel. The incidental excavation of sand and gravel for on-site use only are excluded from the regulations of this Ordinance except for the setback and yard requirements specified in the AR District, which shall apply to all zoning districts.

2. The processing, storage, loading, and transportation of sand and gravel, incidental to its marketing.
3. The mining of clay.
4. The extraction of peat or marl.
5. The quarrying of stone.
6. The mining of coal.

B. Permitted Accessory Uses - Any use customarily incidental to the permitted Principal Special Use.

C. Extractive Mining Area, Bulk and Equipment Location Requirements

1. Limits of Excavation: Sufficient setback shall be provided from all property lines and public highways to assure adequate, lateral support. Minimum allowable setback shall be fifty (50) feet from any property line and seventy-five (75) feet from any public highway or road.
2. Placement of Processing Plants: The permanent processing plant and its accessory structures shall not be closer than two hundred fifty (250) feet from any property line or public highway or road.
3. Elevation of Plant Site: Wherever practicable, the permanent processing plant shall be located within the excavation area, at a point lower than the general level of the surrounding terrain, in order to reduce the visual impact of the plant structure.
4. Management of Storage Piles and Overburden: Storage piles of processed material and overburden stripped from mining areas shall not be located closer than fifty (50) feet from any property line, or one hundred (100) feet from any public highway or road.
5. Minimum site area for natural resource extraction sites under this Ordinance shall be twenty (20) acres.

D. General Requirements - Natural resource extraction operations shall be carried out under the conditions of a Zoning Permit for mining, issued and maintained under the following requirements:

1. Before commencement of mining operations, the operating company shall file an operational plan with the Township Planning Commission, which plan and any necessary subsequent revisions shall be approved by the Commission, setting forth the area or areas to be mined, the location of permanent structures, the points of access upon public highways, and the highway routes to be followed in the transportation of finished materials. This plan and any approved necessary subsequent revisions shall be filed with the Zoning Administrator by the Commission.

2. The operational plan, which shall be submitted to and approved by the Commission, shall include a determination of the net operational areas, i.e., the area stripped of overburden, and the area being mined, the area used for structures and storage piles, and worked out areas, which have not been reclaimed. Performance bonds, hereinafter considered in relation to the reclamation of the area, shall be calculated on the basis of the net excavation and operational area as measured in acres.
3. Upon commencement of mining operations, the following perimeter controls shall be established for the mining area within thirty (30) days of the start of operations:
  - a) The mining area shall be enclosed within at least a five (5) foot high continuous berm, solid wall or solid fence or by a sight barrier or screen planting of similar capability, or natural topography and/or vegetation which accomplishes the same.
  - b) The property shall be posted against trespass, with conventional signs placed not more than one hundred (100) feet apart.
4. Sight barriers or screening shall be provided along all boundaries adjacent to public roads, which lack natural vegetative or terrain conditions, which provide effective screening of mining operations from adjacent properties and public view. Sight barriers or screening shall consist of one (1) or more of the following:
  - a) Continuous solid earth berms, which shall be constructed to a height of at least five (5) feet above the mean elevation of the center line of the public road or highway adjacent to the mining property, or at least five (5) feet above the general elevation of terrain along property lines. These berms shall have slopes not in excess of one (1) foot vertical to four (4) feet horizontal, and shall be planted with grass, trees and shrubs.
  - b) Continuous screen plantings shall be of evergreen or other suitable species which are at least five (5) feet in height and in rows parallel to the boundary of the property with the spacing of rows and the spacing of trees within rows sufficient to provide effective screening.
  - c) Continuous solid masonry walls or solid fences shall be constructed to a height of at least five (5) feet.
  - d) Any combination of a), b), or c) above.
5. Noise and vibration shall be minimized in their effect on adjacent properties by the proper use of berms, walls, and screen plantings. In addition, all equipment used for the production of sand and gravel shall be constructed, maintained, and operated in such a manner as to eliminate, as far as is practicable, noises and vibrations which are injurious or substantially annoying to persons living in the vicinity by locating them as far away and as



far below ground as possible.

6. Air pollution in the form of dust and dirt shall be kept at a minimum. All equipment used for production of sand and gravel shall be operated in such a manner as to minimize, insofar as is practicable, dust conditions, which are injurious, or substantially annoying to persons living in the vicinity. Interior roads serving the mining operation shall be paved, continually treated, or continually watered, insofar as is practicable, to minimize dust conditions.
7. No mining of sand or gravel shall take place within the specified distance from the margin of any stream or waterway as established by the Michigan Water Resources Commission, Department of Natural Resources.

E. Reclamation of Mined Areas -

1. All natural resource extraction areas shall be reclaimed and rehabilitated as soon as practicable after each mining phase has been completed in accordance with the plan approved by the Commission. Wherever the operational plan shall permit, reclamation shall be accomplished concurrently with phased mining operations, i.e., a mined-out phase section of the area may be undergoing rehabilitation while a second phase may be undergoing active mining, and a third phase area may be being stripped of overburden. Substantial completion of reclamation shall be effected for one phase of the three (3) permitted to be opened at any one time for extraction purposes prior to proceeding with the next approved phase. After all extraction operations are completed, the final phases of extraction shall be reclaimed in accordance with the approved final reclamation plan within one (1) year after all extraction has been completed.
2. Before commencement of mining operations, the operating company shall submit a generalized reclamation plan to the Commission, setting forth the intended disposition of all land and water areas, the proposed configuration of the terrain as shown on a topographic map, a plat of any proposed roads or other improvements to be made upon the property, and a general statement of the intended final utilization of the mined property. This plan, and any subsequent revisions, shall be approved by the Commission before any zoning permit is issued by the Zoning Administrator.
3. Rehabilitation and Reclamation of natural resource extraction areas shall be in accordance with the following standards:
  - a) All excavation shall have either an average water depth of not less than ten (10) feet below the average summer level of water in the excavation, or shall be graded or backfilled with non-noxious, non-flammable and non-combustible solids in accordance with the approved Reclamation Plan in order to insure:
    1. That the excavated area shall not collect and retain stagnant water, or

2. That the surface of such area which is not permanently submerged is graded or back-filled as necessary to produce gently rolling surface that will minimize wind and water erosion, and which will be generally compatible with the topography of the adjoining land area.
  - b) The finished grade of all slopes resulting from excavations shall not be steeper than one (1) foot vertical to three (3) feet horizontal.
  - c) Topsoil of a quality equal to that occurring naturally in the surrounding area shall be replaced on all excavated areas not covered by water, except those areas where roads, beaches, or other improvements are planned. Topsoil shall be applied to a depth of at least four (4) inches.
  - d) Vegetation shall be restored on all excavated areas by the appropriate planting of grass, trees and shrubs, in order to establish a permanent vegetative cover on the land surface, and to minimize erosion.
  - e) Upon cessation of mining operations by abandonment or otherwise, the operating company, within a reasonable period of time, not to exceed twelve (12) months thereafter, shall remove all plant structures, buildings, stockpiles, and equipment.
4. The operating company shall post a minimum financial guarantee in the amount of five thousand (\$5,000) dollars for each of the first five (5) net operational acres. The financial guarantee shall be increased on the yearly anniversary date of the mining permit at the rate of five thousand (\$5,000) dollars per each additional operational acre, which exceeds the first five (5) net operational acres. The guarantee shall be provided in one of the following forms: (1) cash to be held in an escrow account by Beaver Creek Township, (2) certified check payable to Beaver Creek Township to be held in an escrow account, (3) irrevocable bank letter of credit acceptable to and in favor of Beaver Creek Township, or (4) surety bond acceptable to Beaver Creek Township. Upon rehabilitation of mined acreage, and reduction of net operational area, the bond or security shall be released in accordance with the amount of security required per acre.

F. Administration of Mining Districts -

1. The following procedures shall be followed before establishing a mining operation:
  - a) The operating company shall file an operational plan in accordance with the requirements of Section 11.15(E) of this Ordinance. This plan may be in the form of a written statement and maps, and shall carry evidence of review and approval, if required, by any County or State agency of competent jurisdiction, in addition to the required approval of the Commission. On the basis of this plan, the operating company shall file a statement of net area to be excavated as measured in acres.
  - b) The operating company shall file a reclamation and rehabilitation plan, subject to the requirements of Section 11.15(F)(2) and shall provide a financial guarantee in

accordance with the requirements of Section 11.15(E)(4) of this Ordinance.

- c) The Commission shall review and approve the operations and Reclamation plans.
  - d) Upon approval of the plan by the Commission, the Township Board of Commissioners shall receive the financial guarantee of reclamation in accordance with Section 17.15(E)(4) of this Ordinance.
2. Before commencement of mining operations, a Zoning Permit for mining shall be issued by the Zoning Administrator upon payment of an annual fee in accordance with the established Township "Fee Schedule". This fee shall defray any administrative and enforcement expenses rising out of the mining operation.
3. Inspections and Conformance:
- a) Inspections shall be made of the mining site, not less often than twice in each calendar year by the Zoning Administrator in order to insure conformance with the requirements of the approved Special Use Permits and other Zoning Ordinance requirements.
  - b) Any violations shall be reported in writing to the Zoning Administrator for appropriate action as a violation of the zoning ordinance. The reports of violations shall be forwarded with a request for compliance, to the operating company by the Zoning Administrator.
  - c) Failure on the part of the operating company to correct a reported violation within thirty (30) days after such request is made by the Zoning Administrator shall be reason for revocation of both the Special Use and Zoning Permit. Additional time for correction of the cited violation may be allowed upon submission to the Zoning Administrator of proof of good and sufficient cause by the operating company, otherwise the operating company shall be declared to be in violation of this Ordinance and subject to the penalties of the Ordinance and the removal of the Special Use Permit approved for the natural resource extraction operation.

G. Special Provisions -

1. Waiver of excavation limits - The Township Zoning Board of Appeals may approve a reduction of the setback limits required for excavations in Section 11.15(C)(1) under the following conditions:
  - a) The operating company shall have provided the Zoning Board of Appeals with acceptable proofs that lateral support shall not be endangered.
  - b) Adjacent property owner or owners shall have given written consent to the waiver of limits for excavation.

- c) All other requirements of this Ordinance have been met and maintained at the time of applying for and receiving approval of any waiver.

### **Section 11.16 - Large Buildings**

Notwithstanding any other provision in this Zoning Ordinance, any building or group of buildings with a combined gross floor area greater than twenty-five thousand (25,000) square feet and located on one (1) lot or on adjoining lots under one (1) ownership shall require a Special Use Permit in accordance with this Article, regardless of the use or uses or the zoning district in which the building or buildings are located.

## **Article XII - Planned Unit Development District**

### **Section 12.01 - Purpose**

The intent of Planned Unit Developments (PUD) is to permit greater flexibility and consequently more creative design of various types of development than are possible under conventional zoning regulations. It is the intention of this Article to allow flexible land use composition and design without sacrificing the basic principles of sound zoning practice. The basic zoning districts and their permitted uses as established in this ordinance will form the land use base for designing a combination of uses permitted in each district in the form of clustering principal uses and activities at a higher density than would otherwise be possible under the respective district regulations on a preferred portion of a parcel while maintaining the overall density of development of the parcels consistent with the district regulations.

The PUD is intended to permit flexibility in the regulation of land development, encourage innovation in land use and allow a variety of design, layout, and type of structures permitted. It is anticipated that the PUD will allow economy in the use of land, natural resources, energy, public services and utilities. It should encourage the permanent establishment of open space; provide better housing, employment and shopping opportunities for the residents and others. The PUD shall be designed to protect natural resources, health, safety and welfare of the residents and users, those immediately adjacent thereto and the community as a whole. It shall amount to a valid exercise of the police power, meet the intent and purposes of this zoning ordinance, be related to the land use or activity under consideration and designed to insure compliance with these standards.

### **Section 12.02 - Permitted and Accessory Uses**

In the PUD (Planned Unit Development) Districts, the following provisions, regulations and restrictions shall apply:

#### **A. Principal Permitted Uses**

1. All principal permitted uses allowed in the LDR, MH and MDR Residential Districts on parcels of at least twenty (20) acres.
2. All principal permitted uses allowed in the CSC and HSC Commercial Districts and I Industrial Districts on parcels of at least ten (10) acres.

B. Accessory Uses

1. Accessory buildings and uses customarily incidental to the above-named permitted uses.
2. Signs - See Article XVII "Sign Regulations" herein.

C. Special Uses

1. Recreational activity centers
  - a) Golf courses on at least an additional forty (40) acres
  - b) Nature preserves on at least an additional twenty (20) acres
  - c) Swimming pools on at least an additional five (5) acres
  - d) Tennis, racquet or other court game clubs on at least an additional three (3) acres
  - e) Utility and equipment structures necessary for the operation thereof (excluding outdoor storage).

**Section 12.03 - General Provisions**

- A. Continuing Applicability of Information on Approved Site Plans - The location of all uses and buildings, all uses and mixtures thereof, all yards and transition strips, and all other information regarding uses of properties as shown on or as part of a site plan which is approved subsequent hereto, shall have the full force and permanence of the Zoning ordinance as though such information were specifically set forth in the Zoning Ordinance. Such information shall be the continuing obligation of any subsequent interests in a PUD District or parts thereof and shall not be changed or altered except as approved through amendment or revision procedures as set forth in this Article. The approved plan(s) and any conditions attached thereto shall control all subsequent planning or development. A parcel of land that has been approved as a PUD District shall not thereafter be developed or used except in accordance with the approved site plan and plats approved subsequent thereto.
- B. Construction No construction, grading, tree removal, soil stripping, or other site improvements or changes shall commence, and no building or zoning permit shall be issued therefore, on a lot width, or under petition for, a PUD District classification, until the requirements of this Article have been met.
- C. Performance Guarantees - shall be required for all public and common site improvements in developments and of all phased developments on a per phase basis. Cost levels to be used in setting performance guarantees amounts shall be based upon the findings regarding estimated cost as reported by the County Engineer, Public Agency or PUD Engineer, Architect or Landscape Architect and approved by the Township Board of Commissioners.

#### **Section 12.04 - Pre-Application Conference**

- A. An applicant for a PUD District may request a pre-application conference with Township Planning Commission prior to filing an application for developing a PUD District. The request shall be made to the Commission Chairman who shall set a date for the conference and shall inform the other Commission members of the conference and invite their attendance. The Commission Chairman shall also invite other Township officials who might have an interest in the proposed development, or who might assist the Commission in the review process.
- B. The purpose of the conference shall be to inform Township-and other officials of the concept of the proposed development and to provide the applicant with information regarding land development policies, procedures, standards, and requirements of the Township and other agencies. The applicant is encouraged to present schematic plans, site data and other information that will explain the proposed development.
- C. Statements made in the conference shall not be legally binding commitments.

#### **Section 12.05 - Site Plan Requirements**

A preliminary site plan shall be submitted for approval for the overall development of the site and for each phase of development. Preliminary site plans shall be submitted and reviewed in accordance with, and shall meet all provisions of Article XVIII, "Site Plan Review". The Planning Commission may require the applicant to provide housing and commercial market analyses, traffic studies, and other information necessary for the Commission to properly and adequately analyze a PUD District request for recommendation to the Township Board with respect to this requirement. To that end, an impact assessment shall be prepared by the applicant and submitted to the Planning Commission concurrently with the site plan. This document shall be prepared in narrative form, with such accompanying charts, graphs, maps and/or tables as may prove necessary. Topics to be addressed shall include community impacts (i.e., additional traffic likely to be generated per twenty-four (24) hour period, directional distribution of trips generated by the proposed development, additional police and fire service needs to be anticipated) and environmental impacts (i.e., soils to be found on the site, site topography, natural features of note that are located on the site and how each would be impacted by the proposed development).

#### **Section 12.06 - Site Plan: Administrative Review Procedure**

- A. An application for a PUD District shall be made by all of the owner(s) of record of the subject parcel. The applicant shall provide evidence of full or partial ownership of the land in a PUD or execution of a binding or conditional sales agreement, prior to receiving a recommendation of approval of the application and site plan by the Township Planning and Zoning Commission.
- B. The application shall be filed with the office of the Township Zoning Administrator who shall transmit the application and the site plan to the Commission. The application shall be filed at least two (2) weeks prior to the Commission meeting at which it is to be first considered.
- C. The Commission shall hold a public hearing on the application and site plan, said hearing to be held within thirty-one (31) days of the filing date or at next the regular Commission meeting

following that is closest to that date, subject to public notices being posted as required under the Open Meetings Act as well as being published and mailed in accordance with the Michigan Zoning Enabling Act, PA 110 of 2006, as amended.

- D. At the public hearing the applicant shall present evidence regarding adherence to all pertinent standards and requirements. To this end evidence and expert opinion shall be submitted by the applicant in the form of maps, charts, reports, models and other materials, and/or in the form of testimony by experts who can clearly state the full nature and extent of the proposal. Materials shall be submitted in sufficient quantity for review by the Commission and other Township officials. Materials submitted shall include the required site plan and any supplementary sources of information necessary to satisfy the requirements detailed in Section 12.07.
- E. The Commission shall undertake a study of the application and site plan and shall prepare a report thereon for the record within sixty (60) days of the filing date. This report shall contain the Commission's analysis of the application and site plan, findings regarding standards, suggested conditions of approval, if applicable, and its recommendations. Materials and information to be considered in this study and review process may include input from the Township affected and such agencies as the County Health Department, Road Commission and Drain Commissioner. This phase of the process may include preliminary and final site plan reviews and approvals.
- F. The Commission shall review the application and preliminary or final site plans and the reports thereon, and shall approve, approve with conditions, deny, or table for future consideration, the application and site plan. Changes in the application or preliminary site plan desired by the Commission shall be referred to the applicant for review, changes and resubmittal prior to the Commission's action thereon.
- G. If the application and preliminary or final site plan are approved by the Commission, the applicant and all owner(s) of record of all property included within the PUD District shall sign a statement that the application and final approved site plan shall be binding upon the applicant and owner(s) of record or their assigned agent(s) and upon their heirs, successors, and assigns, unless future changes mutually agreed to by any future Township Planning and Zoning Commission and future applicant and owner(s) of record or the assigned agent(s) or their heirs, successors and assigns.

**Section 12.07 - Supplementary Development Standards and Regulations**

The following requirements expand upon and/or are in addition to the requirements detailed in Article XVIII "Site Plan Review". They shall, in all cases, be adhered to by developments in a PUD District.

A. District Location and Minimum Size

1. All developments in these districts shall be limited to tracts located in the respective zoning districts of land having an area of at least the minimum number of acres required for the respective types of PUD Districts, except for those lots and parcels of record which are of lesser acreage at the time of the enactment of this Ordinance or any amendment to it.
2. All developments in these districts shall be restricted to sites having access to a hard

surfaced roadway and accepted and maintained by the County Road Commission or State Highway Department, except for Planned Unit Developments located within the RD, AR, LDR and MDR Districts.

B. External and Internal Circulation and Access

1. The center lines of access ways to a PUD development shall be located no less than five-hundred forty (540) feet apart when measured parallel to the adjoining roadway, and in no case shall any such center line of an ingress or egress be closer than two hundred seventy (270) feet from either side lot line of the parcel.
2. Each lot or principal building shall have internal vehicular access from a public street or private street approved by the Commission.
3. Each lot or principal building shall have pedestrian access from a public or private sidewalk, where deemed necessary by the Township Board, upon recommendation of the Commission, as part of the site plan.
4. As property is developed as a PUD (Planned Unit Development) District, a pathway system linking all principal residential, commercial and industrial units both with on-site amenities (e.g., recreation areas, shopping, places of employment) and (unless it is demonstrated to the Commission that such a system would be inappropriate or unnecessary to the development) with adjoining parcels must be provided. The pathway system shall be designed so as to be appropriate to non-motorized transport modes (e.g., bicycling, walking). The pathway shall be no less than four (4) feet in width and it shall be constructed of materials (e.g., crushed limestone) suited to walking and to non-motorized vehicular use.
5. Standards of design and construction for public and private streets may be modified to adequately provide the service required. Right-of-way standards may also be modified, especially where the site plan provides for separation of pedestrian and vehicular traffic and adequate off-street parking facilities. Any modifications of proposed public streets shall first be approved by the County Road Commission.
6. Public and private roads shall be designed and constructed according to established standards for public streets as established by the County Road Commission. If private roads are to be dedicated to a public agency in the future, the applicants shall first agree to bear the full expense of making the roads suitable for public acceptance.

C. Open Space Regulations

1. A land, water or land/water area constituting not less than twenty-five percent of the total (a) land area, or (b) land area, plus no more than three hundred (300) feet into or no more than one-half (1/2) the width or distance across, a natural surface water area of the waterfront parcel shall be designed as permanent open space. The required open space must



be set aside by the developer in the form of an irrevocable conveyance whereby the open space area must be developed according to the approved site plan and may never be changed to any other use. Further, this conveyance must provide that the open space is for the use and enjoyment of the residents, occupants and users of the district and such open space shall be considered as an integral component of the over-all Planned Unit Development. The developer shall provide for perpetual and mandatory maintenance of the open space through the use of deed restrictions which shall provide for participation in said maintenance cost by each resident (be they residential, commercial or industrial) within the Planned Unit Development.

2. Buildings, parking lots, drives and similar improvements may be permitted in open space areas if related and necessary to the functions of the open space. Other buildings and improvements shall be prohibited therein.
3. Open space areas shall be conveniently located in relation to dwelling units and functions intended.
4. Open space areas shall have minimum dimensions which are usable for the functions intended and which will be maintainable.
5. The Commission may require that unique natural amenities such as ravines, rock outcrops, wooded areas, tree or shrub specimens, unusual wildlife habitats, ponds, streams, and marshes be preserved as part of the open space system.

#### D. Landscaping and Parking

1. The parking and loading requirements set forth in Article XVI, "Off-Street Parking", shall apply except that the number of spaces required may be reduced if approved by the Commission (pursuant to the requirements detailed in Article XVI) as part of the site plan. Such reduction shall be based upon specific findings.
2. A landscaped strip no less than twenty (20) feet in width shall be required when a freestanding physical structure containing a commercial, office or industrial use is located adjacent to a residential use. The strip shall be located between the two (2) uses and shall be landscaped with trees and ground cover.
3. Any fenced storm water retention areas that are visible from an adjacent property or road shall be landscaped to screen them from view, unless it is an attractive and landscaped year-round pond that must be well maintained.

#### E. Utilities

1. Each principal building shall be connected to public or common water and sanitary sewer lines or to on-site facilities approved by the Commission and the County Health Department.

2. All development shall be required to provide adequate fire protection system as determined and approved by the Commission upon the recommendation of local fire officials. In all cases where an on-site system is proposed, detailed drawings, plans and/or other background materials as well as written recommendations from the appropriate Township or state agencies must be presented to the Commission before action can or will be taken on any PUD request. Maintenance of any and all approved common on-site systems shall be ensured by use of deed restrictions that shall provide for participation in maintenance costs by each owner of the PUD (Planned Unit Development) served by such a system.
3. Each site shall be provided with adequate storm drainage. Open drainage courses and storm water retention ponds may be permitted. Retention ponds for storm water runoff control in excess of that which is normal and natural prior to construction or development shall be required in accordance with the County Drain Commissioner or Road Commission.
4. Electrical, telephone, and cable television lines shall be placed underground. Surface mounted equipment for underground wires shall be shown on the final site plan and shall be screened from view.
5. Standard sidewalks and/or a system of streetlights may be required of developments in the PUD District. Maintenance of either shall be ensured through implementation of a system of deed restrictions providing for participation in maintenance costs by all owners of the development.

F. Site Design, Layout and Density Criteria

1. All density requirements shall be completed on a total gross area basis, less water area, unless the water area is completely enclosed on the parcel.
2. Existing natural water areas (i.e., streams, ponds, lakes and/or similar water bodies) may be included in density calculations up to three hundred (300) feet of their surface width as measured from the shoreline, or where such water areas are proposed for construction by the applicant, fifty (50%) percent of the total water area to be constructed may be included in density calculations, but in no case shall the included surface water area exceed twenty (20%) of the total land area of the PUD or any single or combination of phases of the PUD.
3. Residential areas may contain several different types of dwelling units if it can be demonstrated to the satisfaction of the Zoning Board that the proposed combination by type will not interfere with the reasonable platting of any area to be platted.
4. All principal buildings and all accessory buildings or structures shall be located at least one-hundred (100) feet from any exterior public road right-of-way line, private road and/or area to be platted.
5. The outdoor storage of goods and materials shall be permitted in a PUD (Planned Unit

Development) District in accordance with the requirements of each District in which a PUD is to be located.

G. Legal Mechanisms to Ensure Facility and Open Space Maintenance

1. Legal instruments setting forth the manner of permanent maintenance of common area and facilities shall be submitted to the Township Attorney for review before the Commission approves a final site plan or final plat.
2. Where a Home Owners Association (HOA) or an Association of Commercial Establishments (ACE) or Association of Industrial Establishments (AIE) is to be used to maintain common area and facilities, the developer shall file a declaration of covenants and restrictions that will govern the HOA, ACE or AIE with the site plan. The provisions shall include, but shall not be limited to, the following:
  - a) The HOA, ACE, or AIE shall be established before any building or structure in the PUD are sold or occupied.
  - b) Membership in the HOA, ACE, or AIE shall be mandatory for each building unit buyers and for any successive buyers and shall be so specified in the covenants.
  - c) Restrictions shall be permanent.
  - d) The HOA, ACE, or AIE shall be made responsible for liability.
  - e) Building unit owners shall pay their pro rata share of the costs and this requirement shall be specified in the covenants. Assessments levied by the HOA, ACE, or AIE may become a lien on the individual properties.

H. Project Phasing

1. If the proposed development is to be constructed in phases, a narrative description of that phased process that describes all work to be done in each phase should be submitted to the Commission when the site plan is submitted.
2. A phase shall not be dependent upon subsequent phases for safe and convenient vehicular and pedestrian access, adequate utility services, and open spaces and recreation facilities.

**Section 12.08 - Standards For Review**

The Commission shall determine and shall provide evidence in its official record to the effect that the application, site plan and supplementary informational materials submitted by the applicant meet the following standards:

- A. The proposed development shall conform to the Township Master Plan or any part thereof, or represent land use policy, which, in the Commission's opinion, is a logical and acceptable change

in the Land Use Plan, or land use policy.

- B. The proposed development shall conform to the intent and all regulations and standards of a PUD District.
- C. The proposed development shall be adequately served by public facilities and services such as highways, roads, sidewalks, street lights, police and fire protection, drainage courses, water and sanitary sewer facilities refuse disposal; or that the persons or agencies responsible for the proposed development shall be able to properly provide such facilities and services.
- D. Common open space, other common properties and facilities, individual properties, and all other elements of a PUD are so planned that they will achieve a unified open space and recreation area system, with open space and all other elements in appropriate locations, suitably related to each other, the site and surrounding lands.
- E. The applicant shall have made provision to ensure that public and common areas will be or have been irrevocably committed for that purpose. Provisions shall have been made to provide for financing of improvements shown on the plan for open space and other common areas and facilities, and that proper maintenance of such improvements is ensured.
- F. Traffic to, from, and within the site will not be hazardous or inconvenient to the project or to the surrounding area. In applying this standard the Commission shall consider, among other things, convenient routes for pedestrian traffic, relationship of the proposed project to main thoroughfares and street intersections, and the general character and intensity of the existing and potential development of the surrounding area.
- G. The mix of housing unit types and densities and the mix of residential and non-residential uses shall be acceptable in terms of convenience, privacy, compatibility, and similar measures.
- H. The Commission shall determine, where applicable, that noise, odor, light, or other external effects, which are connected with the proposed use, will not adversely affect adjacent and surrounding area lands and uses.
- I. The proposed development shall create a minimum disturbance to natural features and landforms.
- J. Roads shall follow topography, be properly spaced, and be located and aligned in accordance with the intended function of each road. The property shall have adequate access to public roads. The plans shall provide for logical extensions of public roads and shall provide suitable road connections to adjacent parcels, where applicable.
- K. Pedestrian circulation shall be provided within the site and shall interconnect all use areas where applicable. The pedestrian system shall provide for a logical extension of pedestrian ways outside the site and to the edges of the PUD where applicable.

**Section 12.09 - Amendments to Site Plans**

Preliminary and final site plan shall be maintained as a part of the permanent township zoning ordinance records. The site plan may be amended in accordance with the process detailed in Section 18.11 of Article XVIII "Site Plan Review".

**Section 12.10 - Subdivision Plats**

The Commission shall have the authority to deny or table an application for tentative approval of a preliminary plat if, in its opinion such plat will result in premature development of the area involved, or will result in improper scheduling of various public improvements such as, but not limited to, roads, utilities, and schools.

All approved plats shall be recorded and maintained as a part of the permanent township zoning records.

**Section 12.11 - Extension of Time Limits**

Time limits set forth in Article XVIII "Site Plan Review" may be extended upon showing a good cause, and by written agreement between the applicant and the Commission.

**Section 12.12 - Performance Guarantees**

Performance guarantees shall be provided in accordance with Section 18.16 of Article XVIII "Site Plan Review".

**Section 12.13 - Violations**

Violations shall be dealt with in the manner detailed in Section 18.17 of Article XVIII "Site Plan Review".

**Article XIII - Nonconforming Land, Building and Structural Uses**

**Section 13.01 - Purpose**

It is the intent of this Ordinance to permit the continuance of a substantial lawful use of any building or land existing at the effective date of this Ordinance, although such use of land or structure may not conform to the provisions of this Ordinance. Further, it is the intent of this Ordinance that non-conformities shall not be unreasonably enlarged upon, expanded or extended, nor unreasonably used as grounds for adding other structures or uses prohibited elsewhere in the same districts. The continuance of all Nonconforming uses and structures within the County shall be subject to the conditions and requirements set forth in this section.

**Section 13.02 - Continuance of Nonconforming Uses**

- A. Structural Changes - The building that is Nonconforming shall not be structurally changed, or enlarged unless the resultant changed, altered, or enlarged building conforms to the provisions of this Ordinance for the district in which it is located except as provided below.
- B. Repairs - Any lawful Nonconforming building may be repaired, reinforced, or reconstructed during its life to correct deterioration, obsolescence, depreciation, and wear, provided that such repair does not exceed an aggregate cost of sixty (60%) percent of the state equalized value of the building unless the subject building is changed by such repair to a conforming building or structure.

- C. Alterations and Improvements - Nothing in this Ordinance shall prohibit the alteration, improvement, or modernizing of a lawful Nonconforming building, provided that such alteration does not increase the height, area, bulk, or use of the building and provided that such improvements do not exceed an aggregate cost of eighty (80%) percent of the state equalized value of the building unless the subject building is changed by such improvement to a conforming structure.
- D. Prior Construction Approval - Nothing in this Ordinance shall prohibit the completion of construction and use of a Nonconforming building for which a building or zoning permit has been issued prior to the effective date of this Ordinance and work has commenced upon the site, provided that construction is carried on diligently and without interruption for a continuous period in excess of thirty (30) days, and that the entire building shall have been completed according to the plans filed with the permit application within two (2) years after the issuance of the building permit.
- E. Non Substantial Non-Conforming Uses - Uses of property which do not involve substantial expenditures of money and labor and do not amount to a significant investment shall not be considered to be legal non-conforming uses and shall be terminated.

**Section 13.03 - Restoration of Damage**

Any lawful Nonconforming use damaged by fire, explosion, or an act of God, or by other causes may be restored, rebuilt, or repaired, provided that the structure housing the Nonconforming use has not been more than fifty (50%) percent destroyed as measured by the usable cubic space previously existing in said structure.

**Section 13.04 - Discontinuance or Abandonment**

Whenever a Nonconforming use has been discontinued for one (1) year, such discontinuance shall be considered conclusive evidence of an intention to abandon legally the Nonconforming use, unless determined otherwise by the Zoning Board of Appeals. At the end of this period of abandonment, the Nonconforming use shall not be reestablished or re used and any future use shall be in conformity with the provisions of this Ordinance.

**Section 13.05 - Reversion to a Nonconforming Use**

If a Nonconforming use is changed to a use permitted in the district in which it is located, it shall not revert or be changed back to a Nonconforming use, unless determined otherwise by the Zoning Board of Appeals.

**Section 13.06 - Displacement of a Conforming Use**

No Nonconforming use shall be extended to displace a conforming use.

**Section 13.07 - Change to Another Lesser Nonconforming Use**

The Township Zoning Board of Appeals may authorize a change from one Nonconforming Use to another Nonconforming Use, provided the proposed use would be more suitable to the zoning district in which it is located than the Nonconforming use which it is replacing. However, the replacement of an existing mobile home with another mobile home outside of a licensed and/or approved mobile home

park or mobile home plat shall not be allowed, unless the replacement mobile home meets the definition of Single Family Dwelling.

### **Section 13.08 - Illegal Nonconforming Uses**

Those Nonconforming uses which are created after the effective date of this Ordinance or any future amendment to it shall be declared illegal Nonconforming uses and shall be discontinued. Uses which were illegal under a prior Ordinance and which do not conform to this Ordinance shall continue to be illegal, and therefore violations of this Zoning Ordinance subject to correction when found to be a violation by the Zoning Administrator.

### **Section 13.09 - Changes in Zoning District**

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district or another classification, the foregoing provisions shall also apply to any existing uses that become nonconforming as a result of the boundary changes.

### **Section 13.10 - Elimination of Nonconforming Uses**

The Township Board may acquire properties on which Nonconforming buildings or uses are located, by condemnation or other means, and may remove such uses or structures. The resultant property may be leased or sold for a conforming use or may be used by the Township or other public agency for a public purpose. The net cost of such acquisition may be assessed against a benefit district, or may be paid from other sources of revenue.

### **Section 13.11 - Nonconforming Lots and Parcels**

Notwithstanding limitations imposed by other provisions of this Ordinance, any permitted use in a district and its customary accessory uses may be erected on any existing lot of record which lot of record was existing at the effective date of adoption or amendment to this Ordinance, provided that the Nonconforming lot or parcel can meet at least seventy-five (75%) percent of each of the dimensional or quantitative requirements of the zoning district in which it is located as determined by the Zoning Administrator. Any additional variances shall be made by an appeal to the Zoning Board of Appeals. It is the intent to permit only minimum variances from the previous, which may be granted by the Township Zoning Board of Appeals upon application by a property owner or a representative of the owners.

## **Article XIV - Supplemental Regulations**

### **Section 14.01 - Purpose**

The intent of this Article is to recognize that there are certain conditions concerning land uses that warrant specific exceptions, regulations or standards in addition to the requirements of the Zoning District in which they are permitted to be located.

### **Section 14.02 - Existing Uses of Lands, Buildings and Structures**

The provisions of this Ordinance shall not be retroactive. At the discretion of the owners, the substantial lawful use of any dwelling, building or structure, and of any land or premises as existing and lawful at the time of enactment of this Ordinance may be continued even though such use does not conform with the provisions of this Ordinance, or in the case of an amendment, then at the time of the

amendment.

**Section 14.03 - Scope of Ordinance**

Except as provided by Section 14.02 all land and premises shall be used, and all buildings and structures shall be located, erected and used in conformity with the provisions of this Ordinance following the effective date herein.

**Section 14.04 - Area Limitations**

In conforming to land and yard requirements, no area shall be counted as accessory to more than one (1) dwelling or main building.

**Section 14.05 - Dwelling Lots or Sites**

Every dwelling, cottage, cabin, occupied mobile home, erected outside of a mobile home park shall be located on a lot or site, and no more than one (1) such dwelling shall be erected on such lot or site, except as otherwise provided in this Ordinance.

**Section 14.06 - Accessory Building Provisions**

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

- A. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to the main building, including being built with similar materials unless other materials are required for specific additions.
- B. No separate accessory building of more than eight hundred sixty-four (864) square feet shall be constructed in a side yard. A garage may be located in a portion of a front yard but at least fifty (50) feet from the road right of way. Accessory buildings of over eight hundred sixty-four (864) square feet may be permitted in the front yard in the RD and AR Districts, providing they are at least one hundred (100) feet from the road right-of-way, properly screened and a special use permit shall be required.
- C. A separate accessory building may occupy not more than twenty-five (25%) percent of a required rear yard, plus forty (40%) percent of a non-required rear yard.
- D. No detached accessory building shall be located closer than ten (10) feet to any main building nor shall it be located closer than fifteen (15) feet to any side lot line or ten (10) feet to any rear lot line. In those instances where the rear lot line is in common with an alley right-of-way the accessory building shall not be closer than five (5) feet to such rear lot line. In no instance shall an accessory building be located within a dedicated easement or right-of-way.
- E. No detached accessory building in the LDR and MDR Districts shall exceed one (1) story of twenty (20) feet in height. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said districts.
- F. When an accessory building is located on a corner lot, said building shall not project beyond the



front yard line required on the lot in the rear of such corner lot. When an accessory building is located on a corner lot, said building shall not project beyond the side yard line of the lot in the rear of such corner lot.

- G. No accessory building shall be built on a vacant piece of property.
- H. The residence has to pass rough-in inspection prior to the accessory building being constructed. Except for agriculture and farming uses, the maximum size for any accessory building, including an accessory building built after the residence is constructed, shall be as follows: on less than one (1) acre, one accessory building not exceeding eight hundred sixty-four (864) square feet shall be allowed; on property of one (1) acre and up to five (5) acres one (1) accessory building not to exceed more than eight hundred sixty-four (864) square feet, accessory building with up to two thousand (2,000) square feet shall be allowed; on property of five (5) acres or more not having an existing garage of more than eight hundred sixty-four (864) square feet, one (1) accessory building with up to three thousand (3,000) square feet shall be allowed. There shall be no additional accessory buildings on property of any size except within the AR (Agricultural Residential) District. There shall be no housing of animals until a primary residence meeting all building and zoning requirements is on property except in the AR District.
- I. Accessory buildings shall be for the storage of vehicles, materials, animals and other things incidental to the principal use of the property and shall not be composed of items intended for other activities, such as truck bodies, semi-trailers, school bus bodies, mobile homes or other items built and intended for other areas so designated in the Ordinance. Thus, permitted mobile homes are considered residences, which are principal uses on lots in residential zoning districts. Mobile homes are clearly intended as residences and are thereby a principal structure in a zoning district under the Ordinance. Their design and function as well as name implies they are to be used for habitation. Thus mobile homes are the principal structure and cannot be considered as an accessory building.
- J. All accessory buildings must comply with Section 3.12 and 14.48.

**Section 14.07 - Use of Yard Space**

A yard surrounding a dwelling, building or structure used or intended for dwelling purposes, except farm dwellings shall not be used, occupied or obstructed by accessory buildings or structures, either permanently or temporarily unless authorized in Section 14.06; provided however, that a side or rear yard may be used for the parking of not more than five (5) passenger automobiles in active service, licensed and containing all of their main body components, providing that it shall not be used for the location, parking, disposition, storage, deposit, or dismantling in whole or in part of junked vehicles, machinery, second-hand building materials, or other discarded, disused or rubbish-like materials or structures. Furthermore, no junk shall be stored or placed upon any yard surrounding a dwelling, building or structure used or intended for dwelling purposes.

**Section 14.08 - Lot-Building Relationship**

Every building erected, altered, or moved shall be located on a lot as defined herein, and there shall be no more than one (1) principal building and its permitted accessory structures located on each lot.

**Section 14.09 - Accessory Building as Dwelling**

No building or structure on the same lot with a principal building shall be used for dwelling purposes, except as specifically permitted in this Ordinance.

**Section 14.10 - Basement as Dwelling**

No basement structure shall be used for human occupancy unless it is at least fifty (50%) percent above ground by volume of space, with an exterior entrance and a completed story is situated immediately above the basement structure and is used as a dwelling, except underground homes designed and built in accordance with the Construction Code in effect in the Township.

**Section 14.11 - Damaged Buildings and Structures**

Any building that has been partially destroyed by fire or is in such a state of disrepair as to be uninhabitable and a hazard to the public health and safety shall either be entirely removed or repaired within twelve (12) months from the date of the occurrence of the damage.

**Section 14.12 - Required Water Supply and Wastewater Disposal Facilities**

Shall meet the requirements established by the County Sanitation Code of the Department of Health or any other regulatory agency having jurisdiction.

**Section 14.13 - Access to a Public Road or Highway**

Any undeveloped or unused lot of record created prior to the effective date of this Ordinance without any frontage on a public road right-of-way shall not be developed or occupied, except where access to a public road right-of-way is provided by a public or private road, easement or other right-of-way no less than sixty-six (66) feet in width and meets the requirements of Section 4.07(A).

**Section 14.14 - Frontage on Public or Private Road or Highway**

In any zoning district, every use, building or structure established after the effective date of this ordinance shall be on a lot or parcel that fronts upon a public or private road right-of-way that meets all of the requirements for road construction as specified by the County Road Commission, or Section 4.07(A).

**Section 14.15 - Visibility at Intersections**

No fence, wall, hedge, screen, sign, structure, vegetation or planting shall be higher than three (3) feet above road grade on any corner lot or parcel in any zoning district requiring front and side yards within the triangular area formed by the intersecting road right-of-way lines and a straight line joining the two road lines at points which are thirty (30) feet distant from the point of intersection, measured along the road right-of-way lines.

**Section 14.16 - Road Closures**

Whenever any road, alley, or other public way is vacated by official action, the zoning district adjoining each side of such public way shall automatically be extended to the center of such vacation, and all area included therein shall henceforth be subject to all appropriate regulations of that district within which such area is located.

**Section 14.17 - Heights Regulations and Exceptions**

The height requirements established by this Ordinance shall apply uniformly in each zoning district to every building and structure except that the following structures and appurtenances shall be exempt from the height requirements of this ordinance: spires, belfries, penthouses and domes not used for human occupancy, chimneys, ventilators, skylights, water tanks, bulkheads, utility poles, power lines, radio, television and other communication broadcasting and receiving antennae not directly linked to residential structures, silos, wind driven electricity generators, parapets and other necessary mechanical appurtenances; provided, their location shall conform where applicable to the requirements of the Federal Communications Commission, other public authorities having jurisdiction and any regulations established by authorized state, county, and township agencies, or any height regulation contained in this ordinance for specific uses, and any airport landing pattern restriction.

**Section 14.18 - Fences, Walls**

Within the limits of a side or front yard space of a lot, no fence, wall (other than necessary retaining wall), or other screening structure shall be higher than six (6) feet. No such fence or wall located within a rear yard shall exceed eight (8) feet in height, except as required in Section 14.15.

**Section 14.19 - Essential Services**

- A. This shall include the erection, construction, alteration or maintenance by public utilities, Township departments, or other governmental agencies of underground or overhead gas, electrical communication, steam, or water transmission or distribution systems or collection, supply or disposal systems; including electric power stations, relay stations, gas regulator stations, pumping stations, poles, wires, mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police or other call boxes, traffic signals, hydrants and other similar facilities, equipment and accessories in connection therewith reasonably necessary for furnishing adequate service by such utilities or agencies, or for the public health or safety or general welfare; but not including offices and buildings or yards used for bulk storage, fabrication, or manufacture of materials used by such utilities or Township departments or other governmental agencies. No such building constructed as a part of an essential service shall be used for human occupancy.
- B. The surface of land used for pipeline right-of-ways shall be restored and maintained as near as possible to its original condition prior to the use of the pipeline.
- C. Essential service facilities located on lots and parcels in all districts shall meet the requirements of the MDR Residential District for all buildings, structures and areas used for offices, power generators, power transformers, storage, fabrication or manufacture of materials necessary to the provision of essential services.

**Section 14.20 - Pools, Outdoor, including Swimming, Wading, Jacuzzis, Whirl Pools, Hot Tubs and Ponds**

Private outdoor pools shall be permitted as an accessory use within the rear and side yards only, provided they meet the following requirements:

- A. There shall be a distance of not less than twenty (20) feet between the adjoining property line and outside of the pool wall or edge.

- B. There shall be a distance of not less than five (5) feet between the outside pool wall or edge and any building located on the same lot.
- C. No pool shall be located less than fifty (50) feet from any front lot line.
- D. If electrical service drop conductors or other utility wires cross under or over a proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation of wires before a permit shall be issued for the construction of a pool.
- E. No pool shall be located in an easement.
- F. In-ground pools shall be designed and constructed in conformance with ANSI/NSPI-5-03 the American National Standards Institute and National Spa and Pool Institute, respectively. Above-ground and on-ground pools shall be designed and constructed in conformance with ANSI/NSPI-4-99. Permanently installed spas and hot tubs shall be designed and constructed in conformance with ANSI/NSPI-3. Portable spas and hot tubs shall be designed and constructed in conformance with ANSI/NSPI-6.
- G. Barrier Requirements: Application. The provisions of this chapter shall control the design of barriers for residential swimming pools, spas and hot tubs. These design controls are intended to provide protection against potential drownings, near-drownings by restricting access to swimming pools, spas, and hot tubs. Outdoor swimming pool. An outdoor swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa shall be surrounded by a barrier which shall comply with the following:
  - 1. The top of the barrier shall be at least 48 inches above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an above-ground pool, the barrier may be at ground level, such as the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches.
  - 2. Opening in the barrier shall not allow passage of a 4-inch-diameter sphere.
  - 3. Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
  - 4. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches, the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1-3/4 inches in width. Where there are decorative

cutouts within vertical members, spacing within the cutouts shall not exceed 1-3/4 inches in width.

5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches or more, spacing between vertical members shall not exceed 4 inches. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1-3/4 inches width.
6. Maximum mesh size for chain link fences shall be 2-1/4 inch square unless the fence has slats fastened at the top or the bottom which reduce the openings to not more than 1-3/4 inches.
7. Where the barrier is composed of diagonal members, such as a lattice fence, the Maximum opening formed by the diagonal members shall not be more than 1 3/4 Inches.
8. Access gates shall comply with the requirements of Sections 1-7 above, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches from the bottom of the gate, the release mechanism and openings shall comply with the following.
  - 8.1 The release mechanism shall be located on the pool side of the gate at least 3 Inches below the top of the gate; and
  - 8.2 The gate and barrier shall have no opening larger than 1/2 inch within 18 inches of the release mechanism.
9. Where a wall of dwelling serves as part of the barrier, one of the following conditions shall be met;
  - 9.1 The pool shall be equipped with a powered safety cover in compliance with ASTM F13646; or
  - 9.2 Doors with direct access to the pool through that wall shall be equipped with An alarm which produces an audible warning when the door and/or its screen, if present, are opened. The alarm shall be listed in accordance with UL 2017. The audible alarm shall activate within 7 seconds and sound continuously for a minimum of 30 seconds after the door and/or its screen, if present are opened and be capable of being heard throughout the house during normal household activities. The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual means, such as a touch pad or switch, to temporarily deactivate the alarm for a single opening. Deactivation shall last for not more than 15 seconds. The deactivation switch (es) shall be

- located at least 54 inches above the threshold of the door; or
- 9.3 Other means of protection, such as self-closing doors with self-latching devices, which are approved by the governing body, shall be acceptable so long as the degree of protection afforded is not less than the protection afforded by Item 9.1 or 9.2.
- 10. Where an above-ground pool structure is used as a barrier or where the barrier is Mounted on top of the pool structure and the means of access is a ladder or steps:
  - 10.1 The ladder or steps shall be capable of being secured, locked or removed to Prevent access; or
  - 10.2 The ladder or steps shall be surrounded by a barrier which meets the Requirements of Section “BARRIER REQUIREMENTS”, Items 1 through 9. When the ladder or steps are secured, locked or removed, any opening Created shall not allow the passage of a 4-inch diameter sphere. Indoor Swimming pool: Walls surrounding an indoor swimming pool shall comply With Section “BARRIER REQUIREMENTS” Item 9.  
 Prohibited location: Barriers shall be located to prohibit permanent structures, equipment or similar objects from being used to climb them.  
 Barrier exceptions: Spas or hot tubs with a safety cover which complies with ASTM F 1346 shall be exempt from the provisions of this appendix.

\*ANSI stands for American National Standard Institute

\*\*NSPI stands for National Spa and Pool Institute

\*\*\*ASTM stands for American Society for Testing and Materials

**Section 14.21 - Home Occupations**

Home occupations shall be permitted in all detached single family residential dwellings and include such customary home occupations as hairdressing, hobbies and crafts, millinery, dressmaking, bookkeeping and accounting service, real estate and insurance sales, professional office and other similar occupations and other home occupations, including incidental retail sales not to exceed twenty-five (25%) percent of the gross sales of the business, legally operating in detached single family homes at the time of adoption of this Zoning Ordinance or as may be allowed hereafter as a special use, subject to the following conditions:

- A. The non-residential home occupation use shall be only incidental to the primary residential use.
- B. The home occupation use shall utilize a portion of a principal or accessory structure equal to no more than twenty-five (25) percent of the ground floor area of the principal structure.
- C. Only normal domestic or household equipment and equipment characteristic of small workshops, businesses and professional offices shall be used to accommodate the home occupation.
- D. The home occupation may allow one employee other than members of the immediate family living in the dwelling located on the lot or parcel where the home occupation is conducted. Only one (1)

off premises employee at a time is allowed during operational hours.

- E. All activities shall be carried on indoors. No outdoor activities or storage shall be permitted.
- F. No alterations, additions, or changes to a principal structure, which will change the residential character of the dwelling structure, shall be permitted in order to accommodate or facilitate a home occupation.
- G. There shall be no external evidence of such occupations, except a small announcement sign not to exceed 16 square feet in area per face, tastefully done in all LDR, MDR, RD and AR Districts.
- H. The permission for home occupations as provided herein is intended to secure flexibility in the application of the requirements of this Ordinance, but such permission is not intended to allow the essential residential character of Residential Districts, in terms of use and appearance, to be changed by the occurrence of home occupations.
- I. Retail sales are permitted as a home occupation provided they meet the requirements of the above and Sections A through H and the provisions of Article XI, "Special Uses."

**Section 14.22 - Temporary Buildings and Structures**

Temporary buildings and structures, including informational, for sale and similar signs, are permitted during the period of construction, and sales involving change of ownership or rental occupancy. Such buildings, structures and signs shall be removed upon completion or abandonment of construction, sale or rental activities and prior to occupancy and use of the building or structure for permitted uses.

**Section 14.23 - Solid Waste Receptacle Areas**

All truck lifted or transported receptacle areas shall be enclosed by a six (6) foot high wooden or masonry wall to prevent the unsightly deposit or collection of solid waste and prevent children and pets from having access to these areas. As an alternative, if approved by the Zoning Administrator, a chain link fence may be used, providing it is designed so as to be able to accept privacy slats, if he/she so requires.

**Section 14.24 - Exterior Lighting**

All sources of lighting for parking areas, the external illumination of buildings or grounds, or for the illumination of signs shall be directed away from and shielded from adjacent residential districts, and be so arranged as to not affect driver visibility adversely on adjacent public roads and highways. Lighting of parking areas is required when the number of parking spaces is more than five (5).

**Section 14.25 - Driveway Entrances and Gates**

In driveway entrances or gateway structures, including but not limited to walls, columns and gates marking driveway entrances to private or public uses may be permitted, and may be located in a required yard, except as provided in Section 14.15 "Visibility at Intersections", provided that such entranceway structures shall comply with all codes and ordinances of the Township and shall be approved by the Zoning Administrator.

**Section 14.26 - Frontage Access Roads**

The Planning Commission may require the construction and maintenance of certain frontage and/or access roads or drives in MDR, CSC, HSC and I Districts as set forth in Section 16.06.

**Section 14.27 - Parking or Storage of Recreation Vehicles and Trucks on Residential Lots and Parcels in LDR and MDR Zoning Districts**

Storage of not more than two (2) licensed non-residential type recreational vehicles shall be permitted in LDR, MH and MDR Zoning Districts provided that such units shall be completely within the side and rear yards or completely enclosed within the side and rear yards or completely enclosed within a structure. This provision shall also apply to all non-farm single-family dwellings located in the RD and AR Districts and all single-family dwellings located in all commercial and industrial districts.

**Section 14.28 - Temporary Transient Uses**

Temporary transient use of an existing land site, building or structure may be permitted in any district upon approval of a Site Plan Review by the Planning Commission and upon finding that the location of such an activity will not adversely affect public health, safety, and general welfare in the district in which it is to be temporarily located. All temporary transient uses, if approved by the Planning Commission, shall have a reasonable time limit placed upon their use based upon the normal periods of time such uses need to exist for an expressed number of days authorized by the Planning Commission. Temporary transient uses may be granted a permit on the basis of compliance with the criteria stated in Section XVIII, "Site Plan Review". Upon authorization, the Zoning Administrator shall issue a zoning permit, which will cause compliance with this Ordinance and any specified conditions required by the Commission. Camping shall be subject to the regulations of Section 14.52.

**Section 14.29 - Fences**

- A. The erection, construction, or alteration of any fence or other type of protective barrier shall be approved through permit by the Zoning Administrator as to their conforming to the requirements of the zoning districts wherein they are required because of land use development.
- B. Fences in a RD and AR District are exempt from the provisions of this Ordinance, except when required for specific principal or accessory uses and special uses. Nonfarm single-family homes located in the RD and AR Districts are not exempt from this provision.
- C. Any existing fence not in conformance with this Ordinance shall not be altered or modified, except to make it more conforming.
- D. Fences which are not specifically required otherwise under the regulations for the individual zoning districts, shall conform to the following requirements:
  - 1. No fence shall hereafter be erected along the line dividing lots or parcels of land or located within any required side or rear yard in excess of six (6) feet in height above the grade of the surrounding land, except as provided in Section 14.18.
  - 2. Barbed wire, spikes, nails or any other sharp point or instrument of any kind on top or on the sides of any fence, electric current or charge in said fences is prohibited. Barbed wire



cradles may be placed on top of fences enclosing public utility buildings or whenever deemed necessary in the interests of public safety.

3. In an I Industrial District, no fence shall exceed twelve (12) feet in height.
4. Fences on all lots in LDR and MDR Residential Districts, which extend toward the front of the lot, past the front line of the main building, shall not exceed four (4) feet in height.
5. No fence or structure shall be erected, established or maintained on any corner lot except as provided in Section 14.15.

### **Section 14.30 - Walls and Protective Screening**

In order to provide adequate protective screening for residential areas adjacent to or near nonresidential areas, the following regulations shall apply:

- A. Where a CSC, HSC and I District abuts directly upon an LDR or MDR residentially zoned district, or residentially used property in any district, a landscaped greenbelt as defined below, shall be provided and maintained along its entire length by the users of the said business, commercial, or industrial zoned property. In addition, the latter mentioned districts shall be screened from such contiguous, residentially zoned district by either a building which houses a permitted use, or else by a solid masonry wall four (4) to six (6) feet in height above grade, between said greenbelt area and the business, commercial or industrial use. Such greenbelt shall be a strip of land not less than twenty (20) feet in width which is planted and maintained with evergreens such as spruce, pines or firs from five (5) to six (6) feet in height, so as to create a permanent buffer; or a hedge of evergreens not less than four (4) feet in height, so as to create a permanent buffer. These plants shall be planted and shall reach such required height within five (5) years of approval of the site plan or development by the Planning Commission. The remainder of the landscaped area which is not planted with the aforementioned stock shall be in well-kept lawn. All landscaping shall be maintained in a healthy growing condition, neat and orderly in appearance. Such walls for shielding off-street parking or storage areas shall not be required when such areas are located more than two hundred (200) feet from such abutting residential use or district.
- B. Required walls shall be located on the property line, except as otherwise approved by the Planning Commission. Such walls may, upon approval by the Commission, be located on the opposite side of an alley right-of-way from a nonresidential district, which abuts a residential district whenever the affected owners also agree. When vehicles or open air displays generally exceed a five (5) foot height, said wall shall be increased to a height not exceeding ten (10) feet, providing further that all such walls shall be of uniform height around the premises and the design of such wall is first approved by the Zoning Administrator.
- C. Required walls shall have no openings for vehicular traffic or other purposes, except as otherwise approved by the Commission. Masonry walls, however, may be constructed with small-dispersed openings, which do not collectively exceed twenty (20%) percent of the wall surface in area. The arrangements of such openings shall be subject to approval by the Zoning Administrator.

D. Any fenced storm water retention areas that are visible from an adjacent property or road shall be landscaped to screen them from view, unless it is an attractive and landscaped year-round pond that must be well maintained.

**Section 14.31 - Use of Recreation Vehicles as Temporary Dwellings by Visitors**

Recreation vehicles shall be permitted when parked by visitors in a side or rear yard of a permitting dwelling owner or lessee without charge, upon application by the owner and the issuance of a "Temporary Permit" by the Zoning Administrator. Application shall be made within fourteen (14) days after the date of arrival. The property owner or lessee shall present a written agreement to furnish the occupants of a recreation vehicle with sanitary facilities approved by the Zoning Administrator. A "Temporary Permit" may only be issued to one (1) recreation vehicle at a time in any one location and shall be valid for a maximum period of thirty (30) days. Extensions of time shall not be permitted and the recreation vehicle shall be removed from the property on or before the thirtieth (30<sup>th</sup>) day of the permit period.

**Section 14.32 - Building Grades**

The finished surface of the ground areas outside the walls of any building constructed or altered shall be so designed that surface waters shall flow away from the building walls in such a direction and collection that inconvenience or damage to adjacent properties shall not occur.

**Section 14.33 - Moving Buildings**

Buildings may not be relocated within or moved into the Township unless the building design and construction are compatible with the general architectural character of other structures located in the immediate area of the proposed site. Permits shall be required from the Zoning Administrator for such buildings to be moved.

**Section 14.34 - Television Satellite Dish and Other Antennas**

All television satellite dish and other antennas are designated accessory uses to the principal uses permitted on each lot or parcel in each respective zoning district, and are governed by the same requirements as any other accessory use permitted in each zoning district. Satellite dishes and other antennas shall not be located in the front yard of the principal structure.

**Section 14.35 - Use of Performance Guarantees to Temporarily Delay Construction**

**Requirements**

If in the judgment of the Planning and Zoning Commission, during the course of Site Plan Review Procedures, it appears prudent to permit the delay of constructing certain provisions as required in this Zoning Ordinance, the Commission may grant such a delay to a specific future date, provided that the applicant/owner submits a satisfactory performance guarantee to the Township. The financial guarantee shall remain in effect prior to or coincident with the issuance of the zoning permit and shall remain in effect until the requirements so delayed are fully completed and approved by the Zoning Administrator.

**Section 14.36 - Household Pets**

Small domesticated household pets, such as dogs, cats and birds are limited to four (4) such animals.

However, if more than four (4) are desired, they shall be subject to state and county health regulations, additional small domestic pets may be allowed by the Zoning Administrator, if all neighbors having homes within five hundred (500) feet of the property consent in writing.

**Section 14.37 - Non-commercial Domestic Animals**

Large domestic animals, which are used essentially for pet, contest, riding, educational or other special purpose as individual animal specimens, are permitted at the rate of one (1) on a minimum of three (3) acres for the first animal and one (1) acre for each additional animal in the RD, AR, RR, and LDR, and MDR districts. See Section 4.07(B).

**Section 14.38 - Access to Residential Structures in Forested Areas**

Access to the principle structure(s) shall require a driveway which has fifteen (15) feet horizontal and twelve (12) feet vertical clearance of all obstacles and vegetation, except ground covers, cleared and continually maintained in a drivable condition for the purpose of access by emergency vehicles (This section does not cover or require snow removal). A vehicle turn around area shall be provided within one hundred (100) feet of the principle structure(s) capable of handling thirty (30) feet vehicles (Minimum T-type turn around 20' x 35') for police, fire, and ambulance, and be connected to a private or public road. The Township cannot be held responsible for non-maintenance of access.

**Section 14.39 - Mobile Homes for the Aged, Sick and Infirm**

The use of one (1) mobile home as a temporary dwelling for the sick and infirm shall be permitted on a single-family lot or parcel in any zoning district providing the following conditions are met:

- A. The lot has a principal single-family dwelling located upon it.
- B. The lot is a legal lot of record.
- C. The occupancy of the lot shall not exceed the maximum lot coverage permitted in the Zoning District in which it is to be located.
- D. The occupants have a direct family relationship to those persons occupying the principal dwelling.
- E. The persons seeking the use of and occupancy of the mobile home have a need as determined by their acquisition and presentation to the Zoning Administrator of a physician's certificate prescribing the need for such housing during the period of illness or infirmity.
- F. Mobile homes shall have a minimum width of ten (10) feet and a minimum floor area, as measured inside the perimeter of the exterior walls, of four hundred (400) square feet. A proper State HUD Seal, 1976 or later and showing snow load requirements of 30# LL must also be provided.
- G. Mobile homes used for this purpose shall have immediate and unlimited access to all facilities located in the principal dwelling for the maintenance of proper health and sanitation, including potable water and sanitary disposal facilities for solid and liquid wastes.
- H. All such accessory mobile homes shall be located within the setback requirements for the side and

rear yards. No front yard shall be used for the location of a mobile home for this purpose.

- I. Zoning Permits shall be issued by the Zoning Administrator for this purpose and thereafter reviewed annually for continued need and compliance.
- J. Zoning Permits issued for such use shall terminate at such time that anyone or combination of the above conditions cease(s) to be met and shall be removed within thirty (30) days.

**Section 14.40 - Lot Splits**

All lot splits must not exceed one (1) width to eight (8) length requirement per registered surveyor's dated document and shall otherwise be in compliance with the Land Division Act (Act 591 of 1966, as amended).

All lot split requests are to be submitted to the Township Assessor. If it does not meet the Zoning Ordinance, it will be referred to the Zoning Administrator and a written stating non-compliance, which shall be delivered to the applicant with the Land Division Act permit allowing the split.

**Section 14.41 - Bed and Breakfast Business in Homes**

Temporary transient, tourist or vacation visitors or guests are permitted in all single-family residences. The minimum size of the dwelling unit for guests shall be computed on the basis of the number of rooms which can be used as extra bedrooms after those required for the owner/operators have been subtracted, and at the rate of one (1) or two (2) guest per extra bedroom. The ratio of two (2) bedrooms to one (1) bathroom shall be required within the dwelling. Adequate dining facilities shall be computed at the rate of one (1) and one-half guests per room at one sitting for the total number of guest rooms available. Living room facilities shall be capable of seating one and one-half guests per guest room at one sitting. Off-street parking shall be at least gravel surfaced and shall be computed at two (2) parking spaces for the owner/operator, one (1) for each employee and one (1) for each guestroom. If adjacent to single family residential structures, a six (6) foot high screening buffer area of at least ten (10) feet in width shall be constructed and maintained between the Inn and the strip of fifty (50%) percent evergreens and fifty (50%) percent deciduous shrubs and trees, a berm with trees, shrubs and ground covers on it, or a decorative fence or wall.

**Section 14.42 - Dwelling Unit Cross-section and Floor Area Requirements**

In all RD, LDR and MDR Districts adjacent to lakes, rivers, and streams all dwelling units shall have at least one (1) cross section of at least twenty-four (24) feet and at least one (1) portion of the ground floor area shall have an area at least twenty-four (24) feet by twenty-four (24) feet. In all LDR and MDR Districts not adjacent to lakes, rivers, and streams all dwelling units shall have at least one (1) cross section of at least twenty (20) feet and at least one (1) portion of the ground floor shall have an area at least twenty (20) feet by twenty four (24) feet.

**Section 14.43 - Yard Sales**

Yard sales shall be limited to the sale of items from the dwelling and accessory structure located upon the lot or parcel upon which the yard sale is being conducted. The number of yard sales, which can be conducted from any one dwelling location, is three (3) per year, and shall be limited to seven (7) days each.

**Section 14.44 - Earth Homes and Other Earth Structures**

Single family earth homes are permitted in the AR, LDR and MDR Districts, as long as they meet all of the requirements of the district in which they are located and the bottom edge of the earth berms surrounding the building or structure meet the height and yard setback requirements for all yards.

**Section 14.45 - Solar Buildings**

Solar buildings are permitted in all districts as long as the glare from exterior reflective solar panels is deflected so as not to cause glare to be transmitted to adjacent properties below the maximum height established for each district.

**Section 14.46 – Windmills and Wind Turbines**

Windmills and wind turbines are permitted in all districts as long as the height of the windmill or wind turbine does not exceed one-half (1/2) of the setback distance of the point of the base of the windmill or wind turbine from nearest property line.

**Section 14.47 - Ratio of Lot Width to Depth**

All lots and parcels created subsequent to the adoption of this Zoning Ordinance shall have a ratio, which shall not exceed one (1) width to eight (8) times the length.

**Section 14.48 - Ratio of Floor Areas of Accessory Structures to the Principal Structure**

There shall be no mandatory ratio of floor area of accessory structures to the floor area of the principal structure.

**Section 14.49 - Housing of--the Elderly in Detached Single Family Homes**

Housing of the elderly aged fifty-five (55) or older at two (2) per bedroom, up to a maximum of six (6), per detached single family dwelling is permitted, provided that the bedrooms so used shall be in excess of the bedroom needs of the family occupying the detached single family home. The family needs shall be computed at two (2) family members per bedroom. Further, each two (2) bedrooms designated for the elderly shall be provided with a full bathroom for sanitary and bathing purposes, which shall be located within ten (10) feet of the most accessible door of the respective bedroom it is designated to serve.

**Section 14.50 - Minimum Floor Area Exceptions for Accessory Structures**

Applicant for accessory buildings must obtain permit prior to starting construction. Exception, work exempt from permit by the current adopted enabling authority, the State of Michigan B.O.C.A. code.

**Section 14.51 - Guest House Accessory Living Quarters**

An accessory building used solely as the temporary dwelling of guests of the occupants of the premises, such dwelling having no kitchen facilities and not rented or otherwise used as a separate dwelling unit, may be permitted under Special Uses, Article XI with additional conditions.

A. River frontage property buildings require two hundred (200) feet of river frontage per one (1) cabin.

- B. Non-riverfront property identified by the zoning district map will require two (2) times the minimum area referenced by the Zoning Ordinance.
- C. Guest house accessory living quarters shall, in total floor area, not be less than four hundred eight (480) square feet, nor exceed eighty (80%) percent of the gross floor area of the principle residential structure.

**Section 14.52 - Camping On Unimproved Properties**

Camping in licensed recreational vehicles, (licensed fifth wheels, and licensed trailers), tents, and campers) is permitted in AR, RD, LDR, and MDR Districts, subject to the following:

- 1) Camper must be occupied while on site.
- 2) The camper must comply with Michigan Vehicle Codes for use on public highways to include: valid registration, license, insurance, and be road worthy.
- 3) The camper must be equipped with self-contained sanitary facilities or have an improved lot with sanitary facilities approved by the health department.
- 4) The camper must have a valid Township permit. The Township Camping Permit must be obtained by the property owner at the Township Office at no fee. The initial permit is valid for fifty-six (56) days. A camper may obtain two (2) additional thirty (30) day permits (no fee) then **must** be removed for a minimum of thirty (30) days. Under no circumstances shall camping be permitted if the property is not **AT LEAST TWO AND ONE-HALF (21/2) ACRES IN SIZE**. (Ref. Sec. 14.31-Use of Recreational Vehicles as Temporary Dwellings by Visitors)

**Section 14.53 - Telecommunications Facilities**

A. Purpose:

The general purpose of this article is to regulate the placement, construction and modification of transmission towers and telecommunications facilities in order to protect the health, safety and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in Beaver Creek Township, Michigan.

Specifically, the purposes of this article are:

- 1. To regulate the location of transmission towers and telecommunications facilities in the county;
- 2. To protect residential areas and land uses from potential adverse impact of transmission towers and telecommunications facilities;
- 3. To minimize adverse visual impacts of transmission towers and telecommunications facilities through careful design, siting, landscaping and innovative camouflaging techniques;
- 4. To promote and encourage shared use/co-location of transmission towers and antenna support structures as the primary option rather than construction of additional single-use transmission towers.

5. To avoid potential damage to property caused by transmission towers and telecommunications facilities by ensuring such structures are soundly and carefully designed, constructed, modified, maintained and removed when no longer used or determined to be structurally unsound; and
6. To ensure that transmission towers and telecommunications facilities are compatible with surrounding land uses.

Nothing in this article shall apply to amateur radio antennas, or facilities, used exclusively for the transmission of television or radio signals.

B. Definitions:

The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

1. Ancillary facilities: The buildings, cabinets, vaults, closures and equipment required for operation of telecommunication systems including but not limited to repeaters, equipment housing and ventilation and other mechanical equipment.
2. Antennas: An electrical conductor or group of electrical conductors that transmit or receive radio waves, excluding amateur radio antennas.
3. Antenna support structure: Any building or structure, other than a transmission tower, which can be used for location of telecommunications facilities.
4. Applicant: Any person that applies for a transmission tower development permit.
5. Application: The process by which the owner of a parcel of land within the county submits a request to develop, construct, build, modify, or erect a transmission tower upon such parcel of land. Application includes all written documentation, verbal statements and representations, in whatever form or forum, made by an applicant to the county concerning such a request.
6. Attachment: An antenna or other piece of related equipment affixed to a transmission tower, building, light or utility pole or water tower.
7. Township-owned facilities: Any structures, buildings or land owned by Beaver Creek Township or its assigns.
8. Co-location: Placement of an antenna on an existing transmission tower, building, light or utility pole or water tower where the antenna and all supports are located on the existing structure.
9. Engineer: Any engineer licensed by the State of Michigan.

10. Owner: Any person with fee title, a land contract purchaser's interest, a long-term (exceeding 10 years) leasehold to any parcel of land within the Township who desires to develop, construct, build, modify, or erect a transmission tower upon such parcel of land.
11. Person: Is any natural person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.
12. Provider: A person in the business of designing and using telecommunication facilities including cellular radiotelephones personal communications services, enhanced/specialized mobile radios, and commercial paging services.
13. Stealth: Any transmission tower or telecommunications facility which is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and transmission towers designed to look other than like a transmission tower such as light poles, power poles and trees. The term "stealth" does not necessarily exclude the use of uncamouflaged lattice, guyed or monopole transmission tower designs.
14. Telecommunications facilities: Any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a transmission tower or antenna support structure. However, the term telecommunications facilities shall not include any satellite earth station antenna one meter or less in diameter, regardless of zoning category.
15. Transmission tower: The monopole or lattice framework designed to support transmitting and receiving antennas. For the purposes of this section, amateur radio transmission facilities and facilities used exclusively for the transmission of television and radio signals are not "transmission towers." Transmission towers include:
  - a) Guyed tower: A tower which is supported by the use of cables (guy wires) which are permanently anchored;
  - b) Lattice tower: A tower characterized by an open framework of lateral cross members which stabilize the tower; and
  - c) Monopole: A single upright pole, engineered to be self-supporting and not require lateral cross supports or guys.

C. Siting Restricted:

1. No telecommunication facility or transmission tower, as defined in this Article, may be constructed, modified to increase its height, installed or otherwise located within the Township except as provided in this Article. Depending on the type and location of the



telecommunication facility, the telecommunication facility shall be either a permitted use, subject to building review procedures, or a special use.

2. Permitted Uses: No special use permit is required for a telecommunication facility or transmission tower, which, pursuant to Sections 14.53(D) through 14.53(F) of this Article, is a permitted use. Such telecommunication facilities shall require a building / zoning permit or permits and shall be processed in accordance with established administrative policies.
3. Special Use Permit: A telecommunication facility or transmission tower, which pursuant to Sections 14.53(D) through 14.53(F) of this Article, requires a special use permit, shall be processed in accordance with the special use permit procedures of Article XI of this Ordinance and in accordance with established administrative policies. The criteria contained in Article XI of this Ordinance and Sections 14.53(H) and 14.53(I) of this Article shall govern approval or denial of the special use permit application. In the event of a conflict in criteria, the criteria contained in Sections 14.53(H) and 14.53(I) of this Article shall govern. No building permit shall be issued prior to completion of this special use permit process, including any appeals.

D. Co-Location Of Additional Antennas On Existing Transmission Towers:

1. Permitted Use: Co-location of an additional antenna on an existing transmission tower shall be considered a permitted use in property zoned I, or if the transmission tower is in any other zoning district, and the Township specifically approved, as part of a special use permit process authorizing the original transmission tower to which the co-location of additional antennas is being considered.
2. Special Use: Co-location of an additional antenna on an existing transmission tower shall require a special use permit in property zoned LDR, MDR, CSC, or HSC if approval for co-location was not granted through a prior special use permit process.

E. Co-Location Of Antennas On Existing Buildings, Light Poles, Utility Poles And Water Towers:

1. In addition to co-location on an existing transmission tower, an antenna may be co-located on existing buildings, light poles, utility poles and water towers.
2. Permitted Use: Such co-location on a building, light pole, utility pole, or water tower, shall be considered a permitted use provided that the antennas and ancillary facilities comply with all applicable building codes, the color of the antennas blends in with the existing structure and surroundings, the antennas do not exceed the height limitation of the zoning district, and the property is zoned I.
3. Special Use: Such co-location on a building, light pole, utility pole, or water tower shall require a special use permit if property is zoned LDR, MDR, CSC, or HSC. Said antenna(s) shall not exceed the building height allowed in the zone, or eighteen (18) feet above the

structure, whichever is less. Said antenna(s) shall project no more than two (2) feet away from the existing structure, and the color of the antenna(s) shall blend in with the existing structure and surroundings.

F. Construction Of New Transmission Towers:

Construction of a transmission tower or a modification of an existing transmission tower to increase its height shall be allowed as follows:

1. Permitted Use: Such construction or modification shall be considered a permitted use in Zone I.
2. Special Use: Such construction or modification shall require a special use permit in Zone I, but only in the following locations:
  - a) Religious institutions, but only when designed as a steeple, bell tower or similar accessory structure compatible with the primary use on the property.
  - b) Parks.
  - c) Government, public utility or public school sites.
  - d) Such construction or modification shall also require a special use permit in zones LDR, MDR and HSC.
3. No new transmission tower shall be built, constructed or erected in the Township unless the transmission tower is capable of supporting another firm's operating telecommunications facilities comparable in weight, size and surface area to the telecommunications facilities installed on the applicant's transmission tower within six (6) months of the completion of the transmission tower construction pursuant to Section 14.53(H)(3).

G. Application Requirements:

1. Co-Location Of Antennas: In addition to standard building permit application material, an applicant for the co-location of antennas on existing transmission towers or on existing buildings, light poles, utility poles or water towers shall submit the following information. Additional application material is required, as specified in Section 14.53(G)(3) below, for applications requiring a special use permit.
  - a) A description of the proposed antenna's location, design and height.
  - b) Documentation from an engineer demonstrating compliance with non-ionizing electromagnetic radiation (NIER) emissions standards as set forth by the Federal

Communication Commission (FCC) particularly with respect to any habitable areas within the structure on which the antennas are co-locating, or in structures within five hundred (500) feet of the tower property.

- c) Documentation from an engineer that placement of the antenna is designed to allow future co-location of additional antennas if technologically possible.
- d) Documentation from an engineer that the ancillary facilities will not produce sound levels in excess of those standards specified in Section 14.53(H)(6) of this Article, or designs showing how the sound is to be effectively muffled and reduced pursuant to those standards.
- e) Plans showing the connection to utilities, right-of-way cuts required, ownership of utilities and easements required.
- f) Documents demonstrating that necessary easements have been obtained.
- g) Access to site must conform to Section 4.07.
- h) Transmitting site shall conform to Section 4.03(A)(5).
- i) Documents demonstrating that the Federal Aviation Administration (FAA) has reviewed and approved the proposal. Alternatively, when a special use permit process is required, submit a statement documenting that notice of the proposal has been submitted to the FAA. The special use permit process may proceed and approval may be granted for the proposal as submitted, subject to FAA approval. If FAA approval requires any changes involving increased height or additional lighting other than as initially approved, then that initial special use permit approval shall be void. A new application will need to be submitted, reviewed and approved through an additional special use permit process. No building permit application shall be submitted without documents demonstrating FAA review and approval.
- j) The names, addresses, and telephone numbers of all owners of the other transmission towers or usable antenna support structures within a one-half (1/2) mile radius of the proposed transmission tower site.
- k) An affidavit attesting to the fact that the applicant made diligent, but unsuccessful efforts for permission to co-locate the applicant's antennas on state, city, village, township, or county-owned facilities or usable antenna support structures located within a one-half (1/2) mile radius of the proposed transmission tower site.
- l) An affidavit attesting to the fact that the applicant made diligent, but unsuccessful efforts to co-locate the applicant's antennas or transmission towers or usable antenna support structures owned by other persons located within a one-half (1/2) mile radius of the proposed transmission tower site.

- m) Written technical evidence (including applicable propagation studies) from an engineer that the proposed antenna cannot be co-located on another person's transmission tower or usable antenna support structure located within a one-half (1/2) mile radius of the proposed site because of the coverage requirements of the applicant's communications system.
  - n) Each application to allow co-location of antennas shall include a written statement from an engineer that the construction and placement and proposed use of the antennas will not interfere with public safety communications and the usual and customary transmission or reception of radio, television or other communications service enjoyed by adjacent residential and non-residential properties.
2. Installation, Construction Or Increasing The Height Of Transmission Tower: In addition to standard building permit application material, an applicant seeking to construct, install, or increase the height of a transmission tower shall submit the following information. Additional application material is required, as specified in Section 14.53(G)(3) below, for applications requiring a special use permit.
- a) A description of the proposed transmission tower location, design and height.
  - b) The capacity of the transmission tower in terms of the number and type of antennas it is designed to accommodate.
  - c) Documentation from an engineer demonstrating compliance with non-ionizing electromagnetic radiation (NIER) emission standards as set forth by the Federal Communications Commission (FCC).
  - d) A signed agreement stating that the applicant will allow co-location with other users, provided all safety, structural and technological requirements are met. This agreement shall also state that any future owners or operators will allow co-location on the transmission tower.
  - e) Documentation from an engineer that the ancillary facilities will not produce sound levels in excess of those standards specified in Section 14.53(H) of this article, or designs showing how the sound is to be effectively muffled and reduced pursuant to those standards.
  - f) Plans showing the connection to utilities, right-of-way cuts required, ownership of utilities and easements required.
  - g) Documents demonstrating that necessary easements have been obtained.
  - h) Site plan shall show access and turn around conforming to Section 4.07.

- i) Documents demonstrating that the Federal Aviation Administration (FAA) has reviewed and approved the proposal. Alternatively, when a special use permit process is required, submit a statement documenting that notice of the proposal has been submitted to the FAA. The special use permit process may proceed and approval may be granted for the proposal as submitted, subject to FAA approval. If FAA approval requires any changes involving increased height or additional lighting other than as initially approved, then that initial special use permit approval shall be void. A new application will need to be submitted, reviewed and approved through an additional special use permit process. No building permit application shall be submitted without documents demonstrating FAA review and approval.
  - j) The names, addresses and telephone numbers of all owners of other transmission towers or usable antenna support structures within a one-half (1/2) mile radius of the proposed new transmission tower site, including public-owned property.
  - k) A notarized affidavit attesting to the fact that the applicant made diligent, but unsuccessful efforts for permission to install or co-locate the applicant's telecommunications facilities on public-owned facilities or usable antenna support structures located within a one-half (1/2) mile radius of the proposed transmission tower site.
  - l) A notarized affidavit attesting to the fact that the applicant made diligent, but unsuccessful efforts to install or co-locate the applicant's telecommunications facilities on transmission towers or usable antenna support structures owned by other persons located within a one-half (1/2) mile radius of the proposed transmission tower site.
  - m) Written, technical evidence from an engineer (including propagation studies) that the proposed transmission tower or telecommunications facilities cannot be installed or co-located on another person's transmission tower or usable antenna support structure located within a one-half (1/2) mile radius of the proposed transmission tower site because of the coverage requirements of the applicant's communications system.
  - n) Each application to allow construction of a transmission tower shall include a written statement from an engineer that the construction and placement of the transmission tower will not interfere with public safety communications and the usual and customary transmission or reception of radio television, or other communications service enjoyed by adjacent residential and non-residential properties.
3. Special Use Permit Applications: In addition to the application requirements specified in Sections 14.53(G)(1) and 14.53(G)(2) above, and Article XI, applications for special use permits also shall include the following information:

- a) Documentation (including propagation studies) from an engineer that alternative sites within a radius of at least one-half (1/2) mile have been considered and have been determined to be technologically not feasible or unavailable.
- b) A current overall system plan for the Township, showing facilities presently constructed or approved and future expansion plans.
- c) A statement providing the reasons for the location, design and height of the proposed transmission tower or antennas.

#### H. Standards For Transmission Towers And Antennas:

Installation, construction or modification of all transmission towers and antennas shall comply with the following standards, unless a waiver is obtained pursuant to the provisions of Section 14.53(I) of this Article.

1. Separation Between Transmission Towers: No transmission tower may be constructed within one-half (1/2) mile of any existing transmission tower. Tower separations shall be measured by following a straight line from the portion of the base of the proposed transmission tower, which is closest to the base of any pre-existing transmission tower. For purposes of this paragraph, an existing tower shall include any transmission towers existing at the time of adoption of this Ordinance, or transmission towers for which the Township has issued a building permit, or for which an application has been filed and not denied. Transmission towers constructed or approved prior to May 1, 2000 may be modified to accommodate additional providers consistent with provisions for co-locations in this Section.
2. Height Limitation: Transmission tower heights shall be governed by this Section, except as provided for below:
  - a) If located within Zone I, the maximum height of a transmission tower, including antennas, is two hundred fifty (250) feet, unless a waiver is granted pursuant to the provisions of Section 14.53(I) of this Article.
  - b) If located within zones HSC, or CSC, the maximum height of a transmission tower, including antennas, is two hundred fifty (250) feet, unless a waiver is granted pursuant to the provisions of Section 20.53(I) of this Article.
  - c) If located within zones LDR, MDR, or CSC, the maximum height of a transmission tower, including antennas, is two hundred fifty (250) feet, unless a waiver is granted pursuant of Section 14.53(I) of this Article.
  - d) Transmission towers shall comply with the Beaver Creek Township Airport Zoning Ordinance.

3. Co-Location: New transmission towers shall be designed to accommodate co-location of additional providers:
  - a) New transmission towers of a height of two hundred fifty (250) feet or more shall be designed to accommodate co-location of a minimum of four (4) additional providers either outright or through future modification to the transmission tower.
  - b) New transmission towers of a height of at least one hundred fifty (150) feet and no more than two hundred fifty (250) feet shall be designed to accommodate co-location of a minimum of two (2) additional providers either outright or through future modification to the transmission tower.
4. Setback: The following setbacks from property lines and street right-of-way lines shall be required unless a waiver is granted pursuant to the provisions of Section 18.10:
  - a) In all zoning districts, the transmission tower shall be set back from property lines of the parcel on which they are located, a minimum number of feet that is equal to the height of the transmission tower.
  - b) If the transmission tower is located on a parcel in any non-residential zone which abuts residentially zoned property, the transmission tower shall be set back from the adjacent residentially zoned property line a minimum number of feet that is equal to the height of the transmission tower.
  - c) In all zones, transmission towers shall be set back from the edge of adjacent public street rights-of-way a minimum number of feet that is equal to the height of the transmission tower.
5. Buffering: In all zoning districts, existing vegetation shall be preserved to the maximum extent possible. In all zoning districts, landscaping may be placed completely around the transmission tower and ancillary facilities located at ground level except as required to access the facility.
6. Noise Reduction: In zones LDR, MDR, CSC and HSC, and in all other zoning districts when the adjacent property is zoned residentially or occupied by a dwelling, medical facility, school, library or nursing home, noise generating equipment shall be sound-buffered by means of baffling, barriers, or other suitable means to reduce sound level measured at the property line to forty-five (45) decibels. In all other locations, noise shall be regulated by applicable Township ordinances.
7. Lighting: Transmission towers shall not be artificially lighted except as required by the Federal Aviation Administration (FAA). In cases where there are residential uses located within a distance which is three hundred (300%) percent of the height of the transmission tower from the transmission tower, and when required by federal law, dual mode lighting shall be requested from the FAA.

8. Color: The transmission tower and attached antennas shall be unpainted galvanized steel or painted neutral colors or such shades as are appropriate and compatible with the surrounding environment, as approved by the Planning Commission.
9. Display: No signs, striping, graphics or other attention getting devices are permitted on the transmission tower or ancillary facilities except for warning and safety signage with a surface area of no more than three (3) square feet. Such signage shall be affixed to a fence or ancillary facility and the number of signs is limited to no more than two (2).
10. Fences: An open-air fence, eight (8) feet in height, shall be constructed around the base of the tower and/or guy wires, unless specifically waived by the Planning Commission.

I. Waiver:

1. Any waiver to the requirements of this Article shall be granted only pursuant to the following provisions. The criteria for granting a waiver shall be limited to this Article and shall not include criteria beyond Article XXIV.
2. The Zoning Board may grant a waiver from the provisions of Section 14.53(H) of this Article providing the applicant demonstrates that:
  - a) It is technologically impossible (including propagation studies) to locate the proposed transmission tower on available sites more than one-half (1/2) mile from a pre-existing transmission tower and still provide the approximate coverage the transmission tower is intended to provide:
  - b) The pre-existing transmission tower that is within one-half (1/2) miles of the proposed transmission tower cannot be modified to accommodate another provider; and
  - c) There are no available buildings, light or utility poles or water towers on which antennas may be located and still provide the approximate coverage the transmission tower is intended to provide.
3. The Planning Commission may grant a waiver to the setback and grounding requirements of Sections 14.53(H)(4) or 14.53(I) upon finding that stealth design, proposed landscaping, configuration of the site, or the presence of mature trees obviates the need for compliance.
4. The Planning Commission may grant a waiver to the two hundred fifty (250) foot height limitation in Zone I, the two hundred fifty (250) foot height limitation in zones HSC and CSC, or to the two hundred fifty (250) foot height limitation in zones LDR and MDR, if the applicant shows, through written documentation provided by an engineer, that the proposed height is the minimum height needed to meet service needs and to accommodate future co-locations per Section 14.53(H)(3).



5. If the proposed transmission tower or ancillary facility requires a special use permit, a request for waiver shall be considered as part of the special use permit process. If the proposed transmission tower or ancillary facility is a permitted use, the request for a waiver shall be decided by the Planning Commission and shall be based on the criteria in this Section.

J. Removal Of Facilities:

1. All transmission towers, antennas, transmission tower substructures and ancillary facilities shall be removed within six (6) months of the time that the facilities have ceased being used to transmit, receive or relay voice and data signals to or from wireless communication devices. The responsibility to remove shall be borne by the owner and operator of the tower, antenna, substructure or facility and by the real property owner upon which the tower, antenna, substructure or facility is located. The site must be restored to the extent possible with appropriate landscaping to its pretransmission transmission tower appearance. The Planning Commission may grant one (1), six (6) month extension where a written request has been filed within the initial six (6) month period to reuse the transmission tower or antennas.
2. The Planning Commission may require the posting of an open-ended evergreen bond before building permit issuance to ensure removal of the transmission tower, substructure or antennas after the facility no longer is being used.

K. Fees:

Notwithstanding any other provision of this code, the Planning Commission may require, as part of application fees for building or special use permits for telecommunication facilities, an amount sufficient to recover all of the Township's costs in retaining consultants to verify statements made in conjunction with the permit application, to the extent that verification requires telecommunication expertise. This amount shall be set by Township Board resolution.

**Section 14.54 - Dismantled, Partially Dismantled, Unlicensed and Inoperable Motor Vehicles**

No person, firm or corporation shall store, place, or permit to be stored or placed, allowed to remain on any parcel of land for a period of more than ten (10) days in any one (1) year a dismantled, partially dismantled, or inoperable motor vehicle, or parts thereof, unless the same is kept in a wholly enclosed structure, or is located in an approved and licensed junk yard.

No person, firm, or corporation shall park or store upon premises within the township a motor vehicle in operating condition, containing all of its main component body parts, but which is not licensed and regularly used for the purpose for which it was manufactured and designed unless the same is kept within an enclosed building or an approved and licensed junk yard.

The purpose of these regulations is to limit and restrict the outdoor storage or unreasonable accumulation of junk vehicles, unused vehicles, stock cars and dilapidated non-operating motor

vehicles upon any land in the township except in areas where a junk yard is permitted to exist and is approved and licensed for such purposes.

These provisions shall not be construed as repealing any ordinance now in effect or hereafter made effective relating to rubbish, litter, garbage, refuse, trash, or junk but shall be construed as supplementary to any such ordinances, as well as any statutes of the State of Michigan relating thereto.

## **Article XV - Environmental Conservation Provisions**

### **Section 15.01 - Purpose**

The purpose of this Article is to promote the conservation or wise use of important nonrenewable natural resources and to protect the desirable qualities of the natural environment which may involve the saving of important vegetation, wildlife cover, watersheds, areas which periodically flood, features controlling wind or water erosion, wetlands, and areas of topographical, archeological, geological, historical or agricultural significance for present and future generations as determined by the Planning Commission for the purpose of preserving or conserving specific features and areas of these natural resources and environments in all Zoning Districts.

### **Section 15.02 - Natural Environment**

It is the general requirement of this Article to conserve and wisely use in the most careful and well-planned manner possible in accordance with the provisions of the "The Michigan Natural Resources and Environmental Protection Act 451 of 1994)" and the state regulations promulgated thereunder. Under this Article where it is the judgment of the Planning Commission and their written reasons, the Commission may require the submittal of an Environmental Impact Statement in accordance with "State Guidelines: Preparation and Review of Environmental Impact Statement," Michigan Environmental Review Board, Office of Management and Budget.

### **Section 15.03 - Natural Resources**

In order to properly conserve and provide future access to such natural resources as sand, gravel, oil, gas, coal, minerals and other economically important nonrenewable resources, the Planning Commission may require the applicant desiring to develop such property to prepare a survey or map indicating the type, character, and location of agricultural soil types and elevation and use areas, and the method proposed to preserve future development and use of such soil types and use areas. In the making of such plans and surveys, an applicant desiring to develop agricultural soil types and use areas shall be encouraged to develop only those portions of a property which are the least adaptable for present and future agricultural purposes.

### **Section 15.04 - Lakes, Ponds, Rivers, Streams, Water Courses and Drainage Ways**

In order to conserve or wisely use the lakes, ponds, rivers, streams, water courses and drainage-ways in the Township, no such feature shall be altered, changed, transformed or otherwise be varied from its present existing condition except as follows:

- A. In all Zoning Districts no river, stream, water course or drainage-way, whether partly filled with water or dry in certain seasons, shall be obstructed or altered in any way at any time by any person, except when done in conformance with State and Federal laws, regulations and standards.

- B. In all Zoning Districts the edge, bank, or shore of any lake, pond, river or stream shall not be altered, changed, transformed or otherwise varied from its present condition, except in conformance with the provisions set forth in the most recent adopted versions of the Natural Resources And Environmental Protection Act, 1994 PA 451, as amended, or other laws relating thereto and the rules promulgated under authority of these acts.

#### **Section 15.05 - Flood Plains**

- A. Notwithstanding any other provisions of this Ordinance, land subject to periodic flooding shall be used only for agriculture and recreation uses, provided no structures, except as otherwise provided in this Ordinance, are located within the area subject to flooding.
- B. The location and boundaries of land subject to periodic flooding shall be determined by reference to the Federal Housing Administration, U.S. Army Corps of Engineers, the U.S. Soil Conservation Service or other official U.S. or Michigan public agency responsible for defining and determining flood plain areas.
- C. No building shall be located within a designated flood-way. The Township Planning and Zoning Commission may, upon special approval, permit bridges, dams, other public facilities, piers, wharves, or boat houses. Before any such structure is built within the flood-way, it shall be shown that such structure will not form a significant obstruction or retard the movement of floodwaters, except as part of a plan for flood control.

#### **Section 15.06 - Wetlands**

All areas designated as wetlands by the Michigan Department of Environmental Quality are hereby declared to be "Wetlands" in the Township and are subject to the provisions of this Ordinance as follows:

All wetlands in the Township are hereby subject to the provisions of Part 303, "Wetlands Protection", of N.R.E.P.A., 1994 P.A. 451, as amended, in order to encourage the proper use and development of them.

#### **Section 15.07 - Environmentally Sensitive Areas**

- A. Areas may be designated by the Township Planning Commission as Areas of Environmental Sensitivity including, but not limited to:
1. Rare or valuable ecosystems.
  2. Significant undeveloped agricultural, grazing or watershed areas.
  3. Forests and related land, which require long stability for continuing renewal.
  4. Scenic or historical roads/areas, including burial grounds.
  5. Such additional areas as may be determined by the Federal Government, the State of

Michigan, the County or Beaver Creek Township.

- B. All zoning permit applications in Environmentally Sensitive Areas, regardless of size, and in addition to, or as part of, any other applicable portions of this Section, shall demonstrate that the proposed development will not adversely affect the environmental quality of the property and the surrounding area by means of the following:
1. The applicant shall provide written evidence that a sewage treatment or disposal system has been approved by the County Health Department or Wastewater Division of the Michigan Department of Environmental Quality and is in conformance with any additional provisions set forth in this Ordinance pertaining to setbacks from water bodies, height above water level, etc.
  2. The applicant shall provide evidence that the cutting and removing of trees and other native vegetation will be performed according to the following standards:
    - a) Clear cutting of woodlands and the removal of shrubbery and undergrowth shall be restricted to removal of dead, diseased or dying trees.
    - b) Selective cutting which removes not more than forty (40%) percent of the trees and which leaves a well-distributed stand of tree foliage shall be permitted.
    - c) More than forty (40%) percent of the tree coverage may be removed only as such action is recommended by a state forester, or a private forester registered by the state and approved by the Township Planning Commission.
    - d) Cutting shall be done in such a manner as to avoid erosion, to preserve rare species of trees or greenery, to preserve scenic qualities, and to preserve desirable screening.
- C. Have as a portion of the application a site plan for review by the Planning Commission, that provides such data concerning the physical development and extent of disruption to the site as may be required by the Commission. The Commission or Zoning Administrator may require any of the following as part of the information of the site plan; maps, description of earth changes, soil borings, soil surveys, well logs, description of vegetation changes, percolation test, description of development, topographic surveys, and other environmental impact information. The review of the site plan will be made in such a manner as to:
1. Determine whether the regulations of this Ordinance shall have been observed regarding cutting of trees and other vegetation, sewage disposal, erosion and sedimentation control, etc.
  2. Determine whether the true intent of State, County and Township regulations, including this Ordinance, shall be served by this development in safeguarding against adverse effects on air and water quality, the natural resources of the area, and the natural vegetation of the area. The Planning Commission shall recommend alterations as are required by existing

Ordinance or Statute, or such reasonable requirements as it deems necessary to minimize such adverse effects.

- D. In special cases where, in the judgment of the Planning Commission, a development proposal, because of its extensiveness, complexity, exceptional cost of development or significant impact on both the existing development pattern and the natural environment, cannot be properly processed under the limited provisions of this Article, said development proposal may be required to conform to the provisions of both this Article and those of Article XVIII "Site Plan Review".

## **Article XVI - Off-Street Parking, Loading and Unloading Requirements Frontage Roads and Service Drives**

### **Section 16.01 - Purpose**

It is the purpose of this Article to improve and maintain the safety of the roads and highways in the Township by requiring off-street parking, loading and unloading spaces for all uses permitted by this Ordinance in order to provide for the proper function and safety in the use of roads and highways as traffic-ways which are intended to be limited to moving automotive vehicles. It is also the intention to require frontage roads and service drives meeting specified standards for certain commercial uses or commercially zoned areas.

### **Section 16.02 - Off-Street Parking Requirements**

In all Districts there shall be provided at the time any building or structure is erected, or uses established, enlarged or increased in capacity, off-street parking spaces for automotive and motorized vehicles with the requirements specified as follows:

- A. Plans and specifications showing required off-street parking spaces shall be submitted to the Zoning Administrator for review at the time of application for a Zoning Permit. Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within three hundred (300) feet thereof, except that this distance shall not exceed one hundred fifty (150) feet for single family and two (2) family dwellings.
- B. Outdoor parking of motor vehicles, in all Residential Districts, except in the RD and AR Districts, shall be limited to passenger vehicles, one (1) nonresidential type recreational vehicle per dwelling unit, and not more than one (1) commercial vehicle of the light delivery type, not to exceed one (1) ton single front and single rear axle, shall be permitted per dwelling unit. The outdoor parking of any other type of commercial vehicle, or bus, except for those parked on school or church property, is prohibited in all Residential Districts. However, in the RD and AR District, parking space requirements for all types of vehicles may be provided either in garages, covered or outdoor parking areas conforming to the provisions of this Ordinance.
- C. Each off-street parking space for automobiles shall not be less than one hundred eighty (180) square feet in area, exclusive of access drives or parking space access aisle, and shall be of usable shape and condition. There shall be provided a minimum access drive of ten (10) feet in width, and where a turning radius is necessary it will be of such an arc as to reasonably allow an unobstructed flow of vehicles. Parking space access aisles for automobiles shall be of sufficient width to allow a

minimum turning movement in and out of a parking space. The minimum width of such aisles shall be:

1. For ninety (90) degree or perpendicular parking the aisle shall not be less than twenty-two (22) feet in width.
2. For sixty (60) degree parking the aisle shall not be less than eighteen (18) feet in width.
3. For forty-five (45) degree parking the aisle shall not be less than thirteen (13) feet in width.

D. Required off-street parking facilities for churches located in nonresidential districts may be reduced by an equivalent number of off-street parking spaces located within three hundred (300) feet, if they are directly accessible and usable as off-street parking spaces. Off-street parking facilities for trucks at restaurants, service stations and other similar and related uses shall be of sufficient size to adequately serve trucks and not interfere with other vehicles that use the same facilities. Such truck spaces shall not be less than ten (10) feet in width and eight (8) feet in length.

E. Every parcel of land hereafter used as a public or private off-street parking area shall be developed and maintained in accordance with the following requirements:

1. All off-street parking spaces shall not be closer than ten (10) feet to any property line.
2. All off-street parking areas shall be drained so as to prevent any increase in drainage to abutting properties and shall be constructed of graded aggregate materials which will have a dust-free surface resistant to erosion by wind and water.
3. Any lighting fixtures used to illuminate any off-street parking area shall be so installed as to divert the light away from any adjoining premises and public roads, and no source of light shall be observable beyond the lot lines of the property upon which it is located.
4. Any off-street parking area providing space for five (5) or more vehicles shall be located at least twenty (20) feet from and be effectively screened on any side which adjoins or faces property adjoining a residential lot or institution by a wall, fence, or compact evergreen planting not less than four (4) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.
5. All off-street parking areas that make it necessary for vehicles to back out directly onto a public road are prohibited, except for single family and duplex residential driveways.
6. Combined parking facilities are allowed when two (2) or more uses occur on one property or when a building on one property contains two (2) or more uses, provided that the permanent allocation of the required number of parking spaces shall be the sum of the requirements for all the uses computed in accordance with this Ordinance. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use, except churches.

F. For the purpose of determining off-street parking requirements, the following units of measurement shall apply:

1. **Floor Area:** In the case of uses where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the total floor area, except that such floor area need not include any area used for incidental service, storage installations of mechanical equipment, penthouses, housing ventilators and heating systems, and similar uses.
2. **Places of Assembly:** In stadiums, sport arenas, churches and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities; each eighteen (18) inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has open assembly area, requirements shall be on the basis of one (1) seat being equal to five (5) square feet.

**Section 16.03 - Use of Parking Areas**

No commercial repair work, servicing or selling of any kind shall be conducted on any required parking area except that which is specifically permitted by this Ordinance. No items such as plastic animals, steamers, cloth signs, children's play areas, mechanical entertainment devices, or any other similar device shall be permitted in the parking area or outside a building.

**Section 16.04 - Off-Street Parking Space Requirements**

The minimum required off-street parking spaces are set forth as follows:

<u>Use</u>	<u>Parking Space Requirements</u>
1. Automobile or Machinery Sales And Service Garages	One (1) space for each two hundred (200) feet of showroom floor area, plus two (2) spaces for each service bay, plus one (1) space for each employee working during maximum employment hours.
2. Banks, Business and Professional Offices	Two (2) spaces for each two hundred (200) square feet of floor area, plus one (1) space for each employee during maximum employment hours.
3. Barber Shops and Beauty Parlors	Two (2) spaces for each chair, plus one (1) space for each employee working during maximum employment hours.
4. Tourist, Boarding and Lodging Houses	One (1) parking space for each guest room.
5. Bowling Alleys	Three (3) parking spaces for each alley, plus one (1) space for each employee working during maximum employment hours.

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| 6. Churches, Auditoriums, Stadiums, Sports Arenas, Theaters, Dance Halls, Assembly Hall other than schools. | One (1) space for each three (3) seats, or for each three (3) permitted in such buildings as determined by the State Fire Marshall.   |
| 7. Clinics  | Four (4) spaces for each doctor, plus one (1) space for each employee working during maximum employment hours.  |
| 8. Convalescent or Nursing Home, Orphanage, State licensed Foster Care During Home or Home for the Elderly  | One (1) parking space for each two (2) beds, plus one (1) space for each employee, including nurses, working maximum employment hours.  |
| 9. Drive-in Banks, Cleaners and Similar Businesses  | Five (5) parking spaces, plus one (1) parking space for each employee working during maximum employment hours.  |
| 10. Drive-in Eating Establishments Without Inside Seating   | Ten (10) parking spaces, plus one (1) parking space for each fifty (50) square feet of floor area and one (1) parking space for each employee working during maximum employment hours.  |
| 11. Dwellings (Single and two-family).  | Two (2) parking spaces for each family dwelling unit.   |
| 12. Dwelling (Multiple Family) and Mobile Home Parks  | Two (2) parking spaces per dwelling unit, plus one (1) additional space for each four (4) dwelling units and one (1) Space for each employee working during maximum employment hours.   |
| 13. Funeral Homes and Mortuaries  | Four (4) spaces for each slumber room or one (1) space for each one hundred (100) square feet of gross floor area, whichever is greater, plus one (1) space for each fleet vehicle and one (1) space for each employee working during maximum employment hours. |
| 14. Furniture, Appliance-Equipment Stores   | One (1) space for each five hundred (500) square feet of floor area, plus one (1) space for each employee working during maximum employment hours.  |
| 15. Gasoline Filling and Service Stations   | One (1) parking space for each repair and service stall, plus one (1) space for each employee working during maximum employment hours.  |
| 16. General Office Building   | One (1) parking space for each five hundred (500) square feet of floor area, plus one (1) parking space for each employee working during maximum employment hours.  |



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| 17. Hospitals   | One (1) space for each bed, plus one space for each employee working during maximum employment hours.  |
| 18. Hotels and Motels   | One (1) space for each living unit, plus one (1) space for each employee working during maximum employment hours.  |
| 19. Libraries, Museums, Post Offices  | One (1) parking space for each one thousand (1,000) square feet of floor area, plus one (1) parking space for each employee working during maximum employment hours.                             |
| 20. Livestock Auction   | One (1) parking space for each five hundred (500) square feet of building, pens, and all enclosed areas on the premises of the auction facility.   |
| 21. Manufacturing, Fabricating, Processing and Bottling Plants                          | One (1) space for each employee working during maximum employment hours.   |
| 22. Restaurants, Beer Parlors, Taverns, Cocktail Lounges, Night Clubs and Private Clubs | One (1) parking space for each four (4) customer seats, plus one (1) parking space for each employee working during maximum employment hours.  |
| 23. Retail Stores   | One (1) parking space for each five hundred (500) square feet of floor area, plus one (1) space for each employee working during maximum employment hours.                                       |
| 24. Roadside Stands   | Five (5) parking spaces, plus one (1) parking space for each twenty-five (25) square feet of floor area.   |
| 25. Schools; Private or Public Elementary and Junior High Schools                       | One (1) space for each employee working during the maximum employment hours in the building and on the grounds, plus one (1) space for each thirty (30) students of maximum enrollment capacity. |
| 26. Senior High School and Institutions of Higher Learning, Private or Public           | One (1) parking space for each employee plus one (1) for each five (5) students, plus the parking requirements for an auditorium, a gymnasium and an athletic field if they are included.        |
| 27. Self-Service Laundry or Dry Cleaning Stores   | One (1) space for each two (2) washing and dry-cleaning machines plus one (1) space for each employee working during maximum employment hours.   |

28. Supermarket, self-service Two (2) spaces for each five hundred (500) square feet of floor area, plus one (1) space for each employee working during maximum employment hours.
29. Wholesale and Warehouses One (1) space for each one thousand (1,000) square feet of floor area, plus one (1) space for each employee working during maximum hours.
30. If a use is not specifically listed, the parking requirements of a similar or related use shall apply as determined by the Zoning Board of Appeals.

**Section 16.05 - Off-Street Loading and Unloading Requirements**

In connection with every use, except single family, two family and multiple family dwelling unit structures, there shall be provided on the same lot with such buildings, off-street loading and unloading spaces for permitted or special uses which customarily receive or distribute material or merchandise or provide services by vehicle as follows:

- A. Plans and specifications showing required loading and unloading spaces, including the means of ingress and egress and interior circulation, shall be submitted to the Zoning Administrator for review at the time of application for a Zoning Permit for the establishment or enlargement of a use of land, building or structure.
- B. Each off-street loading-unloading space shall not be less than ten (10) feet in width, eighty (80) feet in length, and, if a roofed space, be not less than fifteen (15) feet in height.
- C. A loading-unloading space may occupy all or any part of any required side or rear yard; except the side yard adjacent to a public road in the case of a corner lot. No part of a required front yard may be occupied by a loading space.
- D. A loading-unloading space shall not be located closer than fifty (50) feet to any residential lot or parcel unless wholly within a completely enclosed building, or unless enclosed on all sides by a wall, fence, or compact planting not less than six (6) feet in height.
- E. When two (2) or more uses are located on a lot or parcel, the total requirements for off-street Loading-unloading facilities shall be the sum of all the uses computed separately.
- F. All off-street loading-unloading facilities that make it necessary to back out directly into a public road shall be prohibited.
- G. Off-street loading space and access drives shall be paved, drained, lighted and shall have appropriate bumper or wheel guards where needed.
- H. All lights used for illumination shall be so arranged as to reflect the light away from the adjoining premises and roads, and no light source shall be visible beyond the property lines of a lot or parcel upon which they are located.

- I. Off-street loading-unloading requirements for hotels, motels, hospitals, mortuaries, public assembly, offices, retail, wholesale, industrial or other uses similarly involving the receipt or distribution by trucks, having over five thousand (5,000) square feet of gross floor area, shall be provided with at least one (1) off-street loading-unloading space, and for every additional twenty thousand (20,000) square feet of gross floor space or fraction thereof shall provide one (1) additional loading-unloading space.
- J. If a use is not specifically listed, the requirements of a similar or related use shall apply, as determined by the Zoning Board of Appeals.

**Section 16.06 - Frontage Roads and Service Drives**

- A. Frontage roads and service drives may be required by the Planning Commission for all uses within the MDR, CSC, HSC and I Districts; if required, frontage roads and service drives shall be subject to the Special Permit requirements and part of the plan review and as provided hereafter:
  - 1. Minimum Widths: Minimum widths of thirty (30) to thirty-six (36) feet, measured face-to-face of curb with an approach width of 39 feet at intersections.
  - 2. Drainage: Frontage road and service drive intersections at the arterial Street shall be designed such that drainage from impervious areas located outside of the public right-of-way, which are determined to be in excess of existing drainage from these areas, shall not be discharged into the highway drainage system absent the approval of the Crawford County Road Commission.
  - 3. Setbacks: Frontage roads shall have a minimum setback of thirty (30) feet from the right-of-way, with a minimum of sixty (60) feet of approach space at the intersection. At driveways where it is reasonably anticipated that the traffic volumes will exceed one thousand (1,000) vehicles per day, a minimum of eighty (80) feet of approach space shall be required.
  - 4. Surface and Curb Construction: Frontage roads shall be constructed of permanent asphalt or concrete material and the shoulder shall be paved and curbed from the edge of pavement to either right-of-way line or point of curvature.
  - 5. Maintenance of Directional Signs and Pavement Marking: In order to ensure smooth traffic circulation on the site, direction signs and pavement markings shall be installed at the driveway(s) as required by the Planning Commission as part of the site plan review process and approved by the Crawford County Road Commission and shall be maintained on a permanent basis by the property owner.
  - 6. Location of Frontage Road Intersections: The frontage road intersections shall be located along a public street at a minimum distance of one hundred fifty (150) feet from the centerline of the nearest intersecting public street.

7. **Parking on Frontage of Service Roads:** Parking may be prohibited along two-way frontage roads and service drives that are constructed at a minimum thirty (30) foot width. One-way roads or two-way roads designed with additional width for parallel parking may be allowed if it can be reasonably demonstrated through traffic studies that on-street parking will not significantly affect the capacity, safety or operations of the frontage road or service drive. Perpendicular or angle parking along either side of a designated frontage road or service drive shall be prohibited.

## **Article XVII - Sign Regulations**

### **Section 17.01 - Purpose**

The purpose of this Article is to regulate on-site signs and outdoor advertising so as to protect the health, safety and general welfare, to protect property values, and to protect the character of the various districts in the Township. The principal features are the restriction of advertising to the use of the premises on which the sign is located and the restrictions of the total sign area permissible per site. Any sign placed on land or on a building for the purpose of identification or for advertising a use conducted on the premises shall be deemed an accessory use. It is intended that the display of signs will be appropriate to the land, building, or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification or advertisement. With respect to signs advertising business uses, it is specifically intended, among other things, to avoid excessive competition and clutter among sign displays. Outdoor advertising signs (billboards), which advertise products or businesses not connected with the site or building on which they are located, are deemed to constitute a principal use of a lot.

### **Section 17.02 - Definitions**

- A. **Abandoned Sign:** A sign, which no longer advertises or identifies a business, lessor, owner, or activity conducted upon or product available on the premises where such sign is displayed.
- B. **Billboard:** See "Outdoor Advertising Sign".
- C. **Business District or Shopping Center:** A group of two (2) or more stores, offices, research or manufacturing facilities which collectively have a name different than the name of any of the individual establishments and which have common off-street parking and entrance facilities.
- D. **Canopy or Marquee Sign:** Any sign attached to or constructed within or on a canopy or marquee.
- E. **District:** Zoning District as established by the Township Zoning Ordinance.
- F. **Free Standing Sign:** A sign supported by a structure independent of any other structure.
- G. **Height of Sign:** The vertical distance to the top edge of the copy area or structure, whichever is higher, as measured from the adjacent street grade.
- H. **Identification Sign:** A sign which carries only the name of the firm, the major enterprise, of the principal product or service offered for sale on the premises or a combination of these things only

to identify location of said premises and not to advertise. Such signs shall be located only on the premises on which the firm or major enterprise is situated, or on which the principal product is offered for sale.

- I. Off-Site Sign: (Off-Premises Sign) - A sign other than an on-site sign.
- J. On-Site Sign: (On-Premises Sign) - A sign which advertises or identifies only goods, services, facilities, events, or attractions on the premises where located.
- K. Outdoor Advertising Sign: A sign, including billboards, on which the written or pictorial information is intended to advertise a use, product, service, goods, event or facility located on other premises, and which is intended primarily for advertising purposes.
- L. Sign: Any structure or part thereof, or device attached thereto or painted or represented thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, code mark or other representation used as, or in the nature of, an announcement, advertisement, direction or designation, of any person, firm, organization, place, commodity, service, business, profession, or industry, which is located upon any land or in any building, in such manner as to attract attention from outside the premises. Signs not exceeding one (1) square foot in area bearing only property numbers, mail box numbers or names of occupants of premises shall not be defined as such.
- M. Temporary Sign: A sign that is intended to be displayed for a limited period of time.
- N. Wall Sign: A sign attached to or erected against the wall of a building with the face in a plane parallel to the plane of the building wall.
- O. Window Sign: A sign installed on or in a window for purposes of viewing from outside the premises. This term does not include merchandise located in a window.
- P. Portable Sign: Any sign not permanently attached to the ground, a building or structure.

### **Section 17.03 - General Sign Regulations**

The following regulations shall apply to all signs in the Township:

#### **A. Illuminated Signs:**

1. LDR and MDR Districts - only indirectly illuminated signs shall be allowed, provided such sign is so shielded as to prevent direct light rays from being visible from the public right-of-way or any adjacent residential property.
2. In CSC, HSC and I Districts - indirectly or internally illuminated signs are permitted providing such sign is so shielded as to prevent direct light rays from being visible from the

public right-of-way or any adjacent residential property.

- B. Measurement of Sign Area: The area of a sign shall be computed as including the entire area within a regular geometric form or combination of such forms comprising all the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing copy or display materials shall not be included in computation of sign area. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, unless specifically stated otherwise elsewhere in this Ordinance.
- C. Height of Signs: No freestanding sign shall exceed a height of twenty-five (25) feet.
- D. Setback Requirements for Signs: Except where specified otherwise in this Ordinance, all signs shall be set back a minimum of one-half (1/2) the yard requirements as measured from the road right-of-way line.

#### **Section 17.04 - Signs Permitted in All Districts**

Subject to the other conditions of this Ordinance, the following signs shall be permitted anywhere within the Township:

- A. Off-premise signs which bear names, information and emblems of service clubs, places of worship, civic organizations, and quasi-public uses shall be permitted on private property with permission of the Planning Commission. Each sign shall be no more than nine (9) square feet in area, shall not exceed a height of eight (8) feet, and shall be set back a minimum of ten (10) feet from the road right-of-way line.
- B. Signs which direct traffic movement onto or within a property and which do not contain any advertising copy or log, and which do not exceed nine (9) square feet in area for each sign. Horizontal directional signs, on and flush with paved areas may exceed nine (9) square feet. A directional sign shall be located on the lot or parcel behind the road right-of-way line.
- C. One church announcement bulletin shall be permitted on any side which contains a church regardless of the district in which located, provided said bulletin does not exceed thirty-two (32) square feet in area and a height of six (6) feet, and is set back a minimum of ten (10) feet from the road right-of-way line.
- D. Reflective green signs, with lettering being approximately three (3) inches in height, which are standard in design and size for the purpose of showing the address of all properties, shall be allowed at driveways to houses or along streets where there is no driveway.

#### **Section 17.05 - Prohibited Signs**

The following signs are prohibited:

- A. Miscellaneous Signs and Posters: Tacking, pasting, or otherwise affixing of signs or posters visible from a public way, (except “no trespassing”, “no hunting”, “beware of animal”, “warning” or “danger” signs, and other legal postings as required by law) located on trees, poles, posts, fences or

on the walls of buildings, barns, or sheds is prohibited.

- B. Banners: Pennants, banners, searchlights, twirling signs, sandwich board signs, sidewalk or curb signs, balloons, or other gas-filled figures are prohibited except as provided in Section 17.10(G) - "Temporary Signs".
- C. Swinging Signs: Signs, which swing or otherwise noticeably move as a result of wind pressure because of the manner of suspension or attachment are prohibited.
- D. Moving Signs: Except as otherwise provided in this Article, no sign or any portion thereof which moves or assumes any motion constituting a non-stationary or fixed condition shall be permitted.
- E. Abandoned Signs: Signs that advertise an activity, business, product or service no longer conducted or available on the premises on which the sign is located shall be prohibited.
- F. Unclassified Signs:
  - 1. Signs, which imitate an official traffic, sign or signal, which contains the words "stop", "go slow", "caution", "danger", "warning," or similar words, except as otherwise, provided in this Article.
  - 2. Signs which are of a size, location, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or road sign or signal or which obstructs the view in any direction at a road intersection.
  - 3. Signs, which contain statements, words or pictures of an obscene, pornographic or offensive based upon community standards.

#### **Section 17.06 - Permitted Signs in RD and AR Districts**

- A. Each sign advertising the type of forest or farm products grown on the premises shall not exceed nine (9) square feet in area.
- B. One identification sign shall be permitted for each public road frontage for a vehicle entrance, for a school, church building or other authorized use or lawful Nonconforming use, except home occupations. Each sign shall not exceed twenty-five (25) square feet in area and eight (8) feet in height.

#### **Section 17.07 - Permitted Signs in LDR and MDR Districts**

- A. One identification sign shall be permitted for each public road frontage, for a subdivision, multiple family building developments, Mobile Home Park and each permissible business. Each sign shall not exceed twenty-five (25) square feet in area. One additional sign advertising, "For Rent" or "Vacancy" may be placed on each public road frontage of a rental residential development provided that such sign shall not exceed nine (9) square feet in area and is incorporated into the identification sign. Each sign shall be located behind the right-of-way line of any public road.

- B. One identification sign shall be permitted for each public road frontage for a vehicle entrance for a school; church, public building, or other authorized use or lawful Nonconforming use, except home occupations. Each sign shall not exceed twenty-five (25) square feet in area and eight (8) feet in height.

**Section 17.08 - Permitted Signs in CSC, HSC and I Districts**

On-site canopy or marquee signs, wall signs, and freestanding signs are allowed, subject to the following.

- A. Signs permitted for single buildings on developed lots or group of lots developed as one lot, not in a shopping center, not subject to Section 17.08.B, are subject to the following:
1. Each developed lot or parcel shall be permitted at least eighty (80) square feet of sign area for all exterior on-site signs. The area of exterior on-site signs permitted for each lot or parcel shall be determined as two (2) square feet of sign area or each one (1) linear foot of building length, which faces on a public road. The maximum area for all exterior on-site signs for each developed lot or parcel shall be two hundred (200) square feet. No freestanding identification sign shall exceed one hundred (100) square feet in area. No exterior wall sign for businesses without ground floor frontage shall exceed twenty-four (24) square feet in area.
  2. Each developed lot or parcel shall be permitted two (2) exterior on-site signs. For every developed lot or parcel which is located at the intersection of two (2) collector or arterial roads or highways as classified in the "Master Plan" three (3) exterior on-site signs shall be permitted. Only one (1) freestanding identification sign shall be permitted on any single road. All businesses without ground floor frontage shall be permitted one (1) combined exterior wall sign, in addition to the number of signs allocated to the developed lot or parcel. The total area of all exterior signs shall not exceed the total sign area permitted in Section 17.08(A) (I).
  3. Each sign shall pertain exclusively to the name and type of business carried on within the building.
- B. Signs permitted for a shopping center or other integrated group of stores, commercial buildings, office buildings or industrial buildings, not subject to Section 17.08(A), is subject to the following:
1. Each shopping center or commercial district shall be permitted one (1) freestanding identification sign for each collector or arterial road or highway, as classified in the "Master Plan" that it faces. Each sign shall state only the name of the shopping center and major tenants located therein. The sign area shall be determined as one (1) square foot for each one (1) linear foot of building, which faces one public road. The maximum area for each freestanding sign shall be two hundred (200) square feet. Tenants of shopping center shall not permit individual freestanding identification signs.
  2. Each business in a shopping or commercial district with ground floor frontage shall be



permitted one exterior wall sign. The area for such an exterior wall sign shall be computed as one (1) square foot for each one (1) linear foot of building frontage occupied by the business. All businesses without ground floor frontage shall be permitted one (1) combined exterior wall sign not more than twenty-five (25) square feet in area. Each sign shall pertain exclusively to the name and type of business carried on within the building.

- C. Window signs shall be permitted and shall not be included in total sign area computation if said signs do not occupy more than twenty-five (25%) percent of the total window area of the floor level on which displayed or exceeds a total of two hundred (200) square feet for any one building. If window signs occupy more than twenty-five (25%) percent of said window area or exceed a total of two hundred (200) square feet for any one building, they shall be treated as exterior signs and shall conform to Section 17.08(A)(1) and 17.08(B)(2).
- D. A time and temperature sign shall be permitted in addition to the above conditions, provided that ownership identification or advertising copy does not exceed ten (10%) percent of the total sign area and further provided that the total area of the sign does not exceed thirty (30) square feet.
- E. In addition to the provisions of Sections 17.08(A) and (B) above, an automobile service station may have one (1) additional sign for each public road or highway frontage for a vehicle entrance, for the purpose of advertising gasoline prices and other services provided on the premises. Said sign shall be mounted on a free-standing structure or on the structure of another permitted sign, provided that clear views of road traffic by motorists or pedestrians are not obstructed in any way. Said sign shall not exceed eight (8) square feet in area and shall not advertise the brand name of gasoline or other materials sold on the premises.

#### **Section 17.09 - Outdoor Advertising Signs (Billboards)**

- A. Outdoor advertising signs are permitted only on lots in the CSC, HSC and I Districts. Additional signs shall only be placed after obtaining a Special Use Permit.
- B. Where two (2) or more outdoor advertising 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.
- C. The total surface area, facing in the same direction, of any outdoor advertising sign, shall not exceed three hundred (300) square feet. Signs may be single or double-faced and shall contain no more than two (2) faces or panels.
- D. Outdoor advertising signs shall not exceed twenty (20) feet in height from ground level.
- E. Outdoor advertising signs shall not be erected on the roof of any building, nor have one sign above another.
- F. In addition to the Permits and Fees requirements of Section 17.13 hereafter for new outdoor advertising signs, the owners of all such signs shall furnish the Township Zoning Administrator

a copy of the annual State Permit required under Act 106 of 1972, as amended (MCL 252.301, et seq.) within thirty (30) days of receiving such permit. If no State Permit is obtained or required pertaining to any outdoor advertising sign, then the sign owner shall apply annually to the Township Zoning Administrator on the appropriate form for a Township Permit to be able to continue to maintain such sign. Any permit issued shall comply with all provisions of this section and of the Zoning Ordinance and shall be subject to the payment of an annual permit fee to the Township in the amount as determined by the Township Board.

### **Section 17.10 - Temporary Signs**

On-site temporary exterior signs may be erected in accordance with the regulations of this Article.

- A. In all districts, one (1) sign for each public road frontage advertising a recorded subdivision or development shall be permitted. Each sign shall not exceed twenty-five (25) square feet in area. Each sign shall be removed within one (1) year after the sale of seventy (70%) percent of all lots or units within said subdivision or development.
- B. One (1) sign on each public road frontage of a new permissible multiple family development advertising the new dwelling units for rent or sale, not to exceed twenty-five (25) square feet in area shall be permitted. Each sign shall be removed within sixty (60) days of the initial rental or sale of seventy (70%) percent of the dwelling units within the development.
- C. One identification sign shall be permitted for all building contractors, one for all professional design firms and one for all lending institutions on sites under construction, each sign not to exceed nine (9) square feet in area, with not more than a total of three (3) such signs permitted on one site. If all building contractors, professional design firms and lending institutions combine together in one identification sign, such sign shall not exceed twenty-five (25) square feet in area with not more than one sign permitted on one site. Signs shall have a maximum height of ten (10) feet and shall be confined to the site of the construction, construction shed or construction trailer and shall be removed within fourteen (14) days after final inspection by the Zoning Administrator.
- D. Temporary real estate direction signs, not exceeding three (3) square feet in area and four (4) in number, showing a directional arrow and placed back of the road right-of-way line, shall be permitted on approach routes to an open house. Signs shall not exceed three (3) feet in height.
- E. Temporary signs announcing any annual or semi-annual public, charitable, educational or religious event or function, located entirely within the premises on which the event or function is to occur, shall be permitted. Maximum sign area shall not exceed twenty-five (25) square feet. Signs shall be allowed no more than twenty-one (21) days prior to the event or function. If building mounted, signs shall be flat wall signs and shall not exceed six (6) feet in height. Signs shall be set back in accordance with Section 23.03(D) of this ordinance.
- F. In LDR, MH and MDR Districts, one (1) temporary real estate "For Sale", "For Rent", or "For Lease" sign, located on the property and not exceeding nine (9) square feet in area shall be permitted. In the CSC, HSC and I Districts, one (1) sign of this type shall be permitted, provided it does not exceed twenty-five (25) square feet in area and is set back in accordance with Section

17.03(D) of this Ordinance. If the lot or parcel has multiple street frontages, one (1) additional sign not exceeding nine (9) square feet in area in the LDR, MH and MDR Districts and thirty-two (32) square feet in area in the CSC, HSC and I Districts is permitted. In no circumstances shall more than two (2) such signs be permitted on a lot or parcel. Such signs shall be removed within seven (7) days following the sale, rent or lease. In no case, shall a sign list the sale, rent, or lease of a building, which is not located on the property on which the sign is located.

- G. Banners, pennants, searchlights, balloons, or other gas-filled figures are permitted in CSC, HSC and I Districts for a period not to exceed thirty (30) consecutive days. Such signs and objects shall not obstruct pedestrian or vehicular view.

**Section 17.11 - Exempted Signs**

The following types of signs are exempted from all provisions of this Ordinance, except for construction and safety regulations and the following standards:

- A. Signs of a non-commercial nature and in the public interest, erected by, or on the order of a public officer, in the performance of a public duty, such as directional signs, regulatory signs, warning signs, and informational signs.
- B. Political campaign signs announcing candidates seeking public political office and other data pertinent thereto, except as prohibited in Section 17.05(A), providing that these signs shall be removed within seven (7) days after the date of the election for which they were posted.
- C. Names of brands, manufacturer's labels and logos, date of erection, monument citations, commemorative tablets, and the like, when carved into stone, concrete, metal or similar material or made of other permanent type construction and made an integral part of the structure.

**Section 17.12 - Nonconforming Signs**

Nonconforming signs shall not be reestablished after the activity, business, or usage to which it relates has been discontinued for one (1) year or longer.

**Section 17.13 - Permits and Fees**

- A. Application for a permit to erect or replace a sign shall be made by the owner of the property or his authorized agent, to the Zoning Administrator, by submitting the required forms, fees, exhibits and information. Fees for sign permits for all signs erected pursuant to Sections 17.04, 17.06, 17.07, 17.08, 17.09 and 17.10 shall be established by the Beaver Creek Township Board of Trustees in a Fee Schedule.
- B. An application for a sign permit shall contain the following information:
  - 1. The applicant's name and address in full, and a complete description of his relationship to the property owner.
  - 2. If the applicant is other than the property owner, the signature of all of the property owners

shall be included in a submittal of said application.

3. The address of the property.
  4. An accurate scale drawing of the property showing the location of all buildings or structures, and their uses, along with the location of the proposed sign.
  5. A complete description and scale drawings of the sign, including all dimensions and the area in square feet.
- C. All proposed sign locations or relocations shall be inspected on the site by the Zoning Administrator for conformance to this Ordinance prior to placement on the site of foundations and shall be inspected by the Zoning Administrator on the site prior to pouring of the concrete for the sign support structure.
- D. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six (6) months after the date of the permit. Said sign permit may be extended for a period of thirty (30) days upon request by the applicant and approval of the Zoning Administrator.
- E. Painting, repainting, cleaning and other normal maintenance and repair of a sign or a sign structure, unless a structural or size change is made, shall not require a sign permit.

#### **Section 17.14 - Removal of Signs**

Signs erected or maintained in violation of this Ordinance shall be removed by the sign owner, property owner or occupant of the premises within thirty (30) days following mailing of an order to such owner of the Zoning Administrator. It shall be presumed that unless a sign states the name of the owner of the sign on its structure that the sign is owned by the owner of the real property where the sign is located.

#### **Article XVIII - Site Plan Review Procedures**

##### **Section 18.01 - Purpose**

The purpose of this Article is to establish uniform requirements of procedure for all developments in the Township so that the provisions of this Zoning Ordinance can be equitably and fairly applied to all persons seeking to add to the existing development; so that both those developing property and the responsible Township officials can be assured that compliance with the Zoning Ordinance is both possible and correct prior to the issuance of a Zoning Permit and the starting of construction.

##### **Section 18.02 - Developments Requiring Site Plan Approval**

The following land, building and structural uses require "Site Plan Approval" by the Planning Commission:

- A. All principal and special uses and their accessory uses in the CSC, HSC, MH and I Districts.

- B. All special uses and their accessory uses in all RD, AR and other residential districts.
- C. All condominiums and site-condominiums, including single-family residence and two (2) family residence site condominiums.
- D. All Planned Unit Developments.
- E. All subdivisions under the Subdivision Control Act and the Land Division Act.

**Section 18.03 - Developments not Requiring Site Plan Approval**

- A. Single-family and two (2) family homes and their accessory uses in the RD, AR, LDR and MDR Districts.
- B. General or specialized forestry and farming and their accessory uses and roadside stands in the RD, AR, LDR and MDR Districts.

**Section 18.04 - Role of the Zoning Administrator**

The Zoning Administrator may approve a conforming preliminary site plan and shall be the site plan reviewer for compliance with the Zoning Ordinance. The Zoning Administrator may approve a final conforming site plan where Planning Commission approval is not required.

**Section 18.05 - Site Plan Approval Required Prior to Starting Construction or Use of Land**

No grading, removal of trees or other vegetation, land filling, or construction of improvements shall commence for any development which requires site plan approval, until a final site plan is approved and is in effect, except as provided in this Article.

**Section 18.06 - Preliminary Conference-on Proposed Site Plan**

An applicant may request a meeting with the Township Planning Commission for the purpose of reviewing and discussing a proposed preliminary site plan for the purpose of determining the feasibility of the project, which the site plan represents. The request may be put on the agenda of a regularly scheduled meeting or on the agenda of a special meeting at the request of the applicant who shall pay the established fee for such a special meeting.

**Section 18.07 - Preliminary Site Plan Requirements**

A. Application

Any person may file a request for preliminary site plan approval by filing the required forms with the Zoning Administrator, payment of the review fee, and providing at least seven (7) copies of a preliminary site plan drawing(s) and other documents. Upon receipt of such application, the Zoning Administrator shall transmit the preliminary site plan drawing(s) and other documents to the Township Planning Commission.

B. Information Required for Review

Every preliminary site plan submitted under this Article shall contain information required by these regulations for site plan review.

C. Township Planning and Zoning Commission Action

The Commission shall study the plan and shall, within sixty (60) days of the filing date, approve with conditions or approve or deny the preliminary site plan. If denial is decided the Commission shall prepare a report setting forth the conclusions of its study and the reasons for its denial. The time limit may be extended upon a written request by the applicant and approved by the Commission, or by mutual written agreement between the Commission and the applicant.

D. Effect of Approval

Approval of a preliminary site plan by the Commission shall indicate its acceptance of the proposed layout of buildings, roads and drives, parking areas, and other facilities and areas, and of the general character of the proposed development. The Commission may, with appropriate conditions attached, authorize issuance of a grading permit by the Zoning Administrator on the basis of an approved preliminary site plan. The conditions to be attached to a permit issued for grading and foundation work may include, but not necessarily be limited to, provisions for control of possible erosion, for excluding the Township from any liability, if an acceptable plan is not provided, and for furnishing a financial guarantee for restoration of the site if work does not proceed. Site plan approval requires that the applicant meet all of the requirements of the Natural Resources And Environmental Protection Act, 1994 PA 451, as amended, and the rules promulgated under authority of this Act.

E. Expiration and Extension of Approvals

Approval of a preliminary site plan shall be valid for a period of six (6) months from the date of approval and shall expire and be of no effect unless an application for final site plan approval is filed with the Zoning Administrator within that time period. A six (6) month extension may be granted upon written request of the applicant and approval of the Township Planning and Zoning Commission. The approval of the preliminary site plan shall also expire and be of no effect one (1) year after approval of a final site plan, unless a Zoning Permit has been obtained for development shown on the approved final site plan within that time period.

**Section 18.08 - Final Site Plan Requirements**

A. Application

Following approval of a preliminary site plan or if no preliminary site plan is required and is not requested, the applicant shall submit seven (7) copies of a final site plan as well as other data and exhibits hereinafter required to the Zoning Administrator, the review fee, and a completed application form. The Zoning Administrator, upon receipt of the application and special meeting fee, shall promptly transmit the final site plan to the Township Planning Commission.

B. Information Required for Review

Every final site plan submitted for review under this Article shall contain information as required by these regulations for site plan review and as required by Sections 18.09 and 19.04(B), including the layout of present and proposed buildings, structures, roads, driveways, lighting, utilities, surface drainage, sewage and septic facilities, water facilities, screening, signs and landscaping. The site plan shall consist of an accurate, reproducible drawing at a scale of one (1") inch = one hundred (100') feet or less, showing the site and all the land within three hundred (300') feet of the site, as well as a text description.

C. Township Planning Commission Hearing and Application

The Commission shall set the final site plan for public hearing within sixty (60) days of the date of the commission meeting at which the plan was received. Notice of the public hearing shall be posted as required by the Open Meetings Act and shall be published and mailed in accordance with the Michigan Zoning Enabling Act, PA 110 of 2006, as amended. The Commission shall approve, approve with conditions, or deny said final site plan within thirty days (30) following the public hearing. This time limit may be extended upon a written request by the applicant and approved by the Commission, or by mutual written agreement between the Commission and the applicant. The Commission may suggest and/or require changes in the plan as needed to comply with the Zoning Ordinance. Upon the Commission approval of the final site plan, the applicant and owners of record, and the Zoning Administer or a designated alternate, shall sign the approved plan. The Commission shall transmit one (1) signed copy of the approved final site plan to the Zoning Administrator, Township Clerk, and the applicant. If the final site plan is disapproved, the Commission shall notify the applicant, in writing, of such action and reason.

D. Effect of Approval

Approval of a final site plan authorizes issuance of a Zoning Permit. Approval shall expire and be of no effect after six (6) months following approval by the Commission, unless a Zoning Permit is applied for and granted within that time period. Approval shall expire and be of no effect one (1) year following the date of issuance of the Zoning Permit unless authorized construction has begun on the property in conformance with the approved final site plan.

**Section 18.09 - Criteria for Site Plan Review**

In reviewing a preliminary or final site plan, the Township Planning Commission shall ascertain whether the proposed site plan is consistent with the regulations and objectives of this Ordinance and shall endeavor to assure that said plan conforms to the following criteria:

A. Preservation of Natural Environment

Existing conditions of the natural environment shall be preserved in their natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of adjacent and surrounding uses and development.

B. Relationship of Proposed Land, Building, and Structural Uses To The Environment

Proposed uses and structures shall be related harmoniously to the natural environment and to existing uses and structures in the vicinity that have a visual relationship to the proposed development. The achievement of such relationship may include;

1. Enclosure of space in conjunction with existing or proposed uses and structures;
2. Creation of special arrangements and focal points with respect to functional areas, avenues of approach, terrain features or other structures.

C. Drives, Parking and Circulation

With regard to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to the location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe, convenient and, insofar as practicable, do not adversely effect the design of proposed land, building and structures, or adjacent and surrounding development areas.

D. Surface Water Drainage

Special attention shall be given to proper site surface drainage so that the flow of surface waters will not adversely affect adjacent and surrounding properties or the public storm drainage system. If necessary, storm water shall be removed from all roofs, canopies and paved areas and carried away in an underground piped drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, and will not create impounded water on the paved areas.

E. Utility Service

Electric power distribution lines and telephone lines shall be underground. Any utility installations remaining above ground shall be located so as to have a harmonious relationship to adjacent properties and the site. The proposed method of sanitary sewage disposal from all buildings shall be indicated. All utility installations shall be carried out in accordance with the Standard Rules and Regulations of current adoption of the Michigan Public Service Commission.

F. Advertising Features

The size, location and lighting of all permanent signs and outdoor advertising structures or features, shall be consistent with the requirements of Article XVII "Sign Regulations".

G. Special Features

Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility



buildings and structures, and similar accessory areas and structures, shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing natural and developed environment of adjacent and surrounding properties.

H. Additional Requirements

All other standards and requirements of this Article must be met by site plans presented for review.

**Section 18.10 - Modification of Procedure**

An applicant may, at his/her/its discretion and risk, combine a preliminary and final site plan in application for approval. In such a situation, the portion of the review process concerning preliminary site plan application and review may be waived by the Planning Commission. The Commission shall have the authority to require submittal of a preliminary site plan separate from a final site plan where, in its opinion, the complexities and/or scale of the site of the proposed development so warrants.

**Section 18.11 - Amendment of an Approved Site Plan**

A site plan may be amended upon application and in accordance with the procedure provided in Section 18.07 for a preliminary site plan, and Section 18.08 for a final site plan. Minor changes in a preliminary site plan may be incorporated in a final site plan. Minor changes in a preliminary site plan may be incorporated in a final site plan without amendment to the approved preliminary site plan at the discretion of the Planning Commission. The Commission shall have the authority to determine if a proposed change requires an amendment to the approved site plan.

**Section 18.12 - Modification During Construction**

All improvements shall conform to the approved final site plan. If the applicant chooses to make any changes in the development in relation to the approved final site plan, the applicant shall do so at his/her/its own risk, without any assurance that the Township Planning Commission will approve the changes. It shall be the responsibility of the applicant to notify the Zoning Administrator and the Commission in writing of any such changes. The Zoning Administrator or the Township Board may require the applicant to correct the changes so as to conform to the approved final site plan.

**Exception:** Corrections and/or additions to the site plan due to non-compliance under an ordinance or otherwise (BOCA), while under construction, may be requested by the Building or Zoning Administrator. If the Zoning Administrator feels it is out of their jurisdiction, the administrator has the ability to request a hearing with the Construction Board of Appeals.

**Section 18.13 - Phasing of Development**

The applicant may, at his/her/its discretion, divide the proposed development into two (2) or more phases. In such case, the preliminary site plan shall clearly indicate the location, size, and character of each phase. A final site plan for each phase shall be submitted for approval.

### **Section 18.14 - Inspection**

All sub-grade improvements such as utilities, sub-base and base installations for drives, parking lots and similar improvements, shall be inspected by the Zoning Administrator and approved prior to covering. The Zoning Administrator shall be responsible for the inspection of all improvements for conformance to the approved final site plan. The applicant shall be responsible for requesting the necessary inspections. The Zoning Administrator shall notify the Commission in writing, when a development for which a final site plan was approved does not pass inspection with respect to the approved final site plan, and shall advise the Commission of steps taken to achieve compliance. In such case, the Zoning Administrator shall periodically notify the Commission of progress towards compliance with the approved final site plan and when compliance is achieved. The fee schedule established by the Township Board of Trustees shall include a special schedule of fees to cover large and costly projects so as to adequately cover the costs of the inspections of such projects as required under the provisions of this Ordinance.

### **Section 18.15 - Fees**

A schedule of fees for the review of site plans and inspections as required by this Article shall be established and may be revised by the Township Board of Trustees by resolution upon the recommendation of the Planning Commission with the assistance of the Zoning Administrator.

### **Section 18.16 - Performance Guarantees**

- A. Fees for issuance of permits or certificates required under this Ordinance shall be deposited with the Zoning Administrator in advance of processing any application or issuance of any permit. The amount of such fees shall be established by the Township Board of Trustees by resolution and shall cover the cost of inspection and supervision resulting from the enforcement of this Ordinance. Such fees may include all costs associated with conducting a public hearing or inspection, including; newspaper notice(s), postage, photocopying, mileage, any costs associated with reviews by qualified professional planners, engineers or attorneys along with time spent by staff, Planning Commission, Board of Trustees and/or Zoning Board of Appeals. Such fees may be collected in escrow with any remaining balance returned to the applicant according to the procedure described below:
- B. For any application for approval of a Site Plan, Special Land Use, Planned Unit Development, variance, or other use or activity requiring a permit under this Ordinance, either the Zoning Administrator or the Planning Commission may require the deposit of fees be held in escrow in the name of the applicant. An escrow fee shall be required for any project with more than ten (10) dwelling units, more than ten thousand (10,000) square feet of enclosed space, or which requires more than twenty (20) parking spaces. An escrow fee may be requested for any other project which may, in the discretion of the Zoning Administrator or Planning Commission, create an identifiable and potentially negative impact on Public infrastructure or services, or on adjacent properties, and because of which, professional input is desired before a decision to approve, deny, or approve with conditions is made.
- C. The escrow shall be used to pay professional review expenses of engineers, community planners, and any other professionals whose expertise the Zoning Administrator, Planning Commission or Township Board of Trustees request to review the proposed application and/or site plan of an

applicant. Professional review shall result in a report to the Township indicating the extent of conformance or nonconformance with this Ordinance and to identify any problems, which may create a threat to public health, safety or the general welfare. Mitigation measures or alterations to a proposed design may be required where they would serve to lessen or eliminate identified impacts. The applicant shall receive a copy of any professional review hired by the Township and a copy of the statement of expenses for the professional services rendered.

- D. No application for approval for which an escrow fee is requested will be processed until the escrow fee is deposited with the Zoning Administrator in the amount of the cost of the services to be rendered by the professionals contracted by the Zoning Administrator. The applicant is entitled to a refund of any unused escrow fees at the time a permit is either issued or denied in response to the applicant's request.
- E. If actual and reasonable professional review costs exceed the amount of an escrow, the applicant shall pay the balance due prior to receipt of any Zoning Permit or other permit issued by the Township in response to the applicant's request.
- F. Whenever the buildings, structures, and uses set forth in any application are in conformance with the provisions of the Ordinance, or a variance granted by the Zoning Board of Appeals, the Zoning Administrator shall issue the appropriate permit. In any case where a permit is refused, the reasons shall be stated in writing to the applicant. The Zoning Administrator shall not refuse to issue a permit when the procedures, standards, and/or conditions imposed by this ordinance are complied with by the applicant, despite violations of contracts, covenants, deed restrictions, or other private agreements which may occur upon the granting of said permits

### **Section 18.17 - Violations**

The approved final site plan shall regulate development of the property. Any violation of this Article, including any improvement not in conformance with an approved final plan, shall be deemed a violation of this Article and shall be subject to the penalties of this Ordinance.

## **Article XIX - Administration and Enforcement**

### **Section 19.01 Purposes**

The purpose of this Article is to provide for the organization of personnel and procedures for the administration of the Ordinance, including the submittal and review of land use and development plans, issuance of land and structural use zoning permits, inspections of properties for compliance with the Zoning Map and regulations, establishment and collection of permit fees, handling of violators and enforcement of the provisions of this Ordinance and any amendments to it.

### **Section 19.02 - Administration**

The provisions of this Ordinance shall be administered by the Planning Commission and such personnel as designated by the Township Board of Trustees in accordance with the Michigan P.A. 168 of 1959 as amended, "Township Planning Act", P.A. 110 of 2006, "Michigan Zoning Enabling Act" as amended, and this Zoning Ordinance. The Planning Commission shall schedule at least two regularly scheduled meetings each year, to be published once in a newspaper of general circulation within the township within fifteen (15) days of determination, in addition to the notice requirements for public

hearings.

The Township Board of Trustees shall employ a Zoning Administrator who shall act as the officer to carry out the administration and enforcement of this Ordinance. The person selected, the terms of employment and the rate of compensation shall be established by the Township Board of Trustees.

**Section 19.03 - Duties of Zoning Administrator**

- A. Receive and review all applications for Zoning Permits and approve or disapprove such applications based on compliance with the provisions of this Ordinance and shall approve issuance of the permit, if the use and the requirements of this Ordinance are met.
- B. The Zoning Administrator shall assist the Township Board, the Planning Commission and the Zoning Board of Appeals in the processing and administering of all zoning appeals, variances, special use permits, planned unit developments and amendments to the Zoning Ordinance.
- C. The Township Clerk, with the assistance of the Zoning Administrator, shall be responsible to update the official Township Zoning Map and keep it current.
- D. The Zoning Administrator shall prepare and submit to the Township Planning Commission a written record of all zoning permits issued during each month. The record shall state the owner's name location of property, intended use and estimate cost of construction for each permit.
- E. Maintain written records of all actions taken by the Zoning Administrator.

**Section 19.04 - Zoning Permit**

- A. Zoning Permit Requirements: A Zoning Permit is required for and shall be obtained after the effective date of this Ordinance from the office of the Zoning Administrator by the owner or designated agent subject to the following conditions:
  - 1. The administrative coordination of Zoning Permits issued by the Township and Building Permits by the Building Inspector shall be in accordance with Section 3.12 of this Ordinance.
  - 2. In addition to matters requiring Zoning Permits under the terms of this Ordinance, the construction, enlargement, alteration or moving of any dwelling, building or structure or any part thereof, being used or to be used for agricultural, residential, commercial, industrial, public or semi-public purposes shall require a zoning permit.
  - 3. Repairs of a minor nature or minor alterations which do not change the use, occupancy or area of a building shall not require a Zoning Permit.
- B. Application for a Zoning Permit: Application for a Zoning Permit shall be made in writing upon a form furnished by the Zoning Administrator which shall include the following information:
  - 1. The names and signatures of the fee owner(s) and all other owners of the property involved

2. The location, shape, area and dimensions for the parcel(s), lot(s) or acreage, and all existing improvements on the lot or parcel
3. The location of the proposed construction upon the parcel(s), lot(s) or acreage affected
4. The dimensions, height and bulk of structures
5. The nature of the proposed construction, alteration, or repair and the intended use
6. The proposed number of sleeping rooms, dwelling units, occupants, employees, customers, and other uses
7. The present use of any structure affected by the construction or alteration
8. The yard, open area and parking space dimensions, if applicable
9. The proposed plan and specifications of off-street parking spaces, if applicable
10. The proposed plan and specifications of off-street loading and unloading spaces provided, if applicable
11. Any other information deemed necessary by the Zoning Administrator to determine and provide for the enforcement of this Ordinance. If the information included in and with the application is in compliance with these requirements and all other provisions of this ordinance, the Zoning Administrator shall issue a Zoning Permit upon payment of the required Zoning Permit fee.

C. Voiding of Permit: Any Zoning Permit granted under this Article shall be null and void unless a building permit is obtained and construction shall have commenced within one (1) year from the date of granting the permit. The Zoning Administrator shall notify the holder of the permit at least thirty (30) days prior to the expiration of the one (1) year period before violation or termination of the Zoning Permit is actually declared. The Zoning Administrator may suspend or revoke a Permit issued in error or on a basis of incorrect information supplied by the applicant or his/her/its agent or in violation of any of the ordinances or regulations of the Township.

D. Fees, Charges, and Expenses: The Township Board of Trustees shall establish by resolution a schedule of fees, charges, and expenses, and a collection procedure for Zoning Permits, appeals and other matters pertaining to this Ordinance. The schedule of fees shall be available in the Zoning Administrator's Office and may be altered or amended only by Township Board of Trustees resolution. No permit, certificate, special use approval, or variance shall be issued until such costs, charges, fees or expenses required by this Ordinance and the Township Board schedule have been paid in full, nor shall any action be taken on proceedings before the Zoning Board of Appeals, until preliminary charges and fees have been paid in full.

E. Inspection: The construction or usage affected by any Zoning Permit shall be subject to the following inspections:

1. At time of staking out of building foundation or location of structure.
2. Upon completion of the construction authorized by the permit.
3. It shall be the duty of the holder of every permit to notify the Zoning Administrator when construction is ready for inspection. Upon receipt of such notification for the first inspection, the Zoning Administrator shall determine whether the location of the proposed building, as indicated by corner stakes, is in accordance with yard setbacks and other requirements of the Ordinance.
4. Should the Zoning Administrator determine that the building or structure is not located according to the site and construction plans filed or is in violation of any provision of this Ordinance or any other applicable law, the Zoning Administrator shall so notify, in writing, the holder of the permit or their agent. Further construction shall be stayed until correction of the defects set forth have been accomplished, and upon notice and request for re-inspection by the applicant, those inspections have been completed and compliance certified by the Zoning Administrator.
5. Should a Zoning Permit holder fail to comply with the requirements of the Zoning Administrator at any inspection stage, the Zoning Administrator shall cause notice of such permit cancellation to be securely and conspicuously posted upon or affixed to the construction not conforming to the Ordinance requirements, and such posting shall be considered as service upon the permit holder of notice of cancellation thereof; and no further work upon said construction shall be undertaken or permitted until such time as the requirements of this Ordinance have been met. Failure of the permit holder to make proper notification of the time for inspection shall automatically cancel the permit, requiring issuance of a new permit before construction may proceed.

### **Section 19.05 Violations**

Any building or structure, including mobile homes, which are erected, constructed, reconstructed, altered, converted, maintained or changed in violation of any provision of this Ordinance, are hereby declared to be a nuisance per se, a violation of this ordinance and subject to the penalties of it.

### **Section 19.06 - Enforcement**

A. The Township Board, upon recommendation of the Zoning Administrator, may institute injunction, mandamus, abatement or any other appropriate action, actions or proceedings to prevent, enjoin, abate, or remove any unlawful erection, construction, maintenance or use of land, buildings or structures. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

B. Any person who violates, disobeys, neglect or refuses to comply with any provision of this Ordinance, any administrative decision made under this Ordinance or any permit or approval issued

under the Ordinance, including any conditions imposed thereon, or who causes, allows or consents to any of the same, shall be deemed to be responsible for a violation of this Ordinance. Any person responsible for a violation of this Ordinance, whether an owner (by deed or land contract), lessee, licensee, agency, contractor, servant, employee or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.

**Section 19.07 – Enforcement Procedure**

A. Any violation of this Ordinance is a municipal civil infraction as defined by Michigan statutes and shall be punishable by a civil fine determined in accordance with the following schedule

First offence	\$75.00
Second offense	150.00
Third offense	325.00
Fourth or add'l offenses	500.00

Additionally, the violator shall pay costs, which may include all expenses, direct and indirect, which Beaver Creek Township has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 be ordered.

B. Any violation of this Ordinance shall immediately constitute a basis for injunctive relief or other appropriate remedy in any court of competent jurisdiction to compel compliance with this Ordinance and to enforce the provisions thereof, as an alternative to or in addition to the above municipal civil infraction procedure.

**Article XX - Zoning Board of Appeals**

**Section 20.01 - Creation**

A. There is hereby created under the Zoning Act a Township Board of Appeals, referred to in this Ordinance as the “Zoning Board of Appeals”. The Board shall consist of three (3) members to be appointed by the Supervisor with the approval of the Township Board. One (1) member is to be from the Planning Commission and two (2) members appointed from the electors of the Township in a manner that will represent the various interests present in the Township. One (1) member may be a member of the Township Board.

B. The terms of office shall be three (3) years except when first appointed they may be for such terms as will effect staggered terms.

C. The Township Board may appoint no more than two (2) alternate members to the Zoning Board of Appeals who may sit as regular members when the regular member is absent or unable to attend two (2) or more consecutive meetings or is absent for a period of more than thirty (30) days or abstains from voting because of a conflict of interest.

D. Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such other times as the Board in its bylaws may specify.

E. All meetings of the Zoning Board of Appeals shall be open to the public. Minutes shall be recorded of all proceedings, which shall contain evidence and data relevant to every case

considered, together with the record of the vote of each member by name of the Board and the final disposition of each case. The grounds of every determination shall be stated, in writing, and recorded as part of the official minutes and record of the Board. Such minutes shall accompany and be attached to the standard forms required of persons appealing as part of the Zoning Board of Appeals' permanent records. Such minutes shall be filed in the office of the Township Clerk and the Township Planning Commission and shall be sent promptly to the applicant or appellant and to the Zoning Administrator. The Township Clerk shall act as the depository for all official files of the board.

### **Section 20.02 – Jurisdiction and Powers**

The Zoning Board of Appeals shall have all powers and jurisdiction granted by the Zoning Act, all powers and jurisdiction prescribed in other Articles of this Ordinance and the following specific powers and jurisdiction:

- A. The jurisdiction and power to hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Administrator. The Zoning Board of Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be done, and to that end it 1) shall have all the powers of the Zoning Administrator; and 2) may issue or direct the issuance of a permit.
- B. The jurisdiction and power to act upon all questions as they may arise in the administration and enforcement of this Ordinance, including interpretation of the terms and provisions of the Ordinance and Zoning Map.
- C. The jurisdiction and power to authorize, upon appeal, a non-use variance, such as a dimension variance, of this Ordinance where there are practical difficulties in the way of carrying out the strict letter of this Ordinance so that the spirit of this Ordinance shall be observed, public safety secured and substantial justice done.

### **Section 20.03 - Rules of Procedure**

The Zoning Board of Appeals shall fix rules and regulations governing its procedures sitting as the Zoning Board of Appeals, including setting a time limit for appeals from administrative or other decisions. Said rules and regulations shall be made available to the public and shall be in conformance with the terms of this Zoning Ordinance and the Zoning Act. The concurring vote of a majority of the full membership of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or official, or to decide in favor of the applicant upon any matter on which they are required to pass under this Ordinance or to effect any variation in this Ordinance due to unnecessary hardship or practical difficulties.

### **Section 20.04 - Conditions**

In hearing and deciding an appeal, the Zoning Board of Appeals may impose and attach such conditions, restrictions and requirements as it shall determine are necessary and/or appropriate. Such conditions, restrictions and requirements may impose greater or more restrictive conditions, restrictions and requirements than are included in the Ordinance. Violations of such conditions, restrictions or requirements may include the provision of financial security to guarantee performance. No appeal shall



be available from a Special Use or Planned Unit Development decision of the Township Planning Commission. An appeal of such latter decision shall be made directly to the Crawford County Circuit Court.

**Section 20.05 - Voiding of and Reapplication for Variances**

- A. Each variance granted under the provisions of this Ordinance shall become null and void unless the use and construction authorized by such variance or permit has been commenced within one (1) year after the granting of such variance.
- B. No application for a variance which has been denied, wholly or in part, by the Zoning Board of Appeals, shall be resubmitted for a period of one (1) year from such denial, except on grounds of new evidence or proof of changed conditions found by the Zoning Board of Appeals to be valid.

**Section 20.06 - Procedure for Appealing to the Zoning Board of Appeals**

- A. Appeals, How Taken: Appeals from the ruling of the Township Zoning Administrator may be made to the Zoning Board of Appeals in the following manner:
  - 1. The person, firm or agent thereof making the appeal shall file in writing to the Zoning Administrator a letter stating what the specific appeal is and the reasons for said appeal.
  - 2. The Zoning Administrator submits the written appeal, along with all papers constituting the record from which the action appealed was taken, to the Zoning Board of Appeals.
- B. Who May Appeal: Appeals to the Zoning Board of Appeals may be taken by any person aggrieved or by an officer, department, board, agency or bureau of the Township, County, State, Federal or other legally constituted form of government.
- C. Fee for Appeal: A fee prescribed by the Township Board of Trustees shall be submitted to the Zoning Administrator at the time of filing the letter of appeal, to be deposited with the Township Treasurer.
- D. Effect of Appeal: An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Township Zoning Board of Appeals, after the Notice or Appeal shall have been filed, that by reason of facts stated in the certificate, a stay would in their opinion cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order which may be granted by the Zoning Board of Appeals or by the Circuit Court, on application, on notice to the officer from whom the appeal is taken and on due cause shown.
- E. Hearing by the Zoning Board of Appeals: Request: Notice: Hearing: When a request for appeal has been filed in proper form with the Zoning Board of Appeals, the Chairman shall immediately place the said request for appeal upon the calendar for hearing and cause notice, stating the time, place and object of the hearing, to be published and served personally or by mail at least fifteen (15) days prior to the date of such hearing upon the party or parties making the request for appeal and as required by the Michigan Zoning Enabling Act (Act 110 of 2006, as amended). Notices shall be

sent to all property owners and occupants of properties located within three hundred (300') feet of the parcel for which the appeal, variance or determination is being requested at least fifteen (15) days prior to the date of the hearing.

F. Representation at Hearing: During a hearing, any party or parties may appear in person, by agent or by attorney.

G. Decisions of Zoning Board of Appeals: The Zoning Board of Appeals shall decide upon all appeals

within a reasonable time and reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from, and shall make such order, requirement, decision or determination as, in its opinion, ought to be made in the premise and to that end shall have all the powers of the Zoning Administrator from whom the appeal is taken. The Zoning Board of Appeals' decision of such appeals shall be in the form of a resolution containing a full record of the findings and determination of the Zoning Board of Appeals affixed thereon. Any persons having an interest affected by such resolution shall have the right to appeal to the Circuit Court on questions of law and fact.

## **Article XXI - Amending the Zoning Ordinance**

### **Section 21.01 - Changes and Amendments**

Only the Township Board of Trustees may amend this Ordinance. Proposals for amendments or changes may be initiated by the Township Board of Trustees on its own motion, by the Planning Commission, or by petition of one (1) or more owners of property to be affected by the proposed amendment.

### **Section 21.02 - Procedures**

The procedure for making amendments to this Ordinance shall be in accordance with the Michigan Zoning Enabling Act (Act 110 of 2006, as amended).

A petition, together with a completed and signed application and fees, shall be filed with the Township Clerk. The Clerk shall review the application as to form and, when it is approved, transmit same to the Township Planning Commission for review and report. The Commission shall, at the same time establish a date for a public hearing on the petition by the Commission and shall give proper notice of the hearing as provided in Section 14 of Public Act 184 of 1943 as amended (MCL125.284). The Commission shall also, for any proposed amendment to the Zoning Map, give notice thereof, and of the public hearing, to the owner of the property in question, to all persons to whom any real property within three hundred (300) feet of the premises in question is assessed, and to the occupants of all single and two family dwellings within three hundred (300) feet of the boundaries of the property seeking rezoning. The notice shall be delivered personally or by mail to the respective owners and tenants at the address given in the last assessment roll. If the notice is delivered by mail, an affidavit of mailing shall be filed with the Commission prior to the hearing. The notice shall be made at least eight (8) days prior to the hearing. Requirements of written notice to property owners shall not apply to comprehensive revisions to the Zoning Ordinance. Public hearing requirements shall also apply to amendments initiated by the Township Board of Trustees or the Planning Commission.

### **Section 21.03 - Notice of Hearing**

A petition, together with a completed and signed application and fees, shall be filed with the Township Clerk. The Clerk shall review the application as to form and, when it is approved, transmit same to the Township Planning Commission for review and report. The commission shall at the same time establish a date for a public hearing on the petition and shall give proper notice of the hearing as provided in Section 103 of Public Act 110 of 2006 as amended (MCL 125.3103) by publication and mailing or personal service. The Commission shall also, for any proposed amendment to the Zoning Map, give notice thereof and of the public hearing, to the owner of the property in question, to all persons who own any real property within three hundred (300) feet of the premises in question and to the occupants of all single and two family dwellings within three hundred (300) feet of the boundaries of the property seeking re-zoning and subject to the requirements of Sec. 202 of the Zoning Enabling Act. The notice shall be delivered personally or by mail to the representative owners and tenants at the address given in the last assessment roll. If the notice is delivered by mail, an affidavit of mailing shall be filed with the Commission prior to the hearing. The notice (publication and mailing or personal service) shall be made at least fifteen (15) days prior to the hearing. Requirements of written notice to property owners shall not apply to re-zonings involving ten (10) or more properties or to comprehensive revisions to the Zoning Ordinance. Public hearing requirements shall also apply to amendments initiated by the Township Board of Trustees or the Planning Commission.

### **Section 21.04 - Information Required**

The petitioner shall submit a detailed description of the petition to the Township Clerk. When the petition involves a change in the Zoning Map, the petitioner shall submit the following information:

- A. A legal description of the property.
- B. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
- C. The name and address of the petitioner.
- D. The petitioner's interest in the property, and if the petitioner is not the fee owner; the name, address and signature of the fee owner.
- E. Date of filing with the Township Clerk.
- F. Signature(s) of petitioners and all property owner(s) certifying the accuracy of the required information.
- G. The desired change and reasons for such change.

### **Section 21.05 - Steps in Making a Change**

- A. Petitioner submits application and fee to the Zoning Administrator.
- B. Zoning Administrator transmits application to the Planning Commission, which sets hearing date,

and publishes and gives notices of hearing.

- C. Commission holds hearing, makes a recommendation, and transmits recommendations to the County Planning Commission.
- D. Upon receipt of the recommendation of the County Planning Commission or the lapse of thirty (30) days without receipt of the County Planning Commission's recommendations, the Township Board of Trustees either enacts or rejects proposed change as an Ordinance amendment, and publishes the text or map change in the newspaper of general circulation in the Township.
- E. If the Township Board determines, it may hold an additional public hearing or hearings before making its decision on the matter; notice of public hearing shall be mailed (or served) and published as required by Act 110 of 2006, as amended.
- F. If the Township Board considers amendments to the proposed action(s) of the Township Planning Commission, it shall refer the amendments to the Township Planning Commission for a report within the time specified in the referral, before enacting the proposed change with or without further amendments or denying it. Publication of the final ordinance or amendment shall be made in a local newspaper of general circulation in the township within fifteen (15) days of enactment and as required by PA 110 of 2006, as amended.

**Section 21.06 - Findings of Facts Required**

In reviewing any petition for a zoning amendment, the Commission shall identify and evaluate all factors relevant to the petition, and shall report its findings in full, along with its recommendations for disposition of the petition and a summary of the comments received at the Public Hearing, to the Township Board of Trustees. The facts to be considered by the Commission shall include, but not be limited to, the following:

- A. Is the requested amendment in compliance with the Township Comprehensive Plan?
- B. Whether the requested zoning change is justified by a change in conditions since the original Ordinance was adopted or by an error in the original Ordinance.
- C. The precedents and the possible effects of such precedents which might likely result from approval or denial of the petition.
- D. The capability of the Township or other government agencies that must provide any services, facilities, and/or programs that might be required if the petition were approved.
- E. Effect of approval of the petition on adopted development, policies of the Township and other government units.
- F. All findings of fact shall be made a part of the public records of the meetings of the Planning Commission and Township Board of Trustees. An amendment shall not be approved, unless

These and other identified facts be affirmatively resolved in terms of the general health, safety, welfare, comfort and convenience of the citizens of the Township, or of other civil divisions where applicable.

**Article XXII - Severability**

**Section 22.01 --Severance Clause**

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

**Article XXIII - Effective Date of Ordinance**

**Section 23.01 - Effective Date of Ordinance**

This Ordinance shall become effective upon publication of same in its entirety or summary form following passage by the Beaver Creek Township Board of Trustees.

Made and passed by the Beaver Creek Township Board of Trustees of the County of Crawford, Michigan on this:

Date of Public Hearing: \_\_\_\_\_

Date of Adoption by Township Board of Trustees: \_\_\_\_\_

Date of Publication: \_\_\_\_\_

Attest: \_\_\_\_\_

Township Clerk

Supervisor: \_\_\_\_\_

Beaver Creek Township Board of Trustees: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Township Clerk: \_\_\_\_\_

**TOWNSHIP OF BEAVER CREEK, CRAWFORD COUNTY, MI**  
**Travel Trailer/Recreational Vehicle/Tent Permit**

“Camping permits are issued and used to tract compliance with the Camping Ordinance of Beaver Creek Township.”

Issuance of this permit allows, in all zoning districts, the location and use of one travel trailer, recreational vehicle, or tent on an unimproved lot or otherwise vacant property, subject to the conditions noted below.

Permit Issued To: \_\_\_\_\_ Permit # \_\_\_\_\_

Permanent Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone Number: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ (Cell) (Home) Circle One

Lot/Property Location: \_\_\_\_\_

Camping Dates: \_\_\_\_\_

Date Permit Issued: \_\_\_\_\_ Person Issuing Permit: \_\_\_\_\_

All permits issued under this ordinance must be posted in full  
View in a conspicuous place visible from the road (if applicable)

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**Purpose Clause:**

It is hereby determined that on some occasions campers and tents defined herein are used on properties within Beaver Creek Township. To insure the health and safety of residents, to make such use compatible with the permitted uses of property, and **not** to diminish property values, the regulations in this ordinance are the minimum regulations required outside of established commercial campgrounds or State Park facilities.

**Therefore the Township of Beaver Creek ordains:**

**Definitions:**

Camping in licensed recreational vehicles, (licensed fifth wheels, licensed trailers), tents, and campers) is permitted in AR, RD, LDR, and MDR Districts, subject to the following: 1) Camper must be occupied while on site. 2) The camper must comply with Michigan Vehicle Codes for use on public highways to include: valid registration, license, insurance, and be road worthy. 3) The camper must be equipped with self-contained sanitary facilities or have an improved lot with sanitary facilities approved by the health department. 4) The camper must have a valid Township permit. The Township Camping Permit must be obtained by the property owner at the Township Office at no fee. The initial permit is valid for fifty-six (56) days. A camper may obtain two (2) additional thirty (30) day permits (no fee) then **must** be removed for a minimum of thirty (30) days. Under no circumstances shall camping be permitted if the property is not **AT LEAST TWO AND ONE-HALF (2 ½) ACRES IN SIZE**. (Ref. Sec. 14.31-Use of Recreational Vehicles as Temporary Dwellings by Visitors)

**Recreational units** described as: **Tent:** A portable shelter typically used as a sleeping place. **Camper:** The term shall include but not limited to items commonly referred to as a camper trailer, travel trailer, motor home, fold down or pop-up trailer, fifth wheel typically used as a sleeping place. **Improved lot:** A lot upon which there is dwelling with sanitary facilities that comply with Michigan Health Department regulations.

Penalties: Any person who violates this ordinance shall be responsible for a municipal civil infraction. Civil sanctions under this section may include, without limitations, fines, damages, expenses and costs as authorized by Public Act 236 of 1961, as amended.

I have read and will comply with this ordinance.

Signature \_\_\_\_\_

Date \_\_\_\_\_