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# PREAMBLE

An Ordinance enacted by the Township under Act 110, Public Acts of 2006, as amended, to provide for the establishment of zoning districts within which the proper use of land and natural resources may be encouraged or regulated by Ordinance, and within which district provisions are adopted designating the location of, the size of, the uses that may be made of, the minimum open spaces, sanitary, safety, and protective measures that shall be required for, and the maximum number of families that may be housed in dwellings, buildings, and structures, to provide for administration and amendments of said Ordinance; to provide for appeals and for the organization and procedures to be followed by the Zoning Board of Appeals; and to provide for penalties for the violation of said Ordinance.

GREENWOOD TOWNSHIP HEREBY ORDAINS:

## Article 1 TITLE, INTENT, AND PURPOSE

### **Section 1.01 TITLE**

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

### **Section 1.02 INTENT AND PURPOSE**

It is the purpose of this Zoning Ordinance to promote the public health, safety, comfort, convenience, and general welfare of the inhabitants of the Township by encouraging the use of lands and natural resources in accordance with their character, adaptability and suitability for particular purposes; to enhance social and economic stability; to prevent excessive concentration of population; to reduce hazards due to flooding; to conserve and stabilize the value of property; to provide adequate open space for light and air and preserving community character; to prevent fire and facilitate the fighting of fires; to allow for a variety of residential housing types and commercial and industrial land uses; to lessen congestion on the public streets and highways; to facilitate adequate and economical provision of transportation, sewerage and drainage, water supply and distribution, education, recreation and other public services and facilities; to assure adequate provision of the state's citizens for food, fiber, energy and other natural resources; to ensure appropriate locations and relationships for uses of land; and to facilitate the expenditure of funds for adequate public facilities and services by establishing herein standards for physical development in accordance with the goals, objectives and policies contained in the Land Use Plan for the Township; and to provide for the administration and enforcement of such standards.

## Article 2

# ZONING DISTRICTS AND MAP

### **Section 2.01 ESTABLISHMENT OF DISTRICTS**

For the purpose of this Ordinance, the Township is hereby divided into the following zoning districts, which shall be known by the following respective symbols and names.

#### **A. RC: Resource Conservation District**

1. **Intent:** It is the intent of the Resource Conservation District (RC) to protect those lands in the Township which embody special and important natural resources and which the enjoyment and protection of these resources is of great public interest to Greenwood Township and the State of Michigan. The majority of the lands within this district are comprised of public holdings which, collectively, form the Oscoda State Forest Area. Other lands within this district are characterized by extensive wetlands and woodlands and parcels lacking access to a public roadway. Together, these resources are critical in providing for wildlife habitats, water and air purification, flood control, recreation opportunities, and economically viable timber production opportunities, and play a strong role in defining and supporting the desired rural character of the Township. It is the intent of this district to limit the introduction of land uses which require greater access measures than currently available and/or will undermine the intent, quantity, quality and value of the resources contained within. The Resource Conservation District is intended to implement the Conservation component of the Greenwood Township Land Use Plan.
2. **Uses allowed:** The uses permitted in the Resource Conservation District are enumerated in [Section 2.03](#), Table of Uses by District.
3. **Dimensional Regulations:** The regulations applicable in the Resource Conservation District are specified in [Section 2.04](#), Table of Dimensional Regulations by District.

#### **B. LDR: Low Density Residential District**

1. **Intent:** It is the intent of the Low Density Residential District (LDR) to provide for a variety of comparatively low density residential lifestyles in a manner which preserves the important open spaces and natural resources of the Township and the Township's rural character. Because of the extensive areas in this District characterized by wetlands, poor access, and soils which present severe limitations to buildings, and the resulting increased threats to public health, safety, and welfare, this District is not intended to accommodate a significant amount of future Township growth in either quantity or density. Permitted land uses within this District are established based on the limited public services available and accompanying natural constraints. The Low Density Residential District is intended to implement, in part, the Residential Development Areas component of the Greenwood Township Land Use Plan.
2. **Uses allowed:** The uses permitted in the Low Density Residential District are enumerated in [Section 2.03](#), Table of Uses by District.
3. **Dimensional Regulations:** The regulations applicable in the Low Density Residential District are specified in [Section 2.04](#), Table of Dimensional Regulations by District.



**C. SHR: Shoreline Residential District**

1. **Intent:** It is the intent of the Shoreline Residential District (SHR) to provide opportunities for predominantly residential development along the principal lakes of Greenwood Township. The surface water resources of the Township are a valuable asset to the citizens of Greenwood Township, Oscoda County, and the State of Michigan. The purpose of this district is to permit shoreline development along the Township's lakes while assuring the maintenance of safe and healthful conditions, prevent and control water pollution, reduce hazards to persons and damage to property as a result of flood conditions, protect fish and other aquatic life, and control development so as to preserve the economic and natural environmental value of shore lands. This District is intended to implement, in part, the Residential Development Areas component of the Greenwood Township Land Use Plan.
2. **Uses allowed:** The uses permitted in the Shoreline Residential District are enumerated in [Section 2.03](#), Table of Uses by District.
3. **Dimensional Regulations:** The regulations applicable in the Shoreline Residential District are specified in [Section 2.04](#), Table of Dimensional Regulations by District.

**D. MDR: Medium Density Residential District**

1. **Intent:** It is the intent of the Medium Density Residential District (MDR) to provide opportunities for higher density residential lifestyles than permitted elsewhere in the Township. This district includes lands adjacent to similar existing residential lifestyles and which are served by a higher level of public services as compared to most of the balance of the Township. The Medium Density Residential District is intended to permit both the development of suitable vacant land for residential purposes while also preserving the residential character of existing area neighborhoods. The Medium Density Residential District is intended to implement, in part, the Residential Development Areas component of the Greenwood Township Land Use Plan.
2. **Uses allowed:** The uses permitted in the Medium Density Residential District are enumerated in [Section 2.03](#), Table of Uses by District.
3. **Dimensional Regulations:** The regulations applicable in the Medium Density Residential District are specified in [Section 2.04](#), Table of Dimensional Regulations by District.

**E. ERN: Existing Residential Neighborhood Districts**

1. **Intent:** It is the intent of the Existing Residential Neighborhoods District (ERN) to recognize the presence of existing neighborhoods developed prior to the adoption of this Ordinance, and to protect the character of these existing residential developments and hence the investment in them by current owners. The inclusion of these existing residential developments within other residential zoning districts of this Ordinance would result in the creation of a substantial number of nonconforming lots. The resulting large number of nonconforming lots could possibly place an extraordinary burden upon the landowners and the Greenwood Township Zoning Board of Appeals and Township staff in the administration of future variance requests and appeals associated with these nonconforming lots and structures. It is the intent of this District to recognize these existing residential developments as legitimate and conforming uses and

provide for the continuance of these uses and their current character. It is the intent of this Ordinance that no new ERN Districts be established after the effective date of this Ordinance.

2. **Uses allowed:** The uses permitted in the Existing Residential Neighborhood District are enumerated in [Section 2.03](#), Table of Uses by District.
3. **Dimensional Regulations:** The regulations applicable in the Existing Residential Neighborhood District are specified in [Section 2.04](#), Table of Dimensional Regulations by District.

#### **F.C: Commercial**

1. **Intent:** The Commercial District is intended to provide for retail stores and related activities which serve convenience and service needs of the immediately surrounding neighborhoods. The district regulations are designed to promote convenient shopping and stability of retail development. The district is intended, for the mutual benefit of consumers and merchants, to encourage integrated development of multiple land use types including retail, office, and public land uses. It is also the intent of the Commercial District to provide for a variety of industrial uses that can be characterized by the absence of objectionable external affects such as noise, fumes, heavy truck traffic and similar characteristics. The Commercial District is intended to implement, in part, the Commercial and Industrial Development Areas component of the Greenwood Township Land Use Plan. The Planning Commission and/or Township Board shall have the opportunity to impose conditions upon each use which it deemed necessary for the protection of the public welfare. Such conditions shall be based on standards in this ordinance.
2. **Uses allowed:** The uses permitted in the Commercial District are enumerated in [Section 2.03](#), Table of Uses by District.
3. **Dimensional Regulations:** The regulations applicable in the Commercial District are specified in [Section 2.04](#), Table of Dimensional Regulations by District.

## **Section 2.02 ZONING DISTRICT MAP**

### **A. Establishment of Zoning District Map**

1. The boundaries of the respective districts enumerated in [Section 2.01](#) are defined and established as depicted on the Official Zoning Map entitled GREENWOOD TOWNSHIP ZONING MAP which is an integral part of this Ordinance. This map, with all notations and explanatory matter thereon, shall be published as part of this Ordinance as if fully described herein.
2. This Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bearing the following: *This is to certify that this is the Official Zoning Map Ordinance for-the Township, of the Township Zoning Ordinance adopted on the 13th day of August, 2019. If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map after the amendment has been approved by the Township Board together with an entry on the Official Zoning Map as follows: On the following date(s) and by official action of the Township Board, the following change(s) were made: (date of change(s) and brief description of change(s)).*

3. Two (2) copies of the Official Zoning Map are to be maintained and kept up-to-date, one (1) in the Township Clerk's office, and one (1) in the Zoning Administrator's office.

#### **B. REPLACEMENT OF OFFICIAL ZONING MAP**

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made thereto, the Township Board may, by Ordinance, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map and shall contain all notations as indicated in Section [2.02 \(A\)](#) above.

#### **C. INTERPRETATION OF DISTRICT BOUNDARIES**

Where, due to the scale, lack of details, or illegibility of the Official Zoning Map, there is an uncertainty, contradiction, or conflict as to the intended location of any zoning district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, to the Zoning Board of Appeals, whose authority to interpret boundaries is established in [Section 5.03](#). The Board, in arriving at a decision on such matters, shall apply the following standards:

1. Boundaries indicated as approximately following the streets or highway, the center lines of said streets or highways shall be construed to be such boundaries.
2. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following Township boundary lines shall be construed as following such Township boundary lines.
4. Boundaries indicated as approximately parallel to center lines of street or highways shall be construed as being parallel thereto and at such distance therefrom as indicated on the official Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the official Zoning Map.
5. Boundaries following the shoreline of a stream, lake, or other body of water shall be construed to follow such shorelines, and in the event of change in the shorelines shall be construed as moving with the actual shorelines; boundaries indicated as approximately following the thread of streams, canals, or other bodies of water shall be construed to follow such threads.
6. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two (2) districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Zoning Board of Appeals after recommendation from the Planning Commission.

#### **D. SCOPE OF REGULATION**

1. Except as may otherwise be provided in this Ordinance, every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of an 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.

2. Any use of land not specifically permitted is prohibited, except that the Zoning Board of Appeals shall have the power to classify a use which is not specifically mentioned along with a comparable permitted or prohibited use for the purpose of clarifying the use regulations in any district, if so petitioned and in accord with the requirements of [Section 5.03](#). If the Zoning Board of Appeals finds no comparable uses based on an examination of the characteristics of the proposed use, it shall so state and the Planning Commission may be petitioned to initiate an amendment to the text of the Ordinance to establish the appropriate district(s), type of use (by right or special use), and criteria that will apply for that use. Once the Ordinance has been amended to include the new regulations, then an application can be processed to establish that use.
3. No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below 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.
4. No portion of one lot, once established and/or improved with a building or structure, shall be used in the creation of another lot unless each lot resulting from each such reduction, division, or sale, shall conform to all of the requirements established herein.
5. Accessory uses are permitted as indicated for the various Zoning Districts and if such uses are clearly incidental to the permitted principal uses. (See also Section [3.08](#)).

#### **E. ZONING OF VACATED AREAS**

Whenever any street, alley or other public way within the Township shall have been vacated by official governmental action and when the lands within the boundaries thereof attach to and become a part of lands adjoining such street, alley or public way, such lands shall automatically acquire and be subject to the same zoning regulations as are applicable to lands to which same shall attach, and shall be used for those uses as is permitted under this Ordinance for such adjoining lands.

#### **F. ZONING OF FILLED LANDS: USE OF WATER**

No fill shall be placed in any wetland, lake or stream without proof of a valid permit therefor from the Michigan Department of Natural Resources, or any successor department or agency. Whenever any fill is placed in any lake or stream, the land thus created shall automatically and without further governmental action thenceforth acquire and be subject to the same zoning regulations as are applicable for lands to which the same shall attach or be adjacent, and the same be used for those purposes as are permitted under this Ordinance for such adjoining lands. No use of the surface of any lake or stream shall be permitted for any purpose not permitted on the land from which the use emanates.

#### **G. RULES OF USAGE**

1. **CONFLICTING REGULATIONS.**  
Wherever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or

ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern.

## 2. CATEGORIES WITHIN ZONING DISTRICTS

In order to insure all possible benefits and protection for the zoning districts in this Ordinance, the land uses have been classified into two (2) categories:

- a. **Uses Permitted By Right:** The primary uses and structures specified for which the zoning district has been established. Some uses permitted by right are subject to certain performance standards but not to the special land use approval process.
- b. **Special Land Use Approval:** Uses and structures which have been generally accepted as reasonably compatible with the primary uses and structures within the zoning district, but could present potential injurious effects upon the primary uses and structures within the zoning district and therefore require special consideration in relation to the welfare of adjacent properties and to the community as a whole. All such proposed uses shall be subject to a public hearing following review by the Planning Commission.

**Section 2.03 TABLE OF USES BY DISTRICT**

P = Permitted, SLU = Special Land Use

|   | RC  | LDR | MDR | ERN-1 | ERN-2 | SHR | C |
|---|-----|-----|-----|-------|-------|-----|---|
| <b>Conservation Uses</b>  |     |     |     |       |       |     |   |
| Agriculture   | P   | P   |     |       |       |     |   |
| Conservation Areas, Public Parks, Game Refuges, and Similar Uses (including public campgrounds) | P   | P   |     |       |       |     |   |
| Private Stables   | P   | P   |     |       |       |     |   |
|   |     |     |     |       |       |     |   |
| <b>Commercial Recreation Uses</b>   |     |     |     |       |       |     |   |
| Shooting ranges   | SLU | SLU |     |       |       |     |   |
| Commercial campgrounds  | SLU | SLU |     |       |       |     |   |
| Outdoor commercial recreation   | SLU | SLU |     |       |       |     |   |
| Golf courses and country clubs  |     | SLU |     |       |       |     |   |
|   |     |     |     |       |       |     |   |
| <b>Residential Uses</b>   |     |     |     |       |       |     |   |
| Single family dwelling  | P   | P   | P   | P     | P     | P   |   |
| Two family dwelling   |     |     | P   |       |       |     |   |
| Multiple family dwelling  |     |     | SLU |       |       |     |   |
| Manufactured home parks   |     |     | SLU |       |       |     |   |
|   |     |     |     |       |       |     |   |
| <b>Accessory Uses</b>   |     |     |     |       |       |     |   |
| Day care, family home   | P   | P   | P   | P     | P     | P   |   |
| Day care, group home  | SLU | SLU | SLU | SLU   | SLU   | SLU |   |
| Foster care facility, family home   | P   | P   | P   | P     | P     | P   |   |

|  | RC  | LDR | MDR | ERN-1 | ERN-2 | SHR | C   |
|--|-----|-----|-----|-------|-------|-----|-----|
| Foster care facility, group home   | P   | P   | P   | P     | P     | P   |     |
| Accessory Dwelling Units   | SLU | SLU | SLU | SLU   | SLU   | SLU |     |
| Minor home occupation <i>Refer to standards under <a href="#">Section 3.18</a></i>   | P   | P   | P   | P     | P     | P   |     |
| Major home occupations   | SLU | SLU |     |       |       |     |     |
| Roadside stands <i>Refer to standards under <a href="#">Section 3.21</a></i>   | P   | P   |     |       |       |     |     |
| Wind turbine generator (accessory) <i>Refer to standards under <a href="#">Section 3.23</a></i>  |     |     |     |       |       |     |     |
| A. Building-mounted  | P   | P   | P   | P     | P     | P   | P   |
| B. Small   | P   | P   | P   | P     | P     | P   | P   |
| Resource Uses  |     |     |     |       |       |     |     |
| Excavation operations  |     | SLU |     |       |       |     |     |
| Communication towers   | SLU | SLU |     |       |       |     | SLU |
| C. collocation on existing structures  | P   | P   | P   | P     | P     | P   | P   |
|  |     |     |     |       |       |     |     |
| <b>Institutional Uses</b>  |     |     |     |       |       |     |     |
| Public facilities: government offices, emergency services, libraries, and similar uses and activities including administrative buildings | P   | P   | P   | P     | P     | P   | P   |
| Public and private schools   | P   | P   | P   | P     | P     | P   | P   |
| Churches and religious institutions, including housing for religious personnel affiliated with the church or religious institution       | P   | P   | P   | P     | P     | P   | P   |
|  |     |     |     |       |       |     |     |

|   | RC  | LDR | MDR | ERN-1 | ERN-2 | SHR | C   |
|---|-----|-----|-----|-------|-------|-----|-----|
| <b>Commercial Uses</b>  |     |     |     |       |       |     |     |
| Bed and breakfast   | SLU | SLU | SLU |       |       |     | SLU |
| Commercial kennels  | SLU | SLU |     |       |       |     |     |
| Drive-through establishments  |     |     |     |       |       |     | SLU |
| Automobile service and repair   |     |     |     |       |       |     | SLU |
| Mini storage facility   |     |     |     |       |       |     | SLU |
| Motel   |     |     |     |       |       |     | SLU |
| Personal and professional services,   |     |     |     |       |       |     | P   |
| General retail  |     |     |     |       |       |     | P   |
| Restaurants w/o drive-through   |     |     |     |       |       |     | P   |
| Day care center, commercial   |     |     |     |       |       |     | P   |
| Convalescent or nursing home  |     |     |     |       |       |     | SLU |
| Sexually oriented businesses  |     |     |     |       |       |     | SLU |
| Veterinary clinics  |     |     |     |       |       |     | SLU |
| Open air businesses including boat/RV/auto sales, service, storage, commercial nurseries, contractors yards, and similar uses |     |     |     |       |       |     | SLU |
|   |     |     |     |       |       |     |     |
| <b>Planned Unit Developments</b>  |     | SLU | SLU |       |       | SLU |     |
|   |     |     |     |       |       |     |     |
| <b>Industrial Uses</b>  |     |     |     |       |       |     |     |
| Manufacturing, assembly, warehousing  |     |     |     |       |       |     | P   |
| Offices, labs, contractors facilities   |     |     |     |       |       |     | P   |
| Automobile salvage and private junkyards  |     |     |     |       |       |     | SLU |

|                                     | RC  | LDR | MDR | ERN-1 | ERN-2 | SHR | C   |
|-------------------------------------|-----|-----|-----|-------|-------|-----|-----|
| Underground fuel storage facilities |     |     |     |       |       |     | SLU |
| Gas, oil processing facilities      | SLU | SLU | SLU | SLU   | SLU   | SLU | SLU |

\*These are uses permitted by right but subject to certain performance standards. Refer to [Section 2.05](#) for standards by use category

**Section 2.04 TABLE OF DIMENSIONAL REGULATIONS BY DISTRICT FOR PRIMARY BUILDINGS**

|   | RC          | LDR                          | MDR            | ERN-1         | ERN-2         | SHR           | C        |
|---|-------------|------------------------------|----------------|---------------|---------------|---------------|----------|
| Minimum residential usable floor area   | 720 sq. ft. | 720 sq. ft.                  | 720 sq. ft.    | 720 sq. ft.   | 720 sq. ft.   | 720 sq. ft.   |          |
| Minimum lot size  | 20 acres    | 10 acres                     | (see below)    | 5,000 sq. ft. | 5,000 sq. ft. | 5,000 sq. ft. | 1 acre   |
| - Exception: Lots not fronting on major/minor thoroughfare. Located on a private or public road in platted or condominium subdivision |             | 5 acres                      |                |               |               |               |          |
| - No public sewer   |             |                              | 30,000 sq. ft. |               |               |               |          |
| - Public sewer single family dwelling   |             |                              | 20,000 sq. ft. |               |               |               |          |
| - Public sewer two-family dwelling  |             |                              | 25,000 sq. ft. |               |               |               |          |
| Lot frontage/lot width  | 660 feet    | 330 feet (10 acre+ lot size) | (see below)    | 50 feet       | 50 feet       | 50 feet       | 200 feet |
| - Exception: Lots not fronting on major/minor thoroughfare. Located on a private road in platted or condominium subdivision           |             | 270 feet                     |                |               |               |               |          |
| - No public sewer   |             |                              | 100 feet       |               |               |               |          |
| - With public sewer   |             |                              | 80 feet        |               |               |               |          |
| Setback requirements for primary buildings:   |             |                              |                |               |               |               |          |
| Front (see note 1)  | 50 feet     | 50 feet                      | 30 feet        | 15 feet       | 20 feet       | 50 feet       | 30 feet  |

|   | RC                 | LDR                     | MDR         | ERN-1       | ERN-2       | SHR         | C         |
|---|--------------------|-------------------------|-------------|-------------|-------------|-------------|-----------|
| Side  | 30 feet            | 30 feet                 | 10 feet     | 5 feet      | 5 feet      | 5 feet      | 15 feet   |
| Side or rear setback where adjacent to Residential or Conservation zoning districts |                    | 50 feet for farm bldgs. |             |             |             |             | 60 feet   |
| Rear  | 40 feet            | 40 feet                 | 40 feet     | 10 feet     | 10 feet     | 10 feet     | 40 feet   |
| Waterside (measured to ordinary high water mark)                                    |                    | 50 feet                 |             |             |             |             |           |
| Farm buildings  | Height of building | 50 feet                 |             |             |             |             |           |
| Maximum Lot Coverage  | 5%                 | 10%                     | 30%         | 35%         | 35%         | 30%         | 50%       |
| Maximum Principal Building Height   | 2 ½ stories        | 2 ½ stories             | 2 ½ stories | 2 ½ stories | 2 ½ stories | 2 ½ stories | 3 stories |
| -Maximum Building Height – Farm buildings   | 100 feet           | 100 feet                |             |             |             |             |           |
| Shoreline Buffer Strip (see note 2)   |                    |                         |             |             |             | 35 feet     |           |

**Notes**

1. Any front setback in any residential district may be reduced below the minimum requirements when the average front setback of existing principal buildings within two hundred (200) feet of a proposed principal building location are less than the minimum required, in which case the required minimum front setback shall be based on the established average. Where the established setback is greater than the required minimum, the required setback for the proposed building shall be the average of the existing buildings. For properties fronting on a private road, the front yard setback shall be increased by thirty (30) feet as measured parallel to the centerline of said road.
2. Buffer strip shall be bordering and adjacent to all water within the district, measured from the ordinary highwater mark, maintained in grass, trees, and shrubs. Natural growth shall be preserved as far as practical and when removed, it shall be replaced with other vegetation that is equally effective in controlling runoff. No more than 35 feet in any 100 feet of linear shoreline shall be denuded of vegetation, provided that no disturbance shall cause excessive erosion and sedimentation of an adjacent watercourse.
3. In the ERN-1 district, smaller dwellings are permitted, including single wide mobile homes. All requirements for dwellings under [Section 3.07](#) apply.



## **SECTION 2.05 USE STANDARDS FOR USES ALLOWED WITH SPECIAL LAND USE APPROVAL**

Each use permitted with special land use approval must comply with the procedural requirement of [Section 5.07](#), Procedures for Special Land Uses. The general standards for special land use approval in Section 5.07.I, and the following specific standards for that particular use:

### **A. Accessory Dwelling**

1. The following site and developmental requirements shall apply:
  - a. Minimum two (2) acre lot size.
  - b. Accessory dwelling unit shall be a maximum of 500 square feet in usable floor area.
  
2. Special Performance Standards:
  - a. Separate sale or ownership of the accessory unit from the primary dwelling on a lot or parcel is prohibited. This shall not prohibit rental of the accessory dwelling unit.
  - b. The owner may reside in either the accessory dwelling unit or the principal dwelling unit.
  - c. Adequate provision for wastewater disposal, either by public sanitary sewer or private on-site facilities, shall be required.
  - d. Dwellings modified in conjunction with an accessory apartment shall, on sides adjacent to streets, retain the appearance of a single family detached dwelling.
  - e. The accessory dwelling shall provide adequate access for emergency vehicles.
  - f. The accessory dwelling unit shall meet all applicable codes for a dwelling under this Ordinance.
  - g. Any additional parking as needed or required by this Ordinance shall be provided in off-street space.
  - h. The Planning Commission may impose any other reasonable conditions deemed necessary to protect adjoining properties and the public welfare.

### **B. Automobile Salvage and Private Junkyards**

1. The following site and developmental requirements shall apply:
  - a. No portion of the enclosed area shall be located within 1000 feet of residentially zoned properties, schools, day care facilities, churches, hospitals, and convalescent or nursing homes.
  - b. Ingress and egress to the facility shall be only from a major thoroughfare. The Planning Commission may approve access to an unpaved or county local road if the Commission finds that such access point will further minimize impacts on other properties.
  - c. The minimum lot or parcel size for junkyards shall be ten (10) acres.
  - d. All enclosed areas shall be set back at least one hundred (100) feet from any lot line.
  - e. Adequate parking and unloading facilities shall be provided at the site so that no loaded vehicle at any time stands on a public right-of-way awaiting entrance to the site.
  - f. Whenever the installation abuts a residential district, a buffer strip at least two hundred (200) feet in width shall be provided between the enclosed area and the adjoining district. Such strip shall contain plants, grass, and structural screens of a type approved by the Zoning Administrator.

- g. The front yard shall be planted with trees, grass, and shrubs. The spacing and type of plant materials shall be consistent with the provisions of Section 23.04(B) and 23.05 of this Ordinance.
- h. A solid fence, wall or earthen berm at least eight (8) feet in height shall be provided around all sides of the area used to store junk to screen said site from surrounding property. Such fence, wall or berm shall be of sound construction, painted or otherwise finished neatly and inconspicuously. Such fence, wall or berm shall be of permanent finish and construction.
- i. All junkyards reclamation sites must meet all County, State and Federal regulations.

2. Special Performance Standards:

- a. All activities shall be confined within the enclosed area including any: storage of materials; stockpiling of materials; disassembly of materials, parts, and vehicles; and the storage or parking of all operative and inoperative vehicles. There shall be no stocking of material above the height of the fence, wall, or berm, except that moveable equipment used on the site may exceed that height. No equipment, material, signs, or lighting shall be used or stored outside the enclosed area.
- b. No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.
- c. All roads, driveways, parking lots, and loading and unloading areas within any junk yard shall be paved, watered, or chemically treated so as to limit the nuisance caused by wind-borne dust on adjoining lots and public roads.
- d. The operation shall be licensed by the Michigan Secretary of State to sell used vehicle parts or tow non-operational vehicles. Before the state will issue the licenses, the Zoning Administrator and the County Sheriff shall certify that the facility is in a properly zoned area and that the operators have not been previously convicted as felons.
- e. Any materials listed on the Michigan Critical Materials Register (gasoline and solvents) require secondary containment and a Pollution Incident Protection Plan filed with the Michigan Department of Natural Resources.

**C. Automobile Service And Repair Stations**

- 1. The following site and developmental requirements shall apply:
  - a. For facilities with new underground storage tanks. Storage tanks must meet all state and federal requirements. Ingress and egress to the facility shall be only from a paved major thoroughfare, or from a shared access drive to such roadway.
  - b. No driveway or curb cut shall be located less than ten (10) feet from any lot line, measured from the edge of the driveway to the lot line.
  - c. No more than two (2) driveways onto a roadway shall be permitted per site. Driveway approach width shall not exceed thirty-five (35) feet.
  - d. The site shall be no less than two hundred (200) feet from any place of public assembly, including any hospital, sanitarium, school, church or other institution. Measurement shall be the closest distance between exterior lot lines.

- e. All gasoline pumps shall be located not less than fifteen (15) feet from any business lot line and 100 feet from a residential property line or within thirty (30) feet from the street right-of-way and shall be arranged so that motor vehicles using them will not be parked on or overhanging any public sidewalk or street right-of-way.
- f. The entire area used for vehicle service shall be hard-surfaced and adequately drained into an approved catch basin.
- g. There shall be no storage/dispensing tanks on the site without leak proof secondary containment sufficient to accommodate one hundred twenty (120) percent of the volume of the tank.

2. Special Performance Standards:

- a. Hydraulic hoists, service pits, lubricating, greasing, washing, and repair equipment and operations shall be located within a completely enclosed structure.
- b. Storage of vehicles rendered inoperative for any reason, and vehicles without current license plates and registration, shall be limited to a period of not more than thirty (30) days and then only for the purpose of temporary storage pending transfer to another facility. Such storage shall not occur in front of the building.
- c. All floor drains shall be connected to an approved holding tank.
- d. All flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating groundwater shall be stored within the building and secondary containment measures shall be installed and utilized to prevent spilled materials from contacting the ground.
- e. All handling of flammable or hazardous substances shall be in accordance with state and federal laws and all required state and federal permits shall be obtained and the establishment shall remain in conformance therewith.
- f. A car wash may be established as part of the principal structure or as a separate structure but shall conform to all setback requirements for a principal structure.
- g. Township reserves the right to inspect premises for compliance of the above standards.

**D. Bed And Breakfast**

1. The following site and developmental requirements shall apply:

- a. No bed and breakfast use shall be permitted within a platted subdivision or condominium development, or on any property where there exists more than one (1) other bed and breakfast use within one thousand (1000) feet, measured between the closest lot lines.
- b. One (1) parking space per room to be rented shall be provided on site, in addition to the parking required for a single family dwelling. Parking shall be arranged so as not to pose negative impacts on adjacent properties or necessitate on-street parking.

2. Special Performance Standards:

- a. The bed and breakfast facility must be a single family dwelling which is operated and occupied by the owner of the dwelling. The bed and breakfast facility may have up to six (6) bedrooms used for transient guests for compensation and by prearrangement. A continental or American breakfast may be served to

overnight guests only. A breakfast that includes more than coffee, juice and commercially prepared rolls requires a permit from the Michigan Department of Public Health.

- b. The applicant shall provide a scaled floor plan of the premise as part of the special land use application.
- c. The exterior appearance of the structure shall not be altered from its single family character.
- d. The impact of the bed and breakfast establishment on the neighborhood shall be no greater than that of a private home with weekend guests.
- e. The establishment shall contain at least two (2) exits to the outdoors.
- f. Rooms utilized for sleeping must be part of the primary residential structure and not have been specifically constructed for rental purposes.
- g. No guest room shall be located in a basement or cellar unless that guest room is provided direct access to the outside by way of a door.
- h. No transient occupant shall reside on the premises for more than fourteen (14) consecutive days and not more than thirty (30) days in any one (1) year.
- i. Lavatories and bathing facilities shall be available to all persons using the premises.
- j. No separate or additional kitchen facilities shall be provided for the guests.
- k. Retail sales are not permitted beyond those activities serving overnight patrons.
- l. Meals shall not be served to the public at large but only to guests.
- m. If specifically approved by the Planning Commission, events, including receptions and weddings, may be permitted as part of a bed and breakfast provided:
  - i. that such events do not exceed 6 times in any calendar year,
  - ii. that adequate parking is provided as determined by the Planning Commission,
  - iii. that such events shall not accommodate more than 150 guests, and further
  - iv. that such events shall be over by 12:00 midnight.

**E. Communication Towers**

1. Communication Towers, which include Wireless Communication Support Structures, are subject to the following development standards:
  - a. A minimum site of three (3) acres.
  - b. The communication tower shall be located so that there is sufficient radius of clear land around the tower so that its collapse would be completely contained on the property.
  - c. The base of the tower and wire/cable supports shall be fenced with a minimum five (5) foot woven fence.
  - d. The collocation of communication equipment such as antenna on any pre-existing communication tower or other structure shall be a permitted use requiring issuance of a land use permit.
2. Special Performance Standards:
  - a. All structures shall be located at least two hundred (200) feet from any single family dwelling.
  - b. All towers shall be equipped with an anti-climbing device or fence to prevent unauthorized access.

- c. The plans of the tower construction shall be certified by a registered structural engineer.
- d. The applicant shall provide verification that the antenna mount and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.
- e. All towers must meet the standards of the Federal Aviation Administration and the Federal Communications Commission.
- f. Accessory structures are limited to uses associated with operation of the tower.
- g. No part of any tower or antenna shall be constructed, located or maintained at any time, permanently or temporarily, in or upon any required setback area for the district in which the antenna or tower is to be located.
- h. Metal towers shall be constructed of, or treated with, corrosive-resistant material. Wood poles shall be impregnated with rot-resistant substances.
- i. Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable local statutes, regulations and standards.
- j. Towers with antennae shall be designed to withstand a uniform wind loading as prescribed in the building code.
- k. All signal and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight (8) feet above the ground at all points, unless buried underground.
- l. Towers shall be located so that they do not interfere with reception in nearby residential areas.
- m. Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property.
- n. The base of the tower shall occupy no more than five hundred (500) square feet and the top of the tower shall be no larger than the base.
- o. Minimum spacing between tower locations shall be one-quarter (1/4) mile
- p. Height of the tower shall not exceed four hundred fifty (450) feet from grade. This height may be increased provided that the applicant demonstrates a justification for the proposed height of the structures and an evaluation of alternative designs that might result in lower heights. The maximum height of the new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to collocate on the structure).
- q. Towers shall not be artificially lighted unless required by the Federal Aviation Administration.
- r. Existing on-site vegetation shall be preserved to the maximum extent practicable.
- s. There shall not be display advertising or identification of any kind intended to be visible from the ground or other structures.
- t. The antenna shall be painted to match the exterior treatment of the structure. The chosen paint scheme should be designed to minimize off-site visibility of the antenna.
- u. Structures shall be subject to any state and federal regulations concerning non-ionizing electromagnetic radiation. If more restrictive state or federal standards are adopted in the future, the antenna shall be made to conform or the permit

will be subject to revocation by the Township Board. Cost for testing and verification of compliance shall be borne by the operator of the antenna.

- v. There shall be no employees located on the site on a permanent basis to service or maintain the antenna. Occasional or temporary repair and service activities are excluded from this restriction.

3. Applicability:

Wireless communications equipment is a permitted use of property and is not subject to special land use approval or any other approval if all of the following requirements are met:

- a. The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
- b. The existing wireless communications support structure or existing equipment compound is in compliance with the zoning ordinance or was approved by the appropriate Township zoning body or official.
- c. The proposed collocation will not do any of the following:
  - i. Increase the overall height of the wireless communications support structure by more than 20 feet or 10% of its original height, whichever is greater.
  - ii. Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.
  - iii. Increase the area of the existing equipment compound to greater than 2,500 square feet.
- d. The proposed collocation complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the appropriate zoning body or Zoning Administrator.

4. Process Specific to Communication Standards:

Pursuant to Public Act 110 of 2006, processing communications tower requests must follow the following process:

- a. After an application for a special land use approval is filed with the body or official responsible for approving special land uses, the body or official shall determine whether the application is administratively complete. Unless the body or official proceeds as provided under subsection (5), the application shall be considered to be administratively complete when the body or official makes that determination or 14 business days after the body or official receives the application, whichever is first.
- b. If, before the expiration of the 14-day period under subsection a., the body or official responsible for approving special land uses notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the 14-day period is tolled until the applicant submits to the body or official the specified information or fee amount due. The notice shall be given in writing or by electronic notification. A fee required to accompany any application shall not exceed the local unit of government's actual, reasonable costs to review and process the application or \$1,000.00, whichever is less.

- c. The body or official responsible for approving special land uses shall approve or deny the application not more than 60 days after the application is considered to be administratively complete. If the body or official fails to timely approve or deny the application, the application shall be considered approved and the body or official shall be considered to have made any determination required for approval.
- d. Wireless communications equipment subject to special land use approval may be made expressly conditional only on the wireless communications equipment's meeting the requirements of other local ordinances and of federal and state laws before the wireless communications equipment begins operation.
- e. For wireless communications equipment that does not meet the requirements of subsection 3.a. or for a wireless communications support structure, subsections 4. a. through c. apply to the special land use approval process, except that the period for approval or denial under subsection 4.c. is 90 days.

**F. Convalescent Or Nursing Homes**

- 1. The following site and developmental requirements shall apply:
  - a. All ingress and egress for the site shall be from a major thoroughfare.
  - b. No building shall be closer than Fifty (50) feet to any lot line.
- 2. Special Performance standards:
  - a. Parking areas shall not be located within fifty (50) feet of a residential district or use.
  - b. All facilities shall be licensed by the Michigan Department of Public Health and shall conform to applicable state and federal laws.

**G. Drive-Through Establishments**

- 1. The following site and developmental requirements shall apply:
  - a. All egress and ingress to the site shall be from a paved major thoroughfare.
- 2. Special Performance Standards:
  - a. The outdoor space used for parking and vehicular stacking shall be hard surfaced.
  - b. No drive shall be closer than seventy-five (75) feet to any other drive and the maximum number of driveways permitted is two (2).
  - c. Vehicular circulation patterns into and out of such businesses shall be located and designed to minimize disruption of and conflicts with through traffic movement on abutting streets.
  - d. Speakers, menu boards, and drive-through aisles to be placed a minimum of 100 feet from any adjacent residentially developed property lines and properly screened with vegetation or walls to lessen the impact on adjacent properties.

**H. Excavation Operation**

- 1. Exempt activities - A Special Use Approval is not required for the following extractive activities:
  - a. Grading and filling in conjunction with commercial, industrial, or residential construction provided a valid building and soil erosion and sedimentation control permits have been issued, if required.

- b. Foundations and building pads for any building or structure, provided that a valid building and soil erosion and sedimentation control permits have been issued.
  - c. Minor landscaping projects provided they do not encroach upon flood-prone areas, protected wetlands, natural drainage ways or the county drainage system.
  - d. Swimming pool construction provided a valid zoning permit has been issued for construction of the pool (see [Section 3.17](#)).
  - e. Excavations relating to the accessory use of land and designed to be filled upon completion of excavation, such as septic tanks, graves, etc.
  - f. Excavations or leveling for private drives to provide ingress or egress which have been approved by the Township and County Road Commission.
2. The following site and developmental requirements shall apply:
- a. Minimum site of five (5) acres.
  - b. Notwithstanding any other minimum yard sizes required by this Ordinance, excavation activities shall be set back the following minimum distance:
    - i. 100 feet from the right-of-way of any public street, private road, or highway.
    - ii. 150 feet from abutting residentially zoned property.
    - iii. 100 feet from commercial or industrial zoned abutting property.
    - iv. 200 feet from any natural or existing man-made surface water body, watercourse, or wetland.
  - c. A perimeter landscape buffer zone (which may consist of naturally occurring vegetation) shall be provided, at a minimum, of fifty (50) feet in width.
3. Special Performance Standards:
- a. All operations shall be conducted in a safe manner, especially with respect to hazards to persons, damage to adjacent lands or collapse of supporting soil adjacent to an excavation.
  - b. No operation shall be conducted in a manner so as to raise or lower the water table on surrounding properties except as may be authorized by a Department of Natural Resources permit.
  - c. No slope on the finished site shall exceed a slope of 3:1 (horizontal-vertical).
  - d. Temporary stockpiling of topsoil or overburden, erosion, and similar operational problems shall not constitute a hazard to road traffic, pedestrians or adjoining property.
  - e. Topsoil stockpiles shall be seeded to prevent wind and water erosion.
  - f. All excavations shall use the most current best management practices (BMP) so as to control erosion and limit the amount of sediment reaching surface waters.
  - g. The excavation shall be graded in a fashion which will not cause water to accumulate in stagnant pools.
  - h. Trees and other vegetation or ground cover shall not be prematurely stripped off the surface of the ground so as to unnecessarily expose areas of ground that are prone to wind or water erosion that will cause ground or dust to be carried by wind or water onto adjoining or surrounding properties, or onto public or private roads, or to create a nuisance.
  - i. Air pollution, noise and vibrations shall be minimized from any effect upon adjacent properties by adequate soundproofed equipment and buildings designed to accomplish such minimization and by the proper use of berms, walls, and natural planting screens.
  - j. Access to excavation areas shall be arranged to minimize danger to traffic and nuisance to surrounding properties.
  - k. Truck or heavy vehicle traffic related to excavation operations shall use major thoroughfares for access.



- l. Public streets within 1500 feet of the exit of the extractive use site shall be kept reasonably clear of mud, dirt and debris from vehicles exiting the site.
- m. All vehicles used for the transporting of materials from any extractive use site shall travel to and from the site on a street route which minimizes adverse impacts on residential neighborhoods.
- n. Equipment or machinery for the operations on the premises shall not be permitted unless specifically applied for in the application and covered by the permit issued.
- o. All permitted buildings, structures and stationary equipment associated with excavation activities shall be located a minimum of 300 feet from all lot lines.
- p. The hours of operation shall be set by the Planning Commission after consideration of the surrounding land uses and the particular traffic patterns on public haul routes in the area. The maximum range of hours is Monday through Saturday from 7:00 a.m. to 7:00 p.m. and shall be prohibited on legal holidays and Sundays. The zoning administrator may provide temporary exemptions from hours of operation for an operator who must repair equipment or for public emergencies.
- q. If, in the opinion of the Planning Commission, any extractive use operation might present a dangerous condition if left unprotected, the area involved in the use shall be enclosed by a chain link or similar fence.
- r. Any excavator shall be responsible for notifying the Michigan Department of State, Bureau of History when human remains and/or artifactual materials are discovered.
- s. The excavation shall not be used for the disposal of foreign material without prior approval from appropriate local, county and state entities.
- t. All work shall be undertaken and completed on a cell by cell basis. No work can begin in the next cell until reclamation in the previous cell is satisfactorily completed or underway pursuant to a phasing plan approved by the Planning Commission.
- u. All reclamation activities shall be initiated at the earliest possible date. Reclamation of the site concurrent with excavation activities shall be undertaken to the extent that the reclamation activities will not interfere with the excavating activity or if the excavating activity will damage the reclaimed areas.
- v. Excavated areas shall be reclaimed under the following standards:
  - i. Vegetation similar to that which existed prior to the excavation process shall be restored by the appropriate seeding of grasses, or the planting of trees and shrubs, to establish a permanent vegetative cover on the land surface to minimize erosion. Such vegetation shall be of sufficient diversity to support a variety of wildlife species.
  - ii. When excavation operations are completed, the excavated area shall be graded so that no gradients in disturbed earth are steeper than a slope of 3:1 (horizontal-vertical).
  - iii. A layer of arable topsoil, of a quality approved by the zoning administrator, shall be spread over the excavated area, except exposed rock surfaces or areas lying below natural water level, to a minimum depth of four (4") inches in accordance with the approved reclamation plan.
  - iv. Excavation which has created or extended lakes, ponds or other bodies of water shall meet standards and specifications (particularly with respect to underwater slopes and drop-offs) promulgated by the U.S. Department of Agriculture, Soil Conservation Service, and shall be approved by that agency.
  - v. Where excavation operations result in a body of water, owner or operator shall place appropriate "Keep Out-Danger" signs around said premises not more than one hundred fifty (150) feet apart.

- vi. Backfill and grading materials shall not be noxious, flammable or toxic.
- vii. Fill and soils shall not be overly compacted and of sufficient quality to be well drained, non-swelling. If the reuse plan involves development of dwellings or other buildings, fill and soils shall be of proper bearing capacity to support foundations and septic systems.
- viii. All temporary structures shall be removed from the premises upon completion of the excavation activity unless said structures are of sound construction and are compatible with the reclamation goals. Said structures shall be accurately depicted upon the approved reclamation plan.
- ix. If the reuse plan involves a recreational or wildlife facility, reclamation plans shall be reviewed by recreation, fisheries and wildlife specialists in the Michigan Department of Natural Resources.
- w. The excavator may be required to post an acceptable performance bond pursuant to [Section 5.12](#) of this Ordinance in the amount up to 100 percent of the estimated reclamation costs of two cell areas.

4. Additional Materials to be Submitted for Special Land Use Review:

In addition to the data requirements of [Section 5.06](#), each application for a Special Land Use shall be accompanied by plans, drawings, and information prepared by appropriate registered professionals depicting, at a minimum:

- a. Name and address of surface owner and/or mineral rights owner of land from which excavation activities will take place.
- b. Name, address and telephone number of operator (person, firm or corporation who will be conducting the actual excavation).
- c. Location, size and legal description of the total site area to be excavated. Include legend showing a north point, scale and date.
- d. Location, width and grade of all easements or rights-of-way on or abutting the area subject to excavation.
- e. A statement from the applicant identifying all other federal, state and local permits required, if any.
- f. Proof of liability insurance from the operator.
- g. Notification of any deed restrictions on the property
- h. Name of financial institution backing the excavation operation.
- i. Existing and proposed topography at five-foot contour intervals. Such topography shall extend a minimum of 150 feet beyond the top of the bank of excavation.
- j. The existing surface water and drainage patterns.
- k. Vertical aerial photograph, enlarged to a scale of one inch equals 200 feet, from original photography flown at a negative scale no smaller than one inch equals 1,000 feet, and certified as flown not earlier than two (2) months prior to date of application. This provision may be waived by the Planning Commission where alternative photography satisfying the purpose of this Section is made available. The vertical aerial photograph shall cover:
  - i. All land requested in permit application
  - ii. All contiguous land which is or has been used by the owner or leaseholder applicant for excavation, processing, storage or other permitted use.
  - iii. All lands within one-half mile of proposed planned excavation area.
  - iv. Existing zoning classification overlaid on all areas shown on the map.
- l. A hydro geologic report of the proposed excavation site. Such a report shall, at a minimum, provide:
  - i. A detailed description of subsurface conditions.
  - ii. Depth of water table throughout the planned excavation area.

- iii. A map depicting the thickness and depths of material to be excavated.
- iv. A discussion of the environmental impacts of the proposed excavation, including but not limited to the impact of the proposed excavation upon existing area wells.
- v. A recommendation of the necessity to install monitoring wells.
- m. A discussion of the proposed method of excavation, including:
  - i. The area and amount of material to be excavated in cubic yards.
  - ii. Proposed side slopes and depths for all portions of the excavated area.
  - iii. Proposed drainage system, settling ponds and retention ponds, as appropriate.
  - iv. The time, duration, phasing and proposed work schedule of the total project.
  - v. The proposed location of any buildings, storage areas, stockpiling areas, and sorting or crushing equipment as appropriate.
  - vi. Area from which excavation will take place in the first year of operation and likewise for each successive year to completion.
- n. The proposed location of access points to the site and proposed haul routes for disposal of excavated material.
- o. Proposed plans for fencing, and signs.
- p. Provisions for buffer zone, landscaping and screening.
- q. A detailed reclamation plan, drawn to an acceptable scale, and program to be performed upon completion of each phase of the project. At a minimum, the plan of reclamation shall include:
  - i. Physical descriptions of the location of each cell, number of acres included in each cell, estimated length of time to complete each cell in excavation.
  - ii. Depiction of finished, stabilized, side slopes, including methods and plant materials proposed for use.
  - iii. Landscape plan for the portion of the property disturbed by excavation and associated activities, including an inventory of plant/tree species to be used.
  - iv. A reuse plan for the site once excavation is complete.
- r. Site plan and associated background reports shall document the method of compliance with the performance standards of this section.

5. Other Conditions:

The conditions of any zoning permit issued under this section apply not only to the owner but also to the operator who is either an owner or lessee of mineral rights or any other person engaged in or preparing to engage in excavation.

- a. When an operator disposes of his interest in excavation area prior to final reclamation by sale, lease, assignment, termination of lease, or otherwise, the Zoning Administrator may release the operator from the duties imposed upon him by this Ordinance as to the operations, but only if the successor, operator or owner assumes the obligations of the former operator with reference to the reclamation activities. At that time the permit may be transferred.
- b. Excavation operations authorized by Special Use Permits shall be inspected with reasonable frequency to determine compliance with this Ordinance and permits issued pursuant to this Ordinance.
- c. The general site plan may be modified at any time by mutual consent of the operator and the Planning Commission to adjust to changed conditions, technology or to correct an oversight. The Planning Commission shall solicit comment from the Township Board on any modifications.
- d. When activities on or use of the area subjected to excavation, or any portion thereof, have ceased for more than one (1) year, the operation shall be

considered abandoned and a new permit necessary before additional excavation activities can occur. Cessation may be determined by any of the following events:

- i. The completion of the excavation.
- ii. The Township determines that no substantial work has occurred on the site for more than one (1) year.
- iii. The Township has received notification from the owner that operations are complete.
- iv. A permit for the excavation has expired.

F. Existing Excavation Areas:

All commercial excavations existing on the effective date of this Ordinance shall be subject to the regulations above with regard to future operations. Future operations shall include expansion into new areas or areas not covered by a Township issued permit validly in place at the effective date of this Ordinance and shall require a permit for the special land use.

G. **Gas And Oil Processing Facilities**

The purpose of the provisions of this Section is to preserve the desirable character of Greenwood Township, as well as recognize the desirability of developing the gas and oil resources lying beneath the Township, the rights of those owning and developing such resources, and possibility of very serious consequences that would result from oil or gas extraction. Therefore, the location of all gas and oil processing facilities shall be subject to the following provisions:

1. General Regulations:

Gas and/or oil processing facilities shall:

- a. Comply with all state and local building, environmental and health codes and regulations.
- b. Not produce any loud noise or sound that annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any reasonable person of normal sensitivities. If complaints from more than one citizen are received at the Township Office, the Manager of the Well will be contacted by the Zoning Administrator. The Well Manager has ten (10) days to provide the Zoning Administrator with a written plan to address the noise issue
- c. Not operate between the hours of 8 p.m. and 7 a.m. except that blasting may not be conducted between the hours of 6 p.m and 8 a.m.
- d. Incorporate adequate dust control measures, such as forested green belts, berms, attractive fence screen, and landscaping.

2. Considerations of Gas and Oil Processing Facilities Requests:

In considering such requests, the Planning Commission shall not deny a request unless it has been determined that it poses very serious consequences. The following standards shall be used to consider this determination:

- a. The relationship of extraction and associated activities with existing land uses.
- b. The impact on existing land uses in the vicinity of the property.
- c. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.

- d. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
- e. The impact on other identifiable health, safety, and welfare interests in the local unit of government.
- f. The overall public interest in the extraction of the specific natural resources on the property.

H. **Group Home Day Care Facilities**

Notwithstanding any other provision of this Ordinance, a special use permit shall be issued for a group home day care facility when all of the following site and development requirements and special performance standards are met.

- 1. The following site and developmental requirements shall apply:
  - a. A group day care home shall not be located closer than one thousand five hundred (1,500) feet to any of the following facilities as measured along a street, road, or other public thoroughfare, excluding an alley:
    - i. Another licensed group day care home.
    - ii. An adult foster care small group home or large group home licensed under the adult foster care facility licensing act,
    - iii. A facility offering substance abuse treatment and rehabilitation services to seven (7) or more people which is licensed by the State of Michigan.
    - iv. A community correction center, resident home, halfway house or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections
- 2. Special Performance Standards:
  - a. All outdoor play areas shall be enclosed with fencing, a minimum of four (4) feet high.
  - b. The property, including landscape and structural elements, shall be maintained in a manner that is consistent with the character of the neighborhood. A group day care home should not require exterior modifications to the dwelling nor should the front yard be the location of play equipment, except on a corner lot.
  - c. One identification sign shall be permitted. Such sign face shall not be greater than two (2) square feet, shall be mounted flush to a wall, made of a material that is compatible with the dwelling unit, and shall not be illuminated. Sign text shall be limited to the name of the day care operator and an address.
  - d. At least one (1) off-street parking space shall be provided for each non-family employee of the group day care home in addition to the parking normally required for the residence. A driveway may be used for this purpose. An off-street drop-off area is to be provided with the capability to accommodate at least two (2) automobiles in addition to the parking required for non-family employees of the dwelling and the parking normally required for the residence.
  - e. Hours of operation shall not exceed sixteen (16) hours in a twenty-four (24) hour period, and no more than two (2) children may be dropped off or picked up between the hours of 10:00 p.m. and 6:00 a.m.

I. **Kennels, Commercial**

1. The following site and developmental requirements shall apply:
  - a. A commercial kennel shall include at least four hundred (400) feet of frontage, be at least five (5) acres in size, and have an additional one-third (1/3) acre for each animal in excess of ten (10).
  - b. Kennels may not be located in a platted subdivision.
  - c. Buildings where animals are kept, runs, and exercise areas shall not be located nearer than one hundred feet (100) to any adjacent residential lot line or any adjacent building used by the general public. Runs and/or exercise areas, and buildings where the animals are maintained, shall be located in the rear yard only.
2. Special Performance Standards:
  - a. All kennels shall be operated in conformance with all applicable county, state and federal regulations.
  - b. Hobby kennels shall only house animals owned by the occupant of the dwelling unit.
  - c. The main kennel building used to house the animals shall be insulated in such a manner that animal noises are minimized.
  - d. Habitual barking or unusual noise from the kennel which results in a nuisance to neighboring land owners or residents is prohibited.
  - e. Exercise yards, when provided for training or exercising, shall not be used between the hours of 10:00 p.m. and 7:00 a.m.
  - f. During the hours of 7 a.m. until 10 p.m. animals shall be permitted in outdoor runs or pens. Animals shall be kept confined and not allowed to run at large on the property, except as part of supervised training.
  - g. Dust and drainage from the kennel enclosure shall not create a nuisance or hazard to adjoining property or uses.
  - h. The kennel area shall be screened from view by appropriate screening as determined by the Planning Commission.
  - i. The outside perimeter of the run and/or exercise area of a hobby or commercial kennel shall be enclosed by chain link or cyclone fencing at sufficient height or completely covered on sides and top to prohibit the escape of animals.
  - j. All animals must be licensed and maintained in a healthful and careful manner.
  - k. Breeding areas in commercial kennels shall have concrete surfaces, suitable for cleaning by high-pressure water, and shall be provided with an adequate septic system.
  - l. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease or offensive odor.
  - m. Animal odors shall not be detectable beyond the lot lines of the property in which the kennel is located.

J. **Manufactured Home Parks**

1. **The following site and developmental requirements shall apply:**
  - a. The site shall be located on and obtain access from a paved public street.

- b. The minimum lot or parcel size for manufactured Home Parks (MHP) shall be (10) acres.
- c. All MHP having 20 or more home sites shall include dedicated open space. The total amount of land dedicated for open space shall not be less than (4) percent of the parks gross acreage, except that at least twenty-five thousand (25,000) square feet be provided.
- d. All MHP shall be developed with minimum sites of eight thousand (8,000) square feet per manufactured home unit. In no case shall the open space and distance requirements be less than required under Rules 941, 944, and 946 of the Manufactured Home Commission General Rules. Open space shall not include roads, sidewalks, greenbelts or lands under water and shall be graded and developed so as to have adequate drainage and usability by residents of the park. Minimum yard spaces for any individual manufactured home shall be as follows:
  - i. Twenty (20) feet from any or part or attached structure of another manufactured home and used for living purposes.
  - ii. Ten (10) feet from any attached or detached structure not used for living purposes and on-site parking on an adjacent manufactured home site.
  - iii. Fifty (50) feet from a permanent building.
  - iv. One hundred (100) feet from a baseball or softball field.
  - v. Ten (10) feet from the edge of an internal road and 7 and one half (7 1/2) from a parking bay.
  - vi. Seven (7) feet from a common pedestrian walkway.
  - vii. Ten (10) feet from a natural or manmade objects or waterways.
  - viii. Twenty-five (25) feet from any public right-of-way.
- e. A manufactured home site length may vary depending on park design and layout and the manufactured home to be installed; however, the minimum standards pertaining to distance between homes shall be complied with. Site dimensions may be computed with consideration given to anticipate add-a-room attachments to a placed manufactured home or expand or similar expansions.
- f. All internal roads in a MHP shall be hard surfaced and designed as to access, curvature, intersections and pavement width, considering one (1) or two (2) way traffic and parking and non-parking situations, as required under Michigan Administrative Code Rule 926 (5). Rule 920 requires twenty-one (21) foot driving surface for two (2) way roads with no parking and thirteen (13) foot driving surface for one-way roads with no parking. Greater width, if off-street parking bays are provided, is required depending upon schedule Rule 926.
- g. A MHP shall be constructed and /or maintained on a lot or parcel which can provide principal entrances and exists to all weather paved road having at least 24 foot wide pavement with no parking permitted.
- h. All vehicular and pedestrian circulation system within the MHP shall be lighted at night to illumination standards, Rule 929 of Michigan Administrative Code. Further lighting emitted will not be directed onto adjacent residentially zoned or developed areas or create a driving hazard on streets or roads abutting the MHP.

- i. All utilities in a MHP shall be underground and shall comply with R125.1932, Rule 932 through Rule 125.1940, Rule 940 of Michigan Administrative Code. Fire hydrants shall be placed at five hundred (500) foot intervals measured along roadways.

**2. Special Performance Standards**

- a. The MHP shall be connected to a licensed on-site sanitary sewage disposal system and community water supply.
- b. All manufactured homes shall have a minimum usable floor area of seven hundred twenty (720) square feet, exclusive of garage, basement, or porch/deck.
- c. The design, development, operation, and business practices of MHP shall conform to all current provisions of the Manufactured Home Commission Act and General Rules as adopted by the Michigan Manufactured Home Commission.
- d. All manufactured homes constructed and placed on sites within the MHP shall conform to all U.S. Department of Housing and Urban Development (HUD) manufactured home certification requirements...
- e. No portion of any MHP shall be used for non-residential purposes, except such uses that are required for the direct servicing and wellbeing of park residents and for management and maintenance of the MHP.
- f. A proposed MHP shall be enclosed by a greenbelt in a yard setback area not less than twenty (20) feet in width. Such greenbelt which may include berms, fences, evergreen trees and walls and can be used as required rear yard space for individual homes and approved by the Planning Commission pursuant to the Township site plan review requirements. Evergreen trees must be so spaced as to provide a continuous year-round screen of at least eighty (80) percent capacity within four years of the proposed planning date along any part of the MHP boundary.
- g. Where a MHP has provided a greenbelt adjacent to vacant property and when said property is subsequently proposed for development, the Planning Commission shall, in site plan review of such new development, consider methods to consolidate any required greenbelt for the new development with that already provided by the MHP and require reimbursement to the MHP by the new developer in consideration of the cost savings by not having to install a new greenbelt.
- h. Dwelling shall be installed pursuant to the manufacturer's setup instructions as and follow Township Ordinance 3.07 (B). Skirting shall be installed as described in Section [3.07 \(B\)](#).

**K. Major Home Occupations:**

- 1. The on-site activities associated with the home occupation shall be fully conducted within the personal residence or accessory buildings of the person engaging in the home



occupation or within an outdoor area which is screened from view off site by fencing or evergreen landscaping.

2. The activities of the home occupation shall be operated in such a manner that normal residential activities of the area, under normal circumstances, would not be negatively impacted.
3. In addition to the occupants of the residence and not more than two (2) nonresident employees, a home occupation may employ other persons, provided their work activities are undertaken at locations other than the location of the home occupation.
4. The Planning Commission may establish limits on the outdoor storage, size and parking of equipment or vehicles to preserve the residential character of the neighborhood. No outdoor storage of materials or scrap shall be permitted.
5. Not more than one (1) vehicle associated with the home occupation may be parked on the street at any time. Any other parking shall be on the parcel where the home occupation is taking place and parking for not more than two (2) vehicles may be constructed in addition to the area of the driveway in existence prior to the establishment of the home occupation.
6. With the exception of material purchased over the counter for household cleaning, lawn care, operation of a photocopy machine, paint, printing, arts and craft supplies or heating fuel, the home occupation shall not involve the generation of any hazardous.

**L. Mini Storage (Warehouse) Facilities**

1. The following site and developmental requirements shall apply:
  - a. The facility shall have direct access to a thoroughfare or state highway.
  - b. The minimum lot or parcel size for mini storage facilities shall be 2 acres.
  - c. One (1) parking space shall be provided for each twenty (20) rental units within the buildings, and one (1) parking space shall be provided for each employee.
  - d. There shall be a minimum of thirty-five (35) feet (forty-five (45) feet if the driveway is two-way) between warehouses for driveway, parking, and fire lane purposes. Where no parking is provided within the building separation areas, said building separation need only be twenty-five (25) feet. Traffic direction and parking shall be designated by signaling or painting.
  - e. The lot area used for parking and access shall be provided with a permanent, durable, surface and shall be graded and drained so as to dispose of all surface water.
  - f. When adjoining a residential district, a six (6) foot high wall, fence, or dense vegetation strip shall be erected and maintained along the connecting interior lot line.
2. Special Performance Standards:
  - a. No retail, wholesale, fabrication, manufacturing, or service activities may be conducted from the storage units by the lessees.
  - b. Not more than three thousand six hundred (3,600) square feet in total area shall be occupied or used by any single tenant.
  - c. Storage spaces shall not contain more than 400 square feet each.
  - d. Storage of goods shall be limited to personal property with no commercial distribution allowed and no operation which requires the regular delivery or pick-up of goods in truck in excess of one and one-half (1.5) ton capacity shall be permitted.

- e. The number of stored outside wheeled equipment cannot exceed the number of inside storage units.
- f. The exterior of mini-storage buildings shall be of finished quality and maintained so as not to be offensive to adjacent property or abutting streets.
- g. No storage of hazardous, toxic, or explosive materials shall be permitted at the facility. Signs shall be posted at the facility describing such limitations.

**M. Motels**

**1. The following site and developmental requirements shall apply:**

- a. Ingress and egress to the motel shall be only from a paved major thoroughfare.
- b. The maximum lot coverage of all buildings, including accessory buildings, shall not exceed twenty-five (25) percent of the area within the lot lines of land developed at any one time.

**2. Special Performance Standards:**

- a. No kitchen or cooking facilities shall be provided in guest rooms.
- b. The minimum floor area of each guest unit shall be two hundred fifty (250) square feet.
- c. No guest shall establish permanent residence at the motel.

**N. Multiple Family Development**

**1. The following site and developmental requirements shall apply:**

- a. Multiple family dwelling units shall be permitted at a density no greater than six (6) units per acre.
- b. All developments for multiple family dwellings shall have direct access to a paved major thoroughfare.
- c. The minimum lot or parcel size for mobile home parks shall be ten (10) acres.
- d. All structures shall be set back at least fifty (50) feet from all exterior property lines.

**2. Performance Standards:**

- a. Provisions shall be made for safe and efficient egress and ingress to public streets and highways serving any development which shall be designed to minimize congestion and interference with normal traffic flow.
- b. All streets and driveways in the development shall be constructed and maintained with an all-weather road surface.
- c. No dwelling unit shall have its principal access more than one hundred fifty (150) feet from either an access drive or a public street, and the required off-street parking area.
- d. The distance between any two (2) residential structures which occupy the same lot shall be not less than thirty (30) feet, if both of the walls facing each other contains windows or other openings, and not less than twenty (20) feet for all other situations; provided, however, a greater separation may be required where any structure exceeds thirty (30) feet in height and the location of such structure will tend to obstruct light to adjacent residential structures.
- e. There shall be provided easily accessible and usable open space in the development in an amount of ten percent (10%) of the site area or five hundred (500) square feet per four dwelling units, whichever is greater.

- f. All group off-street parking facilities shall be adequately lit during hours of darkness.
- g. All streets and roadways shall have a minimum pavement width of thirteen (13) feet for one-way streets, and twenty-four (24) feet for two-way streets. Driveways shall have a minimum paved width of ten (10) feet.
- h. All developments shall provide for underground installation of all utilities.
- i. Only the following land and/or building uses shall be permitted.
  - i. Multiple family dwellings as defined in this Ordinance.
  - ii. One (1) office space for conducting the business of the development.
  - iii. Utility areas for laundry facilities and auxiliary storage for tenants.
  - iv. Recreation area such as community buildings, playgrounds, and open space for tenants.

**O. Open Air Businesses**

**A. The following site and developmental requirements shall apply:**

- a. No loading activities shall be permitted within seventy-five (75) feet of any lot line abutting a residential land use.
- b. All buildings shall be set back a minimum of fifty (50) feet from any lot line.
- c. Ingress and egress to the facility shall be only from a major thoroughfare, or from an approved shared access drive to such thoroughfare.
- d. No more than two (2) driveways onto a thoroughfare shall be permitted per site. Driveway approach width shall not exceed thirty-five (35) feet.

**2. Special Performance standards:**

- a. Not more than fifty percent (50%) of the parcel shall be covered by buildings and outdoor storage of materials and goods.
- b. Storage or display of goods and materials shall not occur in the required setbacks.
- c. Christmas tree sales associated with nurseries need not comply with the requirements of Section 3.09.
- d. Displays are to be limited to street frontages only.
- e. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect on adjacent properties, water bodies, wetlands and drainage ways.
- f. In the case of auto sales:
  - i. No greater than 10% of vehicles shall be inoperative on the premises.
  - ii. All major maintenance of vehicles must occur within a closed building.
  - iii. All areas subject to vehicular use shall be with a durable surface.

**B. Outdoor Commercial Recreation**

**1. The following site and developmental requirements shall apply:**

- a. Minimum site area shall be:
  - i. Three (3) acres for; flea markets, batting cages, skateboard parks and mini-golf. Minimum lot width shall be two hundred (200) feet.
  - ii. Ten (10) acres for; amphitheater, amusement parks, driving range, and campgrounds. Minimum lot width shall be six hundred (600) feet.

- iii. Eighty (80) acres for a nine hole course; one hundred sixty (160) acres for an eighteen (18) hole course.
- iv. Twenty (20) acres for drive-in theaters, air gun and survival games, fairgrounds, recreational vehicle parks, travel trailer parks, ski slopes, animal and go-cart racing, and automobile and motorcycle tracks.  
Minimum lot width shall be six hundred (600) feet.
- b. No building or spectator seating facility shall be located within one hundred (100) feet of a lot line.
- c. Front, side and rear yards shall be at least eighty (80) feet. The first fifty (50) feet of such yards shall be kept free of off-street parking and shall be landscaped.
- d. A landscaped buffer zone shall be provided between parking and principal building areas and any adjacent residential development. Whenever parking areas are within sixty (60) feet adjacent to land zoned or used for residential purposes, a five (5) foot wall or greater shall be provided along the sides of the parking area adjacent to such residential land.
- e. The entire periphery of race tracks and drive-in theaters shall be enclosed with an obscuring screen fence at least eight (8) feet in height. Fences shall be of permanent finished construction, painted or otherwise finished neatly, attractively and inconspicuously.
- f. A fifty (50) foot minimum undisturbed buffer zone between turf areas and natural water bodies, watercourses or wetlands must be maintained as part of a golf course. The buffer zone must contain natural vegetation and shall not be chemically treated.

**2. Special Performance Standards For All Outdoor Commercial Recreation Facilities:**

- a. The applicant shall provide evidence of compliance with all appropriate federal, state, county and local permits as appropriate.
- b. Facilities shall provide off-street parking and passenger loading areas.
- c. Adequate stacking area shall be provided for vehicles waiting to enter the lot.
- d. Facilities which have a participant capacity greater than five hundred (500) people shall provide letters of review from the County Sheriff and County Road Commission with respect to the proposed project.
- e. In no case shall a recreational accessory use predate the installation and operation of the principal use. When the principal use ceases to operate, the accessory use shall immediately cease.
- f. No temporary sanitary facility or trash receptacle shall be located within two hundred (200) feet of an existing dwelling.
- g. All sanitary facilities shall be designed and constructed in strict conformance with County Health Department regulations.
- h. Except in the case of golf courses, operating hours for all uses shall be determined by the Planning Commission based on the nature of the use and the nuisance potential to adjoining property owners. The maximum range of hours is Monday through Sunday from 7:00 a.m. to 12:00 a.m. (midnight) and may be prohibited on legal holidays.

**3. Special Performance Standards for Camping Facilities**

- a. Each campsite shall contain a minimum of one thousand five hundred (1,500) square feet.

- b. Each campsite shall be set back from any right-of-way or lot line at least seventy (70) feet.
- c. A common use area shall be provided in the parcel of five hundred (500) square feet per campsite.
- d. There shall be no permanent storage of tents, campers, travel trailers or mobile home units in the development unless specifically permitted.
- e. At least one public telephone shall be provided in the facility.
- f. Maximum density for campgrounds shall be fifteen campsites per acre.
- g. No more than one permanent dwelling shall be allowed in a campground which shall only be occupied by the owner, manager or an employee.
- h. Separate toilet and bathing facilities shall be provided for each sex and shall contain hot and cold water at a ratio of one facility per twenty (20) campsites.
- i. Each campsite shall have a picnic table and designated place for fires.

**4. Special Performance Standards for Golf Courses and Country Clubs**

- a. Accessory uses may include; clubhouse/pro shop, managerial facilities, maintenance shed, toilets, lockers, standard restaurant and drinking establishments, tennis, racket sport, and swimming facilities.
- b. The clubhouse design is to be of a residential character and exterior materials are to be primarily wood or brick.
- c. Major accessory uses such as a standard restaurant and bar shall be housed in a single building with the club house. Minor accessory uses strictly related to the operation of the golf course itself, such as maintenance garage and pro shop or golf shop may be located in separate structures.
- d. There may be a maximum of two (2) identification signs. Each sign may have a maximum area of thirty (30) square feet. Both signs may be lighted.
- e. A site plan of the proposed development shall be reviewed and approved in accordance with Article 6 of this Ordinance. Such site plan shall indicate the location of service roads, entrances, driveways and parking areas and shall be so designed in relationship to the public streets that pedestrian and vehicular traffic safety is maximized.
- f. Development features shall be shown on said site plans; including the principal and accessory buildings, structures and parking areas, and shall be so located as to minimize possible adverse effects upon adjacent property.
- g. All principal or accessory buildings and parking areas shall be not less than two hundred (200) feet from any lot line or abutting residentially zoned lands; provided that where topographic conditions are such that buildings would be screened from view. The Planning Commission may modify this requirement.
- h. Access shall be so designed as to provide all ingress and egress directly onto or from a major thoroughfare.
- i. The total lot area covered with principal and accessory buildings shall not exceed fifteen percent (15%).
- j. Additional parking is required for accessory uses that may be allowed.
- k. A golf driving range accessory to the principal use of the golf course is permitted provided the area devoted to this use shall maintain a seventy-five (75) foot front yard and a one hundred (100) foot side and rear yard setback. The area shall be buffered by natural vegetation and fencing to minimize the impact upon adjoining properties. In the consideration of golf driving ranges additional

buffering conditions necessary to minimize the impact of possible safety threats from projectiles upon adjacent land uses may be imposed by the Planning Commission.

- I. Toilet facilities for use by patrons shall be located conveniently. Such facilities shall be approved by the County Health Department.
- m. Water quality protective measures are required as follows:
  - i. Maintenance of erosion control barriers during construction and until all ground cover is established.
  - ii. To the extent practicable, runoff must be directed to on-site holding/sedimentation ponds with a water quality control structure installed at the outlet prior to water discharge from the premises.
  - iii. Site areas in proximity to fuel and chemical storage areas shall be designed to direct all runoff to an on-site ponding area.
  - iv. A chemical storage area must be designated within an accessory building. The area must provide secondary containment to prevent the spread of spills.
  - v. All herbicide, insecticide, fungicide and rodenticide chemicals must be stored in a locked enclosure.
  - vi. An inventory manifest of stored chemicals must be posted at the entrance of the accessory building. Said listing must also be filed with the Township.
  - vii. At any time widespread or non-spot application of herbicide, insecticide, fungicide or rodenticide is to occur, notification signs must be posted at lot lines. The signs are to state the type and name of the chemical, date and time of application, and other appropriate information.
  - viii. All chemical applications must be by a Michigan Department of Agriculture Licensed Applicator.
  - ix. Chemicals shall meet the requirements of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), the Environmental Protection Agency (EPA), and all appropriate state statutes and administrative directives.
  - x. In order to ensure that the site can be restored to prior conditions should golf course construction not be completed, the Township may require posting of a performance guarantee or other acceptable security
- o. Swimming pools shall conform with the requirements of [Section 3.17](#).

C. **Planned Unit Developments** Planned Unit Developments shall be processed as a special land use provided that the standards in this subsection are met.

- 1. **Permitted Uses:** The following uses shall be permitted within a planned unit development:
  - a. Single family platted subdivision, consisting of single family dwellings or two family dwellings.
  - b. Condominium subdivisions, consisting of single family dwellings or two family dwellings.
  - c. Multiple family dwellings.
  - d. Resort complexes which, in addition to lodging, provide recreation activities such as, but not necessarily limited to: skiing, golfing, tennis, swimming, boating, hiking, snowmobiling, camping, riding, and related accessory activities.

- e. Nonresidential uses as part of the lodging or residential component of the planned unit development, provided the applicant can demonstrate by a site plan and expert analysis, and the Township Board finds, in its discretion, that the nonresidential uses shall principally serve the lodging or residential component of the planned unit development project.
2. **Minimum Parcel Size and Lot Width:** The minimum size of a parcel used for a planned unit development shall be ten (10) acres of contiguous land and have frontage of at least three hundred thirty (330) feet.
3. **Unified Control:** The proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.
4. **Dedicated Open Space:**
- a. Guarantee of Open Space: The dedicated open space shall forever remain open space, subject only to uses approved by the Township on the approved site plan. Further subdivision of open space land or its use for other than recreation, conservation or agricultural purposes, except for easements for utilities and septic systems, shall be strictly prohibited. The applicant shall guarantee to the satisfaction of the Township Attorney that all open space portions of the development will be maintained in perpetuity and in the manner approved. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Township and the land uses continue as approved in the open space development.
    - i. Any structure(s) or building(s) accessory to a recreation, conservation or agriculture use may be erected within the dedicated open space, subject to the approved site plan. These accessory structure(s) or building(s) shall not exceed, in the aggregate, one percent (1%) of the total dedicated open space area.
  - b. Open Space Requirements:
    - i. The total area of dedicated open space shall equal at least thirty (30) percent of the parcel. Dedicated open space may include flood plain areas, but required dedicated open space shall not include roads, public rights-of-way, and year round submerged lands.
    - ii. All land within a development that is not devoted to a building, dwelling unit, an accessory use, vehicle access, vehicle parking, a roadway, or an approved land improvement, shall be set aside as common land for recreation, conservation, agricultural uses, or preserved in an undeveloped state.
    - iii. The dedicated open space shall be set aside by the owner through an irrevocable conveyance that is found acceptable to the Township Attorney, such as recorded deed restrictions, covenants that run perpetually with the

land, transfer to a nonprofit land trust, or a conservation easement established per the State of Michigan Natural Resources and Environmental Protection Act, Public Act 451 of 1994, as amended. Such conveyance shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use. Such conveyance shall:

1. Indicate the proposed allowable use(s) of the dedicated open space.
  2. Require that the dedicated open space be maintained by parties who have an ownership interest in the open space.
  3. Provide standards for scheduled maintenance of the open space.
  4. Provide for maintenance to be undertaken by the Township of Greenwood in the event that the dedicated open space is inadequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the property owners.
- iv. All dedicated open space must be a minimum of twenty (20) feet wide, except that the dedicated open space must include the land directly adjacent to any major or minor thoroughfare right of way and along the shoreline of Tee lake and Snyder Lake, and run the full length of the right of way and shoreline along the project site at a width of at least one hundred (100) feet. The one hundred (100) foot width along the shoreline shall be measured from the ordinary high water mark.
- v. Dedicated open space must be easily accessible from all planned unit development dwelling units.

**5. Access and Circulation:**

- a. Direct access: Direct access from a paved County road to a planned unit development is required. The nearest edge of any entrance or exit drive shall be located no closer than two hundred (200) feet from any existing street or road intersection (as measured from the nearest intersection right-of-way line).
- b. Pedestrian Circulation: A pedestrian circulation system may be required along one side of, or all of, the internal roads of the planned unit space development. The exact location and alignment of the sidewalks shall be jointly agreed upon by the applicant and Planning Commission, and shall be coordinated with existing or planned sidewalks and roads in the area. Pedestrian circulation network shall assure ease of access from residences to the designated open space areas.
- c. Vehicular Circulation: Construction of private roads or private access drives as a means of providing access and circulation and increasing the rural character of the planned unit development project is encouraged. They shall meet clear view, drainage, and signage requirements of this Ordinance. Private roadways within a planned unit development must be constructed according to the provisions of [Section 3.12](#), unless such provisions are exempted from the design requirements where the following findings are made by the Township Board of Trustees after receiving the recommendation of the Planning Commission:
  - i. a deed restriction is placed on the project site that perpetually vests fee simple use of the land area used for the road in the parties adjoining the road and prohibits future transfer to the public; and,



- ii. a maintenance plan, including a means of guaranteeing maintenance assessments from the affected property owners, is reviewed and approved by the Township Board of Trustees.
  
- 6. **Natural Features:** The development shall be designed to promote the preservation of natural features. If animal or plant habitats of significant value exist on the site, the Township Board, as a condition of approval, may require that the open space development preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas.
  
- 7. **Lots and Dwelling Units:** The following minimum and maximum standards shall apply to all lots and dwelling units in planned unit developments:
  - a. Number of Dwelling Units:
    - i. Low Density Residential District: The total number of dwelling units permitted shall be equal to the total area (acres) of the parcel divided by the maximum allowable density of one (1) dwelling unit per five (5) acres. Fractions of dwelling units resulting from dwelling unit calculations shall be rounded to the nearest whole number.
    - ii. Medium Density Residential District: The total number of dwelling units permitted shall be equal to the total area (acres) of the parcel divided by the maximum allowable density of four (4) dwelling units per acre. Fractions of dwelling units resulting from dwelling unit calculations shall be rounded to the nearest whole number.
    - iii. Shoreline Residential District: The total number of dwelling units permitted shall be equal to the total area (acres) of the parcel divided by the maximum allowable density of two (2) dwelling units per acre. Fractions of dwelling units resulting from dwelling unit calculations shall be rounded to the nearest whole number.
  - b. Minimum Lot Area: The minimum lot area shall be five thousand (5,000) square feet for single family dwellings and six thousand five hundred (6,500) for two family dwellings, where public sewer is available. Where public sewer is not available, minimum lot size shall be determined by the application for and approval of an on-site sewage disposal permit by the Oscoda County Health Department.
  - c. Minimum Lot Frontage and Width:
    - i. Each parcel of land for a single-family detached residence shall have continuous frontage of not less than sixty (60) feet, except for a corner lot which shall have continuous frontage of not less than seventy (70) feet along each front lot line.
    - ii. Each parcel of land for a two family dwelling shall have continuous frontage of not less than seventy-five (75) feet, except for a corner lot which shall have continuous frontage of not less than eighty-five (85) feet along each front lot line.
  - d. Yard and Setback Requirements:
    - i. Front Yard: Twenty-five (25) feet.
    - ii. Side yard: None if shared wall construction is used, ten (10) feet otherwise.
    - iii. Rear yard: Twenty (20) feet.

- iv. Under no conditions shall a dwelling be closer than fifty (50) feet to an exterior property line.
- e. Distance Between Buildings: The distance between any two multi family structures which occupy the same lot shall not be less than thirty (30) feet, if both of the walls facing each other contains windows or other openings, and not less than twenty (20) feet for all other situations; provided, however, a greater separation may be required where any structure exceeds thirty (30) feet in height and the location of such structure will tend to obstruct light to adjacent residential structures.
- f. Maximum Building Height: Two and one half (2 1/2) stories.

**8. Utilities and Infrastructure:**

- a. The planned unit development shall provide for underground installation of all utilities prior to construction of any homes or sale of any properties.
- b. A planned unit development permit shall not be issued unless public water and sanitary sewer and fire hydrants are provided to the development where municipal services are available.
- c. Provisions shall be made for the construction of storm water facilities. The storm water system may include the establishment of detention or retention basins.
- d. On approval of the PUD plan by the Planning Commission the following must take place prior to any construction except for the building of a spec home by the developer.
- e. All infrastructure for the PUD must be completed prior to construction of any homes or sale of any properties.

**9. Scheduled Phasing:**

- a. Scheduled Phasing: When proposed construction is to be phased, the project shall be designed in a manner that allows each phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the open space development and the residents of the surrounding area.
- b. Timing of Phases: Each phase of the project shall be commenced within twelve (12) months of the schedule set forth on the approved site plan. If construction of any phase is not commenced within the approved time period, an extension may be granted following review of a formal request for extension by the owner and approval of same by the Planning Commission. Such approval may be withheld only where harm to adjacent lands or uses would occur, there have been significant changed conditions in the area, or in the case of fraud or violation of the terms of the original approval.
- c. Revision of Approved Plans: Approved plans for an open space development may be revised in accordance with the procedures set forth in Section 5.06.

**D. Sexually Oriented Businesses**

Sexually Oriented Businesses shall be processed as a special land use provided that the standards in this subsection are met.

1. No sexually oriented business shall be permitted in a location in which any principal or accessory structure, including signs, is within one thousand feet (1000') of any principal or accessory structure of another sexually oriented business.
2. No sexually oriented business shall be established on a parcel which is within one thousand feet (1000') of any parcel zoned ERN 1, ERN-2, LDR, MDR and SHR.
3. No sexually oriented business shall be established on a parcel within one thousand feet (1000') of any residence, park, school, child care organization, or place of worship. The distance between a proposed sexually oriented business and any residence, park, school, child care organization, place of worship, or other sexually oriented business shall be measured in a straight line from the nearest property line upon which the proposed sexually oriented business is to be located to the nearest property line of the residence, school, child care organization, place of worship, or other sexually oriented business.
4. The proposed use shall conform to all specific density and setback regulations, etc. of the zoning district in which it is located.
5. The proposed use must meet all applicable written and duly promulgated standards of the Township and of other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.
6. The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or the adjacent roadways.
7. Any sign or signs proposed for the sexually oriented business must comply with the provisions of this Ordinance relating to the regulation of signage, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.
8. Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that: 1) "Persons under the age of 18 are not permitted to enter the premises", and 2) "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
9. No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift, shall be displayed so as to be visible from the nearest adjoining roadway or a neighboring property.
10. Hours of operation shall be limited to 8:00 AM to 12:00 AM.
11. All off-street parking areas shall be illuminated during all hours of operation of the sexually oriented business, and until one hour after the business closes.
12. Any booth, room or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:
  - a. Is handicap accessible to the extent required by the Americans With Disabilities Act;
  - b. Is unobstructed by any door, lock or other entrance and exit control device;
  - c. Has at least one side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
  - d. Is illuminated by a light bulb of wattage of no less than 25 watts;
  - e. Has no holes or openings in any side or rear walls.

**E. Shooting Ranges**

**1. The following site and developmental requirements shall apply:**

- a. Minimum Lot Area shall be forty (40) acres.
- b. Minimum front, side and rear yard setbacks shall be two hundred fifty (250) feet.

**2. Special Performance Standards:**

- a. All federal, state and county codes and ordinances in regard to firearms shall be strictly adhered to.
- b. A site plan for the range, whether indoor or outdoor, shall be submitted to the Planning Commission clearly indicating all safety provisions to assure that any missile fired within the confines of a shooting range shall not carry into or over an adjacent district or area.
- c. The operator shall have the County Sheriff review and comment on the site plan prior to submitting it to the Township Planning Commission.
- d. Rifle and pistol ranges shall have adequate backstops that meet the approval of the Planning Commission.
- e. A five (5) foot high chain link fence shall be provided around the entire area devoted to or used for the shooting of firearms to assure that individuals will not unknowingly trespass on the property.
- f. Hours of operation shall be between 8:00 a.m. and dusk.

**F. Underground Fuel Storage Facilities**

**1. The following site and developmental requirements shall apply:**

- a. For facilities with new underground storage tanks, the site shall be three hundred (300) feet from any residential well, eight hundred (800) feet from a non-community public water well and two thousand (2,000) feet from any public water well.
- b. Facilities shall be completely fenced with at least a 6 foot fence with a locking gate.
- c. All fuel storage facilities must meet all Federal and State regulations and must be approved by the Township Planning Commission.

**2. Special Performance Standards:**

- a. There shall be no above-ground outdoor storage/dispensing tanks on the site without leak proof secondary containment sufficient to accommodate one hundred twenty (120) percent of the volume of the tank.
- b. Loading and unloading areas shall provide secondary containment sufficient to accommodate one hundred twenty (120) percent of the volume of the transport vehicle.
- c. All handling of flammable or hazardous substances shall be in accordance with state and federal laws and all required state and federal permits shall be obtained and the establishment shall remain in conformance therewith.

**G. Veterinarian Clinics**

**1. The following site and developmental requirements shall apply:**

- a. Buildings where animals are kept, dog-runs, paddocks, and/or exercise areas shall not be located nearer than one hundred feet (100) to any adjacent residential district lot line or any adjacent building used by the general public.

**2. Special Performance Standards:**

- a. Uses permitted include medical treatment, retail sales and boarding. Animals included are dogs, cats and similar household pets.
- b. All activities must be confined within a fully enclosed building that is soundproofed except for a large animal paddock.
- c. All principal use activities shall be conducted within a totally enclosed main building.
- d. There shall be no storage or boarding of animals outside of the fully enclosed and soundproofed building.
- e. No dogs shall be permitted in open run areas between the hours of 10:00 p.m. and 7:00 a.m.
- f. An adequate, enclosed method of refuse storage and disposal shall be maintained so that no public nuisance shall be created at any time.

# **Article 3**

## **GENERAL PROVISIONS**

### **Section 3.01 INTENT AND 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. The following general provisions establish regulations which are applicable to all zoning districts unless otherwise indicated.

### **Section 3.02 ESSENTIAL SERVICES**

Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township, it being the intention hereof to exempt such essential services from the application of this Ordinance, except that essential services do not include public facilities and communication towers separately regulated by Section 2.05 Standards for Specific Uses.

### **Section 3.03 ONE BUILDING TO A LOT**

No more than one principal building may be permanently established on a lot or parcel, unless specifically provided for elsewhere in this Ordinance as in the case of a condominium subdivision, planned unit development or multiple family development.

### **Section 3.04 PERMITTED SETBACK ENCROACHMENTS**

The minimum setback requirements of this Ordinance are subject to the following permitted encroachments.

- A. The following architectural elements of a building shall be permitted to encroach no more than five (5) feet into a required setback area: cornices, eaves, gutters, chimneys, pilasters, outside stairways, fire escapes, and similar features.
- B. Attached terraces, patios, porches and decks shall be permitted to encroach upon the minimum setback area and setback requirements of this Ordinance provided that they are not covered with a roof, or that the deck or paved area is no closer than ten (10) feet from a side or rear lot line, except if the setback proposed to be encroached abuts a public street or approved private road, in which case the principal structure setback shall be observed and no encroachment is permitted.
- C. Asphalt and concrete driveways shall be permitted to encroach upon the minimum setbacks to the extent that the encroachment is needed to connect to a roadway.

### **Section 3.05 ALLOCATION OF LOT AREA & CONFIGURATION OF LOTS**

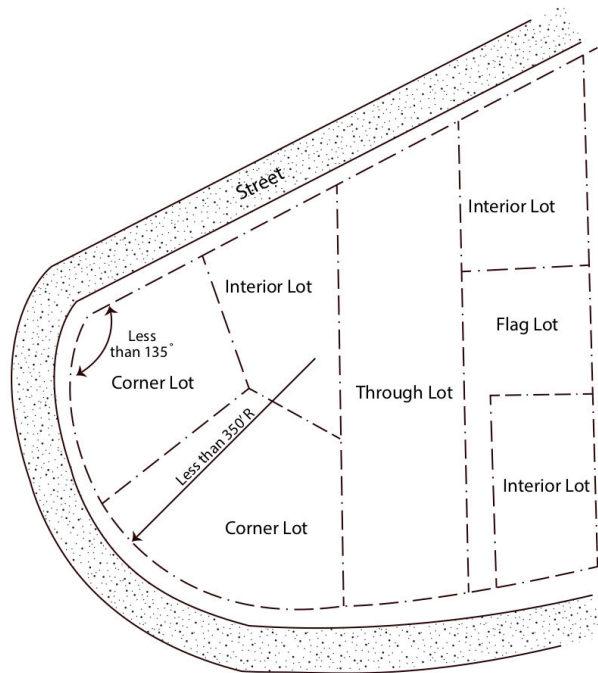
The following rules apply to lots:

- A. No portion of a lot can be used more than once in complying with the provisions for lot area and yard dimensions for construction or alteration of buildings.

B. The depth of lots created in all zoning districts after the effective date of this Ordinance shall not be more than four (4) times longer than their width (see [Section 2.04](#)).

C. The creation of flag lots is greatly discouraged. Where there is no other way to gain access to undeveloped land due to limited street or road frontage, new flag lots may be permitted to be created provided that the flag lot has at least twenty (20) feet of frontage on a public street, that this right-of-way serves only one lot, and that there is at least a distance equivalent to the lot width of a conforming lot between flag lots. The minimum front, side and rear setback requirements of the district in which a flag lot is located must be met on the portion of lot excluding the right-of-way (See Figure 3.1).

Figure 3.1 Lot Types



**Section 3.06 HEIGHT REQUIREMENT EXCEPTIONS**

The following are exempted from height limit requirements, provided that no portion of the exempted structure may be used for human occupancy:

- A. Those purely ornamental in purpose such as church spires, belfries, cupolas, domes, ornamental towers, flagpoles and monuments, and do not exceed seventy-five (75) feet in height.
- B. Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, elevator and stairwell penthouses, ventilators, bulkheads, radio towers, masts and aerials, television antennas, fire and hose towers, wire transmission structures, cooling towers, or other structures where the manufacturing process requires a greater height but do not exceed one hundred (100) feet in height.
- C. Those structural extensions deemed necessary for appropriate building design such as cornices or parapet walls may extend a maximum of five (5) feet above height limitations and shall have no window openings.
- D. Public utility structures, but not including communication towers, except upon receipt of a zoning permit.

- E. Agricultural buildings and structures, such as barns, silos, elevators and the like, provided they shall not exceed one-hundred (100) feet in height.
- F. Wind power electrical generating towers, provide they shall not exceed seventy (70) feet in height and the distance from the base of the tower to any lot line shall be ten (10) feet more than the height of the tower.

**Section 3.07 DWELLINGS**

- A. Unless specifically otherwise permitted in this ordinance, a single family dwelling unit shall contain a minimum of seven hundred-twenty (720) square feet, and have a minimum width of twenty-four (24) feet, except that in the ERN-1 district or for replacement of existing manufactured homes in other zoning districts, updated dwellings may be under 24 feet wide, if in compliance with the BOCA building code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with a federal or state standards or regulations for construction (as in the case of manufactured homes) and where such standards or regulations for construction are different than those imposed by the BOCA building code, then and in that event such federal or state standard or regulation shall apply.
- B. All dwellings shall be firmly attached to a permanent foundation constructed on the site in accordance with the county BOCA building code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for such dwellings. In the event that the dwelling is a manufactured 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, and shall be set on a concrete footing with a masonry wall extending from perimeter to ground, or on a concrete footing with fireproof supports and shall have a continuous skirt extending from perimeter to ground, made of commercial quality or equivalent, and comply with the rules and regulations of the Michigan Manufactured Home Commission, the Public Health Department, and HUD Regulations 24 CFR 3280, being the "Manufactured Home Construction and Safety Standards".
- C. In the event that a dwelling is a manufactured home as defined herein, each manufactured home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
- D. The dwelling shall be connected to a public sewer and water supply or to such private facilities approved by the Oscoda County Health Department.
- E. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable county BOCA building code provisions and requirements.

**Section 3.08 ACCESSORY USES, BUILDINGS, AND STRUCTURES**

Accessory buildings, structures and uses, except as otherwise permitted in this Ordinance, shall be subject to the following regulations.



- A. **Attached:** An accessory building, including carports which are attached to the principal building, shall comply in all respects with the requirements of this Ordinance applicable to the principal building. Breezeways, as an attachment between the garage or carport and the main building, shall be considered a part of the main building, but shall not be considered habitable floor area.
- B. **Separation Distance:** An accessory building or structure unless attached and made structurally a part of the principal building, shall not be closer than five (5) feet to any other structure on the lot.
- C. **Placement:** Accessory buildings and structures are subject to the following setbacks:
1. No accessory building or structure shall be closer than five (5) feet to any interior side or rear lot line.
  2. Accessory buildings and structures shall not be located within the front yard, except a garage shall be permitted in the front yard where such garage is a minimum of 100 feet from the road right of way or easement, and provided such garage meets all other setbacks for primary buildings under [Section 2.04](#).
  3. On a lakefront lot, accessory buildings may be permitted within the front (waterside) yard, provided that such accessory buildings are no greater than 120 square feet in gross floor area, and no greater than 8 feet in height. Such accessory buildings shall be located at least five feet off of the high water mark and side setbacks applicable to primary buildings.
- D. **Lot Coverage:** In all districts accessory buildings or structures shall not occupy more than twenty-five (25) percent of the area of any rear yard and in no instance shall the total accessory structure exceed three (3) times the **habitable** main floor of the principal structure, ground floor area. Except that accessory buildings or structures may occupy up to fifty (50) percent of the area of any rear yard, if it is a nonconforming lot of record, and side and rear yard setbacks are still met.
- E. **Height:** Except where otherwise permitted in this ordinance, no detached residential accessory building or structure shall exceed twenty-two (22) feet in height.
- F. **Permitted Prior to a Principal Structure:** A building that is constructed or placed on a lot prior to a principal dwelling being constructed or placed on the same lot, and to be used only for private use, and non-commercial by the owner of same property, shall be permitted by a zoning permit by the Zoning Administrator under the following conditions:
1. Stand-alone storage buildings are permitted on any buildable lot in zoning districts ERN, SHR, MDR, LDR & RC when they comply with items 3 through 12 of this list.
  2. Agricultural buildings in compliance with the setback standards for primary buildings in [Section 2.04](#) may be erected without a primary structure.
  3. Ground floor area of a stand-alone storage building constructed or placed on a build-able lot will be no more than 1,600 square feet.

4. No living quarters are allowed in a stand-alone storage building.
  5. No lean-to will be allowed attached or free standing to stand-alone storage building.
  6. Only one stand-alone storage building per lot or parcel.
  7. Height of stand-alone storage building will not exceed 22 feet.
  8. Setbacks for a stand-alone storage building will be followed according to the zoning district in which it is located. The exception would be the front setback, which is not less than 100 feet.
  9. A stand-alone storage building may be constructed or placed on the parcel so that the parcel can be developed in the future with full compliance to all zoning ordinance requirements stated in "Greenwood Township Land Use Regulations" book.
  10. A buildable lot for the stand-alone storage building shall consist of a parcel that will accommodate a well, septic system, driveway, all minimum setbacks, and driveway for a future home.
  11. Some non-conforming lots that are not large enough to accommodate a future home, but still request a standalone storage building and can meet the standard setbacks in the district location shall be permissible.
  12. Site address must be posted.
- G. **Habitation of Accessory Buildings.** No garage, barn, or accessory buildings, or basement, whether fixed or portable, shall be used or occupied as a dwelling.
- H. **Vehicles Not Permitted as Accessory Buildings.** Truck bodies, semi-trailers, school bus bodies, mobile homes, shipping containers, or other items built and intended for other uses shall not be used as an accessory building.
- I. **Temporary Storage Structures**, as defined in this ordinance, may be allowed by permit issued by the Zoning Administrator, provided:
1. Each structure meets all dimensional standards of this Section
  2. That each structure is securely attached to the ground.
  3. Each structure is limited to a 300 square feet footprint.
  4. No more than one temporary structure is permitted per lot in the SHR and ERN districts, and no more than two are permitted in the MDR and LDR districts.
- J. **Solar Panels** intended to produce electricity for on-site use shall be allowed in any zoning district. Solar panels shall meet all applicable construction and electrical codes. Net metering to public utilities is permissible, though not required.
1. Ground-mounted solar panels shall be allowed only with a permit issued by the Zoning Administrator. Such panels shall not be located within the front setback area; panels shall not extend to be positioned closer than 5 feet from any lot line.

2. Building-mounted solar panels shall be permitted in any zoning district with no zoning permit required.

### **Section 3.09 TEMPORARY BUILDING, STRUCTURES and USES**

All temporary buildings, structures, and uses are permitted in all districts unless otherwise restricted below. Temporary buildings and structures shall not be greater than three hundred (300) square feet in area nor used for dwelling purposes and may be placed on a lot or parcel of record and occupied only under the following conditions as authorized by a zoning permit issued by the Zoning Administrator as provided below: (As amended by Ordinance No. 03032020, effective March 6, 2020).

**A. Travel Trailers or Motor Homes.** For travel trailers or motor homes outside of an approved travel trailer park or campground:

1. Travel trailer or motor homes may be occupied for a period not to exceed 15 consecutive days at any time with or without a primary building, subject to all of the following:
  - a. The trailer or motor home is not on land in the C zoning district.
  - b. The travel trailer or motor home shall be attached to a septic system as approved by the Health Department, or alternately, shall have alternative means of disposing of waste that is approved by the Health Department
  - c. Such travel trailer or motor home shall be placed a minimum of 15 feet from any road right of way or access easement and a minimum of 5 feet from any other lot line  
(As amended by Ordinance No. 03032020, effective March 6, 2020)..
2. The Zoning Administrator may issue a permit for occupancy of such travel trailer or motor home for a period of up to six months, subject to all of the following:
  - a. Only one such permit may be issued in any single calendar year
  - b. The travel trailer or motor home shall be attached to a septic system as approved by the Health Department, or alternately, shall have alternative means of disposing of waste that is approved by the Health Department
  - c. Such travel trailer or motor home shall be placed a minimum of 15 feet from any road right of way or access easement and a minimum of 5 feet from any other lot line.
  - d. Such travel trailer or motor home shall be owned by the owner or occupant of the land and shall not be rented.
  - e. The trailer or motor home is not on a lakefront lot. (As amended by Ordinance No. 03032020, effective March 6, 2020)

**B. Additional Permitted Temporary Buildings, Structures, and Uses:**

The following additional permitted temporary buildings, structures, and uses are allowed as provided herein:

1. Incidental to construction of a new, non-single family residential building for a period of time up to 12 months to be removed within 15 days of completion of construction.
2. Firewood Sales: Storage of firewood for sale and use by persons off the premises shall be restricted to the side and rear yards in ERN districts

3. Similar short term, seasonal sales uses, such as garage sales, as determined by the Zoning Administrator.

**C. Application, Permit, and Conditions**

1. **Application:** A zoning permit for a temporary use may be approved, modified, conditioned, or denied by the Zoning Administrator. The Zoning Administrator may refer the application to the Planning Commission for action due to complexity of the proposal and
2. **Conditions of Approval:** The Zoning Administrator shall issue a zoning permit for a temporary use when all of the following standards are met:
  - a. The nature and intensity of the temporary use and the size and placement of any temporary structure shall be planned so that the temporary use or structure will be compatible with existing development.
  - b. The use shall not be located within a permanent building or structure.
  - c. The parcel shall be of sufficient size to adequately accommodate the temporary use or structure.
  - d. The location of the temporary use or structure shall be such that adverse effects on surrounding properties will be minimal, particular regarding the traffic generated by the temporary use or structure.
  - e. Off-street parking areas are of adequate size for the particular temporary use or structure and properly located and the entrance and exit drives are laid out so as to prevent traffic hazards and nuisances.
  - f. Any lighting shall be directed and controlled so as to not create a nuisance to neighboring property owners.
  - g. The Zoning Administrator may impose conditions with the issuance of the permit which is designed to insure compliance with the requirements of this Ordinance. The Zoning Administrator may revoke a permit at any time for nonconformance with the requirements of this section and a permit issued thereunder.

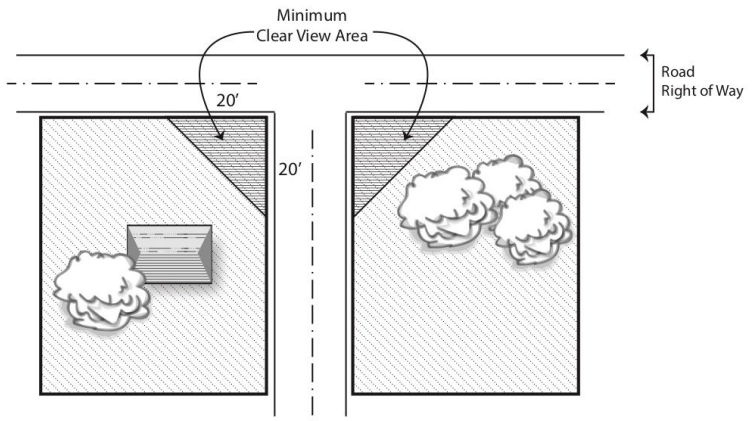
**Section 3.10 TEMPORARY HOUSING PERMITS**

The Zoning Administrator may issue temporary housing permits for structures for dwelling purposes, including mobile homes, when a dwelling is destroyed by fire, collapse, explosion, Acts of God, or acts of a public enemy to the extent that it is no longer safe for human occupancy, as determined by the Building Inspector. The temporary housing permit may be issued to allow a mobile home or motor home less than twenty (20) feet in width to be placed on the property upon the request of the owner. Said permit shall be in effect for no more than six (6) months, any extension must be approved by the Zoning Board of Appeals who may grant the same for a period of not more than one (1) year during which time a permanent dwelling shall be erected on the property.

- A. A temporary housing permit shall not be granted, for any reason, unless the Zoning Administrator finds:
  1. Evidence that the proposed location of the temporary dwelling will not be detrimental to property within three-hundred (300) feet of the parcel intended to be the location of the temporary dwelling.
  2. Proposed water supply and sanitary facilities have been approved by the County Health Department.

3. All applicable dimensional requirements within said district shall apply to temporary dwellings.
4. A performance guarantee may be required by the Zoning Board of Appeals to guarantee the removal of the temporary dwelling.

Figure 3.2 Clear View



**Section 3.11 ACCESS CONTROL**

- A. All parcels or lots hereinafter created in the Township shall have frontage on a public street, or an approved private road, and take their lot access from such frontage so as to provide safe, convenient access for fire protection, other emergency vehicles, and any required off-street parking.
- B. No driveway shall serve more than one (1) single family dwelling, except in the case of a permitted two-family dwelling.
- C. No fence, wall, sign, or screen or any planting shall be erected or maintained in such a way as to obstruct vision or interfere with traffic visibility on a curve, or within twenty (20) feet of the street right-of-way (See Figure 3-2).

**Section 3.12 PRIVATE ROADS:**

- A. Private Road Authority; Permit Required: Private roads are permitted provided they conform to the requirements of this Section. No private road shall be constructed, extended or relocated after the effective date of this Ordinance unless an application for a private road construction permit has been completed and filed with the Zoning Administrator, and subsequently approved.
- B. Construction and Design Standards: The creation of a road that serves a division of land, other than subdivisions as defined by the Land Division Act of 1967, resulting in two (2) or more parcels being served by a private road, shall meet the following standards:
  1. Right-of-Way: All private roads shall have a minimum right-of-way easement of at least sixty-six (66) feet or the current Oscoda County Road Commission's designated right-of-way width for local residential roads, whichever is greater.
  2. Cross Section: All private roads shall meet or exceed the Oscoda County Road Commission's cross sectional construction standards
  3. Connecting to a Paved Road: Private roads connecting to a paved road must have a paved approach extending minimum twenty (20) feet beyond the paved road right-of-way.
  4. Connection to Public Roads: Construction authorization from the Oscoda County Road Commission is required for connection to a public road. When applicable, a Soil Erosion and Sedimentation Control permit is also required from the County. Private roads shall meet perpendicular to a public street right-of-way or private road.
  5. Grades: No portion of the driveway entrance within the right-of-way shall have a grade of greater than ten (10) percent (1 foot vertical rise in 10 feet of horizontal distance).

6. Width and Curves: Private roads shall have a compacted gravel or paved width of at least twenty-two (22) feet. Centerline radius of a private road shall not be less than fifty (50) feet.
  7. Limit on Length: Newly constructed private roads with only one connection to a public road or another approved private road meeting the requirements of this Ordinance shall not be longer than two thousand (2,000) feet.
  8. Cul-de-sacs: A cul-de-sac shall be constructed whenever a private road terminates without intersecting with another public street or private road.
    - a. Any cul-de-sac shall terminate at the property line except when precluded by a natural barrier or when the cul-de-sac terminates at the last available lot or parcel within the development which lot or parcel fronts upon the cul-de-sac.
    - b. Frontage measurements for cul-de-sac lots shall be from the curve tangent that meets both side lot lines.
    - c. Not more than four (4) lots or parcels shall have frontage on a cul-de-sac.
- C. Maximum Number of Lots Served: No more than twenty-five (25) lots may gain access to a single private road if only one point of intersection is provided between a private road and a public road. No more than seventy-five (75) lots may gain access to a private road where two or more points of intersection are provided between a private road or roads and public roads. Where more than seventy-five (75) lots are served, the road shall be a paved public street built to full County Road Commission standards.
- D. Road Construction Approval Procedure: No private road shall be constructed, extended, or relocated after the effective date of this Ordinance unless an application for a private road construction permit has been completed and filed with the Zoning Administrator, and subsequently approved.
- E. Private Road Application: The applicant shall submit a private road application for new road construction consisting of the following:
1. Eight (8) sets of a road plans prepared and sealed by a professional engineer licensed in the state of Michigan showing
    - a. The private road easement including a legal description,
    - b. A cross section of each proposed road showing the types of materials that will be used to construct the road base and surface.
    - c. Grades of proposed roads.
  2. A road maintenance agreement signed by applicant/owner(s) to be recorded with the Township Clerk and Oscoda County Register of Deeds providing for:
    - a. A method of initiating and financing of such road in order to keep the road up to properly engineered specifications and free of snow or debris.
    - b. A workable method of apportioning the costs of maintenance and improvements to current and future uses.
    - c. A notice that if repairs and maintenance are not made, the Township Board may bring the road up to established Oscoda County Road Commission standards for public roads and assess owners of parcels on the private road for the improvements, plus an administrative fee in the amount of twenty-five (25) percent of total costs.

- d. A notice that no public funds of the Township of Greenwood are to be used to build, repair, or maintain the private road.

3. Application Review and Approval or Rejection:

- a. The Zoning Administrator shall review and send to the County Road Commission for review and comment, the plans of the private road. The proposed road maintenance agreement and road easement agreement shall be sent to the Township Attorney for review and comment.
- b. County Road Commission and Township Attorney recommendations shall be forwarded to the Township Board. The Planning Commission shall give its recommendation prior to final action by the Township Board where site plan approval is required.
- c. After reviewing all materials and recommendations submitted, the Planning Commission shall approve, deny, or approve with conditions the application for a private road. When approval is granted, construction authorization will be issued by the Zoning Administrator.
  - i. If the application is rejected, the reasons for the rejection and any requirements for approval shall be given in writing to the applicant.
  - ii. At the discretion of the Township Board, a proposed private road may be disapproved unless it connects to another private road or a county road when necessary to provide safe traffic flow and emergency vehicle access.
- d. The Zoning Administrator will arrange for inspections during construction of, and upon completion of the private road.

F. Failure to Perform: Failure by the applicant to begin construction of the private road according to approved plans on file with the Township within one (1) year from the date of approval shall void the approval and a new plan shall be required by the Township subject to any changes made herein or subject to any changes made by the Oscoda County Road Commission or the Township in its standards and specifications for road construction and development.

G. Private Road Inspections: All private roads will be inspected by the applicant's design engineer for compliance with the approved private road plans. The design engineer shall certify in writing that the road was constructed in compliance with the approved private road plans before the Township Board will grant final approval of the completed road.

H. Issuance of Land Use Permit for Structures on Private Roads: No land use permit shall be issued for a structure on any private road until such private road is given final approval by the Township Board.

I. Posting of Private Roads: All private roads shall be designated as such and shall be clearly posted with a clearly readable name which can be easily seen in an emergency. The sign shall be paid for, posted, and thereafter maintained by the property owner's association or developer. The Township Zoning Administrator shall check with the County to avoid a duplicate of names and give approval of same.

J. Private Roads Serving More Than One Residential Unit: When a private road serves only one residential unit, compliance with the established standards of the Oscoda County Road

Commission for public roads is not required. However, in the event any divisions of land are thereafter made, or the private road serves an additional principal structure and lot, any road serving the parcels shall comply with all other provisions of this Section.

- K. Notice of Easements: All purchasers of property where a private road provides access to the premises shall, prior to closing of the sale, receive from the seller a notice of easement, in recordable form, substantially conforming to the following:
  - 1. "This parcel of land has private road access across a permanent sixty six (66) foot easement which is a matter of record and a part of the deed.
  - 2. This notice is to make Purchaser aware that this parcel of land has egress and ingress over this easement only.
- L. Neither the County nor Township has any responsibility for maintenance or upkeep of any improvement across this easement. This is the responsibility of the owners of record. The United States mail service and the local school district are not required to traverse this private improvement and may provide service only to the closest public access. (Michigan P.A. 134 of 1972, as amended.)"
- M. Fees: Application fee is to be established by the Township Board. Before final approval the cost of review of plans and inspection by the Zoning Administrator of the private road and drainage shall be paid for by the applicant/developer.
- N. Final Approval: The Township Board shall grant final approval of a private road upon inspection and finding that the road is constructed according to the approved permit.

### **Section 3.13 PARKING**

It is the intent of this Ordinance that parking spaces shall be provided and adequately maintained by each property owner in every zoning district for the off-street storage of motor vehicles for the use of occupants, employees and patrons of each building and premise constructed, altered or enlarged under the provisions of this Ordinance. All vehicles shall be stored on the lot occupied by the principal building.

- A. **Fractional Space:** When units of measurement determining the number of required parking spaces result in a fractional space, any fraction to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) additional parking space.
- B. **Requirements for a Use Not Mentioned:** In the case of a use not specifically mentioned, the requirements of off-street parking for a use which is mentioned and which is most similar to the use not listed shall apply. The Zoning Administrator shall make this determination and a record of the rationale applied documented in a file established for that purpose. An appeal may be taken to the Zoning Board of Appeals.
- C. **Joint Use of Parking Areas:** The joint use of parking facilities by two or more uses may be granted by the Planning Commission whenever such use is practical and satisfactory to each of the uses intended to be served, and when all requirements for location, design, and construction are met.



- D. **Location of Parking Areas:** All off-street parking areas shall be located on the same lot, or on the adjacent premises in the same district as the use they are intended to serve.
- E. **Parking Space Requirements:**
  - 1. **Residential Uses:**
    - a. **One and Two Family Dwellings:** Two (2) spaces for each single family dwelling unit.
    - b. **Multiple Dwellings:** Two (2) spaces for each multiple family dwelling unit plus one space per five (5) units for guest parking.
    - c. **Mobile Home Park:** Two (2) spaces for each mobile home site plus one (1) space per three (3) units for guest parking.
  - 2. **Commercial Uses:**
    - a. **Retail Uses, Professional Offices Serving Customers, Restaurants and similar uses:** One space per 250 square feet of usable floor area
    - b. **Office and Industrial Uses not Serving Customers:** One space per 400 square feet of usable floor area.
  - 3. **Places of Assembly:** One space per 3 seats of capacity.
- F. **Reduction, Modification, Waiver:** The Planning Commission may alter the required parking for any use based on the particular activity proposed and information provided by the applicant.
- G. **Marking and Designation:** Parking areas shall be so designed and marked as to provide for orderly and safe movement and storage of vehicles.
- H. **Site Maneuverability:** Each parking space, within an off-street parking area, shall be provided with adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited. The width of required maneuvering lanes may vary depending upon the proposed parking pattern,
- I. All parking spaces shall be at least nine (9) feet wide and twenty (20) feet in length.
- J. **Surface:** Paved parking areas with a capacity of four (4) or more vehicles shall be surfaced with a material that shall provide a durable smooth and dustless surface and shall be graded and provided with adequate drainage.
- K. **Loading Spaces:** Where required for the proposed use, adequate loading and unloading spaces shall be provided adjacent to the building of not less than twelve (12) feet in width, forty (40) feet in length, and fourteen (14) feet in height, open or enclosed.
- L. **Parking Access:** Access to a truck standing, loading, and unloading space shall be provided directly from a public road or alley and such space shall be so arranged to provide sufficient off-street maneuvering space as well as adequate ingress and egress to and from a street or alley.

**Section 3.14 SIGN REGULATIONS**

The intent and purpose of this Section is to preserve the desirable character of Greenwood Township by reasonably regulating commercial and non-commercial signs which occupy space and may obstruct views, distract motorists, displace alternative uses for land and pose other problems that legitimately call for regulation. In enacting this Ordinance, Greenwood Township recognizes both the need for commercial advertising so that people unfamiliar with the area, including tourists and transients may avail themselves of the goods and services afforded by local businesses and the constitutional right of its resident citizens to engage in various forms of non-commercial speech. As a result, these regulations permit signs and other displays that are needed for the purposes of identification, advertising or expression, subject to the following objectives:

1. By reason of their size, location, spacing, construction or manner of display, signs shall not endanger life or limb, confuse or mislead traffic, obstruct vision necessary for traffic safety, or otherwise endanger the public health or safety.
2. Signs should enhance the aesthetic appeal of the Township. Thus, these regulations are intended to: (1) regulate oversized signs that are out-of-scale with the surrounding buildings and structures, and (2) prevent an excessive accumulation of signs which cause visual clutter and distraction.

**A. GENERAL SIGN STANDARDS FOR ALL SIGNS:**

1. Temporary Signs: The following regulations apply to all temporary signs regardless of the zoning district in which they are located.
  - a. Portable signs shall be allowed for a maximum of thirty (30) days within any calendar year.
  - b. In the case of a special event, which occurs no more than once every six (6) months and lasts for a period not to exceed twenty-one (21) consecutive days, advertising devices such as banners, balloons, flags, pennants, pinwheels, searchlights or other devices with similar characteristics are permitted for a period not more than seven (7) days prior to the special event and not more than one day (1) after the completion of the special event.
  - c. In the case of a special event lasting no more than seven (7) consecutive days that occurs periodically throughout the year, at the same times, and for the same duration, advertising devices such as banners, balloons, flags, pennants, pinwheels, searchlights or other devices with similar characteristics are permitted pursuant to an annual zoning permit for a period not more than seventy-two (72) hours prior to the special event and not more than twelve (12) hours after the completion of the special event.
  - d. No more than two temporary signs are permitted per property at any given time.
2. Sign Lighting

- a. Signs may be illuminated but all bare light sources and immediately adjacent reflecting surfaces shall be shielded from view. No flashing lights or animated advertising devices shall be permitted.
- b. Signs may not use an incandescent exposed lighting source unless a screen or shield is installed so that NO light rays are emitted by the installed fixture at angles above the signs highest horizontal plane or to an adjacent street or properties.
- c. Revolving beacon lights are not permitted;
- d. Metal halide lighting, fluorescent lighting and quartz lighting may be used for outdoor advertising signs but shall be installed in enclosed luminaries;
- e. Glass tubes filled with Neon, Argon or Krypton may be used provided they do not flash intermittently or create a visual effect of movement;
- f. Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure whenever practical or mounted so that light rays result in a minimum reflection of light off the sign face;
- g. The operating of lighting fixtures on or in signs from midnight to sunrise is prohibited unless the premises are open for business;
- h. Electronic Message Center Signs shall display static images for a period of at least one twelve (12) second interval before transitioning to another static image;
- i. All electronic message centers shall come equipped with automatic dimming technology which automatically adjusts the sign's brightness based on ambient light conditions;
- j. All electronic sign manufacturers and installers must self-certify sign performance/requirements in writing to township zoning administrator prior to full operation. Manufacturers must certify electronic message center shall not exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle (Lux) meter at a preset distance depending on sign area, measured as follows:

| <u>Area of Sign<br/>(sq. ft.)</u> | <u>Measuring<br/>Distance (ft.)</u> |
|-----------------------------------|-------------------------------------|
| 6                                 | 32                                  |
| 25                                | 50                                  |
| 40                                | 65                                  |
| 50                                | 71                                  |

- k. **Sign Maintenance:** A property owner may maintain or improve an existing conforming sign without a sign permit, provided the type, size, shape, height and use remains the same.
- l. **Nonconforming Signs:** Any sign lawfully in existence prior to the enactment of this section which does not meet the requirements of this section may continue in use as a nonconforming sign. The maintenance, reconstruction, alteration, discontinuation or change in a nonconforming sign shall be governed by Article 4 of this Ordinance.
- m. **Variances:** The Zoning Board of Appeals shall have the power to authorize, upon an appeal, specific variances from the requirements of this section. The request for a variance from the requirements of this section shall be governed by the rules and procedures relating to variances contained in Section 5.03 of this Ordinance.

#### **B. SIGNS REQUIRING A SIGN PERMIT:**

1. **Residential Districts:** In Residential Districts (RC, LDR, MDR, SHR, ERN) only the following signs shall be permitted on site if all requirements of this section are met and following issuance of a sign permit under the procedures in [Section 5.05](#):
  - a. One (1) non-illuminated sign face at each entrance to a recorded subdivision or residential development, or an institutional use, not to exceed thirty-two (32) square feet and placed no closer to any street right-of-way line than five (5) feet. Such sign and supporting structure shall not have a height greater than ten (10) feet;
  - b. One (1) non-illuminated sign on any property on which a home occupation, roadside stand, residential care facility, child care home, or bed and breakfast exists, not to exceed sixteen (16) square feet in area and placed no closer to any street or highway right-of-way than five (5) feet.
2. **Commercial District:** In the Commercial District only the following signs shall be permitted on site if all requirements of this section are met and following issuance of a sign permit under the procedures in [Section 5.05](#):
  - a. One (1) freestanding sign of not more than thirty-two (32) square feet in sign face area on property with a commercial, industrial, or institutional use on the site PROVIDED; that the same is at least one hundred (100) feet from any residence or residential district; also provided that such sign shall be allowed two (2) back to back sign faces. Multiple faced signs having more than two (2) sign faces may be allowed PROVIDED the total sign face area not exceed sixty-four (64) square feet and no single sign face exceed thirty-two (32) square feet.
  - b. For commercial, industrial, or institutional uses, wall or window signs may be placed on buildings on the site provided that the signs do not exceed 20% of the

area of such building wall and further provided that total signage on any one building elevation does not exceed 100 square feet.

- c. In planned unit developments, signs shall be designed as an integral part of the planned development and shall be approved as part of the overall approval and signs shall be subject to issuance of a sign permit under the procedures in [Section 5.05](#).

**C. SIGNS NOT REQUIRING A SIGN PERMIT:**

The following signs may be erected without a permit:

1. Restrictions by zoning district for signs not requiring a sign permit
  - a. In all residential zoning districts (LDR, MDR, ERN, SHR), provided such signs do not exceed 9 square feet in area, are non-illuminated, and meet other requirements of this section.
  - b. In the Commercial zoning district and the RC district, provided such signs do not exceed 16 square feet in area, are non-illuminated, and meet other requirements of this section.
2. Types of signs not requiring a sign permit:
  - a. Identification signs.
  - b. Street name signs, route markers and other traffic control signs erected or approved by state, county or village agencies when necessary to give proper directions or to otherwise safeguard the public.
  - c. Non-advertising signs erected by any organization, person, firm or corporation that is needed to warn the public of dangerous conditions and unusual hazards including but not limited to: road hazards, high voltage, fire danger, explosives, severe visibility, etc.
  - d. Informational signs, including such signs as those devoted to controlling property access (no trespassing, private property, keep out, no hunting, hiking trail, day use only, and similar instructional messages).
  - e. Signs located on property upon which is located in a historically significant place, building or area sanctioned by a national, state or local historic organization or as recognized by the planning commission.
  - f. Signs required by federal or state agencies in connection with federal or state grant programs.
  - g. Signs required by this or any other Township ordinance, or required by federal or state law.
  - h. Temporary real estate signs, on individual lots for sale or rent.

- i. Signs advertising sales such as garage, estate, auction, moving, and yard sales, which last no more than seven (7) consecutive days.
- j. Political and noncommercial signs.

#### **D. PROHIBITED SIGNS**

The following signs are prohibited and shall not be allowed in any district:

1. Signs which are obsolete because they do not relate to existing business or products, unless signage is related to a recently closed or vacated business, and the property is in transition;
2. Signs which are illegal under State laws or regulations or applicable local ordinance or regulations;
3. Signs that are not maintained;
4. Signs that are not securely affixed to a substantial structure;
5. Signs which attempt, or appear to attempt, to regulate, warn or direct the movement of traffic which interfere with or resemble an official traffic sign, signal or device;
6. Signs which are not consistent with the standards of this Ordinance, unless they are recognized as legal non-conforming;
7. Signs, except those established and maintained by Municipal, County, State or Federal governments, located in, projecting into or overhead with a public right-of-way or dedicated public easement, unless such sign has been issued a permit by the agency having jurisdiction over that right-of-way;
8. Signs that project above the maximum height limitations of the use district in which it is located, unless they are recognized as legal non-conforming;
9. Free-standing signs in excess of 20 feet in height;
10. Commercial advertising flags within road right-of-way;
11. Revolving, moving, and all types of banners, pennants, and airborne devices attached to the ground or buildings, excepting temporary signs that are confined to commercial locations and do not create a traffic hazard and approved by the Zoning Administrator;
12. Roof signs without special use permit by Planning Commission;
13. Flag poles greater than 75 feet in height and maximum of 60 sq. feet per flag;

14. Existing or new signs which are in need of repair, unclean, not affixed to a substantial structure, obsolete, or affixed to trees, utility poles, rocks, or other natural features, resemble official traffic signs, or obstruct official signs, are prohibited;
15. Overhanging signs;
16. Sexually Graphic Signs.

### **3.15 FENCING**

The following provisions shall apply to the construction of fences:

- A. **Zoning Permit required:** A zoning permit is required to erect a fence on any property except for fences or walls four (4) feet and under in height on any non-waterfront lot, or any fencing for livestock in the RC district.
- B. **Height:** Unless otherwise specified or determined by the Planning Commission or Zoning Board of Appeals, fencing or walls shall be a maximum of eight (8) feet in height. Gateposts and other superstructures over site entrances and exits may be up to twelve (12) feet in height. Fencing materials of a height greater than three (3) feet are not to be located within a required front setback or side setback adjacent to a street.
- C. **Barrier Fences:** Barrier fences containing barbed wire, electric charges or sharp materials at the top of a fence or wall less than eight (8) feet in height are prohibited unless needed to protect the public safety and approved by the Planning Commission.
- D. **Lakefront Fences:** No fences shall be erected closer than five (5) feet to the shore of any lake or stream, nor higher than four (4) feet in height. No lakefront fence closer than twenty (20) feet to the shoreline shall be of a solid, obscuring variety.
- E. **Fence Types:** Fence types and where they are permitted are illustrated in Exhibit A.

**Section 3.16 KEEPING OF ANIMALS** The following restrictions shall not apply to farms or agricultural uses as defined by this Ordinance in zoning districts where agricultural use is permitted under [Section 2.03](#).

- A. **Poultry:** Chickens, ducks, and geese may be kept in conjunction with a residence that does not qualify as a farm as defined herein, under the following conditions:
  1. Mature poultry shall be limited to 4 on parcels of land less than 2 acres, and 6 on larger parcels
  2. No roosters shall be permitted
  3. No commercial activity shall be associated with the poultry
  4. Manure piles, enclosures, and storage of feed shall be located in the rear setback such as to avoid nuisance and a minimum of 50 feet from any body of water and 15 feet from any property line
  5. Rear and side yard setbacks required for primary structures shall apply to manure and coops
  6. Such poultry shall be enclosed within a pen or hen house, or otherwise kept confined on the property

- B. **Household pets:** The keeping of household pets, including dogs and cats, generally regarded as household pets is permitted in any residential zoning district provided that the number of pets does not exceed three (3) animals on less than ten (10) acre or where a special land use approval for a kennel has been issued.

**Section 3.17 SWIMMING POOLS**

The following rules apply to swimming pools:

- A. Permits are required for any swimming pool.
- B. All pools must meet Township setbacks and State, County Health and Safety regulations.

**Section 3.18 HOME OCCUPATION, MINOR**

A "minor home occupation" shall be considered to be any occupation or profession carried on by the inhabitants of a dwelling which is clearly incidental and secondary to the use of the dwelling. Such use shall be conducted entirely within the dwelling, as defined herein, and shall not involve any alteration of the structure or change in the residential character thereof. Minor home occupations shall satisfy the following additional conditions:

- A. The nonresidential use shall only be incidental to the primary residential use.
- B. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
- C. The minor home occupation shall not employ more than two (2) persons, one of whom must reside on the premises.
- D. The majority of all activities shall be carried on indoors. No visible outdoor storage or display shall be permitted.
- E. There shall be no change in the exterior appearance of the building or premises, or other visible evidence of the conduct of such minor home occupation.
- F. No traffic shall be generated by such minor home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard, although motor vehicles may be parked in an existing driveway if it is of sufficient size. No additional off-street parking demand shall be created.
- G. The regulation of minor home occupations as provided herein is intended to secure flexibility in the application of the requirements of this Ordinance; but such flexibility 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 non-residential activities.
- H. Limited retail sales may be permitted on the premises, as an incidental, rather than principal part of a home occupation.



- I. The minor home occupation shall not occupy more than twenty-five percent (25%) of the gross floor area of one floor of said dwelling unit. Minor home occupations may also be located in any portion of a detached accessory building.
- J. Power shall be limited to single phase electric motors with a total limitation of three (3) horsepower per dwelling unit.
- K. The minor home occupation shall not entail the use or storage of explosive, flammable, or otherwise hazardous waste.
- L. There shall be no equipment or machinery used in connection with a home occupation which is industrial in nature.
- M. No small or large engine repair or metal grinding is permitted.
- N. Visits by customers shall be limited to the hours of 8:00 a.m. to 8:00 p.m.
- O. A zoning permit is required.

**Section 3.19 OUTDOOR STORAGE, SALES AND MERCHANDISE DISPLAY**

- A. Outdoor display and sales of merchandise is permitted within Commercial districts. The permitted outdoor display area shall be twenty-five percent (25%) of the use's indoor retail sales floor area, except a minimum of two hundred (200) square feet of outdoor display area shall be permitted in all cases but shall never exceed an area of eight hundred (800) square feet. These regulations shall not apply to the display and sales of motor vehicles, items intended for tow, or live retail and wholesale landscape materials.
- B. Excepting the display and sales of motor vehicles, items intended for tow, or live retail and wholesale landscape materials, and unless specifically noted otherwise elsewhere in this Ordinance, all storage of materials or products in Commercial districts shall be conducted within a completely enclosed building.
- C. No machinery, equipment, vehicles, lumber piles, crates, boxes, building blocks, or other materials either discarded, unsightly, showing evidence of a need for repairs, or which encourages vermin, shall be stored, parked, abandoned, or junked in any open area in any district that is visible from the street, public place, or adjoining property.

**Section 3.20 EARTH SHELTERED HOMES**

Single family dwellings which have more than fifty (50) percent of their roof covered by soil shall maintain a minimum thirty (30) foot side yard setback where a side yard abuts a portion of a roof covered by soil.

**SECTION 3.21 ROADSIDE STANDS**

All roadside stands shall be considered accessory uses and shall be limited to the sale of farm produce, specialty crops such as tree fruits, nuts, berries, and the like, or foodstuff made from such produce, provided it is grown or produced on the property or associated property and conforms to the following standards:

- A. One roadside stand per lot and no roadside stand shall be operated for more than sixteen (16) weeks in any calendar year.
- B. The property has direct access from a major or minor thoroughfare.
- C. One driveway is established with a width at least twenty-five (25) but not more than thirty-five (35) feet or another means of ingress and egress is established satisfactory to the Zoning Administrator which allows cars to turn around on the lot before exiting.
- D. No structure larger than two hundred twenty-five square feet (225) feet shall be erected for use as the roadside stand.
- E. No roadside stand shall be located closer than twenty-five (25) feet from the right-of-way
- F. At least three off-street parking spaces are provided.
- G. One ground or wall sign, not over twelve (12) square feet in area with a maximum height of six (6) feet to be displayed only during the seasonal occupancy of the roadside stand.

**Section 3.22 PONDS**

Any artificially created containment of water due to such acts as excavation or intervention of natural water courses or surface drainage, either permanent or temporary, and which exceeds thirty-six (36) inches in depth and thirty (30) days in duration and twenty thousand (20,000) square feet in area, shall be permitted on lots of a minimum five (5) acre area in Conservation districts or Residential districts, subject to the following conditions:

- A. The boundaries of the pond excavation are wholly within one owner's property.
- B. Off-site drainage is not affected.
- C. Ponds may be permitted in any front yard area and setback shall be at least Fifteen (15) feet from all dwellings, lot lines, septic tanks, tile septic waste disposal fields, and telephone, electrical, or other utility line.
- D. The bottom and sides of the pond and excavation area shall not exceed slopes of 5:1 (five feet horizontal to one foot vertical).
- E. Ponds having a maximum depth greater than four (4) feet shall have two (2) sided warning signs set at right angles to the edge of the pond, composed of letters at least four (4) inches in height, indicating the number of feet of maximum depth. Such signs shall be placed along the edge of the shore at intervals of not more than one hundred (100) feet, and in no event shall any pond having a maximum depth greater than four (4) feet have less than two (2) such warning signs. Signs shall read: Warning! (No.) Feet Deep.
- F. All applicable county, state, and federal permits are obtained and satisfactory evidence is provided to the Township that such permits have been obtained or are not necessary, including permits issued under PA 451 of 1994, Natural Resources and Environmental Protection Act.

**SECTION 3.23 WIND TURBINE GENERATION**

- A. The purpose of this section is to establish requirements for the location of Wind Turbine Generators (WTG), commonly known as wind turbines or windmills, and anemometer

towers. The township recognizes that it is in the public interest to permit the location of wind turbine generators within the township. As such, this ordinance seeks to:

1. Regulate the development of renewable energy resources in a prudent manner;
2. Protect all areas of the Township from any potential adverse impacts of WTG and anemometer towers;
3. Regulate the location of WTG and anemometer towers within Greenwood Township;
4. Protect the public health, safety and welfare;
5. Avoid potential damage to adjacent property from the failure of WTG and anemometer towers.
6. WTG shall meet all applicable Code Requirements and regulations of State, County and Township.

B. Zoning District Locations:

1. WTG Building-Mounted: Permitted as an accessory use to an allowed Principal Use in all Zoning Districts.
2. WTG Small: Permitted as an accessory use to an allowed Principal Use in all zoning districts.

C. Wind Turbine Generator— Building-Mounted.

Zoning permit shall be issued only when the following requirements are met:

1. Zoning District: Permitted as an accessory use to an allowed Principal Permitted Use in all zoning districts.
2. Height: The height of the WTG – BUILDING-MOUNTED shall not exceed 15 feet as measured from the highest point of the roof, excluding chimneys, antennae, and similar protuberances, to the highest point of the wind turbine generator, regardless whether that point is on a fixed or mobile part of the wind turbine generator.
3. Property Line Setback: Shall be no closer than the minimum specified in [Section 2.04](#). No portion of the wind turbine generator shall encroach into the required property line setback. If guy wires are used, their anchors may not be closer than the minimum setback specified in [Section 2.04](#).
4. Number of Units: All lots shall be allowed two (2) WTG – Building-Mounted provided all the requirements for WTG – Building-Mounted are met. Except that buildings in the C district shall be permitted up to four (4) WTG – Building-Mounted provided all the requirements for WTG – Building-Mounted are met.
5. The WTG-Building Mounted shall have no advertising painted on or attached to the tower or any other structure of the WTG.

D. Wind Turbine Generator — Small.

Zoning permit shall be issued only when the following requirements are met:

1. Zoning District: Permitted as an accessory use to an allowed Principal Use in all zoning districts.
2. Height: Shall have a WIND TURBINE GENERATOR HEIGHT less than 70 feet.
3. Property Line Setback: Shall not be closer than 1.5 times the WIND TURBINE GENERATOR HEIGHT to the nearest property line from the base of the WTG.
4. Riparian Zone Setback: Shall not be closer than 1.5 times the WIND TURBINE GENERATOR HEIGHT to the nearest ordinary high water mark of lakes or nearest banks of river or streams in the Township.
5. Number of Units:

- a. Any lot may be allowed one (1) WTG – Small on a single lot if the lot meets or exceeds the Minimum Lot Area requirements of [Section 2.04](#), and provided all the requirements for WTG – Small are met.
  - b. The Number of Units may be increased to a density not to exceed one (1) WTG-Small per five (5) acres (217,800 square feet).
6. Tower: Shall be a free-standing monopole (guy wires are not permitted) that shall meet or exceed tower specifications provided by the manufacturer of the generator, or have a design approved by an independent professional engineer licensed in the State of Michigan.
7. The WTG-Small shall have no advertising painted on or attached to the tower or any other structure of the WTG.
8. WTG shall meet all applicable Code Requirements.

### **Section 3.24 LIMITATION ON FUNNEL DEVELOPMENT**

- A. In order to restrict the number of users of lake and river frontage for the purpose of preserving the quality of the lakes and rivers, avoiding congestion on the lakes and rivers, and preserving the quality of the recreational use of the lakes and rivers within the Township, the owner of a waterfront lot abutting a lake or river may provide legal access to the lake or river for dwelling units located on non-waterfront lots or for vacant non-waterfront lots only if all of the following requirements are met:
  1. The waterfront lot shall have lake or river frontage of no less two hundred (200) feet as measured along the ordinary high water mark.
  2. The density or number of vacant lots, both waterfront and non-waterfront, and/or dwelling units located on both the waterfront lot and on non-waterfront lots that may have legal access to the lake or river either from or over a waterfront lot shall not exceed one (1) dwelling unit/vacant lot per fifty (50) feet of lake frontage on such waterfront lot as measured along the ordinary high water mark.
  3. Any legal access to the lake or river over a waterfront lot shall have a minimum lake or river frontage of forty (40) feet and an additional ten (10) feet of lake or river frontage for each non-waterfront dwelling unit/vacant lot in excess of four (4) that is provided legal access to the lake or river over the same waterfront lot as measured along the ordinary high water mark.
  4. Only one (1) area of legal access to the lake or river shall be permitted on a waterfront lot.
  5. An instrument creating the legal access to the lake or river, whether granted by single fee ownership, joint fee ownership, an interest in a general or limited common element of a condominium development, an easement, or a lease, shall be recorded in the Oscoda County Register of Deed's Office and a recorded copy filed with the Zoning Administrator.
  6. Subsection A above, however, shall not apply to a public access site or waterfront lot under the possession and control of a governmental agency, including but not limited to Greenwood Township, Oscoda County, the Oscoda County Road Commission, or the State of Michigan, that is intended to provide the general public with access to the water.

**Section 3.25 DEMOLITION**

A Zoning Permit is required for demolition of any permanent structure except satellite dishes.

# **Article 4**

## **NONCONFORMING USES OF LAND AND STRUCTURES**

### **Section 4.01 INTENT AND PURPOSE**

It is recognized that there exist lots, structures and uses of land and structures within the districts established by this Ordinance and subsequent amendments, which were lawful before this Ordinance was passed or amended, which would be prohibited, regulated or restricted under the terms of this Ordinance. It is the intent of this Article to permit legal nonconforming lots, structures or uses to continue until they are removed, but not to encourage their survival.

### **Section 4.02 NONCONFORMING LOTS**

In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single family dwelling and customary accessory buildings may be erected on any single lot of record recorded with the Register of Deeds at or before the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions, setbacks and other requirements not involving area or width, or both, of the lot, shall conform to the regulations for the district in which such lot is located, unless a variance is obtained through approval of the Zoning Board of Appeals. However, if two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or divided in a manner which diminishes compliance with lot width and area requirements established by this Ordinance.

### **Section 4.03 NONCONFORMING USES OF LAND**

Where, at the effective date of adoption or amendment of this Ordinance, a lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.

### **Section 4.04 NONCONFORMING STRUCTURES**

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on

area, lot coverage, height, yards or other characteristics of the structure or location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such structure may be enlarged or altered in a way which increases its nonconformity, but the use of a structure and/or the structure itself may be changed or altered to a use permitted in the district in which it is located, provided that all such changes are also in conformance with the requirements of the district in which it is located. Furthermore, any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time for adoption or amendment of this Article, but no such use shall be extended to occupy any land outside such building.
- B. Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its appraised replacement cost, exclusive of foundations, it shall not be reconstructed except in conformity with the provisions of this Article. The appraised replacement cost shall be determined by the Zoning Administrator according to an appraisal by an independent qualified licensed building contractor, at the expense of the applicant. The Zoning Administrator shall report the appraised replacement cost to the Zoning Board of Appeals. The appraisal may be appealed to the Zoning Board of Appeals according to [Section 5.03 \(G\)](#).
- C. Should such structure be moved for any reason for any distance, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

#### **Section 4.05 CHANGE IN NONCONFORMING USES**

- A. Irrespective of other requirements of this Article, if no structural alterations are made, any nonconforming use of a structure and premises may be changed to another nonconforming use of the same or a more restricted classification, provided that the Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Article. Where a nonconforming use, structure, or use and structure in combination is hereafter changed to a less nonconforming character, it shall not thereafter be changed to a greater nonconforming character.
- B. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- C. Where nonconforming status applies to a structure and use in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land, and all subsequent uses and structures on the land shall conform to the applicable district regulations.

**Section 4.06 REPAIRS AND MAINTENANCE**

On any building devoted in whole or in part to any nonconforming use, or any structure deemed nonconforming due based on dimensional regulations, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding twenty-five (25) percent of the building's replacement cost prior to the initiation of repairs, exclusive of foundations, provided that the cubic content of the building as it existed at the time of passage or amendment of this Article shall not be increased. Nothing in this Article shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

**Section 4.07 CHANGE OF TENANCY OR OWNERSHIP**

As long as there is no change in the character or nature of the nonconforming use, a change of tenancy or ownership is allowed.

**Section 4.08 DISTRICT CHANGES**

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

**Section 4.09 ILLEGAL NONCONFORMING USES**

Nonconforming uses of structures or land existing at the effective date of this Ordinance that were established without approval of zoning compliance or without a valid building permit or those nonconforming uses which cannot be proved conclusively as existing prior to the effective date of this Ordinance shall be declared illegal nonconforming uses and are not entitled to the status and rights accorded legally established nonconforming uses.

**Section 4.10 ABANDONMENT OF A NONCONFORMING USE, BUILDING, OR STRUCTURE**

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

- A. Whether utilities, such as water, gas, and electricity to the property have been disconnected.
- B. Whether the property, buildings, and grounds have fallen into disrepair.
- C. Whether signs or other indications of the existence of the nonconforming use have been removed.
- D. Whether equipment or fixtures necessary for the operation of the nonconforming use have been removed.
- E. Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use, building, or structure.



**Section 4.11 PERMITS**

Permits for construction on, expansion of, or substitution of nonconforming lots, uses or structures require a Zoning Permit pursuant to Section 5.05. Other permits and approvals may also be required.

# Article 5

## ADMINISTRATION AND PROCEDURES

### Section 5.01 ADMINISTRATION

The administration and enforcement of this Ordinance shall be the responsibility of the Township Board, the Township Planning Commission, and such personnel as designated by the Township Board in accordance with the Michigan P.A. 33 of 2008, as amended, "Michigan Planning Enabling Act"; P.A. 110 of 2006, as amended, Michigan Zoning Enabling Act"; and this Ordinance. The Township Board shall appoint a Zoning Administrator who shall act as an officer in the administration and enforcement of this Ordinance.

### Section 5.02 AMENDMENTS

- A. **Application:** A petitioner shall submit a completed and signed application for ordinance amendment to the Township Zoning Administrator on a form established for that purpose, which shall include a detailed description of the proposed zoning text or map amendment.
  
- B. **Action of Zoning Administrator:** The Zoning Administrator shall review the application form to ensure it is complete. Any application not properly filed or complete shall be returned to the applicant with a list of deficiencies. Complete applications shall be transmitted to the Planning Commission.
  
- C. **Notice of Hearing:** After the Zoning Administrator has transmitted the amendment application to the Planning Commission and has so notified the Township Clerk, the Township Clerk shall establish a date for a public hearing on the application which will be conducted by the Planning Commission within sixty (60) days of receipt of a complete application. The Township Clerk shall give notice of the public hearing as required under Section 103 of the Michigan Zoning Enabling Act, Act, 110 of 2006 as amended.
  
- D. **Planning Commission Recommendations:** In reviewing any application for an amendment to this Ordinance, the Planning Commission shall identify and evaluate all factors relevant to the application, and shall report its findings in full along with its recommendations for disposition of the application, to the Township Board within a period of sixty (60) days following the required public hearing in subsection (C) above. When considering a rezoning request specifically, the Planning Commission shall consider the following factors:
  - 1. Is the proposed rezoning reasonably consistent with surrounding uses?
  
  - 2. Will there be an adverse physical impact on surrounding properties?
  
  - 3. Will there be an adverse effect on property values in the adjacent area?
  
  - 4. Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?
  
  - 5. Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations?

6. Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?
  7. Are there substantial reasons why the property cannot be used in accordance with its present zoning classifications?
  8. Is the rezoning in conflict with the planned use for the property as reflected in the master plan?
  9. Is the site served by adequate public facilities or is the petitioner able to provide them?
  10. Are there sites nearby already properly zoned that can be used for the intended purposes?
  11. The community should evaluate whether other local remedies are available. Presently, cities and villages are allowed to grant use variances.
- E. **Consideration By The Township Board:** After receiving the recommendations of the Planning Commission, the Township Board at any regular meeting or at any special meeting called for that purpose, shall consider said findings of fact and recommendations and vote upon the adoption of the proposed amendment. Such action shall be by Ordinance, requiring a majority vote of the entire Township Board elected and serving.
- F. **Publication Of Notice Of Ordinance Amendments:** Following adoption of subsequent amendments to this Ordinance by the Township, one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption.

**Section 5.03 ZONING BOARD OF APPEALS**

- A. **Intent and Purpose:** The purpose of this Section is to insure that the objectives of this Ordinance are fully and equitably achieved, that a means be provided for competent interpretation of this Ordinance, that flexibility be provided for in the strict application of this Ordinance, that the spirit of the Ordinance be observed, public safety secured, and substantial justice done.
- B. **Creation and Membership**
1. **Establishment:** A Zoning Board of Appeals is hereby established in accordance with Michigan Zoning Enabling Act, Act, 110 of 2006 as amended, and shall consist of five (5) members appointed by the Township Board, including one member of the Planning Commission; and the remaining members from the electors residing in the Township outside of incorporated cities and villages. A member of the Township Board may serve on the Zoning Board of Appeals but not serve as the chairperson. The Zoning Administrator or other employee or contractor of the Township Board may not serve on the Zoning Board of Appeals.

2. **Appointment of Members:** An alternate member may be called as specified in the zoning ordinance to serve as a member of the zoning board of appeals in the absence of a regular member if the regular member will be unable to attend 1 or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. An alternate member serving on the zoning board of appeals has the same voting rights as a regular member.
3. **Terms of Office:** Members shall be appointed for three (3) year terms except in the case of Planning Commission and Township Board members, whose terms shall be limited to the time they are members of the Planning Commission or Township Board. A successor shall be appointed not more than one (1) month after the term of the preceding member has been expired. Vacancies for unexpired terms shall be filled for the remainder of the term. Members may be reappointed. Members of the Zoning Board of Appeals may be removable by the Township Board for nonperformance of duty or misconduct in office upon written charges and after a public hearing.
4. **Conflict of Interest.** A regular member of the ZBA shall declare a conflict of interest in connection with a matter pending before the ZBA and shall disqualify himself or herself from deliberating and voting on the matter and an alternate member shall not serve when any of the following circumstances exist:
  - a. The applicant is the ZBA member or the child, grandchild, great-grandchild, parent, grandparent, great-grandparent, brother, sister, nephew, niece, aunt, or uncle of the ZBA member or the member's spouse.
  - b. The ZBA member or the member's spouse, parent, child, or any relative residing in the member's household has a pecuniary interest in the outcome of the matter.
  - c. The ZBA member or the member's spouse resides on or has an ownership interest in land within 300 feet of the parcel regarding which the decision is to be made.
  - d. While being a member of the ZBA the member has made statements or taken any action outside the formal decision-making process that would suggest that he or she has prejudged the matter before the ZBA or would in any way preclude him or her from affording the applicant and the public a fair hearing.
  - e. If the ZBA member has expressed an opinion concerning a matter before the ZBA prior to becoming a member of the ZBA and cannot in good faith set aside that prior opinion and decide the matter based on the information provided at the public hearing and the zoning ordinance requirements.
  - f. The ZBA member concludes in good faith that because of prior business or personal relationships with the applicant or with other participants in the public

hearing process, or for other reasons, he or she cannot afford the applicant and the public a fair hearing.

**C. Organization**

1. **Rules of Procedure:** The Zoning Board of Appeals shall adopt rules of procedure for the conduct of its meetings and the implementation of its duties. The Board shall annually elect a chairperson, a vice-chairperson, and a secretary.
2. **Meetings and Quorum:** Meetings of the Zoning Board of Appeals shall be held at the call of the chairperson and at such other times as the Board in its Rules of Procedure may specify. A majority of the regular membership of the Board shall comprise a quorum. The Board shall not conduct official business unless it has a quorum. All meetings shall be open to the public and conducted pursuant to the requirements of the Open Meetings Act.
3. **Oaths and Witnesses:** The chairperson may administer oaths and compel the attendance of any witness in order to insure a fair and proper hearing.
4. **Records:** The minutes of all meetings shall contain the grounds for every determination made by the Board including all evidence and data considered, all findings of fact and conclusions drawn by the Board for every case, along with the vote of each member and the final ruling on each case. The Zoning Board of Appeals shall file its minutes in the office of the Township Clerk.
5. **Legal Counsel:** An attorney for the Township shall act as legal counsel for the Zoning Board of Appeals pursuant to procedures established by the Township Board.

**D. Jurisdiction**

The Zoning Board of Appeals shall act upon questions as they arise in the administration of this Ordinance. The Board shall perform its duties and exercise its powers as provided in Act 110, Public Acts of 2006, as amended. The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor make any change in the terms or intent of this Ordinance, but does have the power to act on those matters for which this Ordinance provides an administrative review, interpretation, variance, or temporary Zoning Permit. Within this capacity the Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of the Zoning Administrator, Planning Commission, or any official administering or enforcing the provisions of this Ordinance as set forth in this section.

**E. Authorized Appeals**

The Zoning Board of Appeals shall hear the following specified categories of appeals in accordance with the following standards:

- F. **Administrative Review:** The Zoning Board of Appeals shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or by any other official or by the Planning Commission in administering the provisions of this Ordinance.

1. **Interpretation of the Ordinance:** The Zoning Board of Appeals shall hear and decide upon requests to:
  - a. Interpret the provisions of this Ordinance when it is alleged that certain provisions are not clear or that they could have more than one meaning. In deciding upon such request the Zoning Board of Appeals shall insure that its interpretation is consistent with the intent and purpose of the Ordinance, the Article in which the language in question is contained, and all other relevant provisions in the Ordinance.
  - b. Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision made by the Zoning Administrator.
  - c. Classify a use which is not specifically mentioned as a part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district. Where there is no comparable permitted or prohibited use, the Zoning Board of Appeals shall so declare, the effect being that use is not permitted in the Township until or unless the text of the Ordinance is amended to permit it.
  - d. Determine the parking space requirements of any use not specifically mentioned either by classifying it with one of the groups listed in [Section 3.13](#) by an analysis of the specific needs. If no comparable use is found, the Zoning Board of Appeals shall so inform the petitioner and indicate that the parking space requirements will have to be established by amendment of the Ordinance.
  
2. **Variances:** The Zoning Board of Appeals shall have the power to authorize specific variances from dimensional requirements of the zoning ordinance.
  - a. **Required Findings:** The Zoning Board of Appeals shall have the power to authorize variances from dimensional requirements of the zoning ordinance provided that all the required findings listed below are met and the record of proceedings of the Zoning Board of Appeals contains evidence supporting each conclusion.
    - i. That there are practical difficulties which prevent carrying out the strict letter of this Ordinance. These hardships or difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.
    - ii. That a genuine practical difficulty exists because of unique circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district, and shall not be recurrent in nature.
    - iii. That the hardship or special conditions or circumstances do not result from actions of the applicant.
    - iv. That the variance will relate only to property under control of the applicant.
    - v. That the variance will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood or district. If a lesser variance would give substantial relief and be more consistent with justice to others it shall be so decided.

- vi. That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.
  - vii. That the variance shall not permit the establishment, within a district, of any use which is not permitted by right within that zoning district, or any use for which a Zoning Permit for a special land use or a temporary Zoning Permit is required.
  - b. **Conditions:** In granting any variance, the Zoning Board of Appeals may prescribe conditions consistent with the provisions in [Section 5.08](#).
  - c. **Variance Authorization Period:** Each variance granted under the provisions of this Ordinance shall become null and void unless:
    - i. The construction authorized by such variance or permit has commenced within six (6) months of granting of the variance.
    - ii. The occupancy of land, premises, or buildings has taken place within one (1) year after the granting of the variance.
3. **Rehearing:** Rehearings will only be allowed under the rules contained in [Section 5.10](#), Rehearings.
  4. **Reapplication:** After eight (8) days following a decision by the Zoning Board of Appeals, no application for a variance, Ordinance interpretation, or appeal 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 the date of the last denial, except on proof of changed conditions found by the Zoning Board of Appeals to be valid.

**G. Appeal Procedures**

1. **Notice of Appeal:** Appeal requests for Ordinance interpretation and requests for variances may be made to the Zoning Board of Appeals by any person aggrieved, or by an officer, or department of the Township, by filing a written Notice of Appeal with the Township Clerk on forms established for that purpose and accompanied with such information as is necessary to decide such request. At a minimum, eight (8) copies of the information required to be submitted for a Zoning Permit in [Section 5.05](#) shall be submitted. Upon receipt of a Notice of Appeal, the Township Clerk shall promptly transmit the records concerning the appealed action, as well as any related information to the chairperson of the Zoning Board of Appeals.
2. **Hearing:** Upon receipt of a Notice of Appeal, or of an application for Ordinance interpretation or variance request, the chairperson of the Zoning Board of Appeals shall fix a reasonable time and date for a public hearing, and the Board shall decide the request within a reasonable time.
3. **Notice of Hearing:** Notice of the hearing shall be given pursuant to the Michigan Zoning Enabling Act, Act, 110 of 2006 as amended.
4. **Appearance:** Upon the hearing, any party may appear in person or by agent or attorney. The Board may recess such hearing from time to time, and, if the time and place of the

continued hearing are announced at the time of adjournment, no further notice shall be required.

5. **Stay:** An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Zoning Board of Appeals after notice of appeal has been filed with he or she, that by reason of facts stated in the certificate a stay would, in the Administrator's opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Board of Appeals, or, on application, by court of record.
6. **Decision:** The Zoning Board of Appeals shall render its decision within sixty (60) days of filing of a Notice of Appeal, or application for Ordinance interpretation or variance, unless in the opinion of Zoning Board of Appeals, an extension of time is necessary to review information pertinent to making the decision. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse an order, requirement, decision, or determination of the administrative official or body, or to decide in favor of the applicant on any matter upon which they are required to pass under or to effect any variation in this Ordinance. Any decision of the Zoning Board of Appeals shall not become final until the expiration of eight (8) days from the date of entry of such order, unless the Board shall find the immediate effect of such order is necessary for the preservation of property or personal rights and shall so certify on the record.
7. **Performance Guarantee:** In authorizing any variance, the Zoning Board of Appeals may require a performance guarantee. Such performance guarantee shall be collected and returned pursuant to the requirements of [Section 5.12](#).

#### H. **Review by Circuit Court**

Any party aggrieved by a decision of the Zoning Board of Appeals may appeal that decision to the Circuit Court.

### **Section 5.04 DUTIES OF THE ZONING ADMINISTRATOR**

It shall be the responsibility of the Zoning Administrator to enforce the provisions of this Ordinance and in doing so shall perform the following duties:

- A. **Issue Permits:** All applications for zoning permits including permits for special land uses and temporary uses; variances; appeals; requests for Ordinance interpretation; and requests for changes to a nonconforming use shall be submitted to the Zoning Administrator who may issue such permits when all applicable provisions of this Ordinance have been met and approval has been granted by the proper body or official.
- B. **File of Applications:** The Zoning Administrator shall maintain files of all permit applications, and shall keep a record of all permits issued.
- C. **Inspections:** The Zoning Administrator shall be empowered to make inspections of premises in order to carry out the enforcement of this Ordinance. No person shall molest the Zoning Administrator in the discharge of his/her duties. The Zoning Administrator shall seek an



administrative search warrant through the Township Attorney any time a property owner refuses access to a property in order to make an inspection to determine compliance with this Ordinance.

- D. **Record of Complaints:** The Zoning Administrator shall keep a record of every complaint of a violation of any of the provisions of this Ordinance, and of the action taken consequent to each complaint
- E. **Violations:** Enforcement actions may be initiated by a complaint, or by the Zoning Administrator independently anytime he or she identifies a violation.
- F. **Report to the Township Board:** The Zoning Administrator shall report to the Township Board periodically at intervals not greater than monthly, summarizing for the period since the last previous report, all Zoning Permits issued and all complaints of violation and any action taken on each complaint. Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance, nor to vary the terms of this Ordinance while carrying out the duties prescribed herein.

#### **Section 5.05 PERMIT PROCEDURES AND REGULATIONS**

- A. **Zoning Permit Application Required:** All new buildings or changes in existing building footings cannot be initiated until a Zoning Permit has been issued by the Zoning Administrator. No Zoning Permit shall be issued for any building or use of land where the construction, addition, alteration, or use thereof would be in violation of this Ordinance, except upon written order of the Zoning Board of Appeals. An application for a Zoning Permit must be accompanied by the following:
  - 1. Either a Plot Plan or Site Plan, according to the provisions of [Section 5.06](#) of this Ordinance.
  - 2. Well and Septic Approval, if applicable: Issued by the District Health Department No. 2.
- B. **Permit Issuance, Withholding, Expiration, and Revocation.**
  - 1. Issuance: Whenever the buildings, structures, and uses as set forth in any application are in conformity with the provisions of this Ordinance, or a variance granted by the Zoning Board of Appeals, the Zoning Administrator shall issue the appropriate permit. A performance guarantee may be required as a condition to the issuance of any Zoning Permit in order to insure conformance with the requirements of this Ordinance (see Section 5.12). In any case where a permit is refused, the reasons shall be stated in writing to the applicant.
  - 2. Withholding Permit: The Zoning Administrator may withhold any Zoning Permit pending verification that an applicant has received required county, state or federal permits including but not limited to septic and water well permits; soil erosion and sedimentation control permits; wetlands permits; or driveway permits
  - 3. Expiration of Permit: Except for a permit granted for a special land use, any permit granted under this Section shall become null and void after one (1) year from the date of granting such permit unless the development proposed or activity authorized shall have passed its first building inspection by the County Building Inspector. Before voidance is actually declared, the Zoning Administrator shall notify the applicant of such voiding action by sending a notice to the applicant at the address indicated on the

permit application at least ten (10) days before such voidance is effective. The permit shall be renewable upon reapplication and upon payment of the original fee, subject to the provisions of all ordinances in effect at the time of renewal. See Section 5.07 for expiration of a permit for a special land use.

4. **Revocation:** Upon recommendation of the Township Board, the Zoning Administrator shall revoke or cancel any Zoning Permit in case of failure or neglect to comply with any provisions of this Ordinance, or in the case of any false statement or misrepresentation made in the application. The owner or his agent shall be notified of such revocation in writing. Upon such revocation, all further construction activities and usage shall cease upon the site, other than for the purpose of correcting the violation. Revocation of a permit issued for a special land use or variance shall not occur before a hearing by the body which granted the permit. The Zoning Administrator may issue a stop work order to halt all construction activities and usage pending a decision on revocation of said permit.

#### **Section 5.06 SITE PLAN AND PLOT PLAN REVIEW**

- A. **Plot Plans:** Plot Plan approval is required by the Zoning Administrator for all other uses not listed in Section 5.06 (B)(1). The Zoning Administrator shall review such plans in accordance with the same procedures, requirements, and standards used by the Planning Commission as specified in Section 5.06 (B)(4).

1. **Information required for plot plans** The following data shall be submitted with applications for Zoning Permits for uses requiring a plot plan:
  - a. An accurate, readable, scale drawing showing the following shall be required except in the case of minor alterations, repair, and demolitions as determined by the Zoning Administrator.
  - b. Name, address and telephone number of the applicant (and owner if different).
  - c. The location, shape, area and dimension of the lot.
  - d. The location, dimensions, height and bulk of the existing and/or proposed structures to be erected, altered, or moved on the lot.
  - e. Location of any septic system or drain field and well.
  - f. Configuration of the driveway and parking
  - g. Existing public rights-of-way or easements.
  - h. Any other information deemed necessary by the Zoning Administrator to determine compliance with the requirements of this Ordinance.

#### **B. Site Plans:**

1. Site plan approval is required by the Planning Commission as follows:
  - a. All special land uses, as specified in each zoning district.
  - b. All uses by right within any commercial zoning district.
  - c. All single and two family developments subject to platting under the requirements of P.A. 288 of 1967, the Land Division Act, as amended.
  - d. All condominium subdivisions subject to P.A. 59 of 1978, the Condominium Act, as amended.

- C. **Information required for Site Plan:** Each site plan shall be provided on a professional quality drawing of scale 1"=100' except where written guidelines of the Planning Commission permit a different scale. All information depicted shall be designed by a professional engineer, land surveyor, or landscape architect licensed in Michigan. In addition to the applicant's full name, address and phone number, the following data shall be submitted with applications for Zoning Permits for uses requiring a site plan unless waived by the Zoning Administrator or Planning Commission:
1. A survey showing property dimensions and legal description, including angles, lot area and dimensions, and an arrow pointing north.
  2. Project description, including the total number of structures, units, bedrooms, offices, square feet, total and usable floor area, carports or garages, employees by shift, amount of recreational and open space, type of recreation facilities to be provided, and related information as pertinent or otherwise required by this Ordinance.
  3. Natural features such as woodlots, streams, flood plains, county drains, lakes or ponds, topography (at five-foot intervals on-site and within one hundred fifty (150) feet of the site) and man-made features such as existing roads and structures, with indication as to which are to be retained and which removed or altered.
  4. Existing public right-of-way, private easements of record, and deed restrictions.
  5. Proposed streets and alleys, (including cross-sections), acceleration, deceleration or right turn lanes, driveways, parking spaces, sidewalks, with indication of direction of travel, the inside radii of all curves including driveway curb returns. The width of streets, driveways and sidewalks, the total number of parking spaces, and dimensions of a typical individual parking space and associated aisles. Proposed traffic control measures (including signs) and proposed street or road names shall also be indicated.
  6. A vicinity sketch showing the location of the site in relation to the surrounding street system and other land uses within three hundred (300) feet in every direction of the proposed use including land uses on the opposite side of any public thoroughfare(s).
  7. Location of utilities, water supply and the location and design of waste water systems as well as any easements that exist or are proposed to be established for installation, repair and maintenance of utilities.
  8. Proposed location of trash receptacles, accessory buildings and use, including free standing signs.
  9. A storm drainage and storm water management plan.
  10. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well as any containment structures or clear zones required by government authorities.
  11. A statement from the applicant identifying all other federal, state and local permits required, if any.

12. Project completion schedule.
13. Such other information as is necessary to enable the Planning Commission to determine whether the proposed site plan will conform to the provisions of this Ordinance.

D. **Site Plan Review Procedures**

1. **Submittal and Distribution of Site Plans:** Upon receipt of an administratively complete application and plans, the Zoning Administrator shall record the date of their receipt and transmit one (1) copy thereof to each of the Planning Commissioners; one (1) copy to the Fire Department when necessary, one (1) copy to the Township Clerk, and the remaining shall be retained by the Zoning Administrator.
2. **Review:** The Planning Commission shall review the application and plans and determine their conformity with the applicable provisions of this Ordinance and the provisions of this section.
3. **Action:** After conducting a review, the Planning Commission shall reject, approve, or conditionally approve the site plan, as it pertains to requirements and standards contained in the Zoning Ordinance. Any conditions required by the Planning Commission shall be stated in writing and shown on the site plan, together with the reasons, and delivered to the applicant. A Site Plan shall be approved if it contains the information required by, and is in compliance with this Ordinance, the conditions imposed pursuant to the Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes.
4. **Approved Site Plans:** Two copies of the approved Site Plan, with any conditions contained within shall be maintained as part of the Township records for future review and enforcement. One (1) copy shall be returned to the applicant. Each copy shall be signed and dated with the date of approval by the Chairperson of the Planning Commission for identification of the approved plans. If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the Township records as a part of the site plan and delivered to the applicant for information and direction.

E. **Site plan approval standards** Each site plan shall conform with the applicable provisions of this Ordinance and the standards listed below:

1. All elements of the Site Plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
2. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree, other vegetative material, and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas. Landscape elements shall

- minimize negative impacts and, in the case of parking lots, provide directional guidance to drivers.
3. Special attention shall be given to proper site drainage so that removal of storm waters will not increase off-site sedimentation or otherwise adversely affect neighboring properties due to flooding.
  4. All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.
  5. Every structure or dwelling unit shall have access to a public street, walkway, or other area dedicated to common use.
  6. There shall be provided a pedestrian circulation system which is insulated as completely as reasonable possible from the vehicular circulation system.
  7. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened by a vertical screen consisting of structural or plant materials no less than six (6) feet in height.
  8. Exterior lighting shall be arranged that it is deflected away from adjacent streets and adjoining properties.
  9. All parking areas shall be so designed to facilitate efficient and safe vehicular and pedestrian circulation, minimize congestion at access and egress points to intersecting roads, including the use of service drives as appropriate, and minimize the negative visual impact of such parking areas.
  10. Site plans shall conform to all applicable requirements of state and federal statutes and approval may be conditioned on the applicant receiving necessary state and federal permits before the final site plan approval is granted.
  11. The applicant shall demonstrate that reasonable precautions will be made to prevent hazardous materials from entering the environment including:
    - a. Sites at which hazardous substances are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, ground water, lakes, streams, rivers, or wetlands.
    - b. Secondary containment for above ground areas where hazardous substances are stored or used shall be provided. Secondary containment shall be sufficient to store the substances for the maximum anticipated period of time necessary for the recovery of any released substances.
    - c. General purpose floor drains shall only be allowed if they are approved by the responsible agency for connection to a public sewer system, an on-site closed holding tank (not a septic system), or regulated through a State of Michigan ground water discharge permit.
    - d. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances

shall be met. No discharges to ground water, including direct and indirect discharges, shall be allowed without required permits and approvals.

12. The site plan shall comply with all zoning ordinance requirements and with the township master plan.

**F. Conformity to approved site plans**

Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan and any amendments thereto which have received the approval of the Planning Commission. If construction and development does not conform with such approved plans, the approval shall be revoked by the Zoning Administrator pursuant to the procedure in [Section 5.04](#) or prosecuted as a violation pursuant to that same section. Upon revocation of such approval, all construction activities shall immediately cease upon the site, other than for the purpose of correcting the violation.

**G. Site plan amendments, appeals, and expiration**

1. **Amendment to the Site Plan:** No changes shall be made to an approved Site Plan prior to or during construction except upon mutual agreement between the applicant and the Planning Commission or Zoning Administrator according to the following procedures;

- a. Minor changes to an approved Site Plan involving changes in the location of buildings and structures, adjustment of utilities, walkways, traffic way, parking areas, and similar minor changes may be approved by the Zoning Administrator.
- b. Major changes or amendments to an approved Site Plan involving change in the number and location of accesses to public streets and alleys, a reduction in the number of parking spaces, a major relocation of a building, an increase in the gross floor area or heights of buildings, a reduction in the open space, and similar major changes, shall require the approval of the Planning Commission, in the same manner as the original application was submitted, reviewed, and approved and subject to the finding of all of the following:
  - i. Such changes will not adversely affect the initial basis for granting approval;
  - ii. Such changes will not adversely affect the overall project in light of the intent and purpose of such development as set forth in this Article; and
  - iii. Such changes shall not result in the reduction of open space area as required herein.

2. **Rehearing:** Rehearings will only be allowed under the rules contained in [Section 5.10](#), Rehearings.

3. **Appeals:** With regard to site plan approval decisions, an appeal may be taken to the Zoning Board of Appeals in conformance with [Section 5.03](#).

4. **Expiration:**

- a. A site plan shall expire within one year of the date of approval unless substantial construction in conformance with the approved plan has occurred.
- b. The Planning Commission may extend their approval by one year upon written request of the applicant if substantial progress has been made to construct under the site plan.

- c. For multi-phased projects, the Planning Commission shall have the option to allow for expiration after up to 10 years with no allowance for a further extension.

#### **Section 5.07 PROCEDURES FOR SPECIAL LAND USES**

An application for a Zoning Permit for a special land use identified as such in a particular zoning district shall be submitted and processed under the following procedures.

- A. **Submission of Application:** Any person owning or having an ownership interest in the subject property may file an application for one or more special land uses as provided for in this Ordinance. An application shall be submitted through the Zoning Administrator for consideration by the Planning Commission and shall include the following:
  1. Special form supplied by the Zoning Administrator.
  2. Payment of a fee, the amount of which shall be established by the Township Board from time to time.
  3. Site plan meeting the requirements of [Section 5.06](#)
  4. Written statement of analysis regarding the estimated population holding capacity of any residential land use, the anticipated impact upon community facilities, such as schools and infrastructure, the anticipated new traffic generation including available roadway capacities and impact upon neighboring land uses and streets.
- B. **Check for Completeness and Accuracy:** Within ten (10) working days of the receipt of the submission of an application the Zoning Administrator shall determine whether it is in proper form and contains all required information for the Planning Commission to determine the degree of compliance with all applicable provisions of 5.06.
- C. **Forwarding of Application:** Upon certification by the Zoning Administrator that the site plan and application form appear to be complete, the application and accompanying site plan information shall be forwarded to the Planning Commission and any other affected agencies or outside reviewers.
- D. **Planning Commission Review:**
  1. **Notice of Special Land Use Request:**

The Planning Commission shall review the site plan, and special land use application, at its next scheduled meeting following receipt from the Township Zoning Administrator. The Planning Commission shall publish a notice that a request for special land use approval has been received. The notice shall be prepared in compliance with Section 103 of the Michigan Zoning Enabling Act, Act, 110 of 2006 as amended.
- E. **Planning Commission Action:** The Planning Commission shall review the application for special land use. It may deny, approve, or approve with conditions the application for special land use approval. Its decision shall be incorporated in a statement of conclusions relative to the special land use under consideration, and shall specify the basis for the decision and any conditions imposed. In arriving at its decision, the Planning Commission shall refer to and be guided by those standards set forth in [Section 2.05](#).

- F. **Expiration of Permit:** A Zoning Permit issued pursuant to this Article shall be valid for a period of one (1) year from the date of the issuance of said permit. If substantial construction has not commenced and proceeded meaningfully toward completion by the end of this one (1) year period, the Zoning Administrator shall notify the applicant in writing of the expiration or revocation of said permit, provided, however, that the Planning Commission may waive or extend the period of time in which the permit is to expire if it is satisfied that the owner or developer is maintaining a good faith intention to proceed with construction.
- G. **Reapplication:** No application for a Zoning Permit for a special land use which has been denied wholly or in part by the Planning Commission or Township Board shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on the grounds of newly discovered evidence or proof of changed conditions, or if it qualifies for a rehearing under [Section 5.10](#). A reapplication shall require a new fee and the process will follow all provisions of [Section 5.07](#).
- H. **Changes in the Site Plan:** The site plan, as approved, shall become part of the record of approval of a special land use, and subsequent actions relative to the activity authorized shall be consistent with the approved site plan, unless a change conforming to this Ordinance receives the mutual agreement of the landowner and the body originally granting approval of said permit.
- I. **Basis for Determination:** The Planning Commission before acting on a Special Land Use application, shall employ and be guided by standards which shall be consistent with and promote the intent and purpose of this Zoning Ordinance, and ensure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use. The land use or activity shall be consistent with the public health, safety, and welfare of the Township and shall comply with the following standards:
1. **General Standards:** The Planning Commission shall review each application for the purpose of determining that each proposed use meets the following standards and, in addition, shall find adequate evidence that each use on its proposed location will:
    - a. Be harmonious with and in accordance with the general principles and objectives of the Master Plan of the Township.
    - b. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed. In determining whether this requirement has been met, consideration shall be given to:
      - i. The bulk, placement, and materials of construction of proposed structures.
      - ii. Pedestrian and vehicular circulation.
      - iii. The location of vehicular use or parking areas.
    - c. Not be hazardous or disturbing to existing or future uses in the same general vicinity and will improve property in the immediate vicinity and in the community as a whole.



- d. Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities and schools, and minimize the impact of traffic generated by the proposed development on adjacent properties
- e. Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- f. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in the Ordinance for the land use or activity under consideration; and be necessary to insure compliance with these standards.
- g. Protect the natural environment and special natural resources, such as wetlands, woodlands, hillsides, and water courses, and ensure that landscaping shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.
- h. Ensure that special attention shall be given to proper site surface drainage so that removal of storm waters will not adversely affect neighboring properties.
- i. Insure that all exterior lighting shall be so arranged that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.
- j. Meet the site plan review requirements of Section 5.05.
- k. Conform to all applicable county, state and federal requirements for that use.

J. **Specific Standards:** The foregoing general standards above are basic to all uses authorized by a permit for a special land use. The specific and detailed requirements set forth in Section 2.05 relate to particular special land uses and are requirements which must be met by those uses in addition to the foregoing general standards and requirements.

**Section 5.08 CONDITIONAL APPROVALS**

- A. **Conditions on Discretionary Decisions:** The Planning Commission and Zoning Board of Appeals may attach conditions to the approval of a site plan, special land use, planned unit development, variance or other discretionary approval. Such conditions shall be based upon standards in this Ordinance and may be imposed to:
  - 1. Insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
  - 2. Protect the natural environment and conserve natural resources and energy.
  - 3. Insure compatibility with adjacent uses of land.
  - 4. Promote the use of land in a socially and economically desirable manner.
- A. **Requirements for Valid Conditions:** Conditions imposed shall meet all of the following requirements:
  - 1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under

consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

#### **Section 5.09 DEVELOPMENT REQUIREMENTS**

All platted subdivisions and site condominium developments shall conform to the following general provisions in addition to all other applicable district provisions.

- A. Any platted lot or site condominium unit, including single family detached units, shall comply with the applicable site development standards contained in [Section 2.04](#).
- B. The development shall comply with the provisions [Section 3.12](#) pertaining to private roads.
- C. In addition to the materials required by [Section 5.05](#) and other requirements of this Ordinance, a planned unit development permit application for a condominium subdivision or a platted subdivision shall include a subdivision plan containing the following information:
  1. A site plan showing the location, size, shape, area and width of all sites.
  2. A description of the common elements of the subdivision as will be contained in the master deed.
  3. Proposed use and occupancy restrictions as will be contained in the master deed.
- D. All provisions of the condominium subdivision plan which are approved by the Township Board shall be incorporated, as approved, in the master deed for the condominium subdivision.

#### **Section 5.10 REHEARINGS**

- A. The Planning Commission or Zoning Board of Appeals may grant a rehearing under exceptional circumstances for any decision made by it. Exceptional circumstances shall mean any of the following:
  1. The applicant who brought the matter before the Planning Commission or Zoning Board of Appeals made misrepresentations concerning a material issue which was relied upon by the Planning Commission or Zoning Board of Appeals in reaching its decision.
  2. There has been a material change in circumstances regarding the Planning Commission's or Zoning Board of Appeals' findings of fact which occurred after the public hearing.

3. The township attorney by a written opinion states that in the attorney's professional opinion the decision made by the Planning Commission or Zoning Board of Appeals or the procedure used in the matter was clearly erroneous.
- B. A rehearing may be requested by the applicant or by the Zoning Administrator, or a rehearing may be granted by the Planning Commission or Zoning Board of Appeals on its own motion, pursuant to the following procedure:
1. A request for a rehearing which is made by an applicant must be made within twenty-one (21) days from the date of approval of the Planning Commission's or Zoning Board of Appeals' minutes regarding the decision for which the rehearing is being requested.
  2. A request for a rehearing made by the Zoning Administrator or a rehearing granted by the Planning Commission or Zoning Board of Appeals on its own motion may be granted at any time as long as the applicant has not been prejudiced by any delay.
  3. Whenever the Planning Commission or Zoning Board of Appeals considers granting a rehearing, it shall provide written notice to the applicant that a rehearing will be considered. The notice may be served upon the applicant by first class mail at the applicants' last known address, or may be served personally on the applicant. The notice must be served at least nine (9) days before the time set for the hearing if served by mail, or at least seven (7) days before the time set for the hearing if served by personal service. Service by mail shall be complete upon mailing. In addition to serving the above notice on the applicant, all other notice requirements for the type of decision being heard shall be completed before the Planning Commission or Zoning Board of Appeals holds a hearing at which it considers whether to grant a rehearing.
  4. If the Planning Commission or Zoning Board of Appeals grants a rehearing, then the rehearing on the merits shall not be held until all notice requirements for the type of decision being reheard have been satisfied.

**Section 5.11 VIOLATIONS AND PENALTIES**

- A. Any person who violates any provision of this Ordinance, including a permit issued and a condition imposed, pursuant to this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 126 of 1994, amending Public Act 236 of 1961, being Sections 600.101 - 600.9939 of the Michigan Compiled Laws and shall be punished as follows:
1. For a first offense, the person shall be fined not less than \$100.00, plus the costs of prosecution and other sanctions provided by law.
  2. For a second or subsequent offense occurring within two (2) years of the date the person was found responsible for the first or immediately preceding offense, the person shall be fined not less than \$500.00, plus the costs of prosecution and other sanctions provided by law
- B. The Zoning Administrator, Township Supervisor, or other person appointed by the Township Board is hereby designated as the authorized Township official to issue municipal civil

infraction citations directing alleged violators of this Ordinance to appear in court

- C. A violation of this Ordinance is hereby declared to be a public nuisance or a nuisance per se and is declared to be offensive to the public health, safety and welfare
- D. In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

**Section 5.12 PERFORMANCE GUARANTEES AND PERFORMANCE BONDING FOR COMPLIANCE**

- A. **Requirements:** In authorizing any Zoning Permit or variance, the body or official which approves the respective request, as designated by this Ordinance, may require that a performance guarantee or bond be furnished: (1) to insure compliance with the requirements, specifications and conditions imposed with the grant of such approval, permit or variance; (2) to insure the discontinuance of a temporary use by a stipulated time; and (3) to provide sufficient resources for the Township to complete required improvements or conditions in the event the permit holder does not.
- B. **Improvements Covered:** Improvements that shall be covered by the performance guarantee or bond include, but are not necessarily limited to: streets and other roadways, utilities, fencing, screening, landscaping, common open space improvements, lighting, drainage and sidewalks. The performance guarantee shall meet the following requirements:
  - 1. **Form:** The performance guarantee shall be in the form of cash, certified check, irrevocable bank letter of credit, surety bond, or similar instrument acceptable to the Township Clerk, which names the property owner as the obligor and the Township as the obligee.
  - 2. **Time When Required:** The performance guarantee or bond shall be submitted at the time of issuance of the permit authorizing the activity of the project. If appropriate, based on the type of performance guarantee submitted, the Township shall deposit the funds in an interest bearing account in a financial institution with which the Township regularly conducts business.
  - 3. **Amount:** The amount of the performance guarantee or bond should be sufficient to cover the estimated cost of the improvements or conditions, according to a detailed cost estimate submitted by the applicant and approved by the Township Board.
- C. **Return of Performance Guarantee or Bond:** The Zoning Administrator, upon the written request of the obligor, and pursuant to the procedure in the next subsection (D), shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvement or condition.
- D. **Record of Performance Guarantees:** A record of authorized performance guarantees shall be maintained by the Zoning Administrator.

### **Section 5.13 FEES AND ESCROW**

- A. To assist in defraying the costs of investigating, reviewing, and administering zoning applications, appeals, rezoning requests from individual property owners, and other types of decisions which result in extra costs to the Township, the Township Board may from time to time adopt by resolution a fee schedule establishing basic zoning fees related to the following:
1. Zoning permits.
  2. Special use permits.
  3. Appeals to or requests for interpretations by the Zoning Board of Appeals. Appeals and requests for interpretations initiated by the Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
  4. Classification of unlisted property uses.
  5. Requests for variances from the Zoning Board of Appeals.
  6. Requests for rezoning of property by individual property owners. Rezoning of property initiated by the Township Board, or the Planning Commission shall not be subject to a zoning fee.
  7. Site plan reviews.
  8. Requests for a planned unit development (PUD).
  9. Any other discretionary decisions by the Planning Commission or Zoning Board of Appeals.
- B. The amount of these zoning fees shall cover the costs associated with the review of the application or appeal, including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by zoning staff, and time spent by the members of the Planning Commission and/or Zoning Board of Appeals. The basic zoning fees are non-refundable, even when an application or appeal is withdrawn by the applicant.
- C. If the Zoning Administrator determines that the basic zoning fees will not cover the actual costs of the application review or appeal or if the Planning Commission or Zoning Board of Appeals desires assistance in the review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals, then the applicant shall deposit with the Township Treasurer such additional zoning fees in an amount determined by the Zoning Administrator equal to the estimated additional costs. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit and review of the application or decision on

the appeal is not completed, then the Zoning Administrator may require the applicant to deposit additional fees into escrow in an amount equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective thereby justifying the denial of the application or the dismissal of the appeal. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the Township in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or the release of a final decision on an appeal.

# Article 6

## DEFINITIONS

### Section 6.01 CONSTRUCTION OF LANGUAGE

For the purpose of this Ordinance, certain rules of construction apply to the text as follows:

- A. Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.
- B. The word "person" includes a corporation, association, partnership, trust, firm, or similar activity as well as an individual.
- C. The word "building" includes the word "structure" and either includes any part thereof.
- D. The word "lot" includes the word "plot", "tract", or "parcel".
- E. The term "shall" is always mandatory and not discretionary; the word "may" is permissive.
- F. The word "used" or "occupied" as applied to any land or building shall be construed to include the words intended, arranged, maintained for or designed to be used or occupied.
- G. The words "this Ordinance" means the text of this Ordinance as well as all maps, tables, graphics, and schedules, as included or attached as enacted or subsequently amended.
- H. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:
  - 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
  - 2. "Or" indicates the connected items, conditions, provisions or events may apply singly or in any combination.
  - 3. "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.
- I. The "Township" is the Township of Greenwood in the County of Oscoda, State of Michigan; the "Township Board", "Board of Appeals" and "Planning Commission" are, respectively, the Township Board of Trustees, Zoning Board of Appeals, and Planning Commission of the Township.
- J. Any word or term not interpreted or defined by this Ordinance shall be used with a meaning of common or standard utilization. A dictionary may be consulted.
- K. In computing a period of days, the first day is excluded and the last day is included. If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.





## **Section 6.02 DEFINITIONS**

**Abutting (lot or parcel):** A lot or parcel which shares a common border with the subject lot or parcel.

**Accessory Building:** A building customarily incidental and subordinate to the principal structure and located on the same lot as the principal building.

**Accessory Dwelling Unit:** A single, complete, self-contained living unit created within an existing single-family dwelling or within an accessory building associated with a single family dwelling. It has its own kitchen, bath, living area, sleeping area, usually a separate entrance.

**Accessory Use:** A use customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.

**Adult Arcade:** Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.

**Adult Bookstore or Adult Video Store:** A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

1. books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or
2. instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it comprises 35% or more of sales volume or occupies 35% or more of the floor area or visible inventory within the establishment.

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

1. persons who appear in a state of nudity;
2. live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;
3. films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or
4. persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

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

1. offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right of way that advertises the availability of any of the above;
2. offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or

3. allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.

**Adult Motion Picture Theater:** A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

**Adult Theater:** A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.

**Agriculture:** Any land, buildings, and machinery used in the commercial production of farm products as defined in the Michigan Right to Farm Act, P.A. 93 of 1981, MCLA 286.471 et seq; including but not limited to pasturage, floriculture, dairying, horticulture, forestry, and livestock or poultry husbandry, but not including concentrated livestock operations as defined in this Ordinance.

**Agricultural Building:** A structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products and that is clearly incidental to an agricultural activity, excluding retail trade.

**Alley:** A public or legally established thoroughfare, other than a street, affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

**Alteration:** Any change, addition or modification to the type of occupancy, to a structure, or to a land use.

**Apartment:** A suite of rooms forming one residence, typically in a building with a number of these.

**Automobile Service and Repair Stations:** Buildings and premises for the primary purpose of the retail sales of gasoline, oil, grease, batteries, tires and other operational fluids and accessories for automobiles, and the installation of such items, and for other minor automobile repair not to include auto refinishing, body work or painting, dismantling of vehicles for the purpose of reuse or resale of parts, or storage of automobiles other than those in for immediate repair.

**Automobile Salvage Establishment:** An establishment that salvages automobile parts and cuts up, compresses or otherwise disposes of motor vehicles.

**Basement:** That portion of a building which is partly or wholly below finished grade, but so located such that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement, as defined herein, shall not be counted as a story (see Figure 2). A cellar is a basement.

**Beacon** – Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also any light with one or more beams that rotate or move.

**Bed and Breakfast:** A structure which was constructed for family residential purposes but which may be used for the purpose of renting bedrooms on a nightly basis to tourists, provided that certain Land Use requirements are met.

**Berm:** A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes to provide a transition between uses of differing intensity.

**Buffer Zone/Strip:** A strip of land reserved for plant material, berms, walls, or fencing to serve as a visual and/or sound barrier between properties, often between abutting properties and properties in different zoning districts. Landscaping, berms, fencing or open space can also be used to buffer noise, light and related impacts from abutting properties even if not in a separately established buffer zone and may be so required by this Ordinance.

**Building:** Any structure, either temporary or permanent, having a roof supported by columns, walls, or any other supports, which is used for the purpose of housing, sheltering, storing, or enclosing persons, animals, or personal property, or carrying on business activities. This definition includes but is not limited to: mobile homes, sheds, garages, greenhouses, and other principal or accessory structures.

**Carport:** A partially open structure, intended to shelter one or more vehicles. Such structures shall comply with all yard requirements applicable to garages.

**Cellar:** See definition for "Basement".

**Child Care Organization:** Any governmental or nongovernmental organization having as its principle function the received of minor children for care, maintenance, training, and supervision, notwithstanding whether educational instruction may be given, and organizations commonly described as child caring institutions, child placing agencies, children's camps, child care centers, day care centers, nursery schools, parent cooperative preschools, foster homes, group homes, or day care homes.

**Church:** A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.

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

**Colocate:** To place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound. "Collocation" has a corresponding meaning.

**Communication Tower:** A radio, telephone or television relay structure of skeleton framework, attached directly to the ground or to another structure, used for the transmission or reception of radio, television, microwave, or any other form of telecommunications signals.

**Concentrated Livestock Operation:** A farm operation which exceeds the confinement of livestock or poultry in excess of fifty (50) animal units per confined acre or is characterized by the confinement of livestock or poultry where the confinement area accumulates manure that must be removed or a sustained ground cover, including crops, vegetation, forage growth or post-harvest residue, cannot be maintained over the normal growing season throughout the area where the animals are confined.

**Condominium Subdivision:** A division of land on the basis of condominium ownership, which is not subject to the provisions of the Land Division Act of 1967, Public Act 288 of 1967, as amended. Any "condominium unit", or portion thereof, consisting of vacant land shall be equivalent to the term "lot" for the purposes of determining compliance of the condominium subdivision with the provisions of this ordinance pertaining to minimum lot size, minimum lot width, maximum lot coverage and maximum floor area ratio.

**Condominium Subdivision Plan:** The drawings attached to the master deed for a condominium subdivision which describe the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the condominium subdivision, as well as the nature, location and size of common elements.

**Condominium Unit:** That portion of a condominium project or condominium subdivision which is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. A condominium unit may consist of either vacant land or space which either encloses or is enclosed by a building structure.

**Day Care Center:** A facility, other than a private residence, receiving 1 or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility which provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Child care center or day care center does not include any of the following:

- A. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than 3 hours per day for an indefinite period, or not greater than 8 hours per day for a period not to exceed 4 weeks during a 12-month period.
- B. A facility operated by a religious organization where children are cared for not greater than 3 hours while persons responsible for the children are attending religious services.
- C. A private home (private residence) in which the licensee or registrant permanently resides as a member of the household, which residency shall not be contingent upon caring for children or employment by a licensed or approved child placing agency. Private home includes a full-time foster family home, a full-time foster family group home, a group day care home, or a family day care home.

**Day Care Home; Family:** A private home in which the operator permanently resides as a member of the household in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

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

**Deed Restriction:** A restriction on the use of a lot or parcel of land that is set forth in the deed and recorded with the County Register of Deeds. It is binding on subsequent owners and is sometimes also known as a restrictive covenant. Unless the Township has an ownership interest in the property, a deed restriction is enforced by the parties to the agreement, not by the Township.

**Density:** The number of existing or proposed dwelling units per net acre of land. Net acreage is the gross acreage of a lot, less the rights-of-way for streets.

**District:** An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements and height regulations. A "district" is also known as a "zone" or "zoning district".

**Driveway:** A means of access for vehicles from a street or approved alley across a lot or parcel to a parking or loading area, garage, dwelling or other structure or area on the same lot,

that is located and constructed in accordance with the requirements of this Ordinance and any requirements of the County Road Commission or State of Michigan.

**Dwelling, Multiple Family:** A building containing three or more dwelling units designed for residential use for three or more families living independently of each other.

**Dwelling, Single Family:** A detached building or portion thereof designed and used exclusively as the home, residence or sleeping place of one family. In the case of a mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for purposes of this Ordinance and shall comply with the provisions herein relative to dwellings.

**Dwelling, Two Family (Duplex):** A building containing not more than two separate dwelling units designed for residential use.

**Dwelling Unit:** One or more rooms with bathroom and principal kitchen facilities designed as a self-contained unit for occupancy by one family for living, cooking and sleeping purposes.

**Easement:** A grant of one or more property rights from a property owner to another person which is permanent and appurtenant to the land and is recorded in the office of the County Register of Deeds.

**Electronic Message Center:** An on premise sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

**Equipment compound:** An area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.

**Erected:** Built, constructed, reconstructed, moved upon, or any physical activity upon a premises or lot required for the building. Excavations, fill, drainage, and the like, shall be considered a part of erection when done in conjunction with a structure.

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

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

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

**Excavation:** Any breaking of ground, except common household gardening, general farming and ground care.

**Family:**

- A. An individual or group of two or more persons related by blood, marriage, or adoption, including foster children and servants, together with not more than two additional persons not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit, or

B. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

**Farm:** For purposes of this Ordinance, a farm, farm operation, and farm products shall be as defined under the Michigan Right to Farm Act, Public Act 93 of 1981, as amended.

**Fence:** An accessory structure artificially constructed to serve as an obscuring screen, physical barrier, and/or decorative landscape element.

**Filling:** The depositing or dumping of any matter into or onto the ground.

**Floor Area, Gross:** The sum of all gross horizontal areas of all floors of a building or buildings, measured from the outside dimensions of the outside face of the outside wall. Unenclosed and uncovered porches, unenclosed and covered porches, court yards, or patios shall not be considered as part of the gross area except where they are utilized for commercial purposes such as the outdoor sale of merchandise.

**Floor Area, Usable:** For the purposes of computing parking requirements, usable floor area shall be considered as that area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or for restrooms and janitorial service rooms, shall be excluded from this computation of usable floor area. Usable floor area shall be measured from the interior faces of the exterior walls, and total usable floor area for a building shall include the sum of the usable floor area for all floors.

**Footing:** That portion of the foundation of a structure which spreads and transmits loads directly to the soil or the pilings.

**Footprint** - an area or a surface covered by a roof.

**Foster Care Facility:** An establishment which provides supervision, assistance, protection, or personal care, in addition to room and board, to persons. A foster care facility does not include a home for the aged or nursing home, or a mental hospital for mental patients.

A. Family Home: A facility which provides foster care to six (6) or fewer persons.

B. Group Home: A facility which provides foster care to seven (7) or more persons.

**Frontage:** The total continuous length of the front lot line.

**Garage:** An accessory building or an accessory portion of a principal building designed or used principally for the storage of noncommercial motor vehicles, boats, motor homes, snowmobiles, and similar vehicles owned and used by the occupants of the building to which it is accessory.

**Golf Course/Country Club:** A golf course, public or private, where the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as a principal use.

**Grade, Average:** The arithmetic average of the lowest and highest grade elevations in an area within five (5) feet of the foundation line of a building or structure (see Figure 6.1).

**Grade, Finished:** The lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of the structure.

**Habitable Space:** Space in a dwelling unit, or structure, used for living, sleeping, eating, cooking, or otherwise conducting activities directly related to the structure's principal use, which is equipped with means of egress, light, and ventilation facilities in accordance with

applicable construction codes. Bathrooms, toilet compartments, halls, and closets are not considered to be habitable space.

**Height:** In the case of a principal building, the vertical distance measured from the average finished grade to the highest point of the roof surface where the building line abuts the front yard, except as follows: to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs. The measurement of height of an accessory building or structure shall be determined as the vertical distance from the average finished grade to the highest point of the

Figure 6.1 Grade

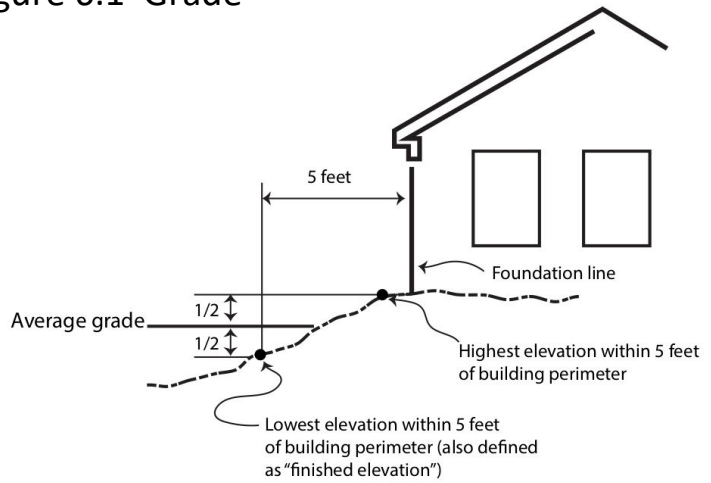
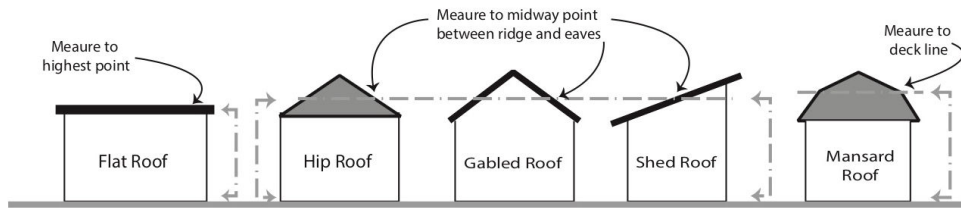


Figure 6.2 Height



roof surface (See Figure 6-2).

**Home Occupation, Minor:** An accessory use of a dwelling unit or accessory building for gainful employment by the resident(s) thereof, involving the provision of hand crafted goods and/or professional services which is clearly incidental and secondary to the residential use of the lot; does not change the character of the dwelling, and meets all applicable provisions of this Ordinance.

**Home Occupation, Major:** An accessory use of a dwelling unit or accessory building for gainful employment by the resident(s) thereof, involving the provision of hand crafted goods and/or professional services and which is readily apparent to neighboring residents by virtue of activities on site, signage, outdoor storage or modifications to structures or grounds.

**Horse:** Mule, burro, pony, jack, hinny, and all other quadrupeds of the genus equus.

**Hospital:** An institution or place where sick or injured in-patients are given medical or surgical care at either public or private expense, and operating under license from the Michigan Department of Public Health.

**Junk Yard:** Any land or building used: 1) for the abandonment, storage, keeping, collecting, or baling of paper, rags, scrap metals, or other scrap or discarded materials; or 2) for the

abandonment, demolition, dismantling, storage or salvaging of machinery, automobiles or other vehicles not in normal running conditions, or parts thereof.

**Kennel:** A lot or premises on which four (4) or more dogs, six (6) months of age or older, are kept, either permanently or temporarily, for the purposes of commercially breeding, boarding, training, sale, or transfer.

**Land Use Plan:** The statement of policy by the Township Planning Commission relative to the agreed upon and officially adopted guidelines for a desirable physical pattern for future community development. The plan consists of a series of maps, charts and written material representing in summary form the soundest concept for community growth to occur in an orderly, attractive, economical and efficient manner thereby creating the very best community living conditions.

**Length:** The measurement or extent from end to end; the greater of two dimensions of an object.

**Livestock:** Cattle, sheep, goats, swine, poultry, and other animals or fowl, which are being produced primarily for use as food or food products for human consumption.

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

**Lot:** Land described in a recorded plat or by metes and bounds description, including a condominium unit in a condominium subdivision, occupied or to be occupied by a building, structure, land use or group of buildings, having sufficient size to comply with the frontage, area, width-to-depth ratio, setbacks, yards, coverage and buildable area requirements of this Ordinance, and having its principal frontage upon a public street or on a private road approved by the Township (see Figure 6.5).

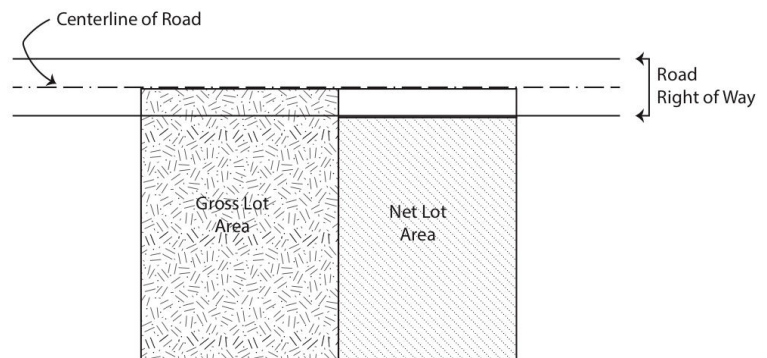
**Lot Area:** The total area of a horizontal plane within the lot lines of a lot, exclusive of any public street right-of-way abutting any side of the lot (see Figure 6.3).

**Lot, Corner:** A lot which has at least two contiguous sides abutting upon a street, either public or private, for their full length (see Figure 3-1).

**Lot Coverage:** The amount of a lot, stated in terms of percentage, that is covered by all buildings, and/or structures located thereon. This shall be deemed to include all buildings, roofed porches, arbors, breezeways, patio roofs, whether open box types and/or lathe roofs, or fully roofed, but shall not be deemed to include fences, walls, or hedges used as fences, unroofed decks or patios or swimming pools. Lot coverage shall be measured from the drip line of the roof or from the wall or foundation if there is no projecting portion of the roof.

**Lot, Depth:** The average distance from the front lot line of the lot to its opposite rear line measured in the general direction of the side lines of the lot. (see Figure 6.4)

Figure 6.3 Lot Area





**Lot, Flag:** A lot whose access to the public street is by a narrow, private right-of-way that is either a part of the lot or an easement across another property and does not meet the frontage requirements of the district in which it is located. (see [Figure 3.1](#))

**Lot Frontage:** The length of the front lot line.

**Lot, Interior:** A lot other than a corner lot which, with the exception of a "through lot", has only one lot line fronting on a street (see [Figure 3.1](#)).

**Lot Lines:** The lines bounding a lot or parcel (see Figure 6.5).

- A. **Lot Line, Front:** The line(s) separating the lot from any street right-of-way, private road or other access easement, except that the front lot line of a lot abutting a lake shall be the line separating the lot from the ordinary high water mark. Front lot lines shall be continuous at least a sufficient length to conform to the minimum lot width requirement of the district.
- B. **Lot Line, Rear:** The lot line opposite and most distant from the front lot line. In the case of a lot abutting a lake, the rear lot line shall be the line(s) separating the lot from any street right-of-way, private road or other access easement. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line at least ten feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line
- C. **Lot Line, Side:** Any lot line other than a front or rear lot line.

**Lot of Record:** A lot which is part of a plat or condominium subdivision, the map of which has been recorded in the Office of the County Register of Deeds prior to the adoption or amendment of this Ordinance, or a tract, parcel or lot described by metes and bounds, the deed to which has been recorded in the Office of the County Register of Deeds prior to the adoption or amendment of this Ordinance.

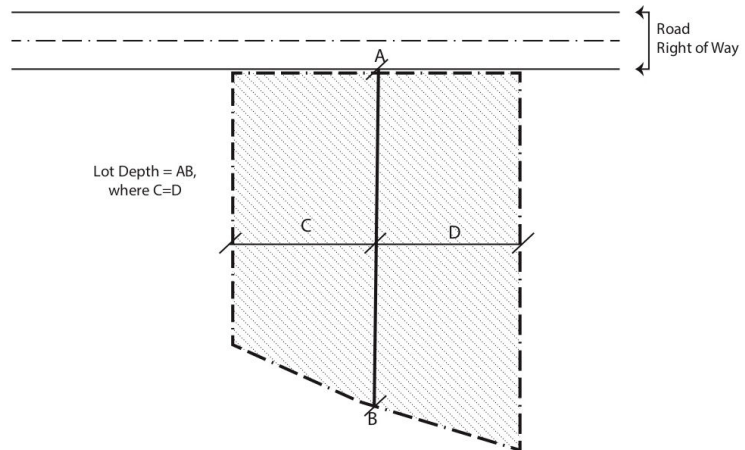
**Lot, Through:** An interior lot having frontage on two (2) more or less parallel streets (see Figure 3.1).

**Lot Width:** The straight line horizontal distance between the side lot lines, measured at the two (2) points where the minimum required front setback line intersects the side lot lines (see Figure 6.5).

**Major Thoroughfare:** A public street, the principal use or function of which is to provide an arterial route for through traffic, with its secondary function the provision of access to abutting property and which has been classified as a County Primary, State Trunk line, or U.S. Trunk line by the Oscoda County Road Commission.

**Manufactured Home:** A structure, transportable in one (1) or more sections, which in the traveling mode is twelve (12) body feet or more in width or forty (40) feet in length, or when erected on site, is a minimum of seven hundred–twenty (720) floor square feet, and which is

Figure 6.4 Lot Depth



built on a permanent chassis and designed to be a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained within.

**Manufactured Home Lot:** A designated site within a manufactured home park for the exclusive use of the occupants of a single home.

**Manufactured Home Park:** Referred to in this Ordinance as MHP. A tract of land under single ownership that has been planned and developed with all the necessary facilities and services to provide a satisfying living environment for manufactured home residents on a long term occupancy.

**Manufactured Housing.** A dwelling unit which is designed for long term residential use and is wholly or substantially constructed at an off-site location. Manufactured housing includes modular housing units.

**Master Deed:** The document recorded as part of a condominium subdivision to which are attached as exhibits and incorporated by reference the approved bylaws for the condominium subdivision and the condominium subdivision plan.

**Mini Storage (warehouse) Facilities:** A building or group of buildings in a controlled access or fenced area that contains individual compartmentalized and controlled access stalls or lockers for the storage of customer's goods or wares which are generally not used on a daily basis.

**Minor Thoroughfare:** A public street identified as a county local road by the Oscoda County Road Commission, except that no street in a platted subdivision nor any private road shall be considered a minor thoroughfare under this Ordinance.

**Mobile Home:** A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term mobile home shall not include pick-up campers, travel trailers, motor homes, modular homes, recreational vehicles, converted buses, tent trailers, or other transportable structures designed for temporary use.

**Mobile Home Park:** A parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

**Modular (Pre-Manufactured) Housing Unit:** A dwelling unit constructed solely within a factory, as a single unit, or in various sized modules or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a single-family dwelling unit, and meeting all codes and regulations applicable to conventional single-family home construction.

**Motel:** A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units designed primarily for transient automobile travelers and providing for accessory off-street parking facilities. The term "motel" shall include buildings designated as hotels, auto courts, tourist courts, motor courts, motor hotel, and similar appellations which are designed as integrated units of individual rooms under common ownership. A motel shall not be considered or construed to be a multiple family dwelling.

**Motor Home:** A self-propelled, licensed vehicle prefabricated on its own chassis, intended for recreational activities and temporary occupancy.

**Nonconforming Building (Nonconforming Structure):** A building or structure (or portion thereof) lawfully existing at the time of adoption of this Ordinance or a subsequent amendment

thereto, that does not conform to the provisions of this Ordinance relative to height, bulk, area, placement or yards for the zoning district in which it is located.

**Nonconforming Lot of Record:** A lot lawfully existing at the effective date of this Ordinance, or affecting amendment, and which fails to meet the area and/or dimensional requirements of the zoning district in which it is located.

**Nonconforming Use:** A use of a building or structure or of a parcel or tract of land, lawfully existing at the time of adoption of this Ordinance or subsequent amendment thereto, that does not conform to the regulations of the zoning district in which it is situated.

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

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

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

**Nursing Home:** An installation other than a hospital, having as its primary function the rendering of nursing care for extended periods of time to persons afflicted with illness, injury, or an infirmity.

**Open Space:** Open space which is held for the collective use and enjoyment of the owners, tenants, or occupants of a single development.

**Open Space Development:** A type of residential development option permitted in this Ordinance, and administered as a planned unit development, which is based upon a portion of a parcel set aside as permanent open space with the balance of the parcel used at higher densities than would otherwise be permitted without the open space.

**Open Space, Dedicated:** Common open space dedicated as a permanent recorded easement.

**Ordinary High Water Mark:** The line between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation.

**Owner:** The owner of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, leasee, or any other person, sole proprietorship, partnership, association, or corporation directly or indirectly in control of a building, structure, or real property, or his or her duly authorized agent.

**Parcel:** See definition for Lot.

**Park:** A parcel of land, building or structure open to the public and used for recreational purposes including but not limited to playgrounds, sport fields, game courts, beaches, trails, picnicking areas, and leisure time activities.

**Parking Area, Off-Street:** A land surface or facility providing vehicular parking spaces off of a street along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of three (3) or more automobiles or trucks.

**Parking Space:** An area of land provided for vehicles off of a street exclusive of drives, aisles, or entrances giving access thereto, which is fully accessible for parking of permitted vehicles.

**Planned Unit Development:** A tract of land or lot, developed under single ownership or management as a separate neighborhood or community unit. The development shall be based on an approved site plan which allows flexibility of design not available under normal zoning district requirements. The plan may contain a mixture of housing types, common open space and other land uses as provided in this Ordinance.

**Planning Commission:** The Planning Commission of the Township.

**Place of Worship:** A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary buildings.

**Plat:** A map of a subdivision of land recorded with the Register of Deeds pursuant to the Land Division Act of 1967 or a prior statute.

**Plot Plan:** A drawing to accompany a land use permit request for small parcels, such as single family homes, or land uses with very minimal impacts.

**Principal Building:** The main building on a lot in which the principal use exists or is served by.

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

**Private Road:** A private way or means of approach which meets the requirements of this Ordinance to provide access to two (2) or more abutting lots, and which is constructed and maintained by the owner or owners and is not dedicated for general public use.

**Prohibited Use:** A use of land which is not permitted within a particular zoning district.

**Public Place:** Any real property or an appurtenance to the real property which is owned by this state, any municipality of this state, a public agency, or by a college or university in this state and may include a structure, enclosure, facility, or complex, including a court, mall, park, or other area, feature, or element; a public place shall also mean a business or an educational, refreshment, entertainment, recreation, health, or transportation facility, or institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

**Public Sanitary Sewer:** A system of pipe owned and maintained by a governmental unit used to carry human, organic and industrial waste from the point of origin to a point of discharge.

**Public Utility:** Any person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public; gas, steam, electricity, sewage disposal, communication, telephone, telegraph, transportation or water.

**Recreational Vehicle:** A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle.

**Recreational Vehicle Park:** All lands and structures which are owned and operated by private individuals, a business or corporation which are predominantly intended to accommodate recreational vehicles and provide for outdoor recreational activities.

**Restaurant:** An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state for consumption either on site or for carry out.

**Right-of-Way:** A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.

**Roadside Stand:** A structure which is used seasonally for display and sale of agricultural produce. The seasonal operation of a roadside stand shall not be considered a commercial use.

**Rotating Sign:** A sign in which the sign itself or any portion of the sign moves in a revolving or similar manner. Such motion does not refer to methods of changing copy.

**School:** An educational institution under the sponsorship of a private or public agency providing elementary or secondary curriculum, and accredited or licensed by the State of Michigan; but excluding profit-making private trade or commercial schools.

**Screen:** A structure providing enclosure, such as a fence, and a visual barrier between the area enclosed and the adjacent property. A screen may also be non-structural, consisting of shrubs or other growing materials.

**Secondary Containment:** A device and/or measures taken to prevent regulated substances that can be spilled at a loading or unloading facility from entering a public sewer, ground water, surface water, subsurface soils, or the impoundment area for the tanks.

**Setback:** Setback: The minimum horizontal distance from an applicable lot line within which no building or structure can be placed, except as otherwise provided in this Ordinance (see Figure 6.5).

a) Front Setback: The required setback measured from the front lot line.

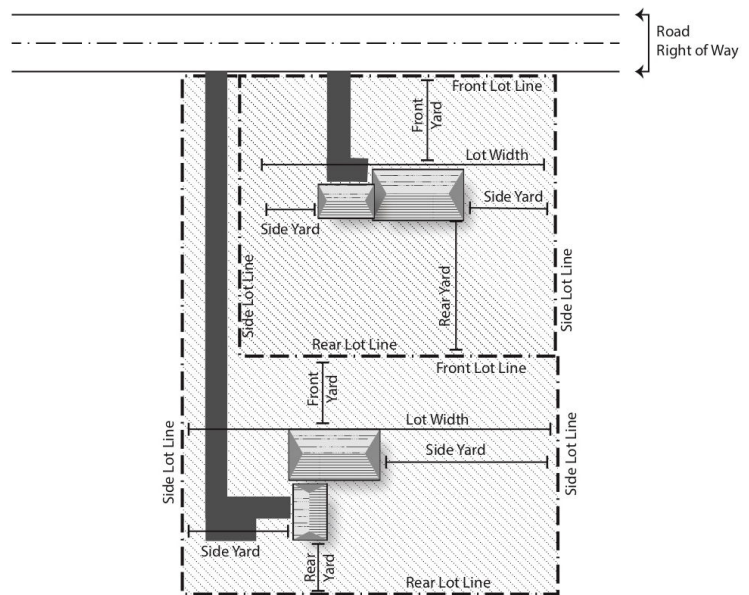
b) Rear Setback: The required setback measured from the rear lot line.

c) Side Setback: The required setback measured from a side lot line.

**Sexually Graphic Sign:** Any sign containing any photograph, silhouette, drawing, or pictorial representation or *description* of any specified anatomical area or specified sexual activities as those terms are defined in the Township Zoning Ordinance.

**Sexual Encounter Center:** A business or commercial enterprise that, as one of its principal

Figure 6.5 Yards



business purposes, offers for any form of consideration:

1. physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

2. activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity.

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

**Shooting Range:** Any facility, whether operated for profit or not, and whether public or private, which is designed for the use of firearms which are aimed at targets, skeet or trap, or where a fee is paid in order to hunt animals within a confined area.

**Sign:** Any surface or structure, including its base, foundation and erection supports, if any, upon which are situated any words, letters, figures, emblems, symbols, designs, trademarks, or any combination thereof, by which any commercial or non-commercial message or image is used as an outdoor display and made visible from any public street, road or highway.

**Site Plan:** A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. A plot plan depicts a subset of the information required by this Ordinance for a site plan.

**Special Land Use:** A use of land whose characteristics may create nuisance-like impacts on adjoining lands unless carefully sited according to standards established in this Ordinance.

Approval for establishing a special land use is indicated by issuance of a Zoning Permit specifically for the requested special land use.

**Specified Anatomical Areas** are defined as:

1. Less than completely and opaquely covered human genitals, pubic region, buttock, anus and female breast below a point immediately above the top of the areola; and

2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

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

1. the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

2. sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

3. masturbation, actual or simulated; or

4. excretory functions as part of or in connection with any of the activities set forth in 1 through 3 above.

**Stable, Private:** An accessory structure and/or land use where horses are kept for private use by the occupants of the parcel and are not for hire, remuneration or sale.

**Stop Work Order:** An administrative order which is either posted on the property or mailed to the property owner which directs a person not to continue, or not to allow the continuation of an activity which is in violation of this Ordinance.

**Story:** That part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the space between the floor and the ceiling next above it. A basement shall not be considered a story (See Figure 2-1).

**Story, Half:** That portion of a story which consists of half of its total height.

**Story, Height of:** The vertical distance from the top surface of one floor to the top surface of the next above. The height of the top-most story is the distance from the top surface of the floor to the top surface of the ceiling joists.

**Street:** A state highway, county road, dedicated public thoroughfare or approved private road which affords the principal means of access to abutting property and if newly constructed, or reconstructed, meets construction standards promulgated by this Ordinance. "Street" shall also include the term "road".

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

**Structure:** Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having such location on the ground including but not limited to all buildings, independently supported decks, satellite dishes and free-standing signs; excepting anything lawfully in a public right-of-way including but not limited to utility poles, sewage pumping stations, utility manholes, fire hydrants, electric transformers, telephone boxes, and related public facilities, asphalt and concrete driveways, and utilities defined as essential public services.

**Subdivision:** The division of a lot, tract, or parcel of land into five (5) or more lots, tracts, or parcels of land for the purpose, whether immediate or future, of sale or of building development. The meaning of the term subdivision shall not, however, apply to the partitioning or dividing of land into tracts or parcels of land of more than ten (10) acres.

**Swimming Pool:** Any structure or container located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing.

**Temporary Storage Structure:** A framework of wood, plastic or metal which is secured to the ground by anchor, rod, rod drill, buried weight, or unburied weight. Such structure is of a temporary nature by virtue of the construction materials and means of installation.

**Temporary Occupancy:** Occupancy that lasts for less than six months.

**Township Board:** Elected members of the governing Board of Trustees of Greenwood Township.

**Travel Trailer:** A recreational vehicle designed to be used for temporary residence purposes.

**Underground Storage Tank:** A tank or combination of tanks, including underground pipes connected to the tank or tanks or underground ancillary equipment containment systems, if any, which is, was, or may have been, used to contain an accumulation of regulated substances and the volume of which, including the volume of the underground pipes connected to the tank or tanks is 10% or more beneath the surface of the ground.

**Use:** The purpose for which land or a building is arranged, designed or intended, or for which land or a building may be occupied.

**Variance:** A modification of the literal provisions of this ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in a practical difficulty or unnecessary hardship.

**Width:** Shortest side of a structure.

**Wireless communications equipment:** The set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.

**Wireless communications support structure:** A structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building

**Yard:** The space between a principal building, excluding steps and unenclosed porches, and a lot line.

- A. Front Yard: The yard between the principal building and the front lot line extending across the entire width of the lot.
- B. Rear Yard: The yard between the principal building and the rear lot line extending across the entire width of the lot.
- C. Side Yard: The yard between the principal building and a side lot line extending between the front yard and the rear yard.

**Zoning Administrator:** The authorized individual charged with the responsibility of administering this Ordinance and appointed by the Township Board of Trustees.

**Zoning Permit:** A permit signifying compliance with the provisions of this Ordinance.



# **Article 7**

## **INTERPRETATION, SEVERABILITY, VESTED RIGHT, REPEAL, AND EFFECTIVE DATE**

### **Section 7.01 INTERPRETATION**

In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, prosperity and general welfare. Unless specifically provided for, it is not intended by this Ordinance to repeal, abrogate, annul or in any way to impair or interfere with the existing and unrepealed provision of law or ordinance or any rules, regulations or permits previously adopted or issued pursuant to law relating to the use of building or land, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or structures or land or upon the courtyards or other open spaces than are imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits, the provisions of this Ordinance shall control.

### **Section 7.02 SEVERANCE**

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision thereof 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 other part thereof, other than the part so declared to be unconstitutional or invalid.

Further, if any court shall declare invalid the application of any provision of this Ordinance to a particular parcel, lot use, building or structure, such ruling shall not affect the application of said provision to any other parcel, lot use building or structure not specifically included in said ruling.

### **Section 7.03 REPEAL**

All ordinances and amendments thereto enacted and/or adopted by the Township by virtue of Act 110, Public Acts of 2006, as amended, and all ordinances and parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. The repeal of existing ordinances or parts of ordinances and their amendments does not affect or impair any act done, offense committed or right accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time it was enforced, prosecuted or inflicted.

### **Section 7.04 EFFECTIVE DATE**

This Ordinance shall take effect following adoption and upon publication of a notice of adoption in accordance with the provisions and procedures of the Township Rural Zoning Act, PA 184 of 1943 as amended.

Made and passed by the Township Board of the Township of Greenwood,  
Oscoda County, Michigan on the 13th day of August, 2019.

1. Date of Public Hearing: June 18, 2019

2. Date of Publication of Notice of Public Hearing: \_\_\_\_\_
3. Date of Adoption by Township Board: August 13, 2019
4. Date of Notice of Adoption Published in Newspaper: \_\_\_\_\_
5. Date Ordinance Shall Take Effect: \_\_\_\_\_