GERRISH TOWNSHIP

ZONING ORDINANCE

Ordinance No. XXXXI

April 25, 2011

As amended through 10-8-12: Ordinance No. XXXXI-1
As amended through 9-25-14: Ordinance No. XXXXI-2
As amended through 2-13-18: Ordinance No. XXXXI-3
As amended through 9-11-18: Ordinance No. XXXXI-4
As amended through 2-11-2020: Ordinance No. XXXXI-5

Adopted
July 12, 2011

Gerrish Township
Roscommon County, Michigan

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Adopted
July 12, 2011

Effective
March 4, 2020

Prepared by the

GERRISH TOWNSHIP
PLANNING COMMISSION

with the assistance of

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Prepared under the direction of the
GERRISH TOWNSHIP BOARD

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Gerrish Township
County of Roscommon, State of Michigan

ORDINANCE NO. XXXXI
ZONING ORDINANCE

An Ordinance enacted by Gerrish Township under Public Act 110 of 2006, the Michigan Zoning Enabling Act, to regulate the use and development of land and provide for the establishment of districts within which specified land use and development may occur including restrictions and requirements for structures, buildings, yards, and development densities, and to establish a permitting system to ensure reasonable review and authorization of land uses and development including the issuance of permits, appeals of decisions, and penalties for violations.

THE GERRISH TOWNSHIP BOARD ORDAINS:

Article 1
TITLE and PURPOSE

Section 1.1 Title

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

Section 1.2 Purpose

It is the purpose of this Zoning Ordinance to regulate the use of land and structures to meet the needs of the state's citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land in accordance with the land's character and adaptability, to ensure that the use of land is situated in appropriate locations and relationships, to limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities, to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements, to promote public health, safety, and welfare including the conservation of property values and natural resources including wooded areas, wetlands, and water resources, to implement the goals, objectives and policies of the Gerrish Township Master Plan adopted pursuant to the Township Planning Act, Public Act 168 of 1959, as amended, and to advance all other purposes as authorized by the Michigan Zoning Enabling Act.

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End of Article 1

Article 2
GENERAL ADMINISTRATION, ENFORCEMENT, and PENALTIES

Section 2.1 Purpose

It is the purpose of this Article to provide for the administration and enforcement of this Ordinance, including the creation of a review and permit process. The primary permit process shall require the issuance of a Zoning Permit which shall indicate that the uses and plans for which the permit is requested comply with this Ordinance. Upon the issuance of a Zoning Permit, the applicant may establish the use for which the permit has been issued, including the erection of a building or structure, provided a Building Permit has been obtained from the Building Inspector demonstrating conformance to the requirements of the Construction Code. For single family and two-family dwellings, a Building Permit may simultaneously serve as a Zoning Permit.

Section 2.2 Zoning Permit Required

A. Permit Required/Conformance to Ordinance: Except as provided in subsection (B) below, no grading or excavation shall be initiated, no fence, wall, structure or building shall be erected, altered, or moved, and no land or building shall be used or undergo a change in use as delineated in the Permitted Uses tables of Article 3 until the Zoning Administrator has issued a Zoning Permit that shall signify the proposed activity conforms to the requirements of this Ordinance and, where required by state law, the Building Inspector certifies proposed structures and buildings comply with the Construction Code through the issuance of a Building Permit. A Zoning Permit shall be on a form established for such purpose and the completed form shall identify the specific use authorized, the drawings that graphically portray the proposed alterations and improvements to the property, and any conditions made part of such permit. No Zoning Permit or Building Permit shall be issued for any structure, building or use of land where the use, construction, addition, or alteration would be in violation of this Ordinance. See Section 2.4 regarding application review procedures.

1. In the case of a single-family or two-family dwelling, a Building Permit may simultaneously serve as a Zoning Permit. However, any Building Permit application that is to simultaneously serve as an application for a Zoning Permit shall include all information required by this Ordinance for a Zoning Permit, in addition to any information that may be necessary to conform to the Construction Code for Building Permit approval.

B. Zoning Permit Exemption: A Zoning Permit shall not be required for the alteration of any building wall provided no change is made to the location of an exterior wall and such alterations are in compliance with all requirements and standards of this Ordinance. A Building Permit may be necessary for such an alteration.

Section 2.3 Responsibility for Administration

A. General Administration: The administration and enforcement of this Ordinance shall be the responsibility of the Township Board, the Planning Commission, the Zoning Board of Appeals, and such personnel as designated by the Township Board in accordance with P.A. 110 of 2006, as amended, 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. The Zoning Administrator may simultaneously serve as the Building Inspector.

B. Duties of the Zoning Administrator: 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. The Zoning Administrator shall perform the duties specified in this Ordinance including, at a minimum:

1. Review Applications: Undertake and/or assist in the review of Zoning Permit applications and other applications made under this Ordinance, including applications for plot plans, site plans, special land use approvals, and variances.
2. Issue Zoning Permits: Issue Zoning Permits and other approvals when all provisions of this Ordinance have been met and the necessary approval has been granted by the proper body or official.
3. File of Applications: Maintain files of all applications submitted under this Ordinance, action on such applications, and any performance guarantees associated with permits. These files shall be open for public inspection.
4. Inspections and Violations: Assist in the investigation and resolution of violations of this Ordinance including inspections of buildings or premises to investigate, monitor and ensure conformance with this Ordinance.
5. Record of Complaints: The Zoning Administrator shall keep a record of any complaint of a violation of this Ordinance and of the action taken consequent to each complaint, and shall provide the Township Clerk with a copy of such records. Such records shall be open for public inspection.

6. Reports: The Zoning Administrator shall report to and attend meetings of the Planning Commission, Zoning Board of Appeals, and Township Board, as requested by such bodies, on activities pertaining to the issuance of permits, complaints of violation, actions taken on such complaints, and other Ordinance administrative and enforcement matters as may arise. The Zoning Administrator shall prepare an annual report to the Township Board regarding permits, violations, and related Ordinance matters.

Section 2.4 Zoning Permit Application and Review Procedures

A. General Application and Review Procedures: An application for a Zoning Permit shall be available from the Zoning Administrator. Upon approval of the application, which is to include, at a minimum, the application form and all required supporting data and documents including a plot plan or site plan, a Zoning Permit shall be issued. Whenever the Zoning Administrator determines an application for a single-family or two-family dwelling and accessory uses and structures is in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue the Zoning Permit. Zoning Permit applications for uses, buildings and structures not associated with a single-family or two-family dwelling shall be issued by the Zoning Administrator only after the designated approving body directs the Zoning Administrator to do so. Such designated approving body shall be the Planning Commission except in the case of a special land use application, in which case the Township Board shall be the approving body after receipt of a Planning Commission recommendation.

1. Plot Plan / Site Plan: An application for a Zoning Permit shall include the submittal of a plot plan or site plan. An application for a single family or two-family dwelling and accessory structures thereto, shall include the submittal of a plot plan according to subsection (B) below. A site plan shall be required for all other uses, structures and buildings and shall be prepared according to Article 14 (Site Plan Review). Upon approval of the plot plan or final site plan, a Zoning Permit shall be issued except as may be provided otherwise in this Ordinance. See Article 14 for detailed site plan review regulations which provide for Planning Commission review and approval except in the case of a special land use in which case the Township Board shall take final action on such site plan after receipt of a Planning Commission recommendation.
2. Special Land Uses: In addition to meeting the site plan requirements of Article 14, a Zoning Permit application for a use classified as a “special land use” according to Permitted Uses tables of Article 3 shall be processed according to the provisions of Article 15 (Special Land Uses), which require Township Board action after receipt of a Planning Commission recommendation.
3. Variances: Where the approval of a variance by the Zoning Board of Appeals pursuant to Article 16 is necessary for the approval of a proposed plot plan or site plan, no plot plan or site plan shall be approved nor shall such project be issued a Zoning Permit until action on such variance request has been taken by the Zoning Board of Appeals.
4. Incomplete Applications: If Zoning Permit application materials are not administratively complete when received by the body that is to take action on the application, the body may deny such application or otherwise delay action on the application until it is made complete in a readily comprehensible manner.
5. Performance Guarantees: A performance guarantee may be required as a condition to the issuance of a permit in order to ensure conformance with the requirements of this Ordinance (see Section 2.6).
6. Permit Refusal in Writing: In any case where a Zoning Permit or other approval requested under this Ordinance is refused, the reasons shall be provided to the applicant in writing.

B. Single Family and Two-Family Dwellings/Plot Plan Approval

1. Application Required: Application for a Zoning Permit for a single family or two-family dwelling, including alterations and accessory structures and buildings thereto, shall be submitted to the Zoning Administrator on a form for that purpose. See Section 2.2(B) for exceptions. Three (3) copies of all application materials shall be submitted and shall consist of:
   a. The completed application form, and all permit applications, approvals and supporting documents associated with required state or federal permits.
   b. An accurate, readable, drawing of scale not less than 1” = 100’, constituting a plot plan, identifying the following:
      1) Name, address and telephone number of the applicant (and owner if different).
      2) A scaled property line drawing showing property dimensions, bearings, lot area, legal description, and an arrow pointing north. The Zoning Administrator may require a property line survey prepared by a Michigan-licensed surveyor where conditions are present that necessitate a greater level of detail and/or accuracy regarding the location of property lines and/or buildings, such as in the case of an existing or proposed building in the immediate proximity of a lot line.

3) The location and footprint of existing structures, and the location, height, footprint and scaled floor plans of proposed structures to be erected, altered, or moved on the lot. See definition for "building height" in Article 21.
4) Distances of buildings and structures from lot lines.
5) A description of proposed use(s) of the building(s), land and structures.
6) Configuration of the driveway and parking areas.
7) Existing public and private right-of-ways and easements.
8) Existing and/or proposed location of septic drain field and potable water well.
9) In the case of a corner lot, the designated side and rear yard.
10) Any other information deemed necessary by the Zoning Administrator to determine Ordinance compliance and provide for the enforcement of this Ordinance, such as wetland permits, soil and erosion control permits, and health department permits including permits for the addition of habitable space to an existing dwelling or other building.

2. Application Review: The Zoning Administrator shall review the Zoning Permit application and plot plan and determine their conformity with the provisions of this Ordinance including requirements pertaining to lot area, lot width, setbacks, building height, and permitted uses.
3. Action on Application: After conducting a review, the Zoning Administrator shall reject, approve, or conditionally approve the plot plan as it pertains to requirements and standards contained in this Ordinance. The applicant shall be notified in writing of the Zoning Administrator's action on the application including any conditions associated with an approval. The decision by the Zoning Administrator shall be made within fifteen (15) days of the receipt of a complete plot plan application including copies of all required county, state and federal applications and permits. See Section 2.04(C)(1) below regarding withholding of approval. A plot plan shall be approved if it contains the information required by, and is in compliance with this Ordinance.
4. Approved Plot Plans: At least two (2) copies of an approved plot 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. For identification of the approved plans, each copy shall be signed and dated with the date of approval by the Zoning Administrator. 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 plot plan and delivered to the applicant.
5. Plot Plan Changes: The Zoning Administrator shall review proposed changes to an approved plot plan in the same manner as an original plot plan application.

C. Permit Withholding, Expiration, and Revocation.

1. Withholding Permit: Where this Ordinance grants approval authority to a specific body, as in the case of plot plan approval by the Zoning Administrator and variance approval by the Zoning Board of Appeals, the designated approving body may withhold approval of an application pending verification that an applicant has received required county, state or federal permits including but not limited to sewage disposal and potable water permits, soil erosion and sedimentation control permits, flood plain permits, and MDNRE permits for alteration of wetlands. Similarly, the Zoning Administrator, Zoning Board of Appeals, Planning Commission or Township Board may condition its approval of the requested application on which it is required to act upon the receipt of any of the above mentioned county, state or federal approvals or withhold the issuance of a Zoning Permit until said permits from other agencies have been obtained.
2. Expiration of Permit: A Zoning Permit shall become null and void after one (1) year from the date of its issuance unless the development or activity authorized has passed its first building inspection by the Building Inspector, provided however, that the body which approved such permit may waive or extend the period of time in which the permit is to expire for a single period of no greater than 180 days if it is satisfied that the owner is maintaining a good faith intention to proceed with construction. Upon expiration, the permit shall be renewable only upon reapplication.
3. Revocation: A body which grants approval of a permit or application under this Ordinance, such as in the case of a Zoning Administrator's approval of a plot plan and the Township Board's approval of a Special Land Use application, may revoke or cancel such approval in the case of failure or neglect to comply with this Ordinance, or in the case of any false statement or misrepresentation made in the application. The Zoning Administrator may issue a stop work order to halt all construction activities and usage pending a decision on the revocation.

a. At the revocation proceedings, the body holding such proceedings shall state the basis for the revocation and the permit holder shall be given the opportunity to present evidence and testimony against such revocation.
b. Following the proceeding, the approving body may revoke the permit, delay such revocation for a specified time period to permit the permit holder time to correct specified violations, or find there is no basis for such revocation.
c. Upon permit revocation, or in the case where revocation is delayed to correct violations, all further construction and usage shall cease other than for the purpose of correcting violations, unless specifically provided for otherwise by the revocation body. Failure to comply with a revocation order is declared to be a nuisance per se and a violation of this Ordinance.

Section 2.5 Building Permit / Permit of Occupancy Required

A. Building Permit: No driveway or any other grading, excavation, or construction shall be initiated prior to the issuance of a Zoning Permit and, where required by state law, the Building Inspector certifies proposed structures and buildings comply with the Construction Code through the issuance of a Building Permit.

B. Occupancy Permit: No structure or use shall be occupied, in whole or in part, without first receiving a permit for occupancy from the Building Inspector pursuant to the Construction Code.

Section 2.6 Performance Guarantee for Compliance

A. Purpose: In authorizing any Zoning Permit or granting other approvals under this Ordinance other than a single-family or two-family dwelling and accessory structures and uses thereto, the approving body for such permit or approval may require that a performance guarantee be furnished to ensure compliance with the requirements, specifications and conditions imposed with the granting of such permit or approval.

B. Requirements of Guarantee: The performance guarantee shall meet the following requirements:
1. Improvements Covered: Improvements that shall be covered by the performance guarantee include those features of a project that are considered necessary by the body or official granting approval to protect the natural resources or the health, safety and welfare of residents of the Township and future users or inhabitants of the proposed project area including roadways, lighting, utilities, sidewalks, screening and drainage. In no case shall any portion of a performance guarantee be required for improvements intended to serve the public at large versus users of the development site, or for facilities or improvements that are likely to result in public ownership or responsibility.
2. Form: The performance guarantee shall be in the form of cash, certified check, irrevocable bank letter of credit, or surety bond, acceptable to the Township Treasurer, which names the property owner as the obligor and the Township as the obligee. If appropriate, based on the type of performance guarantee submitted, the Township shall deposit the funds in an account in a financial institution with which the Township regularly conducts business.
3. Amount and Time Required: The amount of the performance guarantee shall be equal to the estimated cost of improvements for which the performance guarantee is to cover, according to a detailed cost estimate submitted by the applicant and found satisfactory by the approving body. After approval of the cost estimate, the performance guarantee shall be submitted at the time of issuance of the permit authorizing the approved use or construction. No performance guarantee shall be required prior to the date on which the Township is prepared to issue the Zoning Permit.

C. Return of Performance Guarantee: The following procedure shall be followed in the return of performance guarantees:
1. Request for Payment: As required improvements are completed, or when all of the required improvements have been completed, the obligor shall send written notice to the Zoning Administrator of completion of said improvements. Thereupon, the Zoning Administrator shall inspect said improvements and shall transmit a recommendation to the Township Board indicating either approval, partial approval, or rejection of the improvements with a statement of the reasons for any rejection. If partial approval is indicated, the cost of the improvement or condition rejected shall be set forth.
2. Approval of Payment: The Township Board shall either approve, partially approve or reject the return of the performance guarantee for the improvements or conditions, after consideration of the recommendation of the Zoning Administrator's written statement, and shall notify the obligor in writing of the action of the Township Board within forty-five (45) days after receipt of the notice from the obligor of the completion of improvements. Where approval or partial approval is granted, the Township Clerk shall release the approved payment to the applicant. The portion of the performance guarantee to be returned shall be proportional to the work completed and shall be based on the itemized cost estimate for the applicable improvement.

3. Lack of Full Completion: Should installation of improvements fail to meet full completion based on the approved site plan, or if the project area is reduced in size and improvements are only partially completed or conditions only partially met, the Township may complete the necessary improvements or conditions itself or by contract to an independent contractor, and assess all costs of completing the improvements or conditions against the performance guarantee. Any balance remaining shall be returned to the applicant.

Section 2.7 Timely Action on Applications

A. All approvals applied for under this Ordinance shall be acted upon in a timely manner. However, in no case shall the matter of a timely decision undermine the intent of this Ordinance that all requested approvals undergo the necessary and adequate review to ensure all requirements and standards have been met and the public health, safety and welfare is preserved.

B. The following time provisions shall apply unless specifically provided otherwise by this Ordinance or special circumstances arise such as delays associated with the acquisition of county, state or federal permits, the submittal of an incomplete application, the need to submit additional application materials following initial deliberations, or unforeseeable practical delays in distributing applications to the necessary review bodies. The prescribed review periods below require that an application must be received by the Zoning Administrator at least thirty (30) days prior to the next regularly scheduled meeting when the Planning Commission would normally begin deliberation on such application, and that the Planning Commission may delay initiating deliberations until its next regularly scheduled meeting or special meeting called for the purpose of deliberating said application.

1. Applications Requiring Zoning Administrator Action: A complete application for a Zoning Permit for a single-family or two-family dwelling or an accessory structure or use thereto shall be acted upon by the Zoning Administrator within thirty (30) days of the submittal of the complete application.
2. Applications Requiring Planning Commission Action: Action by the Planning Commission on an application, as in the case of acting on a site plan or a recommendation to the Township Board regarding an application for special land use approval or an amendment petition, shall occur within one-hundred (100) days of the submittal of a complete application with the Zoning Administrator. Where a public hearing is required to be held by the Planning Commission, this time frame shall be extended by thirty (30) days.
3. Applications Requiring Township Board Action: Where this Ordinance requires the Township Board to approve, deny, or conditionally approve an application, as in the case of a special land use application or rezoning petition, the Township Board shall take action on the application within sixty-five (65) days of the Planning Commission's recommendation. Where a public hearing is required to be held by the Township Board, this time frame shall be extended by thirty (30) days.
4. Applications Requiring Zoning Board of Appeals Action: Where the Zoning Board of Appeals is required by this Ordinance to act upon a request for a variance, ordinance interpretation, administrative appeal, or other request as provided by this Ordinance, the Zoning Board of Appeals shall take action on the request within sixty-five (65) days of the receipt of a complete application.
5. Public Hearing Notices: See Section 2.11.

Section 2.8 Application Fees

A. Application Fees Required: Fees for the administration and review of development proposals, rezoning requests, actions before the Zoning Board of Appeals, inspections and the issuance of permits required under this Ordinance shall be deposited with the Township Clerk in advance of processing any application. The amount of such fees shall be established by the Township Board by resolution and may be revised from time to time. Such fees shall be limited to covering actual costs incurred by the Township and may include but are not limited to costs associated with conducting meetings and inspections, public notices, postage, photocopying, staff time, mileage, and any costs associated with assistance provided by qualified professionals including planners, engineers, and/or attorneys.

B. Professional Review and Fee: For any application for a Zoning Permit, variance, or other approval under this Ordinance, the reviewing body may require the payment of a professional review fee when professional input is desired before a decision is made, due to the character or complexity of the proposal or concern over the potential impacts of the project. The applicant is entitled to a refund of any unused professional review fee. If actual professional review costs exceed the amount of the fee, the applicant shall pay the balance due prior to final action on such application. A professional review shall result in a report to the Township indicating the extent of conformance or nonconformance with this Ordinance and matters which may create a threat to public health, safety or the general welfare, and may include a recommended course of action. Mitigation measures or

alterations to a proposed design may be suggested where they would serve to lessen or eliminate identified impacts. The applicant shall receive a copy of any professional review contracted for by the Township and a copy of the statement of expenses for the professional services rendered.

Section 2.9 Site Inspections

The Zoning Administrator shall have the authority to make inspections of premises for the purposes of verifying information on an application, monitoring conformance with the regulations and standards of this Ordinance, and for any other purpose associated with responsibilities of the Zoning Administrator granted by this Ordinance. The owner or his agent or representative, and the occupant or lessee of every building, or other person having the care and management thereof, shall give the Zoning Administrator free access thereto upon request at all reasonable times. No person shall interfere with the Zoning Administrator in the discharge of his/her duties.

Section 2.10 Violations, Penalties, and Fines

A. Declaration of Violations/Misdemeanor: Violations of the provisions of this Ordinance or failure to comply with any of its requirements, including conditions and safeguards established in connection with any approval including permits, variances, appeals, and site plans, are declared to be nuisances per se and misdemeanors. The Township is authorized to enforce this Ordinance and to prosecute violations in any Court of competent jurisdiction.

B. Penalties: Any person, corporation, partnership, limited liability company, or other entity, who violates this Ordinance or fails to comply with any of its requirements, including conditions and safeguards established in connection with any approval including permits, variances, appeals, and site plans, may be prosecuted for a misdemeanor and shall upon conviction thereof, be subject to a fine not more than $500.00 or imprisonment for not more than 90 days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. The Township may pursue any and all remedies and enforcement by one remedy does not preclude or waive enforcement by another remedy. Any act, use, thing, structure, or occupation which violates a provision of this Ordinance is subject to abatement by ex parte, temporary and permanent injunction, writ of abatement, and order of a circuit court, in addition to misdemeanor penalties and fines. If a Judgment of Order is entered granting relief in favor of the Township, costs and attorney fees incurred by the Township may be recovered as a penalty from the Defendant and assessed against the affected property on the next tax bill. The imposition of any fine, penalty, or jail sentence, or both, shall not exempt the violator from compliance with the provisions of this Ordinance.

C. Presumptions: The owner of record or tenant in possession of any building, structure, premises, or part thereof, and any architect, building contractor, agent, or other persons who commits, participates in, assists, aids, or maintains such violation may each be found guilty or responsible for each separate offense and be subject to the fines and penalties herein provided. It shall be conclusively presumed for purposes of enforcement, notwithstanding the lack of actual knowledge, that the owner of record as disclosed by the Township's current assessment roll, has authorized all uses of the land and premises owned.

D. Correction of Violations

1. Notice of Violation: Whenever the Zoning Administrator determines that a violation of this Ordinance or an approval issued under this Ordinance has occurred or is occurring, and if the violation does not constitute an immediate danger to public safety or the property of others if not corrected, the Zoning Administrator shall give written notice to the owner or occupant of the property and a copy to the person doing the construction or using the land or structures. The notice shall identify the violation and direct the violation be corrected no sooner than twenty (20) days but no later than forty (40) days, the specific correction period to be specified by the Zoning Administrator in the notice, unless seasonal or other conditions require an extended correction period. This notice of violation authorized by this Article is intended to secure compliance, if possible, without imposition of fines or jail.
    a. Such notice of violation shall be directed to each owner of, or a party in interest, in whose name the property appears on the last local tax assessment records. All notices shall be served upon the person to whom they are directed personally, or in lieu of personal service, may be mailed by certified mail, return receipt requested, addressed to such owner or party in interest at the address shown on the tax records.
2. Prosecution Proceedings: If the owner or party in interest fails to correct the violation within the time period specified by the Zoning Administrator, or where the Zoning Administrator determines that the violation constitutes an immediate danger to public safety or the property of others if not corrected, the Zoning Administrator shall communicate with the Township Attorney and the Township Attorney is authorized to initiate prosecution proceedings in any manner authorized by law including appearance ticket, summons and complaint or complaint and warrant. An appearance ticket, citation, complaint

summons and/or warrant for a violation shall be served as required by law.

Section 2.11 Public Hearing Notices

A. Hearing Notice Content: Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, all mail, personal and newspaper notices for public hearings shall do all of the following:

1. Describe the nature of the request including whether the request is for a text amendment, zoning map amendment (rezoning), special land use, variance, appeal, ordinance interpretation or other purpose.
2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
3. Indicate the date, time and place of the hearing(s).
4. Indicate when and where written comments will be received concerning the request.

B. Recipients and Means of Notice: Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, the following shall receive notice of the hearing, which notice shall include the information specified in (A) above.

1. General public, by publication of the hearing notice in a newspaper of general circulation in the Township.
2. To the owners of property for which approval is being considered, and the applicant if the applicant is different than the property owner, by mail or personal delivery.
3. To all persons to whom real property is assessed within 300 feet of the boundary of the project subject to the request, and to the occupants of all structures within 300 feet of the property, regardless of whether the property or occupant is located in Gerrish Township, by mail or personal delivery. If the name of the occupant is not known, the term "occupant" may be used in making notification.
    a. Subsection (3) above shall not apply in the case of rezoning requests involving eleven (11) or more adjacent properties, or an ordinance interpretation request or an appeal of an administrative decision that does not involve a specific property.
    b. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, a single notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.
4. To each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the Township Clerk for the purpose of receiving the notice of public hearing, by mail, in the case of a text amendment or zoning map amendment.

C. Timing of Notice and Determination of Notice Given: Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, all mail, personal and newspaper notices for public hearings shall be made not less than fifteen (15) days before the date the request will be considered, including applications for zoning map amendments (rezonings), text amendments, special land uses, variances, appeals and ordinance interpretations. The notice under subsection (B) shall be considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service.

D. Confirmation of Notices Made by Mail or Personal Delivery: The Township Clerk shall prepare a list of property owners and registrants to whom notice was mailed, as well as anyone to whom personal notice was delivered.

End of Article 2

Article 3
ZONING DISTRICTS, REGULATIONS, and MAP

Section 3.1 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, and shall have boundaries as delineated on the Official Zoning Map.

Conservation Districts
- RC Resource Conservation District

Residential Districts
- RR Rural Residential District
- R-1 Existing Lake Neighborhoods District
- R-1A Lake Residential District
- R-2 Low Density Residential District
- R-3 Medium Density Residential District
- R-4 High Density Residential District
- R-MF Multiple Family Residential District
- R-MHC Manufactured Housing Community District

Commercial Districts
- C-1 Local Commercial District
- C-2 General Commercial District

Industrial Districts
- I-1 Light Industrial District

Section 3.2 Zoning District Map

A. The boundaries of the respective Districts enumerated in Section 3.1 are defined and established as depicted on the Official Zoning Map entitled GERRISH 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.

B. 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 of the Gerrish Township Zoning Ordinance adopted on the 12th day of July, 2011.* 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.

C. The Official Zoning Map shall be located at the Township Hall and shall be the final authority with regard to the current zoning status of all land in the Township, along with supporting minutes of Township Board meetings regarding zoning district changes, regardless of the existence of copies of the Official Zoning Map which may be made and published from time to time.

Section 3.3 Purposes of Zoning Districts

See Table 3-1.

Section 3.4 Interpretation Of District Boundaries

A. 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. The Zoning Board of Appeals shall apply the following standards in arriving at a decision on such matters:

1. Boundaries indicated as approximately following roads or highway shall be construed as following the center lines of said roads or highways.
2. Boundaries indicated as approximately following section lines, quarter section lines, quarter-quarter section lines, or lot lines shall be construed as following such lines.

3. Boundaries indicated as approximately following Township boundary lines shall be construed as following such boundary lines.
4. Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as approximately parallel to the center lines of streets or highways shall be construed as being parallel thereto and at such distance there from 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.
6. Boundaries following the shoreline of a stream, lake, or other body of water shall be construed to follow such shorelines. In the event of change in the shoreline, the boundary shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerlines of streams, canals, or other water courses shall be construed to follow such centerlines.
7. 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 "more restrictive district" shall refer to the district that places greater restrictions on development based on such factors as authorized uses, setbacks, lot coverage, and related development standards.

Section 3.5 Permitted Uses in Zoning Districts

A. Compliance with Zoning Regulations: 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. 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.

B. Uses Permitted in Each Zoning District: Tables 3-2 and 3-3 identify the principal land uses permitted in each of the districts enumerated in Section 3.1. No land use shall be established on a lot or parcel except in conformance with Tables 3-2 and 3-3. In order to insure all possible benefits and protection for the zoning districts in this Ordinance, the Tables delineate whether a land use permitted in a particular District is a "Use Permitted by Right" or a "Special Land Use".

1. Uses Permitted by Right: Uses permitted by right are the primary uses and structures specified for which the District has been established, and are subject to plot plan or site plan approval.
2. Special Land Uses: Special land uses are uses and structures that have been generally accepted as reasonably compatible with the primary uses and structures permitted in the District, but could present potential injurious effects upon the primary uses and structures within the District or are otherwise unique in character and therefore require special consideration in relation to the welfare of adjacent properties and to the Township as a whole. All such uses shall be subject to a public hearing and site plan approval. See Article 15, Procedures for Special Land Uses.

C. Accessory Uses: Unless otherwise specified in this Ordinance, accessory uses which are clearly incidental to and customarily associated with the principal use of the property are permitted in all Districts and shall conform to all applicable standards of this Ordinance, including Section 20.20.8 (Accessory Uses, Buildings, and Structures).

D. Prohibited Uses: Any use of land not specifically permitted is prohibited, including any use of land not specifically identified in Tables 3-2 and 3-3. The Planning Commission may be petitioned to initiate an amendment to the Ordinance to authorize an otherwise prohibited use and standards that will apply for that use. If the Township Board approves such an amendment, then an application can be processed to establish that use.

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Section 3.6 Site Development Requirements of Zoning Districts

A. All land uses shall comply with the site development requirements of the District in which it is located, as delineated in Table 3-4, in addition to all other applicable site development provisions of this Ordinance including, but not limited to:

1. Article 7: Standards and Regulations for Specific Land Uses.
2. Article 9: Signs.
3. Article 10: Off-Street Parking and Loading.
4. Article 11: Landscaping and Screening.
5. Article 12: Environmental Standards.
6. Article 13: Access and Private Roads.
7. Article 20: Supplemental Provisions.

B. No part of a setback area, yard, or other open space required about or in connection with any use, building or structure, for the purpose of complying with this Ordinance, shall be included as part of a setback area, yard, or other open space similarly required for any other use, building or structure.

C. 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, including lot size and lot width.

D. 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.

E. 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, 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, the provisions of such law or ordinance shall govern. **(Amended by Ordinance XXXXI-2 9-25-14) (C to B, D to C, E to D and F to E)**

Section 3.7 Special District Provisions

A. Manufactured Housing Community District (R-MHC)

1. Pursuant to Section 11 of Public Act 96 of 1987, as amended, the Michigan Mobile Home Commission Act, a preliminary plan shall be submitted to the Township for review by the Planning Commission. The preliminary plan shall include the location, layout, general design, and general description of the project. The preliminary plan shall not include detailed construction plans. In preparing the preliminary plan and when reviewing the plan, the developer and Planning Commission shall generally follow the procedures and requirements in Article 14 of this Ordinance, except where said procedures and requirements are superseded by the requirements in P.A. 96 of 1987, as amended, or the Mobile Home Commission Rules. Pursuant to Section 11 of Public Act 96 of 1987, as amended, the Planning Commission shall take action of the preliminary plan within sixty (60) days after the Township receives the preliminary plan.
2. All manufactured housing communities shall be constructed and maintained in accordance with P.A. 96 of 1987, as amended, and the rules and regulations promulgated by the Mobile Home Commission pursuant to the authority vested in the Mobile Home Commission by such Act. The construction of a manufactured housing community shall not be initiated, nor shall a manufactured housing community be inhabited or operated until all necessary permits have been acquired from the Michigan Department of Labor and Economic Growth and all other agencies pursuant to the Mobile Home Commission Act.
3. In addition to complying with the provisions of P.A. 96 of 1987, as amended, and the rules and regulations promulgated by the Mobile Home Commission, the following standards and provisions shall apply:
    a. Minimum Parcel Size: Ten (10) acres.
    b. Minimum Site Size: The manufactured housing community shall be developed with sites averaging a minimum of 5,500 square feet per mobile home unit. This 5,500 square foot standard for any one site may be reduced provided that the individual site shall be equal to at least 4,400 square feet and that for each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space.

Table 3-1
PURPOSES of ZONING DISTRICTS

Table 3-1 identifies the principal purposes of the Districts of this Ordinance. Tables 3-2 and 3-3 identify the specific uses permitted in each District. Tables 3-2 and 3-3 may identify uses permitted in each District in addition to those referenced in the following purpose statements where considered compatible with and/or supportive of the principal purposes of the District, including certain special land uses.

DISTRICT TYPE	DISTRICT	PURPOSE
ALL DISTRICTS	**All Districts**	It is the purpose of all Districts to protect important environmental resources to the greatest extent practical including the abundant woodlands present throughout the Township; that all Districts be located in coordination with the Gerrish Township Master Plan; that uses minimize negative impacts on surrounding land uses; that all non-residential uses complement the community's character through appropriate architectural design and building scale, building materials, setbacks, signage, landscaping, buffering, open spaces and lighting; that development ensure safe and efficient vehicular travel and access and minimizes congestion, turning conflicts, and pedestrian hazards; and that each use be adequately served by facilities and services including sewage disposal, potable water, fire protection, and roads. Additional and more specific purposes of each District are delineated below.
CONSER-VATION DISTRICTS	**RC**	It is the purpose of the **RC Resource Conservation District** to protect the most expansive areas of the Township predominately under public ownership and characterized predominantly by woodlands and wetlands, the majority of which comprise portions of the AuSable State Forest. The enjoyment and long-term protection of this facility is of great public interest and importance to the Township, the State of Michigan, and other public entities. The resources comprising this district are important in providing for wildlife habitats, water and air purification, flood control, and recreation opportunities, and support the desired rural/resort character of the Township and its forestry industry. Principal uses in the district are intended to be limited to agriculture including timber production and forestry management, conservation areas, low density residential development, and outdoor resource-based uses that support the overall intent of this district. This district includes parcels that are not under public ownership but are within or near the boundaries of the state forest land, and their inclusion in the district is based on their woodland/wetland character and interests in minimizing negative impacts on such resources by inappropriate land use along their peripheries. It is the purpose of this District to limit uses that could undermine the recreational and environmental benefits derived from the woodlands and wetlands contained within. Persons considering residing within this District should be aware that the smells, noises, uses of pesticides and herbicides, and other agricultural activities may continue on a long term basis.
RESIDENTIAL DISTRICTS	**RR**	It is the principal purpose of the **RR Rural Residential District** to provide opportunities for low density rural residential lifestyles and development patterns that encourage the preservation of open spaces and natural resources, and the Township's rural character, while also providing opportunities for agriculture including timber production and forestry management, conservation areas, and outdoor resource-based uses that support the overall intent of this district. The District is intended to function similar to the Resource Conservation District except for the allowance of somewhat higher development densities due to the overall lesser presence of woodlands, wetlands and state forest lands. Persons considering residing within this District should be aware that the smells, noises, uses of pesticides and herbicides, and other agricultural activities may continue on a long term basis.

Table 3-1 Continued on Next Page

Table 3-1 Continued

RESIDENTIAL DISTRICTS	**R-1**	It is the intent of the **R-1 Existing Lake Neighborhoods District** to recognize the presence of the long-rooted neighborhoods of a comparatively high density, developed in close proximity to Higgins Lake prior to the adoption of township zoning regulations and contrary to health regulations applicable today, and to protect the character of these existing settlement areas and investments therein. The inclusion of these settlement areas in other residential districts of this Ordinance would result in the creation of a substantial number of nonconforming lots or otherwise make day-to-day ordinance administration unnecessarily complex and burdensome. It is the intent of this District to recognize these historic development patterns and provide regulations that recognize their current and unique character and provide for their protection as desirable and stable residential environments. In recognition that this District is established solely to acknowledge and protect the unique character of these existing settlement areas, it is intended that no new R-1 Districts be established after the effective date of this Ordinance.
	R-1A	It is the intent of the **R-1A Lake Residential District** to provide opportunities for residential development patterns and lifestyles in close proximity to Higgins Lake but in locations not otherwise included in the R-1 Existing Lake Neighborhoods District. While the Existing Lake Neighborhoods District is intended to recognize the presence of historic lake-area neighborhoods and their unique conditions, the Lake Residential District is intended to provide lake-area development opportunities based on contemporary standards that recognize the absence of public sewer and water and more effectively protect the environmental character and integrity of the lake area.
	R-2 **R-3** **R-4**	It is the principal purpose of the **R-2 Low Density Residential, R-3 Medium Density Residential, and R-4 High Density Residential Districts** to provide opportunities for single and two-family residential development patterns of incrementally decreasing lot sizes and increasing density, to accommodate varying suburban and urban residential lifestyles and meet the varied housing needs of current and future residents.
	R-MF	It is the principal purpose of the **R-MF Multiple Family Residential District** to provide opportunities for apartment and similar multiple family developments to meet the varied housing needs of current and future residents.
	R-MHC	It is the principal purpose of the **R-MHC Manufactured Housing Community District** to provide opportunities for manufactured housing communities and subdivisions to meet the varied housing needs of current and future residents.
COMMER-CIAL DISTRICTS	**C-1**	It is the principal purpose of the **C-1 Local Commercial District** to provide opportunities for businesses that primarily address the local day-to-day retail and service needs of Township residents and visitors, and in a manner that supports the desired character of the township. This District is not intended to accommodate regional retail and service uses, or other uses that may undermine its intended function and local character as described in the Master Plan.
	C-2	It is the principal purpose of the **C-2 General Commercial District** to provide opportunities for businesses that address the retail and service needs of both local and regional populations, including the highway traveler, in a manner that supports the desired character of the township as described in the Master Plan.
INDUSTRIAL DISTRICTS	**I-1**	It is the principal purpose of the **I-1 Light Industrial District** to provide for a variety of manufacturing and other industrial uses that can be generally described as being of low intensity, including comparatively small building sizes, the absence of objectionable external affects such as noise and fumes, and limited demands for public services, and which supports the desired character of the township. Manufacturing operations in this District are generally intended to rely on previously prepared materials, as opposed to the use, alteration, or manipulation of raw materials.
OTHER DISTRICTS	**PUD**	See Section 4.1.

See “All Districts” on previous page for further description of District purposes.

End of Table 3-1

Table 3-2
Permitted Principal Uses in Conservation and Residential Zoning Districts

	PRINCIPAL USES	ZONING DISTRICTS **BR =** Use Permitted by Right, **S =** Special Land Use **–** = Prohibited Use						
		RC	**RR**	**R-1 R-1A**	**R-2**	**R-3 R-4**	**R- MF**	**R- MHC**
	Uses of a Primarily Agricultural, Outdoor Recreation, or Natural Resource Based Character							
1	Agricultural uses.	**BR**	**BR**	–	–	–	–	–
2	Areas set aside for the protection of wildlife and natural resources, wildlife management areas, nature preserves, and game refuges.	**BR**	**BR**	–	–	–	–	–
3	Campgrounds.	S	S	–	–	–	–	–
4	Commercial stables.	S[2]	S	–	–	–	–	–
5	Extraction operations.	S[2]	S	–	S[2]	–	–	–
6	Golf courses and country clubs.	–	S	–	S	S	S	–
7	Retreat Centers.	S	S	–	–	–	–	–
8	Shooting ranges, outdoor only.	S	S	–	–	–	–	–
	Uses of a Primarily Residential Character							
1	Assisted living facilities.	–	S	S[1]	S	S	S	S
2	Conventional single family dwellings (see Sec. 20.6).	**BR**	**BR**	**BR**	**BR**	**BR**	–	**BR**
3	Non-conventional single family dwellings including those within manufactured housing communities and subdivisions, and those located outside such developments.	–	–	–	–	–	–	**BR**
4	Day care, family home.	**BR**	**BR**	**BR**	**BR**	**BR**	–	–
5	Day care, group home.	S	S	S	S	S	–	–
6	Foster care facility, family home.	**BR**	**BR**	**BR**	**BR**	**BR**	–	–
7	Foster care facility, group home.	S	S	S	S	S	–	–
8	Manufactured housing communities and subdivisions.	–	–	–	–	–	–	**BR**
9	Multiple family dwellings.	–	–	–	–	–	**BR**	–
10	Two family dwellings.	–	–	**BR**	**BR**	**BR**	–	–
	Uses of a Primarily Commercial, Business or Industrial Character							
1	Bed and breakfast.	S	S	–	S	–	–	–
2	Day care center.	–	–	S[1]	S	S	S	S
3	Wireless communication towers, Class One.	**BR**	**BR**	–	–	–	**BR**	**BR**
4	Wireless communication towers, Class Two.	S	S	–	–	–	S	S
5	Kennels.	S	S	–	–	–	–	–
6	Sawmills.	S	S	–	–	–	–	–
	Other Uses Not Listed Above							
1	Clubs, lodges, and similar social-centered organizations.	–	S	–	S	S	S	S
2	Public facilities owned by Gerrish Township including, but not limited to, township offices, fire stations, police offices and jails, cemeteries, parks, and marinas.	**BR**	**BR**	**BR**	**BR**	**BR**	**BR**	**BR**
3	Public facilities owned by other than Gerrish Township not otherwise addressed in this Table above.	S	S	S	S	S	S	S
4	Public assembly facilities not otherwise addressed in this Table above including schools, churches, libraries, and museums.	–	S	S	S	S	S	S

Footnotes:
1. Assisted living facilities and day care centers are prohibited in the R-1 District.
2. Extraction operations in the RC and R-2 Districts shall be limited to soil extraction only.

End of Table 3-2
(Table amended by Ordinance XXXVI-1 10-8-12)

Table 3-3
Permitted Principal Uses in Commercial and Industrial Zoning Districts[1]

	PRINCIPAL USES	ZONING DISTRICTS **BR =** Use Permitted by Right **S=** Special Land Use[1] **–** = Prohibited Use		
		C-1	**C-2**	**I-1**
	Uses of a Primarily Agricultural, Outdoor Recreation, or Natural Resource Based Character[1]			
1	Marinas, boat yards, and boat liveries.	S	S	–
	Uses of a Primarily Residential Character			
1	Dwellings when located on a second or third story above a business.	S	S	–
2	Dwellings existing on the effective date of this Ordinance **being July 29, 2011, including the expansion, reconstruction, repair or other alteration thereof.** **Amended 2-13-18**	**BR**	**BR**	**BR**
	Uses of a Primarily Commercial or Business Character[1]			
1	Agricultural service establishments.	–	S	S
2	Adult entertainment uses.	**–**	**S**	–
3	Any generally recognized retail business that supplies commodities on the premises within a completely enclosed building including, but not limited to, groceries, foods, drugs, packaged liquor, furniture, clothing, dry goods, notions, books, flowers, jewelry and hardware, but excluding sexually oriented businesses.	**BR**	**BR**	–
4	Arcade.	BR	BR	–
5	Bed and breakfast provided the dwelling is in existence on the effective date of this Ordinance.	**S**	**S**	–
6	Building material sales yard, including retail lumber yards and incidental millwork, and storage facilities for building materials including sand, gravel, stone, lumber, and contractor's equipment.	–	S	**BR**
7	Commercial outdoor recreation facilities, limited to miniature golf courses, go-cart race tracks, batting cages, and accessory facilities including arcades and food services.	–	S	–
8	Communication towers, Class One	**BR**	**BR**	**BR**
9	Communication towers, Class Two	S	S	S
10	Day care center.	S	S	–
11	Funeral homes and mortuaries, including a dwelling occupied by the facility owner.	–	S	–
12	Health clubs.	–	**BR**	–
13	Hospitals and convalescent homes.	**–**	**S**	–
14	Indoor commercial recreation such as theaters, bowling alleys, skating rinks, indoor shooting ranges, and similar uses.	S	S	–
15	Kennels	**S**	**S**	–
16	Medical clinics.	**BR**	**BR**	–
17	Landscaping services.	S	S	–
18	Mini-storage.	–	S	S
19	Motels and hotels, including conference centers.	–	S	–
20	Offices and showrooms of plumbers, electricians, decorators, and similar trades in connection with not more than 25% of the floor area of the building or part of the building occupied by said establishment used for making, assembling, remodeling, repairing, altering, finishing or refinishing its products or merchandise.	–	**BR**	–
21	Offices and showrooms of plumbers, electricians, decorators, and similar trades in connection with more than 25% of the floor area of the building or part of the building occupied by said establishment used for making, assembling, remodeling, repairing, altering, finishing or refinishing its products or merchandise.	–	S	–
22	Offices which perform services on the premises including but not limited to financial institutions, insurance offices, real estate offices, artist offices and galleries.	**BR**	**BR**	–
23	Offices of an executive, administrative, clerical and similar character, in which the principal function of the office does not entail on-site visits by customers.	**BR**	**BR**	–
24	Personal service establishments that perform services on the premises within a completely enclosed building, such as, but not limited to, shoe repair, barber and beauty shops, photographic studios, appliance repair, laundry and dry cleaners.	**BR**	**BR**	–

Table 3-3 Continued Next Page. See End of Table for Footnotes.

(Table amended by Ordinance XXXXI-3 2-13-18,* Uses of a Primarily Residential Character 2*)

(Table 3-3 continued)

	PRINCIPAL USES	ZONING DISTRICTS [1] **BR=** Use Permitted by Right **S =** Special Land Use, **–** = Prohibited Use		
		C-1	**C-2**	**I-1**
	Uses of a Primarily Commercial or Business Character[1] (continued)			
25	Professional offices for accountants, doctors, lawyers, insurers, financial and other consultants, architects, and similar office uses.	**BR**	**BR**	–
26	Restaurants, standard.	**BR**[2]	**BR**[2]	–
27	Restaurants, non-standard.	S[2]	S[2]	–
28	Sale of new or used cars, boats, mobile homes, farm machinery, and other vehicles and items intended for tow, and their service and repair of such vehicles and items.	–	S	–
29	Service station.	S	S	–
30	Taverns.	S	S	–
31	Vehicle / car wash facility.	S	S	–
32	Vehicle repair shop.	S	S	S
33	Veterinarian clinics.	BR	BR	–
	Uses of a Primarily Industrial Character[1]			
1	Assembly of electrical appliances, electronic instruments and devices, including the manufacture of small parts such as computer parts.	–	–	**BR**
2	Junkyards and salvage yards.	–	–	S
3	Manufacturing, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, fur, glass, canvas, cork, felt, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood, sheet metal, wax, and wire. “Previously prepared materials” are materials processed, manufactured or created at another location and transported to the parcel in this District for assembly into new products.	–	–	**BR**
4	Monument and art stone production and sales.	–	–	**BR**
5	Manufacturing, compounding, processing, treatment, fabrication or packaging of such products as: drugs, perfumes, pharmaceuticals, toiletries, bakery goods, candy, ceramics, clothing, jewelry, instruments, optical goods, hardware and cutlery, and food products (except fish, sauerkraut, vinegar, yeast, rendering or refining of fats and oils, and similar food products involving the creation of odors or other offensive impacts).	–	–	S
6	Plastic molding and extrusion.	–	–	S
7	Printing and publishing.	–	**BR**	**BR**
8	Production, processing or testing utilized in product prototyping.	–	–	**BR**
9	Recycling center.	–	–	S
10	Tool and die manufacturing.	–	–	**BR**
11	Warehousing, storage and transfer establishments, and truck terminals.	–	–	S
	Other Uses Not Listed Above[1]			
1	Public facilities owned by Gerrish Township including, but not limited to, township offices, fire stations, police offices and jails, cemeteries, parks, and marinas.	**BR**	**BR**	**BR**
2	Public facilities owned by other than Gerrish Township not otherwise addressed in this Table above.	S	S	S
3	Public assembly facilities not otherwise addressed in this Table above including schools, libraries, churches, and museums.	S	S	–

Footnotes for Table 3-3

[1] Irrespective of the particular labeling of a cell in this table, any use that exceeds a single building of 10,000 sq. ft. in gross floor area, or 20,000 sq. ft. in gross floor area among all buildings on the parcel, or serves alcohol for consumption on the parcel of sale, is classified as a Special Land Use.

[2] Outdoor eating areas that are part of a non-standard restaurant are classified as a special land use. Outdoor eating areas that are part of a standard restaurant are classified as a use permitted by right except in the case where the outdoor eating area is greater than 1,500 square feet in area or permits more than sixty (60) persons to occupy such area, sitting or standing, is classified as a special land use.

End of Table 3-3
(Table amended by Ordinance XXXVI-1 10-8-12)

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Table 3-4
Site Development Requirements[1]

All principal land uses and buildings shall comply with the site development requirements of Table 3-4 unless otherwise specified by this Ordinance. See also Section 3.6.
See Section 20.8, Accessory Uses, Buildings, and Structures

Zoning District	Minimum Lot Area	Minimum Lot Width and Frontage	Maximum Building Height	Maximum Lot Coverage	Minimum Yard Setback		
					Front	Side	Rear
RC, Resource Conservation	5 acres	250 ft.[2]	35 ft.[9]	5%	50 ft.[3]	25 ft.[5]	25 ft.
RR, Rural Residential	2.5 acres	200 ft.[2]	35 ft.[9]	10%	50 ft.[3]	25 ft.[5]	25 ft.
R-1, Existing Lake Neighborhoods	12,000 sq. ft.	65 ft.[2]	35 ft.[9]	25%	50 ft.[3]	See Foots. 5,6	20 ft.
R-1A, Lake Residential	25,000 sq. ft.; 50,000 sq. ft. for TFDs	65 ft.[2]; 100 ft. for TFDs	35 ft.[9]	25%	50 ft.[3]	See Foots. 5,6	20 ft.
R-2, Low Density Residential	40,000 sq. ft.; 60,000 sq. ft. for TFDs	125 ft.[2]; 165 ft. for TFDs	35 ft.[9]	25%	50 ft.[3]	20 ft.[5,6]	25 ft.
R-3, Medium Density Residential	20,000 sq. ft.; 30,000 sq. ft. for TFDs	80 ft.[2]; 100 ft. for TFDs	35 ft.[9]	25%	30 ft.[3]	12 ft.[5,6]	25 ft.
R-4, High Density Residential	10,000 sq. ft.[4]; 15,000 sq. ft. for TFDs[4]	70 ft.[2,4]; 90 ft. for TFDs[2,4]	35 ft.[9]	25%	25 ft.[3]	10 ft.[5,6]	25 ft.
R-MF, Multiple Family Residential	2 acres	200 ft.[2]	35 ft.[9]	35%	50 ft.	50 ft.[5]	50 ft.
R-MHC, Manufactured Housing Community	See Section 3.7(A) for regulations pertaining to manufactured housing communities. See below for standards pertaining to manufactured housing subdivisions:						
	12,000 sq. ft.; 20,000 sq. ft. w/o sewer.	65 ft.	17 ft.	25%	25 ft.	10 ft.	25 ft.
C-1, Local Commercial	1 acre	150 ft.[2]	30 ft.[9]	50%	45 ft.[3]	9 ft.[5,7]	20 ft.[8]
C-2, General Commercial	1 acre	150 ft.[2]	30 ft.[9]	65%	45 ft.[3]	9 ft.[5,7]	20 ft.[8]
I-1, Light Industrial	2 acres	200 ft.[2]	40 ft.[9]	65%	75 ft.[3]	20 ft.[5,7]	40 ft.[8]

TFD = Two family dwelling

See following page for Footnotes.

Footnotes for Table 3-4 – Site Development Requirements

1. All uses shall comply with the site development requirements in Table 3-4, unless specified otherwise by this Ordinance. See also Article 7 - Standards for Specific Land Uses, Article 9 - Signs, Article 10 - Off-Street Parking and Loading, Article 11 - Landscaping and Screening, Article 12 - Environmental Protection, Article 13 - Access and Private Roads, Article 21 - Supplemental Provisions (including provisions addressing accessory buildings, fences, setback exceptions, and dwelling floor area), and other Articles as applicable.

2. All lots shall conform to the following configuration requirements:

a. The depth of a lot shall not exceed four (4) times its width except in the R-1A District.

b. The minimum frontage/lot width standard of Table 3-4 shall extend from the front lot line to the proposed building setback line and over at least seventy percent (70%) of the lot area. In addition, in the case of a waterfront lot in an R-1 or R-1A District, the minimum frontage/lot width standard shall apply to both the front and rear lot line.

c. Lesser frontage and width standards than those of Table 3-4 may be approved where the front lot line abuts a curvilinear road segment, such as a cul-de-sac, where without such reduction, such lots would be unnecessarily excessive in overall width or area, or otherwise result in irregular or impractical configurations. However, such reduction shall not exceed forty percent (40%), and the minimum front yard setback shall be increased to the line at which there is compliance with the lot width standard.

3. Front yard setbacks shall be measured from the road right-of-way or easement, as shall side yard setbacks where a side yard abuts a road in the case of a corner lot.

a. In the case of a waterfront lot in the R-1 or R-1A District, the required front yard setback for a lot shall be fifty (50) feet from the ordinary high water mark except that where there exists one (1) or more dwellings on waterfront sites located on one (1) or both sides of such lot, and where such dwellings are within one hundred (100) feet of such lot, the required setback shall be the average setback of such existing dwellings, <u>but in no case shall such required setback be less than fifty (50) feet from the ordinary high water mark. For calculation purposes the setback for an existing dwelling is established by determining the shortest distance from the dwelling foundation to the ordinary high-water mark. Residential Outdoor Living Areas (Patios, Decks, Porches, etc.) may be constructed between the dwelling foundation and the fifty (50) minimum setback from the ordinary high-water mark subject to any restrictions elsewhere in this ordinance. Refer to Section 20.11 for Residential Outdoor Living Area limitations within fifty (50) feet of the ordinary high-water mark.”</u> **<u>(Added: Amended by Ordinance XXXXI-5 2-11-2020)</u>**

b. In the case of a non-waterfront lot in the R-1 or R-1A District, the required front yard setback shall be twenty-five (25) feet.

c. The minimum front yard setback in the C-1 and C-2 Districts shall be 45 feet except that where there exists two or more principal buildings along the same frontage and within 200 feet of the lot, the front yard setback for such lot shall be equal to the average setback established by such buildings. The site plan approving body may waive or modify this requirement where it finds that such modification or waiving will result in a more advantageous overall form or pattern of development, as depicted in a site plan, taking into consideration such factors as the encouragement of continuous storefronts, beneficial pedestrian spaces, pedestrian and vehicular safety, visibility, and orderly development.

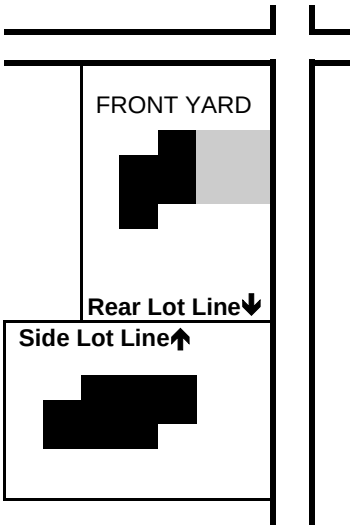
4. Minimum lot area, width and frontage in the R-4 District for lots recorded with the County Register of Deeds after the effective date of this Ordinance, where sanitary sewer is not provided, shall be:
a. Single family dwellings: 20,000 sq. ft. lot area; 80 ft. lot width/frontage.
b. Two-family dwellings: 30,000 sq. ft. lot area, 100 ft. lot width/frontage.

5. For a corner lot, the minimum required front yard setback shall apply to both yards abutting a right-of-way except as provided by Footnote 6 for R-1, R-1A, **<u>R-3 and R-4</u>** Districts, and Footnote 7 for C-1 and C-2 Districts. **(Amended by Ordinance XXXXI-2 9-25-14)**

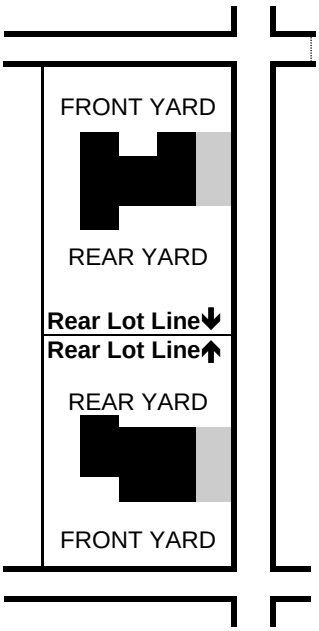
6. Side Yard Setbacks
a. <u>R-1, R-1A, **R-3 and R-4** Districts</u>: Side yard setbacks shall be as presented in the table below, according to lot width, except that in the case of a corner lot with a rear lot line that abuts another rear lot line or a corner lot with a rear lot line along a road (see “Corner Lot Examples” figure at end of Footnote 6), the minimum side yard setback along the road shall be ten (10) feet. **(Amended by Ordinance XXXXI-2 9-25-14)**

Single and Combined Side Yard Setbacks	Lot Width			
	75' or less	76' – 100'	101' – 150'	150' or more
Minimum of each setback:	6'	6'	8'	10'
Minimum of combined setbacks:	14'	16'	18'	22'

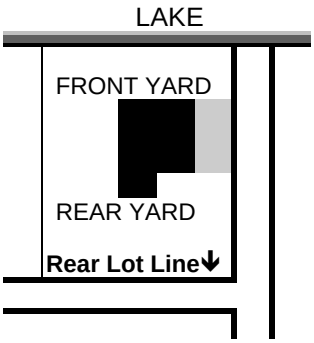
Corner Lot Examples for Footnote 6(a)



Corner Lot with rear lot line along a side lot line shall have minimum side yard setback (shaded area) equal to the required front yard setback. See Footnote 5.



Corner Lot in R-1, R-1A, R3 & R4 District with rear lot line abutting another rear lot line shall have minimum 10' side yard setback (shaded area). See Footnote 6(a)
(Amended by Ordinance XXXXI-2 9-25-14)



Corner Lot in R-1, R-1A, R3 & R4 District with rear lot line along a road shall have a minimum 10' side yard setback (shaded area). See Footnote 6(a).
(Amended by Ordinance XXXXI-2 9-25-14)

b. Nonconforming Lots in R-2, R-3 and R-4 Districts: Side yard setbacks in the R-2, R-3 and R-4 Districts for a lot that is nonconforming due to insufficient lot width shall be fifteen percent (15%) of the lot width, but in no case shall each setback be less than six (6) feet nor must any setback be greater than that required by the respective district according to Table 3-4.

c. All projections extending from a building shall comply with the required setback standard for such building, including outside stairways, porches, platforms, balconies, and other building projections, except that such compliance shall not apply to cornices or roof overhangs of no greater than one (1) foot, and one (1) fireplace or one (1) chimney projecting not more than twelve (12) inches into a required setback provided such encroachment does not extend more than six (6) feet in length. Fixed / semi-fixed mechanical equipment including but not limited to: (A/C units, generators, and compressors), extending from a building are allowed in the side yard provided they are set back a minimum of 6 feet from the lot line. **(Added: Amended by Ordinance XXXXI-2 9-25-14)**

7. The following additional minimum side yard setback modifications shall apply to the C-1, C-2 and I-1 Districts:

a. C-1 and C-2 Districts:
   1) In the case of a corner lot, the side yard setback along the road shall be twenty (20) feet.
   2) The site plan approving body may increase the required side yard setback a maximum of 100% in the case where the side yard abuts a Conservation or Residential District, where determined necessary to adequately mitigate impacts of the proposed use and site layout on adjacent uses and

properties. This provision shall not prohibit the site plan approving body from also requiring special landscaping and screening measures to further mitigate such impacts.

b. I-1 District: Minimum side yard setback shall be increased to 60 feet in the case where the side yard abuts a Conservation or Residential District.

8. The following additional minimum rear yard setback limitations shall apply:

a. C-1 and C-2 Districts: The site plan approving body may increase the required rear yard setback a maximum of 100% in the case where the rear yard abuts a Conservation or Residential District, where determined necessary to adequately mitigate impacts of the proposed use and site layout on adjacent uses and properties. This provision shall not prohibit the site plan approving body from also requiring special landscaping and screening measures to further mitigate such impacts.
b. I-1 District: Minimum rear yard setback shall be increased to 60 feet in the case where the rear yard abuts a Conservation or Residential District.

9. The following height exceptions shall apply:

a. The maximum height of structures serving agricultural uses shall be 75’ feet.
b. The following height exemptions apply provided no portion of the building or structure exceeding the height limitation may be used for human occupancy and the site plan approving body finds the exemption shall not undermine the character and enjoyment of nearby properties:
   (1) Those features that are purely ornamental in purpose such as church spires, belfries, cupolas, domes, ornamental towers, flagpoles and monuments, and similar features, provided such features do not exceed more than twenty percent (20%) of the structure’s gross roof area.
   (2) Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, elevator and stairwell structures, ventilators, bulkheads, masts and aerials, communication towers and antennas as regulated by Section 7.28, fire and hose towers, wire transmission structures, cooling towers, or other structures where the manufacturing process requires a greater height.

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End of Article 3

Article 4
PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

Section 4.1 Purpose

The provisions of this Article provide enabling authority and standards for the submission, review and approval of applications for planned unit developments (PUD), pursuant to the Michigan Zoning Enabling Act. It is the intent of the Article to authorize the use of PUD regulations to permit flexibility in the regulation of land development to encourage beneficial innovation in land use and variety in design, layout, and type of structures constructed, achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities, encourage useful open space, and provide better housing, employment, and shopping opportunities. The provisions of this Article are not intended as a device for ignoring this Ordinance or the planning upon which it is based. To that end, the provisions of this Article are intended to result in land use development substantially consistent with the planned development pattern for the Township, with modifications and departures from generally applicable Ordinance requirements made in accordance with standards provided in this Article to insure appropriate, fair, and consistent decision making.

Section 4.2 PUD Is A Separate District

A PUD is permitted as a separate zoning district only when determined to be in compliance with the regulations of this Article. The approval of a PUD shall require an amendment of the Zoning Map constituting a part of this Ordinance so as to designate the property “PUD” and the PUD shall be subject to the approved PUD application.

Section 4.3 Minimum Eligibility Criteria

A. The following minimum eligibility criteria shall be met in order for PUD approval:

1. Recognizable and Substantial Benefit: The PUD shall result in a recognizable and substantial benefit to the ultimate users of the project and to the community. Such benefit must otherwise be unfeasible or unlikely under the regulations of other Districts.
2. Availability and Capacity of Public Services: The proposed type and intensity of use shall not result in an unreasonable burden on the availability and use of existing public services, facilities, and utilities.
3. Compatibility with the Master Plan: The proposed development shall be in accordance with the goals and policies of the Gerrish Township Master Plan.
4. Compatibility with the PUD Intent: The proposed development shall be consistent with the intent and spirit of these regulations, as stated in Section 4.1.
5. Economic Impact: The proposed development shall not impede the continued use or development of surrounding properties for uses permitted on such properties.
6. Unified Control of Property: The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance and the specifications of the PUD approval.

Section 4.4 Use and Design Standards

A. Permitted Uses and Mix of Uses: Any land use authorized in this Ordinance is permitted in a PUD as a principal or accessory use provided that public health, safety, and welfare are not impaired and the essential character of the proposed PUD meets the general intent of the Master Plan. Where the Master Plan provides for residential development patterns, commercial and other nonresidential uses may be permitted as part of a PUD which also contains a residential component, provided that the residential component will be predominant. The determination of the predominance of the residential component shall take into account the following: the extent to which the non-residential use serves residents in the PUD compared to others who will travel to the site; the amount of traffic generated by the non-residential use compared to the residential component; the operational hours of the non-residential use; the proportional land area allocated to the non-residential use; and building floor area allocated to the non-residential use.

B. General Site Development Standards and Waivers: The site development standards for all proposed individual land uses and facilities in a PUD shall conform to this Ordinance, including such standards pertaining to lot area and dimensions, density, lot coverage, setbacks, parking, loading, landscaping and screening, road widths, and similar requirements, except that the Township Board may waive such standards where such modifications will result in a higher quality of development than would be possible without the modifications.

1. Unless a waiver is granted, standards pertaining to lot area and dimensions, density, lot coverage, and setbacks shall comply with those standards of the District which most closely characterizes the dominant character of the PUD development.
2. Unless a waiver is granted, mixed uses shall comply with the regulations applicable for each individual use, including the standards contained in Article 7, Standards for Specific Land Uses. If regulations are inconsistent with each other, the regulations applicable to the most dominant use shall apply.
3. The waiving of development standards may be authorized only upon a finding by the Township Board that there are adequate features or planning mechanisms designed into the project to achieve the objectives intended to be accomplished with respect to each of the standards from which a departure is sought.

Section 4.5 Approval Standards

A. Each application and site plan for a PUD shall conform to all applicable provisions of this Ordinance and the following:

1. Site Plan Approval Standards, Section 14.4.
2. General Approval Standards for Special Land Uses, Section 15.6.

Section 4.6 Procedure for Review and Approval

A. Optional Preapplication Conference: Prior to the submission of a preliminary site plan for PUD approval, the applicant may request a meeting with the Chairperson of the Planning Commission and the Township Supervisor, together with such consultants and local officials and staff as either the Township or the applicant deem appropriate. The purpose of the meeting is to inform township officials of the general theme for the proposed development and to provide the potential applicant with information regarding land development policies, procedures, standards and requirements of the Township pertaining to the proposed development. Statements made in the course of a preapplication conference shall not be legally binding commitments. At the preapplication conference (or conferences), the applicant may present a general sketch plan of the proposed PUD which provides an overview of the proposed project.

B. Preliminary Plan: Application, Public Hearing, and Action:

1. The applicant shall submit to the Township Clerk twenty (20) copies of a preliminary plan and an application form supplied by the Zoning Administrator. The Zoning Administrator shall forward copies to the Planning Commission. The Preliminary Plan shall comply with the requirements of Section 14.3(A) and include a detailed text description of the proposed development and all Ordinance standards that the applicant is seeking a waiver for.
2. The Planning Commission shall review the preliminary plan and shall be entitled to make reasonable inquiries of and receive answers from the applicant. Following review of the preliminary plan submittal, the Planning Commission shall act on the preliminary plan as if it were an application for rezoning, and in doing so, shall follow the provisions of Article 17.
3. Following the public hearing and any fact finding and additional studies, the Planning Commission shall prepare written findings regarding the preliminary plan's conformance with the applicable requirements of this Article and Ordinance, including the approval standards of Sections 14.4 and 15.6. The Planning Commission shall recommend to the Township Board to approve, deny, or approve with conditions the preliminary plan. The Planning Commission shall prepare and transmit a report to the Township Board stating its conclusions and recommendation, the basis for its decision, and any recommended conditions relating to an affirmative decision. The report shall document the extent to which the Planning Commission supports the waivers being requested by the applicant and any concerns regarding the same.
4. The Township Board shall take final action to approve, deny, or approve with conditions the preliminary plan. In reviewing the preliminary plan, the Township Board shall consider the applicable requirements of this Article and Ordinance, including Sections 14.4 and 15.6. The Township Board shall prepare and transmit a report to the applicant stating its conclusions and decision, the basis for its decision, and any conditions relating to an affirmative decision. The effect of Township Board approval of the preliminary plan shall be:
   a. to authorize the fundamental PUD character and layout embodied in the preliminary plan, including

any conditions applied to the approval, prior to the preparation of a final site plan.

b. to authorize a change on the Zoning Map to classify the subject property as PUD.

C. Final Plan and Permit Issuance

1. Within twenty-four (24) months following receipt of preliminary plan approval, the applicant shall submit to the Zoning Administrator twenty (20) copies of a final plan, or phase one of a final plan, including a final site plan conforming with Section 14.3(B) and including a detailed text description of the proposed development and all Ordinance standards that the applicant is seeking a waiver for. If the final plan has not been submitted within such period, the preliminary plan approval shall become null and void unless the Township Board extends the time for submission of the final plan upon a showing by the applicant that no material change of circumstances has occurred having bearing on the original action of the Township Board, found upon inspection by the Township Board to be valid.
2. The Zoning Administrator shall record the date of the receipt of the final site plan and transmit copies to the Planning Commission and other agencies or individuals selected to review such plans including but not necessarily limited to Township departments and staff, consultants, Roscommon County Drain Commissioner, and Montcalm County Road Commission.
3. The Planning Commission shall review the final plan and shall be entitled to make reasonable inquiries of and receive answers from the applicant. The Planning Commission shall prepare and transmit a report to the Township Board stating its conclusions and recommendation, the basis for its recommendation, and any conditions relating to an affirmative decision. The Planning Commission shall recommend to the Township Board to approve, deny, or approve with conditions the final plan. The Township Board shall take final action to approve, deny, or approve with conditions the final plan. In reviewing the final plan, the Township Board shall consider the applicable requirements of this Article and Ordinance, including Sections 14.4 and 15.6. The Township Board shall prepare and transmit a report to the applicant stating its conclusions and decision, the basis for its decision, and any conditions relating to an affirmative decision.
4. If and when the final site plan is approved, all improvements and use of the property shall be in conformity with the final site plan and any conditions imposed. The applicant shall record an affidavit with the Register of Deeds containing the legal description of the entire project, specifying the date of approval, and declaring that all future improvements will be carried out in accordance with the approved PUD unless a site plan revision is approved by the Township Board upon request or approval of the applicant or applicant's transferee and/or assignees. Upon receipt of the recorded documents, the Zoning Administrator shall issue a permit for that portion of the PUD project receiving final site plan approval.
    a. An approved site plan shall become null and void three (3) years from the date of its approval unless the project for which site plan approval has been granted has been completed within such time period. The Township Board may extend such approval time for multiple periods of no greater than six (6) months per period. No extension shall be granted unless the Township Board finds that surrounding conditions and land uses, and the most current standards of this Ordinance, continue to support the adequacy of the site plan. Where new standards or regulations have been made part of this Ordinance since the date of the site plan approval, the Township Board may waive compliance with such new standards and regulations for the remaining portion of the project to be completed upon a finding that conformance to the new standards would unreasonably burden the completion of the project and continued compliance with the standards on which the site plan was originally approved will not undermine the public health, safety and welfare including the project's impact on surrounding land uses.

Section 4.7 Phasing

A. In developments which are to be predominantly residential in character but include nonresidential components, the Township Board may require a phasing plan to ensure that a specified number or percentage of the proposed residential units are constructed prior to or concurrently with nonresidential components, and such phasing plan may include similar requirements applied to the duration of the project's construction.

End of Article 4

Article 5
(RESERVED for FUTURE USE)

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End of Article 5

Article 6
NONCONFORMING LOTS, USES and STRUCTURES

Section 6.1 Purpose

It is recognized that there exists lots, structures and uses within the Districts of 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 or subsequent amendment. It is the purpose of this Article to permit legal nonconforming lots, structures and uses to continue until they are removed or discontinued, and to provide for their maintenance and repair but not their expansion, enlargement, extension or other alteration which in any way increases its nonconformity, except as otherwise provided by this Article.

Section 6.2 Nonconforming Lots

A. Notwithstanding limitations imposed by other provisions of this Ordinance, any use and customary accessory structures may be erected on any single lot of record in existence on or before the date of adoption or amendment of this Ordinance, where such use is an authorized use by right in said District according to the Use Tables of Article 3, even though such lot fails to meet the requirements for area, width, and/or frontage that are applicable in the District. However, the following provisions shall apply:

1. All yard dimensions, setbacks and other requirements not involving area, width, and/or frontage, 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.
2. Use of a lot shall be subject to the Special Land Use regulations of Article 15 where the lot has an area or width less than seventy-five percent (75%) of that required by the District, including additions or expansions to existing buildings on such lots. Special Land Use status shall apply irrespective of the cell label in the Use Tables of Article 3 unless the use is prohibited. This subsection (2) shall not apply in the case where such lot is to be used for single family or two-family dwelling purposes where authorized in such District.
3. If two or more lots or combinations of lots and portions of lots, share continuous frontage and share a common side lot line or portion thereof, and are in single ownership of record at the time of passage or amendment of this Ordinance as recorded in the County Register of Deeds, and if all or part of the lots do not meet the requirements established for area, width, and/or frontage, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance. No portion of said parcel shall be used or divided in a manner that diminishes compliance with the area, width and frontage requirements of this Ordinance.

Section 6.3 Nonconforming Uses

A. Where, on the date of adoption or amendment of this Ordinance, a lawful use 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:

1. No nonconforming use shall be enlarged or increased in area or bulk, nor extended to occupy a greater area of land than was occupied on the date of adoption or amendment of this Ordinance. In addition, no nonconforming use may be extended throughout any portion of a building beyond that portion of the building it occupied on the date of adoption of this Ordinance or amendment thereto.
2. No nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use on the date of adoption or amendment of this Ordinance.
3. A change of tenancy or ownership of a nonconforming use is allowed provided there is no increase in the degree of nonconformance of the nonconforming use.
4. Any nonconforming use of land or structure, or combination thereof, which is superseded by a permitted use, shall thereafter conform to the regulations for the District in which such use is located, and a nonconforming use may not thereafter be resumed or otherwise established.
5. If a nonconforming use of any building, structure, land or premises or part thereof ceases for any reason for a period of more than one hundred and eighty (180) consecutive days, or where the use is destroyed to an extent of more than 50% of its replacement value, exclusive of foundations, the subsequent use of the property shall thereafter conform to the regulations and provisions of this Ordinance for the respective District. This provision shall not apply in the case where the Zoning Board of Appeals determines that the nonconforming use is seasonal in nature and such use has had a history of seasonal inactivity. Conditions that shall be considered in determining the cessation of a nonconforming use include, but are not limited to, disconnection of utilities, the property has fallen into

a state of disrepair, the removal of equipment necessary for such use, and the removal of signage identifying the business or use.

Section 6.4 Nonconforming Structures

A. Where a lawful structure exists on the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance or subsequent amendment by reason of restrictions on area, lot coverage, height, setbacks, 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:

1. No nonconforming structure may be enlarged or altered so as to increase its nonconformity such as in the case of a building's height or the cubic content of the building encroaching into a setback, except that in no case shall a nonconforming structure be enlarged or altered if such structure encroaches across a lot line into a road right-of-way or easement.
2. Should a nonconforming structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement value, exclusive of foundations, it shall not be reconstructed except in conformity with the provisions of this Ordinance, including the site development standards for the respective District. In identifying the extent of destruction and the cost to replace the damaged structure, the Zoning Administrator shall seek a written opinion from a qualified building appraiser and the opinion shall include the basis for the opinion.
    a. The limitations of this subsection shall not apply in the case of a nonconforming dwelling provided the replacement structure is on the same foundation as the previous structure and located fully within the lot lines of the lot on which the dwelling is located, the replacement structure is completed to an extent equal to fifty percent (50%) of its construction cost within eighteen (18) months of the previous structure's destruction, and the replacement structure is no more nonconforming than the previous destroyed structure.
3. 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.
4. Where nonconforming status applies to a structure and use in combination, removal or destruction of the structure to an extent of more than fifty percent (50%) of its replacement value, exclusive of foundations, shall eliminate the nonconforming status of the land and all subsequent uses and structures on the land shall conform to the respective District regulations.
5. A nonconforming structure may undergo ordinary repairs and maintenance, including the repair and refurbishing of wall exteriors, fixtures, wiring or plumbing, in any period of twelve (12) consecutive months, provided:
    a. The nonconformity existing at the time of Ordinance adoption or amendment shall not be increased.
    b. No structural alterations shall be undertaken, as in the case of load-bearing walls, except in the case of a dwelling.
    c. Nothing in this Section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by the Building Inspector.

Section 6.5 District Changes

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

Section 6.6 Illegal Nonconformities

Nonconforming lots, uses and structures existing on the effective date of this Ordinance or amendment thereto, that were established without approval of zoning compliance or without a valid building permit, or those nonconforming lots, uses and structures that cannot be proved conclusively as existing prior to the effective date of this Ordinance or amendment thereto, shall be declared illegal nonconformities and are not entitled to the status and rights accorded legally established nonconformities by this Article.

End of Article 6

Article 7
STANDARDS and REGULATIONS for SPECIFIC LAND USES

Section 7.1 Purpose and Applicability

The purpose of this Article is to establish standards and regulations in association with certain land uses to ensure such uses minimize negative impacts upon adjacent land uses and the Township as a whole, and encourage orderly development in coordination with surrounding conditions and in the development site itself. Where deemed beneficial to provide greater clarification of the purpose or character of use regulations addressed by this Article, such Sections are accompanied by a further defined "purpose" statement. Unless otherwise specified, each use addressed in this Article shall be subject to all setback, lot area and other standards of the District in which the use is located. Where this Article establishes a standard more stringent than that required elsewhere in this Ordinance, including Table 3-4 of Article 3, the standard of this Article shall apply. Any requirements of this Article regarding application submittal data, plans, and drawings shall be in addition to the data requirements of Article 14, Site Plan Review. Compliance with the standards in this Article does not relieve the owner or operator of a permitted use from complying with additional standards in other applicable Township ordinances.

Section 7.2 Adult Entertainment Uses

A. Purpose: There is convincing documented evidence that adult entertainment uses, because of their very nature, can facilitate and support undesirable and detrimental patterns of activity in their vicinity. These impacts are incompatible with activities and uses in residential areas, near educational, recreational, and religious facilities, and among local businesses and their immediate neighborhood. Such impacts can be exacerbated when such businesses locate in close proximity to each other or near establishments serving alcoholic beverages. Impacts contribute to blight and downgrading the quality of life in the adjacent area. The Township desires to prevent adverse affects and thereby protect the health, safety, and welfare of the citizenry, preserve the property values and character of surrounding neighborhoods and deter the spread of blight. It is not the intent of this Ordinance, including this Section, to suppress any activity protected by the First Amendment of the United States Constitution or the Michigan Constitution, but to enact content neutral provisions that address the adverse effects of sexually oriented businesses. It is the purpose of this Section to regulate adult entertainment uses and related activities to promote the health, safety, and general welfare of the Township. It is not the intent of this Section to condone or legitimize the distribution of sexually oriented materials.

B. Definitions: For the purposes of this Section, the following terms, phrases and definitions shall apply:

1. Adult Bookstore: A commercial establishment that, as a principal business purpose, offers for sale or rental or for any form of consideration any one or more of the items set forth in subsection (a) or (b):
   a. Books, magazines, periodicals or other printed matter or photographs, films, motion picture video or other video reproductions, slides, or other visual representations or media, that depict or describe specified anatomical areas or specified sexual activity.
   b. Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

   The sale of such materials shall be deemed to constitute a "principal business purpose" of an establishment if it comprises twenty-five percent (25%) or more of sales volume or occupies twenty-five percent (25%) or more of the display area, or visible inventory, within the establishment.
2. Adult Live Entertainment Center: A nightclub, bar, restaurant, or similar commercial establishment that features one (1) or more of the following:
   a. Persons who appear in the state of nudity.
   b. Live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities.
   c. Films, motion pictures, video reproductions, slides, and other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
3. Adult Motel: A hotel or motel or similar commercial establishment that provides or permits one (1) or more of the following:
   a. Accommodations to the public for any form of consideration and provides patrons with closed-circuit television (as distinguished from commercial cable services) transmissions, films, motion pictures, videos, slides, or other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
   b. Sleeping rooms for rent for a period of time that is less than twelve (12) hours.

   c. The sub-renting of a sleeping room for a period of time that is less than twelve (12) hours by the tenant or occupant of the room.
4. Adult Motion Picture Theater: A commercial establishment that shows films, motion pictures, videos, slides, or other photographic reproductions or visual media, that depicts or describes specified anatomical areas or specified sexual activities, including commercial establishments that offer individual viewing booths. This phrase shall not apply to a motel or hotel, as defined in this Ordinance, which offers for a fee the viewing of movies within a customer's room including movies that depict specified anatomical areas or specified sexual activity.
5. Adult Smoking or Sexual Paraphernalia Store: An establishment having, as part of its stock in trade, paraphernalia designed or usable for sexual stimulation or arousal or for smoking, ingesting, or inhaling marijuana, narcotics, or other stimulating or hallucinogenic drug-related substances.
6. Adult Theater: A theater, concert hall auditorium, or similar commercial establishment that 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 specified sexual activities.
7. Escort: A person who, for any form of consideration and regardless of who pays that consideration, agrees to act or offers to act as a companion or date for another person, or who agrees or offers to privately model lingerie or to privately perform a strip tease for another person.
8. 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.
9. Manager's Station: Designated area from which a premises is managed or supervised.
10. Massage Parlor: Any establishment having a fixed place of business where massages are administered for a fee or other consideration including but not limited to massage parlors, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing homes, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shops or beauty salons in which massages are administered only to the scalp, face, neck, or shoulders. This definition shall not be construed to include a nonprofit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area, nor practices of massage therapists who meet two (2) or more of the following criteria:
    a. Proof of graduation from a school of massage licensed by the State of Michigan.
    b. Official transcripts verifying completion of at least three hundred (300) hours of massage training from an American community college or university; plus three (3) references from professional massage therapists who are members of a massage association referred to in this section.
    c. Certificate of professional membership in the American Massage Therapy Association, International Myomassethics Federation, or other recognized massage association with equivalent professional membership standards.
    d. A current occupational license from another state.
11. Nude Model Studio: Any place where a person who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include the following:
    a. An educational institution funded, chartered, or recognized by the State of Michigan.
    b. Any modeling session for a local, nonprofit organization that is not open to the public or to any persons other than members of the organization, that is for the purpose of instruction in the artistic depiction in two (2) dimensional or three (3) dimensional media of the human form, during which no specified sexual activities occur and during which the model remains in a fixed pose.
12. Open Dance Hall: An establishment where open dancing by patrons is available during at least four (4) days per week with or without partners furnished by the establishment.
13. Public Nudity or State of Nudity: Knowingly or intentionally displaying in a public place, or in any other place 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:
    a. A woman's breast feeding of an infant irrespective of whether the nipple is covered during or incidental to the feeding.
    b. Any display of any part of the anatomy occurring as part of the regular curriculum of an educational institution that is funded, chartered, or recognized by the State of Michigan.

14. Sexual Encounter Center: A business or commercial enterprise, except that which is part of the practice of and under the supervision and control of a physician, psychologist or psychiatrist licensed to practice in Michigan, that, as one of its principal business purposes, offers for any form of consideration one (1) or more of the following:
    a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex.
    b. Activities between male and female and/or persons of the same sex when one (1) or more of the persons is in a state of nudity.
15. Sexually Oriented Business: A business or commercial enterprise engaging in or consisting of an adult bookstore, adult live entertainment center, adult motel, adult motion picture theater, adult smoking or sexual paraphernalia store, adult theater, escort, escort agency, massage parlor, nude model studio, open dance hall, or sexual encounter center.
16. Specified Anatomical Areas: Any of the following:
    a. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breast at or below the top of the areola.
    b. Human male genitals in a discernibly turgid state even if completely and opaquely covered.
17. Specified Sexual Activities: Any of the following:
    a. The fondling or any other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.
    b. Sex acts, actual or simulated, including intercourse, oral copulation or sodomy;
    c. Masturbation, actual or simulated.
    d. Human genitals in a state of sexual stimulation or arousal.
    e. Excretory functions as part of or in connection with any of the activities set forth in (a) – (d) above.

C. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

D. Additional Standards:

1. No exterior portion of the sexually oriented business, including signage, shall have any words, lettering, photographs, silhouettes, drawings, or pictorial representations of a sexual or explicit manner except to the extent otherwise permitted by the provisions of this ordinance.
2. All doors providing access into or from the interior of an adult entertainment shall be doors that serve the adult entertainment use only and provide direct access to the outdoors such as in the case of a parking lot or other common outdoor area. No adult entertainment use shall be accessed from an indoor common area such as in the case of an enclosed mall or similar access arrangement. These limitations shall not prohibit an adult entertainment use from being part of a building devoted to multiple tenants or uses provided direct access to the adult entertainment use is from the outdoors only and such access serves the adult entertainment use only.
3. Separation Requirements
    a. No sexually oriented business shall be located within seven hundred fifty (750) feet of any of the following:
        1) A church, synagogue or regular place of worship.
        2) A public or private elementary or secondary school.
        3) A boundary or any Residential District.
        4) Any dwelling irrespective of the District.
        5) A public park.
        6) A licensed day-care center or preschool.
    b. No sexually oriented business shall be located within one thousand (1,000) feet of any other sexually oriented business.
    c. For the purposes of subsection (3)(a) and (b) above, measurement shall be made as a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where a sexually oriented business is conducted to the nearest property line of the premises of a public park, church, synagogue, regular place of worship, public or private elementary or secondary school or preschool, or licensed day care center, or to the nearest boundary of a Residential District or dwelling. However, the distance between any two (2) sexually oriented business uses shall be made from the closest exterior wall of the structure in which each business is located and in no case shall a sexually oriented business be located in the same building, structure, or portion thereof, containing another sexually oriented business.
    d. A sexually oriented business lawfully operating as a conforming use shall not be rendered a non-conforming use by the subsequent location of a use within the separation requirements of subsection (3)(a) and (c) above.

4. Signs of a minimum 24” by 36” size shall be posted on both the exterior and interior walls of the entrances of the business, in a location that is clearly visible to those entering and exiting the business. In addition, such signs shall be posted in at least two (2) conspicuous places, easily viewed by persons occupying the premises. Such signs shall have lettering that is at least two (2) inches in height, with the following printed statements:
   a. Persons under the age of eighteen (18) years are not permitted to enter the premises.
   b. 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.
5. No merchandise or activities of the establishment shall be visible from any point outside the establishment.
6. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, at an illumination of not less than one (1) foot candle measured at floor level.
7. A sexually oriented business that offers live entertainment shall provide all of the following:
   a. A dressing room for performers with direct access between said dressing area and the performance area or stage, so that the performer may enter the performance area without entering the area from which patrons view the performance. The dressing area for performers shall be separate and not freely accessible from areas of the business accessible to patrons, and such dressing area shall contain hot and cold running water and toilet facilities.
   c. All performances shall occur on a stage elevated at least eighteen inches (18") above the immediate floor level and removed at least six feet (6') from the nearest employee or patron.
   d. At least one (1) employee shall be on duty and situated in a manager's station at all times that any patron is present inside the premises.
   e. The interior of the premises shall be configured in such a manner that there is an unobstructed view from the manger's stations of every area of the premises to which any patron is permitted access for any purpose excluding rest rooms. Said unobstructed view from manager's stations shall remain unobstructed by any doors, walls, merchandise or display racks, or other materials at all times. No patron shall be permitted to access any area of the premises which has been designated on the approved site plan as an area in which patrons shall not be permitted.
   f. Rest rooms shall not contain any video reproduction equipment.

E. Additional Application Requirements: In addition to complying with the submittal requirements of Article 14, Site Plan Review, and Article 15, Special Land Uses, application for a sexually oriented business shall include the following additional information:

1. A diagram of the premises specifying the location of manager’s stations. A manager's station shall not exceed thirty-six (36) square feet of floor area.
2. The location of all overhead lighting fixtures and illumination levels (in foot candles) at floor level throughout the premises.
3. Any portion of the premises in which patrons are not permitted.

Section 7.3 Bed and Breakfast

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

B Additional Standards:

1. No bed and breakfast use shall be permitted within a subdivision plat or site condominium or on any property where there exists another bed and breakfast within one thousand (1,000) feet, measured as a straight line distance between the structures.
2. The exterior appearance of the structure shall not be altered from its single family dwelling character.
3. There shall be no employees on the premises except those residing in the dwelling.
4. Meals may be served to overnight guests only. No separate or additional kitchen facilities shall be provided for the guests.
5. The number of bedrooms available for use by guests shall not exceed six (6) and all rooms utilized for sleeping shall be part of the dwelling.
6. No receptions, private parties or activities, for which a fee is paid, shall be permitted except as may be expressly authorized in association with the special land use approval of a bed and breakfast.
7. No transient occupant shall reside on the premises for more than fourteen (14) consecutive days and not more then thirty (30) days in any one (1) year.
8. Lavatories and bathing facilities shall be available to all persons using the premises.

9. All parking for guests shall be in the rear yard except where the approving body finds adequate measures have been provided to minimize impacts on neighboring properties. In no case shall parking areas be located within fifty (50) feet of a lot line.
10. The sale or offer for sale of goods is permitted provided such sales area does not exceed one hundred fifty (150) square feet in floor area.

Section 7.4 Private Campgrounds

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. All campsites, common use and recreation areas, restrooms, and principal and accessory buildings shall be setback a minimum distance of seventy-five (75) feet from all lot lines and one hundred (100) feet from a residence existing at the time a Zoning Permit is issued for the campground.

B Additional Standards:

1. No more than one (1) permanent dwelling shall be allowed in a campground, which shall only be occupied by the owner, manager or an employee.
2. A common use area shall be provided at a rate of five hundred (500) square feet per campsite, except that a minimum of ten thousand (10,000) square feet shall be provided.
3. A convenience store may be permitted to operate within a campground as an accessory and subordinate use to the campground where the campground exceeds more than 40 campsites, the approving body determines where such store is to be located will significantly discourage use of the store by non-campers, and such enterprise is expressly authorized as part of an approved campground application.
4. Each campsite shall be clearly identified by stakes or markers, and no parking space shall be closer than thirty (30) feet to another space.
5. All vehicular access ways between the campground entrance and campsite areas shall be lighted.
6. Each campsite shall have a picnic table and designated place for fires.
7. All campgrounds shall be licensed by the State of Michigan.

Section 7.5 Commercial Stables

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. A commercial stable shall not be established on any parcel less than ten (10) acres in area and six hundred sixty (660) feet in width.
2. Buildings and structures housing animals, and manure storage areas, shall be set back a minimum distance of three hundred (300) feet from lot lines.
3. No public viewing areas, such as bleachers or designated assembly and viewing areas in association with special events such as shows, exhibitions, and contests, shall be permitted within one hundred (100) feet of a lot line.

B Additional Standards:

1. A vegetative strip of at least fifty (50) feet wide shall be maintained around all surface waters.
2. The facility shall be constructed and maintained so that manure, dust, and drainage shall not create a nuisance or hazard to adjoining property or uses.
3. All areas used for housing, pasturing, training, showing, riding, jumping or other equestrian purpose shall be completely enclosed by a fence at least thirty-nine (39) inches in height and of acceptable design and construction to contain the animals and riders on the lot.
4. The retention or storage of animal waste shall be managed so as not to create a nuisance.

Section 7.6 Convalescent and Nursing Homes

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. A minimum lot area of five (5) acres is required.
2. All main and accessory buildings shall be set back a minimum distance of seventy-five (75) feet from all lot lines.

B. Special Performance Standards:

1. The lot shall have frontage on at least one (1) paved road classified by the Roscommon County Road Commission as a primary road according to PA 51 of 1951, and take its access from such road including off-street parking areas for guests and patients.

2. There shall be provided easily accessible and usable outdoor areas for walking, sitting, and general relaxation, in an amount of ten percent (10%) or more of the site area or one hundred (100) square feet per patient bed according to design capacity, whichever is greater, but in no case shall less than ten thousand (10,000) square feet be provided. No single designated outdoor area shall be less than 1,200 square feet in area.

Section 7.7 Day Care Centers

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. All outdoor play areas shall be set back a minimum distance of fifty (50) feet from all lot lines.

B Additional Standards:

1. Day care center buildings authorized in Conservation or Residential Districts shall be of an overall residential character including exterior construction materials and general architecture. The property, including landscape and structural elements, shall be maintained in a manner that is consistent with the character of the area.
2. A minimum of one hundred fifty (150) square feet of usable outdoor play area shall be provided per child according to the design capacity of the facility, but no less than a minimum total area of five thousand (5,000) square feet.
3. All outdoor play areas shall be enclosed with fencing, a minimum of four (4) feet high, and screened by evergreen tree plantings where within one hundred (100) feet of a lot line or two hundred (200) feet of an existing dwelling.
4. No approval shall be granted prior to the applicant's receipt of a license from the Michigan Office of Child and Adult Licensing.

Section 7.8 Day Care Facility, Group Home

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

B Additional Standards:

1. A group home day care facility shall not be located closer than fifteen-hundred (1,500) feet to any of the following facilities as measured along a road, street, or place maintained by this state or a local unit of government and generally open to the public as a matter of right for the purpose of vehicular traffic, not including an alley:
   a. Another group home day care facility licensed by the State of Michigan.
   b. An adult foster care group home licensed by the State of Michigan.
   c. A facility offering substance abuse treatment and rehabilitation services to seven (7) or more people which is licensed by the State of Michigan.
   d. 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. All outdoor play areas shall be enclosed with fencing, a minimum of four (4) feet high and shall comply with all administrative rules of PA 116 of 1973, as amended.
3. The property, including landscape and structural elements, shall be maintained in a manner that is consistent with the character of the surrounding area. No play equipment shall be located in the front yard.
4. 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 dwelling. 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.
5. Hours of operation shall not exceed sixteen (16) hours in a twenty-four (24) hour period.
6. No approval shall be granted prior to the applicant's receipt of a license from the Michigan Office of Child and Adult Licensing.

Section 7.9 Extraction Operations

A. Additional Materials to be Submitted: In addition to the information required by Article 14 for site plan review, the following information shall be provided:

1. Location of all buildings within two hundred (200) feet of any activity proposed for the site.
2. Detailed proposal as to method of operation, what type of machinery or equipment will be used, estimated period of time that such operation will cover, and all haul roads and truck entrance locations to be used.
3. Detailed description of the material to be extracted, the anticipated average amount of material to be extracted each year, the total estimated area to be devoted to extraction, the estimated extraction area during the first year and each subsequent year, the location of each principal phase, number of acres included in each phase, and the estimated length of time to complete extraction of each phase..
4. Proposed plans for fencing.
5. Depth to and directional flow of groundwater, and analysis data documenting the extent to which the extraction operation may undermine surface and ground water conditions of nearby properties such as in the case of lowering water levels of surface water bodies and ground water resources from which wells rely upon.
6. Proposed side slopes and depths for all portions of the extracted area, including interim and final grades.
7. Detailed storm water management plans that delineate how runoff is to be removed from extraction areas including the delineation of proposed interim and finished grading and revegetation, directional flow of swales and other drainage courses, settling ponds and retention/detention ponds, points of discharge of runoff, the avoidance of stagnant ponding, and measures to minimize erosion and sedimentation of existing on-site and off-site water bodies.
8. The proposed location of any buildings, storage areas, stockpiling areas, and sorting or crushing equipment as appropriate.
9. A detailed reclamation plan that complies with the following:
    a. Describes in detail the intended reclamation use of the site upon completion of extraction activities, the spatial arrangement of proposed reclamation uses, and preliminary final grading of the site. No land intended for redevelopment shall have a final elevation less than the elevation prior to the commencement of extraction operations or less than six (6) feet above the seasonal high ground water table, whichever is less.
    b. Depiction of finished, stabilized, side slopes, and provisions for revegetation and stabilization.
    c. The inclusion of a landscape plan, including an inventory of plant/tree species to be used, sizes, and locations, and the manner in which vegetation shall be restored upon the site including appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface to minimize erosion. The landscape plan shall provide that a layer of arable topsoil shall be spread over the excavated area, except exposed rock surfaces, to a minimum depth of four (4) inches in accordance with an approved grading plan and intended reclamation use.
    d. Final slopes no greater than a 3:1 (horizontal:vertical) ratio.
    e. No noxious, flammable or toxic backfill and grading materials shall be used.
    f. Provides for the removal of all rubbish, debris, structures, buildings, and equipment within 365 days of the termination of extraction operations.
    g. The inclusion of a reclamation schedule that provides, in part, that reclamation shall be carried out progressively so as to ensure that no active extraction area exceeds five (5) acres in area, unless expressly authorized otherwise by the Township Board upon finding that no practical alternatives exist and the public health, safety and welfare will be ensured.
10. In addition to the above, an application for soil extraction shall include existing soil profile data including soil boring logs at separation distances of no greater than one hundred (100) feet, and proposed depths to which soil extraction will occur.

B. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. Minimum lot area shall be ten (10) acres.
2. Notwithstanding any other minimum setbacks required by this Ordinance, all extraction activities, including alteration of existing topographic conditions, fixed and temporary buildings and equipment, washing and stockpiling of materials, truck parking and truck storage areas, shall be set back a minimum distance of one hundred (100) feet from all lot lines and two hundred (200) feet from a residence existing at the time an application is submitted.

C. Additional Standards:

1. Rumble strips shall be provided along access drives to discourage the tracking of dirt onto adjacent roads. Public streets within 1000 feet of the exit of the extraction site shall be kept reasonably clear on a daily basis of mud, dirt and debris from vehicles exiting the site.
2. Measures shall be employed as necessary to prohibit windborne dust, sand, or other materials from leaving the extraction site, including the seeding of exposed earth, use of berms and vegetative screens, and the application of chemicals to non-vegetated areas provided such chemicals are biodegradable and non-toxic.
3. No topsoil shall be removed from the extraction site except as may be delineated on an approved site plan or otherwise authorized as part of a conditional approval of the application.
4. The extraction shall be graded in a fashion which will not cause water to accumulate in stagnant pools.
5. Truck or heavy vehicle traffic related to extraction operations shall use major thoroughfares for access to the greatest extent feasible. The applicant shall make an adequate financial guarantee with the Township or Roscommon County Road Commission to address any additional road maintenance and/or improvements necessitated by extraction operation truck traffic.
6. Extraction operations, including crushing, washing, processing, loading and transport operations, shall commence no earlier than 7:00 a.m. and cease no later than 7:00 p.m. on weekdays and, on Saturdays between May 1st through November 30th, no earlier than 7:00 a.m. and cease no later than 5:00 p.m. Extraction operations shall not occur on Sundays and Christmas Day, Thanksgiving Day, Memorial Day, Labor Day, and July 4th. The Township Board may modify the limitations of this subsection (5) upon a finding that specific conditions are present or are to be established that support more lenient limitations.
7. All temporary structures shall be removed from the premises upon completion of the extraction activity unless said structures are of sound construction and are compatible with the approved reclamation plan. Said structures shall be accurately depicted upon the approved reclamation plan.
8. The site shall be rehabilitated progressively as extraction areas are worked or abandoned so that they shall be in a condition of being entirely lacking in hazards and be inconspicuous, and blended with the general surrounding ground form. Reclamation activities shall be initiated at the earliest possible date. Reclamation of the site concurrent with extraction activities shall be undertaken to the extent that the reclamation activities will not interfere with the excavating activity or if the extraction activity will damage the reclaimed areas. Extraction areas shall be reclaimed pursuant to the approved reclamation plan. The excavator shall be required to post an acceptable performance guarantee pursuant to Section 2.6 of this Ordinance to address the reclamation costs for each five (5) acres of land to be disturbed or fraction thereof. Extraction activities shall not be initiated on any location of the site until such performance guarantee has been posted for that area of the site.
9. No area of an extraction parcel shall be subject to extraction operations except that which is approved for such activity according to an approved site plan, except where such expansion is applied for and approved according to the provisions of this Ordinance. Any expansion of an extraction operation beyond that area covered by a valid Zoning Permit shall be subject to the special land use provisions of Article 15.
10. Any performance bond that may be required according to Section 2.6 may cover anticipated yearly or other periodic inspections.
11. There shall be not more than one (1) access from a public road to said lot for each six hundred sixty (660) feet of frontage.
12. All buildings, structures, fuel storage, active excavation areas, stockpiling, and storage of equipment shall be visually screened from view from all residences within five hundred (500) feet of such areas.
13. All areas which are subject to current extraction operations, or past extraction operations but which have yet to be reclaimed or otherwise exhibit slopes in excess of 3:1 (horizontal to vertical), shall be fenced to a minimum height of six (6) feet. Any gates made part of such fencing shall be secured at all times when the site is unattended by the operator. Such fencing shall include signs no less than three (3) square feet in area and spaced no greater than two hundred (200) feet apart, with the following or similar notice: “Warning – Danger, Excavation in Progress.”

D. Abandonment/Termination of Use:

1. An operator shall submit written notice to the Township Board of the abandonment of an extraction operation within six (6) months of such abandonment.
2 When extraction operations have ceased for more than 365 consecutive days or when, by examination of the premises or other means, the Township determines that the extraction operation, or portion thereof, has been abandoned, the Township Board shall give the owner written notice of the Township Board's intention to declare the extraction operation abandoned. Within thirty (30) days following receipt of such notice, the owner shall have an opportunity to submit evidence that the use of the extraction operation, or portion thereof, is continuing. The Township Board shall then render a decision as to the extent to which extraction operations may continue or the operation shall be declared as abandoned. Upon a declaration of abandonment, the owner shall complete all provisions of the approved reclamation plan not otherwise completed to date, within six (6) months of such declaration, except upon a finding by the Township Board that there exists special or unique conditions that support a different time frame for completion.
3. Where an extraction operation has been declared abandoned, a new application and permit shall be necessary before additional extraction activities may occur.

E. Time Limitation on Permit: A permit for an extraction operation shall be valid for three (3) years. No less than every three (3) years from the issuance of such permit, the applicant shall submit project status documents delineating the status of extraction operations to date including the current limits of extraction, reclamation efforts undertaken and completed to date, updated phasing plans for the remainder of the approved extraction area, and the status of any alleged violations and corrective actions. The Township Board shall consider such documents and the recommendation of the Zoning Administrator, and upon finding such documents are satisfactory, the Township Board shall renew the permit for an additional three (3) years. The Township Board shall not deny the renewal of such permit if the extraction operation is in compliance with the Zoning Ordinance and all conditions made part of the original permit.

F. Exceptions:

1. Soil Extraction: Soil extraction, as defined in this Ordinance, shall be subject to the application and submittal requirements, regulations and standards of this Section, except where the Township Board makes a determination that a specific requirement, standard or regulation is not readily applicable to the soil extraction application, or that the waiving of a specific requirement, standard or regulation shall not undermine the public health, safety and welfare or otherwise undermine the approving body's ability to effectively evaluate all aspects of the application and the extent to which the application complies with this Ordinance. Determinations shall take into account, at a minimum, the specific features of the application including specific site and surrounding conditions.
2. Low Intensity Operations: The Township Board may waive any of the application requirements and standards of this Section upon finding that because of the overall low-intensity character of the proposed extraction operation, compliance with such requirements and standards is not warranted. Criteria that the Township Board shall apply to determine whether any such waivers are reasonable shall include, at a minimum:
   a) The extraction operation is not the principal use of the property.
   b) Less than one hundred (100) cubic yards of total extracted material shall be removed during any one (1) year period.
   c) No conditions are present on the property that suggest the need for compliance with the requirements and standards to which a waiver applies, and the waiving of a specific requirement, standard or regulation shall not undermine the public health, safety and welfare or otherwise undermine the approving body's ability to effectively evaluate all aspects of the application and the extent to which the application complies with this Ordinance.
   d) The application materials provide adequate detail to enable the Township Board to understand the scope of alterations to the property to accommodate extraction activities including the limits of excavation.

Section 7.10 Foster Care Facility, Group Home

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

B Additional Standards:

1. Any outdoor children's' play area shall be enclosed with fencing, a minimum of four (4) feet high.
2. The property, including landscape and structural elements, shall be developed and maintained in a manner that is consistent with the general character of residential properties within the general area.
3. 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 employees.
4. The facility shall provide a loading/unloading area of adequate dimensions near a barrier-free entrance to the facility, and provide a loading/unloading area of adequate dimensions for delivery vehicles servicing the facility.
5. No approval shall be granted prior to the applicant's receipt of a license from the Michigan Office of Child and Adult Licensing.

Section 7.11 Golf Courses, Country Clubs, and Driving Ranges

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. Regulation length 18-hole golf courses shall have a minimum lot size of one-hundred twenty (120) acres. Eighteen-hole par-3 courses, and nine-hole courses with regulation length fairways, shall have a minimum lot size of sixty (60) acres.
2. All principal and accessory buildings, and parking areas, shall be not less than one hundred (100) feet from all lot lines.
3. No temporary sanitary facility or trash receptacle shall be located within two hundred (200) feet of a lot line.
4. Outdoor swimming pools and surrounding deck areas shall be located a minimum of one hundred (100) feet from all lot lines. Pool areas shall be enclosed by a six (6) foot fence that shall include controlled access gates for all means of entry.

B Additional Standards:

1. The minimum length of a driving range shall be two hundred seventy-five (275) yards, measured from the tee to the end of the range, and no driving station shall be located within seventy-five (75) feet of any lot line. The area shall be buffered by vegetation to minimize the impact upon adjoining properties. Additional buffering conditions necessary to minimize the impact or safety threats upon adjacent land uses may be imposed.
2. Fairways and driving ranges shall have sufficient width and shall be oriented in such a manner and set back a sufficient distance to prevent golf balls from being hit outside the perimeter of the golf course. The minimum width for fairways shall be one hundred (100) feet, unless the golf course designer can demonstrate that, because of the location of trees, sand traps, berms, or other features, a narrower fairway will not compromise safety.
3. Accessory uses may include managerial facilities, maintenance sheds, restrooms, lockers, restaurants and drinking establishments, racket sports, swimming facilities, clubhouses, and other uses having a customary accessory relationship with a country club, provided all standards of this Ordinance are met and the approving body determines that such uses are clearly accessory and subordinate in character to the principal use of the parcel as an outdoor recreational facility.
4. A minimum fifty (50) foot buffer zone between turf areas and natural water bodies, watercourses or wetlands shall be maintained. The buffer zone may be selectively pruned or thinned, and weeds and dead plant material may be removed. However, the buffer shall consist of natural vegetation and shall not be chemically treated.
5. A hydrogeological study shall be completed and submitted to document the anticipated impact of the golf course on groundwater supply. This study shall inventory and analyze well logs from surrounding properties, giving consideration to the depth of the wells and quality of water. The study shall further estimate the quantity of water that will be used on a daily basis during the peak watering periods and shall evaluate the impact of watering operations on surrounding wells. The study shall be performed by an engineer or hydrologist licensed in the State of Michigan.
6. Detailed plans for hazardous materials storage shall be provided. Buildings in which hazardous materials are stored shall be designed to contain spills, shall not have floor drains that discharge into a septic system or other pathway to the groundwater, shall be lockable, and shall be kept locked. An

inventory manifest of stored hazardous materials must be posted at the entrance of the storage building and filed with the Township. Plans for emergency containment and clean-up shall also be provided.

7. The design of buildings shall be of an overall residential or lodge character and exterior materials shall be primarily wood, siding, stone or brick.

Section 7.12 Hospitals

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. A minimum lot area of five (5) acres is required.
2. All main and accessory buildings shall be set back a minimum distance of one hundred (100) feet from all lot lines, except that power plant and laundry facilities shall be set back a minimum of three hundred (300) feet from any adjacent residential use and residentially-zoned land unless the approving body finds that such a distance is not necessary to minimize the visual, noise and emissions features of such facilities.

B Additional Standards:

1. The lot shall have frontage on at least one (1) paved road classified by the Roscommon County Road Commission as a primary road according to PA 51 of 1951, and take its access from such road.
2. Ambulance and emergency entrance areas shall be visually screened from the view of adjacent residential uses and residentially-zoned land by a structure or masonry wall of six (6) feet or more in height.

Section 7.13 Junkyards

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. The minimum lot size shall be five (5) acres.
2. All storage, dismantling, or other work on junk shall be set back at least one-hundred (100) feet from all lot lines, except that this setback shall be increased to two-hundred (200) feet where the yard abuts a Conservation or Commercial District.

B Additional Standards:

1. A solid fence or wall enclosure at least eight (8) feet in height, but no greater than ten (10) feet in height, shall be provided around all sides of the area used to store, dismantle, or otherwise work on junk. Such fence or wall shall be of sound construction, painted or otherwise finished neatly and inconspicuously. All activities shall be confined to within the enclosed area including storage or stockpiling of materials; disassembly of materials, parts, and vehicles; and the storage or parking of all equipment and operative and inoperative vehicles. There shall be no stocking of material above the height of the enclosure.
2. There shall be no storing, dismantling, or other work on junk within one thousand (1000) feet of a church, school, public building, park, cemetery, dwelling, or Residential District.
3. No junk yard shall be used for the dumping or disposal of household, commercial, or industrial garbage and trash.
4. No open burning shall be permitted.
5. Between the hours of 5:00 p.m. and 8:00 a.m., all processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.
6. 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.
7. The operation shall be licensed by the Michigan Secretary of State.
8. 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 Environmental Quality.
9. No inoperable vehicle shall be maintained on the site for more than three (3) days except where all fluids and other hazardous materials in such vehicle, including but not limited to batteries, fuels, oils, and coolants, are fully drained. Such fluids shall be disposed of in accordance with all local, county, state and federal regulations. The leaking of such materials onto the ground is prohibited.
10. All junk material shall be fully removed from the site prior to the termination of said use.

Section 7.14 Kennels

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. The lot shall be at least five (5) acres in size.
2. Buildings where animals are kept, runs, and group exercise areas (versus walking trails) shall not be located closer than 200 feet to any lot line.

B Additional Standards:

1. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease or offensive odor. The site plan application materials shall document the manner in which animal stalls are to be constructed and animal waste is to be disposed, and measures to be taken to protect against odors, fleas, and the spread of disease.
2. All animals must be licensed and maintained in a healthful and careful manner, and all kennel operations shall comply with all applicable county, township, state and federal regulations.
3. Kennel buildings used to house animals shall have concrete floors throughout and shall be fully enclosed, heated, ventilated, and insulated in such a manner that animal noises are minimized.
4. Habitual barking or unusual noise from the kennel which results in a nuisance to neighboring land owners or residents is prohibited.
5. Outdoor runs, pens or exercise yards shall not be used between the hours of 9:00 p.m. and 7:00 a.m.
6. Animals shall be kept confined and not allowed to run at large on the property except as part of supervised training.
7. Outdoor runs and exercise yards are prohibited in a Commercial District.

Section 7.15 Landscape Services

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

B Additional Standards:

1. The outdoor storage of landscape supplies shall not be located in a front yard nor encroach into the principal building's required side or rear setback.
2. All outdoor areas for the storage of materials, equipment and vehicles shall be so specified on the site plan.
3. The handling and storage of road salt, fertilizers, pesticides, and other hazardous materials shall comply with all local, county and state rules and regulations.
4. No composting shall be undertaken except where expressly authorized as part of the zoning permit approval. Such composting area shall be clearly indicated on a site plan and shall be managed to prohibit odors beyond the lot lines.
5. The storage or burning of grass clippings, leaves, brush, or other organic material brought onto the lot from off-site locations is prohibited.

Section 7.16 Marinas

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. All buildings, boat storage areas, repair and service areas, docks, and parking areas shall be set back a minimum distance of fifty feet from all lot lines.

B Additional Standards:

1. The lot shall have frontage on at least one (1) paved road classified by the Roscommon County Road Commission as a primary road according to PA 51 of 1951, and take its access from such road.
2. Marinas shall be located where topographic conditions minimize the necessity to excavate upland areas to create the necessary basin and where dredging will have minimal impact on wetlands, submerged aquatic plant beds, and rare, threatened or endangered species.
3. Marinas shall be located and designed to maximize the flushing and circulation of the marina area.
4. The site plan shall provide for evergreen tree buffers of sufficient density to effectively screen the marina operations, including lighting, parking, restroom facilities, docks, boat launches, and picnic and other open space areas, from neighboring residences.
5. All aspects of a marina shall be located and designed to minimize disturbances to neighboring properties including lighting, noise, parking, restroom facilities, boat launches, and picnic and other open space areas.
6. Documentation shall be included in a marina application that describes in detail the means and capacity

for sewage collection and disposal.

7. There shall be no storage of fuels or other hazardous materials except where expressly authorized by the approving body. In such case, the application shall provide documentation of the marina's capability to respond rapidly and effectively to contain any spills of fuels and other hazardous materials.

Section 7.17 Mini Storage Facilities

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

B Additional Standards:

1. 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.
2. 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.
3. No retail, wholesale, fabrication, manufacturing, or service activities may be conducted from the storage units.
4. Storage spaces shall not contain more than 500 square feet each.
5. All storage shall be within the enclosed building area unless specifically provided for otherwise as part of an approved site plan, as in the case of the storage of recreational vehicles. No outdoor storage shall occur within a front yard and within fifty (50) feet from a side and rear lot line.
6. No storage of hazardous, toxic, or explosive materials shall be permitted at the facility. Signs shall be posted at the facility describing such limitations.

Section 7.18 Motels and Hotels

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. The front yard setback shall be a minimum of seventy-five (75) feet.
2. Side and rear yard setbacks shall be a minimum of forty (40) feet except that such setback shall be increased to sixty (60) feet where the yard abuts an Agricultural or Residential District.

B. Special Performance Standards:

1. Each unit shall contain at least a furnished bedroom and bath and a minimum gross floor area of three hundred (300) square feet.
2. Motels and hotels shall provide customary motel services, such as maid service, linen service, and telephone and/or desk service.
3. A hotel or motel may include accessory services including meeting rooms and restaurants provided such uses are contained within the motel building, comply with the provisions of this Ordinance including adequate off-street parking in addition to the motel itself, and such uses are make part of the zoning permit application for which approval is granted.
4. A caretaker's residence may be established within the motel only.

Section 7.19 Multiple Family Developments

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. The minimum lot area shall be one (1) acre, and the minimum lot frontage and width shall be one hundred fifty (150) feet.
2. Maximum lot coverage shall not exceed thirty-five percent (35%).
3. Maximum building heights shall not exceed thirty-five (35) feet, except that any portion of a building in excess of one hundred (100) feet in length and within one hundred (100) feet of an RC, R-1, R-1A, or R-2 District shall not exceed twenty-five (25) feet in height.
4. Buildings shall comply with the following minimum setbacks:
   a. Sixty (60) feet from an exterior property line along a road right-of-way.
   b. Forty (40) feet from an exterior property line not otherwise comprising a road right-of-way line.
   c. Twenty-five (25) from an interior road right-of-way.
   d. Twenty-five (25) from the edge of a parking lot or access drive not otherwise comprising a road right-of-way.

B. Special Performance Standards:

1. The minimum distance between any two buildings on the lot shall be equal to fifty (50) feet plus an additional five (5) feet for each story over one (1), except that the minimum distance between any two buildings on the lot that are generally arranged end-to-end shall be the height of the taller building but no less than twenty (20) feet.
2. There shall be provided easily accessible and usable open space in the development in an amount of ten percent (10%) or more of the site area or one hundred (100) square feet per dwelling unit, whichever is greater, but in no case shall less than ten thousand (10,000) square feet be provided. No single designated open space shall be less than 1,200 square feet in area and no open space area shall be fully enclosed by a building. Such open space shall be available for recreation and leisure.
3. In no case shall a residential building be more than one hundred fifty (150) feet from the parking lot from which it is served.
4. Accessory buildings, structures, and uses that are clearly customary and incidental to the functioning of the development are permitted, including business and administrative offices, laundry facilities and auxiliary storage for tenants, and community buildings.
5. All access drives shall have a minimum pavement width of thirteen (13) feet for one-way streets and twenty-four (24) feet for two-way streets.
6. The minimum floor area for multiple family dwelling units shall be as follows:
   a. Efficiencies: 400 sq. ft. of heated living area.
   b. One bedroom units: 750 sq. ft. of heated living area.
   c. Two bedroom units: 850 sq. ft. of heated living area.
   d. Three bedroom units: 950 sq. ft. of heated living area.
   e. Four or more bedroom units: 1,050 sq. ft. of heated living area, plus 100 sq. ft. of heated living area for each additional bedroom in excess of the fourth bedroom.

Section 7.20 Open Air Businesses (On-Site Sales of Vehicles, Landscape Supplies, Outdoor Furniture, and Similar Outdoor Sales)

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

B Additional Standards:

1. All outdoor sales, storage or display areas shall include a building of a minimum two hundred (200) square feet in area, which functions in association with the business.
2. All outdoor sales, storage and display areas shall comply with the minimum setback standards for the building on the premises.
3. Any lot devoted to the sale of vehicles shall have frontage on at least one (1) paved road classified by the Roscommon County Road Commission as a primary road according to PA 51 of 1951.
4. In the case of vehicle sales, the following shall apply:
   a. All repair, assembly, disassembly or maintenance of vehicles shall occur within a closed building except minor maintenance including tire, oil and wiper replacement.
   b. All vehicle display and storage areas shall be asphalt or concrete paved except where the approving body determines such paving is not necessary in specific locations due to the prohibition of public access to such areas, the limited use of such areas on a day-to-day basis, or other reasons the approving body finds applicable.
5. The outdoor storage or display of any soil, fertilizer, sand, or similar exposed or packaged materials shall be sufficiently contained to prevent any adverse affect on water bodies, wetlands, drainage ways and adjacent properties.
6. Outdoor broadcasting of voice or music shall be prohibited.
7. Any premises used for outdoor sales, display or storage shall be kept free of trash and litter. All outdoor materials and products shall be fully removed from the premises prior to the permanent, seasonal, or otherwise temporary termination of said use. Such premises shall be left in a clean and orderly condition.

Section 7.21 Open Space Preservation Communities

A. Purpose: It is the purpose of Open Space Communities (OSPC) to provide opportunities for residential development which, because of the more flexible standards available to OSPCs under this Section and according to Section 506 of the Michigan Zoning Enabling Act, more effectively encourage the preservation of the Township's open spaces and natural resources including woodlands, wetlands and sensitive environmental areas, and the Township's rural character. The regulations of this Section intend to accomplish these purposes, in part, by providing for the grouping or clustering of new homes on smaller lots than typically required by the District within which the OSPC is proposed to be located, so that the remainder of the site can be preserved as open space.

B. The following site and developmental requirements shall apply:

1. Uses: Uses within an OSPC shall be limited to those dwelling types authorized by the District in which the OSPC is located and customary accessory uses to dwellings, in addition to the open space as required by this Section.
2. Number of Lots/Dwellings: The number of dwellings and lots authorized in an OSPC shall be the number attainable by the Conventional Plan according to subsection (C)(2) below plus an additional twenty-five percent.
3. Minimum Lot Area and Width
   a. Lot Area: The minimum lot area shall be that which is necessary for acquisition of all required public health permits and approvals including potable water and on-site sewage disposal where such public utilities are not available. Where such public utilities are provided, the minimum lot area shall be no less than thirty-five percent (35%) of the normally required lot area of the respective District.
   b. Lot width: Minimum lot widths shall be of such dimension so that no lot has a depth greater than four (4) times its width, but in no case shall a lot be less than sixty-five (65) feet in width.
4. Setbacks
   a. The following front, side and rear yard setbacks shall apply except that in no case shall a building be located within one hundred twenty-five (125) feet of a road right-of-way outside of the OSPC parcel and seventy-five (75) feet of the perimeter lot line of the OSPC parcel. Where the approving body finds the natural or proposed topography, vegetation, or other conditions provide adequate screening and buffering, the above referenced setbacks may be reduced by no greater than thirty percent (30%).
      1) Front yard: twenty-five (25) feet.
      2) Side yard: ten (10) feet.
      3) Rear yard: twenty (20) feet.
   b. In addition to subsection (a) above, a minimum (75) foot setback shall be maintained along lakes, ponds, rivers, streams, and wetlands, except that this setback shall not prohibit trails, boardwalks, observation platforms or other similar structures that enhance passive enjoyment of the site's resources within the setback.
5. Guarantee of Open Space: An OSPC shall include permanently dedicated open space. Such required open space shall remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land, acceptable to the approving body. Further subdivision of open space land or its use for other than conservation, agricultural uses, or preservation in an undeveloped state, is prohibited. The applicant shall guarantee to the satisfaction of the approving body 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. For the purposes of this Section, "undeveloped state" shall be construed to mean a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. For the purposes of this Section, "greenway" shall be construed to mean a contiguous or linear open space, including habitats, wildlife corridors, and trails, that link parks, nature reserves, cultural features, or historic sites with each other, for recreation and conservation purposes. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.
   a. The open space 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, and establish a funding mechanism to ensure the same.
      3) Provide for maintenance to be undertaken by the Township 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.

6. Open Space Preservation Area, Character, and Priorities
   a. A minimum of fifty percent (50%) of the OSPC parcel shall be designated as permanent open space. However, in no case shall the required open space area be characterized by year-round submerged land such as ponds, lakes, and year-round submerged wetlands. In addition, no more than fifty percent (50%) of the required open space area shall be characterized by wetlands not otherwise submerged year-round.
   b. Open space shall be located on the parcel to meet the following objectives:
      1) To preserve distinctive natural features and rural characteristics such as mature woodlands, steep slopes, wetlands, floodplains, stream corridors, special plant and animal habitats, and panoramic views. Greatest preservation priority shall be placed upon water courses and bodies, MDNRE-regulated wetlands, floodplains, mature woodlands, and all areas within one hundred twenty-five (125) feet of a public road right-of-way adjacent to the OSPC parcel. Other on-site natural resources shall also be considered in the location of open spaces and overall design of the project including farmland, tree lines, wetlands not regulated by the MDNRE, and panoramic rural views.
      2) To minimize impact from development on such distinctive natural features. The designated open space shall extend a minimum distance of fifty (50) feet in width along the perimeter of such distinctive natural features included in the designated open space.
      3) To promote the effective preservation of the existing character along the public road frontages that the OSPC abuts, to the extent such frontage is characterized by open space areas, significant vegetation, environmental resources, and/or scenic views, through the retention of such features by additional building setbacks, strategic placement of dedicated open space, proposed native planting screens, and/or other means.
      4) To ensure the open space area is of a unified character comprised predominantly of large contiguous areas, except where special conditions may exist that support a more fragmented configuration of the open space.
7. Fire Protection: Fire protection measures shall be provided in all OSPCs which provide public water, and in OSPCs which are generally characterized by lots of approximately fifteen thousand (15,000) sq. ft. or less in size where such lots are clustered or otherwise generally adjacent to one another. Fire protection measures shall include an adequate on-site source of water for use by the local fire department and associated infrastructure to enable the local fire department to effectively respond to a fire emergency.
8. Vehicular and Pedestrian Access and Circulation
   a. All dwellings within an OSPC shall gain access from an interior road within the OSPC.
   b. A non-motorized circulation system may be required along one or both sides of the roads of the OSPC to ensure safe non-motorized travel. The circulation system shall be coordinated with existing or planned pedestrian ways, roads, and activity centers in the area. Non-motorized circulation networks shall encourage ease of access from residences to the designated open space areas.
   c. Access points or paths shall be provided to afford pedestrian access to designated open space and common areas. These access points shall link the open space to the road system, sidewalks, or the remainder of the development.
   d. All public roads shall conform to the requirements and standards of the Roscommon County Road Commission. All private roads shall conform to the requirements and standards of this Ordinance.

C. Special Application and Approval Requirements: OSPCs are classified as special land uses and OSPC applications shall be reviewed and acted upon according to Article 14 (Site Plan Review) and Article 15 (Special Land Uses), in addition to the following:

1. Unified Control: The application shall demonstrate that 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.
2. Conventional Plan: At the time the applicant submits a site plan for the OSPC, the applicant shall also submit a conventional plan which shall illustrate a practical and reasonable manner for developing the project parcel according to the conventional development standards of the District in which it is located including the normally required minimum lot area and width. This plan shall identify the total number of lots and dwellings reasonably attainable. The approving body shall make the final determination as to the number of dwellings and lots reasonably attainable by conventional design. This information shall be used when determining the permissible number of dwellings and lots for an OSPC proposal.

a. The conventional plan referenced in subsection (2) above need not be an engineered set of construction drawings, but shall be of such detail and clarity to demonstrate conformity with all state, county and township regulations including, but not limited to, potable water and sewage disposal, storm water management including necessary detention and retention ponds, and general road design and construction. The conventional plan shall demonstrate the feasibility of the proposed plan both in regard to its construction and its negligible impact upon sensitive environmental resources including wetlands and drainage courses and, in doing so, shall include the following: natural features such as wetlands, woodlands, flood plains, streams, rivers, county drains, lakes, ponds, and topography (at two-foot intervals); and man-made features such as existing roads, structures, utilities, easements, and adjacent land use conditions. A conventional plan shall not be considered by the approval body if it determines that it does not provide the necessary level of detail or information to assess such conventional plan for the purposes of subsection (2) above.

3. Recording of Approval Action/Permit Issuance: The applicant shall record an affidavit with the County Register of Deeds containing the full legal description of the project site, specifying the date of final Township approval, and declaring that all improvements will be carried out in accordance with the approved OSPC plan unless a change is approved by the Township. In addition, all deed restrictions and easements shall be duly filed with the Register of Deeds of the County. Copies of recorded documents shall be presented to the Township Clerk. Upon receipt of the recorded documents, the Township Clerk shall direct the Zoning Administrator to issue a zoning permit for the OSPC.

Section 7.22 Outdoor Eating Areas

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage. The outdoor eating area shall comply with the principal building setback requirements for the District in which it is located.

B Additional Standards:

1. No outdoor eating area shall be used or otherwise occupied except during normal indoor business hours.
2. Outdoor tables and chairs shall be movable and all outdoor furnishings, including umbrellas, shall be adequately weighted. All outdoor furnishings shall be maintained in good repair and in a clean and safe condition.
3. No outdoor entertainment shall be permitted **unless a permit is obtained pursuant to the Gerrish Township commercial Noise and Amplified sound Ordinance**. This limitation shall not apply in the case of recorded music that is not audible at any property line.
4. No outdoor eating area shall include cooking or other food preparation equipment except where expressly authorized by the approval of a site plan clearly delineating the location and character of such food preparation facilities.
5. An outdoor eating area shall be kept free of litter. Trash receptacles shall be emptied daily.
6. Electrical illumination of an outdoor eating area shall be directed downward upon such area. This limitation shall not apply in the case where such lighting does not exceed six (6) feet in height and the Planning Commission determines that such lighting will not undermine the use and enjoyment of nearby property. No lighting shall increase light levels or glare upon adjacent properties.
7. No furniture, apparatus, decoration or appurtenance used in connection with the operation of an outdoor eating area shall be located in such a way as to impede the safe and speedy ingress and egress to or from any building, or otherwise interfere with emergency services.
8. No signage shall be allowed in association with an outdoor eating area except for the name of the establishment on an awning or umbrella fringe, and one menu board not to exceed six (6) square feet in area. Moving, fluttering or flapping pennants, flags, balloons and similar decorations are prohibited.
9. In no case shall patrons be allowed access to an outdoor eating area in which alcohol consumption is permitted except by access through the principal means of entrance into the indoor eating and/or drinking area.
10. The approving body may place restrictions on the hours of operation of the outdoor eating area where it determines surrounding land uses or other conditions, such as the proximity of nearby dwellings, justify such a restriction to ensure compatibility and public welfare.

C. Special Application Requirements:

1. The boundaries of the outdoor eating area shall be clearly defined by fencing, planters, surface material, or other visual means.

Section 7.23 Private Landing Strips
(Amended by Ordinance XXXXI-2 2-13-18, Section 7.22(B3)

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. Runways, hangers, maintenance buildings, and any other structures associated with the landing strip shall be located a minimum of one-hundred (100) feet from lot lines.

B Additional Standards:

1. Runways shall be twelve hundred (1,200) feet in land length and fifty (50) feet in width, with a clear approach in each direction of 10:1 (horizontal to vertical) for a distance of 10,000 feet, except where the applicant can demonstrate that the intended type of aircraft to be used has standard operational characteristics that make such standards excessive such as in the case of “ultra light” aircraft.
2. Approval of landing strips shall not be made prior to the receipt of the Federal Aviation Authority's review of the proposed landing strip.

Section 7.24 Sawmills

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. A minimum lot area of ten (10) acres, and lot width of six hundred (600) feet, is required.
2. All buildings, equipment and access drives shall be at least two hundred (200) feet from lot lines and five hundred (500) feet from any dwelling existing or under construction at time of approval. Access drives may be less than two hundred (200) feet from lot lines where no reasonable alternative exists to comply with County Road Commission requirements, but provided the approving body finds a lesser distance will not increase negative impacts on existing adjacent uses.

B Additional Standards:

1. Outdoor storage of material shall occur in a side or rear yard only, shall be a minimum of one hundred (100) feet from lot lines, and shall be enclosed by a fully opaque fence of a minimum six (6) feet and maximum ten (10) feet in height.
2. Operating hours shall be determined by the approving body based on the nuisance potential to adjoining property owners. The maximum range of hours is Monday through Saturday from 8:00 a.m. to 6:00 p.m., and operations may be prohibited on legal holidays.

Section 7.25 Shooting Ranges

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. Minimum lot area shall be forty (40) acres for outdoor firearm shooting activities and shall be twenty (20) acres for outdoor archery-only shooting activities.
2. Minimum front, side and rear yard setbacks for fixed outdoor shooting stations shall be two hundred fifty (250) feet.

B Additional Standards:

1. An outdoor shooting range shall be fenced around its boundaries with a fence at least six (6) feet high, to clearly identify the boundaries of the shooting range. The range shall be clearly posted with warning signs around its perimeter. All vehicular access shall be controlled by locked gates.
2. A site plan for the range, whether indoor or outdoor, shall clearly indicate all safety provisions to prohibit any projectile discharged within the confines of a shooting range from exiting the range.
3. The Township may submit a copy of the site plan to law enforcement agencies for review and comment.
4. All indoor and outdoor activities, including the shooting of projectiles and storage of projectiles, shall comply with the most current published standards and guidelines of the National Rifle Association and Field Archery Association, as applicable.
5. Hours of outdoor operation shall be between sunrise and sundown, as published by the National Weather Service, unless expressly authorized otherwise by the approving body.

Section 7.26 Vehicle / Car Wash Establishment

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage.

B Additional Standards:

1. The facility shall have frontage on and gain direct access to a paved road.
2. All washing activities shall be carried on within an enclosed building or under a covered structure with side walls separating individual washing bays.
3. Vacuuming activities shall be set back a minimum of one hundred (100) feet from property used for residential purposes.
4. Maneuvering lanes and stacking lanes shall be located on the site and shall provide sufficient room to avoid waiting cars encroaching into a road right-of-way.
5. Each bay shall be graded and drained to collect run-off originating in the bay.
6. Trash containers shall be provided and emptied as necessary to prohibit litter.

Section 7.27 Vehicle Repair Shops and Service Stations

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. Fuel pumps and pump canopies shall be setback a minimum distance of twenty-five (25) feet from all lot lines, as shall all above and below ground storage of fuel and other flammable materials.

B Additional Standards:

1. The lot shall have frontage on at least one (1) paved road classified by the Roscommon County Road Commission as a primary road according to PA 51 of 1951, and take its access from such road.
2. Hydraulic hoists, service pits, lubricating, greasing, washing, and repair equipment and operations shall be located within a completely enclosed structure, and all storage of vehicle parts and dismantled vehicles, and repair work, shall occur in such structure.
3. Vehicles rendered inoperative for any reason, and vehicles without current license plates and registration, shall not be maintained on the property for more than thirty (30) days. Such vehicles shall be parked or stored in a building that shall be setback from all lot lines the minimum distance required for principal buildings in the District.
4. All lighting mounted to the underside of a canopy shall be fully recessed.
5. The application materials shall identify the extent, quantities, and types of explosive, flammable, or otherwise hazardous materials that may be used, and the measures to be used for proper handling, storage, and disposal of such materials.
6. Vehicle renting or leasing in association with a repair facility may exist only as an accessory use to the principal repair activities, and only upon approval of a site plan delineating such rental/lease area and the type and maximum number of vehicles to be stored on the site for such purpose.

Section 7.28 Wireless Communication Towers

A. Definitions: For the purposes of this Section, the following phrases shall have the following meanings:

1. Class One Communication Tower/Antenna: Any wireless communication tower, as defined in Article 21, which consists of either of the following:
   a. Any antenna that is not attached to a tower provided the antenna does not extend more than ten (10) feet above the highest point of the structure to which it is attached.
   b. Any antenna erected on an existing tower provided the total height of the tower is not increased by more than thirty (30) feet, irrespective of the tower's compliance with the setback standards of this Section.
   c. The rebuilding of an existing tower within fifty (50) feet of the existing tower, irrespective of the new tower's compliance with the setback standards of this Section, provided the existing tower is removed upon the completion of the new tower.
   d. Antennas or towers located on property owned, leased, or otherwise controlled by Gerrish Township provided a license or lease authorizing such antenna or tower has been approved by Gerrish Township.
   e. Antennas located on a previously approved tower upon submission of structural calculations certified and sealed by a licensed structural engineer certifying that the previously approved tower can support the additional antenna(s).
2. Class Two Communication Tower/Antenna: Any wireless communication tower, as defined in Article 21, other than those classified as Class One Communication Towers/Antennas as defined above.

B. Application, Review and Approval

1. Class One Communication Tower/Antenna: A Class One Communication Tower/Antenna constitutes a use permitted by right in any district. The Zoning Administrator shall forward all applications for Class One Communication Towers to the Township Board for review and approval. The Township Board shall evaluate the application to determine compliance with this Ordinance and approve such application upon determining compliance. The Township Board may waive any of the regulations and standards of this Section upon a finding that such a waiver is justified due to specific site conditions including natural screens and topography, specific surrounding conditions including land uses and distances to structures, or other conditions that justify increased flexibility to accommodate such tower.
2. Class Two Communication Tower
   a. Special Land Use: A Class Two Communication Tower constitutes a special land use and shall be subject to this Ordinance's provisions addressing the same including compliance with Article 15, Special Land Uses, and Article 14, Site Plan Review. The Township Board may waive any of the standards of this Section upon a finding that such a waiver is justified due to specific site conditions including natural screens and topography, specific surrounding conditions including land uses and distances to structures, or other conditions that justify increased flexibility to accommodate such tower.
   b. Additional Application Requirements: In addition to submitting the information required for all special land use applications, including a site plan pursuant to Article 14, each applicant for a communication tower shall provide the following additional information. Any information of an engineering nature that the applicant submits, whether civil, mechanical, electrical, or structural, shall be certified by a licensed professional engineer of applicable expertise registered in the State of Michigan.
      1) An inventory of its existing towers, antennas, or sites approved for towers or antennas, that are within the Township and one (1) mile of the border thereof, including specific information about the location, height, and design of each tower, the distance from the proposed tower, the owner(s)/operator(s) of the existing tower(s), and any additional information that is relevant in terms of potential colocation or in demonstrating the need for the proposed facility.
      2) A description of the feasible location(s) of future towers or antenna within Gerrish Township based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.
      3) Elevation drawings of the proposed tower and any other structures.
      4) The distance between the proposed tower to dwellings within a one-half (1/2) mile radius, and the distance to Residential districts and platted and similar neighborhood developments.
      5) Method of fencing and finished color and, if applicable, the method of camouflage and illumination.
      6) A notarized, sworn statement by the applicant as to whether construction of the tower will accommodate colocation of additional antennae for future users.
      7) For wireless communication systems, identification of the entities providing the backhaul network (i.e., the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, and/or the public switched telephone network) for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the Township.
      8) A description of the suitability of the use of existing towers, other structures, or alternative technology not requiring the use of towers or structures, to provide the services of the proposed new tower.
      9) A certification by a professional engineer of applicable expertise licensed in Michigan that all construction features of the tower comply with the requirements of all agencies having jurisdiction and the State Construction Code.
      10) Certification that all franchises required by law for the construction or operation of a wireless communication system have been obtained, along with a copy of such franchise documents.
   c. Special Considerations: Special consideration shall be given to the following conditions in determining the extent to which the application complies with the site plan approval standards of Section 14.4 and the special land use approval standards of Section 15.6:
      1) The height of the tower.
      2) The proximity of the tower to residential structures and Residential districts.
      3) The character of surrounding land uses.
      4) The topographic features of the site and surrounding areas.
      5) On-site and surrounding tree coverage.
      6) Proposed access to the tower.

7) The overall design of the tower and tower facility to minimize visual impacts, including the extent to which the design of buildings and structures uses materials, colors, textures and screening that will encourage their compatibility with surrounding conditions.
8) The availability of suitable existing towers, other structures, or alternative technologies.

C. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as follows:

1. The lot on which a tower is located shall comply with the minimum lot area requirement of Table 3-4. A smaller portion of said lot may be leased for tower purposes and such leased area need not comply with the area requirements of Table 3-4.
2. Class Two towers and antennas shall be set back from lot lines a minimum distance equal to the tower's height, including antennas. Setbacks for guy wires and accessory buildings shall comply with the setback standards of the district according to Table 3-4.

D. Additional Standards:

1. Separation Distances: The following separation distances shall apply to Class Two towers except that the approving body may reduce the standard separation distance by no greater than twenty-five percent (25%) upon a finding that there exist on-site or surrounding conditions that mitigate the need for such separation distances and that the purpose of this Ordinance will be preserved. Separation distances shall be measured from the base of the tower to the lot line of the off-site use except where otherwise noted, and measurements shall not extend beyond Township boundaries.

Off-Site Use or Designated Area	Separation Distance
Single-family and two-family dwellings.	300 feet or 150% of the tower's height, whichever is greater.
Vacant land zoned for single-family or two-family dwellings, including vacant land that has received site plan approval for residential use.	200 feet or 100% of the tower's height, whichever is greater.
Vacant residentially zoned land not otherwise addressed above.	100 feet or 100% of the tower's height, whichever is greater.
Land not zoned for residential use, whether vacant or otherwise.	The setback standards of Table 3-4 or the tower's height, whichever is greater.
Another communication tower.	1mile, measured by a straight line between the base of the existing and proposed tower.

2. Fencing and Lighting
   a. The base of a tower shall be fenced with a minimum six (6) foot high fence with anti-climbing measures. In the case where guy wires or a similar support system is used, fencing shall surround all locations where such supports are anchored to the ground.
   b. Towers and antenna shall not be artificially lighted unless required by the Federal Aviation Administration or Federal Communications Commission. If lighting is required, the lighting plan shall cause the least disturbance to surrounding uses.
3. Tower Construction
   a. Towers shall be of monopole construction in a Residential District or within one thousand (1,000) feet of such a district.
   b. Towers shall be of a white, light gray, silver or other similar color that blends with the background sky, and shall be constructed of or treated with corrosive resistant material.
   c. All towers and antennas including all support systems, antenna mounts, structural and electrical components, and wind load resistance, shall comply with the most current standards and regulations of the Federal Aviation Authority, Federal Communications Commission, State Construction code, and all other codes and agencies having jurisdiction, and shall be maintained in compliance. If such standards and regulations are changed including regulations concerning non-ionizing electromagnetic radiation, the owners of the towers and antennas shall bring such towers and antennas into compliance with the revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless such standards and regulations mandate a different schedule. Failure to bring towers or antennas into compliance with such revised standards and regulations shall constitute grounds for removal of the tower or antenna at the owner's expense.
   d. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronics Industries Association, as amended from

time to time. If, upon inspection Gerrish Township concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner=s expense.

e. All towers and antenna shall comply with the height restrictions of any airport management plan filed with and approved by the Michigan Aeronautics Commission.

f. All new communication towers shall be designed and constructed so as to accommodate colocation of a minimum of three (3) wireless communication facilities.

4. Landscaping and Signage
   a. Signage shall be limited to emergency information only except as may be required by law.
   b. The landscape plan required by Article 14, Site Plan Review, shall provide for a planting program that effectively screens the view of the tower facility from nearby residential properties, and shall provide for coniferous plantings spaced at no greater than fifteen (15) feet apart and located within forty (40) feet of the perimeter of the tower facility and within any leased land area comprising the tower facility.
5. Presence of Personnel: No persons shall be located on a communication tower site except for the occasional presence of personnel associated with periodic maintenance or emergency conditions.
6. General Design: The design of buildings and structures shall, to the greatest extent practical, use materials, colors, textures and screening that will encourage their compatibility with surrounding buildings. Where an antenna is installed on a structure other than a tower, the antenna and supporting equipment shall be of a color to make the antenna and equipment as visually unobtrusive as reasonably practical.
7. Colocation
   a. Statement of Policy: It is the policy of the Township to minimize the overall number of newly established locations for communication towers within the community, and encourage the use of existing structures or towers while promoting the public health, safety, and welfare and minimizing negative impacts of such sites. If a provider fails or refuses to permit colocation on a facility owned or otherwise controlled by it, where colocation is feasible, the result will be that a new and unnecessary additional structure will be compelled, contrary to the Township's policy for colocation. The provisions of this subsection are designed to carry out and encourage conformity with the policy of the Township.
   b. Feasibility of Colocation: Colocation shall be deemed to be feasible and practical for purposes of this subsection (3) except where satisfactory evidence is submitted demonstrating that no existing tower, structure or alternative technology can accommodate the applicants proposed antenna. Such evidence may consist of any of the following:
      1) No existing towers or structures are located within the geographic area that meet applicant=s engineering requirements.
      2) Existing towers or structures are not of sufficient height to meet applicant=s engineering requirements.
      3) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
      4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant=s proposed antenna.
      5) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
      6) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
      7) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable micro cell network using multiple low-powered transmitters/receivers attached to a wire line system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

c. Requirements for Colocation:
   1) A permit for the construction and use of a communication tower shall not be granted unless and until the applicant demonstrates that a feasible colocation is not available for the coverage area and capacity needs.

8. Removal
   a. Any tower that is not operated for a continuous period of 365 days shall be considered abandoned, and the owner of such tower shall remove the same and the site shall be restored to the condition it existed prior to the placement of the tower within ninety (90) days of receipt of notice from the zoning administrator for such removal. In the case where there are multiple users of a single tower, removal of the tower shall be not required until all users cease use of the tower for a continuous period of 365 days.
   b. If the required removal of a facility has not been completed within ninety (90) days of the condition specified in subsection (a) above, the township may remove or secure the removal of the facility with reliance on the security posted at the time application was made for establishing the facility.

9. Nonconforming Towers/Antenna: Nonconforming towers and antennas shall be subject to the provisions of Article 11, Nonconforming Lots, Uses, and Structures, except that a nonconforming tower or antenna that is damaged or destroyed may be rebuilt provided the new tower is of the same type, height, and location of the original tower, and the tower facility is of no greater intensity than the original facility. This provision shall apply provided all building permits for the new tower are acquired within 180 days of the damage date. If such permits are not acquired within this time frame or said permits expire, the tower or antenna shall be deemed abandoned and subject to the removal provisions of subsection (D)(4).

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End of Article 7

Article 8
(RESERVED for FUTURE USE)

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End of Article 8

Article 9
SIGNS

Section 9.1 Purpose

The purpose of this Article is to provide a framework in which the identification and informational needs of all land uses can be harmonized with community interests in public health, safety and welfare, including the preservation of the Township's overall character and that of its business and residential areas. It is intended through the provisions contained herein to give recognition to the legitimate needs of business, industry and other activities, in attaining their identification and informational objectives, while recognizing that unrestricted or unregulated signage does not support the desired character of the Township nor benefit either private enterprise or the community-at-large as it creates traffic safety hazards, visual clutter, confusion for vehicle drivers, visual blight, and decreased property values, and undermines economic development initiatives.

Section 9.2 Definitions

A. Sign: Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, banner, flag, pennant, trade names or marks, or other representation, or combination thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity or product, an activity, a person, or an idea, which is located upon any land or structure on or in any building, in such manner as to attract attention from outside or off the premises.

B. Ground Sign: A sign which is not attached to a principal or an accessory structure, including center pole signs, posts and panels, and monument signs, but excluding off-premises advertising signs.

C. Off-Premises Advertising Sign: A sign which identifies goods, services, facilities, events, or attractions which are available or provided at a location other than the lot or parcel upon which such sign is located (commonly referred to as a "billboard").

D. Portable Sign: Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building, including but not limited to "A-frame", "T-frame", or inverted "T-shaped" structures, signs mounted on wheeled trailers, hot-air and gas filled balloons, banners, pennants, and streamers.

E. Wall Sign: A sign painted or attached directly to and parallel with the exterior wall of a building including signs on a rigid or non-rigid fabric marquee or awning-type structure.

Section 9.3 General Standards and Regulations

A. Type/Applicability: Except where expressly provided otherwise by this Ordinance, all signs shall be wall signs, window signs, and/or ground signs, and shall apply and pertain solely to an authorized and approved use, activity or business on the lot on which the sign is located. Signs mounted on the roof of a building or structures, laying either flat or upright at an angle to the roof pitch, are prohibited. Off-premises advertising signs are prohibited except as regulated by Section 9.6. Portable signs are prohibited except that one (1) such sign may be exhibited on a lot to make notification of a coming or new business on such lot and provided such sign does not exceed sixteen (16) square feet nor be exhibited for more than one hundred twenty (120) days.

B. Measurements

1. Sign Area: The area of a sign shall be computed by calculating the square footage of a sign face as measured by enclosing the most protruding points or edges of all sign faces of the sign within a parallelogram, rectangle, triangle, or circle, or combination thereof, including any framing. Where a sign has two (2) or more similarly shaped faces placed back-to-back, parallel to one another and less than eighteen (18) inches apart from one another, the area of the sign shall be the area of one (1) face. Where a sign has two (2) faces placed back-to-back, parallel to one another and less than eighteen (18) inches apart from one another, but the signs are of differing sizes, the sign area shall be that of the larger sign. In the case of a sign with three or more faces, the area of the sign shall be the area of all faces combined. Sign area shall comply with the provisions of this Article except where otherwise regulated by this Ordinance.
2. Sign Setbacks: All setbacks shall be measured from the nearest edge of the sign as measured from a vertical line perpendicular to the ground below the nearest edge of the sign, to the lot line.
3. Sign Height: The height of a ground sign shall be measured from the highest point of the sign, including all frame and structural members of the sign, to the adjacent street or average ground elevation within ten (10) feet of the sign base, whichever is less.

C. Materials, Construction and Maintenance:

1. All signs shall be constructed and maintained in a manner consistent with building code provisions and maintained in good structural condition at all times, free of hazards to the general public. Signs shall not be constructed from materials that are remnants or manufactured for a different purpose.
2. All signs shall be kept neatly painted, stained, sealed or preserved including all metal parts and supports. Signs shall be maintained free of peeling paint or paper, fading, rust, or other conditions reflective of a state of disrepair.
3. No light pole, utility pole, or other supporting member shall be used for the placement of a sign unless specifically designed and approved for such use.
4. All freestanding signs shall be constructed of stone, face stone, wood, brick, and variations thereof, to the greatest extent practical. The use of plastics and metals shall be minimized.

D. Lighting: Signs may be internally or externally illuminated. In the case of external illumination, the source of illumination shall be shielded from traffic and adjacent properties and shall not be visible beyond the property line of the parcel on which the sign is located. No sign shall include flashing, blinking, moving or variable intensity illumination, excluding time or temperature signs. This subsection (D) shall not be construed to prohibit non-bulb illuminated signs such as light-emitting diodes (LED). See Section 12.4 for additional lighting provisions.

E. Prohibition of Moving Parts: Any sign which revolves or has any visible moving parts, visible revolving parts or visible mechanical movement of any type, or other apparent visible movement irrespective of the cause of the movement, is prohibited. Banners, pennants, festoons, spinners and streamers, and similar devices, which move due to wind or mechanical devices and which are intended to draw attention to a location are considered moving signs and are prohibited. This subsection (E) shall not be construed to prohibit light-emitting diode (LED) signs provided such signs are not of a scrolling or moving character.

F. Traffic Interference: No sign, by location, design, color, or lighting, shall undermine public safety in association with vehicles or pedestrian passing, entering or exiting a lot including the obstruction of free and clear vision of approaching, intersecting or merging traffic, or encouraging confusion among drivers due to unauthorized traffic signs, signals or devices, or signs that make use of the words "stop", "look", "danger" or any word, phrase, symbol or character in such manner as to interfere with, mislead or confuse drivers or pedestrians.

G. Obsolete Signs: No sign shall remain on a lot if such sign advertises or identifies a business, activity or service no longer available on such lot.

H. Right-of-Way: No sign shall be placed in, upon, or over any public right-of-way, alley, or other public place, except that signs for the sole purpose of providing directional information for religious institutions, schools, governmental entities, and bona fide public service organizations are permitted in such public place upon approval of the Township Board and Roscommon County Road Commission.

I. Garage Sales: Garage sale signs shall comply with Gerrish Township Ordinance 18.

J. Permits/Review

1. Required Permit/Review: All signs shall require a Zoning Permit prior to placement, erection, replacement or alteration unless exempted by subsection (2) below. If site plan review is required for a proposed project that a proposed sign shall be part of, the proposed signage shall be reviewed as part of the site plan review procedure for the entire project, pursuant to Article 14. If the proposed signage is to be part of an existing development for which site plan approval has already been granted or was not necessary, the Zoning Administrator shall review the sign application to ensure all applicable ordinance standards have been met prior to issuing a permit for the sign. The Zoning Administrator may defer action on proposed signage to the site plan approving body.
2. Signs Exempt from Permit/Review: The following signs are exempt from the provisions of subsection (J)(1) above but shall conform to all other regulations and standards of this Article.
   a. Signs erected by a governmental entity
   b. Indoor signs affixed to or covering windows.
   c. Real estate signs, special event signs, and other signs of a temporary nature as authorized by Section 9.4.
   d. Signs less than ten (10) square feet in area not otherwise listed above.

Section 9.4 Signs Permitted in All Districts

A. The following signs are permitted in all Districts, subject to the standards and limitations prescribed including the provisions of Section 9.3:

1. Dwelling identification and home occupation signs: No more than one (1) sign shall be erected for the purpose of identifying a dwelling unit, a home occupation, or family home day care facility. Such sign shall not exceed two (2) square feet in sign area. These limitations shall not prohibit the display of an additional address identification sign posted along the abutting road for postal and emergency identification purposes where such sign complies with the most current guidelines published by the U.S. Postal Service. Home occupation signs shall be affixed to the dwelling.
2. Residential Development Identification: A residential development consisting of a platted subdivision, condominium subdivision, multiple family development, manufactured housing community, or other unified residential development consisting of at least five (5) dwelling units shall be permitted one (1) sign per vehicle entrance, no closer than fifteen (15) feet to the road right-of-way, and having a sign area not exceeding eighteen (18) square feet and a height not exceeding five (5) feet. The sign shall be for the sole purpose of identifying the development.
3. Real Estate/Dwelling Unit/Personal Property Availability Signs:
    a. One (1) sign advertising the sale or lease of the lot or residence on which the sign is located shall be permitted, provided it is removed within thirty (30) days of the completion of the sale/lease, no more than one (1) sign for each three-hundred thirty (330) feet of frontage of such lot shall be permitted, and no sign shall exceed an area of four (4) square feet. Such sign shall not exceed thirty-two (32) square feet where located in a Commercial District.
    b. A platted subdivision, site condominium, multiple family development, manufactured housing community, or other unified residential or non-residential development consisting of at least five (5) dwelling units, or three (3) acres of land in the case of a non-residential development, is permitted one sign advertising the sale or lease of a lot or residence no closer than fifteen (15) feet to the right-of-way of a street, and having a sign area not exceeding eighteen (18) square feet and a height not exceeding five (5) feet. Such sign shall be removed within six (6) months after the sale of ninety percent (90%) of all lots, units, or buildings within said development.
    c. In addition to (a) and (b) above, a maximum of two (2) additional signs, not to exceed an area of four (4) square feet each, may be erected in a development of multiple dwellings or units for the purpose of directing the public to a model home or unit, or rental office, in such development.
    d. One (1) sign advertising the sale of personal property on the lot on which the sign is located shall be permitted provided no such sign shall be exhibited for more than thirty (30) days, no more than one (1) sign shall be erected for each three-hundred thirty (330) feet of frontage or portion thereof of the lot, and no sign shall exceed an area of four (4) square feet.
4. Construction Signs: Signs which identify the owners, financiers, contractors, architects and engineers of a project which is under construction or other improvements are permitted. Such sign(s) shall be a maximum height of six (6) feet and a maximum size of six (6) square feet. Only one (1) such sign is allowed per lot, except on waterfront lots where 1 additional sign is permitted in the yard bordering the water. Such sign(s) may be erected when work begins and there is a physical presence and ongoing activity at the site. Any such sign(s) shall be removed within 7 days of substantial completion. Substantial completion is defined as, but not limited to, when all items specified in plans and specifications have been constructed, installed, an occupancy permit has been issued, or a physical presence and on-going activity on site has ceased. The Building & Zoning Department shall have sole discretion to make the determination as to "Substantial Completion" and as necessary determine if actual on site construction has commenced or if ongoing activity has ceased. See Zoning Department policy regarding notification procedure for violations. **(Amended by Ordinance XXXXI-2 9-25-14)**
5. Bulletin Board: A single bulletin board sign shall be permitted on a lot in any district that is used for a religious institution, school, museum, library, or other similar institution. Such sign shall have a maximum height of six (6) feet, shall not exceed twenty (20) square feet, and shall not be included in sign area calculations for compliance with Table 9-1. Such sign shall be setback a minimum of ten (10) feet from all lot lines.
6. Political Advertising Signs: Political advertising signs related to a candidate running for office, a proposition up for public vote, or a ideology or philosophy, shall not exceed sixteen (16) square feet in area and six (6) feet in height, and no more than one (1) sign for each candidate, ideology or philosophy shall be posted on a lot.

7. Directional Signs: Signs that are used solely for the purpose of providing traffic directions or instructions in association with a lot on which they are located, such as “entrance,” “exit, “in,” and “out”, are permitted in all districts on the lot on which they serve provided such signs shall not exceed two (2) square feet in area or three (3) feet in height, and located a minimum of five (5) feet from any lot line and driving lane edge. Such signs shall not count toward the permissible sign area standards of Table 9-1.
8. Special Event Signs: Signs designed to be moved easily and not permanently attached to the ground or a structure, containing public messages concerning special events sponsored by governmental agencies, nonprofit organizations, religious institutions, schools, museums, libraries, or other similar institutions, are permitted provided they are located on the lot which the event is to be held only and subject to the following additional restrictions:
    a. Signs are permitted only in association with an authorized use in the respective District and shall not be located on a lot used for residential purposes.
    b. Signs shall be no greater than twenty-four (24) square feet in area, and no more than two such signs shall be displayed for each event.
    c. Signs shall be displayed no earlier than twenty-one (21) days prior to the event, and shall be removed within forty-eight (48) hours of the event’s conclusion.
9. Warning Signs: Warning signs such as no trespassing and warning of electrical current or animals, provided that such signs do not exceed two (2) square feet.
10. Building Signs: Signs carved into stone, concrete, or similar material, or made of bronze, aluminum, or other noncombustible material, which identify the name of a building, a building’s date of erection, or monumental citations, provided such signs do not exceed ten (10) square feet in area and are an integral part of the building structure.
11. Flags: Flags with the insignia of a nation, state, community organization, educational institution, or corporation, or other flags that the Planning Commission finds do not function to draw attention to a location, and which do not exceed twenty (20) square feet in area.
12. Stick-On Signs: Miscellaneous stick-on and painted signs affixed to vending machines, gas pumps, ice containers, and similar outdoor items of less than six (6) feet in height, indicating the contents or announcing on-premises sales, provided each sign does not exceed two (2) square feet in area.
13. Historical Markers: Historical markers, plaques, or signs describing township, county state or national designation as an historic site or structure, not exceeding ten (10) square feet in area.

Section 9.5 Additional Signs Permitted by District

A. Type, Number, Location and Size Standards: In addition to the signs permitted by Section 9.4 and the limitations thereof, signs pertaining to an authorized and approved business, use or activity on a lot may be erected on such lot provided the signs are wall signs or ground signs unless specified otherwise, and comply with the District standards of Table 9-1 below. In no case shall the standards of Table 9.5-1 be interpreted as superseding the standards of Sections 9.3 or 9.4.

Section 9.6 Nonconforming Signs

A. General Provisions: The continuance of a lawful use of any sign existing on the date of adoption of this Ordinance or amendment thereto, although such sign may not conform to the provisions of this Article, shall be permitted according to the following limitations:

1. Off-Premises Signs: Off-premises signs shall be subject to the provisions of subsection (B) below.
2. Other than Off-Premises Signs: Nonconforming signs other than off-premises signs shall be subject to the following:
    a. No such sign shall be enlarged, expanded or extended, so as to increase its nonconformity.
    b. The faces, supports, or other parts of such signs shall not be structurally changed, altered, substituted, or enlarged unless the resultant changed, altered, substituted, or enlarged sign conforms to the provisions of this Article for the use it is intended.
    c. Should such sign, including supporting structure, be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

B. Off-Premises Advertising Signs: Off-premises advertising signs are prohibited. Off-premises advertising signs that constitute a nonconforming sign due to their existence on the adoption date of this Ordinance, and which are located at the following intersections, shall be subject to the limitations of this subsection (B): M-76 and CR 100; CR 100 and CR 101; CR 100 and CR 103; CR 100 and CR 104; CR 100 and CR 106; CR 104 and CR 200; and M-76 and North Central Avenue. All other off-premises advertising signs shall comply with subsection (A)(2) above.

1. Information: No information shall be displayed on such signs except the business name and directional

information.

2. Design and Construction: No such sign shall be enlarged, expanded, extended, repaired or replaced except in conformity with the following design and construction limitations:
   a. The sign shall be of wood construction including posts and display area.
   b. The wood sign face shall be mounted onto a single set of four (4) inch by six (6) inch treated lumber posts.
   c. The sign face may be composed of a single or multiple wood faces.
   d. All lettering and numbering shall be four (4) inches in height and cut or etched into the sign face.
   e. All lettering and numbering on the sign shall be uniform in color, with white reflective lettering on a brown background.
   f. In no case shall any sign exceed a total size of nine (9) feet in height or twenty (20) feet in length, except that any sign located at the M-76 and North Central Avenue intersection may not exceed a total maximum size of eight (8) feet in height and six (6) feet in length.
3. Maintenance: Such signs shall be maintained, both structurally and in appearance, including free of peeling paint. All land within forty (40) feet of such sign shall be maintained free of weeds, brush and litter.
4. Alterations/Permit Required/Application: Such a sign may undergo alterations in compliance with the standards of this subsection (B). A Zoning Permit is required for such alteration. The Zoning Administrator shall issue a permit for such alteration upon receipt of a complete application and a finding that the application complies with this Section. An application under this Section shall consist of construction drawings of such alteration of adequate detail to demonstrate compliance with this Section, including all proposed lettering and numbering.
   a. Application for a permit under this Section shall be submitted by or otherwise include the authorizing signature of the owner of the parcel on which the sign is located. Such owner shall be held responsible for compliance with this Section, including the correction of any violations thereof.

Table 9.5-1
(See "Special Notes to Table 9-1" on following page)
GS = Ground Sign WS = Wall Sign

District	Maximum Number of Signs	Maximum Area of Signs	Maximum Height of Ground Sign	Ground Sign Setback from Lot Lines
Conservation	GS: One (1) WS: One (1)	GS: 32 sq. ft. WS: 32 sq. ft. All GS and WS signs combined shall not exceed 50 sq. ft.	10'	GS: 10', except 50' from the lot line of an adjacent parcel in a Conservation or Residential District.
Residential	GS: One (1) WS: One (1)	GS: 18 sq. ft. WS: 32 sq. ft.	10'	GS: 10', except 50' from the lot line of an adjacent parcel in a Conservation or Residential District.
Commercial	GS: One (1) WS: One (1)	GS: 1 sq. ft. for each 2' of building length generally oriented to the road, measured as a straight line between building corners, except no sign must be less than 16 sq. ft. and no sign shall be greater than 64 sq. ft. WS: 1 sq. ft. for each 2' of building length generally oriented to the road, measured as a straight line between building corners, except no sign must be less than 32 sq. ft. and no sign shall be greater than 100 sq. ft.	16'; 90' where the sign is within 1,500' of the I-75/Federal Highway interchange access ramps.	GS: 10', except 50' from the lot line of an adjacent parcel in a Conservation or Residential District.
Industrial	GS: One (1) WS: One (1)	GS: 1 sq. ft. for each 2' of building length generally oriented to the road, measured as a straight line between building corners, except no sign must be less than 16 sq. ft. and no sign shall be greater than 64 sq. ft. WS: 1 sq. ft. for each 2' of building length generally oriented to the road, measured as a straight line between building corners, except no sign must be less than 32 sq. ft. and no sign shall be greater than 64 sq. ft.	10'	GS: 10', except 50' from the lot line of an adjacent parcel in a Conservation or Residential District.

Special Notes to Table 9-1

1. In the case of a corner lot, the sign area standards of Table 9.5-1 shall apply to each frontage separately.
2. Irrespective of the provisions of Table 9.5-1, the maximum ground sign area for a governmental agency, religious institution, school, museum, library, or other similar institution, shall be thirty-two (32) square feet and may include one (1) additional changeable message board of no greater than thirty-two (32) square feet, and the maximum ground sign area for a bed and breakfast shall be nine (9) square feet.
3. No ground sign shall have a dimension that exceeds five times that of its opposite dimension, such as in the case of a sign's width and length.
4. A maximum of two temporary signs, affixed or supported in a non-permanent nature and not exceeding a total combined area of twenty-four (24) square feet, are permitted on a lot in a Commercial District on which a business operates.
5. In the case of a grouping of two or more business establishments on one (1) or more parcels of property which may share parking and access and are linked architecturally or otherwise developed as a unified group of businesses, including buildings housing multiple tenants, such development shall be considered one use for the purposes of determining the maximum number of free-standing signs, and the permissible area for such sign shall be 1 sq. ft. for each 2' of building length of all buildings, measured as a straight line between the building corners generally oriented to the road, except that no sign shall be greater then 64 sq. ft. Further, in such case, the maximum total wall sign area upon a building facade shall not exceed ten percent (10%) of the area of such façade. Any wall signs used to identify the business center and/or individual businesses contained within shall be applied toward meeting this maximum standard of ten percent (10%) of the area of such façade.
6. No wall sign shall extend above the eaves of the building roof, or more than six (6) inches from the face of the wall, or beyond the corner of a wall.
7. No sign affixed to or covering a window which is intended to be viewed from the outside shall exceed one-quarter (25%) of the total window area except in the case of the advertising of the grand opening of a business for a period not to exceed forty-five (45) days. Window signage in excess of fifty (50) square feet shall be applied to the calculation of wall sign area.

End of Article 9

Article 10
OFF-STREET PARKING and LOADING

Section 10.1 Purpose

It is the purpose of this Article to establish standards and requirements to ensure that parking spaces shall be adequately provided and maintained by each property owner in every District for the off-street parking of motor vehicles as may be necessary, including in association with employees and patrons and the receiving and distribution of goods by motor vehicle, to prevent hazards and undue interferences among and between vehicles and pedestrians and protect the public health, safety and welfare.

Section 10.2 General Requirements

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) 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. This determination shall be made during site plan review proceedings and a record of the rationale applied shall be documented for the record.

C. Use of Off-Street Parking Areas: Off-street parking areas shall be reserved for the parking of vehicles used to service the establishment to which it is accessory and by its patrons. No commercial repair work, storage, selling or any other activity shall be conducted in an off-street parking area except as may be expressly authorized during site plan approval proceedings.

D. Building Additions or Other Increases in Floor Area: Whenever a use requiring off-street parking is increased in area, or when interior building modifications result in an increase in capacity for any premise use, additional parking shall be provided and maintained in the proper ratio to the increased floor area or capacity.

E. Location and Joint Use 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. The joint use of parking facilities by two or more uses may be granted during site plan review proceedings whenever such joint use is practical and satisfactory to each of the uses intended to be served, and when all requirements of this Article are met.

1. Computing Capacities: In computing capacities of any joint use, the total space requirement shall be the sum of the individual requirements that will occur at the same time. If space requirements for individual uses occur at distinctly different times, the total of such off-street parking facilities required for joint or collective use may be reduced below the sum total of the individual space requirements.
2. Record of Agreement: A copy of a proposed agreement between joint users shall be filed with the application for a Zoning Permit and a copy shall be recorded with the County Register of Deeds upon approval of the application. The agreement shall include a guarantee for continued use of the parking facility by each party and a provision requiring written approval by all joint users and the site plan approving body for termination of such agreement.

F. Vehicles Waiting to Park/Exit: There shall be a minimum of fifty (50) linear feet of on-site storage to accommodate vehicles waiting to park or exit the site without using any portion of a public road right-of-way or in any other way interfering with road traffic and parking circulation. The site plan approving body may increase this length where it determines additional distance is necessary to adequately address public safety issues due to anticipated traffic volumes, patterns and/or types of vehicles.

G. Decrease in Parking Areas: No off-street parking area that exists on the date of adoption of this Ordinance, or which is provided subsequent thereto, for the purpose of complying with this Ordinance, shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance unless additional parking area or space is provided sufficient to meet the requirements of this Article.

H. Barrier-Free Parking Spaces: Barrier-free parking spaces shall be provided in accordance with the most current standards and rules of the Michigan Department of Labor, Construction Code Commission, Barrier Free Design Division. Such spaces shall be placed in the most convenient locations to facilitate access into a building. Such spaces shall be clearly identified by both adequate paint striping and wall or post signs.

Section 10.3 Site Development Requirements for Off-Street Parking

All off-street parking areas, except for single family and two family dwellings, shall be designed, constructed and maintained in accordance with the following standards and requirements.

A. Marking and Designation: Parking areas shall be so designed and marked as to provide for orderly and safe movement and parking of vehicles.

B. Driveways: Adequate ingress and egress to the parking area by means of clearly limited and defined drives shall be provided. Two-way drives for ingress and egress to a parking area shall be not less than twenty-five (25) feet wide and all turning radii shall comfortably accommodate vehicle turning patterns. Each entrance to and exit from an off-street parking area shall be at least twenty-five (25) feet from any adjacent lot in a Residential District, and a minimum of ten (10) feet from all other lot lines.

C. Surface: All required off-street parking areas, including aisles and driveways, intended to accommodate four (4) or more spaces, shall be paved with concrete, bituminous asphalt or similar material approved by the site plan approval body. The site plan approval body may waive this requirement for special land uses in Conservation and Residential Districts upon its determination that such paving is not in character with the surrounding and intended land use pattern, the lack of paving will not cause a nuisance to current and future residents, and the nature of the use generates comparatively low traffic volumes. Paved parking spaces shall be marked with striping.

D. Drainage: All required off-street parking areas shall provide adequate surface drainage facilities to collect and properly manage storm water runoff. Off-street parking areas shall be drained so as to prevent direct drainage onto abutting properties and public streets.

E. Location/Setback:

1. Off-street parking areas shall comply with the required yard setbacks for the principal building in the District, except that the site plan approving body may waive up to fifty percent (50%) of the setback standard upon finding that existing site conditions provide adequate screening for such areas and/or encourage a more unified parking system in relation to adjacent parking facilities.
2. Off-street parking areas shall be designed and arranged to prohibit a parked vehicle from being closer than five (5) feet to a building, including any bumper overhang.

F. Lighting: All parking lot lighting shall comply with Article 12, Environmental Protection.

G. Parking Spaces and Maneuvering Lanes: Each parking space within an off-street parking area shall be provided with adequate access by means of maneuvering lanes. Backing directly onto a public road right-of-way shall be prohibited. The layout of off-street parking areas shall comply with the following minimum standards:

Parking Pattern	Maneuvering Lane Width		Parking Space Width	Parking Space Length
	One-Way	Two-Way		
0° (Parallel)	11 ft.	18 ft.	9 ft.	23 ft.
30°- to 53°	13 ft.	22 ft.	9 ft.	20 ft.
54°- to 74°	14 ft.	22 ft.	9 ft.	20 ft.
75°- to 90°	15 ft.	23 ft.	9 ft.	20 ft.

H. Service Drives and Connections to Adjacent Parking Areas: To minimize traffic hazards and congestion and protect the public health, safety and welfare through appropriate access management, the site plan approving body may require the development of a parcel in a Commercial or Industrial District to include one or both of the following improvements, where practical and feasible, in association with a proposed site plan:

1. Off-street parking areas shall provide for direct vehicular access to existing or potential off-street parking areas on adjacent parcels to minimize the necessity for additional curb cuts onto public roads and vehicles unnecessarily entering onto public roads to gain access to nearby parcels or businesses.
2. Off-street parking areas shall include a service drive across the front or rear of the respective lot to collect traffic from parking areas and funnel the traffic to one or more curb cuts along a public road, so as to reduce the number of curb cuts that would otherwise be required if each parking area accessed the public road. Such service drives shall be designed to afford connections to existing or potential service drives on adjacent parcels.

I. Number of Spaces: See Section 10.4.

J. Landscaping and Screening: See Article 11.

Section 10.4 Parking Space Requirements

A. Compliance with Required Number of Parking Spaces:

1. Required Spaces: This Section identifies the number of required off-street parking spaces in all Districts, by land use type. Such parking spaces shall be located on the lot or parcel upon which the land use is located unless joint use of parking areas is permitted according to Section 10.2(E).
2. Waiver: In recognition that certain commercial uses generate significantly heightened demands for parking spaces during seasonal or holiday shopping periods, the site plan approving body may, upon request by the applicant, waive up to twenty-five percent (25%) of the required number of parking spaces as a reserved parking area for possible future use. However, the site plan approving body may subsequently require the applicant to construct such parking spaces upon a determination by the site plan approving body that the reduced number of parking spaces is not adequate to meet the parking needs of the use and public safety and welfare is at risk. Upon such a determination, the applicant shall convert the reserve parking area into available parking spaces, meeting all requirements of this Article, within six (6) months of such determination. The approved site plan shall clearly identify the location of this reserve parking area including parking spaces and aisles, and no buildings, structures, or similar improvements shall be established in the reserve parking area. This subsection shall apply only to commercial uses that are required to provide more than thirty (30) parking spaces.

B. Residential Uses:

1. One and Two Family Dwellings: Two (2) spaces for each single family dwelling unit.
2. Multiple Dwellings: Two (2) spaces for each multiple family dwelling unit plus one space per five (5) units for guest parking, and one (1) additional parking space shall be provided for each employee of the largest work shift.
3. Manufactured Housing Community: Two (2) spaces for each mobile home site plus one (1) space per three (3) units for guest parking.
4. Group Homes (adult foster care): One (1) space for every three (3) residents of the home, and one (1) additional parking space shall be provided for each employee of the largest work shift.

C. Commercial Uses: In addition to the parking spaces required below, an additional one (1) parking space shall be provided for each employee of the largest work shift.

1. Housing, Lodging, and Care Facilities:
   a. **Hospital, Nursing Facility, Convalescent Home, Home for the Aged:** One (1) space for each three (3) beds.
   b. **Motels and Hotels:** One (1) space for each sleeping unit, plus spaces required by this Section for accompanying bars, restaurants, banquet rooms, and other associated facilities.
   c. **Medical Clinics:** Two (2) spaces for each examination or treatment room.
   d. **Day Care Centers, Child Care Center, Nursery School, School of Special Education:** One (1) parking space for each 350 square feet of usable floor space or one (1) space for each seven children, whichever is greater.
2. Recreation:
   a. **Par 3 Golf Courses:** Three (3) spaces for each hole.
   b. **Par 4 or Greater Golf Courses:** Four (4) spaces for each hole.
   c. **Miniature Golf Courses:** Two (2) spaces for each hole.
   d. **Roller Skating Rinks and Pool and Billiard Rooms:** One (1) space for every three (3) persons allowed based on the maximum capacity of the facility as determined by the State Fire Marshall.
   e. **Bowling Alleys:** Three (3) spaces for each alley.
   f. **Athletic Clubs, Physical Exercise Establishments, Health Studios, Self-Defense Clubs:** One (1) parking space per three (3) patrons based on the occupancy load established by the State Fire Marshall.
3. Retail Sales:
   a. **Automobile or Machinery Sales:** One (1) space for each 200 square feet of showroom floor area. Spaces used for storage of vehicles for sale shall not be used to meet parking requirements.
   b. **Clothing, Furniture, Appliance, Hardware, Automobile, and Machinery Sales.** One (1) space per four hundred (400) feet of gross floor area.
   c. **Service Stations:** Two (2) spaces for each repair and service stall (a service stall is not considered a parking space).
   d. **Standard Restaurants, Taverns, Bars:** One (1) space for every one-hundred (100) square feet of usable floor area.

e. **Restaurant, Drive-Through (with indoor eating facilities):** One (1) space for every three (3) seats and fifteen (15) square feet of floor area devoted to placing orders, plus sufficient area for eight (8) stacking spaces for drive-through windows.
f. **Restaurant, Drive Through (no indoor eating facilities):** One (1) space for every 15 square feet of usable floor area.
g. **Restaurant, Carry-Out (no indoor eating facilities):** One (1) space for every fifteen (15) square feet of usable floor area, provided a minimum of five (5) spaces are provided.
h. **Supermarket, Self-Service Food Store:** One (1) space for every two-hundred (200) square feet of gross floor area, excluding walk-in refrigeration units.
i. **Retail Stores and Facilities, (not otherwise specified above):** One (1) space for every two hundred (200) square feet of gross floor area.

4. Services:
   a. **Banks and Financial Institutions:** One (1) parking space for every 250 square feet of usable floor area plus sufficient area for five (5) stacking spaces for the first drive-through window and two (2) spaces for each additional window.
   b. **Barber Shops and Beauty Parlors:** Two (2) spaces for each beauty/barber chair.
   c. **Vehicle Service/Repair:** Two (2) spaces for each service bay, provided at least six (6) spaces are provided.
   d. **Car Wash, Automatic:** For those systems which do not operate as a continuous conveyor system accommodating multiple vehicles at a single time, reserve parking or storage for eighty (80) percent of the manufacture's hourly rated capacity for the system in use shall be required.
   e. **Car Wash, Self-Service:** Reserve parking required to accommodate up to five (5) times the maximum number of vehicles able to be undergoing some phase of washing at the same time, determined by dividing the awaiting wash line(s) by twenty (20) feet.
   f. **Funeral Homes and Mortuaries:** One (1) space for every fifty (50) square feet of floor area of chapels and assembly rooms.
   g. **Kennels:** One (1) space for each five (5) animals of the facility's capacity.
   h. **Laundromat:** One (1) space for every three (3) washing or drying machines.
   i. **Offices and Professional:** One (1) space for every two hundred (200) square feet of gross floor area.
   j. **Personal Service Establishments (not otherwise specified above):** One (1) space per four hundred (400) feet of gross floor area.

D. Industrial Uses: In addition to the parking spaces required below, an additional one (1) parking space shall be provided for each employee of the largest work shift.

1. **Industrial or Manufacturing Establishments:** One (1) space for every one-thousand (1,000) square feet of floor area.
2. **Warehouses, Wholesale Stores:** One (1) space for every one-thousand (1,000) square feet of floor area.

E. Other Uses: In addition to the parking spaces required below, an additional one (1) parking space shall be provided for each employee of the largest work shift.

1. **Religious Institutions:** One (1) space for each three (3) seats or five (5) linear feet of pew or bench seating in the main unit of worship.
2. **Non-School Auditorium, Theater, Assembly Hall:** One (1) space for each four (4) seats or five (5) linear feet of bench seating, or one (1) space for each three (3) persons based on the occupancy load as established by the State Fire Marshall, which ever is greater.
3. **Private Civic, Fraternal Club or Lodge, Community Centers:** One (1) space for each two (2) members, based upon the load capacity as determined by the State Fire Marshall.
4. **Elementary and Middle Schools:** See requirements for non-school auditoriums.
5. **High Schools:** One (1) space for each ten (10) students (based on the capacity of the facility as determined by the Fire Marshall), plus one (1) space for every four (4) seats where the school contains an auditorium and/or stadium or gym.
6. **Libraries, Museums, Post Offices:** One (1) space for every eight hundred (800) square feet of floor area.
7. **Outdoor Theaters and Other Outdoor Entertainment Facilities:** One (1) space for every four fixed seats and one (1) additional space for every five hundred (500) square feet available to accommodate additional attendees not otherwise restricted to a fixed seating area.

Section 10.5 Loading and Unloading Space Requirements

A. Additional Space: Loading space required under this Section shall be provided as area additional to off-street parking space required under Section 10.4.

B. Space Requirements: There shall be provided an adequate space for standing, loading, and unloading services. Each space shall be a minimum of twelve (12) feet in width and twenty-five (25) feet in length, and fifteen (15) feet in height, open or enclosed. The site plan approval body may require a greater space length where necessitated by the anticipated type of truck traffic. The number of spaces shall be provided as follows:

Gross Floor Area	Spaces Required
Up to 5,000 square feet of gross floor area:	1 space, if determined necessary during site plan review.
5,001 to 50,000 square feet of gross floor area:	1 space.
50,001 or more square feet of gross floor area:	2 spaces, plus 1 space per each 100,000 square feet of gross floor area, or fraction thereof, in excess of the first 100,000 square feet.

C. 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 as well as adequate ingress and egress to and from the road or alley.

D. Screening: All loading and unloading areas that are adjacent to a different District or residential property, or face or are visible from residential properties roads, shall be screened.

E. Location:

1. A loading-unloading area shall not be located in any front yard.
2. A loading-unloading area shall not be located in a required side or rear yard setback except where such yard adjoins a Commercial or Industrial District, but in no case shall such loading-unloading area be located within ten (10) feet of the lot line.
3. In no case shall a loading-unloading area be located closer than fifty (50) feet to a residential lot line.

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End of Article 10

Article 11
LANDSCAPING and SCREENING

Section 11.1 Purpose

It is the purpose of this Article is to establish standards and requirements to assure adequate landscaping and screening so that land uses minimize noise, air, and visual pollution; improve the appearance of off-street parking and other vehicular use areas; assure adequate buffering between differing uses; support the desired community character along property adjoining public rights-of-way; prevent soil erosion and soil depletion; and protect and preserve the appearance, character, and value of the community as a whole.

Section 11.2 Uses Subject to This Article

The requirements of this Article shall apply to those uses for which site plan approval is required under Article 14, Site Plan Review, and any other use so specified in this Ordinance. This Article shall not apply to single family and two-family dwellings.

Section 11.3 Landscape Plan Required

A. A detailed landscape plan is required to be submitted as part of a site plan (see Article 14). The plan shall be prepared at a minimum scale of 1" = 100' and shall identify all buffer areas (see Sections 11.4 and 11.5). The landscape plan shall include, but not necessarily be limited to, the clear delineation of the following:

1. Proposed plant location, spacing, size, common and botanical name, and growth habit of each plant type proposed.
2. Identification of grass and other proposed ground cover, including common and botanical name.
3. Existing and proposed contours.
4. Planting and staking details in either text or drawing form to ensure proper installation of proposed plant materials, including significant construction details to resolve specific site conditions such as tree wells to preserve existing trees.
5. Identification of existing trees and vegetative cover to be preserved and those trees of ten (10) inches or larger in diameter, measured five (5) feet from ground surface, to be removed.

Section 11.4 Buffer Areas

A. Side and Rear Yard Buffer Areas: A buffer area shall be established along all side and rear lot lines. The buffer area shall not be used for storage or used in any other manner except for the purposes of a buffer.

1. The buffer area shall extend from the respective lot line for a width equal to the required yard setback for the principal building, but in no case shall such buffer be less than ten (10) feet in width. The buffer yard shall include a berm or solid wall or fence or a combination thereof, and be of at least (5) feet in height. The buffer area shall be planted and maintained with evergreens such as spruce, pines, or firs, and deciduous trees. While such plantings need not be evenly spaced, the trees shall be provided at a rate of at least one (1) evergreen tree per thirty (30) linear feet and one (1) deciduous tree per fifty (50) linear feet. Heights of walls shall be measured on the side of the proposed wall/fence having the higher grade. At the time of their planting, evergreen trees shall be a minimum of six (6) feet in height and deciduous trees shall have a caliper of at least two and a half (2 1/2) inches, measured five (5) feet above the ground surface, and be a minimum of twelve (12) feet in height.
    a. A side and rear yard buffer area need not include a berm, wall or fence where the abutting parcel is in the same District as the buffer yard, except where such a measure is determined necessary during site plan review proceedings to adequately mitigate negative impacts. However, all plant material required by (1) above shall be provided.

B. Front Yard Buffer Areas: The required front yard setback area for the principal building shall be reserved as a buffer area and shall be landscaped with a minimum of one (1) tree meeting the minimum size requirements specified in Section 11.4 above for each fifty (50) lineal feet, or portion thereof, of frontage adjoining the road right-of-way. The remainder of the front yard buffer area shall be landscaped in grass, shrubs, trees and/or other ground cover. Access ways from public rights-of-way through required buffer areas shall be permitted, but such access ways shall not be subtracted from the lineal dimension used to determine the minimum number of required trees.

Section 11.5 Parking Lot Landscaping and Screening

A. Parking lots shall be landscaped and screened as follows:

1. There shall be provided a minimum of one (1) deciduous tree of at least two and a half (2 1/2) inch caliper for every eight (8) parking spaces or fifty (50) linear feet of parking lot edge, whichever is greater. Such trees shall be located within parking islands or within ten (10) feet of the edge of the parking lot. A minimum distance of three (3) feet shall be maintained between proposed tree or shrub plantings and the edge of curbing and pavement.
2. Where a parking lot contains ten (10) or more parking spaces and is within one hundred (100) feet of a Conservation or Residential District, or public road, a berm, fence, wall and/or vegetative screen shall be installed to screen views to the parking area. All berms and plant material, either individually or in combination, shall be of such height and spacing to effectively screen the parking lot border to a minimum height of three (3) feet at the time of berm and plant material installation. Shrub materials shall be of evergreen or otherwise densely-branched screening character.

Section 11.6 Minimum Standards of Landscape Elements

A. Quality and Composition: Plant material shall be free of insects and diseases, and hardy to the climate. Plant species which are generally considered undesirable due to limited disease tolerance, low wood strength and/or high wood-splitting tendencies, such as boxelder, mulberry, and willows, are prohibited unless specifically authorized by the site plan approving body based on the manner in which the plant material is to be used or located. A mixture of plant material shall be required to protect against insect and disease infestation.

B. Existing Trees: If existing plant material is labeled "To Remain" on site plans by the applicant or required by the site plan approval body, protective techniques such as fencing, placed at the dripline around the perimeter of the plant material, shall be indicated on the site plan. No vehicle or other construction equipment shall be parked or stored within the dripline of any plant material intended to be saved. In the event that existing healthy trees which are used to meet the minimum requirements of this Ordinance, or those labeled to remain are cut down, destroyed, damaged, or excavated at the dripline, as determined by the site plan approving body, the applicant shall replace them with trees that meet Ordinance requirements. Such replacement trees shall be planted at a rate of one (1) tree per two (2) inches of tree caliper of the tree cut down, damaged, or otherwise destroyed.

Section 11.7 Installation, Maintenance and Completion

All landscaping required by this Ordinance shall be planted prior to obtaining a Certificate of Occupancy or, where the applicant can demonstrate to the Zoning Administrator that seasonal conditions prohibit the installation of the plant material prior to desired occupancy, the plant material shall be installed within six months of receipt of such Certificate. All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workmanlike manner and according to accepted good planting and grading procedures. All plant material shall be maintained in a healthy condition, and free of refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first.

Section 11.8 Fencing and Walls Construction

All required fencing and walls shall be constructed and maintained in a sound manner to assure long-term structural integrity and visual character. Site plans shall include all necessary construction details to illustrate compliance with this requirement. The finished side of fencing shall face abutting properties.

Section 11.9 Waivers and Modifications

Any of the requirements of this Article may be modified through site plan review proceedings, provided the approving body makes a finding that identifies characteristics of the site or site vicinity that would make required buffer areas, fencing, or screening unnecessary, inappropriate, or ineffective, or where it would impair vision at a driveway or street intersection.

End of Article 11

Article 12
ENVIRONMENTAL PROTECTION

Section 12.1 Purpose

The purpose of this Article is to promote a healthy environment as it relates to the Township's natural resources; and sensitive ecosystems; the quality of the Township's visual environment, including the management of outdoor lighting and its impact upon traffic safety, adjacent land uses and the night sky; and the provision of adequate sewage disposal and potable water. All provisions of this Article apply to all structures, buildings and uses unless otherwise specified.

Section 12.2 Natural Resources

A. Compliance with Local, County, State, and Federal Regulations: All land uses and construction activities shall conform to the provisions of this Ordinance and all local, county, state and federal regulations including, but not limited to:

1. Applicable fire safety and emergency vehicle access requirements of the State Construction Code and State Fire Marshall.
2. Requirements of the Michigan Department of Consumer and Industry Services and the Roscommon County Health Department.
3. Requirements of the Michigan Department of Environmental Quality including those applying to air and water quality protection, wetlands, stream crossings, fills in or near water bodies or in flood plains, and waste disposal.
4. Regulations related to loading/unloading, transport, storage, use and/or disposal of hazardous substances including fuels and other flammable liquids.
5. Requirements of the Federal Communications Commission.

B. Discharges and Flammable/Hazardous Materials

1. No dust or noxious, odorous matter shall be discernible at or beyond the property line. Any atmospheric discharge requiring a permit from the Michigan Department of Environmental Quality or federal government shall have said permit(s) as a condition of approval for such use. This subsection shall not apply to farm operations in compliance with most current published Generally Accepted Agricultural Management Practices of the Michigan Commission of Agriculture.
2 It shall be unlawful to discharge any materials in such a way or of such nature or temperature as can contaminate any surface waters, land or aquifers, or otherwise cause the emission of dangerous or objectionable elements.

C. Sensitive Lands:

1. Where a portion of a parcel is characterized by sensitive or fragile environmental features, including wetlands, hydric soils, or flood plains, new development on the parcel shall only occur on those portions of the parcel void of such features where reasonably feasible.
2. Except where required to do so by state or federal law, the Township shall not approve any land use which requires a county, state, or federal permit until such permit has been obtained and satisfactory evidence has been submitted verifying the acquisition of the necessary permits, or satisfactory evidence has been submitted to the approving body verifying the acquisition of such permit is not necessary.
3. The Township may require mitigation measures be taken to replace those resources disturbed or destroyed by a land use, or to otherwise lessen the impact of a new land use upon natural resources and sensitive areas.

D. Clearing, Grading, and Drainage: In order to protect soil resources, adjacent properties, roads, and public watercourses, and to provide for adequate drainage of surface water, the following rules shall apply to all construction activities requiring permits pursuant to this Ordinance.

1. Removal of Topsoil: Stripping and removal of topsoil from a site is prohibited prior to the completion of all approved site improvements and the seeding, sodding, and landscaping of all disturbed areas except where expressly authorized as part of an approved site plan. “Disturbed areas” shall be interpreted to mean any area of a lot which is altered by grading or other construction activities and which area is not proposed to be paved or otherwise built upon. This subsection (1) shall not apply in the case of a single family dwelling for which a Zoning Permit and Building Permit has been issued, provided the topsoil to be removed is limited to the immediate area of the proposed site improvements according to such permits.

2. Drainage/Flow Restrictions:
   a. Temporary and permanent grade surface of ground areas surrounding a building or structure shall be designed and landscaped such that surface waters flow away from the building or structure.
   b. It shall be prohibited to increase the rate or quantity of runoff upon adjacent properties or public roads, to cause erosion or filling of a roadside ditch, stream or other water body, to block a public watercourse, or create standing water over a sewage disposal drainage field.

Section 12.3 Potable Water and Sewage Disposal

Any building intended for human occupancy and used for dwelling, businesses, industrial, recreational, or institutional purposes shall not be erected, altered, used or moved upon any premises unless said building shall be provided with a potable water supply and waste water disposal system that ensures a safe and effective means of collection, treatment, and disposal of generated wastes. All sewage disposal and potable water facilities shall be constructed and maintained in accordance with the requirements and standards of the Roscommon County Health Department as well as those of other applicable local, county, state, or federal agencies.

Section 12.4 Lighting

A. No lighting shall in any way impair the safe movement of traffic on any road.

B. Lighting associated with a commercial, industrial, or other non-residential uses shall comply with the following:

1. A wall, fence, or berm, at least four (4) feet in height, shall be erected to prevent headlight glare from shining onto adjacent residential property. Such wall/fence shall in no way impair safe vertical or horizontal sight distance for moving vehicles.
2. Exterior lighting shall be designed and installed so that the surface of the source of light shall be hooded or louvered to the greatest extent practical to ensure that:
   a. all emitted light is directed downward onto the lot or parcel upon which the light source is located.
   b. light sources shall not be visible from beyond the lot lines and shall be so arranged to reflect light away from adjacent properties.
   c. no more than one foot candle power of light shall cross a lot line five (5) feet above the ground.
3. Subsections (1) and (2) above shall not apply to outdoor recreation and amusement areas, and similar outdoor use of light, provided the lighting is designed with baffling and glare guards to ensure that no more than one foot candle power of light shall cross a lot line five (5) feet above the ground in a Residential District, and such lighting is turned off during hours the facility is closed to the public.

C. Lighting within platted subdivisions, site condominiums, and multiple family developments, shall comply with the following:

1. Exterior lighting in excess of six (6) feet above the ground below shall be designed and installed so that the surface of the source of light shall be hooded or louvered to the greatest extent practical to ensure that all emitted light is directed downward onto the lot upon which the light source is located, and that the light source shall not be visible from beyond the lot lines and shall be so arranged to reflect light away from adjacent properties.
2. No more than one foot candle power of light shall cross a lot line five (5) feet above the ground, excluding light emitted from an approved neighborhood street lighting system.

Section 12.5 Vibration

The operation of any land use including equipment and devices associated therewith, that creates vibrations that are typically discernible by human senses at or beyond the lot line of the source, is prohibited. For the purposes of this Section, “typically discernible by human senses” means vibrational motion of such character to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or observation of moving objects.

Section 12.6 Glare and Heat

Any operation which produces glare or heat shall be conducted within an enclosed building or other enclosure so as to be completely imperceptible from any point beyond the lot lines of the lot upon which the source of glare or heat is located.

End of Article 12

Article 13
ACCESS and PRIVATE ROADS

Section 13.1 Purpose

The purpose of this Article is to provide regulations and standards that will facilitate safe, practical and efficient traffic movement and vehicular access in the Township, including provisions addressing the design, construction and maintenance of private roads. The standards contained herein are intended to protect the public health, safety, and welfare, including minimizing congestion and potential for accidents, and better assure accessibility to property under emergency conditions. The regulations and standards of this Article apply to all properties in the Township unless specified otherwise, and shall be applied in addition to the requirements of the Michigan Department of Transportation, Roscommon County Road Commission, and other provisions of this Ordinance.

Section 13.2 Lots to Have Access

All parcels or lots hereinafter created in the Township shall have frontage on a public road, or private road constructed and approved according to this Ordinance, and take their access from such frontage so as to provide safe, convenient access for fire protection, other emergency vehicles, and any required off-street parking. This Section shall not apply to buildings and activities associated with a farm operation.

Section 13.3 Driveways

A. Approval Required: All plans for structures to be erected, altered, moved or reconstructed, and use of premises, shall contain a plan for the proposed driveway access to the premises which shall be part of the plot plan or site plan pursuant to Article 14. No such plan shall be approved unless driveway access is onto a public or approved private road.

B. Standards: Driveways shall meet the following minimum standards:

1. Driveways shall be within ten (10) degrees of perpendicular to the road.
2. No driveway shall serve more than one (1) single family dwelling unless specifically approved otherwise.
3. Residential driveways shall be a minimum of ten (10) feet in clear unobstructed width, be clear and unobstructed to a minimum height of fifteen (15) feet, and have a sand, gravel, stone, or paved surface to facilitate emergency access.
4. Non-residential driveway ingress and egress points shall not be closer than one-hundred (100) feet to the intersection of any two (2) roads or closer than one hundred (100) feet to an adjacent driveway, except upon a finding by the site plan approving body that lesser separation distances shall not undermine the public health, safety and welfare based on vehicle speeds, projected turning patterns and vehicle trips.

Section 13.4 Clear Vision Zone

A. Corner Lot/Road: No fence, wall, hedge, screen, sign, structure, vegetation or other obstruction shall be located so as to impede vision between the height of two and one-half (2 1/2) and ten (10) feet above road grade on any corner lot, within the triangular area formed by the intersection of the two intersecting road right-of-way lines and a diagonal line connecting them at points thirty (30) feet from their intersection (See Figure 13.4-1).

B. Driveways: No fence, wall, hedge, screen, sign, structure, vegetation or other obstruction shall be located so as to impede vision between the height of two and one-half (2 1/2) and ten (10) feet above road grade on any lot or parcel within the triangular area formed by the intersecting lines of a driveway edge and road right-of-way line and a diagonal line connecting them at points twenty (20) feet from their intersection (See Figure 13.4-2).

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Section 13.5 Private Roads

A. Private Roads Permitted: Private roads are permitted in Gerrish Township provided such roads comply with the regulations and standards of this Ordinance.

B. Zoning Permit Required: No private road, including a new private road or a private road existing on the effective date of this Ordinance, shall be constructed, extended, improved, or relocated unless a Zoning Permit has been issued for such construction by the Zoning Administrator, after approval of the Township Board.

C. Application for Zoning Permit for Private Road Construction: Application for a private road shall require site plan approval by the Township Board following the receipt of a recommendation from the Planning Commission, according to Article 14. Approval of such application shall result in the issuance of a Zoning Permit authorizing construction of such road. In addition to the data required by Article 14 for site plan approval, the following additional information shall be provided:

1. Development Plan: A general property development plan identifying the following:
   a. Project description, in both narrative and map form, including the location of the proposed private road easement and location of proposed lots to gain access from said private road.
   b. The legal description of the proposed private road easement.
   c. Construction plans and drawings illustrating the proposed design and construction features of the proposed road and easement, including existing and proposed elevation contours within all areas to be disturbed or altered by construction. Proposed traffic control measures (including signs) and proposed road names shall also be indicated.
2. Easement Agreement: Road easement agreement signed by the applicant/owner(s) to be recorded with the Township Clerk and Roscommon County Register of Deeds providing for:
   a. Easements to the public for purposes of emergency and other public vehicles, and easements for utilities.
   b. A provision that the owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, vendors, tradesman, delivery persons, and others bound to or returning from any of the properties having a need to use the road.
   c. A provision that substantially conforms to the following:
   "This parcel of land has private road access across a permanent easement which is a matter of record and a part of the deed. This notice is to make Purchaser aware that this parcel of land has egress and ingress over this easement only. Neither Roscommon County nor Gerrish Township has any responsibility for maintenance or upkeep of any improvement across this easement, except as may be provided by an established special assessment district. Maintenance 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.)"
3. Maintenance Agreement: Road maintenance agreement signed by applicant/owner(s) to be recorded with the County Register of Deeds providing for:
   a. A method of initiating and financing 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 owners.
   c. A notice specifying that the proposed development may be subject to the establishment of a special assessment district by the Township Board, as provided by law, to ensure continued and adequate maintenance of the road in the event the necessary maintenance is not undertaken by the property owners that are served by such road, and that no public funds of the Township shall be used to build, repair, or maintain the private road except through such an assessment district.

D. Use of Private Road: Upon completion of the construction of a private road as authorized by an approved site plan and Zoning Permit, no construction shall be initiated nor shall any Zoning Permit be granted for any structure or use of a lot that relies upon such road for access until the Township Board grants final approval, by motion, for use of the road as stated in the application. The Township Board shall grant such final approval when the following conditions have been met:

1. The applicant's civil engineer shall certify to the Township Board, in writing, that the required improvements were made in accordance with this Article and Ordinance and all approved plans. The applicant's engineer shall be registered in the State of Michigan.
2. The Township's engineer has determined that the required improvements were made in accordance with this Article and Ordinance and all approved plans, where requested by the Township Board to perform such an assessment.
3. The Township Board has received copies of the approved road easement agreement and road maintenance agreement recorded with the Roscommon County Register of Deeds.

E. Design Standards: Private roads shall be constructed according to the following design standards and those of Table 13.5-1.

1. Maximum Length and Lots Served: No dead-ended private road segment shall exceed one thousand (1,000) feet in length nor serve more than twenty-four (24) lots or dwelling units.
2. Intersection Design Standards: Private roads that intersect with existing or proposed private roads or public street rights-of-way shall intersect at a ninety degree (90^0) angle.
3. Minimum Intersection Offsets from Public Streets: Proposed private roads shall align directly across from, or be offset at least two-hundred-fifty (250) feet from, public or private road intersections on the opposite side of the street, measured centerline to centerline.
4. Minimum Offsets along Private Roads: Private roads shall align directly across from other private roads or be offset at least one-hundred-fifty (150) feet, measured centerline to centerline.
5. Vertical Clearance: In order to provide adequate access for emergency vehicles, fifteen (15) feet of overhead clearance shall be provided within the width of the road surface.
6. Road Names and Signs: All private roads shall be posted with clearly visible road names. These signs shall contrast in terms of color with public street signs, shall comply with County Road Commission regulations, and shall clearly indicate the road is private. All signs within the private road easement shall be identified on the site plan and be in accordance with the Michigan Manual of Uniform Traffic Control Devices, unless the Township Board approves another type of design for consistency with the character of the development. Street signs shall be provided at all intersections.
7. Drainage: The private road easement and road shall be adequately drained so as to prevent flooding or erosion of the roadway. Ditches shall be located within the private road easement. Road drainage shall be constructed so that the runoff water shall not be discharged upon the land of another property owner unless the water is following an established watercourse. The discharged water onto adjoining properties shall not exceed the normal pre-development rate. Underground crossroad drainage shall be provided where the proposed private road crosses a stream or other drainage course. Connection to county drains shall be approved by the County Drain Commissioner. Connection to roadside ditches within public road rights-of-way shall be approved by the County Road Commission.

F. Waiver of Design Standards : Private roads shall be constructed according to the standards of subsection (E) above except that the Township Board may consider alternative design standards that an applicant may propose and, upon finding such alternatives provide equal or greater structural stability and longevity and do not undermine the public health, safety and welfare, may approve such alternatives after consultation with the Township Engineer. Sufficient engineering data shall be submitted to substantiate the proposed alternative and their merits.

G. Existing Nonconforming Private Roads

1. Maintenance and Existing Lots: Private roads which were lawful prior to the adoption of this Ordinance or amendment thereto, but that is inconsistent with the standards herein, may continue and undergo routine maintenance for safety purposes. The erection of new dwellings or other principal buildings on existing lots which front along such private road is permitted if the road is found by the Township Board to be reasonably capable of providing sufficient access for the uses intended to be served by such road.
2. Extensions: No private road that was lawful prior to the adoption of this Ordinance or amendment thereto, but that is inconsistent with the standards herein, shall be extended in length, or be subject to an increase in the number of building sites through the partitioning of land along such road or road extension, except upon a finding that the road will be capable of providing adequate year round access for emergency vehicles. The Township Board may require improvements of such road as a condition of the establishment of new building sites.

Table 13.5-1: Private Road Design Standards[1]

Design and Construction Standards	Class 3 Road (Serves no more than 3 dwellings or lots.)	Class 2 Road (Serves 4 – 9 dwellings or lots.)	Class 1 Road (Serves 10 or more dwellings or lots.)
Min. Easement Width	66’	66’	66’
Minimum Surface and Base Width	15’, with 20’ wide and 60’ long passing flares every 300’	20’	County Road Commission Standards.
Surface And Base Materials and Thickness	County Road Commission Standards, but no bituminous/concrete paving is required.	County Road Commission Standards plus additional 2” of compacted gravel, but no bituminous/concrete paving is required. The additional gravel is not required if paving is applied.	County Road Commission Standards.
Horizontal Road Grades	Min. 0.5%; Max. 20%, provided grades exceeding 15% do not exceed 200’ in length.	Min. 0.5%; Max. 20%, provided grades exceeding 15% do not exceed 200’ in length.	Roscommon County Road Commission Standards.
Vertical Curves	Minimum 75’ long for grade changes of 3.0% or more.	Minimum 75’ long for grade changes of 3.0% or more.	Minimum 100’ long for grade changes of 2.0% or more.
Horizontal Roadway Curves	Minimum 100’ from centerline radius.	Minimum 100’ from centerline radius.	Minimum 150’ from centerline radius.
Turn Arounds	“T” turnaround or cul-de-sac is required, subject to review of the Fire Department.	“T” turnaround or cul-de-sac is required, subject to review of the Fire Department.	Roscommon County Road Commission Standards.

1. See Section 13.5(E) for additional design standards. The standards of the Roscommon County Road Commission shall apply in the event the standards of this Article do not address a matter in question.

Figure 13.4-1
Clear Vision Area Along Road Intersections

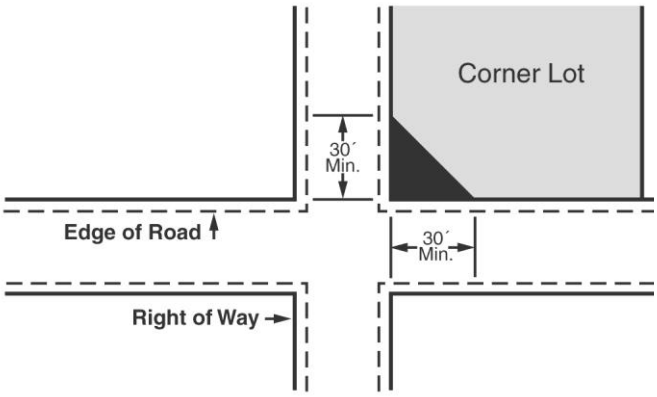
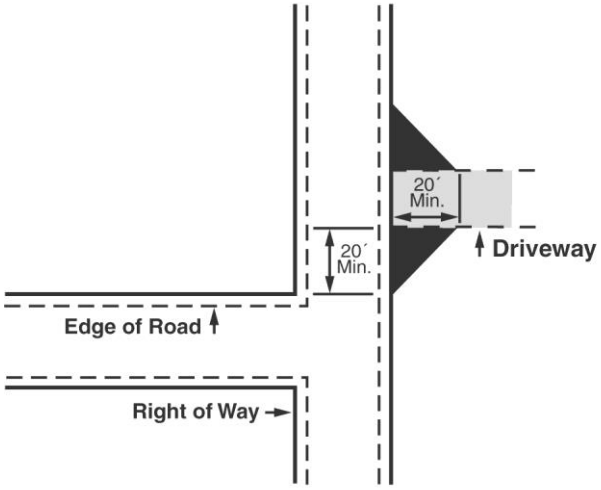


Figure 13.4-2
Clear Vision Area for Driveways



End of Article 13

Article 14
SITE PLAN REVIEW

Section 14.1 Purpose

It is the purpose of this Article to specify standards, application and data requirements, and the review process that shall be followed in the preparation of site plans as required by this Ordinance. These requirements are incorporated into the Zoning Permit application process to ensure that the appropriate bodies are afforded an opportunity to review and evaluate proposed uses and development of sites with regard to such considerations as parking, vehicular and pedestrian circulation, drainage, landscaping and screening, signage, lighting, environmental and community character protection, and conformance with all applicable provisions and standards of this Ordinance. This Article establishes a review process that requires the application materials to be subject to Planning Commission approval except in the case of a Special Land Use, in which case the application materials shall be subject to final action by the Township Board after receiving a recommendation from the Planning Commission.

Section 14.2 Site Plan Approval Required

A. Uses Requiring Site Plan Approval: Except as provided by subsection (1) below, site plan approval is required prior to the Zoning Administrator's issuance of a Zoning Permit for all authorized uses including, but not limited to, commercial and industrial uses, special land uses, and condominium and platted subdivisions.

1. Exceptions: Site plan approval shall not be required for farm buildings and single family and two-family dwellings and accessory uses and structures thereto, including temporary dwellings. See Sec. 2.4(B) regarding plot plan approval for single family and two-family dwellings and accessory uses and structures thereto.

Section 14.3 Review Procedures

A. Preliminary Site Plan Required: Prior to preparing a detailed final site plan and seeking approval of such final site plan, the applicant shall seek approval of a preliminary site plan for the purpose of receiving approval of the general design and layout of the project. A preliminary site plan shall be reviewed and acted upon in the same manner as a final site plan, as delineated in subsections (B) – (E) below.

1. Level of Detail: The preliminary site plan shall be prepared according to the manner and information required for a final site plan pursuant to Section 14.3(B), except that detailed construction drawings to address specific site improvements are not necessary. However, the detail of the preliminary information shall adequately portray the arrangement and feasibility of critical components of the project such as, but not limited to, storm water management including flow direction and preliminary location of detention/retention basins; grading including limits of clearing and proposed contours; vehicular circulation including road alignments, parking spaces and parking circulation; lot areas and lot lines; signage; and landscaping.
    a. A preliminary site plan shall be evaluated according to the level of information required at the preliminary plan level. A preliminary plan shall be approved if it contains the information required by, and is in compliance with this Ordinance, the conditions imposed pursuant to this Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes.
2. Approval Period: Approval of the preliminary site plan is valid for a period of one (1) year except where this Ordinance expressly authorizes otherwise. If a complete final site plan has not been submitted during this period, the approval of the preliminary site plan shall be null and void. This time limit may be extended by the site plan approval body upon its finding that no substantial changes have occurred to ordinance regulations, abutting properties, or other conditions that suggest revisions to the layout and/or design of the development. In the case of an expired preliminary site plan that is not granted an extension of time, such plan shall not undergo review or action except upon a wholly new application according to Section 14.3.
3. Sketch Plan Option: Prior to the submission of a preliminary site plan, an applicant may submit a sketch plan of the proposed development which identifies basic development features such as property location and lot lines and the general location of proposed buildings, roads, and parking areas. The purpose of such submittal is for the applicant to receive initial feedback from the Planning Commission regarding the appropriateness of the proposal prior to moving forward with the preparation of a more detailed preliminary site plan. Given that critical development information is not required for a sketch plan such as storm water management, grading, road design, and the limits of grading and clearing,

comments offered in the course of reviewing a sketch plan shall not be legally binding nor be interpreted as assuring a specific action on any subsequent preliminary application submitted.

B. Final Site Plan Application Submittal, Distribution and Data: Ten (10) copies of a final site plan application shall be submitted to the Zoning Administrator along with any application fees. The application shall consist of a form available from the Zoning Administrator, and the final site plan itself. Upon receipt of the application materials, the Zoning Administrator shall record the date of their receipt and transmit copies to the Planning Commission, Township Board, and other agencies or individuals selected to review such plans including but not necessarily limited to Township departments and staff, engineering and planning consultants, and the County Road Commission and Drain Commissioner. The Zoning Administrator shall request all reviewing agencies to respond within twenty (20) days of receipt of the materials. The Planning Commission need not delay taking action on the application if such response has not been received within such period. **(Amended by Ordinance XXXXI-2 9-25-14)**

1. The site plan shall be provided on a professional quality drawing of scale not less than 1" = 100' and shall clearly present the required information. All information depicted shall be designed by a professional engineer, land surveyor, or landscape architect licensed in Michigan and shall bear the seal and signature of the licensed individual. The site plan shall present all necessary information in a clear and comprehensible fashion and be of such clarity and detail to permit determination of its conformance to this Ordinance and the satisfactory construction of the project, if approved, to ensure public health, safety and welfare.
2. A final site plan shall include, at a minimum, the following except where the Planning Commission determines, upon a request by the applicant, that the waiving of specific submittal items identified below, due to the particular character of proposed development or site or surrounding conditions, shall not undermine officials' ability to effectively evaluate the extent to which the site plan complies with the standards of this Ordinance and protect the public health, safety and welfare:
    a. The applicant's full name, address and phone number, and the name and address of the person and firm who prepared the plan and the date on which each drawing contained within was prepared or last revised.
    b. A vicinity sketch showing the location of the site in relation to the surrounding road system for a minimum distance of one-quarter mile in all directions. The vicinity sketch, or other component of the site plan materials, shall also identify the existing zoning classification and current use of all properties within three hundred (300) feet in every direction of the proposed use, including land uses on the opposite side of any road, and the location of all structures and buildings within one-hundred (100) feet of the property.
    c. A property line survey, correlated with a legal description, showing property line dimensions and bearings, lot area, graphic scale, and a north arrow.
    d. Existing uses, buildings, structures, roads, easements and all other existing site improvements, with a designation as to which are to be retained, removed, or otherwise altered, and the delineation of any driveways or other curb cuts within one-hundred (100) feet of the property.
    e. Existing natural features on and within three-hundred (300) feet of the site including woodlands; wetlands; drainage courses, water bodies, and 100-year flood plain areas; topography at no greater than two-foot contour intervals; and soils by type and drainage features according to the County Soil Survey or well/boring logs. The location of all trees of ten inches (10") or greater in diameter not otherwise part of a woodland area, measured at five feet (5') above ground surface, shall be identified by size and type.
    f. Required front, side and rear yard setbacks for principal buildings in the district.
    g. Proposed uses, buildings, structures, and lots, including a project narrative that addresses the intended use of the property and each building proposed; the acreage devoted to each use if multiple uses are proposed; the total number of dwelling units and density for each housing type and for the project as a whole; total and usable floor area of each building; carports or garages; amount of recreational and open space and type of recreation facilities to be provided; computations associated with the number of parking spaces required and provided, and related information as pertinent or otherwise required by this Ordinance.
    h. Proposed public right-of-ways, private easements, and deed restrictions.
    i. Proposed roads, drives, and alleys (including widths, cross-sections and profiles); acceleration, deceleration and turn lanes; driveways, parking spaces, and parking aisles, with an indication of the total number of spaces and typical space and aisle/driveway dimensions, the direction of travel, and the inside radii of all curves including driveway curb returns; and sidewalks and other non-motorized travel ways. Proposed traffic control measures (including signs) shall also be indicated.

j. Source and location of all public and private utilities including potable water, sewage disposal, and electrical and communication lines, and the necessary easements that exist or are proposed to be established for installation, repair and maintenance of such utilities.
k. Proposed accessory buildings and structures including trash receptacles and enclosures, signs, and lighting.
l. A graphic illustration of the location and extent to which natural features on the site shall be disturbed or otherwise cleared including those under subsection (e) above.
m. A landscaping/screening plan in compliance with the requirements of Article 11.
n. A grading, storm drainage and storm water management plan, including soil erosion and sedimentation control measures and spot elevations to adequately portray drainage patterns and final elevations and grades. Such plan shall include the location of drainage easements, exterior drains, dry wells, catch basins, retention and/or detention areas, sumps and other facilities designed to collect, store or transport storm water. The point of discharge for all drains and pipes shall be specified on the site plan as well as invert and related elevations, and pipe lengths and slope, to construct the same. Such plans shall document the extent of clearing of vegetation and the extent of other clearing, cuts, fills, or other grading, and the finished floor elevations of all buildings.
o. The location and specifications for any existing or proposed above or below ground storage facilities for any toxic or hazardous substances, as well as any containment structures or clear zones required by government authorities; a complete inventory of toxic or hazardous substances to be stored or used on the site, including the quantity of substances, substance names and characteristics; the proximity of such materials to ground water aquifers, wetlands, surface waters, existing and proposed wells, storm sewers, storm drains, and sanitary sewers; and a proposed storage and disposal plan for such materials including their transfer and/or transport.
p. Elevation drawings of all buildings and floor plans for all buildings to be occupied.
q. A statement identifying all other federal, state and local permits required, if any.
r. Anticipated project completion schedule.
s. Such other information as is necessary to enable the reviewing body to determine whether the proposed site plan shall conform to the provisions of this Ordinance including, but not necessarily limited to, aerial photographs and environmental and traffic impact and mitigation reports.

C. Review for Completeness: Upon receipt of the application materials, the Planning Commission shall review the materials and determine their completeness. If determined to be insufficient in adequately portraying the required information, the Planning Commission shall delay further consideration of the application until such time that the application materials have been made satisfactory, and shall notify the applicant in writing of the deficiencies.

D. Planning Commission Action on Final Site Plan: Upon receipt of a complete application, the Planning Commission shall review the final site plan application materials and determine their conformity with the applicable provisions of this Ordinance including the standards of Section 14.4. After conducting a review, the Planning Commission shall deny, approve, or conditionally approve the final site plan as it pertains to requirements and standards contained in this Ordinance, including the standards of Section 14.4. 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. Any conditions required by the Planning Commission for approval shall be stated in writing, together with the reasons, and delivered to the applicant (See Sec. 20.2 regarding conditional approvals). The Planning Commission may require the submittal of a fully revised final site plan upon its determination that the conditions necessary for the approval of such plan are of such an extent or character that a fully revised set of documents is necessary before an approval action can be granted.

1. Issuance of Zoning Permit: Upon approval or conditional approval of the site plan by the Planning Commission, and upon all other approvals as may be required by this Ordinance, such as in the case of a Special Land Use, the Zoning Administrator shall issue a Zoning Permit authorizing the use and construction subject to the approved application.
2. Building Permit Required: Upon issuance of a Zoning Permit, no construction shall be initiated prior to the acquisition of all necessary Building Permits from the Building Inspector.

E. Planning Commission Recommendation on Final Site Plan for Platted Subdivisions, Site Condominiums, and Special Land Uses, and Final Action by the Township Board: In the case of a proposed platted subdivision, site condominium, or Special Land Use, and upon receipt of a complete application, the Planning Commission shall review the final site plan application materials and determine their conformity with the applicable provisions of this Ordinance including the standards of Section 14.4. After conducting a review, the Planning Commission shall recommend to the Township Board to deny, approve, or conditionally approve the final site plan as it pertains to requirements and standards contained in this Ordinance, including the standards of Section 14.4. The Planning Commission may recommend conditions in association with an approval (See Sec. 20.2 regarding conditional approvals). The Township Board shall then carry out final review and approval proceedings as described in (D) above.

F. Approved Site Plans: Three (3) copies of an 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 of the three approved copies shall be signed and dated with the date of approval specified, by the Planning Commission Chairperson and Zoning Administrator or by the Township Supervisor and Zoning Administrator in the case of a Special Land Use.

G. Expiration of Site Plan Approval: Unless expressly authorized otherwise by this Ordinance, an approved site plan shall become null and void when a Zoning Permit, and Building Permit where so required, have not been issued within one (1) year of the approval date of such plan. In the case of a multi-phased project, site plan approval for each approved phase shall become null and void when such permits have not been issued within one (1) year of the intended initiation of such phase, according to the approved site plan. The site plan approving body may extend such approval time for multiple periods of no greater than six (6) months per period. No extension shall be granted unless the approving body finds that surrounding conditions and land uses, and the most current standards of this Ordinance, continue to support the adequacy of the site plan. See also Section 2.4(C) regarding the expiration of a Zoning Permit.

H. As-Built Drawings: The applicant shall submit three (3) copies of as-built drawings upon completion of construction activities, but no later than sixty (60) days from the issuance of a permit of occupancy by the Building Inspector. Such drawings shall identify all improvements made upon the site including utility services.

Section 14.4 Site Plan Approval Standards

A. Specific Site Development Standards: Each preliminary and final site plan shall conform with the specific site development standards of this Ordinance including, but not limited to, requirements pertaining to lot area, lot width, setbacks, heights, permitted uses, nonconformities, lighting, potable water, sewage disposal, and the provisions of:

1. Article 7, Standards for Specific Land Uses
1. Article 9, Signs
2. Article 10, Off-Street Parking and Loading
3. Article 11, Landscaping and Screening
4. Article 12, Environmental Protection
5. Article 20, Supplemental Provisions

B. General Site Plan Approval Standards: In addition to compliance with the standards of subsection (A) above, all site plans shall comply with the following general site plan approval standards:

1. All elements of the Plan shall be harmoniously and efficiently organized in relation to the size and character of the lot, the manner in which buildings and support facilities on the lot relate to one another both visually and physically, and the character of the proposal as viewed from nearby properties and roads and in relation to the intent of the District in which the property is located.
2. The site plan shall be of a character that supports the purpose of the District in which the development is to be located, as described in the Purpose tables of Article 3.
3. The site plan shall not impede the normal and orderly development, improvement, or enjoyment of surrounding property for uses permitted in the District, including matters pertaining to visual impacts from lighting, signage, outdoor storage, and off-street parking.
4. The site plan shall preserve the environmental character of the site insofar as practical by minimizing the removal or disturbances to on-site natural features such as trees, woodlands, soils, topography, water courses and wetlands.
5. The site plan shall provide for the removal of storm water so as to minimize on-site flood conditions and assure the well being of the users of the property, while not adversely affecting adjacent properties and public and natural drainage systems due to flooding, erosion, sedimentation, or other negative impacts. Storm water management plans shall rely on existing drainage patterns where practical and minimize

topographic alterations, and incorporate the necessary measures to discourage soil erosion and sedimentation and the discharge of impurities into the groundwater and nearby water courses.

6. The site plan shall provide vehicular and non-motorized circulation and parking in a manner that ensures visually clear, safe, convenient and efficient travel in the site and at ingress and egress points, including minimizing congestion and conflicting turning patterns, minimizes negative impacts upon abutting properties and roads including coordination with the existing and planned public circulation system and improvements thereto and the avoidance of unnecessary curb cuts, and ensures that all buildings shall be so arranged as to permit emergency access by some practical means to all sides.
7. The site plan shall provide for the appropriate location of all necessary and proposed utilities. Underground facilities shall be provided to the greatest extent feasible.
8. Where a project is proposed for construction in phases, the site plan phasing shall be so designed that each phase, when completed, shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to insure protection of natural resources and the health, safety and welfare of the users of project and surrounding properties.
9. Site plans shall conform to all applicable Township planning documents including the goals and objectives of the Gerrish Township Master Plan, other applicable ordinances, and state and federal statutes.

Section 14.5 Conformity to Approved Site Plans

Property which is the subject of site plan approval shall be developed in compliance with the approved site plan and any approved changes thereto. If construction or use of the property does not conform to such approved plans, the approved Zoning Permit shall be subject to revocation by the Zoning Administrator pursuant to Section 2.4(C).

Section 14.6 Changes to Approved Site Plan

A. Site Plan Changes: No changes shall be made to an approved site plan prior to, during, or after construction except according to the following procedures:

1. Major Changes: Major changes to an approved site plan shall be reviewed and acted upon according to Section 14.3. A “major change” shall include the following:
   a. a change in excess of five (5) feet in the location of vehicular circulation ways, parking areas, or exterior building walls.
   b. a change in the number of accesses to a street or alley or any other change impacting the basic circulation pattern and/or traffic flow.
   c. a reduction or increase of more than four (4) parking spaces or one-hundred (100) square feet of floor area.
   d. an increase in the number of dwelling units or the realignment of lot lines in a platted or condominium subdivision where such realignment exceeds five (5) feet at any single point.
   e. an increase of more than three (3) feet in building height;
2. Minor Changes: Minor changes shall be subject to Zoning Administrator approval. Approved changes shall be clearly specified in writing and signed by the Zoning Administrator. The Zoning Administrator shall keep accurate records of approved changes. The Zoning Administrator may defer action on a minor change to the Planning Commission or, in the case of a Special Land Use, to the Township Board.
   a. Minor changes to an approved site plan shall include changes not otherwise identified as a major change in (A)(1) above including changes to required landscaping and screening where the change will not alter the overall appearance and effectiveness of the required landscaping and screening, and changes to the location, elevation or grade of storm sewer, sanitary sewer, or other utilities where the Township Engineer has approved such changes.

Section 14.7 Pre-Existing Site Plans Under Review

All development subject to site plan approval shall comply with the regulations and standards of this Ordinance except in the case where a development plan has received preliminary site plan approval prior to the effective date of this Ordinance or amendment thereto, in which case the final site plan shall be reviewed using the procedures and substantive standards under the ordinance in effect at the time of the preliminary plan approval, provided the final site plan is filed with the Zoning Administrator within one year of the effective date of this Ordinance or amendment thereto and contains all information required and accompanied by all required fees.

End of Article 14

Article 15
SPECIAL LAND USES

Section 15.1 Purpose

It is the purpose of this Article to provide a set of procedures and standards for specific uses of land or structures that will allow, on one hand, practical latitude for the landowner, investor or developer, but that will, at the same time, promote the 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 uses. In order to provide control and reasonable flexibility, this Article provides for the review of certain specified land uses, referred to as "special land uses," which, because of their particular and unique characteristics, require special consideration in relation to the welfare of adjacent properties and/or to the community as a whole. Land uses and structures possessing these characteristics may be authorized within certain zoning districts as specified in Article 3 (Zoning Districts), by the issuance of a Zoning Permit for the specified Special Land Use. This Article establishes a review process that requires the application materials to be subject to Planning Commission review and final action by the Township Board after receiving a recommendation from the Planning Commission.

Section 15.2 Review Procedure

A. Review/Approval: The review procedures for an application for a Special Land Use shall be identical to the review and approval procedures for site plans according to Article 14, including the information to be submitted and the determination of application completeness, except as otherwise clarified below:

1. Use/Site Plan Inseparable: An application for a Zoning Permit for a Special Land Use shall be an application to determine the appropriateness of both the proposed use on the subject property, and the manner in which the proposed use is to be arranged and function on the site as delineated in the required site plan. The use and site plan shall be viewed as inseparable and shall be acted upon through a single motion of approval, approval with conditions, or denial.
2. Application: An application for a Zoning Permit for a special land use shall consist of the following:
   a. An application form available from the Zoning Administrator.
   b. A preliminary site plan prepared according to Sec. 14.3(A).
   c. A detailed description of the proposed project, in narrative form.
3. Preliminary Approval/Public Hearing: An application for a Zoning Permit for a special land use shall require Township Board action on a preliminary application, following the submittal of a recommendation by the Planning Commission on such application. Upon finding that the application materials are complete, and prior to the Planning Commission forwarding a recommendation to the Township Board regarding action on a preliminary application, the Planning Commission shall hold a public hearing on such application. Notice of the hearing shall comply with Section 2.11. Following receipt of the Planning Commission's recommendation, the Township Board shall deny, approve, or approve with conditions the preliminary application for special land use/site plan approval.
   a. Action on the preliminary application by the Planning Commission and Township Board shall be incorporated in a statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any conditions recommended. The Planning Commission and Township Board shall refer to the approval standards set forth in Sec. 15.6 in addition to those specified for site plan approval (Sec. 14.4) prior to taking preliminary action.
4. Final Approval: Following approval of a preliminary application, final application approval shall similarly require Township Board action after receiving a recommendation from the Planning Commission on such application. A public hearing on the final application shall not be required provided such final application is substantively similar to the approved preliminary application including both the character and features of the use and the site plan for the use.
   a. Action on the final application by the Planning Commission and Township Board shall be incorporated in a statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any conditions recommended. The Planning Commission and Township Board shall refer to the approval standards set forth in Sec. 15.6 in addition to those specified for site plan approval (Sec. 14.4) prior to taking final action.

Section 15.3 Appeals

A person aggrieved in association with a special land use decision may appeal the special land use application decision to the circuit court only.

Section 15.4 Reapplication

No application for a Zoning Permit for a special land use which has been denied wholly or in part by the Township Board shall be resubmitted until the expiration of one (1) year from the date of such denial, except on the grounds of newly-discovered evidence or proof of changed conditions having bearing on the basis for the original action, as determined by the Township Board. A reapplication shall require a new fee and the process will follow all provisions of Section 15.2.

Section 15.5 Changes

A. Site Plan: Changes to an approved site plan shall comply with the application and review procedures of Section 14.6. In the case where a proposed site plan change constitutes a major change according to Section 14.6, the Planning Commission shall hold a public hearing on such site plan change according to the notice requirements of Section 2.11. If the Township Board determines that such major change would alter the essential character of the site plan, the proposed change shall not occur until such change is applied for and approved according to the application and review procedures of Section 15.2.

B. Use or Activity: A change in the character of the use or activity from what the originally approved Zoning Permit authorized shall not occur until such change is applied for and approved according to the application and review procedures of Section 15.2. Examples requiring a new application and review procedure include the addition of land to the legal description of the original Zoning Permit for the special land use, the establishment of another special land use, and an expansion or increase in intensity of use including but not necessarily limited to the erection of additional buildings or the addition of two-hundred (200) square feet or more of floor area. Compliance with Section 15.2 shall not apply in the case of a proposed use or structure that is permitted in the District by right according to Section 3.5, but such use or structure shall be subject to site plan approval according to Article 14.

Section 15.6 Approval Standards

A. General Standards: No special land use application shall be approved except where the proposed use and development complies with the following standards:

1. Be harmonious with the Gerrish Township Master Plan.
2. Be harmonious with the general objectives, intent and purposes of this Ordinance.
3. Be of such character to be compatible with adjacent conforming uses of land.
4. Be designed, constructed, operated and maintained so as to be appropriate in appearance and harmonious with the existing or intended character of the general vicinity. In determining whether this requirement has been met, consideration shall be given to:
    a. The bulk, placement, and materials of construction of proposed structures.
    b. Pedestrian and vehicular circulation.
    c. The location of vehicular use and parking areas.
5. Not be hazardous or disturbing to existing or future uses in the same general vicinity.
6. Be served adequately by essential public facilities and services such as roads, 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.
7. 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, glare, and odors.
8. Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to the natural environment including air, soil, surface water, and ground water resources.
9. Not create excessive additional requirements at public cost for public facilities and services.
10. Comply with the site plan approval standards of Section 14.4.

B. Specific Standards: In addition to compliance with the above standards in subsection (A), special land uses shall comply with the standards and regulations applicable to each specific special use as may be identified in Article 7.

End of Article 15

Article 16
ZONING BOARD of APPEALS (ZBA)

Section 16.1 Purpose

The purpose of this Article is to establish a Zoning Board of Appeals (ZBA) pursuant to Public Act 110 of 2006, including its responsibilities, procedures, and standards of review, to ensure that the objectives of this Ordinance are fully and equitably achieved.

Section 16.2 Creation and Membership

A. Establishment and Appointment of Members: The ZBA first established by the Gerrish Township Zoning Ordinance adopted on July 6, 1960, as amended, is hereby retained in accordance with Public Act 110 of 2006. The ZBA shall consist of five (5) regular members: a member of the Planning Commission; and the remaining members appointed by the Township Board by majority vote from the electors residing in the Township outside of incorporated cities and villages. The members selected shall be representative of the population distribution and of the various interests present in the Township. One (1) regular or alternate member of a ZBA may be a member of the Township Board but shall not serve as the chairperson. An employee or contractor of the Township Board may not serve as a member of the ZBA.

B. Alternate Members: The Township Board may appoint not more than two (2) alternate members for the same term as regular members of the ZBA. The alternate members shall be called on a rotating basis, to sit as regular members of the ZBA in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings of the ZBA. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. An alternate member shall serve on a case until a final decision is made. The alternate member shall have the same voting rights as a regular member of the ZBA.

C. Terms of Appointment: Members shall be appointed for three (3) year terms except in the case of a Planning Commission and/or Township Board member serving on the ZBA, whose terms on the ZBA 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 expired. Vacancies for unexpired terms shall be filled for the remainder of the term in the same manner as the original appointment. Members may be reappointed.

D. Removal from Office / Conflict of Interest: A member of the Zoning Board of Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from deliberations and a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from deliberations and a vote in which the member has a conflict of interest constitutes malfeasance in office.

Section 16.3 Organization

A. Rules of Procedure and Officers: The ZBA may adopt rules of procedure for the conduct of its meetings and the implementation of its duties. The ZBA shall annually elect from its members a chairperson, vice-chairperson, and secretary.

B. Meetings and Quorum: Meetings of the ZBA shall be held at the call of the chairperson and at such other times as the ZBA in its rules of procedure may specify. A majority of the total regular membership of the ZBA shall comprise a quorum. The ZBA shall not conduct official business unless a quorum is present. All meetings shall be open to the public and conducted pursuant to the requirements of the Open Meetings Act.

C. Oaths and Witnesses: The chairperson may administer oaths and compel the attendance of witnesses.

D. Records: The ZBA shall maintain a record of its proceedings which shall be filed in the office of the Township Clerk, and shall be a public record according to the Freedom of Information Act. All minutes shall state the grounds for each determination, including findings of fact and conclusions.

Section 16.4 Jurisdiction

The ZBA shall act upon questions as they arise in the administration of this Ordinance and take other actions as specified in this Ordinance. The ZBA shall perform its duties and exercise its powers as provided in Public Act 110 of 2006. The ZBA 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 shall have the power to act on those matters so specified in this Ordinance including Ordinance interpretations, variances, and the review of an order, requirement, decision, or determination made by an administrative official or body charged with the enforcement of this Ordinance.

Section 16.5 Appeals for Administrative Reviews

A. Authority: The ZBA 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 body or official in administering or enforcing the provisions of this Ordinance. Within this capacity the ZBA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of such body or official. The ZBA shall have all the powers of the body or official from whom the appeal is taken. However, in no case shall the ZBA hear an appeal of a special land use or planned unit development decision. Such appeals shall be subject to circuit court appeal only.

B. Standards: The ZBA shall reverse or otherwise modify the decision of such body or official from whom the appeal is taken only if it finds that the action or decision appealed:

1. was arbitrary or capricious, or
2. was based upon an erroneous finding of a material fact, or
3. constituted an abuse of discretion, or
4. was based upon erroneous interpretation of the Zoning Ordinance or zoning law, or
5. did not follow required procedures.

C. Procedures:

1. Application Requirements: A written application for an appeal for administrative review shall be completed and filed with the Zoning Administrator on forms established for that purpose, within twenty-one (21) days after the date of the meeting during which the meeting minutes addressing the decision being appealed was approved. Application for an administrative review shall specify, at a minimum, the name, address, and phone number of the applicant; the decision being appealed; and the basis for the appeal. A minimum of ten (10) copies of the completed application shall be submitted along with any application fees.
2. Stay: An appeal for an administrative review filed under this Section stays all proceedings in furtherance of the action appealed from unless the officer or body from whom the appeal is taken certifies to the ZBA, after the notice of appeal is filed, that by reason of facts stated in the permit, a stay would in the opinion of the officer or body would cause imminent peril to life or property. If such a certification is filed, the proceedings shall only be stayed by a restraining order. A restraining order may be granted by the ZBA or by the circuit court, on application, on notice to the officer or body from whom the appeal is taken and on due cause shown.
3. Record of Facts / Transmission of Record: Upon receipt of an application, the officer or body from whom the appeal is taken shall transmit to the ZBA all papers constituting the record upon which the action appealed from was taken. In hearing and deciding appeals under this Section, the ZBA's review shall be based upon the record of the administrative decision being appealed, and the ZBA shall not consider new information which had not been presented to the administrative official or body from whom the appeal is taken.
4. Hearing: Upon receipt of an application, the chairperson of the ZBA shall fix a reasonable time and date for a hearing, taking into account adequate time for members of the ZBA to review the application prior to such hearing. Notice of the hearing shall comply with Section 2.11. See Sec. 2.7 regarding timely action. Upon the hearing, any party may appear in person or by agent or attorney. See subsection (5) below regarding participation at the hearing by a member of the ZBA who is also a member of the Planning Commission or the Township Board.
5. Decision: The ZBA shall render a decision in the form of a motion or resolution containing a full record of the findings and determination of the ZBA, and basis for such determination. A member of the ZBA who is also a member of the Planning Commission or the Township Board shall not participate in a public hearing, deliberation, or vote, on the same matter that the member voted on as a member of the Planning Commission or the Township Board. However, the member may consider and vote on other unrelated matters involving the same property.

Section 16.6 Interpretations

A. Authority: The ZBA shall hear and decide upon requests to 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, including the determination of the precise location of the boundary lines between zoning districts (see Article 3).

B. Procedures:

1. Application Requirements: A written application for an interpretation shall be completed and filed with the Zoning Administrator on forms established for that purpose. Application for an interpretation shall specify, at a minimum, the name, address, and phone number of the applicant; the standard, regulation or provision requiring an interpretation; and a plot plan, site plan, or similar drawing illustrating the application or relevance of such interpretation. A minimum of ten (10) copies of the completed application shall be submitted along with any application fees.
2. Hearing: Upon receipt of an application, the chairperson of the ZBA shall fix a reasonable time and date for a hearing, taking into account adequate time for members of the ZBA to review the application prior to such hearing. Notice of the hearing shall comply with Section 2.11. See Sec. 2.7 regarding timely action. Upon the hearing, any party may appear in person or by agent or attorney.
3. Decision: The ZBA shall render a decision in the form of a motion or resolution containing a full record of the findings and determination of the ZBA, and basis for such determination. In deciding on an interpretation, the ZBA shall ensure 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.
    a. Prior to deciding a request for an interpretation, the ZBA may confer with Township staff and consultants to gain insight into the provision subject to interpretation and any consequences which may result from differing decisions. Such consultations, when in the presence of a quorum of the ZBA, shall comply with the Open Meetings Act.
    b. A decision providing an interpretation may be accompanied by a recommendation to the Planning Commission for consideration of an amendment of the Ordinance.

Section 16.7 Variances

A. Authority: The ZBA shall have the power to authorize specific variances from specific site development standards contained in this Ordinance, such as lot area and width requirements, building height and setback requirements, yard width and depth requirements, lot depth to width ratio requirements, off-street parking and loading space requirements, and sign requirements. The ZBA shall not have the power to authorize variances from requirements of this Ordinance pertaining to permitted uses of land in a District.

B. Standards: The ZBA shall have the power to authorize variances from specific site development requirements provided that all of the standards listed below are met and the record of proceedings of the ZBA contains evidence supporting each conclusion.

1. That there are practical difficulties that prevent carrying out the strict letter of this Ordinance due to unique circumstances, such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property in relation to such conditions, that do not generally apply to other property or uses in the same district, and shall not be recurrent in nature. These difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.
2. That the practical difficulty or special condition or circumstance does not result from actions of the applicant.
3. That the variance will relate only to property described in the variance application.
4. That the variance will be in harmony with the purpose of this Ordinance and the intent of the District, including the protection of public health, safety and welfare in general and vehicular and pedestrian circulation specifically.
5. That the variance will not cause a substantial adverse effect upon surrounding property including property values and the development, use and enjoyment of property in the neighborhood or District.
6. That strict compliance with the site development requirement in question would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.
7. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the practical difficulty.

C. Procedures

1. Application Requirements: Application for a variance shall specify, at a minimum, the name, address, and phone number of the applicant; the legal description for the lot subject to the variance; a specification of the Ordinance's standards for which a variance is sought and the specific variance being requested; and a plot plan, site plan, or similar drawing that adequately illustrates the proposed improvements to the lot for which the variance is requested. In all variance proceedings, it shall be the responsibility of the applicant to provide information, plans, testimony and/or evidence from which the ZBA may make the required findings, including any information the applicant may chose to submit to demonstrate conformance with the standards of subsection (B) above. A minimum of ten (10) copies of the completed application shall be submitted along with any application fees.
2. Hearing: Upon receipt of an application, the chairperson of the ZBA shall fix a reasonable time and date for a hearing, taking into account adequate time for members of the ZBA to review the application prior to such hearing. Notice of the hearing shall comply with Section 2.11. See Sec. 2.7 regarding timely action. Upon the hearing, any party may appear in person or by agent or attorney.
3. Decision: The ZBA shall render a decision in the form of a motion or resolution containing a full record of the findings and determination of the ZBA, and basis for such determination. The concurring vote of a majority of the members of the ZBA shall be necessary to grant a variance.
    a. In granting any variance, the ZBA may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance. See Article 20 regarding conditional approvals.
    b. A variance shall become null and void unless the construction authorized by such variance has been commenced within one (1) year after the granting of the variance; and the occupancy or use of the land, structure, and/or building for which the variance was granted has taken place within one (1) year after the granting of the variance. The ZBA may extend this time limit upon its finding that no substantial changes have occurred to ordinance regulations, abutting properties, or other conditions that undermine the basis for the original issuance of the variance.
    c. No application for a variance which has been acted upon shall be resubmitted for a period of one (1) year from the date of the last denial, except on the grounds of newly-discovered evidence or proof of changed conditions having bearing on the basis for the original action, in the discretion of the ZBA.

Section 16.8 Review by Circuit Court

A. Circuit Court Review: The decision of the ZBA shall be final. However, any party aggrieved by an order, determination or decision of the ZBA may obtain a review thereof in the Circuit Court provided that application is made to the Court within thirty (30) days after the ZBA issues its decision in writing signed by the chairperson, or within twenty-one (21) days after the ZBA approves the minutes of its decision. The circuit court shall review the record and decision of the ZBA to ensure that the decision:

1. Complies with the constitution and laws of the State.
2. Is based upon proper procedure.
3. Is supported by competent, material, and substantial evidence on the record.
4. Represents the reasonable exercise of discretion granted by law to the ZBA.

End of Article 16

Article 17
AMENDMENTS

Section 17.1 Purpose

This Article establishes procedures for the review and action on amendment requests. Requested amendments to this Ordinance shall be processed according to Public Act 110 of 2006, as amended, and in doing so, the procedures of this Article shall be followed. It is not intended that this Ordinance be amended except to correct an error, to address changed or changing conditions throughout or in a particular area of the Township and in strategies to ensure the public health, safety and welfare, to conform with the Master Plan and/or other ordinances of the Township, and to meet a public need for new or additional land uses in appropriate locations.

Section 17.2 Initiation of Amendments

Petitions for amendments may be initiated by the Township Board or Planning Commission, by its own motion, or by petition of one (1) or more owners of property to be affected by the proposed amendment. Only the Township Board may amend this Ordinance.

Section 17.3 Procedures

A. Application, Distribution and Data: A petitioner shall submit twenty (20) copies of a completed application to the Zoning Administrator on a form established for that purpose, which shall include a detailed description of the proposed amendment including the name, address and phone number of the applicant and the desired change(s) and reason(s) for such change(s), along with any application fees. The Zoning Administrator shall record the date of their receipt and transmit copies to the Planning Commission, Township Board, and other agencies or individuals selected to review such plans including but not necessarily limited to Township departments and staff, consultants, and the Roscommon County Road Commission.

1. When the petition involves a change in the Zoning Map, an application shall be submitted for each parcel of land which is not contiguous to any adjacent parcel of land being proposed for the same amendment, and the applicant shall also submit the following information:
    a. A legal description of the property, and a scaled map of the property correlated with the legal description and clearly showing the property's location.
    b. The applicant's name, address and phone number and interest in the property, and if the applicant is not the owner, the name, address and phone number of the owner.
    c. The desired change and reasons for such change.
    d. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.

B. Planning Commission Action

1. Public Hearing: The Planning Commission shall review the application materials. Upon finding that the application materials are satisfactorily complete and the Planning Commission has a clear understanding of the requested amendment, the Planning Commission shall establish a date for at least one (1) public hearing on the application and hold such hearing. The Zoning Administrator shall give notice of the public hearing according to Section 2.11. Any application not properly filed or complete shall be returned to the applicant with a written notice of deficiencies.
2. Planning Commission Review / Recommendation: In reviewing any application for an amendment to this Ordinance, the Planning Commission shall identify and evaluate all factors relevant to the application.
    a. If the petition involves an amendment to the official zoning map, matters to be considered by the Planning Commission shall include, but shall not be limited to, the following:
        1) What, if any, identifiable conditions related to the petition have changed which justify the proposed amendment?
        2) What is the impact of the amendment on the ability of the Township and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the proposed amendment is adopted?
        3) Will the petitioned district change adversely affect the value of the surrounding property?
        4) Is the site’s physical, geological, hydrological and other environmental features compatible with the host of uses permitted in the proposed district, and will development under the petitioned district change be likely to adversely affect environmental conditions?
        5) Can the subject parcel comply with all requirements of the proposed zoning classification?
        6) Is the subject property able to be put to a reasonable economic use in the zoning district in which it is presently located?
        7) Is the proposed rezoning consistent with the zoning classification of surrounding land?

8) Does the petitioned district change generally comply with the Gerrish Township Master Plan?
9) What are the precedents and the possible effects of such precedent which might result from the approval or denial of the petition?

b. If the petition involves an amendment to the text of the Ordinance, matters to be considered by the Planning Commission shall include, but shall not be limited to, the following:
1) Is the proposed amendment supported by documentation, such as from the Zoning Board of Appeals, that the proposed amendment would minimize problems or conflicts with specific sections of the Ordinance?
2) Is the proposed amendment supported by reference materials, planning and zoning publications, information gained at seminars or experiences of other communities to more effectively deal with certain zoning issues?
3) Is the proposed amendment supported by significant case law?

c. In deliberating on the amendment petition, the Planning Commission may solicit information and testimony from consultants and officials of, but not limited to, the County Health Department, County Road Commission, Township Police and Fire Department, and any school district affected.

3. Planning Commission Recommendation: The Planning Commission shall transmit its findings of fact and a summary of comments received at the public hearing to the Township Board, along with its recommended action on the amendment request. The Planning Commission shall also transmit its recommendation to the County Planning Commission.

C. Township Board Action

1. After receiving the findings and recommendations of the Planning Commission, and after receiving the findings and recommendations of the County Planning Commission, the Township Board at any regular meeting or at any special meeting called for that purpose, shall consider said findings and recommendations. The Township Board may refer any proposed amendment back to the Planning Commission for further consideration and comment within a time specified by the Township Board. The Township Board may adopt the amendment, with or without changes. Such action shall be by Ordinance, requiring a majority vote of the Township Board. The Township Board may hold additional public hearings if the Township Board considers it necessary.
2. If the recommendation of the County Planning Commission has not been received by the Township within thirty (30) days of the County Planning Commission's receipt of the Township Planning Commission's findings and recommendation, the Township shall conclusively presume that the County has waived its right for review and recommendation.
3. The Township Board shall grant a hearing on the proposed amendment to an interested property owner who has filed a written request to be heard. This written request shall take the form of a certified mail letter from the property owner to the Township Clerk. A hearing under this subsection(a) is not subject to the requirements of Section 3.08, except that notice of the hearing shall be given to the interested property owner according to Section 2.11(A) and (C). The Township Board may require the property owner to justify the property owner’s interest on which the additional hearing request is based.

D. Publication of Notice of Ordinance Amendments: Following adoption of amendments by the Township Board, the amendments shall be filed with the Township Clerk and one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. Promptly following adoption of an amendment by the Township Board, a copy of the notice of adoption shall also be mailed to the airport manager of each airport that registers its name and mailing address with the Township Clerk for the purpose of receiving the notice. The notices shall provide either a summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment, the effective date of the amended Ordinance, and the place and time where a copy of the ordinance may be purchased or inspected.

Section 17.4 Resubmittal

No application for an amendment which has been denied by the Township Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly-discovered evidence or proof of changed conditions, found upon inspection by the Planning Commission to be valid.

Section 17.5 Review of Zoning Ordinance

The Planning Commission shall, from time to time, review the Ordinance and the location of zoning district boundary lines and submit a report to the Township Board recommending changes and amendments, if any, which are deemed to be desirable in the interest of public health, safety and general welfare.

End of Article 17

Article 18
(RESERVED for FUTURE USE)

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End of Article 18

Article 19
(RESERVED for FUTURE USE)

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End of Article 19

Article 20
SUPPLEMENTAL PROVISIONS

Section 20.1 Purpose

The purpose 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 regulations contained elsewhere in this Ordinance, and to establish such exceptions, regulations, and standards. The following supplemental provisions apply to all zoning districts unless otherwise indicated.

Section 20.2 Conditional Approvals

A. Conditions on Discretionary Decisions: The Planning Commission, Zoning Board of Appeals, and Township Board may attach conditions to the approval of a site plan, special land use, 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.

B. 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.

C. Record of Conditions and Changes: Any conditions imposed shall be recorded in the record of the approval action. These conditions shall not be changed except upon the mutual consent of the approving authority and the property owner.

D. Performance Guarantees: Performance guarantees may be required to ensure compliance with conditions on discretionary decisions pursuant to the requirements of Section 2.6.

Section 20.3 Moving Buildings

No existing building or structure within or outside of the Township shall be relocated on any lot in the Township unless the building or structure meets all provisions of this Ordinance and the Michigan Construction Code.

Section 20.4 Essential Services

Essential services as defined in this Ordinance 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. This exception shall not apply to administrative buildings, communication towers, public utility storage yards, and similar above-ground structures and uses associated with such essential services.

Section 20.5 Permitted Encroachments for Principal Buildings

(Deleted: Amended by Ordinance XXXX-I-2 09-25-14) (See Table 3-4, Site Development Requirements, Footnote 6c)

Section 20.6 Conventional and Non-Conventional Single Family Dwelling Standards

A. Conventional: All conventional single family dwellings, as defined in this Ordinance, shall comply with the following standards.

1. The dwelling shall have a minimum residential floor area of 960 square feet, provided that a two-story dwelling shall have a minimum of 720 square feet of residential floor area on the first floor and a minimum of 960 square feet of total residential floor area.
2. The dwelling shall have a minimum width across its front, side and rear elevation of twenty-four (24) feet.
3. The dwelling shall have a minimum roof pitch of 3:12 pitch (3 vertical-12 horizontal) over at least seventy-five percent (75%) of its roof area, except that this limitation shall not prohibit the extension of an existing roof pitch over an addition to the dwelling.
4. The dwelling and all modifications thereto shall comply in all respects with the Michigan Construction Code and the fire codes of the Township. Where a dwelling is required by law to comply with federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by such codes, then and in that event such federal or state standard or regulation shall apply.
5. The dwelling shall be firmly attached to a permanent foundation constructed on the site in accordance with the building code and shall have a wall of the same perimeter dimensions of the dwelling, except in the case of cantilever architecture, and constructed of such materials and type as required by the building code for such dwelling. No dwelling shall have exposed wheels, towing mechanism, undercarriage, or chassis.
6. The dwelling shall have front and rear or front and side exterior doors, and steps connected to said exterior door areas or to porches connected to said door areas, where the difference in elevation exceeds twelve (12) inches.
7. Any additions or modifications to a dwelling shall be constructed of similar or better quality workmanship as the original structure, including permanent attachment to the principal structure and foundation.
8. The dwelling shall be connected to a public sewer and water supply or to such private facilities approved by the Roscommon County Health Department.
9. The dwelling shall contain storage area equal to 10% of the square footage of the dwelling or 100 square feet, whichever shall be less, and shall be located in a basement under the building, in an attic area, in closet areas, or in a separate structure constructed of similar or better quality workmanship as the principal dwelling.
10. The dwelling shall be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than 6 inches on all side, or alternatively, with window sills and roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling.

B. Non-Conventional: All non-conventional single family dwellings, as defined in this Ordinance, shall comply with the following standards.

1. The dwelling and all modifications thereto shall comply in all respects with the Michigan Construction Code and the fire codes of the Township except where the dwelling is expressly exempted by state or federal law. Where a dwelling is required by law to comply with federal or state standards or regulations for construction, and where such standards or regulations for construction are different than those imposed by such codes, then and in that event such federal or state standard or regulation shall apply.
2. The dwelling shall be firmly attached to a permanent foundation constructed on the site in accordance with the building code and shall have a wall of the same perimeter dimensions of the dwelling, except in the case of cantilever architecture, and constructed of such materials and type as required by the building code for such dwelling. No dwelling shall have exposed wheels, towing mechanism, undercarriage, or chassis. In the event that the dwelling is a mobile home as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device.
3. The dwelling shall have front and rear or front and side exterior doors, and steps connected to said exterior door areas or to porches connected to said door areas where the difference in elevation exceeds twelve (12) inches.
4. Any additions or modifications to the dwelling shall be constructed of similar or better quality workmanship as the original structure, including permanent attachment to the principal structure and foundation.
5. The dwelling shall be connected to a public sewer and water supply or to such private facilities approved by the Roscommon County Health Department.

Section 20.7 Temporary Dwellings

A. Authorization/Application: Temporary dwellings are prohibited except as approved by the Zoning Administrator according to this Section. Application for and authorization of such a temporary dwelling shall require the submittal of an application available from the Zoning Administrator including a plot plan prepared according to Section 2.4(B). A temporary dwelling may be authorized for only the following:

1. To allow a temporary dwelling to be placed on a vacant lot while a permanent dwelling is under construction on the same lot and for which a zoning permit and building permit has been issued.
2. To allow a temporary dwelling to be placed on a lot where a permanent dwelling located on the same lot is under repair, for which a zoning permit and building permit has been issued, where such repair is due to destruction 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.
3. To allow a temporary dwelling to be placed on a lot where a permanent dwelling located on the same lot is under renovation, for which a zoning permit and building permit has been issued, where such renovation is of such an extent that it is no longer practical for human occupancy during such renovations.

B. Standards

1. The temporary dwelling shall consist of a mobile home, recreational vehicle or existing garage. In the case of a garage, temporary occupancy shall not occur unless the garage meets all building code requirements for occupancy.
2. All temporary dwellings shall comply with the setback standards of the District for the permanent dwelling unless the Zoning Administrator determines that the location of the permanent dwelling, or other features of the lot, prohibit compliance with such setbacks.
3. All temporary dwellings shall comply with county health department rules and regulations for potable water and sewage disposal. The temporary dwelling shall be connected to a county-approved on-site septic system, or public sewer system, where such temporary dwelling is to be occupied for more than thirty (30) days unless the Zoning Administrator determines that the permanent dwelling continues to provide necessary potable water and sewage disposal.

C. Permit Duration and Removal: No permit issued under this Section shall be issued for a duration exceeding one hundred eighty (180) days. The temporary dwelling shall be removed from the lot no later than the termination date of the permit or within sixty (60) days of the issuance of a certificate of occupancy for the permanent dwelling, whichever comes first. The Zoning Administrator may renew the permit for a single period not to exceed one hundred eighty (180) days upon the applicant adequately demonstrating that construction delays have been beyond the control of the applicant and that construction completion is continuing in an earnest manner.

Section 20.8 Accessory Uses, Buildings, and Structures

A. Scope:

1. Accessory buildings, structures and uses shall be subject to the regulations of this Section except where expressly regulated otherwise by this Ordinance.
2. No provisions of this Section shall be interpreted as authorizing accessory uses, buildings or structures that do not conform to the definitions of Article 21 pertaining to “accessory building or structure” and “accessory use.”
3. For the purposes of this Section, a building shall be considered an accessory building where such building is not structurally attached to the principal building by either shared wall construction or by a fully and structurally enclosed corridor, except that an attached garage shall be construed as an accessory building.

B. Permit Required: No accessory building or structure, including fences, shall be erected prior to the issuance of a Zoning Permit for such structure or building. Applications for accessory buildings and structures shall be administered and reviewed as part of the original or proposed revised plot plan (Section 2.4(B)) or site plan (Article 14).

C. Placement/Setbacks:

1. No accessory building or structure shall be located in a front yard except in the case where such lot is five (5) acres or more, the building or structure is set back a minimum of one hundred fifty (150) feet from the front lot line, and the structure does not obstruct more than twenty-five (25%) of the view of the dwelling as viewed from the middle of the front lot line. See Article 21 for definition of “lakefront lot” and Figure 21-2 for an illustration of the front yard of a lakefront lot. This subsection (1) shall not apply to farm buildings.

2. Accessory buildings and structures shall comply with the side and rear yard setback standards for the principal building according to the District in which they are located, except that detached accessory buildings in the R-1, R-1A, R-3, R-4, and R-MH Districts shall be set back a minimum distance of five (5) feet from the side and rear lot line. **(Amended by Ordinance XXXVI-1 10-8-12).**

3. In no case shall a detached accessory building be located within ten (10) feet of another building.

4. In no case shall an accessory building or structure be located so as to interfere with the proper functioning of utilities, including existing and proposed back-up septic drain fields.

D. Height

1. Accessory buildings and structures in Commercial and Industrial Districts may be constructed to equal the permitted maximum height of the principal structure on the lot, subject to site plan approval.
2. Accessory buildings and structures in Conservation and Residential Districts shall not exceed one (1) story in height, and in no case shall a detached accessory building or structure exceed twenty-one (21) feet in height in the R-1, R-1A, R-2, R-3, R4, R-MF and RMH Districts, thirty (30) feet in the RC and RR Districts. See definition of "Height" in Article 21.
   (Amended by Ordinance XXXXI-1 10-8-12). (Amended by Ordinance XXXX1-4 9-28-18)

E. Area and Lot Coverage

1. No accessory building or structure shall be erected that results in noncompliance with the lot coverage standards of Table 3-4 of Article 3.
2. Accessory buildings and structures for residences shall comply with the area limitations of the following table, according to the lot area on which the accessory building or structure is to be located:

Lot Area	Maximum Total Square Foot Area of All Accessory Structures and Buildings including Attached Garages (irrespective of whether there exists floor area above an attached garage)
25,000 sq. ft. or less	Ground floor area of the dwelling, but not to exceed 2,000 sq. ft.
25,001 sq. ft. – 1.00 acres	2,000 sq. ft.
1.01 acres – 2.50 acres	2,000 sq. ft. plus one percent (1%) of the area of the lot.

F. Habitation of Accessory Buildings or Structures: No accessory building or structure shall be used or occupied as a dwelling except as may be authorized pursuant to Section 20.7, Temporary Dwellings.

G. Prior to a Principal Structure: Accessory buildings and structures may be erected on a lot or parcel prior to the establishment of a principal structure under the following conditions only. Nothing in this subsection (G) shall be interpreted as authorizing a building or structure not otherwise in compliance with this Ordinance.

1. RC and RR Districts: Accessory buildings and structures may be erected on a lot or parcel prior to the establishment of a principal structure in the RC and RR Districts provided the landowner submits a plot plan to the Zoning Administrator pursuant to Section 2.4(B) and the Zoning Administrator finds that such building or structure will not hinder the future erection of a principal building in conformance with all setback and other site development requirements of this Ordinance. The Zoning Administrator may require such structures to be landscaped or otherwise screened to be harmonious in appearance and character with surrounding properties.
2. R-1 and R-1A Districts: In the R-1 and R-1A Districts, an accessory garage may be established on a separate lot adjacent to a lot occupied by a dwelling that is to be served by such garage, or on a separate lot on the opposite side of the road where at least fifty percent (50%) of its frontage would be adjacent to the frontage of the lot on which the dwelling is located if the road was not present, provided the following conditions are met:
   a. A deed restriction or similar legally binding tool is executed and filed in the county register of deeds office providing:
      1) the garage shall only be used as a garage and for the benefit of the subject dwelling.
      2) the two lots may be sold but shall remain under same ownership unless each individual lot complies with all provisions of this Ordinance including minimum standards for lot area, width and frontage.
   b. A plot plan for the garage is submitted and approved by the Zoning Administrator, with such approval being subject to the conditions specified in (a)(1) and (2) above. The Zoning Administrator may require the garage to be landscaped or otherwise screened to be harmonious in appearance and character with surrounding properties.
   c. The garage shall not exceed two thousand (2,000) square feet in floor area.

H. Mobile Homes as Accessory Uses and Structures: Any use of a mobile home for other than a single-family dwelling in a manufactured housing community is prohibited except as may be authorized as follows:

1. Section 20.7, Temporary Dwellings.
2. Section 20.18, Temporary Non-Residential Buildings.

Section 20.9 Home Occupations

A. Authorization: The operating or conducting of a home occupation, as defined in this Ordinance, is permitted as an accessory use to the principal residential use of a lot. A zoning permit for such occupations is not required, but such occupations shall comply with the regulations and standards of this Section. Nothing in this Section shall be interpreted as prohibiting a home occupation consisting of the instruction in a craft or fine art within the residence, provided all provisions of this Section shall apply including procedures and standards.

B. Standards: Home occupations shall comply with the following standards:

1. All aspects of the occupation shall be carried on inside of the dwelling or accessory building thereto, except for a single sign as authorized by Section 9.4. Aside from such sign, there shall be no evidence of the home occupation outside of the dwelling including storage areas for supplies, trash, or other waste materials, or noise, odors, vibration, fumes, glare, smoke, steam, radiation, electrical interference, or other conditions detectable by normal sensory perception. The occupation shall be clearly secondary and incidental to the use of the dwelling as a place of residence, shall not result in a change to the essential character of the premises including both the dwelling and the surrounding yard areas, and shall not threaten the reasonable use and enjoyment of surrounding properties.
2. The home occupation shall not occupy an area greater than one-third (1/3) of the ground story of the dwelling, irrespective of whether the home occupation is located in the dwelling or in an accessory building.
3. There shall be no exterior structural additions or modifications to the dwelling to accommodate the home occupation.
4. The home occupation shall employ no persons on the premises during the ordinary course of business who do not otherwise reside on the premises. This provision shall not prohibit the arrival of employees to the premises for the purpose of receiving daily instructions for work to be performed elsewhere, provided there is compliance with subsection (5) below.
5. All traffic to and from the home occupation shall not result in more than eight (8) pedestrian or vehicular arrivals during the daily course of business, including those by customers, salesmen, delivery persons, or other business visitors. In addition, such arrivals shall not exceed three (3) during any one (1) hour period.
6. There shall be no retail or wholesale sales on the premises except where such sales are accessory and incidental to the service provided by the home occupation, or where such sales does not require the presence of the customer such as in the case or internet or telephone transactions.
7. The following activities are expressly prohibited as part of a home occupation: auto, engine or machinery repair; equipment rental; or storage of junk, scrap or salvage material.

Section 20.10 Parking and Storage of Recreational Vehicles, Boats, and Other Water Vehicles

The storage or parking of recreational vehicles, as defined in this Ordinance, as well as boats and other water vehicles designed for use on or in water, is prohibited except where such storage or parking is on a lot in a Conservation or Residential District, a dwelling is present on such lot, and the vehicles are registered to the occupant of the dwelling. This Section 20.10 shall not apply to recreational vehicles being occupied as authorized by the Gerrish Township Camping Ordinance.

Section 20.11 Limitations on Residential Outdoor Living Areas (Patios, Decks, Porches, Etc.)

A. Definition: For the purpose of this Section, “residential outdoor living area” shall be defined as an area designed or used for outdoor gathering, lounging, dining, and/or similar use, in association with a dwelling, constructed of wood, concrete, brick, stone, or similar surface. An outdoor living area may be commonly referred to as a terrace, patio, deck, or porch.

B. Limitations on Non-Waterfront Lots: Outdoor living areas that are located on non-waterfront lots shall comply with the setback requirements of the District for the dwelling irrespective of whether such outdoor living area is unenclosed or unroofed. In addition, the combined surface area of all outdoor living areas, including walkways thereto, within fifty (50) feet of the ordinary high water mark of Higgins Lake or the Cut River between Higgins Lake and CR100, shall not exceed ten percent (10%) of that portion of the yard within such fifty (50) feet of the ordinary high water mark.

C. Limitations on Waterfront Lots: Outdoor living areas on waterfront lots shall be subject to the same limitations of subsection (B) above except that outdoor living areas that are fully uncovered and unroofed, and located in the front yard of a waterfront lot (being the yard adjacent to the water), may be located between the ordinary high water mark (front lot line) and the minimum required front yard setback line provided the following conditions are met:

1. The combined surface area of all outdoor living areas including walkways thereto shall not exceed ten percent (10%) of those portions of a front yard within fifty (50) feet of the ordinary high water mark.
2. The top surface elevation of an entire deck shall not exceed a height of twelve (12) inches above the natural or finished ground grade measured at a point of the highest elevation of such natural ground to be covered by the deck.
3. No fixed feature of an outdoor living area and walkways thereto, including railings, shall exceed thirty-six inches (36") in height above the surface of such outdoor living area or walkway.
4. Any footings to support outdoor living areas and walkways thereto shall be fully below the ground surface or otherwise not visible from adjacent lots.
5. No outdoor living area or walkways thereto shall be located within ten (10) feet of the ordinary high water mark except for one (1) walkway to the shoreline, which may include ramps or steps. Such walkways, ramps and steps shall not exceed four (4) feet in width except that the Zoning Administrator may grant a waiver to this four (4) foot width limitation where such a waiver is supported by the design standards promulgated under the Americans with Disabilities Act of 1990.

Section 20.12 Higgins Lake Shoreline Stabilization

A. Definition: For the purpose of this Section 20.12, the "Higgins Lake Shoreline" shall be defined as the strip of land between the ordinary high water mark of Higgins Lake and ten (10) feet inland from such ordinary high water mark.

B. Requirements: The alteration of the Higgins Lake Shoreline is prohibited except where a zoning permit is issued by the Zoning Administrator upon finding that the following conditions have been met:

1. The applicant has submitted satisfactory evidence demonstrating the need for such shoreline alteration to stabilize erosion.
2. The applicant has submitted satisfactory evidence demonstrating that all permits and approvals have been obtained from the MDEQ and all other pertinent bodies. **(Amended by Ordinance XXXVI-1 10-8-12).**
3. The stabilization is to be constructed of loose rock rip rap (6" average, 10" maximum diameter size) and geo-textile cloth or similar material may be used to stabilize the underlying surface. Coir fabric rolls may be used, along with native vegetation in conjunction with rock rip rap. Concrete, mortar, vinyl, wood or metal of any kind are prohibited. Unless the MDEQ requires or recommends otherwise, the slope of the rock shall approximate the same incline as the pre-existing shoreline. Whenever possible the slope shall be fifty (50) degrees or less from horizontal. **(Amended by Ordinance XXXVI-1 10-8-12).**
4. A zoning permit may be issued by the Zoning Administrator for alterations to the Higgins Lake shoreline that are not in compliance with the standards of subsection (3) upon finding any (1) of the following conditions are met**:**: **(Amended by Ordinance XXXVI-1 10-8-12).**
    a. The property use is a publicly owned entity such as a marina, park, dam or bridge.
    b. The site plan approving body finds that the application of such standards to the proposed use is not practical and there exists satisfactory alternative measures to effectively ensure stabilization, and meets or exceeds the subsection 3. **(Amended by Ordinance XXXVI-1 10-8-12).**
    c. The MDEQ recommends and approves the installation of the proposed alternative shoreline protection. **(Amended by Ordinance XXXVI-1 10-8-12).**

Section 20.13 Keeping of Animals as Accessory Residential Use

A. Definitions: For the purpose of this Section, the following phrases shall have the following definitions:

1. "Vicious animal" shall be defined as any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals.
2. "Household pets" shall be defined to include dogs, cats, fish, birds, hamsters and other types of animals commonly maintained in a residence.
3. "Large livestock" shall be defined as horses, ponies, cattle, and other livestock that can be reasonably expected to grow to a weight greater than (300) pounds upon reaching maturity.
4. "Medium livestock" shall be defined as sheep, goats, ostrich, swine, and other livestock that can be reasonably expected to grow to a weight of between forty (40) and three hundred (300) pounds upon reaching maturity.
5. "Small livestock" shall be defined as rabbits, chickens, fowl, mink, sable, fox, and other livestock that can be reasonably expected to grow to a weight of less than forty (40) pounds upon reaching maturity.

B. Keeping of Vicious Animals: No vicious animal shall be kept permanently or temporarily in any District.

C. Keeping of Household Pets: The keeping of household pets as an accessory use in association with any residentially-used lot is permitted provided such activities do not constitute a kennel as defined in this Ordinance, unless approval for such kennel has been granted pursuant to this Ordinance.

D. Keeping of Livestock: The keeping of livestock as an accessory use to the principal residential use of a lot shall be permitted in the RC, RR and R-2 Districts only and provided such keeping of livestock is in compliance with the regulations of this Section. This subsection (D) shall apply only to the keeping of livestock as accessory to the principal residential use of a lot, including private stables, and shall not apply to a farm.

1. Small Livestock: The keeping of small livestock shall occur only on parcels of one (1) acre or greater, but in no case shall such livestock be kept within a platted subdivision or site condominium. Any building or structure housing small livestock shall be set back no less one hundred (100) feet from the front lot line and shall be located at least fifty (50) feet from all other lot lines.
2. Medium Livestock:
   a. The keeping of medium livestock shall occur only on parcels of two (2) acres or greater but in no case shall such livestock be kept within a platted subdivision or site condominium.
   b. At no time shall the density of such livestock exceed one (1) animal per one-half acre comprising the parcel.
   c. Any building or structure housing medium livestock shall be set back no less than one hundred (100) feet from the front lot line and shall be located at least seventy-five (75) feet from all other lot lines.
3. Large Livestock:
   a. The keeping of large livestock shall occur only on parcels of five (5) acres or greater but in no case shall such livestock be kept within a platted subdivision or site condominium.
   b. At no time shall the density of such livestock exceed one (1) animal for the first five (5) acres and one (1) animal per each additional acre comprising the parcel.
   c. Any building or structure housing large livestock shall be set back no less than three hundred (300) feet from the front lot line and shall be located at least one hundred fifty (150) feet from all other lot lines.
4. Regulations Applicable to All Livestock:
   a. Livestock shall be managed by the occupants of the premises, and shall be maintained in a healthy condition.
   b. Newly born horses, cows, donkeys, mules and other animals that exceed forty pounds (40 lbs.) in weight at birth may be maintained on said parcel for up to six (6) months irrespective of whether such maintenance would increase the permitted number of animals beyond the animal density limitations of this Section. Newly born animals that do not exceed forty pounds (40 lbs.) in weight at birth may be maintained on said parcel for no more than sixty (60) days if such maintenance would increase the permitted number of animals beyond the animal density limitations of this Section.
   c. All livestock shall be completely enclosed by a fence at least thirty-nine (39) inches in height and of acceptable design and construction to contain the animals.
   d. The retention or storage of animal waste shall be managed so as not to create a nuisance, and in no case shall the storage of animal waste occur within one hundred fifty (150) feet of a lot line.

Section 20.14 Roadside Stands

A. Roadside stands, as defined in this Ordinance, are permitted as an accessory use to agricultural uses and for which a permit is not required. The following conditions shall be met:

1. A roadside stand shall provide a minimum of one (1) off-street parking space for each fifteen (15) square feet of display area and such parking area shall be clearly delineated.
2. No roadside stand shall be located within fifty (50) feet of a lot line.
3. No more than two (2) signs may be erected on the lot of the roadside stand to advertise such stand, and each sign shall not exceed six (6) square feet in area or six (6) feet in height.

Section 20.15 Fences and Walls

A. Residential: Fences and walls used principally for residential purposes shall comply with the following:

1. Fences and walls up to five (5) feet high that obstruct a maximum of thirty (30) percent of the view and air flow are not subject to any yard or setback limitations. **(Amended by Ordinance XXXXI-5 2-11-2020).**
2. Fences and walls in excess of five (5) feet in height but no greater than seven (7) feet high, that obstruct a maximum of thirty (30) percent of the view and air flow, are permitted provided the fence is a minimum of fifty (50) feet from the front lot line and a minimum of twenty (20) feet from all other lot lines. In the case of a waterfront lot, the fifty (50) foot setback shall be measured from the ordinary high-water mark. **(Amended by Ordinance XXXXI-5 2-11-2020).**
3. Fences and walls up to seven (7) feet high that obstruct views and air flow by more than thirty percent (30%), including solid fences and walls, are permitted provided the fence is a minimum of ten (10) feet from a lot line and does not project more than twenty five (25) feet from the dwelling.
4. Nothing in subsections (1), (2), or (3) above shall prohibit the erection of a fence or wall on a waterfront lot of up to six (6) feet in height, irrespective of the extent to which the fence obstruct views and air flow, along any lot line that also serves as a public road right-of-way line where such road right-of-way terminates at the water's edge. Such a fence shall not extend beyond the ordinary high water mark.
5. In the case where a proposed fence or wall is within sixty (60) feet of a dwelling on an abutting lot, the finished side of the fence or wall shall face the abutting lot.
6. No fence or wall with barbs, spikes, nails, or other sharp or electrified devices shall be permitted in the R-1 or R-1A District.
7. See Section 13.4 regarding clear vision zones.

B. Agricultural/Animals: Fences and walls used principally for agricultural purposes, or for confining farm animals not otherwise on a farm, shall not exceed six feet (6') in height except where such height will not adequately contain the particular species to be contained such as in the case of cervidae. All fences in excess of four feet (4') in height and within sixty feet (60') of a lot line shall have at least ninety percent (90%) of its surface area open. Fences and walls shall not be subject to setback requirements. See Section 13.4 regarding clear vision zones.

C. Commercial, Industrial, Public, and Institutional: The location, height and character of all fences and walls proposed as part of the commercial, industrial, public and/or institutional use of a lot, or any other use of a lot requiring site plan approval pursuant to Article 14, shall be reviewed according to the site plan review provisions and standards of Article 14. For Commercial, Industrial, Public or Institutional properties developed prior to the adoption of this ordinance, fences and or walls may be approved administratively, without a site plan review per Article 14. A Land Use Permit may be issued by the Zoning Administrator provided the fencing meets the below guidelines.

1. Fences and walls are not permitted in the minimum front yard setback or the minimum side yard setback on the street side of a corner lot if administrative approval is requested.

2. Fences alongside & rear lot lines that abut developed residential property (R1-R4 & R-MHC) will be walled or privacy style fencing* 6 feet in height & will not be electrified or contain any form of barbed / razor wire.

3. Fences alongside or rear lot lines that abut other Commercial, Industrial, Public, or Institutional property may use walls, privacy style fencing* or open fence construction, including but not limited to, woven wire and or chain link and can be 4 feet to 6 feet in height.

4. Fencing along the front yard setback or along the side yard setback on the street side of a corner lot can be walled, open or privacy style and be from 4 feet to 6 feet in height.

5. Fencing requirements for the rear lot line on through lots is dependent on the zoning district(s) in direct proximity to the back side of the through lot. If residential lots are nearby fencing as described in item 2 above would apply.

6. All applications that require electrification, barbed wire or razor wire must go to the Planning commission for site plan review.

- Privacy fencing will be considered – Solid masonry or concrete walls, Chain link fence with filler slats, wood or vinyl fences that obstruct in excess of 90% of view and are 6 feet tall. (**Amended by Ordinance XXXXI-2 9-25-14)**

Section 20.16 Outdoor Residential Swimming Pools

A. Permit/Application: No outdoor swimming pool on a residentially-used lot shall be erected prior to the issuance of a zoning permit from the Zoning Administrator, and the necessary building permits from the Building Inspector. Application for a zoning permit shall be made to the Zoning Administrator on a form for such purpose, and shall be accompanied by a plot plan (Section 2.4(B)) that identifies the location of the pool, pool decks, adjacent buildings, fencing, and gates.

B. Location and Setbacks

1. No pool or pool fencing shall be located in a front yard.
2. Pools shall comply with the minimum side and rear yard setbacks for the dwelling, as measured from the interior wall surface. Pool deck areas shall comply with Section 20.11.
3. No pool shall be located under electrical wires and similar utility devices.
4. There shall be not less than four (4) feet between the wall of the pool and any building.

C. Fencing: All swimming pools shall be completely enclosed by wood, chain link, 2" by 4" welded wire, or masonry fence, of not less than four (4) feet in height nor more than seven (7) feet in height, and located not less than four (4) feet from the outside perimeter of any pool wall. Such fencing may be omitted where building walls abut the pool area. All openings in any such fence shall be equipped with a self-closing, self- latching gate.

1. Where all parts of all sides of an above-ground pool exceed four (4) feet above grade, a fence shall not be required if a ladder or stairs, which lifts or retracts either manually or automatically and is in good operating condition, is attached to the pool.

D. Building and Health Codes: All swimming pools shall be designed, constructed and maintained in compliance with all building codes and the rules and regulations of county and state health departments.

Section 20.17 Reserved for Future Use

Section 20.18 Temporary Non-Residential Buildings and Uses

A. Authorization: Temporary non-residential uses and buildings are prohibited except as authorized by this Section. Such temporary buildings and uses may include, but shall not be limited to, field offices and tool sheds associated with new construction projects; temporary buildings associated with school and religious facilities; temporary real estate offices part of a multi-unit residential development; and outdoor circuses, carnivals, theatrical exhibitions, and musical festivals.

B. Application: An applicant shall submit a completed application for a temporary non-residential building or use to the Zoning Administrator on a form established for that purpose. The application shall include a detailed description of the proposed temporary building and use, and a scaled drawing delineating the proposed location of all temporary buildings and uses, their locational relationship to existing and proposed permanent buildings and uses and required principal building setbacks, and measures to be employed to ensure the public health, safety and welfare including potable water, sewage disposal, and traffic circulation. This requirement shall not be interpreted to require the submittal of a full site plan for the temporary condition, meeting the requirements of Article 14, unless the approving body finds such submittal information to be necessary.

C. Review and Action: The Zoning Administrator shall be responsible for the review and approval of temporary non-residential buildings and uses. The Zoning Administrator shall refer the application to the Township Board for action in the case where, in the reasonable judgment of the Zoning Administrator, the application presents complexities or public health, safety and welfare issues that can most adequately be reviewed and acted upon by the Township Board. The Township Board may require the submittal of additional information to adequately evaluate the merits of the request.

D. Approval Standards: No temporary building or use application shall be approved, or be permitted to continue, which does not comply with the site plan approval standards of Article 14, except where the approving body finds that specific standards need not apply due to the temporary nature of the use and provided the approving body determines the waiving of such standards shall not undermine the public health, safety and welfare. All temporary buildings and uses shall comply with the required setback standards of the principal use except where the approving body determines lesser setback will not unreasonably impact surrounding land uses.

E. Permit Duration and Removal: No permit issued under this Section shall be authorized for a period exceeding thirty (30) days except in the case where the applicant demonstrates to the satisfaction of the approving body that the nature of the temporary building or use requires a longer duration, such as in the case of a model home in a subdivision serving as a real estate office for the sale of homes or lots in the subdivision. However, in no case shall such initial authorization exceed a one (1) year period and in no case shall more than one (1) additional authorization period be granted. The temporary condition shall be removed from the lot no later than the termination date of the permit or upon the temporary condition becoming no longer necessary, whichever comes first.

Section 20.19 Limitations on the Number of Dwellings on a Lot

A. General Restrictions/One Dwelling per Lot: No more than one (1) single family dwelling unit shall be permanently established on a lot or parcel except as otherwise authorized by subsection (B) below or elsewhere in this Ordinance, such as in the case where Table 3-2 of Article 3 authorizes in certain districts two-family or multiple family dwellings, or where a temporary dwelling may be authorized on the same lot as an existing dwelling (Section 20.7, Temporary Dwellings).

B. R-1 and R-1A Districts: All lots in the R-1 and R-1A Districts shall be restricted to one (1) single family dwelling per lot except that one additional single family dwelling may be erected on a lot, without the necessity to create a second lot for the additional dwelling, provided compliance with all of the following conditions and procedures:

1. The lot is a minimum of 50,000 square feet in area.
2. The lot includes less than 130' of continuous road frontage along a public road or approved private road and from which it gains access.
3. The maximum number of single family dwellings that may be established on the lot shall be two (2).
4. All dwellings shall comply with the front, side and rear yard setback requirements of the respective District in relation to the lot lines of the lot.
5. Both dwellings shall provide for and maintain yard areas of sufficient dimension to comply with all front, side and rear yard setback requirements of the respective District in relation to their location to one another, as if an imaginary single straight property line existed between the two dwellings. Yard setbacks assigned to one dwelling may not be applied to meeting the setback requirements for the second dwelling. For instance, and by example purposes only, if a side yard setback of ten (10) feet is required according to Table 3-4 of Article 3, and the two dwellings are considered to have abutting side yards, then the two dwellings shall be a minimum of twenty (20) feet from each other where their side yards abut one another, and each dwelling shall be a minimum of ten (10) feet from the imaginary single straight property line between the two dwellings.
    a. The Planning Commission shall be the determining body, within its reasonable discretion, of the front, side and rear yard locations of each dwelling based on such relevant factors as the orientation of the dwelling in relation to the road from which it gains access and the orientation of the two dwellings in relation to one another.
6. The establishment of a second single family dwelling on a lot shall require the approval of a plot plan by the Planning Commission. Such plot plan shall clearly delineate the existing and proposed locations of the dwellings, parcel setback lines and the imaginary single straight property line between the two dwellings referenced above in (5), dimensions from each dwelling to the parcel lines and to the imaginary single straight property line between the two dwellings, proposed driveway alignment to serve the dwellings, the existing and proposed septic drain fields to serve the dwellings, and documentation that the health department has approved the existing or proposed septic system for serving such dwelling(s). The Planning Commission may require additional information as may be necessary to ensure compliance with this Ordinance. The Planning Commission shall approve or conditionally approve the plot plan upon determination that the plot plan and all information associated with the application complies with this Ordinance, and upon a determination that the arrangement of the dwellings does not undermine public health and safety including emergency access, nor unreasonably impact the use and enjoyment of abutting properties. Development of the lot shall comply with the approved plot plan. No changes may be made to the plot plan except upon approval by the Planning Commission.

Section 20.20 Outdoor Display, Sales and Storage

A. Definition of Materials and Products: For the purpose of this Section, "materials and products" shall include lumber piles, crates, boxes, building materials, discarded materials, trash, junk, and similar items; finished or partially finished items intended for subsequent use or sale including pipes, logs, fire wood, and figurines; and motor vehicles, items intended for tow, landscape supply materials, and other items customarily requiring outdoor storage.

B. Commercial Display and Sales: Outdoor display or sales of materials and products in association with a commercial or industrial use is prohibited except where expressly authorized pursuant to an approved site plan. Such display or sales area shall not extend into a required setback for the principal building according to Table 3-4. The maximum permitted outdoor display or sales area shall be ten percent (10%) of the use's indoor retail sales floor area except that this limitation shall not apply to the display and sales of motor vehicles, items intended for tow, or other items customarily requiring outdoor display.

C. Commercial and Industrial Storage: The outdoor storage of materials and products in association with a commercial or industrial use, not otherwise comprising outdoor display and sales as determined by the site plan approving body, is prohibited except where the site plan approving body finds that proposed screening or enclosure of such storage area adequately minimizes negative impacts upon existing and planned surrounding land uses. Such enclosure or screen shall be subject to site plan approval. No outdoor storage of materials and products shall be located in a front yard.

Section 20.21 Site Condominiums

A. Intent: The intent of this Section is to provide regulatory standards for site condominium projects similar to those required for projects developed under other forms of ownership. This section is not intended to prohibit or treat proposed or existing condominium projects different than similar projects developed under another form of ownership.

B. Applicability of District Regulations: A site condominium project, including single family detached units, shall comply with all standards of the district within which it is located including use, setback, height, lot coverage, lot area, and lot width requirements, and all other provisions of this Ordinance. A condominium unit in a site condominium is that portion of the project intended to function generally similar to a platted subdivision lot and shall comply with the use, setback, height, lot coverage, lot area, and lot width requirements of the District within which it is located and all other provisions of this Ordinance.

C. Review and Approval Procedures:

1. Zoning Permit Required: No grading or any other form of construction shall be initiated for a site condominium prior to the approval of a final site plan and issuance of a zoning permit. The future erection of any dwelling or other structure or building in the site condominium, not expressly approved as part of the final site plan, shall require an additional zoning permit prior to erection.
2. Site Plan Approval Required: The issuance of a zoning permit shall require the submittal and approval of a preliminary and final site plan pursuant to Article 14, Site Plan Review, and master deed and bylaw documents.
    a. In addition to the preliminary and final site plan information required by Article 14, the applicant shall also submit information constituting a condominium subdivision plan, including the size, location, area, width, and boundaries of each condominium unit; building locations; the nature, location, and approximate size of common elements; and other information required by Section 66 of Michigan Public Act 59 of 1978, as amended.
3. Master Deed/Bylaws Approval Required: The applicant shall include as part of the Zoning Permit application a copy of the proposed master deed and bylaws. These shall be reviewed for compliance with Township ordinances and to ensure that an assessment mechanism has been included to guarantee adequate funding for maintenance of all common elements. The common area funding responsibility of the association shall include any necessary drainage-ways and the cost to periodically clean out such drainage ways to keep them functioning as intended in the approved plans. The master deed shall clearly state the responsibility of the owner and co-owners and shall state that all amendments to the master deed must conform to Township, County, and state laws and regulations. The Master Deed shall also include any variances granted by Township, County, or State authorities and include a hold harmless clause from these variances. All provisions of the condominium subdivision plan that are approved by the Township Board shall be incorporated, as approved, in the master deed for the condominium subdivision.
4. Issuance of Zoning Permit: Upon approval of the final site plan, by-laws and master deed, the applicant shall furnish the Zoning Administrator a copy of the final bylaws and master deed, and a copy of the approved site plan. Upon the satisfactory submittal of these documents, the Zoning Administrator shall issue a zoning permit.
5. Changes: Any changes to an approved site condominium including changes in the by-laws, master deed, or site plan, including changes in lot line or road configuration and the addition or relocation of buildings, shall require approval by the Planning Commission prior to such change.

D. Building Permit: No building shall be erected prior to the issuance of a zoning permit by the Zoning Administrator, and a building permit by the Building Inspector.

E. Utilities: The site condominium shall provide for dedication of easements to the appropriate public agencies for the purposes of construction, operation, maintenance, inspection, repair, alteration, replacement and/or removal of pipelines, conduits, mains and other installations of a similar character for the purpose of providing public utility services, including conveyance of sewage, potable water and storm water runoff across, through and under the property subject to said easement, and excavation and refilling of ditches and trenches necessary

for the location of such installations.

F. Roads: All roads within a site condominium shall be designed and constructed in conformance with the standards of the Roscommon County Road Commission unless otherwise approved for private road construction pursuant to this Ordinance.

G. As-Built Plan and Occupancy: Submission of as-built plans of a condominium subdivision is required. The Township Board may allow occupancy of the project before all required improvements are installed provided that a financial performance guarantee is posted pursuant to Section 2.6.

H. Monuments: All condominium units that are building sites shall be marked with monuments as if such units were lots within a platted subdivision, and such monuments shall comply with the requirements of the P.A. 591 of 1996, the Land Division Act, as amended.

Section 20.22 Outdoor Furnaces

A. Outdoor Furnace Defined: For the purpose of this Section and Ordinance, "outdoor furnace" shall be defined as an accessory structure or appliance intended not to be located within a building occupied by humans or domestic animals, which is designed for heating spaces or liquids within such occupied buildings through the burning of fuel.

B. Approval Procedure: Outdoor furnaces are classified as an accessory structure and shall be subject to Zoning Administrator approval according to Section 2.4. The Zoning Administrator shall issue a zoning permit for such furnace upon finding that the application complies with the standards and regulations of this Section and Ordinance.

C. Standards: An outdoor furnace shall be installed and used only in accordance with the following provisions:

1. Construction: An outdoor furnace shall comply with all building codes of the Township and all other regulations and requirements of county, state and federal agencies. An outdoor furnace shall meet the manufacture's specification for erection and operation and shall exceed such specifications where local codes, state or federal regulations require so
2. Yards and Setbacks: No outdoor furnace shall be located in a minimum required front yard setback, and in no case shall a furnace be less than one-hundred (100) feet from a lot line.
3. Fuel: No outdoor furnace shall rely on any fuel except natural wood, wood pellets, corn, and agricultural seeds, provided such materials include no additives such as paints, varnishes, preservatives, resins, and glues. For clarification purposes, prohibited fuels include, but are not limited to, rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses or waste, paint or painted materials furniture , composite shingles, construction or demolition debris or other household or business wastes, asphalt and products containing asphalt; plywood, composite wood or pressure treated woods; any plastic material including but not limited to nylon, PVC, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers; rubber including tires and synthetic rubber-like products, and newspaper, corrugated cardboard, container board, office paper and other similar materials.

End of Article 20

Article 21
DEFINITIONS

Section 21.1 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 both include 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 to be used or occupied,” “arranged to be used or occupied,” “maintained to be used or occupied,” 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 Gerrish in the County of Roscommon, State of Michigan. The "Township Board", "Zoning Board of Appeals" and "Planning Commission" are, respectively, the 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. Where a specific agency, department, law, or rule is referred to in this Ordinance, such reference shall include any successor agency, department, law or rule.

Section 21.2 Definitions

Accessory Building or Structure: A building or structure customarily incidental and subordinate to the principal structure, and located on the same lot as the principal building except where this Ordinance expressly permits otherwise.

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 except where this Ordinance expressly permits otherwise.

Adult Entertainment Uses: Refer to Section 7.2 for definitions pertaining to adult entertainment uses.

Adult Foster Care Facility: An establishment licensed under Public Act 218 of 1979, as amended, that provides to adults, for compensation, supervision, personal care, and protection in addition to room and board, for 24 hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks, including facilities for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. A foster care facility does not include a home for the aged licensed under Article 17 of Public Act 368 of 1978, as amended, nor a nursing home licensed under Public Act 139 of 1956, as amended.

a. Family Home: An adult foster care facility consisting of a private residence with the approved capacity to receive six (6) or fewer adults, the licensee for which shall be a member of the household and an occupant of the residence.
b. Group Home: An adult foster care facility with the approved capacity to receive seven (7) but no more than twenty (20) adults.

Agricultural Uses: The cultivating or use of land, including associated buildings and machinery, for the commercial production of farm products including but not limited to pasturage, floriculture, dairying, horticulture, forestry, field crop and fruit farming, and livestock and poultry husbandry. “Agricultural uses” shall not be interpreted to include kennels, commercial stables, and similar activities that do not comprise the commercial production of farm products.

Arcade: Any business where more than fifty percent (50%) of the floor area is devoted to the use of machines which may be operated or used as a game, contest or for amusement of any description, not including devises used solely for playing music or establishments otherwise defined as adult entertainment businesses.

Assisted Living Facilities: Any facility licensed by the State of Michigan that provides residential services to adults in addition to any other services essential for sustaining the activities of daily living, and not otherwise constituting an adult foster care facility as defined in this Ordinance. Such additional services may include, but need not be limited to, the provision of meals including congregate meals, transportation services, entertainment, occasional nursing care, and day trips.

Basement: That portion of a building which is partly or wholly below grade, but so located that the vertical distance from the average outdoor abutting ground elevation along the entire perimeter of the walls surrounding the floor is greater than the vertical distance from such average elevation to the ceiling. A basement shall not be counted as a story.

Bed and Breakfast: A structure which was constructed for single family residential purposes but which may be used for the purpose of renting bedrooms on a nightly basis to tourists, including the provision of bathing and lavatory facilities and a breakfast meal for overnight guests only, and occupied by the owners.

Berm: A mound of earth graded and shaped in such a fashion as to be used for visual and/or audible screening purposes.

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 dwellings, garages, and greenhouses.

Building Code: Codes adopted by the Township pursuant to the Michigan Construction Code and fully independent of the Zoning Ordinance, that establish minimum standards for construction such as, but not limited to, standards pertaining to foundations, footings, framing, roof loads, plumbing systems, electrical systems and fire protection.

Building Inspector: An individual retained by the Township to administer the Michigan Construction Code.

Building Permit: Written authority by the building inspector confirming that proposed construction is in compliance with the building code of the Township, adopted pursuant to the Michigan Construction Code.

Campground: A facility where sites are offered for use by the public, either free of charge or for a fee, for the establishment of temporary living quarters. Temporary living quarters means a tent, recreational vehicle, or any portable temporary housing designed to be carried or towed by a vehicle and placed for temporary living quarters. “Campground” shall not be construed to include any facility or portion of a facility where such temporary housing sites are purchased by users or not owned by the facility owner, including but not necessarily limited to condominium ownership.

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

Certificate of Occupancy: A document signed by the Building Inspector as a condition precedent to the commencement of a use or the occupation of a structure or building which acknowledges that such use, structure or building complies with the provisions of this Ordinance and the Michigan Construction Code.

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 nor open to the general public, and does not provide merchandise, vending, or commercial activities except incidentally for the membership and purpose of such club.

Condominium: A project consisting of two (2) or more condominium units established and approved in conformance with the Condominium Act (Public Act 59 of 1978, as amended).

Condominium Master Deed: The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project.

Condominium, Site: A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision, wherein in the condominium units function largely as lots within a platted subdivision.

Condominium Subdivision Plan: The drawings attached to the master deed for a condominium project which describe the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the condominium project, as well as the nature, location and size of common elements. A site condominium may not necessarily have vertical or volumetric limits.

Condominium Unit: That portion of a condominium project 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 as in the case of a site condominium, or space which either encloses or is enclosed by a building. A condominium unit in a site condominium shall be equivalent to the term "lot" for the purposes of determining compliance of the site condominium with the provisions of this ordinance pertaining to minimum lot size, minimum lot width, setbacks, maximum lot coverage, and similar standards pertaining to lots.

Convalescent Home: A facility that houses persons who receive a wide range of health and support services including the provision of meals and nursing care (also referred to as a nursing home).

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. 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. Day care center does not include a Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization or a facility operated by a religious organization where children are cared for comparatively short periods of time while persons responsible for the children are attending religious services.

Day Care, Family Home: 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, Group Home: 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.

District: An area of land for which there are generally uniform regulations governing the use of buildings and premises, and development standards such as lot area, lot width, frontage, building setbacks, and building heights. A "district" is also known as a "zone" or "zoning district".

Drive-In / Drive-Through Establishment: A business establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles.

Driveway: A means of access for vehicles from a public road or approved private road or 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 Roscommon County Road Commission. A driveway shall not be construed as a public or private road as defined in this Ordinance.

Dwelling, Multiple Family: A building containing three (3) or more dwelling units for three or more families living independently of each other.

Dwelling, Conventional Single Family: A detached building or portion thereof designed and used exclusively by one family for living, cooking and sleeping purposes, which meets the standards of Sec. 20.6.

Dwelling, Non-Conventional Single Family: A detached building or portion thereof designed and used exclusively by one family for living, cooking and sleeping purposes, and which does not meet the standards of Sec. 20.6 including mobile homes.

Dwelling, Two Family (Duplex): A building containing two separate dwelling units.

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. In cases of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit and shall comply with the provisions of this Ordinance pertaining to dwellings.

Erected: The word "erected" means 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.

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, buildings, substations, the storage of or shelters for service equipment, maintenance depots, and similar above ground faculties. Communication towers shall not be interpreted as essential services.

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

Extraction Operation: The removal of any earthen material, including top soil, sand, gravel, stone or any other earthen material, for the purpose of sale or use or disposition on another parcel, including mining, moving, crushing, sorting, washing, and other activities directly relating to the extraction operation. Extraction operations shall not be construed to apply to extraction activities that are necessitated by and part of the construction of a building, parking lot, or other construction project on the same lot and for which all necessary permits have been granted.

Family:

a. An individual or group of two (2) 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. This definition shall not apply in instances of group care centers, or state licensed residential facilities as established under P.A. 395 of 1976, 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 horizontal areas of all floors of a building or buildings, measured from the interior faces of exterior walls.

Floor Area, Residential: The sum of the floor area of each story of a dwelling unit, measured from the interior faces of the exterior walls but excluding floor area associated with a basement, unfinished attic, attached garages, breezeways, and enclosed and unenclosed porches.

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 the computation of usable floor area. Usable floor area shall be measured from the interior faces of the exterior walls and includes the sum of the usable floor area for all floors unless expressly specified otherwise.

Frontage: The total continuous length of the front lot line. See definition for “lot lines.”

Garage: An accessory building or an accessory portion of a principal building designed or used primarily for the storage of non-commercial 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.

Height: As applied to a building, the vertical distance measured from the average ground elevation along the entire perimeter of the building to the highest point of the roof surface, unless specified otherwise. As applied to a structure not otherwise a building, the vertical distance measured from the average ground elevation surrounding the structure's base to the highest point of the structure, unless specified otherwise. The calculation of "average ground elevation" shall exclude modifications to the surrounding ground intended to permit a building height that otherwise exceeds the permitted height. In the case of detached accessory buildings, the vertical distance will be measured from top of ground floor surface to highest peak of roof cap. **(Amended by Ordinance XXXVI-1 10-8-12).**

Home Occupation: An occupation or profession conducted as a secondary and incidental accessory use in association with a residence and which complies with the standards of this Ordinance.

Hospital: An institution which is licensed by the State of Michigan to provide in-patient and out-patient medical and surgical services for the sick and injured, and which may include such related facilities as laboratories, medical testing services, staff offices, pharmaceutical services, and other support facilities and services.

Hotel: See "motel."

Junkyard: Any outdoor area of any size, or any area of a building where such area exceeds four hundred (400) square feet, which is used for: 1) the abandonment, storage, keeping, collecting, selling, exchanged or baling of scrapped, worn out, abandoned or discarded materials, which may include but need not be limited to paper, rags, glass, cans, bottles, appliances and construction materials; and/or 2) the abandonment, demolition, dismantling, storage, keeping, collecting, selling, exchanging or salvaging of machinery, automobiles or other vehicles not in normal running condition, or parts thereof. A junkyard may also be referred to as a salvage yard.

Kennel: A lot or premises on which four (4) or more dogs, or four (4) or more cats, or four (4) or more similar animals, four (4) months of age or older, are kept either permanently or temporarily for the purposes of housing, breeding, boarding, leasing, training, sale, or transfer. **(Amended by Ordinance XXXVI-1 10-8-12).**

Landscaping Services: A lot used for offices purposes, along with the storage of supplies and equipment, in association with the provision of landscape services to off-site locations. Landscape services may include lawn mowing and maintenance, snow removal, landscape design and installation, and the sale and delivery of landscape materials such as mulch, plants, seed, fertilizer, gravel, soil, pavers, and similar landscape supplies.

Livestock: Cattle, horses, sheep, goats, swine, poultry, and other similar domestic animals or fowl normally kept or raised on a farm.

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: A tract of land occupied, or intended to be occupied, by one or more buildings or uses, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. A lot may include a platted lot or portion thereof, a parcel of land described by metes and bounds or a portion of such parcel described by metes and bounds. Within a site condominium, a condominium unit shall be synonymous with a lot for the purposes of compliance with this Ordinance *(see Figure 21-1 at end of this Article).*

Lot Area: The area of the horizontal plane within the lot lines of a lot, exclusive of any public or private road right-of-way or easement abutting any side of the lot, except that such right-of-way or easement may be included within the calculation of the area of a lot in the case where such lot is not part of a platted or site condominium and the area calculation equals two and one-half (2.5) acres or more.

Lot, Corner: Any lot having at least two (2) contiguous sides abutting upon one or more streets, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. A lot abutting a curved street(s) shall be a corner lot if the arc has a radius less than one hundred and fifty (150) feet. *(see Figure 21-1 at end of this Article).*

Lot Coverage: The amount of a lot, stated in terms of percentage, which is covered by all buildings, and/or structures located thereon. This shall be deemed to include all buildings and roofed, partially roofed, and unroofed porches, decks, and breezeways, but shall not be deemed to include fences, walls, or hedges used as fences, patios or swimming pools. In the case of a building, the coverage shall be measured from the building's wall.

Lot Depth: The distance from the front lot line of the lot to its opposite rear line, measured midway between the side lot lines.

Lot Lines: The lines bounding a lot or parcel *(see Figure 21-2 at end of this Section).*

a. Lot Line, Front: In the case of a lot not located on a corner, the line separating said lot from the road from which it gains access. In the case of a corner lot, the front lot line shall be the shorter of the two (2) lines separating said lot from the adjacent roads unless designated otherwise on a recorded plat. In the case of a through lot, the front lot line shall be as designated on the plot plan or site plan, subject to approval of such plan. On a flag lot, the front lot line shall be the interior lot line most parallel to and nearest the road from which access is obtained. In the case of a waterfront lot, the front lot line shall be the ordinary high water mark. See Figure 21-3 at end of this Article.

b. Lot Line, Rear: The lot line opposite and most distant from the front lot line. 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 *(see Figure 21-3 at end of Article).*

c. Lot Line, Side: Any lot line other than a front or rear lot line (*see Figure 21-3 at end of Article).*

Lot, Through: A lot having frontage on two (2) roads other than a corner lot *(see Figure 21-1).*

Lot, Waterfront: A lot having frontage on Higgins Lake in addition to all lots with frontage along the Cut River between Higgins Lake and CR100. See definitions of “lot lines” as applied to waterfront lots.

Lot Width: The straight line horizontal distance between the side lot lines, measured at the front yard building setback line.

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 mobile homes and modular housing units.

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

Manufactured Housing Subdivision: A parcel or tract of land developed under the platting procedures and requirements of the Land Division Act, and made available in whole or in part, to dwellings under the control of a person upon which 3 or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

Marina: A constructed facility that extends along and/or into or over a lake or stream, the primary purpose of which is to offer services to the public or private members of the facility for the docking of recreational water-craft, and may also offer accessory services such as the loading and unloading of watercraft into and out of the water, servicing and repair of watercraft, parking for persons using marina facilities, and the sale of boating supplies. The term marina shall not apply to a dock whose principal function is to serve the occupants of a dwelling on the same lot on which the dock is located.

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.

Master Plan: The statement of policy by the Township relative to the agreed upon and officially adopted guidelines for a desirable physical pattern for future community development, land use, and preservation. The plan, developed pursuant to Public Act 168 of 1959, as amended, the Township Planning Act, consists of maps, charts and written material representing in summary form the soundest concept for addressing community growth.

Medical Clinic: An establishment where human patients, not lodged overnight, are admitted for examination and treatment by a group of physicians, dentists, or similar professionals. A medical clinic may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients, but may not include facilities for overnight patient care or major surgery.

Mini Storage: 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.

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, and which does not comply with the definitional standards of a “conventional single family dwelling.” 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.

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. 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 construed as a multiple family dwelling. A motel may include support services, including recreation facilities and the serving of meals, where approved for such.

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

Nonconforming Building or 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, yards or similar features for the District in which it is located.

Nonconforming Lot: 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 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 District in which it is located.

Nuisance: Any offensive, annoying, unpleasant, or obnoxious thing or practice or a cause or source of annoyance, which prevents the free use of one's property, or which renders its ordinary use or physical occupation uncomfortable. Nuisance commonly involves continuous or recurrent acts which give offense to the senses, violate the laws of decency, obstruct reasonable and comfortable use of property, or endangers life and health.

Outdoor Eating Area: An outdoor area designed or otherwise used for the serving or consumption of food or beverages, which exists in association with a building in which food or beverages are prepared and which may include indoor seating for the consumption of the same.

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.

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: A lot described by metes and bounds or described in a recorded plat.

Parking Space: An area of definite length and width as designated in this Ordinance for parking an automobile or other vehicle, and which is fully accessible for such purposes.

Plat: A map of a subdivision of land recorded with the Register of Deeds pursuant to the Land Division Act of 1996, as amended, or a prior statute.

Plot 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 generally contains less comprehensive and detailed information about improvements proposed on the site than does a site plan, and is required for such uses as single family dwellings and two family dwellings. Plot plan approval is generally delegated to the Zoning Administrator.

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 Landing Strip: A cleared and level area used by the owner or lessee of the premises for the operation and maintenance of personal aircraft only, and recognized by a state authorized body.

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

Public Facility: Land and associated structures and buildings used to carry out a governmental function(s) or provide a governmental service(s), such as a use or service owned or managed by a city, village, township, county, state, or public school board, and including commissions or other arms of such entities. Examples of such facilities include, but are not necessarily limited to, municipal parks and cemeteries, museums, police and fire protection facilities, courts of justice, and government offices.

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; water, gas, steam, electricity, sewage disposal, communication, 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.

Recycling Center: A facility where material is separated and processed prior to shipment for use in the manufacturing of new products. A recycling center is distinct from a junkyard or a salvage yard. A facility that functions as an accessory use that enables the general public to drop off products such as bottles, cans, plastics, and newspapers, without the payment of a fee of any kind and which is commonly referred to as a "transfer station," for subsequent transport to another off-site facility, shall not be construed as a "recycling center."

Restaurant, Non-Standard: An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state and which does not meet the definitional requirements of a "standard restaurant," including establishments in which all or a substantial portion of the business consists of serving foods and beverages in a ready-to-consume state: 1) from a drive-through window to patrons in motor vehicles; 2) for delivery by the restaurant to the customer in the customer's vehicle other than by a drive-through window, for consumption in the vehicle on the restaurant property; 3) from a counter for consumption by the customer off-site; 4) for delivery by the restaurant to the customer at another location; and 5) for consumption in an outdoor area on the restaurant property. Such non-standard restaurant may be commonly referred to as a carry-out, delivery service, drive-in, and drive-through facility.

Restaurant, Standard: An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state for consumption in the restaurant building, and in which the prepared food is delivered to the customer seated at a table or the prepared food is acquired by the customer for consumption at such table.

Restoration: The reconstruction or replication of an existing building's original architectural features.

Retreat Center: A facility used for professional, educational, or religious conclaves, meetings, conferences, or seminars and which may provide meals, housing and recreation for participants during the period of the retreat or program only, and provided all kitchen facilities are limited to a single centrally located building and not within individual sleeping quarters. This term shall not apply to facilities utilized by the general public for meals or overnight accommodations.

Right-of-Way: A public or private road, 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.

Right-of-Way Line: The legal line of demarcation between a right-of-way and abutting land.

Road: A thoroughfare that affords the principal means of access to abutting property. The term "road" also includes the term "street."

Road, Private: A private way or means of approach for use and operation of vehicular traffic that not dedicated for general public use, is owned by persons, an association, or other legal entity, and the maintenance for which is the responsibility of the owners, and meets the requirements of this Ordinance to provide access to two (2) or more abutting lots.

Road, Public: Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the Roscommon County Road Commission, State of Michigan, or federal government.

Roadside stand: A structure for the display or sale of agricultural products grown on the farm on which the display or sale is located, with no space for customers within the structure itself.

Sawmill: A facility of a permanent nature where harvested trees are cut, split, shaved, stripped, chipped or otherwise processed to produce wood products including the processing of harvested trees that may be transported to the sawmill facility, but excluding a temporary sawmill and the harvesting of trees for use on the same lot by the owner or resident of that lot. For the purposes of this definition, a "temporary sawmill" shall be construed to mean a facility of a temporary nature, authorized pursuant to Section 20.18, where trees or logs are harvested on the same parcel as where they are grown, including the cutting, splitting, shaving, stripping, chipping or other processing to produce wood products, where no timber or other items or products are transported to such parcel for processing.

Service Station: A place used primarily for the retail sale and dispensing of fuel or lubricants together with the fixed equipment from which the fuel is dispensed directly into motor vehicles, and where minor automobile repairs may occur such as engine tune-ups and servicing of brakes, air conditioning, and exhaust systems; oil change or lubrication; wheel alignment or balancing; or similar servicing or repairs that do not normally require any significant disassembly or storing the automobiles on the premises overnight. A service station may also include floor area devoted to the sale of convenience items such as beverages, food products, and magazines, and similar convenience items.

Setback: The minimum distance by which any building, structure, or use must be separated from a lot line or other specified feature.

Shooting Range: An outdoor or indoor facility designed for and devoted to the shooting of firearms or archery equipment, including what are commonly referred to as a gun club, hunt club, sportsman club, rifle range, pistol range, trap/skeet range, sporting clay range, and archery range.

Sign: See Article 9 for sign definitions.

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 site plan contains more comprehensive and detailed information about improvements proposed on the site than does a plot plan because of the more complex nature of land uses required to receive site plan approval, such as business, industrial, and multiple family developments.

Soil Extraction: The excavating, collecting or otherwise removal of soil from a lot, not otherwise part of the construction of a building, parking lot, or other construction project on the same lot and for which all necessary permits have been granted, for the purposes of sale or use on another lot.

Special Land Use: Uses and structures which are generally accepted as reasonably compatible with the primary uses and structures permitted in a District, but could present potential injurious effects upon the primary uses and structures within the District or are otherwise unique in character, and therefore require special consideration in relation to the welfare of adjacent properties and to the Township as a whole. All such uses are subject to a public hearing.

Stable, Commercial: A structure and/or land use where horses are kept and does not meet the definition requirements of a private stable, including the breeding, rearing, training, caring for, and/or boarding, for remuneration. A commercial stable may provide riding lessons, horse shows, training exhibitions, or any other horse-based activity typically characterized by the gathering of spectators or observers.

Stable, Private: An accessory structure and/or land use where horses are kept for private use and such structure or animals are not available for hire or lease.

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 portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar is more than six (6) feet above grade, such basement or cellar shall be considered a story.

Street: See “Road.”

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 and utilities defined as essential public services.

Swimming Pool: A constructed basin or structure for swimming and aquatic recreation, except that basins or water containment devises that hold less than three hundred (300) gallons of water and are generally portable upon their emptying shall not be considered a swimming pool.

Tavern: An establishment, or portion thereof, serving alcoholic beverages for principal consumption on the premises.

Township Engineer: The licensed staff engineer of the Township or a licensed engineer the Township may hire from time to time as needed.

Truck Terminal: A building or area in which freight brought by truck is assembled or stored for further routing or reshipment, or in which trailers are parked or stored during the interim between hauling runs, and may include accessory repair and maintenance services and other support facilities and services such as restroom and shower facilities.

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 variance is a modification of the literal provisions of the Zoning Ordinance where such variance will not be contrary to the public interest and will mitigate an otherwise practical difficulty, and the issuance of which is based upon standards in this Ordinance (See Article 16).

Vehicle/Car Wash: A building, or portion thereof, designed and used for the washing of two (2) or more vehicles irrespective of whether the washing process is automated or performed manually.

Veterinary Clinic: An establishment which is licensed by the Michigan Department of Community Health to provide for the care, diagnosis, and treatment of sick or injured animals, including those in need of medical or surgical attention. A veterinary clinic may include fully enclosed pens or cages for the overnight boarding of animals receiving medical treatment and such related facilities as laboratories and offices.

Vehicle Repair Shop: Buildings and premises for the purpose of engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service such as body, frame and fender repair, and painting.

Wireless Communication Towers: All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals; including, but not limited to, radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial mobile radio service facilities, and cellular telephone towers. Not included in the definition are: citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; satellite dishes; federally licensed amateur (HAM) radio facilities, towers for personal communications only, and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority. See Section 7.28. **(Amended by Ordinance XXXVI-1 10-8-12). (Deleted part of this Section).**

Yard: An open space, on the same lot with a principal building, unoccupied and unobstructed from the ground upward by a building or structure, except as otherwise permitted in this Ordinance and as defined herein *(see Figure 21-2 at end of this Article):*

a. Front Yard**:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the principal building or use. In the case of a waterfront lot, the front yard shall be the yard abutting the water. See definition for “lot lines” as applied to corner lots, through lots and waterfront lots. There shall be maintained a front yard on each street side of a corner lot.
b. Rear Yard**:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the principal building or use. In the case of corner lots, there shall only be one rear yard which shall be determined by the owner at the time of plot plan approval. In the case of a waterfront lot, the rear yard shall be the yard abutting the road from which the lot gets access. See definition for “lot lines” as applied to corner lots, through lots and waterfront lots.
c. Side Yard**:** An open space between the principal building or use and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the principal building or use.

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

Zoning District: See “District”.

Zoning Permit: A permit signifying compliance with the provisions of this Ordinance and issued by the Zoning Administrator upon approval of the proposed land use or development plan by the designated approving body.

Figure 21-1
LOT TYPES

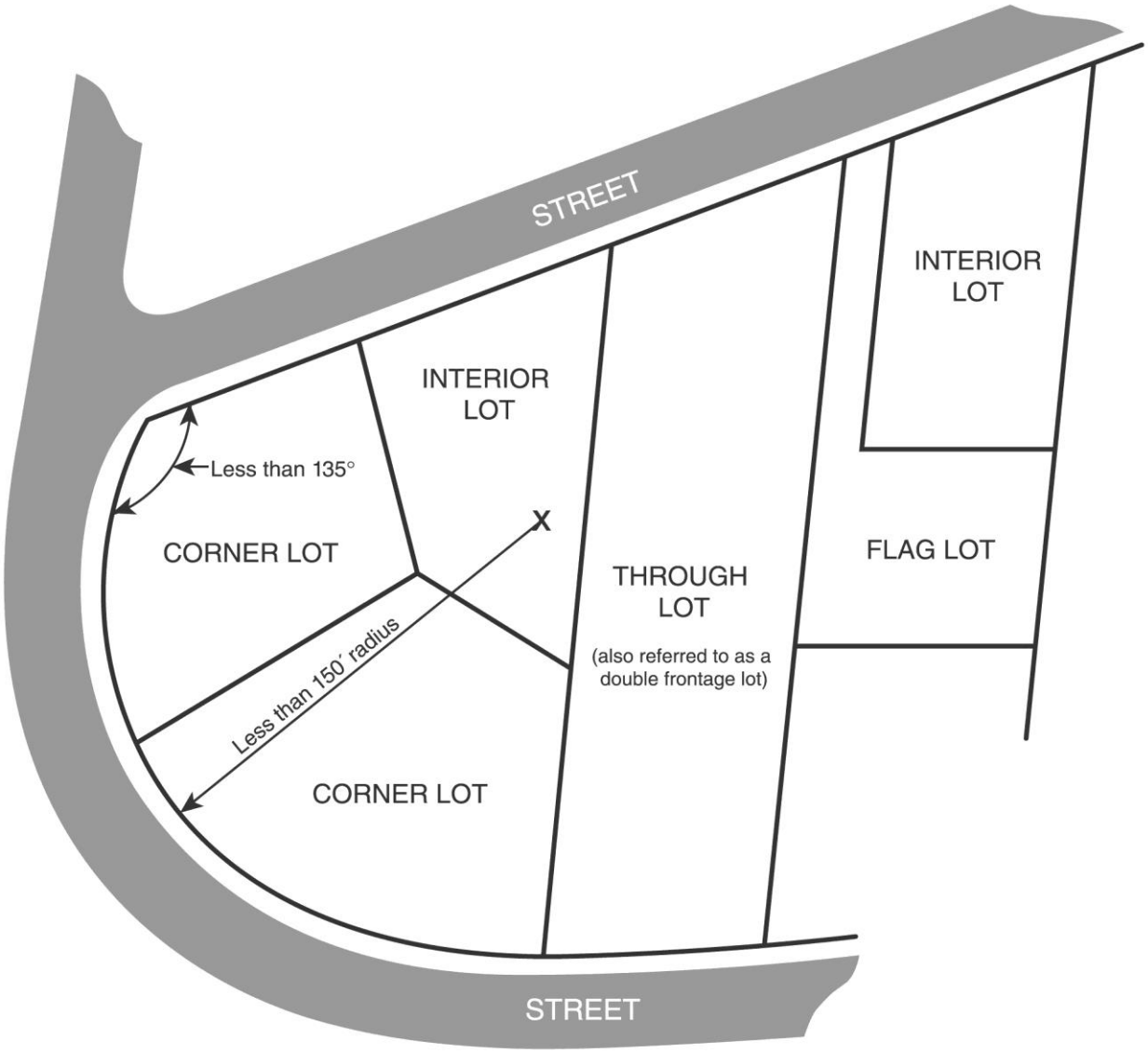
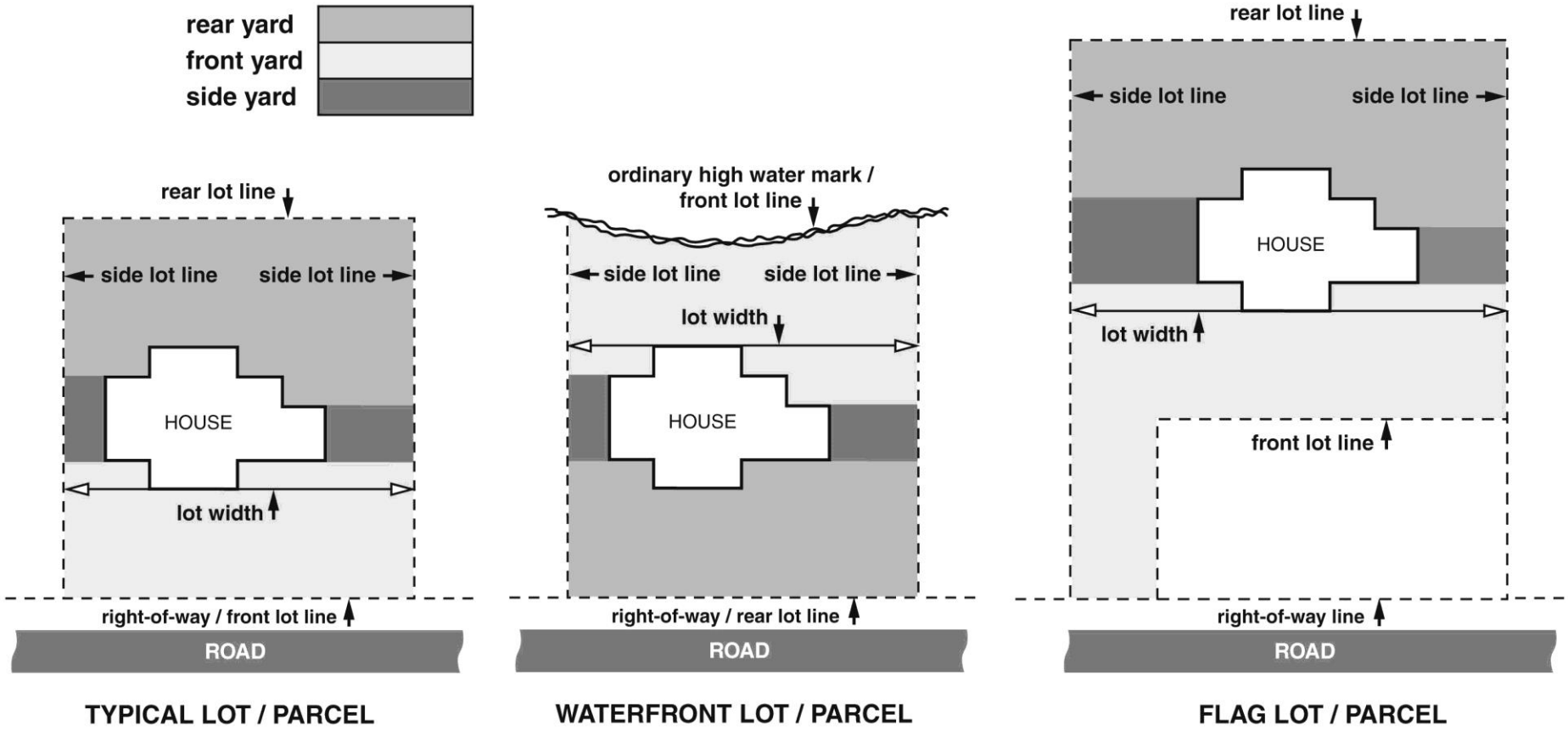


Figure 21-2
LOT LINES and YARDS



End of Article 21

Article 22
INTERPRETATION, SEVERABILITY, VESTED RIGHT, REPEAL, and EFFECTIVE DATE

Section 22.1 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 22.2 Severance Clause

Sections of this Ordinance and amendments thereto 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 by court decree. 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 22.3 Vested Right

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare, except as provided in Article 6 (Nonconforming Uses, Lots and Structures).

Section 22.4 Repeal

The Gerrish Township Zoning Ordinance adopted on July 6, 1960 and amendments thereto, are hereby repealed as of the effective date of this Ordinance. The repeal of such ordinance and its 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 22.5 Effective Date

This Ordinance shall take effect eight (8) days following adoption and upon publication of a notice of adoption in accordance with the provisions and procedures of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended. Made and passed by the Township Board of the Township of Gerrish, Roscommon County, Michigan on the 12th day of July, 2011.

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End of Article 22

Ordinance Amendments:

Adopted 10-8-12: Ordinance No XXXXI-1

Amendment 1: Revise Table 3-2 & Table 3-3 (clerical corrections)
Amendment 2: Section 20.8 C2: Accessory Building Setbacks
Amendment 3: Section 20.8 D2: Building Height Limits
Amendment 4: Section 20.12: Higgins Lake Shoreline Stabilization
Amendment 5: Article 21: Measuring Building Height
Amendment 6: Article 21: Kennels
Amendment 7: Article 21: Wireless Communications Tower – Delete Class 1 & Class 2 descriptions

Ordinance Amendments:

Adopted 9-25-14: Ordinance No XXXXI-2

Amendment 1: Section 20.5: Delete; Add, Footnote 6.C (Restricting fixed / semi-fixed mechanical equipment in side yard set-backs) to Table 3-4
Amendment 2: Table 3-4: Revise, Footnotes 5 & 6 (Modification of R-3 & R-4 District side yard setback requirements)
Amendment 3: Section 3-6: Correct paragraph lettering
Amendment 4: Section 9.4 A.4: Revise, Construction Signs (entire section)
Amendment 5: Section 14.3: Revise, Final Site Plan Application Submittal (20 to 10 copies)
Amendment 6: Section 20.15: Revise, Fences- Commercial, Industrial, Public, and Institutional

Ordinance Amendments:

Adopted 2-13-18: Ordinance No XXXXI-3 (Approved by Gerrish Township Board 2-13-2018, published 2-22-2018, effective 3-26-2018)

Amendment 1: Revise Table 3-3 of Article 3, Uses of a Primary Residential Character #2
Amendment 2: Revise Section 7.22 B3, Outdoor Eating Areas

Ordinance Amendments:

Adopted 9-11-18: Ordinance No XXXXI-4 (Approved by Gerrish Township Board 9-11-18, published 9-20-2018, effective 9-28-2018)

Amendment 1**:** Revise Article 20, Section 20.8(D-2): Article 20 (Supplemental Provisions) Section 20.8 (Accessory Uses, Buildings, and Structures) D-2 (Height)

Ordinance Amendments:

Adopted 2-11-2020: Ordinance No XXXXI-5, (Approved by Gerrish Township Board 2-11-2020, published 2-20-2020, effective 3-4-2020)

Amendment 1: Article 3 (Zoning Districts, Regulations & Map) Footnote 3a under Footnotes for Table 3-4 – Site Development

Amendment 2: Article 20. Section 20.15A1 and 20.15A2 (Fences and Walls)